

***In the Senate of the United States,***

*October 6, 2009.*

*Resolved,* That the bill from the House of Representatives (H.R. 3326) entitled “An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*  
2 *money in the Treasury not otherwise appropriated, for the*  
3 *fiscal year ending September 30, 2010, for military func-*  
4 *tions administered by the Department of Defense and for*  
5 *other purposes, namely:*

6

*TITLE I*

7

*MILITARY PERSONNEL*

8

*MILITARY PERSONNEL, ARMY*

9

*For pay, allowances, individual clothing, subsistence,*

10 *interest on deposits, gratuities, permanent change of station*

1 *travel (including all expenses thereof for organizational*  
2 *movements), and expenses of temporary duty travel between*  
3 *permanent duty stations, for members of the Army on active*  
4 *duty, (except members of reserve components provided for*  
5 *elsewhere), cadets, and aviation cadets; for members of the*  
6 *Reserve Officers' Training Corps; and for payments pursu-*  
7 *ant to section 156 of Public Law 97-377, as amended (42*  
8 *U.S.C. 402 note), and to the Department of Defense Mili-*  
9 *tary Retirement Fund, \$41,267,448,000.*

10 *MILITARY PERSONNEL, NAVY*

11 *For pay, allowances, individual clothing, subsistence,*  
12 *interest on deposits, gratuities, permanent change of station*  
13 *travel (including all expenses thereof for organizational*  
14 *movements), and expenses of temporary duty travel between*  
15 *permanent duty stations, for members of the Navy on active*  
16 *duty (except members of the Reserve provided for elsewhere),*  
17 *midshipmen, and aviation cadets; for members of the Re-*  
18 *serve Officers' Training Corps; and for payments pursuant*  
19 *to section 156 of Public Law 97-377, as amended (42*  
20 *U.S.C. 402 note), and to the Department of Defense Mili-*  
21 *tary Retirement Fund, \$25,440,472,000.*

22 *MILITARY PERSONNEL, MARINE CORPS*

23 *For pay, allowances, individual clothing, subsistence,*  
24 *interest on deposits, gratuities, permanent change of station*  
25 *travel (including all expenses thereof for organizational*

1 *movements), and expenses of temporary duty travel between*  
2 *permanent duty stations, for members of the Marine Corps*  
3 *on active duty (except members of the Reserve provided for*  
4 *elsewhere); and for payments pursuant to section 156 of*  
5 *Public Law 97–377, as amended (42 U.S.C. 402 note), and*  
6 *to the Department of Defense Military Retirement Fund,*  
7 *\$12,883,790,000.*

8 *MILITARY PERSONNEL, AIR FORCE*

9 *For pay, allowances, individual clothing, subsistence,*  
10 *interest on deposits, gratuities, permanent change of station*  
11 *travel (including all expenses thereof for organizational*  
12 *movements), and expenses of temporary duty travel between*  
13 *permanent duty stations, for members of the Air Force on*  
14 *active duty (except members of reserve components provided*  
15 *for elsewhere), cadets, and aviation cadets; for members of*  
16 *the Reserve Officers’ Training Corps; and for payments*  
17 *pursuant to section 156 of Public Law 97–377, as amended*  
18 *(42 U.S.C. 402 note), and to the Department of Defense*  
19 *Military Retirement Fund, \$26,378,761,000.*

20 *RESERVE PERSONNEL, ARMY*

21 *For pay, allowances, clothing, subsistence, gratuities,*  
22 *travel, and related expenses for personnel of the Army Re-*  
23 *serve on active duty under sections 10211, 10302, and 3038*  
24 *of title 10, United States Code, or while serving on active*  
25 *duty under section 12301(d) of title 10, United States Code,*

1 *in connection with performing duty specified in section*  
2 *12310(a) of title 10, United States Code, or while under-*  
3 *going reserve training, or while performing drills or equiva-*  
4 *lent duty or other duty, and expenses authorized by section*  
5 *16131 of title 10, United States Code; and for payments*  
6 *to the Department of Defense Military Retirement Fund,*  
7 *\$4,286,656,000.*

8 *RESERVE PERSONNEL, NAVY*

9 *For pay, allowances, clothing, subsistence, gratuities,*  
10 *travel, and related expenses for personnel of the Navy Re-*  
11 *serve on active duty under section 10211 of title 10, United*  
12 *States Code, or while serving on active duty under section*  
13 *12301(d) of title 10, United States Code, in connection with*  
14 *performing duty specified in section 12310(a) of title 10,*  
15 *United States Code, or while undergoing reserve training,*  
16 *or while performing drills or equivalent duty, and expenses*  
17 *authorized by section 16131 of title 10, United States Code;*  
18 *and for payments to the Department of Defense Military*  
19 *Retirement Fund, \$1,905,166,000.*

20 *RESERVE PERSONNEL, MARINE CORPS*

21 *For pay, allowances, clothing, subsistence, gratuities,*  
22 *travel, and related expenses for personnel of the Marine*  
23 *Corps Reserve on active duty under section 10211 of title*  
24 *10, United States Code, or while serving on active duty*  
25 *under section 12301(d) of title 10, United States Code, in*

1 *connection with performing duty specified in section*  
2 *12310(a) of title 10, United States Code, or while under-*  
3 *going reserve training, or while performing drills or equiva-*  
4 *lent duty, and for members of the Marine Corps platoon*  
5 *leaders class, and expenses authorized by section 16131 of*  
6 *title 10, United States Code; and for payments to the De-*  
7 *partment of Defense Military Retirement Fund,*  
8 *\$611,500,000.*

9 *RESERVE PERSONNEL, AIR FORCE*

10 *For pay, allowances, clothing, subsistence, gratuities,*  
11 *travel, and related expenses for personnel of the Air Force*  
12 *Reserve on active duty under sections 10211, 10305, and*  
13 *8038 of title 10, United States Code, or while serving on*  
14 *active duty under section 12301(d) of title 10, United States*  
15 *Code, in connection with performing duty specified in sec-*  
16 *tion 12310(a) of title 10, United States Code, or while un-*  
17 *dergoing reserve training, or while performing drills or*  
18 *equivalent duty or other duty, and expenses authorized by*  
19 *section 16131 of title 10, United States Code; and for pay-*  
20 *ments to the Department of Defense Military Retirement*  
21 *Fund, \$1,584,712,000.*

22 *NATIONAL GUARD PERSONNEL, ARMY*

23 *For pay, allowances, clothing, subsistence, gratuities,*  
24 *travel, and related expenses for personnel of the Army Na-*  
25 *tional Guard while on duty under section 10211, 10302,*

1 *or 12402 of title 10 or section 708 of title 32, United States*  
2 *Code, or while serving on duty under section 12301(d) of*  
3 *title 10 or section 502(f) of title 32, United States Code,*  
4 *in connection with performing duty specified in section*  
5 *12310(a) of title 10, United States Code, or while under-*  
6 *going training, or while performing drills or equivalent*  
7 *duty or other duty, and expenses authorized by section*  
8 *16131 of title 10, United States Code; and for payments*  
9 *to the Department of Defense Military Retirement Fund,*  
10 *\$7,535,088,000.*

11 *NATIONAL GUARD PERSONNEL, AIR FORCE*

12 *For pay, allowances, clothing, subsistence, gratuities,*  
13 *travel, and related expenses for personnel of the Air Na-*  
14 *tional Guard on duty under section 10211, 10305, or 12402*  
15 *of title 10 or section 708 of title 32, United States Code,*  
16 *or while serving on duty under section 12301(d) of title 10*  
17 *or section 502(f) of title 32, United States Code, in connec-*  
18 *tion with performing duty specified in section 12310(a) of*  
19 *title 10, United States Code, or while undergoing training,*  
20 *or while performing drills or equivalent duty or other duty,*  
21 *and expenses authorized by section 16131 of title 10, United*  
22 *States Code; and for payments to the Department of Defense*  
23 *Military Retirement Fund, \$2,923,599,000.*

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*TITLE II*

*OPERATION AND MAINTENANCE*

*OPERATION AND MAINTENANCE, ARMY*

*For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$30,667,886,000.*

*OPERATION AND MAINTENANCE, NAVY*

*For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$14,657,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$34,773,497,000.*

*OPERATION AND MAINTENANCE, MARINE CORPS*

*For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$5,435,923,000.*

1            *OPERATION AND MAINTENANCE, AIR FORCE*

2            *For expenses, not otherwise provided for, necessary for*  
3 *the operation and maintenance of the Air Force, as author-*  
4 *ized by law; and not to exceed \$7,699,000 can be used for*  
5 *emergencies and extraordinary expenses, to be expended on*  
6 *the approval or authority of the Secretary of the Air Force,*  
7 *and payments may be made on his certificate of necessity*  
8 *for confidential military purposes, \$33,739,447,000.*

9            *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

10            *(INCLUDING TRANSFER OF FUNDS)*

11            *For expenses, not otherwise provided for, necessary for*  
12 *the operation and maintenance of activities and agencies*  
13 *of the Department of Defense (other than the military de-*  
14 *partments), as authorized by law, \$28,205,050,000: Pro-*  
15 *vided, That not more than \$50,000,000 may be used for*  
16 *the Combatant Commander Initiative Fund authorized*  
17 *under section 166a of title 10, United States Code: Provided*  
18 *further, That not to exceed \$36,000,000 can be used for*  
19 *emergencies and extraordinary expenses, to be expended on*  
20 *the approval or authority of the Secretary of Defense, and*  
21 *payments may be made on his certificate of necessity for*  
22 *confidential military purposes: Provided further, That of*  
23 *the funds provided under this heading, not less than*  
24 *\$29,732,000 shall be made available for the Procurement*  
25 *Technical Assistance Cooperative Agreement Program, of*



1 *which not less than \$3,600,000 shall be available for centers*  
2 *defined in 10 U.S.C. 2411(1)(D): Provided further, That*  
3 *none of the funds appropriated or otherwise made available*  
4 *by this Act may be used to plan or implement the consolida-*  
5 *tion of a budget or appropriations liaison office of the Office*  
6 *of the Secretary of Defense, the office of the Secretary of*  
7 *a military department, or the service headquarters of one*  
8 *of the Armed Forces into a legislative affairs or legislative*  
9 *liaison office: Provided further, That \$6,667,000, to remain*  
10 *available until expended, is available only for expenses re-*  
11 *lating to certain classified activities, and may be trans-*  
12 *ferred as necessary by the Secretary to operation and main-*  
13 *tenance appropriations or research, development, test and*  
14 *evaluation appropriations, to be merged with and to be*  
15 *available for the same time period as the appropriations*  
16 *to which transferred: Provided further, That any ceiling on*  
17 *the investment item unit cost of items that may be pur-*  
18 *chased with operation and maintenance funds shall not*  
19 *apply to the funds described in the preceding proviso: Pro-*  
20 *vided further, That the transfer authority provided under*  
21 *this heading is in addition to any other transfer authority*  
22 *provided elsewhere in this Act.*

23 *OPERATION AND MAINTENANCE, ARMY RESERVE*

24 *For expenses, not otherwise provided for, necessary for*  
25 *the operation and maintenance, including training, organi-*

1 *zation, and administration, of the Army Reserve; repair of*  
 2 *facilities and equipment; hire of passenger motor vehicles;*  
 3 *travel and transportation; care of the dead; recruiting; pro-*  
 4 *curement of services, supplies, and equipment; and commu-*  
 5 *nications, \$2,582,624,000.*

6 *OPERATION AND MAINTENANCE, NAVY RESERVE*

7 *For expenses, not otherwise provided for, necessary for*  
 8 *the operation and maintenance, including training, organi-*  
 9 *zation, and administration, of the Navy Reserve; repair of*  
 10 *facilities and equipment; hire of passenger motor vehicles;*  
 11 *travel and transportation; care of the dead; recruiting; pro-*  
 12 *curement of services, supplies, and equipment; and commu-*  
 13 *nications, \$1,272,501,000.*

14 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

15 *For expenses, not otherwise provided for, necessary for*  
 16 *the operation and maintenance, including training, organi-*  
 17 *zation, and administration, of the Marine Corps Reserve;*  
 18 *repair of facilities and equipment; hire of passenger motor*  
 19 *vehicles; travel and transportation; care of the dead; recruit-*  
 20 *ing; procurement of services, supplies, and equipment; and*  
 21 *communications, \$219,425,000.*

22 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

23 *For expenses, not otherwise provided for, necessary for*  
 24 *the operation and maintenance, including training, organi-*  
 25 *zation, and administration, of the Air Force Reserve; repair*

1 *of facilities and equipment; hire of passenger motor vehicles;*  
2 *travel and transportation; care of the dead; recruiting; pro-*  
3 *curement of services, supplies, and equipment; and commu-*  
4 *nications, \$3,085,700,000.*

5 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

6 *For expenses of training, organizing, and admin-*  
7 *istering the Army National Guard, including medical and*  
8 *hospital treatment and related expenses in non-Federal hos-*  
9 *pitals; maintenance, operation, and repairs to structures*  
10 *and facilities; hire of passenger motor vehicles; personnel*  
11 *services in the National Guard Bureau; travel expenses*  
12 *(other than mileage), as authorized by law for Army per-*  
13 *sonnel on active duty, for Army National Guard division,*  
14 *regimental, and battalion commanders while inspecting*  
15 *units in compliance with National Guard Bureau regula-*  
16 *tions when specifically authorized by the Chief, National*  
17 *Guard Bureau; supplying and equipping the Army Na-*  
18 *tional Guard as authorized by law; and expenses of repair,*  
19 *modification, maintenance, and issue of supplies and*  
20 *equipment (including aircraft), \$5,989,034,000.*

21 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

22 *For expenses of training, organizing, and admin-*  
23 *istering the Air National Guard, including medical and*  
24 *hospital treatment and related expenses in non-Federal hos-*  
25 *pitals; maintenance, operation, and repairs to structures*

1 *and facilities; transportation of things, hire of passenger*  
2 *motor vehicles; supplying and equipping the Air National*  
3 *Guard, as authorized by law; expenses for repair, modifica-*  
4 *tion, maintenance, and issue of supplies and equipment,*  
5 *including those furnished from stocks under the control of*  
6 *agencies of the Department of Defense; travel expenses (other*  
7 *than mileage) on the same basis as authorized by law for*  
8 *Air National Guard personnel on active Federal duty, for*  
9 *Air National Guard commanders while inspecting units in*  
10 *compliance with National Guard Bureau regulations when*  
11 *specifically authorized by the Chief, National Guard Bu-*  
12 *reau, \$5,857,011,000.*

13 *UNITED STATES COURT OF APPEALS FOR THE ARMED*  
14 *FORCES*

15 *For salaries and expenses necessary for the United*  
16 *States Court of Appeals for the Armed Forces, \$13,932,000,*  
17 *of which not to exceed \$5,000 may be used for official rep-*  
18 *resentation purposes.*

19 *ENVIRONMENTAL RESTORATION, ARMY*  
20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For the Department of the Army, \$430,864,000, to re-*  
22 *main available until transferred: Provided, That the Sec-*  
23 *retary of the Army shall, upon determining that such funds*  
24 *are required for environmental restoration, reduction and*  
25 *recycling of hazardous waste, removal of unsafe buildings*

1 *and debris of the Department of the Army, or for similar*  
2 *purposes, transfer the funds made available by this appro-*  
3 *priation to other appropriations made available to the De-*  
4 *partment of the Army, to be merged with and to be available*  
5 *for the same purposes and for the same time period as the*  
6 *appropriations to which transferred: Provided further, That*  
7 *upon a determination that all or part of the funds trans-*  
8 *ferred from this appropriation are not necessary for the*  
9 *purposes provided herein, such amounts may be transferred*  
10 *back to this appropriation: Provided further, That the*  
11 *transfer authority provided under this heading is in addi-*  
12 *tion to any other transfer authority provided elsewhere in*  
13 *this Act.*

14 *ENVIRONMENTAL RESTORATION, NAVY*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For the Department of the Navy, \$285,869,000, to re-*  
17 *main available until transferred: Provided, That the Sec-*  
18 *retary of the Navy shall, upon determining that such funds*  
19 *are required for environmental restoration, reduction and*  
20 *recycling of hazardous waste, removal of unsafe buildings*  
21 *and debris of the Department of the Navy, or for similar*  
22 *purposes, transfer the funds made available by this appro-*  
23 *priation to other appropriations made available to the De-*  
24 *partment of the Navy, to be merged with and to be available*  
25 *for the same purposes and for the same time period as the*

1 *appropriations to which transferred: Provided further, That*  
2 *upon a determination that all or part of the funds trans-*  
3 *ferred from this appropriation are not necessary for the*  
4 *purposes provided herein, such amounts may be transferred*  
5 *back to this appropriation: Provided further, That the*  
6 *transfer authority provided under this heading is in addi-*  
7 *tion to any other transfer authority provided elsewhere in*  
8 *this Act.*

9 *ENVIRONMENTAL RESTORATION, AIR FORCE*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For the Department of the Air Force, \$494,276,000,*  
12 *to remain available until transferred: Provided, That the*  
13 *Secretary of the Air Force shall, upon determining that*  
14 *such funds are required for environmental restoration, re-*  
15 *duction and recycling of hazardous waste, removal of unsafe*  
16 *buildings and debris of the Department of the Air Force,*  
17 *or for similar purposes, transfer the funds made available*  
18 *by this appropriation to other appropriations made avail-*  
19 *able to the Department of the Air Force, to be merged with*  
20 *and to be available for the same purposes and for the same*  
21 *time period as the appropriations to which transferred:*  
22 *Provided further, That upon a determination that all or*  
23 *part of the funds transferred from this appropriation are*  
24 *not necessary for the purposes provided herein, such*  
25 *amounts may be transferred back to this appropriation:*

1 *Provided further, That the transfer authority provided*  
2 *under this heading is in addition to any other transfer au-*  
3 *thority provided elsewhere in this Act.*

4 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*  
5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For the Department of Defense, \$11,100,000, to remain*  
7 *available until transferred: Provided, That the Secretary of*  
8 *Defense shall, upon determining that such funds are re-*  
9 *quired for environmental restoration, reduction and recy-*  
10 *cling of hazardous waste, removal of unsafe buildings and*  
11 *debris of the Department of Defense, or for similar purposes,*  
12 *transfer the funds made available by this appropriation to*  
13 *other appropriations made available to the Department of*  
14 *Defense, to be merged with and to be available for the same*  
15 *purposes and for the same time period as the appropria-*  
16 *tions to which transferred: Provided further, That upon a*  
17 *determination that all or part of the funds transferred from*  
18 *this appropriation are not necessary for the purposes pro-*  
19 *vided herein, such amounts may be transferred back to this*  
20 *appropriation: Provided further, That the transfer author-*  
21 *ity provided under this heading is in addition to any other*  
22 *transfer authority provided elsewhere in this Act.*





1 401, 402, 404, 407, 2557, and 2561 of title 10, United  
2 States Code), \$109,869,000, to remain available until Sep-  
3 tember 30, 2011.

4 *COOPERATIVE THREAT REDUCTION ACCOUNT*

5 *For assistance to the republics of the former Soviet*  
6 *Union and, with appropriate authorization by the Depart-*  
7 *ment of Defense and Department of State, to countries out-*  
8 *side of the former Soviet Union, including assistance pro-*  
9 *vided by contract or by grants, for facilitating the elimi-*  
10 *nation and the safe and secure transportation and storage*  
11 *of nuclear, chemical and other weapons; for establishing*  
12 *programs to prevent the proliferation of weapons, weapons*  
13 *components, and weapon-related technology and expertise;*  
14 *for programs relating to the training and support of defense*  
15 *and military personnel for demilitarization and protection*  
16 *of weapons, weapons components and weapons technology*  
17 *and expertise, and for defense and military contacts,*  
18 *\$424,093,000, to remain available until September 30,*  
19 *2012: Provided, That of the amounts provided under this*  
20 *heading, not less than \$15,000,000 shall be available only*  
21 *to support the dismantling and disposal of nuclear sub-*  
22 *marines, submarine reactor components, and security en-*  
23 *hancements for transport and storage of nuclear warheads*  
24 *in the Russian Far East and North.*

1     *DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE*

2                     *DEVELOPMENT FUND*

3             *For the Department of Defense Acquisition Workforce*

4     *Development Fund, \$100,000,000.*

5                     *TITLE III*

6                     *PROCUREMENT*

7                     *AIRCRAFT PROCUREMENT, ARMY*

8             *For construction, procurement, production, modifica-*  
9     *tion, and modernization of aircraft, equipment, including*  
10    *ordnance, ground handling equipment, spare parts, and ac-*  
11    *cessories therefor; specialized equipment and training de-*  
12    *vices; expansion of public and private plants, including the*  
13    *land necessary therefor, for the foregoing purposes, and such*  
14    *lands and interests therein, may be acquired, and construc-*  
15    *tion prosecuted thereon prior to approval of title; and pro-*  
16    *curement and installation of equipment, appliances, and*  
17    *machine tools in public and private plants; reserve plant*  
18    *and Government and contractor-owned equipment layaway;*  
19    *and other expenses necessary for the foregoing purposes,*  
20    *\$5,244,252,000, to remain available for obligation until*  
21    *September 30, 2012.*

22                     *MISSILE PROCUREMENT, ARMY*

23             *For construction, procurement, production, modifica-*  
24    *tion, and modernization of missiles, equipment, including*  
25    *ordnance, ground handling equipment, spare parts, and ac-*

1 *cessories therefor; specialized equipment and training de-*  
2 *vices; expansion of public and private plants, including the*  
3 *land necessary therefor, for the foregoing purposes, and such*  
4 *lands and interests therein, may be acquired, and construc-*  
5 *tion prosecuted thereon prior to approval of title; and pro-*  
6 *curement and installation of equipment, appliances, and*  
7 *machine tools in public and private plants; reserve plant*  
8 *and Government and contractor-owned equipment layaway;*  
9 *and other expenses necessary for the foregoing purposes,*  
10 *\$1,257,053,000, to remain available for obligation until*  
11 *September 30, 2012.*

12 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*

13 *VEHICLES, ARMY*

14 *For construction, procurement, production, and modi-*  
15 *fication of weapons and tracked combat vehicles, equipment,*  
16 *including ordnance, spare parts, and accessories therefor;*  
17 *specialized equipment and training devices; expansion of*  
18 *public and private plants, including the land necessary*  
19 *therefor, for the foregoing purposes, and such lands and in-*  
20 *terests therein, may be acquired, and construction pros-*  
21 *ecuted thereon prior to approval of title; and procurement*  
22 *and installation of equipment, appliances, and machine*  
23 *tools in public and private plants; reserve plant and Gov-*  
24 *ernment and contractor-owned equipment layaway; and*  
25 *other expenses necessary for the foregoing purposes,*

1 \$2,310,007,000, to remain available for obligation until  
2 September 30, 2012.

3 *PROCUREMENT OF AMMUNITION, ARMY*

4 *For construction, procurement, production, and modi-*  
5 *fication of ammunition, and accessories therefor; specialized*  
6 *equipment and training devices; expansion of public and*  
7 *private plants, including ammunition facilities, authorized*  
8 *by section 2854 of title 10, United States Code, and the*  
9 *land necessary therefor, for the foregoing purposes, and such*  
10 *lands and interests therein, may be acquired, and construc-*  
11 *tion prosecuted thereon prior to approval of title; and pro-*  
12 *curement and installation of equipment, appliances, and*  
13 *machine tools in public and private plants; reserve plant*  
14 *and Government and contractor-owned equipment layaway;*  
15 *and other expenses necessary for the foregoing purposes,*  
16 *\$2,049,995,000, to remain available for obligation until*  
17 *September 30, 2012.*

18 *OTHER PROCUREMENT, ARMY*

19 *For construction, procurement, production, and modi-*  
20 *fication of vehicles, including tactical, support, and non-*  
21 *tracked combat vehicles; the purchase of passenger motor ve-*  
22 *hicles for replacement only; and the purchase of eight vehi-*  
23 *cles required for physical security of personnel, notwith-*  
24 *standing price limitations applicable to passenger vehicles*  
25 *but not to exceed \$250,000 per vehicle; communications and*

1 *electronic equipment; other support equipment; spare parts,*  
2 *ordnance, and accessories therefor; specialized equipment*  
3 *and training devices; expansion of public and private*  
4 *plants, including the land necessary therefor, for the fore-*  
5 *going purposes, and such lands and interests therein, may*  
6 *be acquired, and construction prosecuted thereon prior to*  
7 *approval of title; and procurement and installation of*  
8 *equipment, appliances, and machine tools in public and*  
9 *private plants; reserve plant and Government and con-*  
10 *tractor-owned equipment layaway; and other expenses nec-*  
11 *essary for the foregoing purposes, \$9,395,444,000, to remain*  
12 *available for obligation until September 30, 2012.*

13 *AIRCRAFT PROCUREMENT, NAVY*

14 *For construction, procurement, production, modifica-*  
15 *tion, and modernization of aircraft, equipment, including*  
16 *ordnance, spare parts, and accessories therefor; specialized*  
17 *equipment; expansion of public and private plants, includ-*  
18 *ing the land necessary therefor, and such lands and inter-*  
19 *ests therein, may be acquired, and construction prosecuted*  
20 *thereon prior to approval of title; and procurement and in-*  
21 *stallation of equipment, appliances, and machine tools in*  
22 *public and private plants; reserve plant and Government*  
23 *and contractor-owned equipment layaway,*  
24 *\$18,079,312,000, to remain available for obligation until*  
25 *September 30, 2012.*



1 *and Government and contractor-owned equipment layaway;*  
 2 *and other expenses necessary for the foregoing purposes,*  
 3 *\$814,015,000, to remain available for obligation until Sep-*  
 4 *tember 30, 2012.*

5 *SHIPBUILDING AND CONVERSION, NAVY*

6 *For expenses necessary for the construction, acquisi-*  
 7 *tion, or conversion of vessels as authorized by law, includ-*  
 8 *ing armor and armament thereof, plant equipment, appli-*  
 9 *ances, and machine tools and installation thereof in public*  
 10 *and private plants; reserve plant and Government and con-*  
 11 *tractor-owned equipment layaway; procurement of critical,*  
 12 *long lead time components and designs for vessels to be con-*  
 13 *structed or converted in the future; and expansion of public*  
 14 *and private plants, including land necessary therefor, and*  
 15 *such lands and interests therein, may be acquired, and con-*  
 16 *struction prosecuted thereon prior to approval of title, as*  
 17 *follows:*

18 *Carrier Replacement Program, \$739,269,000;*  
 19 *Carrier Replacement Program (AP),*  
 20 *\$484,432,000;*  
 21 *NSSN, \$1,964,317,000;*  
 22 *NSSN (AP), \$1,959,725,000;*  
 23 *CVN Refueling, \$1,563,602,000;*  
 24 *CVN Refuelings (AP), \$211,820,000;*  
 25 *DDG-1000 Program, \$1,393,797,000;*

1           *DDG–51 Destroyer, \$3,650,000,000;*  
2           *DDG–51 Destroyer (AP), \$328,996,000;*  
3           *Littoral Combat Ship, \$1,080,000,000;*  
4           *LPD–17, \$872,392,000;*  
5           *LPD–17 (AP), \$184,555,000;*  
6           *LHA–R (AP), \$170,000,000;*  
7           *Intratheater Connector, \$177,956,000;*  
8           *LCAC Service Life Extension Program,*  
9           *\$63,857,000;*  
10           *Prior year shipbuilding costs, \$144,950,000;*  
11           *Service Craft, \$3,694,000; and*  
12           *For outfitting, post delivery, conversions, and*  
13           *first destination transportation, \$391,238,000.*  
14           *In all: \$15,384,600,000, to remain available for obliga-*  
15           *tion until September 30, 2014: Provided, That additional*  
16           *obligations may be incurred after September 30, 2014, for*  
17           *engineering services, tests, evaluations, and other such budg-*  
18           *eted work that must be performed in the final stage of ship*  
19           *construction: Provided further, That none of the funds pro-*  
20           *vided under this heading for the construction or conversion*  
21           *of any naval vessel to be constructed in shipyards in the*  
22           *United States shall be expended in foreign facilities for the*  
23           *construction of major components of such vessel: Provided*  
24           *further, That none of the funds provided under this heading*



1 *shall be used for the construction of any naval vessel in*  
2 *foreign shipyards.*

3 *OTHER PROCUREMENT, NAVY*

4 *For procurement, production, and modernization of*  
5 *support equipment and materials not otherwise provided*  
6 *for, Navy ordnance (except ordnance for new aircraft, new*  
7 *ships, and ships authorized for conversion); the purchase*  
8 *of passenger motor vehicles for replacement only, and the*  
9 *purchase of seven vehicles required for physical security of*  
10 *personnel, notwithstanding price limitations applicable to*  
11 *passenger vehicles but not to exceed \$250,000 per vehicle;*  
12 *expansion of public and private plants, including the land*  
13 *necessary therefor, and such lands and interests therein,*  
14 *may be acquired, and construction prosecuted thereon prior*  
15 *to approval of title; and procurement and installation of*  
16 *equipment, appliances, and machine tools in public and*  
17 *private plants; reserve plant and Government and con-*  
18 *tractor-owned equipment layaway, \$5,499,413,000, to re-*  
19 *main available for obligation until September 30, 2012.*

20 *PROCUREMENT, MARINE CORPS*

21 *For expenses necessary for the procurement, manufac-*  
22 *ture, and modification of missiles, armament, military*  
23 *equipment, spare parts, and accessories therefor; plant*  
24 *equipment, appliances, and machine tools, and installation*  
25 *thereof in public and private plants; reserve plant and Gov-*

1 *ernment and contractor-owned equipment layaway; vehicles*  
2 *for the Marine Corps, including the purchase of passenger*  
3 *motor vehicles for replacement only; and expansion of pub-*  
4 *lic and private plants, including land necessary therefor,*  
5 *and such lands and interests therein, may be acquired, and*  
6 *construction prosecuted thereon prior to approval of title,*  
7 *\$1,550,080,000, to remain available for obligation until*  
8 *September 30, 2012.*

9 *AIRCRAFT PROCUREMENT, AIR FORCE*

10 *For construction, procurement, and modification of*  
11 *aircraft and equipment, including armor and armament,*  
12 *specialized ground handling equipment, and training de-*  
13 *vices, spare parts, and accessories therefor; specialized*  
14 *equipment; expansion of public and private plants, Govern-*  
15 *ment-owned equipment and installation thereof in such*  
16 *plants, erection of structures, and acquisition of land, for*  
17 *the foregoing purposes, and such lands and interests therein,*  
18 *may be acquired, and construction prosecuted thereon prior*  
19 *to approval of title; reserve plant and Government and con-*  
20 *tractor-owned equipment layaway; and other expenses nec-*  
21 *essary for the foregoing purposes including rents and trans-*  
22 *portation of things, \$13,148,720,000, to remain available*  
23 *for obligation until September 30, 2012.*

1                    *MISSILE PROCUREMENT, AIR FORCE*

2            *For construction, procurement, and modification of*  
3 *missiles, spacecraft, rockets, and related equipment, includ-*  
4 *ing spare parts and accessories therefor, ground handling*  
5 *equipment, and training devices; expansion of public and*  
6 *private plants, Government-owned equipment and installa-*  
7 *tion thereof in such plants, erection of structures, and ac-*  
8 *quisition of land, for the foregoing purposes, and such lands*  
9 *and interests therein, may be acquired, and construction*  
10 *prosecuted thereon prior to approval of title; reserve plant*  
11 *and Government and contractor-owned equipment layaway;*  
12 *and other expenses necessary for the foregoing purposes in-*  
13 *cluding rents and transportation of things, \$6,070,344,000,*  
14 *to remain available for obligation until September 30,*  
15 *2012.*

16                    *PROCUREMENT OF AMMUNITION, AIR FORCE*

17            *For construction, procurement, production, and modi-*  
18 *fication of ammunition, and accessories therefor; specialized*  
19 *equipment and training devices; expansion of public and*  
20 *private plants, including ammunition facilities, authorized*  
21 *by section 2854 of title 10, United States Code, and the*  
22 *land necessary therefor, for the foregoing purposes, and such*  
23 *lands and interests therein, may be acquired, and construc-*  
24 *tion prosecuted thereon prior to approval of title; and pro-*  
25 *curement and installation of equipment, appliances, and*

1 *machine tools in public and private plants; reserve plant*  
2 *and Government and contractor-owned equipment layaway;*  
3 *and other expenses necessary for the foregoing purposes,*  
4 *\$815,246,000, to remain available for obligation until Sep-*  
5 *tember 30, 2012.*

6 *OTHER PROCUREMENT, AIR FORCE*

7 *For procurement and modification of equipment (in-*  
8 *cluding ground guidance and electronic control equipment,*  
9 *and ground electronic and communication equipment), and*  
10 *supplies, materials, and spare parts therefor, not otherwise*  
11 *provided for; the purchase of passenger motor vehicles for*  
12 *replacement only, and the purchase of two vehicles required*  
13 *for physical security of personnel, notwithstanding price*  
14 *limitations applicable to passenger vehicles but not to ex-*  
15 *ceed \$250,000 per vehicle; lease of passenger motor vehicles;*  
16 *and expansion of public and private plants, Government-*  
17 *owned equipment and installation thereof in such plants,*  
18 *erection of structures, and acquisition of land, for the fore-*  
19 *going purposes, and such lands and interests therein, may*  
20 *be acquired, and construction prosecuted thereon, prior to*  
21 *approval of title; reserve plant and Government and con-*  
22 *tractor-owned equipment layaway, \$17,283,800,000, to re-*  
23 *main available for obligation until September 30, 2012.*

1                    *PROCUREMENT, DEFENSE-WIDE*

2            *For expenses of activities and agencies of the Depart-*  
3 *ment of Defense (other than the military departments) nec-*  
4 *essary for procurement, production, and modification of*  
5 *equipment, supplies, materials, and spare parts therefor,*  
6 *not otherwise provided for; the purchase of passenger motor*  
7 *vehicles for replacement only; expansion of public and pri-*  
8 *vate plants, equipment, and installation thereof in such*  
9 *plants, erection of structures, and acquisition of land for*  
10 *the foregoing purposes, and such lands and interests therein,*  
11 *may be acquired, and construction prosecuted thereon prior*  
12 *to approval of title; reserve plant and Government and con-*  
13 *tractor-owned equipment layaway, \$4,017,697,000, to re-*  
14 *main available for obligation until September 30, 2012.*

15                    *NATIONAL GUARD AND RESERVE EQUIPMENT*

16            *For procurement of aircraft, missiles, tracked combat*  
17 *vehicles, ammunition, other weapons, and other procure-*  
18 *ment for the reserve components of the Armed Forces,*  
19 *\$1,500,000,000, to remain available for obligation until*  
20 *September 30, 2012: Provided, That the Chiefs of the Re-*  
21 *serve and National Guard components shall, not later than*  
22 *30 days after the enactment of this Act, individually submit*  
23 *to the congressional defense committees the modernization*  
24 *priority assessment for their respective Reserve or National*  
25 *Guard component.*

1            *DEFENSE PRODUCTION ACT PURCHASES*

2            *For activities by the Department of Defense pursuant*  
3 *to sections 108, 301, 302, and 303 of the Defense Production*  
4 *Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093),*  
5 *\$149,746,000, to remain available until expended.*

6            *TITLE IV*7            *RESEARCH, DEVELOPMENT, TEST AND*8            *EVALUATION*9 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

10          *For expenses necessary for basic and applied scientific*  
11 *research, development, test and evaluation, including main-*  
12 *tenance, rehabilitation, lease, and operation of facilities*  
13 *and equipment, \$10,653,126,000, to remain available for*  
14 *obligation until September 30, 2011.*

15 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

16          *For expenses necessary for basic and applied scientific*  
17 *research, development, test and evaluation, including main-*  
18 *tenance, rehabilitation, lease, and operation of facilities*  
19 *and equipment, \$19,148,509,000, to remain available for*  
20 *obligation until September 30, 2011: Provided, That funds*  
21 *appropriated in this paragraph which are available for the*  
22 *V-22 may be used to meet unique operational requirements*  
23 *of the Special Operations Forces: Provided further, That*  
24 *funds appropriated in this paragraph shall be available for*  
25 *the Cobra Judy program.*



1 *test and evaluation which is conducted prior to, and in sup-*  
2 *port of, production decisions; joint operational testing and*  
3 *evaluation; and administrative expenses in connection*  
4 *therewith, \$190,770,000, to remain available for obligation*  
5 *until September 30, 2011.*

6

*TITLE V*

7

*REVOLVING AND MANAGEMENT FUNDS*

8

*DEFENSE WORKING CAPITAL FUNDS*

9

*For the Defense Working Capital Funds,*10 *\$1,455,004,000.*

11

*NATIONAL DEFENSE SEALIFT FUND*

12

*For National Defense Sealift Fund programs, projects,*13 *and activities, and for expenses of the National Defense Re-*14 *serve Fleet, as established by section 11 of the Merchant*15 *Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the*16 *necessary expenses to maintain and preserve a U.S.-flag*17 *merchant fleet to serve the national security needs of the*18 *United States, \$1,242,758,000, to remain available until ex-*19 *pendent: Provided, That none of the funds provided in this*20 *paragraph shall be used to award a new contract that pro-*21 *vides for the acquisition of any of the following major com-*22 *ponents unless such components are manufactured in the*23 *United States: auxiliary equipment, including pumps, for*24 *all shipboard services; propulsion system components (en-*25 *gines, reduction gears, and propellers); shipboard cranes;*



1 *and spreaders for shipboard cranes: Provided further, That*  
2 *the exercise of an option in a contract awarded through the*  
3 *obligation of previously appropriated funds shall not be*  
4 *considered to be the award of a new contract: Provided fur-*  
5 *ther, That the Secretary of the military department respon-*  
6 *sible for such procurement may waive the restrictions in*  
7 *the first proviso on a case-by-case basis by certifying in*  
8 *writing to the Committees on Appropriations of the House*  
9 *of Representatives and the Senate that adequate domestic*  
10 *supplies are not available to meet Department of Defense*  
11 *requirements on a timely basis and that such an acquisition*  
12 *must be made in order to acquire capability for national*  
13 *security purposes.*

14 *TITLE VI*

15 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

16 *DEFENSE HEALTH PROGRAM*

17 *For expenses, not otherwise provided for, for medical*  
18 *and health care programs of the Department of Defense as*  
19 *authorized by law, \$28,311,113,000; of which*  
20 *\$26,990,219,000 shall be for operation and maintenance, of*  
21 *which not to exceed one percent shall remain available until*  
22 *September 30, 2011, and of which up to \$15,093,539,000*  
23 *may be available for contracts entered into under the*  
24 *TRICARE program; of which \$322,142,000, to remain*  
25 *available for obligation until September 30, 2012, shall be*

1 *for procurement; and of which \$998,752,000, to remain*  
2 *available for obligation until September 30, 2011, shall be*  
3 *for research, development, test and evaluation.*

4 *CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,*  
5 *DEFENSE*

6 *For expenses, not otherwise provided for, necessary for*  
7 *the destruction of the United States stockpile of lethal chem-*  
8 *ical agents and munitions, to include construction of facili-*  
9 *ties, in accordance with the provisions of section 1412 of*  
10 *the Department of Defense Authorization Act, 1986 (50*  
11 *U.S.C. 1521), and for the destruction of other chemical war-*  
12 *fare materials that are not in the chemical weapon stock-*  
13 *pile, \$1,539,869,000, of which \$1,125,911,000 shall be for*  
14 *operation and maintenance, of which no less than*  
15 *\$84,839,000, shall be for the Chemical Stockpile Emergency*  
16 *Preparedness Program, consisting of \$34,905,000 for activi-*  
17 *ties on military installations and \$49,934,000, to remain*  
18 *available until September 30, 2011, to assist State and local*  
19 *governments; \$12,689,000 shall be for procurement, to re-*  
20 *main available until September 30, 2012, of which no less*  
21 *than \$12,689,000 shall be for the Chemical Stockpile Emer-*  
22 *gency Preparedness Program to assist State and local gov-*  
23 *ernments; and \$401,269,000, to remain available until Sep-*  
24 *tember 30, 2011, shall be for research, development, test and*

1 *evaluation, of which \$398,669,000 shall only be for the As-*  
2 *sembled Chemical Weapons Alternatives (ACWA) program.*

3 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*

4 *DEFENSE*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For drug interdiction and counter-drug activities of*  
7 *the Department of Defense, for transfer to appropriations*  
8 *available to the Department of Defense for military per-*  
9 *sonnel of the reserve components serving under the provi-*  
10 *sions of title 10 and title 32, United States Code; for oper-*  
11 *ation and maintenance; for procurement; and for research,*  
12 *development, test and evaluation, \$1,103,086,000: Provided,*  
13 *That the funds appropriated under this heading shall be*  
14 *available for obligation for the same time period and for*  
15 *the same purpose as the appropriation to which transferred:*  
16 *Provided further, That upon a determination that all or*  
17 *part of the funds transferred from this appropriation are*  
18 *not necessary for the purposes provided herein, such*  
19 *amounts may be transferred back to this appropriation:*  
20 *Provided further, That the transfer authority provided*  
21 *under this heading is in addition to any other transfer au-*  
22 *thority contained elsewhere in this Act.*

23 *OFFICE OF THE INSPECTOR GENERAL*

24 *For expenses and activities of the Office of the Inspec-*  
25 *tor General in carrying out the provisions of the Inspector*

1 *General Act of 1978, as amended, \$288,100,000, of which*  
2 *\$287,100,000 shall be for operation and maintenance, of*  
3 *which not to exceed \$700,000 is available for emergencies*  
4 *and extraordinary expenses to be expended on the approval*  
5 *or authority of the Inspector General, and payments may*  
6 *be made on the Inspector General's certificate of necessity*  
7 *for confidential military purposes; and of which \$1,000,000,*  
8 *to remain available until September 30, 2012, shall be for*  
9 *procurement.*

10 *TITLE VII*

11 *RELATED AGENCIES*

12 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*

13 *DISABILITY SYSTEM FUND*

14 *For payment to the Central Intelligence Agency Retire-*  
15 *ment and Disability System Fund, to maintain the proper*  
16 *funding level for continuing the operation of the Central*  
17 *Intelligence Agency Retirement and Disability System,*  
18 *\$290,900,000.*

19 *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*

20 *For necessary expenses of the Intelligence Community*  
21 *Management Account, \$750,812,000.*

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*TITLE VIII*

*GENERAL PROVISIONS*

*SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.*

*SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.*



1 *where the item for which funds are requested has been de-*  
2 *ned by the Congress: Provided further, That the Secretary*  
3 *of Defense shall notify the Congress promptly of all transfers*  
4 *made pursuant to this authority or any other authority in*  
5 *this Act: Provided further, That no part of the funds in*  
6 *this Act shall be available to prepare or present a request*  
7 *to the Committees on Appropriations for reprogramming*  
8 *of funds, unless for higher priority items, based on unfore-*  
9 *seen military requirements, than those for which originally*  
10 *appropriated and in no case where the item for which re-*  
11 *programming is requested has been denied by the Congress:*  
12 *Provided further, That a request for multiple*  
13 *reprogrammings of funds using authority provided in this*  
14 *section must be made prior to June 30, 2010: Provided fur-*  
15 *ther, That transfers among military personnel appropria-*  
16 *tions shall not be taken into account for purposes of the*  
17 *limitation on the amount of funds that may be transferred*  
18 *under this section: Provided further, That no obligation of*  
19 *funds may be made pursuant to section 1206 of Public Law*  
20 *109–163 (or any successor provision) unless the Secretary*  
21 *of Defense has notified the congressional defense committees*  
22 *prior to any such obligation.*

23 *SEC. 8006. (a) Not later than 60 days after enactment*  
24 *of this Act, the Department of Defense shall submit a report*  
25 *to the congressional defense committees to establish the base-*

1 *line for application of reprogramming and transfer au-*  
2 *thorities for fiscal year 2010: Provided, That the report*  
3 *shall include—*

4           (1) *a table for each appropriation with a sepa-*  
5 *rate column to display the President’s budget request,*  
6 *adjustments made by Congress, adjustments due to*  
7 *enacted rescissions, if appropriate, and the fiscal year*  
8 *enacted level;*

9           (2) *a delineation in the table for each appropria-*  
10 *tion both by budget activity and program, project,*  
11 *and activity as detailed in the Budget Appendix; and*

12           (3) *an identification of items of special congres-*  
13 *sional interest.*

14           (b) *Notwithstanding section 8005 of this Act, none of*  
15 *the funds provided in this Act shall be available for re-*  
16 *programming or transfer until the report identified in sub-*  
17 *section (a) is submitted to the congressional defense commit-*  
18 *tees, unless the Secretary of Defense certifies in writing to*  
19 *the congressional defense committees that such reprogram-*  
20 *ming or transfer is necessary as an emergency requirement.*

21           SEC. 8007. *The Secretaries of the Air Force and the*  
22 *Army are authorized, using funds available under the head-*  
23 *ings “Operation and Maintenance, Air Force” and “Oper-*  
24 *ation and Maintenance, Army”, to complete facility conver-*  
25 *sions and phased repair projects which may include up-*



1 *grades and additions to Alaskan range infrastructure and*  
2 *training areas, and improved access to these ranges.*

3 *(TRANSFER OF FUNDS)*

4 *SEC. 8008. During the current fiscal year, cash bal-*  
5 *ances in working capital funds of the Department of De-*  
6 *fense established pursuant to section 2208 of title 10, United*  
7 *States Code, may be maintained in only such amounts as*  
8 *are necessary at any time for cash disbursements to be made*  
9 *from such funds: Provided, That transfers may be made be-*  
10 *tween such funds: Provided further, That transfers may be*  
11 *made between working capital funds and the “Foreign Cur-*  
12 *rency Fluctuations, Defense” appropriation and the “Oper-*  
13 *ation and Maintenance” appropriation accounts in such*  
14 *amounts as may be determined by the Secretary of Defense,*  
15 *with the approval of the Office of Management and Budget,*  
16 *except that such transfers may not be made unless the Sec-*  
17 *retary of Defense has notified the Congress of the proposed*  
18 *transfer. Except in amounts equal to the amounts appro-*  
19 *priated to working capital funds in this Act, no obligations*  
20 *may be made against a working capital fund to procure*  
21 *or increase the value of war reserve material inventory, un-*  
22 *less the Secretary of Defense has notified the Congress prior*  
23 *to any such obligation.*

24 *SEC. 8009. Funds appropriated by this Act may not*  
25 *be used to initiate a special access program without prior*

1 *notification 30 calendar days in advance to the congres-*  
2 *sional defense committees.*

3       *SEC. 8010. None of the funds provided in this Act shall*  
4 *be available to initiate: (1) a multiyear contract that em-*  
5 *loys economic order quantity procurement in excess of*  
6 *\$20,000,000 in any one year of the contract or that includes*  
7 *an unfunded contingent liability in excess of \$20,000,000;*  
8 *or (2) a contract for advance procurement leading to a*  
9 *multiyear contract that employs economic order quantity*  
10 *procurement in excess of \$20,000,000 in any one year, un-*  
11 *less the congressional defense committees have been notified*  
12 *at least 30 days in advance of the proposed contract award:*  
13 *Provided, That no part of any appropriation contained in*  
14 *this Act shall be available to initiate a multiyear contract*  
15 *for which the economic order quantity advance procurement*  
16 *is not funded at least to the limits of the Government's li-*  
17 *ability: Provided further, That no part of any appropria-*  
18 *tion contained in this Act shall be available to initiate*  
19 *multiyear procurement contracts for any systems or compo-*  
20 *nent thereof if the value of the multiyear contract would*  
21 *exceed \$500,000,000 unless specifically provided in this Act:*  
22 *Provided further, That no multiyear procurement contract*  
23 *can be terminated without 10-day prior notification to the*  
24 *congressional defense committees: Provided further, That the*  
25 *execution of multiyear authority shall require the use of a*

1 *present value analysis to determine lowest cost compared*  
2 *to an annual procurement: Provided further, That none of*  
3 *the funds provided in this Act may be used for a multiyear*  
4 *contract executed after the date of the enactment of this Act*  
5 *unless in the case of any such contract—*

6           (1) *the Secretary of Defense has submitted to*  
7 *Congress a budget request for full funding of units to*  
8 *be procured through the contract and, in the case of*  
9 *a contract for procurement of aircraft, that includes,*  
10 *for any aircraft unit to be procured through the con-*  
11 *tract for which procurement funds are requested in*  
12 *that budget request for production beyond advance*  
13 *procurement activities in the fiscal year covered by*  
14 *the budget, full funding of procurement of such unit*  
15 *in that fiscal year;*

16           (2) *cancellation provisions in the contract do not*  
17 *include consideration of recurring manufacturing*  
18 *costs of the contractor associated with the production*  
19 *of unfunded units to be delivered under the contract;*

20           (3) *the contract provides that payments to the*  
21 *contractor under the contract shall not be made in*  
22 *advance of incurred costs on funded units; and*

23           (4) *the contract does not provide for a price ad-*  
24 *justment based on a failure to award a follow-on con-*  
25 *tract.*

1        *SEC. 8011. Within the funds appropriated for the oper-*  
2 *ation and maintenance of the Armed Forces, funds are here-*  
3 *by appropriated pursuant to section 401 of title 10, United*  
4 *States Code, for humanitarian and civic assistance costs*  
5 *under chapter 20 of title 10, United States Code. Such funds*  
6 *may also be obligated for humanitarian and civic assist-*  
7 *ance costs incidental to authorized operations and pursuant*  
8 *to authority granted in section 401 of chapter 20 of title*  
9 *10, United States Code, and these obligations shall be re-*  
10 *ported as required by section 401(d) of title 10, United*  
11 *States Code: Provided, That funds available for operation*  
12 *and maintenance shall be available for providing humani-*  
13 *tarian and similar assistance by using Civic Action Teams*  
14 *in the Trust Territories of the Pacific Islands and freely*  
15 *associated states of Micronesia, pursuant to the Compact*  
16 *of Free Association as authorized by Public Law 99–239:*  
17 *Provided further, That upon a determination by the Sec-*  
18 *retary of the Army that such action is beneficial for grad-*  
19 *uate medical education programs conducted at Army med-*  
20 *ical facilities located in Hawaii, the Secretary of the Army*  
21 *may authorize the provision of medical services at such fa-*  
22 *cilities and transportation to such facilities, on a nonreim-*  
23 *bursable basis, for civilian patients from American Samoa,*  
24 *the Commonwealth of the Northern Mariana Islands, the*

1 *Marshall Islands, the Federated States of Micronesia,*  
2 *Palau, and Guam.*

3       *SEC. 8012. (a) During fiscal year 2010, the civilian*  
4 *personnel of the Department of Defense may not be man-*  
5 *aged on the basis of any end-strength, and the management*  
6 *of such personnel during that fiscal year shall not be subject*  
7 *to any constraint or limitation (known as an end-strength)*  
8 *on the number of such personnel who may be employed on*  
9 *the last day of such fiscal year.*

10       *(b) The fiscal year 2011 budget request for the Depart-*  
11 *ment of Defense as well as all justification material and*  
12 *other documentation supporting the fiscal year 2011 De-*  
13 *partment of Defense budget request shall be prepared and*  
14 *submitted to the Congress as if subsections (a) and (b) of*  
15 *this provision were effective with regard to fiscal year 2011.*

16       *(c) Nothing in this section shall be construed to apply*  
17 *to military (civilian) technicians.*

18       *SEC. 8013. None of the funds made available by this*  
19 *Act shall be used in any way, directly or indirectly, to in-*  
20 *fluence congressional action on any legislation or appro-*  
21 *priation matters pending before the Congress.*

22       *SEC. 8014. None of the funds appropriated by this Act*  
23 *shall be available for the basic pay and allowances of any*  
24 *member of the Army participating as a full-time student*  
25 *and receiving benefits paid by the Secretary of Veterans Af-*

1 *fairs from the Department of Defense Education Benefits*  
2 *Fund when time spent as a full-time student is credited*  
3 *toward completion of a service commitment: Provided, That*  
4 *this section shall not apply to those members who have reen-*  
5 *listed with this option prior to October 1, 1987: Provided*  
6 *further, That this section applies only to active components*  
7 *of the Army.*

8       *SEC. 8015. (a) None of the funds appropriated by this*  
9 *Act shall be available to convert to contractor performance*  
10 *an activity or function of the Department of Defense that,*  
11 *on or after the date of the enactment of this Act, is per-*  
12 *formed by more than 10 Department of Defense civilian em-*  
13 *ployees unless—*

14               *(1) the conversion is based on the result of a pub-*  
15 *lic-private competition that includes a most efficient*  
16 *and cost effective organization plan developed by such*  
17 *activity or function;*

18               *(2) the Competitive Sourcing Official determines*  
19 *that, over all performance periods stated in the solici-*  
20 *tation of offers for performance of the activity or*  
21 *function, the cost of performance of the activity or*  
22 *function by a contractor would be less costly to the*  
23 *Department of Defense by an amount that equals or*  
24 *exceeds the lesser of—*

1           (A) 10 percent of the most efficient organi-  
2           zation's personnel-related costs for performance  
3           of that activity or function by Federal employ-  
4           ees; or

5           (B) \$10,000,000; and

6           (3) the contractor does not receive an advantage  
7           for a proposal that would reduce costs for the Depart-  
8           ment of Defense by—

9           (A) not making an employer-sponsored  
10          health insurance plan available to the workers  
11          who are to be employed in the performance of  
12          that activity or function under the contract; or

13          (B) offering to such workers an employer-  
14          sponsored health benefits plan that requires the  
15          employer to contribute less towards the premium  
16          or subscription share than the amount that is  
17          paid by the Department of Defense for health  
18          benefits for civilian employees under chapter 89  
19          of title 5, United States Code.

20          (b)(1) The Department of Defense, without regard to  
21          subsection (a) of this section or subsection (a), (b), or (c)  
22          of section 2461 of title 10, United States Code, and notwith-  
23          standing any administrative regulation, requirement, or  
24          policy to the contrary shall have full authority to enter into

1 *a contract for the performance of any commercial or indus-*  
2 *trial type function of the Department of Defense that—*

3 *(A) is included on the procurement list estab-*  
4 *lished pursuant to section 2 of the Javits-Wagner-*  
5 *O'Day Act (41 U.S.C. 47);*

6 *(B) is planned to be converted to performance by*  
7 *a qualified nonprofit agency for the blind or by a*  
8 *qualified nonprofit agency for other severely handi-*  
9 *capped individuals in accordance with that Act; or*

10 *(C) is planned to be converted to performance by*  
11 *a qualified firm under at least 51 percent ownership*  
12 *by an Indian tribe, as defined in section 4(e) of the*  
13 *Indian Self-Determination and Education Assistance*  
14 *Act (25 U.S.C. 450b(e)), or a Native Hawaiian Orga-*  
15 *nization, as defined in section 8(a)(15) of the Small*  
16 *Business Act (15 U.S.C. 637(a)(15)).*

17 *(2) This section shall not apply to depot contracts or*  
18 *contracts for depot maintenance as provided in sections*  
19 *2469 and 2474 of title 10, United States Code.*

20 *(c) The conversion of any activity or function of the*  
21 *Department of Defense under the authority provided by this*  
22 *section shall be credited toward any competitive or out-*  
23 *sourcing goal, target, or measurement that may be estab-*  
24 *lished by statute, regulation, or policy and is deemed to*  
25 *be awarded under the authority of, and in compliance with,*



1 *subsection (h) of section 2304 of title 10, United States*  
2 *Code, for the competition or outsourcing of commercial ac-*  
3 *tivities.*

4 *(TRANSFER OF FUNDS)*

5 *SEC. 8016. Funds appropriated in title III of this Act*  
6 *for the Department of Defense Pilot Mentor-Protege Pro-*  
7 *gram may be transferred to any other appropriation con-*  
8 *tained in this Act solely for the purpose of implementing*  
9 *a Mentor-Protege Program developmental assistance agree-*  
10 *ment pursuant to section 831 of the National Defense Au-*  
11 *thorization Act for Fiscal Year 1991 (Public Law 101-510;*  
12 *10 U.S.C. 2302 note), as amended, under the authority of*  
13 *this provision or any other transfer authority contained in*  
14 *this Act.*

15 *SEC. 8017. None of the funds in this Act may be avail-*  
16 *able for the purchase by the Department of Defense (and*  
17 *its departments and agencies) of welded shipboard anchor*  
18 *and mooring chain 4 inches in diameter and under unless*  
19 *the anchor and mooring chain are manufactured in the*  
20 *United States from components which are substantially*  
21 *manufactured in the United States: Provided, That for the*  
22 *purpose of this section manufactured will include cutting,*  
23 *heat treating, quality control, testing of chain and welding*  
24 *(including the forging and shot blasting process): Provided*  
25 *further, That for the purpose of this section substantially*

1 *all of the components of anchor and mooring chain shall*  
2 *be considered to be produced or manufactured in the United*  
3 *States if the aggregate cost of the components produced or*  
4 *manufactured in the United States exceeds the aggregate*  
5 *cost of the components produced or manufactured outside*  
6 *the United States: Provided further, That when adequate*  
7 *domestic supplies are not available to meet Department of*  
8 *Defense requirements on a timely basis, the Secretary of the*  
9 *service responsible for the procurement may waive this re-*  
10 *striction on a case-by-case basis by certifying in writing*  
11 *to the Committees on Appropriations that such an acquisi-*  
12 *tion must be made in order to acquire capability for na-*  
13 *tional security purposes.*

14 *SEC. 8018. None of the funds available to the Depart-*  
15 *ment of Defense may be used to demilitarize or dispose of*  
16 *M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber*  
17 *rifles, .30 caliber rifles, or M-1911 pistols.*

18 *SEC. 8019. No more than \$500,000 of the funds appro-*  
19 *priated or made available in this Act shall be used during*  
20 *a single fiscal year for any single relocation of an organiza-*  
21 *tion, unit, activity or function of the Department of Defense*  
22 *into or within the National Capital Region: Provided, That*  
23 *the Secretary of Defense may waive this restriction on a*  
24 *case-by-case basis by certifying in writing to the congres-*

1 sional defense committees that such a relocation is required  
2 in the best interest of the Government.

3       SEC. 8020. In addition to the funds provided elsewhere  
4 in this Act, \$15,000,000 is appropriated only for incentive  
5 payments authorized by section 504 of the Indian Financ-  
6 ing Act of 1974 (25 U.S.C. 1544): Provided, That a prime  
7 contractor or a subcontractor at any tier that makes a sub-  
8 contract award to any subcontractor or supplier as defined  
9 in section 1544 of title 25, United States Code, or a small  
10 business owned and controlled by an individual or individ-  
11 uals defined under section 4221(9) of title 25, United States  
12 Code, shall be considered a contractor for the purposes of  
13 being allowed additional compensation under section 504  
14 of the Indian Financing Act of 1974 (25 U.S.C. 1544)  
15 whenever the prime contract or subcontract amount is over  
16 \$500,000 and involves the expenditure of funds appro-  
17 priated by an Act making Appropriations for the Depart-  
18 ment of Defense with respect to any fiscal year: Provided  
19 further, That notwithstanding section 430 of title 41,  
20 United States Code, this section shall be applicable to any  
21 Department of Defense acquisition of supplies or services,  
22 including any contract and any subcontract at any tier for  
23 acquisition of commercial items produced or manufactured,  
24 in whole or in part by any subcontractor or supplier de-  
25 fined in section 1544 of title 25, United States Code, or

1 *a small business owned and controlled by an individual or*  
2 *individuals defined under section 4221(9) of title 25,*  
3 *United States Code.*

4 *SEC. 8021. Funds appropriated by this Act for the De-*  
5 *fense Media Activity shall not be used for any national or*  
6 *international political or psychological activities.*

7 *SEC. 8022. None of the funds appropriated by this Act*  
8 *shall be available to perform any cost study pursuant to*  
9 *the provisions of OMB Circular A-76 if the study being*  
10 *performed exceeds a period of 24 months after initiation*  
11 *of such study with respect to a single function activity or*  
12 *30 months after initiation of such study for a multi-func-*  
13 *tion activity.*

14 *SEC. 8023. During the current fiscal year, the Depart-*  
15 *ment of Defense is authorized to incur obligations of not*  
16 *to exceed \$350,000,000 for purposes specified in section*  
17 *2350j(c) of title 10, United States Code, in anticipation of*  
18 *receipt of contributions, only from the Government of Ku-*  
19 *wait, under that section: Provided, That upon receipt, such*  
20 *contributions from the Government of Kuwait shall be cred-*  
21 *ited to the appropriations or fund which incurred such obli-*  
22 *gations.*

23 *SEC. 8024. (a) Of the funds made available in this*  
24 *Act, not less than \$25,756,000 shall be available for the*  
25 *Civil Air Patrol Corporation, of which—*

1           (1) \$22,433,000 shall be available from “Oper-  
2           ation and Maintenance, Air Force” to support Civil  
3           Air Patrol Corporation operation and maintenance,  
4           readiness, counterdrug activities, and drug demand  
5           reduction activities involving youth programs;

6           (2) \$2,426,000 shall be available from “Aircraft  
7           Procurement, Air Force”; and

8           (3) \$897,000 shall be available from “Other Pro-  
9           curement, Air Force” for vehicle procurement.

10          (b) The Secretary of the Air Force should waive reim-  
11          bursement for any funds used by the Civil Air Patrol for  
12          counter-drug activities in support of Federal, State, and  
13          local government agencies.

14          SEC. 8025. (a) None of the funds appropriated in this  
15          Act are available to establish a new Department of Defense  
16          (department) federally funded research and development  
17          center (FFRDC), either as a new entity, or as a separate  
18          entity administrated by an organization managing another  
19          FFRDC, or as a nonprofit membership corporation con-  
20          sisting of a consortium of other FFRDCs and other non-  
21          profit entities.

22          (b) No member of a Board of Directors, Trustees, Over-  
23          seers, Advisory Group, Special Issues Panel, Visiting Com-  
24          mittee, or any similar entity of a defense FFRDC, and no  
25          paid consultant to any defense FFRDC, except when acting

1 *in a technical advisory capacity, may be compensated for*  
2 *his or her services as a member of such entity, or as a paid*  
3 *consultant by more than one FFRDC in a fiscal year: Pro-*  
4 *vided, That a member of any such entity referred to pre-*  
5 *viously in this subsection shall be allowed travel expenses*  
6 *and per diem as authorized under the Federal Joint Travel*  
7 *Regulations, when engaged in the performance of member-*  
8 *ship duties.*

9       *(c) Notwithstanding any other provision of law, none*  
10 *of the funds available to the department from any source*  
11 *during fiscal year 2010 may be used by a defense FFRDC,*  
12 *through a fee or other payment mechanism, for construction*  
13 *of new buildings, for payment of cost sharing for projects*  
14 *funded by Government grants, for absorption of contract*  
15 *overruns, or for certain charitable contributions, not to in-*  
16 *clude employee participation in community service and/or*  
17 *development.*

18       *(d) Notwithstanding any other provision of law, of the*  
19 *funds available to the department during fiscal year 2010,*  
20 *not more than 5,600 staff years of technical effort (staff*  
21 *years) may be funded for defense FFRDCs: Provided, That*  
22 *of the specific amount referred to previously in this sub-*  
23 *section, not more than 1,100 staff years may be funded for*  
24 *the defense studies and analysis FFRDCs: Provided further,*  
25 *That this subsection shall not apply to staff years funded*

1 *in the National Intelligence Program (NIP) and the Mili-*  
2 *tary Intelligence Program (MIP).*

3 *(e) The Secretary of Defense shall, with the submission*  
4 *of the department's fiscal year 2011 budget request, submit*  
5 *a report presenting the specific amounts of staff years of*  
6 *technical effort to be allocated for each defense FFRDC dur-*  
7 *ing that fiscal year and the associated budget estimates.*

8 *(f) Notwithstanding any other provision of this Act,*  
9 *the total amount appropriated in this Act for FFRDCs is*  
10 *hereby reduced by \$120,200,000.*

11 *SEC. 8026. None of the funds appropriated or made*  
12 *available in this Act shall be used to procure carbon, alloy*  
13 *or armor steel plate for use in any Government-owned facil-*  
14 *ity or property under the control of the Department of De-*  
15 *fense which were not melted and rolled in the United States*  
16 *or Canada: Provided, That these procurement restrictions*  
17 *shall apply to any and all Federal Supply Class 9515,*  
18 *American Society of Testing and Materials (ASTM) or*  
19 *American Iron and Steel Institute (AISI) specifications of*  
20 *carbon, alloy or armor steel plate: Provided further, That*  
21 *the Secretary of the military department responsible for the*  
22 *procurement may waive this restriction on a case-by-case*  
23 *basis by certifying in writing to the Committees on Appro-*  
24 *priations of the House of Representatives and the Senate*  
25 *that adequate domestic supplies are not available to meet*

1 *Department of Defense requirements on a timely basis and*  
2 *that such an acquisition must be made in order to acquire*  
3 *capability for national security purposes: Provided further,*  
4 *That these restrictions shall not apply to contracts which*  
5 *are in being as of the date of the enactment of this Act.*

6       *SEC. 8027. For the purposes of this Act, the term “con-*  
7 *gressional defense committees” means the Armed Services*  
8 *Committee of the House of Representatives, the Armed Serv-*  
9 *ices Committee of the Senate, the Subcommittee on Defense*  
10 *of the Committee on Appropriations of the Senate, and the*  
11 *Subcommittee on Defense of the Committee on Appropria-*  
12 *tions of the House of Representatives.*

13       *SEC. 8028. During the current fiscal year, the Depart-*  
14 *ment of Defense may acquire the modification, depot main-*  
15 *tenance and repair of aircraft, vehicles and vessels as well*  
16 *as the production of components and other Defense-related*  
17 *articles, through competition between Department of De-*  
18 *fense depot maintenance activities and private firms: Pro-*  
19 *vided, That the Senior Acquisition Executive of the military*  
20 *department or Defense Agency concerned, with power of del-*  
21 *egation, shall certify that successful bids include comparable*  
22 *estimates of all direct and indirect costs for both public and*  
23 *private bids: Provided further, That Office of Management*  
24 *and Budget Circular A-76 shall not apply to competitions*  
25 *conducted under this section.*



1        *SEC. 8029. (a)(1) If the Secretary of Defense, after con-*  
2 *sultation with the United States Trade Representative, de-*  
3 *termines that a foreign country which is party to an agree-*  
4 *ment described in paragraph (2) has violated the terms of*  
5 *the agreement by discriminating against certain types of*  
6 *products produced in the United States that are covered by*  
7 *the agreement, the Secretary of Defense shall rescind the*  
8 *Secretary's blanket waiver of the Buy American Act with*  
9 *respect to such types of products produced in that foreign*  
10 *country.*

11        *(2) An agreement referred to in paragraph (1) is any*  
12 *reciprocal defense procurement memorandum of under-*  
13 *standing, between the United States and a foreign country*  
14 *pursuant to which the Secretary of Defense has prospec-*  
15 *tively waived the Buy American Act for certain products*  
16 *in that country.*

17        *(b) The Secretary of Defense shall submit to the Con-*  
18 *gress a report on the amount of Department of Defense pur-*  
19 *chases from foreign entities in fiscal year 2010. Such report*  
20 *shall separately indicate the dollar value of items for which*  
21 *the Buy American Act was waived pursuant to any agree-*  
22 *ment described in subsection (a)(2), the Trade Agreement*  
23 *Act of 1979 (19 U.S.C. 2501 et seq.), or any international*  
24 *agreement to which the United States is a party.*

1           (c) For purposes of this section, the term “Buy Amer-  
2 ican Act” means title III of the Act entitled “An Act mak-  
3 ing appropriations for the Treasury and Post Office De-  
4 partments for the fiscal year ending June 30, 1934, and  
5 for other purposes”, approved March 3, 1933 (41 U.S.C.  
6 10a et seq.).

7           SEC. 8030. During the current fiscal year, amounts  
8 contained in the Department of Defense Overseas Military  
9 Facility Investment Recovery Account established by section  
10 2921(c)(1) of the National Defense Authorization Act of  
11 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be  
12 available until expended for the payments specified by sec-  
13 tion 2921(c)(2) of that Act.

14           SEC. 8031. (a) Notwithstanding any other provision  
15 of law, the Secretary of the Air Force may convey at no  
16 cost to the Air Force, without consideration, to Indian  
17 tribes located in the States of Nevada, Idaho, North Dakota,  
18 South Dakota, Montana, Oregon, and Minnesota relocatable  
19 military housing units located at Grand Forks Air Force  
20 Base, Malmstrom Air Force Base, Mountain Home Air  
21 Force Base, Ellsworth Air Force Base, and Minot Air Force  
22 Base that are excess to the needs of the Air Force.

23           (b) The Secretary of the Air Force shall convey, at no  
24 cost to the Air Force, military housing units under sub-  
25 section (a) in accordance with the request for such units

1 *that are submitted to the Secretary by the Operation Walk-*  
2 *ing Shield Program on behalf of Indian tribes located in*  
3 *the States of Nevada, Idaho, North Dakota, South Dakota,*  
4 *Montana, Oregon, and Minnesota.*

5 *(c) The Operation Walking Shield Program shall re-*  
6 *solve any conflicts among requests of Indian tribes for hous-*  
7 *ing units under subsection (a) before submitting requests*  
8 *to the Secretary of the Air Force under subsection (b).*

9 *(d) In this section, the term “Indian tribe” means any*  
10 *recognized Indian tribe included on the current list pub-*  
11 *lished by the Secretary of the Interior under section 104*  
12 *of the Federally Recognized Indian Tribe Act of 1994 (Pub-*  
13 *lic Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).*

14 *SEC. 8032. During the current fiscal year, appropria-*  
15 *tions which are available to the Department of Defense for*  
16 *operation and maintenance may be used to purchase items*  
17 *having an investment item unit cost of not more than*  
18 *\$250,000.*

19 *SEC. 8033. (a) During the current fiscal year, none*  
20 *of the appropriations or funds available to the Department*  
21 *of Defense Working Capital Funds shall be used for the pur-*  
22 *chase of an investment item for the purpose of acquiring*  
23 *a new inventory item for sale or anticipated sale during*  
24 *the current fiscal year or a subsequent fiscal year to cus-*  
25 *tomers of the Department of Defense Working Capital*

1 *Funds if such an item would not have been chargeable to*  
2 *the Department of Defense Business Operations Fund dur-*  
3 *ing fiscal year 1994 and if the purchase of such an invest-*  
4 *ment item would be chargeable during the current fiscal*  
5 *year to appropriations made to the Department of Defense*  
6 *for procurement.*

7       **(b)** *The fiscal year 2011 budget request for the Depart-*  
8 *ment of Defense as well as all justification material and*  
9 *other documentation supporting the fiscal year 2011 De-*  
10 *partment of Defense budget shall be prepared and submitted*  
11 *to the Congress on the basis that any equipment which was*  
12 *classified as an end item and funded in a procurement ap-*  
13 *propriation contained in this Act shall be budgeted for in*  
14 *a proposed fiscal year 2011 procurement appropriation and*  
15 *not in the supply management business area or any other*  
16 *area or category of the Department of Defense Working*  
17 *Capital Funds.*

18       **SEC. 8034.** *None of the funds appropriated by this Act*  
19 *for programs of the Central Intelligence Agency shall re-*  
20 *main available for obligation beyond the current fiscal year,*  
21 *except for funds appropriated for the Reserve for Contin-*  
22 *gencies, which shall remain available until September 30,*  
23 *2011: Provided, That funds appropriated, transferred, or*  
24 *otherwise credited to the Central Intelligence Agency Cen-*  
25 *tral Services Working Capital Fund during this or any*

1 *prior or subsequent fiscal year shall remain available until*  
2 *expended: Provided further, That any funds appropriated*  
3 *or transferred to the Central Intelligence Agency for ad-*  
4 *vanced research and development acquisition, for agent op-*  
5 *erations, and for covert action programs authorized by the*  
6 *President under section 503 of the National Security Act*  
7 *of 1947, as amended, shall remain available until Sep-*  
8 *tember 30, 2011.*

9       *SEC. 8035. Notwithstanding any other provision of*  
10 *law, funds made available in this Act for the Defense Intel-*  
11 *ligence Agency may be used for the design, development, and*  
12 *deployment of General Defense Intelligence Program intel-*  
13 *ligence communications and intelligence information sys-*  
14 *tems for the Services, the Unified and Specified Commands,*  
15 *and the component commands.*

16       *SEC. 8036. Of the funds appropriated to the Depart-*  
17 *ment of Defense under the heading “Operation and Mainte-*  
18 *nance, Defense-Wide”, not less than \$12,000,000 shall be*  
19 *made available only for the mitigation of environmental*  
20 *impacts, including training and technical assistance to*  
21 *tribes, related administrative support, the gathering of in-*  
22 *formation, documenting of environmental damage, and de-*  
23 *veloping a system for prioritization of mitigation and cost*  
24 *to complete estimates for mitigation, on Indian lands re-*  
25 *sulting from Department of Defense activities.*

1        *SEC. 8037. (a) None of the funds appropriated in this*  
2 *Act may be expended by an entity of the Department of*  
3 *Defense unless the entity, in expending the funds, complies*  
4 *with the Buy American Act. For purposes of this subsection,*  
5 *the term “Buy American Act” means title III of the Act*  
6 *entitled “An Act making appropriations for the Treasury*  
7 *and Post Office Departments for the fiscal year ending June*  
8 *30, 1934, and for other purposes”, approved March 3, 1933*  
9 *(41 U.S.C. 10a et seq.).*

10        *(b) If the Secretary of Defense determines that a person*  
11 *has been convicted of intentionally affixing a label bearing*  
12 *a “Made in America” inscription to any product sold in*  
13 *or shipped to the United States that is not made in Amer-*  
14 *ica, the Secretary shall determine, in accordance with sec-*  
15 *tion 2410f of title 10, United States Code, whether the per-*  
16 *son should be debarred from contracting with the Depart-*  
17 *ment of Defense.*

18        *(c) In the case of any equipment or products purchased*  
19 *with appropriations provided under this Act, it is the sense*  
20 *of the Congress that any entity of the Department of De-*  
21 *fense, in expending the appropriation, purchase only Amer-*  
22 *ican-made equipment and products, provided that Amer-*  
23 *ican-made equipment and products are cost-competitive,*  
24 *quality-competitive, and available in a timely fashion.*

1        *SEC. 8038. None of the funds appropriated by this Act*  
2 *shall be available for a contract for studies, analysis, or*  
3 *consulting services entered into without competition on the*  
4 *basis of an unsolicited proposal unless the head of the activ-*  
5 *ity responsible for the procurement determines—*

6            (1) *as a result of thorough technical evaluation,*  
7 *only one source is found fully qualified to perform the*  
8 *proposed work;*

9            (2) *the purpose of the contract is to explore an*  
10 *unsolicited proposal which offers significant scientific*  
11 *or technological promise, represents the product of*  
12 *original thinking, and was submitted in confidence*  
13 *by one source; or*

14            (3) *the purpose of the contract is to take advan-*  
15 *tage of unique and significant industrial accomplish-*  
16 *ment by a specific concern, or to insure that a new*  
17 *product or idea of a specific concern is given finan-*  
18 *cial support: Provided, That this limitation shall not*  
19 *apply to contracts in an amount of less than \$25,000,*  
20 *contracts related to improvements of equipment that*  
21 *is in development or production, or contracts as to*  
22 *which a civilian official of the Department of Defense,*  
23 *who has been confirmed by the Senate, determines*  
24 *that the award of such contract is in the interest of*  
25 *the national defense.*

1        *SEC. 8039. (a) Except as provided in subsections (b)*  
2 *and (c), none of the funds made available by this Act may*  
3 *be used—*

4            *(1) to establish a field operating agency; or*

5            *(2) to pay the basic pay of a member of the*  
6 *Armed Forces or civilian employee of the department*  
7 *who is transferred or reassigned from a headquarters*  
8 *activity if the member or employee's place of duty re-*  
9 *mains at the location of that headquarters.*

10        *(b) The Secretary of Defense or Secretary of a military*  
11 *department may waive the limitations in subsection (a),*  
12 *on a case-by-case basis, if the Secretary determines, and cer-*  
13 *tifies to the Committees on Appropriations of the House of*  
14 *Representatives and Senate that the granting of the waiver*  
15 *will reduce the personnel requirements or the financial re-*  
16 *quirements of the department.*

17        *(c) This section does not apply to—*

18            *(1) field operating agencies funded within the*  
19 *National Intelligence Program; or*

20            *(2) an Army field operating agency established*  
21 *to eliminate, mitigate, or counter the effects of impro-*  
22 *vised explosive devices, and, as determined by the Sec-*  
23 *retary of the Army, other similar threats.*



*(RESCISSIONS)*

1  
2       *SEC. 8040. Of the funds appropriated in Department*  
3 *of Defense Appropriations Acts, the following funds are*  
4 *hereby rescinded from the following accounts and programs*  
5 *in the specified amounts:*

6           *“Research, Development, Test and Evaluation,*  
7 *Air Force, 2009/2010”, \$110,230,000;*

8           *“Research, Development, Test and Evaluation,*  
9 *Defense-Wide, 2009/2010”, \$199,750,000;*

10          *“Procurement of Weapons and Tracked Combat*  
11 *Vehicles, Army, 2009/2011”, \$41,087,000;*

12          *“Other Procurement, Army, 2009/2011”,*  
13 *\$138,239,000;*

14          *“Aircraft Procurement, Air Force, 2009/2011”,*  
15 *\$628,900,000;*

16          *“Missile Procurement, Air Force, 2009/2011”,*  
17 *\$147,595,000;*

18          *“Other Procurement, Air Force, 2009/2011”,*  
19 *\$5,000,000;*

20          *“Procurement, Defense-Wide, 2009/2011”,*  
21 *\$5,200,000; and*

22          *“Procurement, Defense-Wide, 2008/2010”,*  
23 *\$2,000,000.*

24       *SEC. 8041. None of the funds available in this Act may*  
25 *be used to reduce the authorized positions for military (ci-*

1 *vilian) technicians of the Army National Guard, Air Na-*  
2 *tional Guard, Army Reserve and Air Force Reserve for the*  
3 *purpose of applying any administratively imposed civilian*  
4 *personnel ceiling, freeze, or reduction on military (civilian)*  
5 *technicians, unless such reductions are a direct result of a*  
6 *reduction in military force structure.*

7       *SEC. 8042. None of the funds appropriated or other-*  
8 *wise made available in this Act may be obligated or ex-*  
9 *pended for assistance to the Democratic People's Republic*  
10 *of Korea unless specifically appropriated for that purpose.*

11       *SEC. 8043. Funds appropriated in this Act for oper-*  
12 *ation and maintenance of the Military Departments, Com-*  
13 *batant Commands and Defense Agencies shall be available*  
14 *for reimbursement of pay, allowances and other expenses*  
15 *which would otherwise be incurred against appropriations*  
16 *for the National Guard and Reserve when members of the*  
17 *National Guard and Reserve provide intelligence or coun-*  
18 *terintelligence support to Combatant Commands, Defense*  
19 *Agencies and Joint Intelligence Activities, including the ac-*  
20 *tivities and programs included within the National Intel-*  
21 *ligence Program and the Military Intelligence Program:*  
22 *Provided, That nothing in this section authorizes deviation*  
23 *from established Reserve and National Guard personnel and*  
24 *training procedures.*

1        *SEC. 8044. During the current fiscal year, none of the*  
2 *funds appropriated in this Act may be used to reduce the*  
3 *civilian medical and medical support personnel assigned to*  
4 *military treatment facilities below the September 30, 2003,*  
5 *level: Provided, That the Service Surgeons General may*  
6 *waive this section by certifying to the congressional defense*  
7 *committees that the beneficiary population is declining in*  
8 *some catchment areas and civilian strength reductions may*  
9 *be consistent with responsible resource stewardship and*  
10 *capitation-based budgeting.*

11        *SEC. 8045. (a) None of the funds available to the De-*  
12 *partment of Defense for any fiscal year for drug interdic-*  
13 *tion or counter-drug activities may be transferred to any*  
14 *other department or agency of the United States except as*  
15 *specifically provided in an appropriations law.*

16        *(b) None of the funds available to the Central Intel-*  
17 *ligence Agency for any fiscal year for drug interdiction and*  
18 *counter-drug activities may be transferred to any other de-*  
19 *partment or agency of the United States except as specifi-*  
20 *cally provided in an appropriations law.*

21        *SEC. 8046. None of the funds appropriated by this Act*  
22 *may be used for the procurement of ball and roller bearings*  
23 *other than those produced by a domestic source and of do-*  
24 *mestic origin: Provided, That the Secretary of the military*  
25 *department responsible for such procurement may waive*

1 *this restriction on a case-by-case basis by certifying in writ-*  
2 *ing to the Committees on Appropriations of the House of*  
3 *Representatives and the Senate, that adequate domestic*  
4 *supplies are not available to meet Department of Defense*  
5 *requirements on a timely basis and that such an acquisition*  
6 *must be made in order to acquire capability for national*  
7 *security purposes: Provided further, That this restriction*  
8 *shall not apply to the purchase of “commercial items”, as*  
9 *defined by section 4(12) of the Office of Federal Procure-*  
10 *ment Policy Act, except that the restriction shall apply to*  
11 *ball or roller bearings purchased as end items.*

12       *SEC. 8047. None of the funds in this Act may be used*  
13 *to purchase any supercomputer which is not manufactured*  
14 *in the United States, unless the Secretary of Defense cer-*  
15 *tifies to the congressional defense committees that such an*  
16 *acquisition must be made in order to acquire capability for*  
17 *national security purposes that is not available from*  
18 *United States manufacturers.*

19       *SEC. 8048. None of the funds made available in this*  
20 *or any other Act may be used to pay the salary of any*  
21 *officer or employee of the Department of Defense who ap-*  
22 *proves or implements the transfer of administrative respon-*  
23 *sibilities or budgetary resources of any program, project,*  
24 *or activity financed by this Act to the jurisdiction of an-*  
25 *other Federal agency not financed by this Act without the*

1 *express authorization of Congress: Provided, That this limi-*  
2 *tation shall not apply to transfers of funds expressly pro-*  
3 *vided for in Defense Appropriations Acts, or provisions of*  
4 *Acts providing supplemental appropriations for the De-*  
5 *partment of Defense.*

6       *SEC. 8049. (a) Notwithstanding any other provision*  
7 *of law, none of the funds available to the Department of*  
8 *Defense for the current fiscal year may be obligated or ex-*  
9 *pended to transfer to another nation or an international*  
10 *organization any defense articles or services (other than in-*  
11 *telligence services) for use in the activities described in sub-*  
12 *section (b) unless the congressional defense committees, the*  
13 *Committee on Foreign Affairs of the House of Representa-*  
14 *tives, and the Committee on Foreign Relations of the Senate*  
15 *are notified 15 days in advance of such transfer.*

16       *(b) This section applies to—*

17               *(1) any international peacekeeping or peace-en-*  
18 *forcement operation under the authority of chapter VI*  
19 *or chapter VII of the United Nations Charter under*  
20 *the authority of a United Nations Security Council*  
21 *resolution; and*

22               *(2) any other international peacekeeping, peace-*  
23 *enforcement, or humanitarian assistance operation.*

24       *(c) A notice under subsection (a) shall include the fol-*  
25 *lowing—*

1           (1) *A description of the equipment, supplies, or*  
2           *services to be transferred.*

3           (2) *A statement of the value of the equipment,*  
4           *supplies, or services to be transferred.*

5           (3) *In the case of a proposed transfer of equip-*  
6           *ment or supplies—*

7                   (A) *a statement of whether the inventory re-*  
8                   *quirements of all elements of the Armed Forces*  
9                   *(including the reserve components) for the type*  
10                  *of equipment or supplies to be transferred have*  
11                  *been met; and*

12                   (B) *a statement of whether the items pro-*  
13                   *posed to be transferred will have to be replaced*  
14                   *and, if so, how the President proposes to provide*  
15                   *funds for such replacement.*

16           *SEC. 8050. None of the funds available to the Depart-*  
17           *ment of Defense under this Act shall be obligated or ex-*  
18           *pended to pay a contractor under a contract with the De-*  
19           *partment of Defense for costs of any amount paid by the*  
20           *contractor to an employee when—*

21                   (1) *such costs are for a bonus or otherwise in ex-*  
22                   *cess of the normal salary paid by the contractor to the*  
23                   *employee; and*

24                   (2) *such bonus is part of restructuring costs asso-*  
25                   *ciated with a business combination.*

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8051. *During the current fiscal year, no more*  
3 *than \$30,000,000 of appropriations made in this Act under*  
4 *the heading “Operation and Maintenance, Defense-Wide”*  
5 *may be transferred to appropriations available for the pay*  
6 *of military personnel, to be merged with, and to be available*  
7 *for the same time period as the appropriations to which*  
8 *transferred, to be used in support of such personnel in con-*  
9 *nection with support and services for eligible organizations*  
10 *and activities outside the Department of Defense pursuant*  
11 *to section 2012 of title 10, United States Code.*

12 SEC. 8052. (a) *IN GENERAL.—Service as a member*  
13 *of the Alaska Territorial Guard during World War II of*  
14 *any individual who was honorably discharged therefrom*  
15 *under section 8147 of the Department of Defense Appro-*  
16 *priations Act, 2001 (Public Law 106–259; 114 Stat. 705)*  
17 *shall be treated as active service for purposes of the com-*  
18 *putation under chapter 61, 71, 371, 571, 871, or 1223 of*  
19 *title 10, United States Code, as applicable, of the retired*  
20 *pay to which such individual may be entitled under title*  
21 *10, United States Code.*

22 (b) *APPLICABILITY.—Subsection (a) shall apply with*  
23 *respect to amounts of retired pay payable under title 10,*  
24 *United States Code, for months beginning on or after the*  
25 *date of the enactment of this Act. No retired pay shall be*

1 *paid to any individual by reason of subsection (a) for any*  
2 *period before that date.*

3 (c) *WORLD WAR II DEFINED.*—*In this section, the*  
4 *term “World War II” has the meaning given that term in*  
5 *section 101(8) of title 38, United States Code.*

6 *SEC. 8053. (a) Notwithstanding any other provision*  
7 *of law, the Chief of the National Guard Bureau may permit*  
8 *the use of equipment of the National Guard Distance Learn-*  
9 *ing Project by any person or entity on a space-available,*  
10 *reimbursable basis. The Chief of the National Guard Bu-*  
11 *reau shall establish the amount of reimbursement for such*  
12 *use on a case-by-case basis.*

13 (b) *Amounts collected under subsection (a) shall be*  
14 *credited to funds available for the National Guard Distance*  
15 *Learning Project and be available to defray the costs associ-*  
16 *ated with the use of equipment of the project under that*  
17 *subsection. Such funds shall be available for such purposes*  
18 *without fiscal year limitation.*

19 *SEC. 8054. Using funds available by this Act or any*  
20 *other Act, the Secretary of the Air Force, pursuant to a*  
21 *determination under section 2690 of title 10, United States*  
22 *Code, may implement cost-effective agreements for required*  
23 *heating facility modernization in the Kaiserslautern Mili-*  
24 *tary Community in the Federal Republic of Germany: Pro-*  
25 *vided, That in the City of Kaiserslautern such agreements*



1 *will include the use of United States anthracite as the base*  
2 *load energy for municipal district heat to the United States*  
3 *Defense installations: Provided further, That at Landstuhl*  
4 *Army Regional Medical Center and Ramstein Air Base,*  
5 *furnished heat may be obtained from private, regional or*  
6 *municipal services, if provisions are included for the con-*  
7 *sideration of United States coal as an energy source.*

8       *SEC. 8055. None of the funds appropriated in title IV*  
9 *of this Act may be used to procure end-items for delivery*  
10 *to military forces for operational training, operational use*  
11 *or inventory requirements: Provided, That this restriction*  
12 *does not apply to end-items used in development, proto-*  
13 *typing, and test activities preceding and leading to accept-*  
14 *ance for operational use: Provided further, That this restric-*  
15 *tion does not apply to programs funded within the National*  
16 *Intelligence Program: Provided further, That the Secretary*  
17 *of Defense may waive this restriction on a case-by-case basis*  
18 *by certifying in writing to the Committees on Appropria-*  
19 *tions of the House of Representatives and the Senate that*  
20 *it is in the national security interest to do so.*

21       *SEC. 8056. None of the funds made available in this*  
22 *Act may be used to approve or license the sale of the F-*  
23 *22A advanced tactical fighter to any foreign government:*  
24 *Provided, That the Department of Defense may conduct or*  
25 *participate in studies, research, design and other activities*

1 *to define and develop a future export version of the F-22A*  
2 *that protects classified and sensitive information, tech-*  
3 *nologies and U.S. warfighting capabilities.*

4       *SEC. 8057. (a) The Secretary of Defense may, on a*  
5 *case-by-case basis, waive with respect to a foreign country*  
6 *each limitation on the procurement of defense items from*  
7 *foreign sources provided in law if the Secretary determines*  
8 *that the application of the limitation with respect to that*  
9 *country would invalidate cooperative programs entered into*  
10 *between the Department of Defense and the foreign country,*  
11 *or would invalidate reciprocal trade agreements for the pro-*  
12 *curement of defense items entered into under section 2531*  
13 *of title 10, United States Code, and the country does not*  
14 *discriminate against the same or similar defense items pro-*  
15 *duced in the United States for that country.*

16       *(b) Subsection (a) applies with respect to—*

17               *(1) contracts and subcontracts entered into on or*  
18               *after the date of the enactment of this Act; and*

19               *(2) options for the procurement of items that are*  
20               *exercised after such date under contracts that are en-*  
21               *tered into before such date if the option prices are ad-*  
22               *justed for any reason other than the application of a*  
23               *waiver granted under subsection (a).*

24       *(c) Subsection (a) does not apply to a limitation re-*  
25 *garding construction of public vessels, ball and roller bear-*

1 *ings, food, and clothing or textile materials as defined by*  
2 *section 11 (chapters 50–65) of the Harmonized Tariff*  
3 *Schedule and products classified under headings 4010,*  
4 *4202, 4203, 6401 through 6406, 6505, 7019, 7218 through*  
5 *7229, 7304.41 through 7304.49, 7306.40, 7502 through*  
6 *7508, 8105, 8108, 8109, 8211, 8215, and 9404.*

7       *SEC. 8058. (a) None of the funds made available by*  
8 *this Act may be used to support any training program in-*  
9 *volving a unit of the security forces of a foreign country*  
10 *if the Secretary of Defense has received credible information*  
11 *from the Department of State that the unit has committed*  
12 *a gross violation of human rights, unless all necessary cor-*  
13 *rective steps have been taken.*

14       *(b) The Secretary of Defense, in consultation with the*  
15 *Secretary of State, shall ensure that prior to a decision to*  
16 *conduct any training program referred to in subsection (a),*  
17 *full consideration is given to all credible information avail-*  
18 *able to the Department of State relating to human rights*  
19 *violations by foreign security forces.*

20       *(c) The Secretary of Defense, after consultation with*  
21 *the Secretary of State, may waive the prohibition in sub-*  
22 *section (a) if he determines that such waiver is required*  
23 *by extraordinary circumstances.*

24       *(d) Not more than 15 days after the exercise of any*  
25 *waiver under subsection (c), the Secretary of Defense shall*

1 *submit a report to the congressional defense committees de-*  
2 *scribing the extraordinary circumstances, the purpose and*  
3 *duration of the training program, the United States forces*  
4 *and the foreign security forces involved in the training pro-*  
5 *gram, and the information relating to human rights viola-*  
6 *tions that necessitates the waiver.*

7       *SEC. 8059. None of the funds appropriated or made*  
8 *available in this Act to the Department of the Navy shall*  
9 *be used to develop, lease or procure the T-AKE class of ships*  
10 *unless the main propulsion diesel engines and propulsors*  
11 *are manufactured in the United States by a domestically*  
12 *operated entity: Provided, That the Secretary of Defense*  
13 *may waive this restriction on a case-by-case basis by certi-*  
14 *fying in writing to the Committees on Appropriations of*  
15 *the House of Representatives and the Senate that adequate*  
16 *domestic supplies are not available to meet Department of*  
17 *Defense requirements on a timely basis and that such an*  
18 *acquisition must be made in order to acquire capability for*  
19 *national security purposes or there exists a significant cost*  
20 *or quality difference.*

21       *SEC. 8060. None of the funds appropriated or other-*  
22 *wise made available by this or other Department of Defense*  
23 *Appropriations Acts may be obligated or expended for the*  
24 *purpose of performing repairs or maintenance to military*  
25 *family housing units of the Department of Defense, includ-*

1 *ing areas in such military family housing units that may*  
2 *be used for the purpose of conducting official Department*  
3 *of Defense business.*

4       *SEC. 8061. Notwithstanding any other provision of*  
5 *law, funds appropriated in this Act under the heading “Re-*  
6 *search, Development, Test and Evaluation, Defense-Wide”*  
7 *for any new start advanced concept technology demonstra-*  
8 *tion project or joint capability demonstration project may*  
9 *only be obligated 30 days after a report, including a de-*  
10 *scription of the project, the planned acquisition and transi-*  
11 *tion strategy and its estimated annual and total cost, has*  
12 *been provided in writing to the congressional defense com-*  
13 *mittees: Provided, That the Secretary of Defense may waive*  
14 *this restriction on a case-by-case basis by certifying to the*  
15 *congressional defense committees that it is in the national*  
16 *interest to do so.*

17       *SEC. 8062. The Secretary of Defense shall provide a*  
18 *classified quarterly report beginning 30 days after enact-*  
19 *ment of this Act, to the House and Senate Appropriations*  
20 *Committees, Subcommittees on Defense on certain matters*  
21 *as directed in the classified annex accompanying this Act.*

22       *SEC. 8063. During the current fiscal year, none of the*  
23 *funds available to the Department of Defense may be used*  
24 *to provide support to another department or agency of the*  
25 *United States if such department or agency is more than*

1 90 days in arrears in making payment to the Department  
2 of Defense for goods or services previously provided to such  
3 department or agency on a reimbursable basis: Provided,  
4 That this restriction shall not apply if the department is  
5 authorized by law to provide support to such department  
6 or agency on a nonreimbursable basis, and is providing the  
7 requested support pursuant to such authority: Provided fur-  
8 ther, That the Secretary of Defense may waive this restric-  
9 tion on a case-by-case basis by certifying in writing to the  
10 Committees on Appropriations of the House of Representa-  
11 tives and the Senate that it is in the national security inter-  
12 est to do so.

13       *SEC. 8064. Notwithstanding section 12310(b) of title*  
14 *10, United States Code, a Reserve who is a member of the*  
15 *National Guard serving on full-time National Guard duty*  
16 *under section 502(f) of title 32, United States Code, may*  
17 *perform duties in support of the ground-based elements of*  
18 *the National Ballistic Missile Defense System.*

19       *SEC. 8065. None of the funds provided in this Act may*  
20 *be used to transfer to any nongovernmental entity ammuni-*  
21 *tion held by the Department of Defense that has a center-*  
22 *fire cartridge and a United States military nomenclature*  
23 *designation of “armor penetrator”, “armor piercing (AP)”,*  
24 *“armor piercing incendiary (API)”, or “armor-piercing in-*  
25 *cendiary-tracer (API-T)”, except to an entity performing*

1 *demilitarization services for the Department of Defense*  
2 *under a contract that requires the entity to demonstrate to*  
3 *the satisfaction of the Department of Defense that armor*  
4 *piercing projectiles are either: (1) rendered incapable of*  
5 *reuse by the demilitarization process; or (2) used to manu-*  
6 *facture ammunition pursuant to a contract with the De-*  
7 *partment of Defense or the manufacture of ammunition for*  
8 *export pursuant to a License for Permanent Export of Un-*  
9 *classified Military Articles issued by the Department of*  
10 *State.*

11 *SEC. 8066. Notwithstanding any other provision of*  
12 *law, the Chief of the National Guard Bureau, or his des-*  
13 *ignee, may waive payment of all or part of the consider-*  
14 *ation that otherwise would be required under section 2667*  
15 *of title 10, United States Code, in the case of a lease of*  
16 *personal property for a period not in excess of 1 year to*  
17 *any organization specified in section 508(d) of title 32,*  
18 *United States Code, or any other youth, social, or fraternal*  
19 *nonprofit organization as may be approved by the Chief*  
20 *of the National Guard Bureau, or his designee, on a case-*  
21 *by-case basis.*

22 *SEC. 8067. None of the funds appropriated by this Act*  
23 *shall be used for the support of any nonappropriated funds*  
24 *activity of the Department of Defense that procures malt*  
25 *beverages and wine with nonappropriated funds for resale*







1 \$80,092,000 shall be for the Short Range Ballistic Missile  
2 Defense (SRBMD) program, \$50,036,000 shall be available  
3 for an upper-tier component to the Israeli Missile Defense  
4 Architecture, and \$72,306,000 shall be for the Arrow Missile  
5 Defense Program, of which \$25,000,000 shall be for pro-  
6 ducing Arrow missile components in the United States and  
7 Arrow missile components in Israel to meet Israel's defense  
8 requirements, consistent with each nation's laws, regula-  
9 tions and procedures: Provided further, That funds made  
10 available under this provision for production of missiles  
11 and missile components may be transferred to appropria-  
12 tions available for the procurement of weapons and equip-  
13 ment, to be merged with and to be available for the same  
14 time period and the same purposes as the appropriation  
15 to which transferred: Provided further, That the transfer  
16 authority provided under this provision is in addition to  
17 any other transfer authority contained in this Act.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 8072. Of the amounts appropriated in this Act  
20 under the heading "Shipbuilding and Conversion, Navy",  
21 \$144,950,000 shall be available until September 30, 2010,  
22 to fund prior year shipbuilding cost increases: Provided,  
23 That upon enactment of this Act, the Secretary of the Navy  
24 shall transfer such funds to the following appropriations in  
25 the amounts specified: Provided further, That the amounts

1 *transferred shall be merged with and be available for the*  
2 *same purposes as the appropriations to which transferred:*

3 *To:*

4 *Under the heading “Shipbuilding and Con-*  
5 *version, Navy, 2004/2010”:*

6 *New SSN, \$26,906,000; and*

7 *LPD–17 Amphibious Transport Dock*  
8 *Program, \$16,844,000.*

9 *Under the heading “Shipbuilding and Con-*  
10 *version, Navy, 2005/2010”:*

11 *New SSN, \$18,702,000; and*

12 *LPD–17 Amphibious Transport Dock*  
13 *Program, \$16,498,000.*

14 *Under the heading “Shipbuilding and Con-*  
15 *version, Navy, 2008/2012”:*

16 *LPD–17 Amphibious Transport Dock*  
17 *Program, \$66,000,000.*

18 *SEC. 8073. None of the funds available to the Depart-*  
19 *ment of Defense may be obligated to modify command and*  
20 *control relationships to give Fleet Forces Command admin-*  
21 *istrative and operational control of U.S. Navy forces as-*  
22 *signed to the Pacific fleet: Provided, That the command and*  
23 *control relationships which existed on October 1, 2004, shall*  
24 *remain in force unless changes are specifically authorized*  
25 *in a subsequent Act.*

1        *SEC. 8074. Notwithstanding any other provision of*  
2 *law or regulation, the Secretary of Defense may exercise the*  
3 *provisions of section 7403(g) of title 38, United States Code,*  
4 *for occupations listed in section 7403(a)(2) of title 38,*  
5 *United States Code, as well as the following:*

6            *Pharmacists, Audiologists, Psychologists, Social*  
7 *Workers, Othotists/Prosthetists, Occupational Thera-*  
8 *pists, Physical Therapists, Rehabilitation Therapists,*  
9 *Respiratory Therapists, Speech Pathologists, Dieti-*  
10 *tian/Nutritionists, Industrial Hygienists, Psychology*  
11 *Technicians, Social Service Assistants, Practical*  
12 *Nurses, Nursing Assistants, and Dental Hygienists:*

13            *(A) The requirements of section*  
14 *7403(g)(1)(A) of title 38, United States Code,*  
15 *shall apply.*

16            *(B) The limitations of section 7403(g)(1)(B)*  
17 *of title 38, United States Code, shall not apply.*

18        *SEC. 8075. Funds appropriated by this Act, or made*  
19 *available by the transfer of funds in this Act, for intelligence*  
20 *activities are deemed to be specifically authorized by the*  
21 *Congress for purposes of section 504 of the National Secu-*  
22 *rity Act of 1947 (50 U.S.C. 414) during fiscal year 2010*  
23 *until the enactment of the Intelligence Authorization Act*  
24 *for Fiscal Year 2010.*

1       *SEC. 8076. None of the funds provided in this Act shall*  
2 *be available for obligation or expenditure through a re-*  
3 *programming of funds that creates or initiates a new pro-*  
4 *gram, project, or activity unless such program, project, or*  
5 *activity must be undertaken immediately in the interest of*  
6 *national security and only after written prior notification*  
7 *to the congressional defense committees.*

8       *SEC. 8077. In addition to funds made available else-*  
9 *where in this Act, \$5,500,000 is hereby appropriated and*  
10 *shall remain available until expended to provide assistance,*  
11 *by grant or otherwise (such as the provision of funds for*  
12 *information technology and textbook purchases, professional*  
13 *development for educators, and student transition support)*  
14 *to public schools in states that are considered overseas as-*  
15 *signments with unusually high concentrations of special*  
16 *needs military dependents enrolled: Provided, That up to*  
17 *2 percent of the total appropriated funds under this section*  
18 *shall be available for the administration and execution of*  
19 *the programs and/or events that promote the purpose of this*  
20 *appropriation: Provided further, That up to 5 percent of*  
21 *the total appropriated funds under this section shall be*  
22 *available to public schools that have entered into a military*  
23 *partnership: Provided further, That \$1,000,000 shall be*  
24 *available for a nonprofit trust fund to assist in the public-*  
25 *private funding of public school repair and maintenance*

1 *projects: Provided further, That \$500,000 shall be available*  
2 *to fund an ongoing special education support program in*  
3 *public schools with unusually high concentrations of active*  
4 *duty military dependents enrolled: Provided further, That*  
5 *to the extent a Federal agency provides this assistance by*  
6 *contract, grant, or otherwise, it may accept and expend*  
7 *non-Federal funds in combination with these Federal funds*  
8 *to provide assistance for the authorized purpose.*

9       *SEC. 8078. In addition to the amounts appropriated*  
10 *or otherwise made available elsewhere in this Act,*  
11 *\$50,500,000 is hereby appropriated to the Department of*  
12 *Defense: Provided, That the Secretary of Defense shall make*  
13 *grants in the amounts specified as follows: \$20,000,000 to*  
14 *the Edward M. Kennedy Institute for the Senate;*  
15 *\$5,500,000 to the U.S.S. Missouri Memorial Association;*  
16 *and \$25,000,000 to the National World War II Museum.*

17       *SEC. 8079. The budget of the President for fiscal year*  
18 *2011 submitted to the Congress pursuant to section 1105*  
19 *of title 31, United States Code, shall include separate budget*  
20 *justification documents for costs of United States Armed*  
21 *Forces' participation in contingency operations for the*  
22 *Military Personnel accounts, the Operation and Mainte-*  
23 *nance accounts, and the Procurement accounts: Provided,*  
24 *That these documents shall include a description of the*  
25 *funding requested for each contingency operation, for each*

1 *military service, to include all Active and Reserve compo-*  
2 *nents, and for each appropriations account: Provided fur-*  
3 *ther, That these documents shall include estimated costs for*  
4 *each element of expense or object class, a reconciliation of*  
5 *increases and decreases for each contingency operation, and*  
6 *programmatic data including, but not limited to, troop*  
7 *strength for each Active and Reserve component, and esti-*  
8 *mates of the major weapons systems deployed in support*  
9 *of each contingency: Provided further, That these documents*  
10 *shall include budget exhibits OP-5 and OP-32 (as defined*  
11 *in the Department of Defense Financial Management Regu-*  
12 *lation) for all contingency operations for the budget year*  
13 *and the two preceding fiscal years.*

14       *SEC. 8080. None of the funds in this Act may be used*  
15 *for research, development, test, evaluation, procurement or*  
16 *deployment of nuclear armed interceptors of a missile de-*  
17 *fense system.*

18       *SEC. 8081. None of the funds appropriated or made*  
19 *available in this Act shall be used to reduce or disestablish*  
20 *the operation of the 53rd Weather Reconnaissance Squad-*  
21 *ron of the Air Force Reserve, if such action would reduce*  
22 *the WC-130 Weather Reconnaissance mission below the lev-*  
23 *els funded in this Act: Provided, That the Air Force shall*  
24 *allow the 53rd Weather Reconnaissance Squadron to per-*





1 *priation for the purpose of liquidating necessary changes*  
2 *resulting from inflation, market fluctuations, or rate adjust-*  
3 *ments for any ship construction program appropriated in*  
4 *law: Provided, That the Secretary may transfer not to ex-*  
5 *ceed \$100,000,000 under the authority provided by this sec-*  
6 *tion: Provided further, That the Secretary may not transfer*  
7 *any funds until 30 days after the proposed transfer has been*  
8 *reported to the Committees on Appropriations of the House*  
9 *of Representatives and the Senate, unless a response from*  
10 *the Committees is received sooner: Provided further, That*  
11 *the transfer authority provided by this section is in addi-*  
12 *tion to any other transfer authority contained elsewhere in*  
13 *this Act.*

14 *SEC. 8085. For purposes of section 612 of title 41,*  
15 *United States Code, any subdivision of appropriations*  
16 *made under the heading “Shipbuilding and Conversion,*  
17 *Navy” that is not closed at the time reimbursement is made*  
18 *shall be available to reimburse the Judgment Fund and*  
19 *shall be considered for the same purposes as any subdivision*  
20 *under the heading “Shipbuilding and Conversion, Navy”*  
21 *appropriations in the current fiscal year or any prior fiscal*  
22 *year.*

23 *SEC. 8086. (a) None of the funds appropriated by this*  
24 *Act may be used to transfer research and development, ac-*

1 *quisition, or other program authority relating to current*  
2 *tactical unmanned aerial vehicles (TUAVs) from the Army.*

3 *(b) The Army shall retain responsibility for and oper-*  
4 *ational control of the MQ-1C Sky Warrior Unmanned Aer-*  
5 *ial Vehicle (UAV) in order to support the Secretary of De-*  
6 *fense in matters relating to the employment of unmanned*  
7 *aerial vehicles.*

8 *SEC. 8087. Of the funds provided in this Act,*  
9 *\$10,000,000 shall be available for the operations and devel-*  
10 *opment of training and technology for the Joint Inter-*  
11 *agency Training and Education Center and the affiliated*  
12 *Center for National Response at the Memorial Tunnel and*  
13 *for providing homeland defense/security and traditional*  
14 *warfighting training to the Department of Defense, other*  
15 *Federal agencies, and State and local first responder per-*  
16 *sonnel at the Joint Interagency Training and Education*  
17 *Center.*

18 *SEC. 8088. Notwithstanding any other provision of*  
19 *law or regulation, the Secretary of Defense may adjust wage*  
20 *rates for civilian employees hired for certain health care*  
21 *occupations as authorized for the Secretary of Veterans Af-*  
22 *fairs by section 7455 of title 38, United States Code.*

23 *SEC. 8089. Up to \$16,000,000 of the funds appro-*  
24 *priated under the heading "Operation and Maintenance,*  
25 *Navy" may be made available for the Asia Pacific Regional*

1 *Initiative Program for the purpose of enabling the Pacific*  
2 *Command to execute Theater Security Cooperation activi-*  
3 *ties such as humanitarian assistance, and payment of in-*  
4 *cremental and personnel costs of training and exercising*  
5 *with foreign security forces: Provided, That funds made*  
6 *available for this purpose may be used, notwithstanding*  
7 *any other funding authorities for humanitarian assistance,*  
8 *security assistance or combined exercise expenses: Provided*  
9 *further, That funds may not be obligated to provide assist-*  
10 *ance to any foreign country that is otherwise prohibited*  
11 *from receiving such type of assistance under any other pro-*  
12 *vision of law.*

13 *SEC. 8090. None of the funds appropriated by this Act*  
14 *for programs of the Office of the Director of National Intel-*  
15 *ligence shall remain available for obligation beyond the cur-*  
16 *rent fiscal year, except for funds appropriated for research*  
17 *and technology, which shall remain available until Sep-*  
18 *tember 30, 2011.*

19 *SEC. 8091. Notwithstanding any other provision of*  
20 *this Act, to reflect savings from revised economic assump-*  
21 *tions, the total amount appropriated in title II of this Act*  
22 *is hereby reduced by \$194,000,000, the total amount appro-*  
23 *priated in title III of this Act is hereby reduced by*  
24 *\$322,000,000, the total amount appropriated in title IV of*  
25 *this Act is hereby reduced by \$336,000,000, and the total*

1 amount appropriated in title V of this Act is hereby reduced  
2 by \$9,000,000: Provided, That the Secretary of Defense shall  
3 allocate this reduction proportionally to each budget activ-  
4 ity, activity group, subactivity group, and each program,  
5 project, and activity, within each appropriation account.

6       SEC. 8092. For purposes of section 1553(b) of title 31,  
7 United States Code, any subdivision of appropriations  
8 made in this Act under the heading “Shipbuilding and  
9 Conversion, Navy” shall be considered to be for the same  
10 purpose as any subdivision under the heading “Ship-  
11 building and Conversion, Navy” appropriations in any  
12 prior fiscal year, and the 1 percent limitation shall apply  
13 to the total amount of the appropriation.

14       SEC. 8093. Notwithstanding any other provision of  
15 law, that not more than 35 percent of funds provided in  
16 this Act for environmental remediation may be obligated  
17 under indefinite delivery/indefinite quantity contracts with  
18 a total contract value of \$130,000,000 or higher.

19       SEC. 8094. The Director of National Intelligence shall  
20 include the budget exhibits identified in paragraphs (1) and  
21 (2) as described in the Department of Defense Financial  
22 Management Regulation with the congressional budget jus-  
23 tification books.

24               (1) For procurement programs requesting more  
25 than \$20,000,000 in any fiscal year, the P-1, Pro-

1 *curement Program; P-5, Cost Analysis; P-5a, Pro-*  
2 *curement History and Planning; P-21, Production*  
3 *Schedule; and P-40 Budget Item Justification.*

4 (2) *For research, development, test and evalua-*  
5 *tion projects requesting more than \$10,000,000 in*  
6 *any fiscal year, the R-1, RDT&E Program; R-2,*  
7 *RDT&E Budget Item Justification; R-3, RDT&E*  
8 *Project Cost Analysis; and R-4, RDT&E Program*  
9 *Schedule Profile.*

10 *SEC. 8095. None of the funds made available in this*  
11 *Act may be used in contravention of the following laws en-*  
12 *acted or regulations promulgated to implement the United*  
13 *Nations Convention Against Torture and Other Cruel, In-*  
14 *human or Degrading Treatment or Punishment (done at*  
15 *New York on December 10, 1984):*

16 (1) *Section 2340A of title 18, United States*  
17 *Code.*

18 (2) *Section 2242 of the Foreign Affairs Reform*  
19 *and Restructuring Act of 1998 (division G of Public*  
20 *Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231*  
21 *note) and regulations prescribed thereto, including*  
22 *regulations under part 208 of title 8, Code of Federal*  
23 *Regulations, and part 95 of title 22, Code of Federal*  
24 *Regulations.*

1           (3) *Sections 1002 and 1003 of the Department of*  
2           *Defense, Emergency Supplemental Appropriations to*  
3           *Address Hurricanes in the Gulf of Mexico, and Pan-*  
4           *demic Influenza Act, 2006 (Public Law 109–148).*

5           *SEC. 8096. (a) Not later than 60 days after enactment*  
6           *of this Act, the Office of the Director of National Intelligence*  
7           *shall submit a report to the congressional intelligence com-*  
8           *mittees to establish the baseline for application of re-*  
9           *programming and transfer authorities for fiscal year 2010:*  
10          *Provided, That the report shall include—*

11           (1) *a table for each appropriation with a sepa-*  
12           *rate column to display the President’s budget request,*  
13           *adjustments made by Congress, adjustments due to*  
14           *enacted rescissions, if appropriate, and the fiscal year*  
15           *enacted level;*

16           (2) *a delineation in the table for each appropria-*  
17           *tion by Expenditure Center and project; and*

18           (3) *an identification of items of special congres-*  
19           *sional interest.*

20           (b) *None of the funds provided for the National Intel-*  
21           *ligence Program in this Act shall be available for re-*  
22           *programming or transfer until the report identified in sub-*  
23           *section (a) is submitted to the congressional intelligence*  
24           *committees, unless the Director of National Intelligence cer-*  
25           *tifies in writing to the congressional intelligence committees*

1 *that such reprogramming or transfer is necessary as an*  
2 *emergency requirement.*

3       *SEC. 8097. The Director of National Intelligence shall*  
4 *submit to Congress each year, at or about the time that*  
5 *the President's budget is submitted to Congress that year*  
6 *under section 1105(a) of title 31, United States Code, a fu-*  
7 *ture-years intelligence program (including associated an-*  
8 *nexes) reflecting the estimated expenditures and proposed*  
9 *appropriations included in that budget. Any such future-*  
10 *years intelligence program shall cover the fiscal year with*  
11 *respect to which the budget is submitted and at least the*  
12 *four succeeding fiscal years.*

13       *SEC. 8098. For the purposes of this Act, the term "con-*  
14 *gressional intelligence committees" means the Permanent*  
15 *Select Committee on Intelligence of the House of Represent-*  
16 *atives, the Select Committee on Intelligence of the Senate,*  
17 *the Subcommittee on Defense of the Committee on Appro-*  
18 *priations of the House of Representatives, and the Sub-*  
19 *committee on Defense of the Committee on Appropriations*  
20 *of the Senate.*

21       *SEC. 8099. The Department of Defense shall continue*  
22 *to report incremental contingency operations costs for Oper-*  
23 *ation Iraqi Freedom and Operation Enduring Freedom on*  
24 *a monthly basis in the Cost of War Execution Report as*  
25 *prescribed in the Department of Defense Financial Manage-*

1 *ment Regulation Department of Defense Instruction*  
2 *7000.14, Volume 12, Chapter 23 “Contingency Operations”,*  
3 *Annex 1, dated September 2005.*

4 *SEC. 8100. The amounts appropriated in title II of*  
5 *this Act are hereby reduced by \$500,000,000 to reflect excess*  
6 *cash balances in Department of Defense Working Capital*  
7 *Funds, as follows:*

8 *From “Operation and Maintenance, Air Force”,*  
9 *\$500,000,000.*

10 *SEC. 8101. During the current fiscal year, not to ex-*  
11 *ceed \$10,000,000 from each of the appropriations made in*  
12 *title III of this Act for “Operation and Maintenance,*  
13 *Army”, “Operation and Maintenance, Navy”, and “Oper-*  
14 *ation and Maintenance, Air Force” may be transferred by*  
15 *the military department concerned to its central fund estab-*  
16 *lished for Fisher Houses and Suites pursuant to section*  
17 *2493(d) of title 10, United States Code.*

18 *SEC. 8102. Of the funds appropriated in the Intel-*  
19 *ligence Community Management Account for the Program*  
20 *Manager for the Information Sharing Environment,*  
21 *\$24,000,000 is available for transfer by the Director of Na-*  
22 *tional Intelligence to other departments and agencies for*  
23 *purposes of Government-wide information sharing activi-*  
24 *ties: Provided, That funds transferred under this provision*  
25 *are to be merged with and available for the same purposes*



1 *and time period as the appropriation to which transferred:*  
2 *Provided further, That the Office of Management and Budg-*  
3 *et must approve any transfers made under this provision.*

4 *SEC. 8103. Funds appropriated by this Act for oper-*  
5 *ation and maintenance shall be available for the purpose*  
6 *of making remittances to the Defense Acquisition Workforce*  
7 *Development Fund in accordance with the requirements of*  
8 *section 1705 of title 10, United States Code.*

9 *SEC. 8104. (a) REPORT ON GROUND-BASED INTER-*  
10 *CEPTOR MISSILES.—Not later than 60 days after the date*  
11 *of the enactment of this Act, the Director of the Missile De-*  
12 *fense Agency shall submit to the congressional defense com-*  
13 *mittees a report on the utilization of funds to maintain the*  
14 *production line of Ground-Based Interceptor (GBI) mis-*  
15 *siles. The report shall include a plan for the utilization of*  
16 *funds for Ground-Based Interceptor missiles made available*  
17 *by this Act for the Midcourse Defense Segment, including—*

18 *(1) the number of Ground-based Interceptor mis-*  
19 *siles proposed to be produced during fiscal year 2010;*  
20 *and*

21 *(2) any plans for maintaining production of*  
22 *such missiles and the subsystems and components of*  
23 *such missiles.*

24 *(b) REPORT ON GROUND-BASED MIDCOURSE DE-*  
25 *FENSE SYSTEM.—Not later than 120 days after the date*

1 *of the enactment of this Act, the Director of the Missile De-*  
2 *fense Agency shall submit to the congressional defense com-*  
3 *mittees a report setting forth the acquisition strategy for*  
4 *the Ground-Based Midcourse Defense (GMD) system during*  
5 *fiscal years 2011 through 2016. The report shall include a*  
6 *description of the plans of the Missile Defense Agency for*  
7 *each of the following:*

8           (1) *To maintain the capability for production of*  
9           *Ground-Based Interceptor missiles.*

10          (2) *To address modernization and obsolescence of*  
11          *the Ground-Based Midcourse Defense system.*

12          (3) *To conduct a robust test program for the*  
13          *Ground-Based Midcourse Defense system.*

14          *SEC. 8105. (a) HIGH PRIORITY NATIONAL GUARD*  
15 *COUNTERDRUG PROGRAMS.—Of the amount appropriated*  
16 *or otherwise made available by title VI under the heading*  
17 *“DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*  
18 *DEFENSE”, up to \$30,000,000 shall be available for the pur-*  
19 *pose of High Priority National Guard Counterdrug Pro-*  
20 *grams.*

21          *(b) SUPPLEMENT NOT SUPPLANT.—The amount made*  
22 *available by subsection (a) for the purpose specified in that*  
23 *subsection is in addition to any other amounts made avail-*  
24 *able by this Act for that purpose.*

1     *APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES*

2     *SEC. 8106. (a) ACKNOWLEDGMENT AND APOLOGY.—*

3     *The United States, acting through Congress—*

4             *(1) recognizes the special legal and political rela-*  
5             *tionship Indian tribes have with the United States*  
6             *and the solemn covenant with the land we share;*

7             *(2) commends and honors Native Peoples for the*  
8             *thousands of years that they have stewarded and pro-*  
9             *tected this land;*

10            *(3) recognizes that there have been years of offi-*  
11            *cial depredations, ill-conceived policies, and the*  
12            *breaking of covenants by the Federal Government re-*  
13            *garding Indian tribes;*

14            *(4) apologizes on behalf of the people of the*  
15            *United States to all Native Peoples for the many in-*  
16            *stances of violence, maltreatment, and neglect in-*  
17            *flicted on Native Peoples by citizens of the United*  
18            *States;*

19            *(5) expresses its regret for the ramifications of*  
20            *former wrongs and its commitment to build on the*  
21            *positive relationships of the past and present to move*  
22            *toward a brighter future where all the people of this*  
23            *land live reconciled as brothers and sisters, and har-*  
24            *moniously steward and protect this land together;*

1           (6) *urges the President to acknowledge the*  
2           *wrongs of the United States against Indian tribes in*  
3           *the history of the United States in order to bring*  
4           *healing to this land; and*

5           (7) *commends the State governments that have*  
6           *begun reconciliation efforts with recognized Indian*  
7           *tribes located in their boundaries and encourages all*  
8           *State governments similarly to work toward recon-*  
9           *ciling relationships with Indian tribes within their*  
10          *boundaries.*

11          (b) *DISCLAIMER.—Nothing in this section—*

12           (1) *authorizes or supports any claim against the*  
13           *United States; or*

14           (2) *serves as a settlement of any claim against*  
15           *the United States.*

16          *SEC. 8107. (a) REPORT ON USE OF LIVE PRIMATES*  
17          *IN TRAINING RELATING TO CHEMICAL AND BIOLOGICAL*  
18          *AGENTS.—Not later than 90 days after the date of the en-*  
19          *actment of this Act, the Secretary of Defense shall submit*  
20          *to the congressional defense committees a report setting*  
21          *forth a detailed description of the requirements for the use*  
22          *by the Department of Defense of live primates at the United*  
23          *States Army Medical Research Institute of Chemical De-*  
24          *fense, and elsewhere, to demonstrate the effects of chemical*

1 *or biological agents or chemical (such as physostigmine) or*  
2 *biological agent simulants in training programs.*

3 (b) *ELEMENTS.*—*The report required by subsection (a)*  
4 *shall include, at a minimum, the following:*

5 (1) *The number of live primates used in the*  
6 *training described in subsection (a).*

7 (2) *The average lifespan of primates from the*  
8 *point of introduction into such training programs.*

9 (3) *An explanation why the use of primates in*  
10 *such training is more advantageous and realistic*  
11 *than the use of human simulators or other alter-*  
12 *natives.*

13 (4) *An estimate of the cost of converting from the*  
14 *use of primates to human simulators in such train-*  
15 *ing.*

16 *SEC. 8108. (a) FINDINGS.*—*The Senate makes the fol-*  
17 *lowing findings:*

18 (1) *Real time intelligence, surveillance, and re-*  
19 *connaissance (ISR) is critical to our warfighters in*  
20 *fighting the ongoing wars in Iraq and Afghanistan.*

21 (2) *Secretary of Defense Gates and the military*  
22 *leadership of the United States have highlighted the*  
23 *importance of collecting and disseminating critical*  
24 *intelligence and battlefield information to our troops*  
25 *on the ground in Iraq and Afghanistan.*

1           (3) *The Chief of Staff of the Air Force, General*  
2 *Norton Schwartz, has stated that the Air Force is*  
3 *“all-in” for the joint fight.*

4           (4) *One of the most effective and heavily tasked*  
5 *intelligence, surveillance, and reconnaissance assets*  
6 *operating today is the Air Force’s E–8C Joint Sur-*  
7 *veillance Target Attack Radar System, also known as*  
8 *Joint STARS.*

9           (5) *Commanders in the field rely on Joint*  
10 *STARS to give them a long range view of the battle-*  
11 *field and detect moving targets in all weather condi-*  
12 *tions as well as tactical support to Brigade Combat*  
13 *Teams, Joint Tactical Air Controllers and Special*  
14 *Operations Forces convoy overwatch.*

15           (6) *Joint STARS is a joint platform, flown by*  
16 *a mix of active duty Air Force and Air National*  
17 *Guard personnel and operated by a joint Army, Air*  
18 *Force, and Marine crew, supporting missions for all*  
19 *the Armed Forces.*

20           (7) *With a limited number of airframes, Joint*  
21 *STARS has flown over 55,000 combat hours and 900*  
22 *sorties over Iraq and Afghanistan and directly con-*  
23 *tributed to the discovery of hundreds of Improvised*  
24 *Explosive Devices.*

1           (8) *The current engines greatly limit the per-*  
2 *formance of Joint STARS aircraft and are the high-*  
3 *est cause of maintenance problems and mission*  
4 *aborts.*

5           (9) *There is no other current or programmed*  
6 *aircraft or weapon system that can provide the de-*  
7 *tailed, broad-area ground moving target indicator*  
8 *(GMTI) and airborne battle management support for*  
9 *the warfighter that Joint STARS provides.*

10          (10) *With the significant operational savings*  
11 *that new engines will bring to the Joint STARS, re-*  
12 *engining Joint STARS will pay for itself by 2017*  
13 *due to reduced operations, sustainment, and fuel*  
14 *costs.*

15          (11) *In December 2002, a JSTARS re-engining*  
16 *study determined that re-engining provided signifi-*  
17 *cant benefits and cost savings. However, delays in*  
18 *executing the re-engining program continue to result*  
19 *in increased costs for the re-engining effort.*

20          (12) *The budget request for the Department of*  
21 *Defense for fiscal year 2010 included \$205,000,000 in*  
22 *Aircraft Procurement, Air Force, and \$16,000,000 in*  
23 *Research, Development, Test, and Evaluation, Air*  
24 *Force for Joint STARS re-engining.*

1           (13) *On September 22, 2009, the Department of*  
2           *Defense re-affirmed their support for the President’s*  
3           *Budget request for Joint STARS re-engining.*

4           (14) *On September 30, 2009, the Undersecretary*  
5           *of Defense (Acquisition, Technology, and Logistics)*  
6           *signed an Acquisition Decision Memorandum direct-*  
7           *ing that the Air Force proceed with the Joint STARS*  
8           *re-engining effort, to include expenditure of procure-*  
9           *ment and research, development, test, and evaluation*  
10          *funds.*

11          (b) *SENSE OF SENATE.—It is the sense of the Senate*  
12          *that—*

13               (1) *Funds for re-engining of the E-8C Joint*  
14               *Surveillance Target Attack Radar System (Joint*  
15               *STARS) should be appropriated in the correct appro-*  
16               *priations accounts and in the amounts required in*  
17               *fiscal year 2010 to execute the Joint STARS Re-*  
18               *Engining System Design and Development Program;*  
19               *and*

20               (2) *the Air Force should proceed with currently*  
21               *planned efforts to re-engine Joint STARS aircraft, to*  
22               *include expending both procurement and research, de-*  
23               *velopment, test, and evaluation funds.*

24          SEC. 8109. (a) *Notwithstanding any other provision*  
25          *of this Act and except as provided in subsection (b), any*



1 *report required to be submitted by a Federal agency or de-*  
2 *partment to the Committee on Appropriations of either the*  
3 *Senate or the House of Representatives in this Act shall*  
4 *be posted on the public website of that agency upon receipt*  
5 *by the committee.*

6 *(b) Subsection (a) shall not apply to a report if—*

7 *(1) the public posting of the report compromises*  
8 *national security; or*

9 *(2) the report contains proprietary information.*

10 *SEC. 8110. (a) The Secretary of Defense shall conduct*  
11 *a study on defense contracting fraud and submit a report*  
12 *containing the findings of such study to the congressional*  
13 *defense committees.*

14 *(b) The report required under subsection (a) shall in-*  
15 *clude—*

16 *(1) an assessment of the total value of Depart-*  
17 *ment of Defense contracts entered into to with con-*  
18 *tractors that have been indicted for, settled charges of,*  
19 *been fined by any Federal department or agency for,*  
20 *or been convicted of fraud in connection with any*  
21 *contract or other transaction entered into with the*  
22 *Federal Government; and*

23 *(2) recommendations by the Inspector General of*  
24 *the Department of Defense or other appropriate De-*  
25 *partment of Defense official regarding how to penalize*

1 *contractors repeatedly involved in fraud in connection*  
2 *with contracts or other transactions entered into with*  
3 *the Federal Government.*

4 *SEC. 8111. Of the amount appropriated or otherwise*  
5 *made available by title IV under the heading “RESEARCH,*  
6 *DEVELOPMENT, TEST, AND EVALUATION, ARMY”,*  
7 *\$12,000,000 shall be available for the peer-reviewed Gulf*  
8 *War Illness Research Program of the Army run by Congres-*  
9 *sionally Directed Medical Research Programs.*

10 *SEC. 8112. (a) It is the sense of Congress that—*

11 *(1) All of the National Nuclear Security Admin-*  
12 *istration sites, including the Nevada Test Site can*  
13 *play an effective and essential role in developing and*  
14 *demonstrating—*

15 *(A) innovative and effective methods for*  
16 *treaty verification and the detection of nuclear*  
17 *weapons and other materials; and*

18 *(B) related threat reduction technologies;*  
19 *and*

20 *(2) the Administrator for Nuclear Security*  
21 *should expand the mission of the Nevada Test Site to*  
22 *carry out the role described in paragraph (1), includ-*  
23 *ing by—*

24 *(A) fully utilizing the inherent capabilities*  
25 *and uniquely secure location of the Site;*

1           (B) continuing to support the Nation’s nu-  
2 clear weapons program and other national secu-  
3 rity programs; and

4           (C) renaming the Site to reflect the ex-  
5 panded mission of the Site.

6       (b) Not later than one year after the date of the enact-  
7 ment of this Act, the Administrator for Nuclear Security  
8 shall submit to the congressional defense committees a plan  
9 for improving the infrastructure of the Nevada Test Site  
10 of the National Nuclear Security Administration and, if the  
11 Administrator deems appropriate, all other sites under the  
12 jurisdiction of the National Nuclear Security Administra-  
13 tion—

14           (1) to fulfill the expanded mission of the Site de-  
15 scribed in subsection (a); and

16           (2) to make the Site available to support the  
17 threat reduction programs of the entire national secu-  
18 rity community, including threat reduction programs  
19 of the National Nuclear Security Administration, the  
20 Defense Threat Reduction Agency, the Department of  
21 Homeland Security, and other agencies as appro-  
22 priate.

23       SEC. 8113. Of the amounts appropriated or otherwise  
24 made available by title II under the heading “OPERATION  
25 AND MAINTENANCE, DEFENSE-WIDE” and available for the

1 *Office of the Secretary of Defense, up to \$250,000 may be*  
2 *available to the Under Secretary of Defense for Policy for*  
3 *the declassification of the nuclear posture review conducted*  
4 *under section 1041 of the Floyd D. Spence National Defense*  
5 *Authorization Act for Fiscal Year 2001 (as enacted into law*  
6 *by Public Law 106–398; 114 Stat. 1654A–262) upon the*  
7 *release of the nuclear posture review to succeed such nuclear*  
8 *posture review.*

9       *SEC. 8114. Of the amount appropriated or otherwise*  
10 *made available by title II under the heading “OPERATION*  
11 *AND MAINTENANCE, DEFENSE-WIDE”, up to \$15,000,000*  
12 *may be available for the implementation by the Department*  
13 *of Defense of the responsibilities of the Department under*  
14 *the Military and Overseas Voter Empowerment Act and the*  
15 *amendments made by that Act.*

16       *SEC. 8115. None of the funds appropriated or other-*  
17 *wise made available by this Act may be used to dispose*  
18 *of claims filed regarding water contamination at Camp*  
19 *Lejeune, North Carolina, until the Agency for Toxic Sub-*  
20 *stances and Disease Registry (ATSDR) fully completes all*  
21 *current, ongoing epidemiological and water modeling stud-*  
22 *ies pending as of the date of the enactment of this Act.*

23       *SEC. 8116. (a) LIMITATION ON AVAILABILITY OF*  
24 *FUNDS FOR EXECUTION OF CONTRACTS UNDER*  
25 *LOGCAP.—No later than 90 days after enactment of this*

1 *Act none of the funds appropriated or otherwise made avail-*  
2 *able by this Act may be obligated or expended for the execu-*  
3 *tion of a contract under the Logistics Civil Augmentation*  
4 *Program (LOGCAP) unless the Secretary of the Army de-*  
5 *termines that the contract explicitly requires the con-*  
6 *tractor—*

7           (1) *to inspect and immediately correct defi-*  
8 *ciencies that present an imminent threat of death or*  
9 *serious bodily injury so as to ensure compliance with*  
10 *generally accepted electrical standards as determined*  
11 *by the Secretary of Defense in work under the con-*  
12 *tract;*

13           (2) *monitor and immediately correct deficiencies*  
14 *in the quality of any potable or non-potable water*  
15 *provided under the contract to ensure that safe and*  
16 *sanitary water is provided; and*

17           (3) *establish and enforce strict standards for pre-*  
18 *venting, and immediately addressing and cooperating*  
19 *with the prosecution of, any instances of sexual as-*  
20 *sault in all of its operations and the operations of its*  
21 *subcontractors.*

22           (b) *WAIVER.—The Secretary of the Army may waive*  
23 *the applicability of the limitation in subsection (a) to any*  
24 *contract if the Secretary certifies in writing to Congress*  
25 *that—*

1           (1) *the waiver is necessary for the provision of*  
2           *essential services or critical operating facilities for*  
3           *operational missions; or*

4           (2) *the work under such contract does not*  
5           *present an imminent threat of death or serious bodily*  
6           *injury.*

7           *SEC. 8117. None of the funds appropriated or other-*  
8           *wise made available by this Act may be used by the Sec-*  
9           *retary of the Army to transfer by sale, lease, loan, or dona-*  
10          *tion government-owned ammunition production equipment*  
11          *or facilities to a private ammunition manufacturer until*  
12          *60 days after the Secretary submits a certification to the*  
13          *congressional defense committees that the transfer will not*  
14          *increase the cost of ammunition procurement or negatively*  
15          *impact national security, military readiness, government*  
16          *ammunition production or the United States ammunition*  
17          *production industrial base. The certification shall include*  
18          *the Secretary of the Army's assessment of the following:*

19               (1) *A cost-benefit risk analysis for converting*  
20               *government-owned ammunition production equipment*  
21               *or facilities to private ammunition manufacturers,*  
22               *including cost-savings comparisons.*

23               (2) *A projection of the impact on the ammuni-*  
24               *tion production industrial base in the United States*

1       of converting such equipment or facilities to private  
2       ammunition manufacturers.

3               (3) *A projection of the capability to meet current*  
4       *and future ammunition production requirements by*  
5       *both government-owned and private ammunition*  
6       *manufacturers, as well as a combination of the two*  
7       *sources of production assets.*

8               (4) *Potential impact on national security and*  
9       *military readiness.*

10       *SEC. 8118. (a) None of the funds appropriated or oth-*  
11       *erwise made available by this Act may be used for any ex-*  
12       *isting or new Federal contract if the contractor or a subcon-*  
13       *tractor at any tier requires that an employee or inde-*  
14       *pendent contractor, as a condition of employment, sign a*  
15       *contract that mandates that the employee or independent*  
16       *contractor performing work under the contract or sub-*  
17       *contract resolve through arbitration any claim under title*  
18       *VII of the Civil Rights Act of 1964 or any tort related to*  
19       *or arising out of sexual assault or harassment, including*  
20       *assault and battery, intentional infliction of emotional dis-*  
21       *tress, false imprisonment, or negligent hiring, supervision,*  
22       *or retention.*

23               (b) *The prohibition in subsection (a) does not apply*  
24       *with respect to employment contracts that may not be en-*  
25       *forced in a court of the United States.*

1        *SEC. 8119. (a) LIMITATION ON EARLY RETIREMENT*  
2 *OF TACTICAL AIRCRAFT.—The Secretary of the Air Force*  
3 *may not retire any tactical aircraft as announced in the*  
4 *Combat Air Forces structuring plan announced on May 18,*  
5 *2009, until the Secretary submits to the congressional de-*  
6 *fense committees the report described in subsection (b).*

7        *(b) REPORT.—The report described in this subsection*  
8 *is a report that sets forth the following:*

9            *(1) A detailed plan for how the Secretary of the*  
10 *Air Force will fill the force structure and capability*  
11 *gaps resulting from the retirement of tactical aircraft*  
12 *under the structuring plan described in subsection*  
13 *(a).*

14            *(2) A description of the follow-on missions for*  
15 *each base affected by the structuring plan.*

16            *(3) An explanation of the criteria used for select-*  
17 *ing the bases referred to in paragraph (2) and for the*  
18 *selection of tactical aircraft for retirement under the*  
19 *structuring plan.*

20            *(4) A plan for the reassignment of the regular*  
21 *and reserve Air Force personnel affected by the retire-*  
22 *ment of tactical aircraft under the structuring plan.*

23            *(5) An estimate of the cost avoidance to be*  
24 *achieved by the retirement of such tactical aircraft,*  
25 *and a description how such funds would be invested*



1        *under the period covered by the most current future-*  
2        *years defense program.*

3        *SEC. 8120. (a) NATURE OF FULL AND OPEN COMPETI-*  
4        *TION FOR CONGRESSIONALLY DIRECTED SPENDING*  
5        *ITEMS.—Each congressionally directed spending item spec-*  
6        *ified in this Act or the report accompanying this Act that*  
7        *is intended for award to a for-profit entity shall be subject*  
8        *to acquisition regulations for full and open competition on*  
9        *the same basis as each spending item intended for a for-*  
10       *profit entity that is contained in the budget request of the*  
11       *President.*

12       *(b) EXCEPTIONS.—Subsection (a) shall not apply to*  
13       *any contract awarded—*

14                *(1) by a means that is required by Federal stat-*  
15        *ute, including for a purchase made under a mandated*  
16        *preferential program;*

17                *(2) pursuant to the Small Business Act (15*  
18        *U.S.C. 631 et seq.); or*

19                *(3) in an amount less than the simplified acqui-*  
20        *sition threshold described in section 302A(a) of the*  
21        *Federal Property and Administrative Services Act of*  
22        *1949 (41 U.S.C. 252a(a)).*

23        *(c) CONGRESSIONALLY DIRECTED SPENDING ITEM*  
24        *DEFINED.—In this section, the term “congressionally di-*  
25        *rected spending item” means the following:*

1           (1) *A congressionally directed spending item, as*  
2           *defined in Rule XLIV of the Standing Rules of the*  
3           *Senate.*

4           (2) *A congressional earmark for purposes of rule*  
5           *XXI of the House of Representatives.*

6           SEC. 8121. (a) *FUNDING FOR TWO-STAGE GROUND-*  
7           *BASED INTERCEPTOR MISSILE.—Of the amounts appro-*  
8           *priated or otherwise made available by this Act for a long-*  
9           *range missile defense system in Europe, or appropriated or*  
10          *otherwise made available for the Department of Defense for*  
11          *a long-range missile defense system in Europe from the*  
12          *Consolidated Security Disaster Assistance, and Continuing*  
13          *Appropriations Act of 2009 (Public Law 110–329) and*  
14          *available for obligation, no less than \$50,000,000, and up*  
15          *to \$151,000,000 shall be available for research, development,*  
16          *test, and evaluation of the two-stage ground-based inter-*  
17          *ceptor missile.*

18          (b) *PROHIBITION ON DIVERSION OF FUNDS.—Funds*  
19          *appropriated or otherwise made available by this Act for*  
20          *the Missile Defense Agency for the purpose of research, de-*  
21          *velopment, and testing of the two-stage ground based inter-*  
22          *ceptor missile shall be utilized solely for that purpose, and*  
23          *may not be reprogrammed or otherwise utilized for any*  
24          *other purpose.*

1       (c) *REPORT.*—Not later than February 1, 2010, the  
2 Director of the Missile Defense Agency shall submit to the  
3 congressional defense committees a report setting forth the  
4 following:

5           (1) *A comprehensive plan for the continued de-*  
6 *velopment and testing of the two-stage ground-based*  
7 *interceptor missile, including a description how the*  
8 *Missile Defense Agency will leverage the development*  
9 *and testing of such missile to modernize the Ground-*  
10 *based Midcourse Defense component of the ballistic*  
11 *missile defense system.*

12           (2) *Options for deploying an additional Ground-*  
13 *based Midcourse Defense site in Europe or the United*  
14 *States to provide enhanced defense in response to fu-*  
15 *ture long-range missile threats from Iran, and a de-*  
16 *scription of how such a site may be made interoper-*  
17 *able with the planned missile defense architecture for*  
18 *Europe and the United States.*

19       *SEC. 8122. (a) AMOUNT FOR EVALUATIONS OF CER-*  
20 *TAIN LASER SYSTEMS.*—Of the amount appropriated or  
21 otherwise made available by title IV under the heading  
22 “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR  
23 FORCE” and available for Advanced Weapons Technology  
24 (PE# 0603605F), up to \$5,000,000 may be available to

1 *carry out the evaluations and analyses required by sub-*  
2 *section (b).*

3       **(b) EVALUATIONS AND ANALYSES OF CERTAIN LASER**  
4 **SYSTEMS.**—*The Secretary of Defense shall, in a manner*  
5 *consistent with the October 8, 2008, report of the Air Force*  
6 *Scientific Advisory Board entitled “Airborne Tactical*  
7 *Laser (ATL) Feasibility for Gunship Operations”*—

8           (1) *carry out additional enhanced user evalua-*  
9           *tions of the Advanced Tactical Laser system on a va-*  
10          *riety of instrumented targets; and*

11          (2) *enter into an agreement with a federally*  
12          *funded research and development center under which*  
13          *the center shall—*

14               (A) *conduct an analysis of the feasibility of*  
15               *integrating solid state laser systems onto C-130,*  
16               *B-1, and F-35 aircraft platforms to provide*  
17               *close air support; and*

18               (B) *estimate the cost per unit of such laser*  
19               *systems and the cost of operating and maintain-*  
20               *ing each such platform with such laser systems.*

1 *TITLE IX*2 *OVERSEAS CONTINGENCY OPERATIONS*3 *MILITARY PERSONNEL*4 *MILITARY PERSONNEL, ARMY*

5 *For an additional amount for “Military Personnel,*  
6 *Army”, \$9,597,340,000.*

7 *MILITARY PERSONNEL, NAVY*

8 *For an additional amount for “Military Personnel,*  
9 *Navy”, \$1,175,601,000.*

10 *MILITARY PERSONNEL, MARINE CORPS*

11 *For an additional amount for “Military Personnel,*  
12 *Marine Corps”, \$670,722,000.*

13 *MILITARY PERSONNEL, AIR FORCE*

14 *For an additional amount for “Military Personnel,*  
15 *Air Force”, \$1,445,376,000.*

16 *RESERVE PERSONNEL, ARMY*

17 *For an additional amount for “Reserve Personnel,*  
18 *Army”, \$293,637,000.*

19 *RESERVE PERSONNEL, NAVY*

20 *For an additional amount for “Reserve Personnel,*  
21 *Navy”, \$37,040,000.*

22 *RESERVE PERSONNEL, MARINE CORPS*

23 *For an additional amount for “Reserve Personnel, Ma-*  
24 *rine Corps”, \$31,337,000.*

1                    *RESERVE PERSONNEL, AIR FORCE*

2            *For an additional amount for “Reserve Personnel, Air*  
3 *Force”, \$19,822,000.*

4                    *NATIONAL GUARD PERSONNEL, ARMY*

5            *For an additional amount for “National Guard Per-*  
6 *sonnel, Army”, \$824,966,000.*

7                    *NATIONAL GUARD PERSONNEL, AIR FORCE*

8            *For an additional amount for “National Guard Per-*  
9 *sonnel, Air Force”, \$9,500,000.*

10                   *OPERATION AND MAINTENANCE*11                    *OPERATION AND MAINTENANCE, ARMY*

12            *For an additional amount for “Operation and Mainte-*  
13 *nance, Army”, \$51,928,167,000.*

14                    *OPERATION AND MAINTENANCE, NAVY*

15            *For an additional amount for “Operation and Mainte-*  
16 *nance, Navy”, \$5,899,597,000.*

17                    *OPERATION AND MAINTENANCE, MARINE CORPS*

18            *For an additional amount for “Operation and Mainte-*  
19 *nance, Marine Corps”, \$3,775,270,000.*

20                    *OPERATION AND MAINTENANCE, AIR FORCE*

21            *For an additional amount for “Operation and Mainte-*  
22 *nance, Air Force”, \$9,929,868,000.*

23                    *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

24            *For an additional amount for “Operation and Mainte-*  
25 *nance, Defense-Wide”, \$7,550,900,000, of which:*

1           (1) *Not to exceed \$12,500,000 for the Combatant*  
2           *Commander Initiative Fund, to be used in support of*  
3           *Operation Iraqi Freedom and Operation Enduring*  
4           *Freedom; and*

5           (2) *Not to exceed \$1,600,000,000, to remain*  
6           *available until expended, for payments to reimburse*  
7           *key cooperating nations for logistical, military, and*  
8           *other support, including access provided to United*  
9           *States military operations in support of Operation*  
10          *Iraqi Freedom and Operation Enduring Freedom,*  
11          *notwithstanding any other provision of law: Provided,*  
12          *That such reimbursement payments may be made in*  
13          *such amounts as the Secretary of Defense, with the*  
14          *concurrence of the Secretary of State, and in con-*  
15          *sultation with the Director of the Office of Manage-*  
16          *ment and Budget, may determine, in his discretion,*  
17          *based on documentation determined by the Secretary*  
18          *of Defense to adequately account for the support pro-*  
19          *vided, and such determination is final and conclusive*  
20          *upon the accounting officers of the United States, and*  
21          *15 days following notification to the appropriate con-*  
22          *gressional committees: Provided further, That these*  
23          *funds may be used for the purpose of providing spe-*  
24          *cialized training and procuring supplies and special-*  
25          *ized equipment and providing such supplies and*

1        *loaning such equipment on a non-reimbursable basis*  
2        *to coalition forces supporting United States military*  
3        *operations in Iraq and Afghanistan, and 15 days fol-*  
4        *lowing notification to the appropriate congressional*  
5        *committees: Provided further, That the Secretary of*  
6        *Defense shall provide quarterly reports to the congres-*  
7        *sional defense committees on the use of funds provided*  
8        *in this paragraph.*

9        *OPERATION AND MAINTENANCE, ARMY RESERVE*

10       *For an additional amount for “Operation and Mainte-*  
11 *nance, Army Reserve”, \$234,898,000.*

12       *OPERATION AND MAINTENANCE, NAVY RESERVE*

13       *For an additional amount for “Operation and Mainte-*  
14 *nance, Navy Reserve”, \$68,059,000.*

15       *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

16       *For an additional amount for “Operation and Mainte-*  
17 *nance, Marine Corps Reserve”, \$86,667,000.*

18       *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

19       *For an additional amount for “Operation and Mainte-*  
20 *nance, Air Force Reserve”, \$125,925,000.*

21       *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

22       *For an additional amount for “Operation and Mainte-*  
23 *nance, Army National Guard”, \$450,246,000.*



1     *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

2             *For an additional amount for “Operation and Mainte-*  
3 *nance, Air National Guard”, \$289,862,000.*

4             *AFGHANISTAN SECURITY FORCES FUND*

5             *For the “Afghanistan Security Forces Fund”,*  
6 *\$6,562,769,000, to remain available until September 30,*  
7 *2011: Provided, That such funds shall be available to the*  
8 *Secretary of Defense, notwithstanding any other provision*  
9 *of law, for the purpose of allowing the Commander, Com-*  
10 *bined Security Transition Command—Afghanistan, or the*  
11 *Secretary’s designee, to provide assistance, with the concur-*  
12 *rence of the Secretary of State, to the security forces of Af-*  
13 *ghanistan, including the provision of equipment, supplies,*  
14 *services, training, facility and infrastructure repair, ren-*  
15 *ovation, and construction, and funding: Provided further,*  
16 *That the authority to provide assistance under this heading*  
17 *is in addition to any other authority to provide assistance*  
18 *to foreign nations: Provided further, That contributions of*  
19 *funds for the purposes provided herein from any person,*  
20 *foreign government, or international organization may be*  
21 *credited to this Fund and used for such purposes: Provided*  
22 *further, That the Secretary of Defense shall notify the con-*  
23 *gressional defense committees in writing upon the receipt*  
24 *and upon the obligation of any contribution, delineating*  
25 *the sources and amounts of the funds received and the spe-*

1 *cific use of such contributions: Provided further, That the*  
2 *Secretary of Defense shall, not fewer than 15 days prior*  
3 *to obligating from this appropriation account, notify the*  
4 *congressional defense committees in writing of the details*  
5 *of any such obligation.*

6 *PROCUREMENT*

7 *AIRCRAFT PROCUREMENT, ARMY*

8 *For an additional amount for “Aircraft Procurement,*  
9 *Army”, \$1,119,319,000, to remain available until Sep-*  
10 *tember 30, 2012.*

11 *MISSILE PROCUREMENT, ARMY*

12 *For an additional amount for “Missile Procurement,*  
13 *Army”, \$475,954,000, to remain available until September*  
14 *30, 2012.*

15 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*

16 *VEHICLES, ARMY*

17 *For an additional amount for “Procurement of Weap-*  
18 *ons and Tracked Combat Vehicles, Army”, \$875,866,000, to*  
19 *remain available until September 30, 2012.*

20 *PROCUREMENT OF AMMUNITION, ARMY*

21 *For an additional amount for “Procurement of Am-*  
22 *munity, Army”, \$365,635,000, to remain available until*  
23 *September 30, 2012.*

1                    *OTHER PROCUREMENT, ARMY*

2            *For an additional amount for “Other Procurement,*  
3 *Army”, \$4,874,176,000, to remain available until Sep-*  
4 *tember 30, 2012.*

5                    *AIRCRAFT PROCUREMENT, NAVY*

6            *For an additional amount for “Aircraft Procurement,*  
7 *Navy”, \$1,342,577,000, to remain available until Sep-*  
8 *tember 30, 2012.*

9                    *WEAPONS PROCUREMENT, NAVY*

10          *For an additional amount for “Weapons Procurement,*  
11 *Navy”, \$50,700,000, to remain available until September*  
12 *30, 2012.*

13          *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*

14                                    *CORPS*

15          *For an additional amount for “Procurement of Am-*  
16 *munition, Navy and Marine Corps”, \$681,957,000, to re-*  
17 *main available until September 30, 2012.*

18                    *OTHER PROCUREMENT, NAVY*

19          *For an additional amount for “Other Procurement,*  
20 *Navy”, \$260,118,000, to remain available until September*  
21 *30, 2012.*

22                    *PROCUREMENT, MARINE CORPS*

23          *For an additional amount for “Procurement, Marine*  
24 *Corps”, \$868,197,000, to remain available until September*  
25 *30, 2012.*

1            *AIRCRAFT PROCUREMENT, AIR FORCE*

2            *For an additional amount for “Aircraft Procurement,*  
3 *Air Force”, \$736,501,000, to remain available until Sep-*  
4 *tember 30, 2012.*

5            *MISSILE PROCUREMENT, AIR FORCE*

6            *For an additional amount for “Missile Procurement,*  
7 *Air Force”, \$36,625,000, to remain available until Sep-*  
8 *tember 30, 2012.*

9            *PROCUREMENT OF AMMUNITION, AIR FORCE*

10          *For an additional amount for “Procurement of Am-*  
11 *munition, Air Force”, \$256,819,000, to remain available*  
12 *until September 30, 2012.*

13          *OTHER PROCUREMENT, AIR FORCE*

14          *For an additional amount for “Other Procurement,*  
15 *Air Force”, \$3,138,021,000, to remain available until Sep-*  
16 *tember 30, 2012.*

17          *PROCUREMENT, DEFENSE-WIDE*

18          *For an additional amount for “Procurement, Defense-*  
19 *Wide”, \$480,780,000, to remain available until September*  
20 *30, 2012.*

21          *MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND*

22                            *(INCLUDING TRANSFER OF FUNDS)*

23          *For the Mine Resistant Ambush Protected Vehicle*  
24 *Fund, \$6,656,000,000, to remain available until September*  
25 *30, 2011: Provided, That such funds shall be available to*

1 *the Secretary of Defense, notwithstanding any other provi-*  
2 *sion of law, to procure, sustain, transport, and field Mine*  
3 *Resistant Ambush Protected vehicles: Provided further, That*  
4 *the Secretary shall transfer such funds only to appropria-*  
5 *tions for operation and maintenance; procurement; re-*  
6 *search, development, test and evaluation; and defense work-*  
7 *ing capital funds to accomplish the purpose provided here-*  
8 *in: Provided further, That this transfer authority is in ad-*  
9 *dition to any other transfer authority available to the De-*  
10 *partment of Defense: Provided further, That the Secretary*  
11 *shall, not fewer than 10 days prior to making transfers*  
12 *from this appropriation, notify the congressional defense*  
13 *committees in writing of the details of any such transfer.*

14           *RESEARCH, DEVELOPMENT, TEST AND*  
15   *EVALUATION*

16 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

17       *For an additional amount for “Research, Develop-*  
18 *ment, Test and Evaluation, Army”, \$57,962,000, to remain*  
19 *available until September 30, 2011.*

20 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

21       *For an additional amount for “Research, Develop-*  
22 *ment, Test and Evaluation, Navy”, \$84,180,000, to remain*  
23 *available until September 30, 2011.*

1 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*  
2 *FORCE*

3 *For an additional amount for “Research, Develop-*  
4 *ment, Test and Evaluation, Air Force”, \$39,286,000, to re-*  
5 *main available until September 30, 2011.*

6 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*  
7 *DEFENSE-WIDE*

8 *For an additional amount for “Research, Develop-*  
9 *ment, Test and Evaluation, Defense-Wide”, \$112,196,000,*  
10 *to remain available until September 30, 2011.*

11 *REVOLVING AND MANAGEMENT FUNDS*

12 *DEFENSE WORKING CAPITAL FUNDS*

13 *For an additional amount for “Defense Working Cap-*  
14 *ital Funds”, \$412,215,000.*

15 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

16 *DEFENSE HEALTH PROGRAM*

17 *For an additional amount for “Defense Health Pro-*  
18 *gram”, \$1,563,675,000, which shall be for operation and*  
19 *maintenance.*

20 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES*

21 *For an additional amount for “Drug Interdiction and*  
22 *Counter-Drug Activities”, \$353,603,000, to remain avail-*  
23 *able until September 30, 2011.*

1     *JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND*  
2                     *(INCLUDING TRANSFER OF FUNDS)*

3             *For the “Joint Improvised Explosive Device Defeat*  
4 *Fund”, \$2,033,560,000, to remain available until Sep-*  
5 *tember 30, 2012: Provided, That such funds shall be avail-*  
6 *able to the Secretary of Defense, notwithstanding any other*  
7 *provision of law, for the purpose of allowing the Director*  
8 *of the Joint Improvised Explosive Device Defeat Organiza-*  
9 *tion to investigate, develop and provide equipment, sup-*  
10 *plies, services, training, facilities, personnel and funds to*  
11 *assist United States forces in the defeat of improvised explo-*  
12 *sive devices: Provided further, That within 60 days of the*  
13 *enactment of this Act, a plan for the intended management*  
14 *and use of the amounts provided under this heading shall*  
15 *be submitted to the congressional defense committees: Pro-*  
16 *vided further, That the Secretary of Defense shall submit*  
17 *a report not later than 60 days after the end of each fiscal*  
18 *quarter to the congressional defense committees providing*  
19 *assessments of the evolving threats, individual service re-*  
20 *quirements to counter the threats, the current strategy for*  
21 *predeployment training of members of the Armed Forces on*  
22 *improvised explosive devices, and details on the execution*  
23 *of this Fund: Provided further, That the Secretary of De-*  
24 *fense may transfer funds provided herein to appropriations*  
25 *for operation and maintenance; procurement; research, de-*

1 *velopment, test and evaluation; and defense working capital*  
2 *funds to accomplish the purpose provided herein: Provided*  
3 *further, That amounts transferred shall be merged with and*  
4 *available for the same purposes and time period as the ap-*  
5 *propriations to which transferred: Provided further, That*  
6 *this transfer authority is in addition to any other transfer*  
7 *authority available to the Department of Defense: Provided*  
8 *further, That the Secretary of Defense shall, not fewer than*  
9 *15 days prior to making transfers from this appropriation,*  
10 *notify the congressional defense committees in writing of*  
11 *the details of any such transfer.*

12 *OFFICE OF THE INSPECTOR GENERAL*

13 *For an additional amount for the “Office of the Inspec-*  
14 *tor General”, \$8,876,000.*

15 *GENERAL PROVISIONS—THIS TITLE*

16 *SEC. 9001. Notwithstanding any other provision of*  
17 *law, funds made available in this title are in addition to*  
18 *amounts appropriated or otherwise made available for the*  
19 *Department of Defense for fiscal year 2010.*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *SEC. 9002. Upon the determination of the Secretary*  
22 *of Defense that such action is necessary in the national in-*  
23 *terest, the Secretary may, with the approval of the Office*  
24 *of Management and Budget, transfer up to \$4,000,000,000*  
25 *between the appropriations or funds made available to the*



1 *Department of Defense in this title: Provided, That the Sec-*  
2 *retary shall notify the Congress promptly of each transfer*  
3 *made pursuant to the authority in this section: Provided*  
4 *further, That the authority provided in this section is in*  
5 *addition to any other transfer authority available to the*  
6 *Department of Defense and is subject to the same terms and*  
7 *conditions as the authority provided in the Department of*  
8 *Defense Appropriations Act, 2010: Provided further, That*  
9 *the amount in this section is designated as being for over-*  
10 *seas deployments and other activities pursuant to sections*  
11 *401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Con-*  
12 *gress), the concurrent resolution on the budget for fiscal year*  
13 *2010.*

14       *SEC. 9003. Supervision and administration costs asso-*  
15 *ciated with a construction project funded with appropria-*  
16 *tions available for operation and maintenance or the “Af-*  
17 *ghanistan Security Forces Fund” provided in this Act and*  
18 *executed in direct support of overseas contingency oper-*  
19 *ations in Afghanistan, may be obligated at the time a con-*  
20 *struction contract is awarded: Provided, That for the pur-*  
21 *pose of this section, supervision and administration costs*  
22 *include all in-house Government costs.*

23       *SEC. 9004. From funds made available in this title,*  
24 *the Secretary of Defense may purchase for use by military*  
25 *and civilian employees of the Department of Defense in Iraq*

1 *and Afghanistan: (a) passenger motor vehicles up to a limit*  
2 *of \$75,000 per vehicle and (b) heavy and light armored ve-*  
3 *hicles for the physical security of personnel or for force pro-*  
4 *tection purposes up to a limit of \$250,000 per vehicle, not-*  
5 *withstanding price or other limitations applicable to the*  
6 *purchase of passenger carrying vehicles.*

7       *SEC. 9005. Not to exceed \$1,200,000,000 of the amount*  
8 *appropriated in this title under the heading “Operation*  
9 *and Maintenance, Army” may be used, notwithstanding*  
10 *any other provision of law, to fund the Commander’s Emer-*  
11 *gency Response Program, for the purpose of enabling mili-*  
12 *tary commanders in Iraq and Afghanistan to respond to*  
13 *urgent humanitarian relief and reconstruction require-*  
14 *ments within their areas of responsibility: Provided, That*  
15 *not later than 15 days after the end of each fiscal year quar-*  
16 *ter, the Secretary of Defense shall submit to the congres-*  
17 *sional defense committees a report regarding the source of*  
18 *funds and the allocation and use of funds during that quar-*  
19 *ter that were made available pursuant to the authority pro-*  
20 *vided in this section or under any other provision of law*  
21 *for the purposes described herein.*

22       *SEC. 9006. Funds available to the Department of De-*  
23 *fense for operation and maintenance may be used, notwith-*  
24 *standing any other provision of law, to provide supplies,*  
25 *services, transportation, including airlift and sealift, and*

1 *other logistical support to coalition forces supporting mili-*  
2 *tary and stability operations in Iraq and Afghanistan: Pro-*  
3 *vided, That the Secretary of Defense shall provide quarterly*  
4 *reports to the congressional defense committees regarding*  
5 *support provided under this section.*

6 *SEC. 9007. Each amount in this title is designated as*  
7 *being for overseas deployments and other activities pursu-*  
8 *ant to section 401(c)(4) and 423(a)(1) of S. Con. Res. 13*  
9 *(111th Congress), the concurrent resolution on the budget*  
10 *for fiscal year 2010.*

11 *SEC. 9008. None of the funds appropriated or other-*  
12 *wise made available by this or any other Act shall be obli-*  
13 *gated or expended by the United States Government for a*  
14 *purpose as follows:*

15 *(1) To establish any military installation or base*  
16 *for the purpose of providing for the permanent sta-*  
17 *tioning of United States Armed Forces in Iraq.*

18 *(2) To exercise United States control over any*  
19 *oil resource of Iraq.*

20 *(3) To establish any military installation or base*  
21 *for the purpose of providing for the permanent sta-*  
22 *tioning of United States Armed Forces in Afghani-*  
23 *stan.*

24 *SEC. 9009. (a) The Director of the Office of Manage-*  
25 *ment and Budget, in consultation with the Secretary of De-*

1 *fense; the Commander of the United States Central Com-*  
2 *mand; the Commander, Multi-National Security Transition*  
3 *Command—Iraq; and the Commander, Combined Security*  
4 *Transition Command—Afghanistan, shall submit to the*  
5 *congressional defense committees not later than 45 days*  
6 *after the end of each fiscal quarter a report on the proposed*  
7 *use of all funds appropriated by this or any prior Act under*  
8 *each of the headings “Iraq Security Forces Fund”, “Afghan-*  
9 *istan Security Forces Fund”, and “Pakistan Counterinsur-*  
10 *gency Fund” on a project-by-project basis, for which the*  
11 *obligation of funds is anticipated during the 3-month pe-*  
12 *riod from such date, including estimates by the commanders*  
13 *referred to in this section of the costs required to complete*  
14 *each such project.*

15       *(b) The report required by this subsection shall include*  
16 *the following:*

17               *(1) The use of all funds on a project-by-project*  
18               *basis for which funds appropriated under the head-*  
19               *ings referred to in subsection (a) were obligated prior*  
20               *to the submission of the report, including estimates by*  
21               *the commanders referred to in subsection (a) of the*  
22               *costs to complete each project.*

23               *(2) The use of all funds on a project-by-project*  
24               *basis for which funds were appropriated under the*  
25               *headings referred to in subsection (a) in prior appro-*

1        *priations Acts, or for which funds were made avail-*  
2        *able by transfer, reprogramming, or allocation from*  
3        *other headings in prior appropriations Acts, includ-*  
4        *ing estimates by the commanders referred to in sub-*  
5        *section (a) of the costs to complete each project.*

6            *(3) An estimated total cost to train and equip*  
7        *the Iraq, Afghanistan, and Pakistan security forces,*  
8        *disaggregated by major program and sub-elements by*  
9        *force, arrayed by fiscal year.*

10        *(c) The Secretary of Defense shall notify the congres-*  
11        *sional defense committees of any proposed new projects or*  
12        *transfers of funds between sub-activity groups in excess of*  
13        *\$20,000,000 using funds appropriated by this or any prior*  
14        *Act under the headings “Iraq Security Forces Fund”, “Af-*  
15        *ghanistan Security Forces Fund”, and “Pakistan Counter-*  
16        *insurgency Fund”.*

17        *SEC. 9010. (a) None of the funds appropriated or oth-*  
18        *erwise made available by this Act or any prior Act may*  
19        *be used to transfer, release, or incarcerate any individual*  
20        *who was detained as of October 1, 2009, at Naval Station,*  
21        *Guantanamo Bay, Cuba, to or within the United States*  
22        *or its territories.*

23        *(b) In this section, the term “United States” means*  
24        *the several States and the District of Columbia.*

1        *SEC. 9011. In addition to amounts made available*  
2 *elsewhere in this title there is hereby appropriated*  
3 *\$329,000,000 for the purchase of fuel to the following ac-*  
4 *counts in the specified amounts:*

5            *“Operation and Maintenance, Army”,*  
6            *\$83,552,000;*

7            *“Operation and Maintenance, Navy”,*  
8            *\$33,889,000;*

9            *“Operation and Maintenance, Marine Corps”,*  
10           *\$1,619,000;*

11           *“Operation and Maintenance, Air Force”,*  
12           *\$179,191,000;*

13           *“Operation and Maintenance, Army Reserve”,*  
14           *\$8,567,000;*

15           *“Operation and Maintenance, Navy Reserve”,*  
16           *\$3,007,000;*

17           *“Operation and Maintenance, Marine Corps Re-*  
18 *serve”, \$39,000; and*

19           *“Operation and Maintenance, Army National*  
20 *Guard”, \$19,136,000.*

21        *SEC. 9012. None of the funds made available under*  
22 *this Act may be distributed to the Association of Commu-*  
23 *nity Organizations for Reform Now (ACORN) or its sub-*  
24 *sidiaries.*

1        *SEC. 9013. The Secretary of Defense may, in consulta-*  
2 *tion with the Secretary of State and the Administrator of*  
3 *the United States Agency for International Development,*  
4 *continue to support requirements for monthly integrated ci-*  
5 *vilian-military training for civilians deploying to Afghani-*  
6 *stan at Camp Atterbury, Indiana, including through the*  
7 *allocation of military and civilian personnel, trainers, and*  
8 *other resources for that purpose.*

9        *SEC. 9014. (a) HEARINGS ON STRATEGY AND RE-*  
10 *SOURCES WITH RESPECT TO AFGHANISTAN AND PAKI-*  
11 *STAN.—Appropriate committees of Congress shall hold hear-*  
12 *ings, in open and closed session, relating to the strategy*  
13 *and resources of the United States with respect to Afghani-*  
14 *stan and Pakistan promptly after the decision by the Presi-*  
15 *dent on those matters is announced.*

16        *(b) TESTIMONY.—The hearings described in subsection*  
17 *(a) should include testimony from senior civilian and mili-*  
18 *tary officials of the United States, including, but not lim-*  
19 *ited to, the following:*

20            *(1) The Secretary of Defense.*

21            *(2) The Secretary of State*

22            *(3) The Chairman of the Joint Chiefs of Staff.*

23            *(4) The Commander of the United States Central*  
24 *Command.*

1           (5) *The Commander of the United States Euro-*  
2           *pean Command and Supreme Allied Commander,*  
3           *Europe.*

4           (6) *The Commander of United States Forces—Af-*  
5           *ghanistan.*

6           (7) *The United States Ambassador to Afghani-*  
7           *stan.*

8           (8) *The United States Ambassador to Pakistan.*

9           SEC. 9015. (a) *FUNDING FOR OUTREACH AND RE-*  
10          *INTEGRATION SERVICES UNDER YELLOW RIBBON RE-*  
11          *INTEGRATION PROGRAM.—Of the amounts appropriated or*  
12          *otherwise made available by title IX. \$20,000,000 shall be*  
13          *available for outreach and reintegration services under the*  
14          *Yellow Ribbon Reintegration Program under section 582(h)*  
15          *of the National Defense Authorization Act for Fiscal Year*  
16          *2008 (Public Law 110–181; 122 Stat. 125; 10 U.S.C. 10101*  
17          *note).*

18          (b) *SUPPLEMENT NOT SUPPLANT.—The amount made*  
19          *available by subsection (a) for the services described in that*  
20          *subsection is in addition to any other amounts available*  
21          *in this Act for such services.*



- 1 *This Act may be cited as the “Department of Defense*
- 2 *Appropriations Act, 2010”.*

Attest:

*Secretary.*

11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H.R. 3326**

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**AMENDMENT**