

111TH CONGRESS
1ST SESSION

H. R. 3326

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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 sta-
11 tion travel (including all expenses thereof for organiza-
12 tional movements), and expenses of temporary duty travel
13 between permanent duty stations, for members of the
14 Army on active duty (except members of reserve compo-
15 nents provided for elsewhere), cadets, and aviation cadets;
16 for members of the Reserve Officers' Training Corps; and
17 for payments pursuant to section 156 of Public Law 97-
18 377, as amended (42 U.S.C. 402 note), and to the Depart-
19 ment of Defense Military Retirement Fund,
20 \$39,901,547,000.

21 MILITARY PERSONNEL, NAVY

22 For pay, allowances, individual clothing, subsistence,
23 interest on deposits, gratuities, permanent change of sta-
24 tion travel (including all expenses thereof for organiza-
25 tional movements), and expenses of temporary duty travel

1 between permanent duty stations, for members of the
2 Navy on active duty (except members of the Reserve pro-
3 vided for elsewhere), midshipmen, and aviation cadets; for
4 members of the Reserve Officers' Training Corps; and for
5 payments pursuant to section 156 of Public Law 97-377,
6 as amended (42 U.S.C. 402 note), and to the Department
7 of Defense Military Retirement Fund, \$25,095,581,000.

8 MILITARY PERSONNEL, MARINE CORPS

9 For pay, allowances, individual clothing, subsistence,
10 interest on deposits, gratuities, permanent change of sta-
11 tion travel (including all expenses thereof for organiza-
12 tional movements), and expenses of temporary duty travel
13 between permanent duty stations, for members of the Ma-
14 rine Corps on active duty (except members of the Reserve
15 provided for elsewhere); and for payments pursuant to sec-
16 tion 156 of Public Law 97-377, as amended (42 U.S.C.
17 402 note), and to the Department of Defense Military Re-
18 tirement Fund, \$12,528,845,000.

19 MILITARY PERSONNEL, AIR FORCE

20 For pay, allowances, individual clothing, subsistence,
21 interest on deposits, gratuities, permanent change of sta-
22 tion travel (including all expenses thereof for organiza-
23 tional movements), and expenses of temporary duty travel
24 between permanent duty stations, for members of the Air
25 Force on active duty (except members of reserve compo-

1 nents provided for elsewhere), cadets, and aviation cadets;
2 for members of the Reserve Officers' Training Corps; and
3 for payments pursuant to section 156 of Public Law 97–
4 377, as amended (42 U.S.C. 402 note), and to the Depart-
5 ment of Defense Military Retirement Fund,
6 \$25,938,850,000.

7 RESERVE PERSONNEL, ARMY

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Army Re-
10 serve on active duty under sections 10211, 10302, and
11 3038 of title 10, United States Code, or while serving on
12 active duty under section 12301(d) of title 10, United
13 States Code, in connection with performing duty specified
14 in section 12310(a) of title 10, United States Code, or
15 while undergoing reserve training, or while performing
16 drills or equivalent duty or other duty, and expenses au-
17 thorized by section 16131 of title 10, United States Code;
18 and for payments to the Department of Defense Military
19 Retirement Fund, \$4,308,513,000.

20 RESERVE PERSONNEL, NAVY

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

1 nection with performing duty specified in section 12310(a)
2 of title 10, United States Code, or while undergoing re-
3 serve training, or while performing drills or equivalent
4 duty, and expenses authorized by section 16131 of title
5 10, United States Code; and for payments to the Depart-
6 ment of Defense Military Retirement Fund,
7 \$1,918,111,000.

8 RESERVE PERSONNEL, MARINE CORPS

9 For pay, allowances, clothing, subsistence, gratuities,
10 travel, and related expenses for personnel of the Marine
11 Corps Reserve on active duty under section 10211 of title
12 10, United States Code, or while serving on active duty
13 under section 12301(d) of title 10, United States Code,
14 in connection with performing duty specified in section
15 12310(a) of title 10, United States Code, or while under-
16 going reserve training, or while performing drills or equiv-
17 alent duty, and for members of the Marine Corps platoon
18 leaders class, and expenses authorized by section 16131
19 of title 10, United States Code; and for payments to the
20 Department of Defense Military Retirement Fund,
21 \$610,580,000.

22 RESERVE PERSONNEL, AIR FORCE

23 For pay, allowances, clothing, subsistence, gratuities,
24 travel, and related expenses for personnel of the Air Force
25 Reserve on active duty under sections 10211, 10305, and

1 8038 of title 10, United States Code, or while serving on
2 active duty under section 12301(d) of title 10, United
3 States Code, in connection with performing duty specified
4 in section 12310(a) of title 10, United States Code, or
5 while undergoing reserve training, or while performing
6 drills or equivalent duty or other duty, and expenses au-
7 thorized by section 16131 of title 10, United States Code;
8 and for payments to the Department of Defense Military
9 Retirement Fund, \$1,600,462,000.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For pay, allowances, clothing, subsistence, gratuities,
12 travel, and related expenses for personnel of the Army Na-
13 tional Guard while on duty under section 10211, 10302,
14 or 12402 of title 10 or section 708 of title 32, United
15 States Code, or while serving on duty under section
16 12301(d) of title 10 or section 502(f) of title 32, United
17 States Code, in connection with performing duty specified
18 in section 12310(a) of title 10, United States Code, or
19 while undergoing training, or while performing drills or
20 equivalent duty or other duty, and expenses authorized by
21 section 16131 of title 10, United States Code; and for pay-
22 ments to the Department of Defense Military Retirement
23 Fund, \$7,525,628,000.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Air Na-
4 tional Guard on duty under section 10211, 10305, or
5 12402 of title 10 or section 708 of title 32, United States
6 Code, or while serving on duty under section 12301(d) of
7 title 10 or section 502(f) of title 32, United States Code,
8 in connection with performing duty specified in section
9 12310(a) of title 10, United States Code, or while under-
10 going training, or while performing drills or equivalent
11 duty or other duty, and expenses authorized by section
12 16131 of title 10, United States Code; and for payments
13 to the Department of Defense Military Retirement Fund,
14 \$2,949,899,000.

15 TITLE II

16 OPERATION AND MAINTENANCE

17 OPERATION AND MAINTENANCE, ARMY

18 For expenses, not otherwise provided for, necessary
19 for the operation and maintenance of the Army, as author-
20 ized by law; and not to exceed \$12,478,000 can be used
21 for emergencies and extraordinary expenses, to be ex-
22 pended on the approval or authority of the Secretary of
23 the Army, and payments may be made on his certificate
24 of necessity for confidential military purposes,
25 \$30,454,152,000.

1 OPERATION AND MAINTENANCE, NAVY

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Navy and the
4 Marine Corps, as authorized by law; and not to exceed
5 \$14,657,000 can be used for emergencies and extraor-
6 dinary expenses, to be expended on the approval or author-
7 ity of the Secretary of the Navy, and payments may be
8 made on his certificate of necessity for confidential mili-
9 tary purposes, \$34,885,932,000 (increased by
10 \$1,000,000) (reduced by \$1,000,000): *Provided*, That
11 \$60,199,000 shall be made available for the Joint POW/
12 MIA Accounting Command.

13 OPERATION AND MAINTENANCE, MARINE CORPS

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance of the Marine Corps,
16 as authorized by law, \$5,557,510,000.

17 OPERATION AND MAINTENANCE, AIR FORCE

18 For expenses, not otherwise provided for, necessary
19 for the operation and maintenance of the Air Force, as
20 authorized by law; and not to exceed \$7,699,000 can be
21 used for emergencies and extraordinary expenses, to be ex-
22 pended on the approval or authority of the Secretary of
23 the Air Force, and payments may be made on his certifi-
24 cate of necessity for confidential military purposes,
25 \$33,785,349,000.

1 OPERATION AND MAINTENANCE, DEFENSE-WIDE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of activities and agen-
4 cies of the Department of Defense (other than the military
5 departments), as authorized by law, \$27,929,377,000:
6 *Provided*, That not more than \$50,000,000 may be used
7 for the Combatant Commander Initiative Fund authorized
8 under section 166a of title 10, United States Code: *Pro-*
9 *vided further*, That of the funds provided under this head-
10 ing, not less than \$29,732,000 shall be made available for
11 the Procurement Technical Assistance Cooperative Agree-
12 ment Program, of which not less than \$3,600,000 shall
13 be available for centers defined in 10 U.S.C. 2411(1)(D):
14 *Provided further*, That none of the funds appropriated or
15 otherwise made available by this Act may be used to plan
16 or implement the consolidation of a budget or appropria-
17 tions liaison office of the Office of the Secretary of De-
18 fense, the office of the Secretary of a military department,
19 or the service headquarters of one of the Armed Forces
20 into a legislative affairs or legislative liaison office.

21 OPERATION AND MAINTENANCE, ARMY RESERVE

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance, including training, or-
24 ganization, and administration, of the Army Reserve; re-
25 pair of facilities and equipment; hire of passenger motor

1 vehicles; travel and transportation; care of the dead; re-
2 cruiting; procurement of services, supplies, and equip-
3 ment; and communications, \$2,621,196,000.

4 OPERATION AND MAINTENANCE, NAVY RESERVE

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance, including training, or-
7 ganization, and administration, of the Navy Reserve; re-
8 pair of facilities and equipment; hire of passenger motor
9 vehicles; travel and transportation; care of the dead; re-
10 cruiting; procurement of services, supplies, and equip-
11 ment; and communications, \$1,280,001,000.

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 RESERVE

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance, including training, or-
16 ganization, and administration, of the Marine Corps Re-
17 serve; repair of facilities and equipment; hire of passenger
18 motor vehicles; travel and transportation; care of the dead;
19 recruiting; procurement of services, supplies, and equip-
20 ment; and communications, \$228,925,000.

21 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance, including training, or-
24 ganization, and administration, of the Air Force Reserve;
25 repair of facilities and equipment; hire of passenger motor

1 vehicles; travel and transportation; care of the dead; re-
2 cruiting; procurement of services, supplies, and equip-
3 ment; and communications, \$3,079,228,000.

4 OPERATION AND MAINTENANCE, ARMY NATIONAL
5 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
9 hospitals; maintenance, operation, and repairs to struc-
10 tures and facilities; hire of passenger motor vehicles; per-
11 sonnel services in the National Guard Bureau; travel ex-
12 penses (other than mileage), as authorized by law for
13 Army personnel on active duty, for Army National Guard
14 division, regimental, and battalion commanders while in-
15 specting units in compliance with National Guard Bureau
16 regulations when specifically authorized by the Chief, Na-
17 tional Guard Bureau; supplying and equipping the Army
18 National Guard as authorized by law; and expenses of re-
19 pair, modification, maintenance, and issue of supplies and
20 equipment (including aircraft), \$6,353,627,000.

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
25 hospitals; maintenance, operation, and repairs to struc-

1 tures and facilities; transportation of things, hire of pas-
2 senger motor vehicles; supplying and equipping the Air
3 National Guard, as authorized by law; expenses for repair,
4 modification, maintenance, and issue of supplies and
5 equipment, including those furnished from stocks under
6 the control of agencies of the Department of Defense;
7 travel expenses (other than mileage) on the same basis as
8 authorized by law for Air National Guard personnel on
9 active Federal duty, for Air National Guard commanders
10 while inspecting units in compliance with National Guard
11 Bureau regulations when specifically authorized by the
12 Chief, National Guard Bureau, \$5,888,741,000.

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,
17 \$13,932,000, of which not to exceed \$5,000 may be used
18 for official representation purposes.

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

21 For the Department of the Army, \$415,864,000, to
22 remain available until transferred: *Provided*, That the Sec-
23 retary of the Army shall, upon determining that such
24 funds are required for environmental restoration, reduc-
25 tion and recycling of hazardous waste, removal of unsafe

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

14 ENVIRONMENTAL RESTORATION, NAVY

15 (INCLUDING TRANSFER OF FUNDS)

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

1 time period as the appropriations to which transferred:
2 *Provided further*, That upon a determination that all or
3 part of the funds transferred from this appropriation are
4 not necessary for the purposes provided herein, such
5 amounts may be transferred back to this appropriation:
6 *Provided further*, That the transfer authority provided
7 under this heading is in addition to any other transfer au-
8 thority provided elsewhere in 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 un-
16 safe buildings and debris of the Department of the Air
17 Force, or for similar purposes, transfer the funds made
18 available by this appropriation to other appropriations
19 made available to the Department of the Air Force, to be
20 merged with and to be available for the same purposes
21 and for the same time period as the appropriations to
22 which transferred: *Provided further*, That upon a deter-
23 mination that all or part of the funds transferred from
24 this appropriation are not necessary for the purposes pro-
25 vided herein, such amounts may be transferred back to

1 this appropriation: *Provided further*, That the transfer au-
2 thority provided under this heading is in addition to any
3 other transfer authority 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 re-
7 main available until transferred: *Provided*, That the Sec-
8 retary of Defense shall, upon determining that such funds
9 are required for environmental restoration, reduction and
10 recycling of hazardous waste, removal of unsafe buildings
11 and debris of the Department of Defense, or for similar
12 purposes, transfer the funds made available by this appro-
13 priation to other appropriations made available to the De-
14 partment of Defense, to be merged with and to be avail-
15 able for the same purposes and for the same time period
16 as the appropriations to which transferred: *Provided fur-*
17 *ther*, That upon a determination that all or part of the
18 funds transferred from this appropriation are not nec-
19 essary for the purposes provided herein, such amounts
20 may be transferred back to this appropriation: *Provided*
21 *further*, That the transfer authority provided under this
22 heading is in addition to any other transfer authority pro-
23 vided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, FORMERLY USED
2 DEFENSE SITES
3 (INCLUDING TRANSFER OF FUNDS)

4 For the Department of the Army, \$277,700,000, to
5 remain available until transferred: *Provided*, That the Sec-
6 retary of the Army shall, upon determining that such
7 funds are required for environmental restoration, reduc-
8 tion and recycling of hazardous waste, removal of unsafe
9 buildings and debris at sites formerly used by the Depart-
10 ment of Defense, transfer the funds made available by this
11 appropriation to other appropriations made available to
12 the Department of the Army, to be merged with and to
13 be available for the same purposes and for the same time
14 period as the appropriations to which transferred: *Pro-*
15 *vided further*, That upon a determination that all or part
16 of the funds transferred from this appropriation are not
17 necessary for the purposes provided herein, such amounts
18 may be transferred back to this appropriation: *Provided*
19 *further*, That the transfer authority provided under this
20 heading is in addition to any other transfer authority pro-
21 vided elsewhere in this Act.

22 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

23 For expenses relating to the Overseas Humanitarian,
24 Disaster, and Civic Aid programs of the Department of
25 Defense (consisting of the programs provided under sec-

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

4 COOPERATIVE THREAT REDUCTION ACCOUNT

5 For assistance to the republics of the former Soviet
6 Union, including assistance provided by contract or by
7 grants, for facilitating the elimination and the safe and
8 secure transportation and storage of nuclear, chemical and
9 other weapons; for establishing programs to prevent the
10 proliferation of weapons, weapons components, and weap-
11 on-related technology and expertise; for programs relating
12 to the training and support of defense and military per-
13 sonnel for demilitarization and protection of weapons,
14 weapons components and weapons technology and exper-
15 tise, and for defense and military contacts, \$404,093,000,
16 to remain available until September 30, 2012.

17 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

18 DEVELOPMENT FUND

19 For the Department of Defense Acquisition Work-
20 force Development Fund, \$100,000,000.

21 TITLE III

22 PROCUREMENT

23 AIRCRAFT PROCUREMENT, ARMY

24 For construction, procurement, production, modifica-
25 tion, and modernization of aircraft, equipment, including

1 ordnance, ground handling equipment, spare parts, and
2 accessories therefor; specialized equipment and training
3 devices; expansion of public and private plants, including
4 the land necessary therefor, for the foregoing purposes,
5 and such lands and interests therein, may be acquired,
6 and construction prosecuted thereon prior to approval of
7 title; and procurement and installation of equipment, ap-
8 pliances, and machine tools in public and private plants;
9 reserve plant and Government and contractor-owned
10 equipment layaway; and other expenses necessary for the
11 foregoing purposes, \$5,144,991,000, to remain available
12 for obligation until September 30, 2012.

13 MISSILE PROCUREMENT, ARMY

14 For construction, procurement, production, modifica-
15 tion, and modernization of missiles, equipment, including
16 ordnance, ground handling equipment, spare parts, and
17 accessories therefor; specialized equipment and training
18 devices; expansion of public and private plants, including
19 the land necessary therefor, for the foregoing purposes,
20 and such lands and interests therein, may be acquired,
21 and construction prosecuted thereon prior to approval of
22 title; and procurement and installation of equipment, ap-
23 pliances, and machine tools in public and private plants;
24 reserve plant and Government and contractor-owned
25 equipment layaway; and other expenses necessary for the

1 poses, and such lands and interests therein, may be ac-
2 quired, and construction prosecuted thereon prior to ap-
3 proval of title; and procurement and installation of equip-
4 ment, appliances, and machine tools in public and private
5 plants; reserve plant and Government and contractor-
6 owned equipment layaway; and other expenses necessary
7 for the foregoing purposes, \$2,053,395,000, to remain
8 available for obligation until September 30, 2012.

9 OTHER PROCUREMENT, ARMY

10 For construction, procurement, production, and
11 modification of vehicles, including tactical, support, and
12 non-tracked combat vehicles; the purchase of passenger
13 motor vehicles for replacement only; communications and
14 electronic equipment; other support equipment; spare
15 parts, ordnance, and accessories therefor; specialized
16 equipment and training devices; expansion of public and
17 private plants, including the land necessary therefor, for
18 the foregoing purposes, and such lands and interests
19 therein, may be acquired, and construction prosecuted
20 thereon prior to approval of title; and procurement and
21 installation of equipment, appliances, and machine tools
22 in public and private plants; reserve plant and Govern-
23 ment and contractor-owned equipment layaway; and other
24 expenses necessary for the foregoing purposes,

1 \$9,293,801,000, to remain available for obligation until
2 September 30, 2012.

3 AIRCRAFT PROCUREMENT, NAVY

4 For construction, procurement, production, modifica-
5 tion, and modernization of aircraft, equipment, including
6 ordnance, spare parts, and accessories therefor; specialized
7 equipment; expansion of public and private plants, includ-
8 ing the land necessary therefor, and such lands and inter-
9 ests therein, may be acquired, and construction prosecuted
10 thereon prior to approval of title; and procurement and
11 installation of equipment, appliances, and machine tools
12 in public and private plants; reserve plant and Govern-
13 ment and contractor-owned equipment layaway,
14 \$18,325,481,000, to remain available for obligation until
15 September 30, 2012.

16 WEAPONS PROCUREMENT, NAVY

17 For construction, procurement, production, modifica-
18 tion, and modernization of missiles, torpedoes, other weap-
19 ons, and related support equipment including spare parts,
20 and accessories therefor; expansion of public and private
21 plants, including the land necessary therefor, and such
22 lands and interests therein, may be acquired, and con-
23 struction prosecuted thereon prior to approval of title; and
24 procurement and installation of equipment, appliances,
25 and machine tools in public and private plants; reserve

1 tractor-owned equipment layaway; procurement of critical,
2 long lead time components and designs for vessels to be
3 constructed or converted in the future; and expansion of
4 public and private plants, including land necessary there-
5 for, and such lands and interests therein, may be acquired,
6 and construction prosecuted thereon prior to approval of
7 title, as follows:

8 Carrier Replacement Program, \$739,269,000.

9 Carrier Replacement Program (AP),
10 \$484,432,000.

11 NSSN, \$1,964,317,000.

12 NSSN (AP), \$1,959,725,000.

13 CVN Refueling, \$1,563,602,000.

14 CVN Refuelings (AP), \$211,820,000.

15 DD(X), \$1,073,161,000.

16 DDG-51 Destroyer, \$1,912,267,000.

17 DDG-51 Destroyer (AP), \$328,996,000.

18 Littoral Combat Ship, \$2,160,000,000.

19 LPD-17, \$872,392,000.

20 LPD-17 (AP), \$184,555,000.

21 Intratheater Connector, \$357,956,000.

22 LCAC Service Life Extension Program,
23 \$63,857,000.

24 Prior year shipbuilding costs, \$454,586,000.

25 Service Craft, \$3,694,000.

1 For outfitting, post delivery, conversions, and
2 first destination transportation, \$386,903,000.

3 In all: \$14,721,532,000, to remain available for obli-
4 gation until September 30, 2014: *Provided*, That addi-
5 tional obligations may be incurred after September 30,
6 2014, for engineering services, tests, evaluations, and
7 other such budgeted work that must be performed in the
8 final stage of ship construction: *Provided further*, That
9 none of the funds provided under this heading for the con-
10 struction or conversion of any naval vessel to be con-
11 structed in shipyards in the United States shall be ex-
12 pended in foreign facilities for the construction of major
13 components of such vessel: *Provided further*, That none
14 of the funds provided under this heading shall be used
15 for the construction of any naval vessel in foreign ship-
16 yards.

17 OTHER PROCUREMENT, NAVY

18 For procurement, production, and modernization of
19 support equipment and materials not otherwise provided
20 for, Navy ordnance (except ordnance for new aircraft, new
21 ships, and ships authorized for conversion); the purchase
22 of passenger motor vehicles for replacement only; expan-
23 sion of public and private plants, including the land nec-
24 essary therefor, and such lands and interests therein, may
25 be acquired, and construction prosecuted thereon prior to

1 approval of title; and procurement and installation of
2 equipment, appliances, and machine tools in public and
3 private plants; reserve plant and Government and con-
4 tractor-owned equipment layaway, \$5,395,081,000, to re-
5 main available for obligation until September 30, 2012.

6 PROCUREMENT, MARINE CORPS

7 For expenses necessary for the procurement, manu-
8 facture, and modification of missiles, armament, military
9 equipment, spare parts, and accessories therefor; plant
10 equipment, appliances, and machine tools, and installation
11 thereof in public and private plants; reserve plant and
12 Government and contractor-owned equipment layaway; ve-
13 hicles for the Marine Corps, including the purchase of pas-
14 senger motor vehicles for replacement only; and expansion
15 of public and private plants, including land necessary
16 therefor, and such lands and interests therein, may be ac-
17 quired, and construction prosecuted thereon prior to ap-
18 proval of title, \$1,563,743,000, to remain available for ob-
19 ligation until September 30, 2012.

20 AIRCRAFT PROCUREMENT, AIR FORCE

21 For construction, procurement, and modification of
22 aircraft and equipment, including armor and armament,
23 specialized ground handling equipment, and training de-
24 vices, spare parts, and accessories therefor; specialized
25 equipment; expansion of public and private plants, Gov-

1 ernment-owned equipment and installation thereof in such
2 plants, erection of structures, and acquisition of land, for
3 the foregoing purposes, and such lands and interests
4 therein, may be acquired, and construction prosecuted
5 thereon prior to approval of title; reserve plant and Gov-
6 ernment and contractor-owned equipment layaway; and
7 other expenses necessary for the foregoing purposes in-
8 cluding rents and transportation of things,
9 \$11,956,182,000, to remain available for obligation until
10 September 30, 2012; *Provided*, That no funds provided
11 in this Act for the procurement or modernization of C-
12 17 aircraft may be obligated until all C-17 contracts fund-
13 ed with prior year “Aircraft Procurement, Air Force” ap-
14 propriated funds are definitized.

15 MISSILE PROCUREMENT, AIR FORCE

16 For construction, procurement, and modification of
17 missiles, spacecraft, rockets, and related equipment, in-
18 cluding spare parts and accessories therefor, ground han-
19 dling equipment, and training devices; expansion of public
20 and private plants, Government-owned equipment and in-
21 stallation thereof in such plants, erection of structures,
22 and acquisition of land, for the foregoing purposes, and
23 such lands and interests therein, may be acquired, and
24 construction prosecuted thereon prior to approval of title;
25 reserve plant and Government and contractor-owned

1 equipment layaway; and other expenses necessary for the
2 foregoing purposes including rents and transportation of
3 things, \$6,508,359,000, to remain available for obligation
4 until September 30, 2012.

5 PROCUREMENT OF AMMUNITION, AIR FORCE

6 For construction, procurement, production, and
7 modification of ammunition, and accessories therefor; spe-
8 cialized equipment and training devices; expansion of pub-
9 lic and private plants, including ammunition facilities, au-
10 thorized by section 2854 of title 10, United States Code,
11 and the land necessary therefor, for the foregoing pur-
12 poses, and such lands and interests therein, may be ac-
13 quired, and construction prosecuted thereon prior to ap-
14 proval of title; and procurement and installation of equip-
15 ment, appliances, and machine tools in public and private
16 plants; reserve plant and Government and contractor-
17 owned equipment layaway; and other expenses necessary
18 for the foregoing purposes, \$809,941,000, to remain avail-
19 able for obligation until September 30, 2012.

20 OTHER PROCUREMENT, AIR FORCE

21 For procurement and modification of equipment (in-
22 cluding ground guidance and electronic control equipment,
23 and ground electronic and communication equipment),
24 and supplies, materials, and spare parts therefor, not oth-
25 erwise provided for; the purchase of passenger motor vehi-

1 cles for replacement only; lease of passenger motor vehi-
2 cles; and expansion of public and private plants, Govern-
3 ment-owned equipment and installation thereof in such
4 plants, erection of structures, and acquisition of land, for
5 the foregoing purposes, and such lands and interests
6 therein, may be acquired, and construction prosecuted
7 thereon, prior to approval of title; reserve plant and Gov-
8 ernment and contractor-owned equipment layaway,
9 \$16,883,791,000, to remain available for obligation until
10 September 30, 2012.

11 PROCUREMENT, DEFENSE-WIDE

12 For expenses of activities and agencies of the Depart-
13 ment of Defense (other than the military departments)
14 necessary for procurement, production, and modification
15 of equipment, supplies, materials, and spare parts there-
16 for, not otherwise provided for; the purchase of passenger
17 motor vehicles for replacement only; expansion of public
18 and private plants, equipment, and installation thereof in
19 such plants, erection of structures, and acquisition of land
20 for the foregoing purposes, and such lands and interests
21 therein, may be acquired, and construction prosecuted
22 thereon prior to approval of title; reserve plant and Gov-
23 ernment and contractor-owned equipment layaway,
24 \$4,036,816,000, to remain available for obligation until
25 September 30, 2012.

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 Produc-
4 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
5 2093), \$82,846,000, to remain available until expended.

6 TITLE IV

7 RESEARCH, DEVELOPMENT, TEST AND

8 EVALUATION

9 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

10 ARMY

11 For expenses necessary for basic and applied sci-
12 entific research, development, test and evaluation, includ-
13 ing maintenance, rehabilitation, lease, and operation of fa-
14 cilities and equipment, \$11,151,884,000, to remain avail-
15 able for obligation until September 30, 2011.

16 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

17 NAVY

18 For expenses necessary for basic and applied sci-
19 entific research, development, test and evaluation, includ-
20 ing maintenance, rehabilitation, lease, and operation of fa-
21 cilities and equipment, \$20,197,300,000, to remain avail-
22 able for obligation until September 30, 2011: *Provided*,
23 That funds appropriated in this paragraph which are
24 available for the V-22 may be used to meet unique oper-
25 ational requirements of the Special Operations Forces:

1 *Provided further*, That funds appropriated in this para-
2 graph shall be available for the Cobra Judy program.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 AIR FORCE

5 For expenses necessary for basic and applied sci-
6 entific research, development, test and evaluation, includ-
7 ing maintenance, rehabilitation, lease, and operation of fa-
8 cilities and equipment, \$27,976,278,000, to remain avail-
9 able for obligation until September 30, 2011.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 DEFENSE-WIDE

12 For expenses of activities and agencies of the Depart-
13 ment of Defense (other than the military departments),
14 necessary for basic and applied scientific research, devel-
15 opment, test and evaluation; advanced research projects
16 as may be designated and determined by the Secretary
17 of Defense, pursuant to law; maintenance, rehabilitation,
18 lease, and operation of facilities and equipment,
19 \$20,721,723,000, to remain available for obligation until
20 September 30, 2011: *Provided*, That, notwithstanding any
21 other provision of law, of the funds made available under
22 this heading for missile defense programs, not less than
23 \$80,000,000 shall be available for the Kinetic Energy In-
24 terceptor Program.

1 contract that provides for the acquisition of any of the
2 following major components unless such components are
3 manufactured in the United States: auxiliary equipment,
4 including pumps, for all shipboard services; propulsion
5 system components (engines, reduction gears, and propel-
6 lers); shipboard cranes; and spreaders for shipboard
7 cranes: *Provided further*, That the exercise of an option
8 in a contract awarded through the obligation of previously
9 appropriated funds shall not be considered to be the award
10 of a new contract: *Provided further*, That the Secretary
11 of the military department responsible for such procure-
12 ment may waive the restrictions in the first proviso on
13 a case-by-case basis by certifying in writing to the Com-
14 mittees on Appropriations of the House of Representatives
15 and the Senate that adequate domestic supplies are not
16 available to meet Department of Defense requirements on
17 a timely basis and that such an acquisition must be made
18 in order to acquire capability for national security pur-
19 poses.

20 TITLE VI

21 OTHER DEPARTMENT OF DEFENSE PROGRAMS

22 DEFENSE HEALTH PROGRAM

23 (INCLUDING TRANSFER OF FUNDS)

24 For expenses, not otherwise provided for, for medical
25 and health care programs of the Department of Defense

1 as authorized by law, \$29,891,109,000; of which
2 \$28,257,565,000 shall be for operation and maintenance,
3 of which not to exceed 2 percent shall remain available
4 until September 30, 2011, and of which up to
5 \$15,537,688,000 may be available for contracts entered
6 into under the TRICARE program; of which
7 \$384,142,000, to remain available for obligation until Sep-
8 tember 30, 2012, shall be for procurement; and of which
9 \$1,249,402,000, to remain available for obligation until
10 September 30, 2011, shall be for research, development,
11 test and evaluation: *Provided*, That, notwithstanding any
12 other provision of law, of the amount made available under
13 this heading for research, development, test and evalua-
14 tion, not less than \$10,000,000 shall be available for HIV
15 prevention educational activities undertaken in connection
16 with United States military training, exercises, and hu-
17 manitarian assistance activities conducted primarily in Af-
18 rican nations.

19 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
20 DEFENSE

21 For expenses, not otherwise provided for, necessary
22 for the destruction of the United States stockpile of lethal
23 chemical agents and munitions, to include construction of
24 facilities, in accordance with the provisions of section 1412
25 of the Department of Defense Authorization Act, 1986

1 (50 U.S.C. 1521), and for the destruction of other chem-
2 ical warfare materials that are not in the chemical weapon
3 stockpile, \$1,510,760,000, of which \$1,146,802,000 shall
4 be for operation and maintenance, of which no less than
5 \$84,839,000, shall be for the Chemical Stockpile Emer-
6 gency Preparedness Program, consisting of \$34,905,000
7 for activities on military installations and \$49,934,000, to
8 remain available until September 30, 2011, to assist State
9 and local governments; \$12,689,000 shall be for procure-
10 ment, to remain available until September 30, 2012, of
11 which no less than \$12,689,000 shall be for the Chemical
12 Stockpile Emergency Preparedness Program to assist
13 State and local governments; and \$351,269,000, to re-
14 main available until September 30, 2011, shall be for re-
15 search, development, test and evaluation, of which
16 \$348,669,000 shall only be for the Assembled Chemical
17 Weapons Alternatives (ACWA) program.

18 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

19 DEFENSE

20 (INCLUDING TRANSFER OF FUNDS)

21 For drug interdiction and counter-drug activities of
22 the Department of Defense, for transfer to appropriations
23 available to the Department of Defense for military per-
24 sonnel of the reserve components serving under the provi-
25 sions of title 10 and title 32, United States Code; for oper-

1 ation and maintenance; for procurement; and for research,
2 development, test and evaluation, \$1,237,684,000: *Pro-*
3 *vided*, That the funds appropriated under this heading
4 shall be available for obligation for the same time period
5 and for the same purpose as the appropriation to which
6 transferred: *Provided further*, That upon a determination
7 that all or part of the funds transferred from this appro-
8 priation are not necessary for the purposes provided here-
9 in, such amounts may be transferred back to this appro-
10 priation: *Provided further*, That the transfer authority pro-
11 vided under this heading is in addition to any other trans-
12 fer authority contained elsewhere in this Act.

13 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND
14 (INCLUDING TRANSFER OF FUNDS)

15 For the “Joint Improvised Explosive Device Defeat
16 Fund”, \$364,550,000, of which \$183,000,000 shall be for
17 Attack the Network, to remain available until September
18 30, 2011; \$25,000,000 shall be for Defeat the Device, to
19 remain available until September 30, 2012; \$35,000,000
20 shall be for Train the Force, to remain available until Sep-
21 tember 30, 2010; \$121,550,000 shall be for Staff and In-
22 frastructure, to remain available until September 30,
23 2010: *Provided*, That such funds shall be available to the
24 Secretary of Defense, notwithstanding any other provision
25 of law, for the purpose of allowing the Director of the

1 Joint Improvised Explosive Device Defeat Organization to
2 investigate, develop and provide equipment, supplies, serv-
3 ices, training, facilities, personnel and funds to assist
4 United States forces in the defeat of improvised explosive
5 devices: *Provided further*, That within 60 days of the en-
6 actment of this Act, a plan for the intended management
7 and use of the amounts provided under this heading shall
8 be submitted to the congressional defense committees:
9 *Provided further*, That the Secretary of Defense shall sub-
10 mit a report not later than 60 days after the end of each
11 fiscal quarter to the congressional defense committees pro-
12 viding assessments of the evolving threats, individual serv-
13 ice requirements to counter the threats, the current strat-
14 egy for predeployment training of members of the Armed
15 Forces on improvised explosive devices, and details on the
16 execution of the Fund: *Provided further*, That the Sec-
17 retary of Defense may transfer funds provided herein to
18 appropriations for operation and maintenance; procure-
19 ment; research, development, test and evaluation; and de-
20 fense working capital funds to accomplish the purpose pro-
21 vided herein: *Provided further*, That this transfer author-
22 ity is in addition to any other transfer authority available
23 to the Department of Defense: *Provided further*, That the
24 Secretary of Defense shall, not fewer than 15 days prior
25 to making transfers from this appropriation, notify the

1 congressional defense committees in writing of the details
2 of any such transfer.

3 OFFICE OF THE INSPECTOR GENERAL

4 For expenses and activities of the Office of the In-
5 spector General in carrying out the provisions of the In-
6 spector General Act of 1978, as amended, \$288,100,000,
7 of which \$287,100,000 shall be for operation and mainte-
8 nance, of which not to exceed \$700,000 is available for
9 emergencies and extraordinary expenses to be expended on
10 the approval or authority of the Inspector General, and
11 payments may be made on the Inspector General's certifi-
12 cate of necessity for confidential military purposes; and
13 of which \$1,000,000, to remain available until September
14 30, 2012, shall be for procurement.

15 TITLE VII

16 RELATED AGENCIES

17 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
18 DISABILITY SYSTEM FUND

19 For payment to the Central Intelligence Agency Re-
20 tirement and Disability System Fund, to maintain the
21 proper funding level for continuing the operation of the
22 Central Intelligence Agency Retirement and Disability
23 System, \$290,900,000.

1 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

2 For necessary expenses of the Intelligence Commu-
3 nity Management Account, \$611,002,000.

4 TITLE VIII

5 GENERAL PROVISIONS

6 SEC. 8001. No part of any appropriation contained
7 in this Act shall be used for publicity or propaganda pur-
8 poses not authorized by the Congress.

9 SEC. 8002. During the current fiscal year, provisions
10 of law prohibiting the payment of compensation to, or em-
11 ployment of, any person not a citizen of the United States
12 shall not apply to personnel of the Department of Defense:
13 *Provided*, That salary increases granted to direct and indi-
14 rect hire foreign national employees of the Department of
15 Defense funded by this Act shall not be at a rate in excess
16 of the percentage increase authorized by law for civilian
17 employees of the Department of Defense whose pay is
18 computed under the provisions of section 5332 of title 5,
19 United States Code, or at a rate in excess of the percent-
20 age increase provided by the appropriate host nation to
21 its own employees, whichever is higher: *Provided further*,
22 That this section shall not apply to Department of De-
23 fense foreign service national employees serving at United
24 States diplomatic missions whose pay is set by the Depart-
25 ment of State under the Foreign Service Act of 1980: *Pro-*

1 *vided further*, That the limitations of this provision shall
2 not apply to foreign national employees of the Department
3 of Defense in the Republic of Turkey.

4 SEC. 8003. No part of any appropriation contained
5 in this Act shall remain available for obligation beyond
6 the current fiscal year, unless expressly so provided herein.

7 SEC. 8004. No more than 20 percent of the appro-
8 priations in this Act which are limited for obligation dur-
9 ing the current fiscal year shall be obligated during the
10 last 2 months of the fiscal year: *Provided*, That this sec-
11 tion shall not apply to obligations for support of active
12 duty training of reserve components or summer camp
13 training of the Reserve Officers' Training Corps.

14 (TRANSFER OF FUNDS)

15 SEC. 8005. Upon determination by the Secretary of
16 Defense that such action is necessary in the national inter-
17 est, he may, with the approval of the Office of Manage-
18 ment and Budget, transfer not to exceed \$4,000,000,000
19 of working capital funds of the Department of Defense
20 or funds made available in this Act to the Department
21 of Defense for military functions (except military con-
22 struction) between such appropriations or funds or any
23 subdivision thereof, to be merged with and to be available
24 for the same purposes, and for the same time period, as
25 the appropriation or fund to which transferred: *Provided*,

1 That such authority to transfer may not be used unless
2 for higher priority items, based on unforeseen military re-
3 quirements, than those for which originally appropriated
4 and in no case where the item for which funds are re-
5 quested has been denied by the Congress: *Provided further*,
6 That the Secretary of Defense shall notify the Congress
7 promptly of all transfers made pursuant to this authority
8 or any other authority in this Act: *Provided further*, That
9 no part of the funds in this Act shall be available to pre-
10 pare or present a request to the Committees on Appropria-
11 tions for reprogramming of funds, unless for higher pri-
12 ority items, based on unforeseen military requirements,
13 than those for which originally appropriated and in no
14 case where the item for which reprogramming is requested
15 has been denied by the Congress: *Provided further*, That
16 a request for multiple reprogrammings of funds using au-
17 thority provided in this section shall be made prior to June
18 30, 2010: *Provided further*, That transfers among military
19 personnel appropriations shall not be taken into account
20 for purposes of the limitation on the amount of funds that
21 may be transferred under this section: *Provided further*,
22 That no obligation of funds may be made pursuant to sec-
23 tion 1206 of Public Law 109–163 (or any successor provi-
24 sion) unless the Secretary of Defense has notified the con-
25 gressional defense committees prior to any such obligation.

1 SEC. 8006. (a) With regard to the list of specific pro-
2 grams, projects, and activities (and the dollar amounts
3 and adjustments to budget activities corresponding to
4 such programs, projects, and activities) contained in the
5 tables titled “Explanation of Project Level Adjustments”
6 in the report of the Committee on Appropriations of the
7 House of Representatives accompanying this Act, the obli-
8 gation and expenditure of amounts appropriated or other-
9 wise made available in this Act for those programs,
10 projects, and activities for which the amounts appro-
11 priated exceed the amounts requested are hereby required
12 by law to be carried out in the manner provided by such
13 tables to the same extent as if the tables were included
14 in the text of this Act.

15 (b) Amounts specified in the referenced tables de-
16 scribed in subsection (a) shall not be treated as subdivi-
17 sions of appropriations for purposes of section 8005 of this
18 Act: *Provided*, That section 8005 shall apply when trans-
19 fers of the amounts described in subsection (a) occur be-
20 tween appropriation accounts.

21 SEC. 8007. (a) Not later than 60 days after enact-
22 ment of this Act, the Department of Defense shall submit
23 a report to the congressional defense committees to estab-
24 lish the baseline for application of reprogramming and

1 transfer authorities for fiscal year 2010: *Provided*, That
2 the report shall include—

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

8 (2) a delineation in the table for each appro-
9 priation both by budget activity and program,
10 project, and activity as detailed in the Budget Ap-
11 pendix; and

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

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

22 (TRANSFER OF FUNDS)

23 SEC. 8008. During the current fiscal year, cash bal-
24 ances in working capital funds of the Department of De-
25 fense established pursuant to section 2208 of title 10,

1 United States Code, may be maintained in only such
2 amounts as are necessary at any time for cash disburse-
3 ments to be made from such funds: *Provided*, That trans-
4 fers may be made between such funds: *Provided further*,
5 That transfers may be made between working capital
6 funds and the “Operation and Maintenance” appropria-
7 tion accounts in such amounts as may be determined by
8 the Secretary of Defense, with the approval of the Office
9 of Management and Budget, except that such transfers
10 may not be made unless the Secretary of Defense has noti-
11 fied the Congress of the proposed transfer. Except in
12 amounts equal to the amounts appropriated to working
13 capital funds in this Act, no obligations may be made
14 against a working capital fund to procure or increase the
15 value of war reserve material inventory, unless the Sec-
16 retary of Defense has notified the Congress prior to any
17 such obligation.

18 SEC. 8009. Funds appropriated by this Act may not
19 be used to initiate a special access program without prior
20 notification 30 calendar days in advance to the congres-
21 sional defense committees.

22 SEC. 8010. None of the funds provided in this Act
23 shall be available to initiate: (1) a multiyear contract that
24 employs economic order quantity procurement in excess of
25 \$20,000,000 in any one year of the contract or that in-

1 cludes an unfunded contingent liability in excess of
2 \$20,000,000; or (2) a contract for advance procurement
3 leading to a multiyear contract that employs economic
4 order quantity procurement in excess of \$20,000,000 in
5 any one year, unless the congressional defense committees
6 have been notified at least 30 days in advance of the pro-
7 posed contract award: *Provided*, That no part of any ap-
8 propriation contained in this Act shall be available to ini-
9 tiate a multiyear contract for which the economic order
10 quantity advance procurement is not funded at least to
11 the limits of the Government's liability: *Provided further*,
12 That no part of any appropriation contained in this Act
13 shall be available to initiate multiyear procurement con-
14 tracts for any systems or component thereof if the value
15 of the multiyear contract would exceed \$500,000,000 un-
16 less specifically provided in this Act: *Provided further*,
17 That no multiyear procurement contract can be termi-
18 nated without 10-day prior notification to the congres-
19 sional defense committees: *Provided further*, That the exe-
20 cution of multiyear authority shall require the use of a
21 present value analysis to determine lowest cost compared
22 to an annual procurement: *Provided further*, That none of
23 the funds provided in this Act may be used for a multiyear
24 contract executed after the date of the enactment of this
25 Act unless in the case of any such contract—

1 (1) the Secretary of Defense has submitted to
2 Congress a report within 30 days of enactment of
3 this Act that certifies full funding of units to be pro-
4 cured through the contract and, in the case of a con-
5 tract for procurement of aircraft, that includes, for
6 any aircraft unit to be procured through the con-
7 tract for which procurement funds are identified in
8 that report for production beyond advance procure-
9 ment activities in the fiscal year 2010 budget, full
10 funding of procurement of such unit in that fiscal
11 year;

12 (2) cancellation provisions in the contract do
13 not include consideration of recurring manufacturing
14 costs of the contractor associated with the produc-
15 tion of unfunded units to be delivered under the con-
16 tract;

17 (3) the contract provides that payments to the
18 contractor under the contract shall not be made in
19 advance of incurred costs on funded units; and

20 (4) the contract does not provide for a price ad-
21 justment based on a failure to award a follow-on
22 contract.

23 Funds appropriated in title III of this Act may be
24 used for a multiyear procurement contract as follows:

25 F-18 aircraft variants.

1 SEC. 8011. Within the funds appropriated for the op-
2 eration and maintenance of the Armed Forces, funds are
3 hereby appropriated pursuant to section 401 of title 10,
4 United States Code, for humanitarian and civic assistance
5 costs under chapter 20 of title 10, United States Code.
6 Such funds may also be obligated for humanitarian and
7 civic assistance costs incidental to authorized operations
8 and pursuant to authority granted in section 401 of chap-
9 ter 20 of title 10, United States Code, and these obliga-
10 tions shall be reported as required by section 401(d) of
11 title 10, United States Code: *Provided*, That funds avail-
12 able for operation and maintenance shall be available for
13 providing humanitarian and similar assistance by using
14 Civic Action Teams in the Trust Territories of the Pacific
15 Islands and freely associated states of Micronesia, pursu-
16 ant to the Compact of Free Association as authorized by
17 Public Law 99-239: *Provided further*, That upon a deter-
18 mination by the Secretary of the Army that such action
19 is beneficial for graduate medical education programs con-
20 ducted at Army medical facilities located in Hawaii, the
21 Secretary of the Army may authorize the provision of med-
22 ical services at such facilities and transportation to such
23 facilities, on a nonreimbursable basis, for civilian patients
24 from American Samoa, the Commonwealth of the North-

1 ern Mariana Islands, the Marshall Islands, the Federated
2 States of Micronesia, 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 manage-
6 ment of such personnel during that fiscal year shall not
7 be subject to any constraint or limitation (known as an
8 end-strength) on the number of such personnel who may
9 be employed on the last day of such fiscal year.

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

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

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

23 SEC. 8014. None of the funds appropriated by this
24 Act shall be available for the basic pay and allowances of
25 any member of the Army participating as a full-time stu-

1 dent and receiving benefits paid by the Secretary of Vet-
2 erans Affairs from the Department of Defense Education
3 Benefits Fund when time spent as a full-time student is
4 credited toward completion of a service commitment: *Pro-*
5 *vided*, That this section shall not apply to those members
6 who have reenlisted with this option prior to October 1,
7 1987: *Provided further*, That this section applies only to
8 active components of the Army.

9 SEC. 8015. (a) None of the funds appropriated by
10 this Act shall be available to convert to contractor per-
11 formance an activity or function of the Department of De-
12 fense that, on or after the date of the enactment of this
13 Act, is performed by more than 10 Department of Defense
14 civilian employees unless—

15 (1) the conversion is based on the result of a
16 public-private competition that includes a most effi-
17 cient and cost effective organization plan developed
18 by such activity or function;

19 (2) the Competitive Sourcing Official deter-
20 mines that, over all performance periods stated in
21 the solicitation of offers for performance of the ac-
22 tivity or function, the cost of performance of the ac-
23 tivity or function by a contractor would be less costly
24 to the Department of Defense by an amount that
25 equals or 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 advan-
7 tage for a proposal that would reduce costs for the
8 Department 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 pre-
16 mium or subscription share than the amount
17 that is paid by the Department of Defense for
18 health benefits for civilian employees under
19 chapter 89 of title 5, United States Code.

20 (b)(1) The Department of Defense, without regard
21 to subsection (a) of this section or subsection (a), (b), or
22 (c) of section 2461 of title 10, United States Code, and
23 notwithstanding any administrative regulation, require-
24 ment, or policy to the contrary shall have full authority
25 to enter into a contract for the performance of any com-

1 mercial or industrial type function of the Department of
2 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
7 by a qualified nonprofit agency for the blind or by
8 a 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
11 by a qualified firm under at least 51 percent owner-
12 ship by an Indian tribe, as defined in section 4(e)
13 of the Indian Self-Determination and Education As-
14 sistance Act (25 U.S.C. 450b(e)), or a Native Ha-
15 waiian Organization, as defined in section 8(a)(15)
16 of the Small Business Act (15 U.S.C. 637(a)(15)).

17 (2) This section shall not apply to depot contracts
18 or 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
22 this section shall be credited toward any competitive or
23 outsourcing goal, target, or measurement that may be es-
24 tablished by statute, regulation, or policy and is deemed
25 to be awarded under the authority of, and in compliance

1 with, subsection (h) of section 2304 of title 10, United
2 States Code, for the competition or outsourcing of com-
3 mercial activities.

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
10 agreement pursuant to section 831 of the National De-
11 fense Authorization Act for Fiscal Year 1991 (Public Law
12 101–510; 10 U.S.C. 2302 note), as amended, under the
13 authority of this provision or any other transfer authority
14 contained in this Act.

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

1 section substantially all of the components of anchor and
2 mooring chain shall be considered to be produced or manu-
3 factured in the United States if the aggregate cost of the
4 components produced or manufactured in the United
5 States exceeds the aggregate cost of the components pro-
6 duced or manufactured outside the United States: *Pro-*
7 *vided further*, That when adequate domestic supplies are
8 not available to meet Department of Defense requirements
9 on a timely basis, the Secretary of the service responsible
10 for the procurement may waive this restriction on a case-
11 by-case basis by certifying in writing to the Committees
12 on Appropriations that such an acquisition must be made
13 in order to acquire capability for national security pur-
14 poses.

15 SEC. 8018. None of the funds available to the De-
16 partment of Defense may be used to demilitarize or dis-
17 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
18 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
19 to demilitarize or destroy small arms ammunition or am-
20 munion components that are not otherwise prohibited
21 from commercial sale under Federal law.

22 SEC. 8019. No more than \$500,000 of the funds ap-
23 propriated or made available in this Act shall be used dur-
24 ing a single fiscal year for any single relocation of an orga-
25 nization, unit, activity or function of the Department of

1 Defense into or within the National Capital Region: *Pro-*
2 *vided*, That the Secretary of Defense may waive this re-
3 striction on a case-by-case basis by certifying in writing
4 to the congressional defense committees that such a relo-
5 cation is required in the best interest of the Government.

6 SEC. 8020. In addition to the funds provided else-
7 where in this Act, \$15,000,000 is appropriated only for
8 incentive payments authorized by section 504 of the In-
9 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,
10 That a prime contractor or a subcontractor at any tier
11 that makes a subcontract award to any subcontractor or
12 supplier as defined in section 1544 of title 25, United
13 States Code, or a small business owned and controlled by
14 an individual or individuals defined under section 4221(9)
15 of title 25, United States Code, shall be considered a con-
16 tractor for the purposes of being allowed additional com-
17 pensation under section 504 of the Indian Financing Act
18 of 1974 (25 U.S.C. 1544) whenever the prime contract
19 or subcontract amount is over \$500,000 and involves the
20 expenditure of funds appropriated by an Act making Ap-
21 propriations for the Department of Defense with respect
22 to any fiscal year: *Provided further*, That notwithstanding
23 section 430 of title 41, United States Code, this section
24 shall be applicable to any Department of Defense acquisi-
25 tion of supplies or services, including any contract and any

1 subcontract at any tier for acquisition of commercial items
2 produced or manufactured, in whole or in part by any sub-
3 contractor or supplier defined in section 1544 of title 25,
4 United States Code, or a small business owned and con-
5 trolled by an individual or individuals defined under sec-
6 tion 4221(9) of title 25, United States Code.

7 SEC. 8021. Funds appropriated by this Act for the
8 Defense Media Activity shall not be used for any national
9 or international political or psychological activities.

10 SEC. 8022. None of the funds appropriated by this
11 Act shall be available to perform any cost study pursuant
12 to the provisions of OMB Circular A-76 if the study being
13 performed exceeds a period of 24 months after initiation
14 of such study with respect to a single function activity or
15 30 months after initiation of such study for a multi-func-
16 tion activity, commencing on the date on which the pre-
17 liminary planning for the study begins through the date
18 on which a performance decision is rendered with respect
19 to the function, excluding time during which the study is
20 suspended because of protests before the Government Ac-
21 countability Office or United States Court of Federal
22 Claims but including time during which the study is per-
23 formed subsequent to such protests.

24 SEC. 8023. During the current fiscal year, the De-
25 partment of Defense is authorized to incur obligations of

1 not to exceed \$350,000,000 for purposes specified in sec-
2 tion 2350j(c) of title 10, United States Code, in anticipa-
3 tion of receipt of contributions, only from the Government
4 of Kuwait, under that section: *Provided*, That upon re-
5 ceipt, such contributions from the Government of Kuwait
6 shall be credited to the appropriations or fund which in-
7 curred such obligations.

8 SEC. 8024. (a) Of the funds made available in this
9 Act, not less than \$34,756,000 shall be available for the
10 Civil Air Patrol Corporation, of which—

11 (1) \$26,433,000 shall be available from “Oper-
12 ation and Maintenance, Air Force” to support Civil
13 Air Patrol Corporation operation and maintenance,
14 readiness, counter-drug activities, and drug demand
15 reduction activities involving youth programs;

16 (2) \$7,426,000 shall be available from “Aircraft
17 Procurement, Air Force”; and

18 (3) \$897,000 shall be available from “Other
19 Procurement, Air Force” for vehicle procurement.

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

24 SEC. 8025. (a) None of the funds appropriated in this
25 Act are available to establish a new Department of De-

1 fense (department) federally funded research and develop-
2 ment center (FFRDC), either as a new entity, or as a
3 separate entity administrated by an organization man-
4 aging another FFRDC, or as a nonprofit membership cor-
5 poration consisting of a consortium of other FFRDCs and
6 other non-profit entities.

7 (b) No member of a Board of Directors, Trustees,
8 Overseers, Advisory Group, Special Issues Panel, Visiting
9 Committee, or any similar entity of a defense FFRDC,
10 and no paid consultant to any defense FFRDC, except
11 when acting in a technical advisory capacity, may be com-
12 pensated for his or her services as a member of such enti-
13 ty, or as a paid consultant by more than one FFRDC in
14 a fiscal year: *Provided*, That a member of any such entity
15 referred to previously in this subsection shall be allowed
16 travel expenses and per diem as authorized under the Fed-
17 eral Joint Travel Regulations, when engaged in the per-
18 formance of membership duties.

19 (c) Notwithstanding any other provision of law, none
20 of the funds available to the department from any source
21 during fiscal year 2010 may be used by a defense FFRDC,
22 through a fee or other payment mechanism, for construc-
23 tion of new buildings, for payment of cost sharing for
24 projects funded by Government grants, for absorption of
25 contract overruns, or for certain charitable contributions,

1 not to include employee participation in community service
2 and/or development.

3 (d) Notwithstanding any other provision of law, of
4 the funds available to the department during fiscal year
5 2010, not more than 5,582 staff years of technical effort
6 (staff years) may be funded for defense FFRDCs, not
7 more than 3,236 staff years may be funded for the sys-
8 tems engineering and integration FFRDCs and not more
9 than 1,264 staff years may be funded for laboratory
10 FFRDCs: *Provided*, That of the specific amount referred
11 to previously in this subsection, not more than 1,082 staff
12 years may be funded for the defense studies and analysis
13 FFRDCs: *Provided further*, That this subsection shall not
14 apply to staff years funded in the National Intelligence
15 Program (NIP) and the Military Intelligence Program
16 (MIP).

17 (e) The Secretary of Defense shall, with the submis-
18 sion of the department's fiscal year 2011 budget request,
19 submit a report presenting the specific amounts of staff
20 years of technical effort to be allocated for each defense
21 FFRDC during that fiscal year and the associated budget
22 estimates.

23 (f) Notwithstanding any other provision of this Act,
24 the total amount appropriated in this Act for FFRDCs
25 is hereby reduced by \$125,200,000.

1 SEC. 8026. None of the funds appropriated or made
2 available in this Act shall be used to procure carbon, alloy
3 or armor steel plate for use in any Government-owned fa-
4 cility or property under the control of the Department of
5 Defense which were not melted and rolled in the United
6 States or Canada: *Provided*, That these procurement re-
7 strictions shall apply to any and all Federal Supply Class
8 9515, American Society of Testing and Materials (ASTM)
9 or American Iron and Steel Institute (AISI) specifications
10 of carbon, alloy or armor steel plate: *Provided further*,
11 That the Secretary of the military department responsible
12 for the procurement may waive this restriction on a case-
13 by-case basis by certifying in writing to the Committees
14 on Appropriations of the House of Representatives and the
15 Senate that adequate domestic supplies are not available
16 to meet Department of Defense requirements on a timely
17 basis and that such an acquisition must be made in order
18 to acquire capability for national security purposes: *Pro-*
19 *vided further*, That these restrictions shall not apply to
20 contracts which are in being as of the date of the enact-
21 ment of this Act.

22 SEC. 8027. For the purposes of this Act, the term
23 “congressional defense committees” means the Armed
24 Services Committee of the House of Representatives, the
25 Armed Services Committee of the Senate, the Sub-

1 committee on Defense of the Committee on Appropriations
2 of the Senate, and the Subcommittee on Defense of the
3 Committee on Appropriations of the House of Representa-
4 tives.

5 SEC. 8028. During the current fiscal year, the De-
6 partment of Defense may acquire the modification, depot
7 maintenance and repair of aircraft, vehicles and vessels
8 as well as the production of components and other De-
9 fense-related articles, through competition between De-
10 partment of Defense depot maintenance activities and pri-
11 vate firms: *Provided*, That the Senior Acquisition Execu-
12 tive of the military department or Defense Agency con-
13 cerned, with power of delegation, shall certify that success-
14 ful bids include comparable estimates of all direct and in-
15 direct costs for both public and private bids: *Provided fur-*
16 *ther*, That Office of Management and Budget Circular A-
17 76 shall not apply to competitions conducted under this
18 section.

19 SEC. 8029. (a)(1) If the Secretary of Defense, after
20 consultation with the United States Trade Representative,
21 determines that a foreign country which is party to an
22 agreement described in paragraph (2) has violated the
23 terms of the agreement by discriminating against certain
24 types of products produced in the United States that are
25 covered by the agreement, the Secretary of Defense shall

1 rescind the Secretary's blanket waiver of the Buy Amer-
2 ican Act with respect to such types of products produced
3 in that foreign country.

4 (2) An agreement referred to in paragraph (1) is any
5 reciprocal defense procurement memorandum of under-
6 standing, between the United States and a foreign country
7 pursuant to which the Secretary of Defense has prospec-
8 tively waived the Buy American Act for certain products
9 in that country.

10 (b) The Secretary of Defense shall submit to the Con-
11 gress a report on the amount of Department of Defense
12 purchases from foreign entities in fiscal year 2010. Such
13 report shall separately indicate the dollar value of items
14 for which the Buy American Act was waived pursuant to
15 any agreement described in subsection (a)(2), the Trade
16 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
17 international agreement to which the United States is a
18 party.

19 (c) For purposes of this section, the term "Buy
20 American Act" means title III of the Act entitled "An Act
21 making appropriations for the Treasury and Post Office
22 Departments for the fiscal year ending June 30, 1934,
23 and for other purposes", approved March 3, 1933 (41
24 U.S.C. 10a et seq.).

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

8 SEC. 8031. (a) Notwithstanding any other provision
9 of law, the Secretary of the Air Force may convey at no
10 cost to the Air Force, without consideration, to Indian
11 tribes located in the States of Nevada, Idaho, North Da-
12 kota, South Dakota, Montana, and Minnesota relocatable
13 military housing units located at Grand Forks Air Force
14 Base, Malmstrom Air Force Base, Mountain Home Air
15 Force Base, and Minot Air Force Base that are excess
16 to the needs of the Air Force.

17 (b) The Secretary of the Air Force shall convey, at
18 no cost to the Air Force, military housing units under sub-
19 section (a) in accordance with the request for such units
20 that are submitted to the Secretary by the Operation
21 Walking Shield Program on behalf of Indian tribes located
22 in the States of Nevada, Idaho, North Dakota, South Da-
23 kota, Montana, and Minnesota.

24 (c) The Operation Walking Shield Program shall re-
25 solve any conflicts among requests of Indian tribes for

1 housing units under subsection (a) before submitting re-
2 quests to the Secretary of the Air Force under subsection
3 (b).

4 (d) In this section, the term “Indian tribe” means
5 any recognized Indian tribe included on the current list
6 published by the Secretary of the Interior under section
7 104 of the Federally Recognized Indian Tribe Act of 1994
8 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–
9 1).

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

15 SEC. 8033. (a) During the current fiscal year, none
16 of the appropriations or funds available to the Department
17 of Defense Working Capital Funds shall be used for the
18 purchase of an investment item for the purpose of acquir-
19 ing a new inventory item for sale or anticipated sale dur-
20 ing the current fiscal year or a subsequent fiscal year to
21 customers of the Department of Defense Working Capital
22 Funds if such an item would not have been chargeable
23 to the Department of Defense Business Operations Fund
24 during fiscal year 1994 and if the purchase of such an
25 investment item would be chargeable during the current

1 fiscal year to appropriations made to the Department of
2 Defense for procurement.

3 (b) The fiscal year 2011 budget request for the De-
4 partment of Defense as well as all justification material
5 and other documentation supporting the fiscal year 2011
6 Department of Defense budget shall be prepared and sub-
7 mitted to the Congress on the basis that any equipment
8 which was classified as an end item and funded in a pro-
9 curement appropriation contained in this Act shall be
10 budgeted for in a proposed fiscal year 2011 procurement
11 appropriation and not in the supply management business
12 area or any other area or category of the Department of
13 Defense Working Capital Funds.

14 SEC. 8034. None of the funds appropriated by this
15 Act for programs of the Central Intelligence Agency shall
16 remain available for obligation beyond the current fiscal
17 year, except for funds appropriated for the Reserve for
18 Contingencies, which shall remain available until Sep-
19 tember 30, 2011: *Provided*, That funds appropriated,
20 transferred, or otherwise credited to the Central Intel-
21 ligence Agency Central Services Working Capital Fund
22 during this or any prior or subsequent fiscal year shall
23 remain available until expended: *Provided further*, That
24 any funds appropriated or transferred to the Central Intel-
25 ligence Agency for advanced research and development ac-

1 quision, for agent operations, and for covert action pro-
2 grams authorized by the President under section 503 of
3 the National Security Act of 1947, as amended, shall re-
4 main available until September 30, 2011.

5 SEC. 8035. Notwithstanding any other provision of
6 law, funds made available in this Act for the Defense In-
7 telligence Agency may be used for the design, develop-
8 ment, and deployment of General Defense Intelligence
9 Program intelligence communications and intelligence in-
10 formation systems for the Services, the Unified and Speci-
11 fied Commands, and the component commands.

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

22 SEC. 8037. (a) None of the funds appropriated in this
23 Act may be expended by an entity of the Department of
24 Defense unless the entity, in expending the funds, com-
25 plies with the Buy American Act. For purposes of this

1 subsection, the term “Buy American Act” means title III
2 of the Act entitled “An Act making appropriations for the
3 Treasury and Post Office Departments for the fiscal year
4 ending June 30, 1934, and for other purposes”, approved
5 March 3, 1933 (41 U.S.C. 10a et seq.).

6 (b) If the Secretary of Defense determines that a per-
7 son has been convicted of intentionally affixing a label
8 bearing a “Made in America” inscription to any product
9 sold in or shipped to the United States that is not made
10 in America, the Secretary shall determine, in accordance
11 with section 2410f of title 10, United States Code, wheth-
12 er the person should be debarred from contracting with
13 the Department of Defense.

14 (c) In the case of any equipment or products pur-
15 chased with appropriations provided under this Act, it is
16 the sense of the Congress that any entity of the Depart-
17 ment of Defense, in expending the appropriation, purchase
18 only American-made equipment and products, provided
19 that American-made equipment and products are cost-
20 competitive, quality-competitive, and available in a timely
21 fashion.

22 SEC. 8038. None of the funds appropriated by this
23 Act shall be available for a contract for studies, analysis,
24 or consulting services entered into without competition on

1 the basis of an unsolicited proposal unless the head of the
2 activity responsible for the procurement determines—

3 (1) as a result of thorough technical evaluation,
4 only one source is found fully qualified to perform
5 the proposed work;

6 (2) the purpose of the contract is to explore an
7 unsolicited proposal which offers significant sci-
8 entific or technological promise, represents the prod-
9 uct of original thinking, and was submitted in con-
10 fidence by one source; or

11 (3) the purpose of the contract is to take ad-
12 vantage of unique and significant industrial accom-
13 plishment by a specific concern, or to insure that a
14 new product or idea of a specific concern is given fi-
15 nancial support: *Provided*, That this limitation shall
16 not apply to contracts in an amount of less than
17 \$25,000, contracts related to improvements of equip-
18 ment that is in development or production, or con-
19 tracts as to which a civilian official of the Depart-
20 ment of Defense, who has been confirmed by the
21 Senate, determines that the award of such contract
22 is in the interest of the national defense.

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

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

2 (2) to pay the basic pay of a member of the
3 Armed Forces or civilian employee of the depart-
4 ment who is transferred or reassigned from a head-
5 quarters activity if the member or employee's place
6 of duty remains at the location of that headquarters.

7 (b) The Secretary of Defense or Secretary of a mili-
8 tary department may waive the limitations in subsection
9 (a), on a case-by-case basis, if the Secretary determines,
10 and certifies to the Committees on Appropriations of the
11 House of Representatives and Senate that the granting
12 of the waiver will reduce the personnel requirements or
13 the financial requirements of the department.

14 (c) This section does not apply to—

15 (1) field operating agencies funded within the
16 National Intelligence Program; or

17 (2) an Army field operating agency established
18 to eliminate, mitigate, or counter the effects of im-
19 proved explosive devices, and, as determined by the
20 Secretary of the Army, other similar threats.

21 SEC. 8040. The Secretary of Defense, notwith-
22 standing any other provision of law, acting through the
23 Office of Economic Adjustment of the Department of De-
24 fense, may use funds made available in this Act under the
25 heading "Operation and Maintenance, Defense-Wide" to

1 make grants and supplement other Federal funds in ac-
2 cordance with the guidance provided in the report of the
3 Committee on Appropriations of the House of Representa-
4 tives accompanying this Act.

5 (RESCISSIONS)

6 SEC. 8041. Of the funds appropriated in Department
7 of Defense Appropriations Acts, the following funds are
8 hereby rescinded from the following accounts and pro-
9 grams in the specified amounts:

10 “Other Procurement, Army, 2009/2011”,
11 \$131,900,000.

12 “Shipbuilding and Conversion, Navy, 2009/
13 2013”, \$177,767,000.

14 “Other Procurement, Navy, 2009/2011”,
15 \$18,844,000.

16 “Aircraft Procurement, Air Force, 2009/2011”,
17 \$687,071,000.

18 “Missile Procurement, Air Force, 2009/2011”,
19 \$60,000,000.

20 “Other Procurement, Air Force, 2009/2011”,
21 \$36,400,000.

22 “Research, Development, Test and Evaluation,
23 Navy, 2009/2010”, \$20,000,000.

24 “Research, Development, Test and Evaluation,
25 Air Force, 2009/2010”, \$70,000,000.

1 “Research, Development, Test and Evaluation,
2 Defense-Wide, 2009/2010”, \$189,357,000.

3 SEC. 8042. None of the funds available in this Act
4 may be used to reduce the authorized positions for mili-
5 tary (civilian) technicians of the Army National Guard,
6 Air National Guard, Army Reserve and Air Force Reserve
7 for the purpose of applying any administratively imposed
8 civilian personnel ceiling, freeze, or reduction on military
9 (civilian) technicians, unless such reductions are a direct
10 result of a reduction in military force structure.

11 SEC. 8043. None of the funds appropriated or other-
12 wise made available in this Act may be obligated or ex-
13 pended for assistance to the Democratic People’s Republic
14 of Korea unless specifically appropriated for that purpose.

15 SEC. 8044. Funds appropriated in this Act for oper-
16 ation and maintenance of the Military Departments, Com-
17 batant Commands and Defense Agencies shall be available
18 for reimbursement of pay, allowances and other expenses
19 which would otherwise be incurred against appropriations
20 for the National Guard and Reserve when members of the
21 National Guard and Reserve provide intelligence or coun-
22 terintelligence support to Combatant Commands, Defense
23 Agencies and Joint Intelligence Activities, including the
24 activities and programs included within the National Intel-
25 ligence Program and the Military Intelligence Program:

1 *Provided*, That nothing in this section authorizes deviation
2 from established Reserve and National Guard personnel
3 and training procedures.

4 SEC. 8045. During the current fiscal year, none of
5 the funds appropriated in this Act may be used to reduce
6 the civilian medical and medical support personnel as-
7 signed to military treatment facilities below the September
8 30, 2003, level: *Provided*, That the Service Surgeons Gen-
9 eral may waive this section by certifying to the congres-
10 sional defense committees that the beneficiary population
11 is declining in some catchment areas and civilian strength
12 reductions may be consistent with responsible resource
13 stewardship and capitation-based budgeting.

14 SEC. 8046. (a) None of the funds available to the
15 Department of Defense for any fiscal year for drug inter-
16 diction or counter-drug activities may be transferred to
17 any other department or agency of the United States ex-
18 cept as specifically provided in an appropriations law.

19 (b) None of the funds available to the Central Intel-
20 ligence Agency for any fiscal year for drug interdiction
21 and counter-drug activities may be transferred to any
22 other department or agency of the United States except
23 as specifically provided in an appropriations law.

24 SEC. 8047. None of the funds appropriated by this
25 Act may be used for the procurement of ball and roller

1 bearings other than those produced by a domestic source
2 and of domestic origin: *Provided*, That the Secretary of
3 the military department responsible for such procurement
4 may waive this restriction on a case-by-case basis by certi-
5 fying in writing to the Committees on Appropriations of
6 the House of Representatives and the Senate, that ade-
7 quate domestic supplies are not available to meet Depart-
8 ment of Defense requirements on a timely basis and that
9 such an acquisition must be made in order to acquire ca-
10 pability for national security purposes: *Provided further*,
11 That this restriction shall not apply to the purchase of
12 “commercial items”, as defined by section 4(12) of the
13 Office of Federal Procurement Policy Act, except that the
14 restriction shall apply to ball or roller bearings purchased
15 as end items.

16 SEC. 8048. None of the funds in this Act may be
17 used to purchase any supercomputer which is not manu-
18 factured in the United States, unless the Secretary of De-
19 fense certifies to the congressional defense committees
20 that such an acquisition must be made in order to acquire
21 capability for national security purposes that is not avail-
22 able from United States manufacturers.

23 SEC. 8049. None of the funds made available in this
24 or any other Act may be used to pay the salary of any
25 officer or employee of the Department of Defense who ap-

1 proves or implements the transfer of administrative re-
2 sponsibilities or budgetary resources of any program,
3 project, or activity financed by this Act to the jurisdiction
4 of another Federal agency not financed by this Act with-
5 out the express authorization of Congress: *Provided*, That
6 this limitation shall not apply to transfers of funds ex-
7 pressly provided for in Defense Appropriations Acts, or
8 provisions of Acts providing supplemental appropriations
9 for the Department of Defense.

10 SEC. 8050. (a) Notwithstanding any other provision
11 of law, none of the funds available to the Department of
12 Defense for the current fiscal year may be obligated or
13 expended to transfer to another nation or an international
14 organization any defense articles or services (other than
15 intelligence services) for use in the activities described in
16 subsection (b) unless the congressional defense commit-
17 tees, the Committee on Foreign Affairs of the House of
18 Representatives, and the Committee on Foreign Relations
19 of the Senate are notified 15 days in advance of such
20 transfer.

21 (b) This section applies to—

22 (1) any international peacekeeping or peace-en-
23 forcement operation under the authority of chapter
24 VI or chapter VII of the United Nations Charter

1 under the authority of a United Nations Security
2 Council resolution; and

3 (2) any other international peacekeeping, peace-
4 enforcement, or humanitarian assistance operation.

5 (c) A notice under subsection (a) shall include the
6 following:

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

9 (2) A statement of the value of the equipment,
10 supplies, or services to be transferred.

11 (3) In the case of a proposed transfer of equip-
12 ment or supplies—

13 (A) a statement of whether the inventory
14 requirements of all elements of the Armed
15 Forces (including the reserve components) for
16 the type of equipment or supplies to be trans-
17 ferred have been met; and

18 (B) a statement of whether the items pro-
19 posed to be transferred will have to be replaced
20 and, if so, how the President proposes to pro-
21 vide funds for such replacement.

22 SEC. 8051. None of the funds available to the De-
23 partment of Defense under this Act shall be obligated or
24 expended to pay a contractor under a contract with the

1 Department of Defense for costs of any amount paid by
2 the contractor to an employee when—

3 (1) such costs are for a bonus or otherwise in
4 excess of the normal salary paid by the contractor
5 to the employee; and

6 (2) such bonus is part of restructuring costs as-
7 sociated with a business combination.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8052. During the current fiscal year, no more
10 than \$30,000,000 of appropriations made in this Act
11 under the heading “Operation and Maintenance, Defense-
12 Wide” may be transferred to appropriations available for
13 the pay of military personnel, to be merged with, and to
14 be available for the same time period as the appropriations
15 to which transferred, to be used in support of such per-
16 sonnel in connection with support and services for eligible
17 organizations and activities outside the Department of De-
18 fense pursuant to section 2012 of title 10, United States
19 Code.

20 SEC. 8053. During the current fiscal year, in the case
21 of an appropriation account of the Department of Defense
22 for which the period of availability for obligation has ex-
23 pired or which has closed under the provisions of section
24 1552 of title 31, United States Code, and which has a
25 negative unliquidated or unexpended balance, an obliga-

1 tion or an adjustment of an obligation may be charged
2 to any current appropriation account for the same purpose
3 as the expired or closed account if—

4 (1) the obligation would have been properly
5 chargeable (except as to amount) to the expired or
6 closed account before the end of the period of avail-
7 ability or closing of that account;

8 (2) the obligation is not otherwise properly
9 chargeable to any current appropriation account of
10 the Department of Defense; and

11 (3) in the case of an expired account, the obli-
12 gation is not chargeable to a current appropriation
13 of the Department of Defense under the provisions
14 of section 1405(b)(8) of the National Defense Au-
15 thorization Act for Fiscal Year 1991, Public Law
16 101–510, as amended (31 U.S.C. 1551 note): *Pro-*
17 *vided*, That in the case of an expired account, if sub-
18 sequent review or investigation discloses that there
19 was not in fact a negative unliquidated or unex-
20 pended balance in the account, any charge to a cur-
21 rent account under the authority of this section shall
22 be reversed and recorded against the expired ac-
23 count: *Provided further*, That the total amount
24 charged to a current appropriation under this sec-

1 tion may not exceed an amount equal to 1 percent
2 of the total appropriation for that account.

3 SEC. 8054. (a) Notwithstanding any other provision
4 of law, the Chief of the National Guard Bureau may per-
5 mit the use of equipment of the National Guard Distance
6 Learning Project by any person or entity on a space-avail-
7 able, reimbursable basis. The Chief of the National Guard
8 Bureau shall establish the amount of reimbursement for
9 such use on a case-by-case basis.

10 (b) Amounts collected under subsection (a) shall be
11 credited to funds available for the National Guard Dis-
12 tance Learning Project and be available to defray the costs
13 associated with the use of equipment of the project under
14 that subsection. Such funds shall be available for such
15 purposes without fiscal year limitation.

16 SEC. 8055. Using funds available by this Act or any
17 other Act, the Secretary of the Air Force, pursuant to a
18 determination under section 2690 of title 10, United
19 States Code, may implement cost-effective agreements for
20 required heating facility modernization in the
21 Kaiserslautern Military Community in the Federal Repub-
22 lic of Germany: *Provided*, That in the City of
23 Kaiserslautern such agreements will include the use of
24 United States anthracite as the base load energy for mu-
25 nicipal district heat to the United States Defense installa-

1 tions: *Provided further*, That at Landstuhl Army Regional
2 Medical Center and Ramstein Air Base, furnished heat
3 may be obtained from private, regional or municipal serv-
4 ices, if provisions are included for the consideration of
5 United States coal as an energy source.

6 SEC. 8056. None of the funds appropriated in title
7 IV of this Act may be used to procure end-items for deliv-
8 ery to military forces for operational training, operational
9 use or inventory requirements: *Provided*, That this restric-
10 tion does not apply to end-items used in development,
11 prototyping, and test activities preceding and leading to
12 acceptance for operational use: *Provided further*, That this
13 restriction does not apply to programs funded within the
14 National Intelligence Program: *Provided further*, That the
15 Secretary of Defense may waive this restriction on a case-
16 by-case basis by certifying in writing to the Committees
17 on Appropriations of the House of Representatives and the
18 Senate that it is in the national security interest to do
19 so.

20 SEC. 8057. None of the funds made available in this
21 Act may be used to approve or license the sale of the F-
22 22A advanced tactical fighter to any foreign government.

23 SEC. 8058. (a) The Secretary of Defense may, on a
24 case-by-case basis, waive with respect to a foreign country
25 each limitation on the procurement of defense items from

1 foreign sources provided in law if the Secretary determines
2 that the application of the limitation with respect to that
3 country would invalidate cooperative programs entered
4 into between the Department of Defense and the foreign
5 country, or would invalidate reciprocal trade agreements
6 for the procurement of defense items entered into under
7 section 2531 of title 10, United States Code, and the
8 country does not discriminate against the same or similar
9 defense items produced in the United States for that coun-
10 try.

11 (b) Subsection (a) applies with respect to—

12 (1) contracts and subcontracts entered into on
13 or after the date of the enactment of this Act; and

14 (2) options for the procurement of items that
15 are exercised after such date under contracts that
16 are entered into before such date if the option prices
17 are adjusted for any reason other than the applica-
18 tion of a waiver granted under subsection (a).

19 (c) Subsection (a) does not apply to a limitation re-
20 garding construction of public vessels, ball and roller bear-
21 ings, food, and clothing or textile materials as defined by
22 section 11 (chapters 50–65) of the Harmonized Tariff
23 Schedule and products classified under headings 4010,
24 4202, 4203, 6401 through 6406, 6505, 7019, 7218

1 through 7229, 7304.41 through 7304.49, 7306.40, 7502
2 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

3 SEC. 8059. (a) None of the funds made available by
4 this Act may be used to support any training program in-
5 volving a unit of the security forces of a foreign country
6 if the Secretary of Defense has received credible informa-
7 tion from the Department of State that the unit has com-
8 mitted a gross violation of human rights, unless all nec-
9 essary corrective steps have been taken.

10 (b) The Secretary of Defense, in consultation with the
11 Secretary of State, shall ensure that prior to a decision
12 to conduct any training program referred to in subsection
13 (a), full consideration is given to all credible information
14 available to the Department of State relating to human
15 rights violations by foreign security forces.

16 (c) The Secretary of Defense, after consultation with
17 the Secretary of State, may waive the prohibition in sub-
18 section (a) if he determines that such waiver is required
19 by extraordinary circumstances.

20 (d) Not more than 15 days after the exercise of any
21 waiver under subsection (c), the Secretary of Defense shall
22 submit a report to the congressional defense committees
23 describing the extraordinary circumstances, the purpose
24 and duration of the training program, the United States
25 forces and the foreign security forces involved in the train-

1 ing program, and the information relating to human rights
2 violations that necessitates the waiver.

3 SEC. 8060. None of the funds appropriated or made
4 available in this Act to the Department of the Navy shall
5 be used to develop, lease or procure the T-AKE class of
6 ships unless the main propulsion diesel engines and
7 propulsors are manufactured in the United States by a
8 domestically operated entity: *Provided*, That the Secretary
9 of Defense may waive this restriction on a case-by-case
10 basis by certifying in writing to the Committees on Appro-
11 priations of the House of Representatives and the Senate
12 that adequate domestic supplies are not available to meet
13 Department of Defense requirements on a timely basis
14 and that such an acquisition must be made in order to
15 acquire capability for national security purposes or there
16 exists a significant cost or quality difference.

17 SEC. 8061. None of the funds appropriated or other-
18 wise made available by this or other Department of De-
19 fense Appropriations Acts may be obligated or expended
20 for the purpose of performing repairs or maintenance to
21 military family housing units of the Department of De-
22 fense, including areas in such military family housing
23 units that may be used for the purpose of conducting offi-
24 cial Department of Defense business.

1 SEC. 8062. Notwithstanding any other provision of
2 law, funds appropriated in this Act under the heading
3 “Research, Development, Test and Evaluation, Defense-
4 Wide” for any new start advanced concept technology
5 demonstration project or joint capability demonstration
6 project may only be obligated 30 days after a report, in-
7 cluding a description of the project, the planned acquisi-
8 tion and transition strategy and its estimated annual and
9 total cost, has been provided in writing to the congress-
10 sional defense committees: *Provided*, That the Secretary
11 of Defense may waive this restriction on a case-by-case
12 basis by certifying to the congressional defense committees
13 that it is in the national interest to do so.

14 SEC. 8063. The Secretary of Defense shall provide
15 a classified quarterly report beginning 30 days after enact-
16 ment of this Act, to the House and Senate Appropriations
17 Committees, Subcommittees on Defense on certain mat-
18 ters as directed in the classified annex accompanying this
19 Act.

20 SEC. 8064. During the current fiscal year, none of
21 the funds available to the Department of Defense may be
22 used to provide support to another department or agency
23 of the United States if such department or agency is more
24 than 90 days in arrears in making payment to the Depart-
25 ment of Defense for goods or services previously provided

1 to such department or agency on a reimbursable basis:
2 *Provided*, That this restriction shall not apply if the de-
3 partment is authorized by law to provide support to such
4 department or agency on a nonreimbursable basis, and is
5 providing the requested support pursuant to such author-
6 ity: *Provided further*, That the Secretary of Defense may
7 waive this restriction on a case-by-case basis by certifying
8 in writing to the Committees on Appropriations of the
9 House of Representatives and the Senate that it is in the
10 national security interest to do so.

11 SEC. 8065. Notwithstanding section 12310(b) of title
12 10, United States Code, a Reserve who is a member of
13 the National Guard serving on full-time National Guard
14 duty under section 502(f) of title 32, United States Code,
15 may perform duties in support of the ground-based ele-
16 ments of the National Ballistic Missile Defense System.

17 SEC. 8066. None of the funds provided in this Act
18 may be used to transfer to any nongovernmental entity
19 ammunition held by the Department of Defense that has
20 a center-fire cartridge and a United States military no-
21 menclature designation of “armor penetrator”, “armor
22 piercing (AP)”, “armor piercing incendiary (API)”, or
23 “armor-piercing incendiary-tracer (API-T)”, except to an
24 entity performing demilitarization services for the Depart-
25 ment of Defense under a contract that requires the entity

1 to demonstrate to the satisfaction of the Department of
2 Defense that armor piercing projectiles are either: (1) ren-
3 dered incapable of reuse by the demilitarization process;
4 or (2) used to manufacture ammunition pursuant to a con-
5 tract with the Department of Defense or the manufacture
6 of ammunition for export pursuant to a License for Per-
7 manent Export of Unclassified Military Articles issued by
8 the Department of State.

9 SEC. 8067. Notwithstanding any other provision of
10 law, the Chief of the National Guard Bureau, or his des-
11 ignee, may waive payment of all or part of the consider-
12 ation that otherwise would be required under section 2667
13 of title 10, United States Code, in the case of a lease of
14 personal property for a period not in excess of 1 year to
15 any organization specified in section 508(d) of title 32,
16 United States Code, or any other youth, social, or fra-
17 ternal nonprofit organization as may be approved by the
18 Chief of the National Guard Bureau, or his designee, on
19 a case-by-case basis.

20 SEC. 8068. None of the funds appropriated by this
21 Act shall be used for the support of any nonappropriated
22 funds activity of the Department of Defense that procures
23 malt beverages and wine with nonappropriated funds for
24 resale (including such alcoholic beverages sold by the
25 drink) on a military installation located in the United

1 States unless such malt beverages and wine are procured
2 within that State, or in the case of the District of Colum-
3 bia, within the District of Columbia, in which the military
4 installation is located: *Provided*, That in a case in which
5 the military installation is located in more than one State,
6 purchases may be made in any State in which the installa-
7 tion is located: *Provided further*, That such local procure-
8 ment requirements for malt beverages and wine shall
9 apply to all alcoholic beverages only for military installa-
10 tions in States which are not contiguous with another
11 State: *Provided further*, That alcoholic beverages other
12 than wine and malt beverages, in contiguous States and
13 the District of Columbia shall be procured from the most
14 competitive source, price and other factors considered.

15 SEC. 8069. Funds available to the Department of De-
16 fense for the Global Positioning System during the current
17 fiscal year may be used to fund civil requirements associ-
18 ated with the satellite and ground control segments of
19 such system's modernization program.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8070. Of the amounts appropriated in this Act
22 under the heading "Operation and Maintenance, Army",
23 \$106,754,000 shall remain available until expended: *Pro-*
24 *vided*, That notwithstanding any other provision of law,
25 the Secretary of Defense is authorized to transfer such

1 funds to other activities of the Federal Government: *Pro-*
2 *vided further*, That the Secretary of Defense is authorized
3 to enter into and carry out contracts for the acquisition
4 of real property, construction, personal services, and oper-
5 ations related to projects carrying out the purposes of this
6 section: *Provided further*, That contracts entered into
7 under the authority of this section may provide for such
8 indemnification as the Secretary determines to be nec-
9 essary: *Provided further*, That projects authorized by this
10 section shall comply with applicable Federal, State, and
11 local law to the maximum extent consistent with the na-
12 tional security, as determined by the Secretary of Defense.

13 SEC. 8071. Section 8106 of the Department of De-
14 fense Appropriations Act, 1997 (titles I through VIII of
15 the matter under subsection 101(b) of Public Law 104-
16 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-
17 tinue in effect to apply to disbursements that are made
18 by the Department of Defense in fiscal year 2010.

19 SEC. 8072. In addition to amounts provided else-
20 where in this Act, \$5,000,000 is hereby appropriated to
21 the Department of Defense, to remain available for obliga-
22 tion until expended: *Provided*, That notwithstanding any
23 other provision of law, these funds shall be available only
24 for a grant to the Fisher House Foundation, Inc., only
25 for the construction and furnishing of additional Fisher

1 Houses to meet the needs of military family members
2 when confronted with the illness or hospitalization of an
3 eligible military beneficiary.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8073. Of the amounts appropriated in this Act
6 under the heading “Research, Development, Test and
7 Evaluation, Defense-Wide”, \$202,434,000 shall be for the
8 Israeli Cooperative Programs: *Provided*, That of this
9 amount, \$45,792,000 shall be for the Short Range Bal-
10 listic Missile Defense (SRBMD) program, \$50,036,000
11 shall be available for an upper-tier component to the
12 Israeli Missile Defense Architecture, and \$72,400,000
13 shall be for the Arrow Missile Defense Program, of which
14 \$25,000,000 shall be for producing Arrow missile compo-
15 nents in the United States and Arrow missile components
16 in Israel to meet Israel’s defense requirements, consistent
17 with each nation’s laws, regulations and procedures: *Pro-*
18 *vided further*, That funds made available under this provi-
19 sion for production of missiles and missile components
20 may be transferred to appropriations available for the pro-
21 curement of weapons and equipment, to be merged with
22 and to be available for the same time period and the same
23 purposes as the appropriation to which transferred: *Pro-*
24 *vided further*, That the transfer authority provided under

1 this provision is in addition to any other transfer authority
2 contained in this Act.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8074. Of the amounts appropriated in this Act
5 under the heading “Shipbuilding and Conversion, Navy”,
6 \$454,586,000 shall be available until September 30, 2010,
7 to fund prior year shipbuilding cost increases: *Provided*,
8 That upon enactment of this Act, the Secretary of the
9 Navy shall transfer such funds to the following appropria-
10 tions in the amounts specified: *Provided further*, That the
11 amounts transferred shall be merged with and be available
12 for the same purposes as the appropriations to which
13 transferred:

14 To:

15 Under the heading Shipbuilding and Conversion,
16 Navy, 2004/2010:

17 New SSN, \$26,906,000.

18 LPD–17 Amphibious Transport Dock Program,
19 \$16,844,000.

20 Under the heading Shipbuilding and Conversion,
21 Navy, 2005/2010:

22 New SSN, \$18,702,000.

23 LPD–17 Amphibious Transport Dock Program,
24 \$16,498,000.

1 Under the heading Shipbuilding and Conversion,
2 Navy, 2007/2011:

3 DD(X) Program, \$309,636,000.

4 Under the heading Shipbuilding and Conversion,
5 Navy, 2008/2012:

6 LPD-17 Amphibious Transport Dock Program,
7 \$66,000,000.

8 SEC. 8075. None of the funds available to the De-
9 partment of Defense may be obligated to modify command
10 and control relationships to give Fleet Forces Command
11 administrative and operational control of United States
12 Navy forces assigned to the Pacific fleet: *Provided*, That
13 the command and control relationships which existed on
14 October 1, 2004, shall remain in force unless changes are
15 specifically authorized in a subsequent Act.

16 SEC. 8076. Notwithstanding any other provision of
17 law or regulation, the Secretary of Defense may exercise
18 the provisions of section 7403(g) of title 38, United States
19 Code, for occupations listed in section 7403(a)(2) of title
20 38, United States Code, as well as the following:

21 Pharmacists, Audiologists, Psychologists, Social
22 Workers, Orthotists/Prosthetists, Occupational
23 Therapists, Physical Therapists, Rehabilitation
24 Therapy Assistants, Respiratory Therapists, Speech
25 Pathologists, Dietitian/Nutritionists, Industrial Hy-

1 gienists, Psychology Technicians, Social Service As-
2 sistants, Practical Nurses, Nursing Assistants, Med-
3 ical Technologists, Medical Technicians, Pharmacy
4 Technicians, Health System Specialists, Medical In-
5 strument Technicians, and Dental Hygienists:

6 (A) The requirements of section
7 7403(g)(1)(A) of title 38, United States Code,
8 shall apply.

9 (B) The limitations of section
10 7403(g)(1)(B) of title 38, United States Code,
11 shall not apply.

12 SEC. 8077. Funds appropriated by this Act, or made
13 available by the transfer of funds in this Act, for intel-
14 ligence activities are deemed to be specifically authorized
15 by the Congress for purposes of section 504 of the Na-
16 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
17 year 2010 until the enactment of the Intelligence Author-
18 ization Act for Fiscal Year 2010.

19 SEC. 8078. None of the funds provided in this Act
20 shall be available for obligation or expenditure through a
21 reprogramming of funds that creates or initiates a new
22 program, project, or activity unless such program, project,
23 or activity must be undertaken immediately in the interest
24 of national security and only after written prior notifica-
25 tion to the congressional defense committees.

1 SEC. 8079. (a) In addition to the amounts provided
2 elsewhere in this Act, \$3,000,000 is hereby appropriated
3 to the Department of Defense for “Operation and Mainte-
4 nance, Army National Guard”. Such amount shall be
5 made available to the Secretary of the Army only to make
6 a grant in the amount of \$3,000,000 to the entity speci-
7 fied in subsection (b) to facilitate access by veterans to
8 opportunities for skilled employment in the construction
9 industry.

10 (b) The entity referred to in subsection (a) is the
11 Center for Military Recruitment, Assessment and Vet-
12 erans Employment, a nonprofit labor-management co-
13 operation committee provided for by section 302(c)(9) of
14 the Labor-Management Relations Act, 1947 (29 U.S.C.
15 186(c)(9)), for the purposes set forth in section 6(b) of
16 the Labor Management Cooperation Act of 1978 (29
17 U.S.C. 175a note).

18 SEC. 8080. The budget of the President for fiscal
19 year 2011 submitted to the Congress pursuant to section
20 1105 of title 31, United States Code, shall include sepa-
21 rate budget justification documents for costs of United
22 States Armed Forces’ participation in contingency oper-
23 ations for the Military Personnel accounts, the Operation
24 and Maintenance accounts, and the Procurement ac-
25 counts: *Provided*, That these documents shall include a de-

1 scription of the funding requested for each contingency op-
2 eration, for each military service, to include all Active and
3 Reserve components, and for each appropriations account:
4 *Provided further*, That these documents shall include esti-
5 mated costs for each element of expense or object class,
6 a reconciliation of increases and decreases for each contin-
7 gency operation, and programmatic data including, but
8 not limited to, troop strength for each Active and Reserve
9 component, and estimates of the major weapons systems
10 deployed in support of each contingency: *Provided further*,
11 That these documents shall include budget exhibits OP-
12 5 and OP-32 (as defined in the Department of Defense
13 Financial Management Regulation) for all contingency op-
14 erations for the budget year and the two preceding fiscal
15 years.

16 SEC. 8081. None of the funds in this Act may be
17 used for research, development, test, evaluation, procure-
18 ment or deployment of nuclear armed interceptors of a
19 missile defense system.

20 SEC. 8082. Up to \$2,500,000 of the funds appro-
21 priated under the heading “Operation and Maintenance,
22 Navy” in this Act for the Pacific Missile Range Facility
23 may be made available to contract for the repair, mainte-
24 nance, and operation of adjacent off-base water, drainage,
25 and flood control systems, electrical upgrade to support

1 additional missions critical to base operations, and support
2 for a range footprint expansion to further guard against
3 encroachment.

4 SEC. 8083. In addition to the amounts appropriated
5 or otherwise made available elsewhere in this Act,
6 \$88,700,000 is hereby appropriated to the Department of
7 Defense: *Provided*, That the Secretary of Defense shall
8 make grants in the amounts specified as follows:
9 \$20,000,000 to the United Service Organizations;
10 \$30,000,000 to the Red Cross; \$6,000,000 to the SOAR
11 Virtual School District; \$5,000,000 to The Presidio Herit-
12 age Center; \$5,000,000 to the Paralympics Military Pro-
13 gram; \$4,800,000 to the Arrest Deterioration of Ford Is-
14 land Aviation Control Tower, Pearl Harbor, Hawaii;
15 \$2,000,000 to the Go For Broke program; \$1,000,000 to
16 Our Military Kids; \$3,000,000 to the New Jersey Tech-
17 nology Center; \$2,000,000 to the Women in Military Serv-
18 ice for America Memorial; \$500,000 to the Marshall Leg-
19 acy Institute; \$1,000,000 to the Vietnam Veterans Memo-
20 rial Fund for Demining Activities; \$7,400,000 to the Ed-
21 ward M. Kennedy Institute for the Senate; and
22 \$1,000,000 for the Riverside General Hospital in Hous-
23 ton, Texas, for the treatment of psychological health
24 issues.

1 SEC. 8084. None of the funds appropriated or made
2 available in this Act shall be used to reduce or disestablish
3 the operation of the 53rd Weather Reconnaissance Squad-
4 ron of the Air Force Reserve, if such action would reduce
5 the WC-130 Weather Reconnaissance mission below the
6 levels funded in this Act: *Provided*, That the Air Force
7 shall allow the 53rd Weather Reconnaissance Squadron to
8 perform other missions in support of national defense re-
9 quirements during the non-hurricane season.

10 SEC. 8085. None of the funds provided in this Act
11 shall be available for integration of foreign intelligence in-
12 formation unless the information has been lawfully col-
13 lected and processed during the conduct of authorized for-
14 eign intelligence activities: *Provided*, That information
15 pertaining to United States persons shall only be handled
16 in accordance with protections provided in the Fourth
17 Amendment of the United States Constitution as imple-
18 mented through Executive Order No. 12333.

19 SEC. 8086. (a) At the time members of reserve com-
20 ponents of the Armed Forces are called or ordered to ac-
21 tive duty under section 12302(a) of title 10, United States
22 Code, each member shall be notified in writing of the ex-
23 pected period during which the member will be mobilized.

24 (b) The Secretary of Defense may waive the require-
25 ments of subsection (a) in any case in which the Secretary

1 determines that it is necessary to do so to respond to a
2 national security emergency or to meet dire operational
3 requirements of the Armed Forces.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8087. The Secretary of Defense may transfer
6 funds from any available Department of the Navy appro-
7 priation to any available Navy ship construction appro-
8 priation for the purpose of liquidating necessary changes
9 resulting from inflation, market fluctuations, or rate ad-
10 justments for any ship construction program appropriated
11 in law: *Provided*, That the Secretary may transfer not to
12 exceed \$100,000,000 under the authority provided by this
13 section: *Provided further*, That the Secretary may not
14 transfer any funds until 30 days after the proposed trans-
15 fer has been reported to the Committees on Appropria-
16 tions of the House of Representatives and the Senate, un-
17 less a response from the Committees is received sooner:
18 *Provided further*, That the transfer authority provided by
19 this section is in addition to any other transfer authority
20 contained elsewhere in this Act.

21 SEC. 8088. For purposes of section 612 of title 41,
22 United States Code, any subdivision of appropriations
23 made under the heading “Shipbuilding and Conversion,
24 Navy” that is not closed at the time reimbursement is
25 made shall be available to reimburse the Judgment Fund

1 and shall be considered for the same purposes as any sub-
2 division under the heading “Shipbuilding and Conversion,
3 Navy” appropriations in the current fiscal year or any
4 prior fiscal year.

5 SEC. 8089. (a) None of the funds appropriated by
6 this Act may be used to transfer research and develop-
7 ment, acquisition, or other program authority relating to
8 current tactical unmanned aerial vehicles (TUAVs) from
9 the Army.

10 (b) None of the funds appropriated by this Act may
11 be used to institute an inter-Service common contract for
12 acquisition of MQ-1 or MQ-1C UAVs until 30 days after
13 the Secretary of Defense certifies to the congressional de-
14 fense committees that a common contract would achieve
15 cost savings, be interoperable with, and not create undue
16 sustainment costs compared to the current fleet.

17 SEC. 8090. Notwithstanding any other provision of
18 law or regulation, the Secretary of Defense may adjust
19 wage rates for civilian employees hired for certain health
20 care occupations as authorized for the Secretary of Vet-
21 erans Affairs by section 7455 of title 38, United States
22 Code.

23 SEC. 8091. Up to \$15,000,000 of the funds appro-
24 priated under the heading, “Operation and Maintenance,
25 Navy” may be made available for the Asia Pacific Re-

1 gional Initiative Program for the purpose of enabling the
2 Pacific Command to execute Theater Security Cooperation
3 activities such as humanitarian assistance, and payment
4 of incremental and personnel costs of training and exer-
5 cising with foreign security forces: *Provided*, That funds
6 made available for this purpose may be used, notwith-
7 standing any other funding authorities for humanitarian
8 assistance, security assistance or combined exercise ex-
9 penses: *Provided further*, That funds may not be obligated
10 to provide assistance to any foreign country that is other-
11 wise prohibited from receiving such type of assistance
12 under any other provision of law.

13 SEC. 8092. None of the funds appropriated by this
14 Act for programs of the Office of the Director of National
15 Intelligence shall remain available for obligation beyond
16 the current fiscal year, except for funds appropriated for
17 research and technology, which shall remain available until
18 September 30, 2011.

19 SEC. 8093. For purposes of section 1553(b) of title
20 31, United States Code, any subdivision of appropriations
21 made in this Act under the heading “Shipbuilding and
22 Conversion, Navy” shall be considered to be for the same
23 purpose as any subdivision under the heading “Ship-
24 building and Conversion, Navy” appropriations in any

1 prior fiscal year, and the 1 percent limitation shall apply
2 to the total amount of the appropriation.

3 SEC. 8094. Notwithstanding any other provision of
4 law, that not more than 35 percent of funds provided in
5 this Act for environmental remediation may be obligated
6 under indefinite delivery/indefinite quantity contracts with
7 a total contract value of \$130,000,000 or higher.

8 SEC. 8095. The Secretary of Defense shall create a
9 major force program category for space for the Future
10 Years Defense Program of the Department of Defense.
11 The Secretary of Defense shall designate an official in the
12 Office of the Secretary of Defense to provide overall super-
13 vision of the preparation and justification of program rec-
14 ommendations and budget proposals to be included in such
15 major force program category.

16 SEC. 8096. The Director of National Intelligence
17 shall include the budget exhibits identified in paragraphs
18 (1) and (2) as described in the Department of Defense
19 Financial Management Regulation with the congressional
20 budget justification books.

21 (1) For procurement programs requesting more
22 than \$20,000,000 in any fiscal year, the P-1, Pro-
23 curement Program; P-5, Cost Analysis; P-5a, Pro-
24 curement History and Planning; P-21, Production
25 Schedule; and P-40, Budget Item Justification.

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

7 SEC. 8097. Notwithstanding any other provision of
8 law, none of the funds made available in this Act may be
9 used to pay negotiated indirect cost rates on a contract,
10 grant, or cooperative agreement (or similar arrangement)
11 entered into by the Department of Defense and an entity
12 in excess of 35 percent of the total cost of the contract,
13 grant, or agreement (or similar arrangement): *Provided*,
14 That this limitation shall apply only to funds made avail-
15 able in this Act for basic research.

16 SEC. 8098. The Secretary of Defense shall maintain
17 on the homepage of the Internet website of the Depart-
18 ment of Defense a direct link to the Internet website of
19 the Office of Inspector General of the Department of De-
20 fense.

21 SEC. 8099. (a) Not later than 60 days after enact-
22 ment of this Act, the Office of the Director of National
23 Intelligence shall submit a report to the congressional in-
24 telligence committees to establish the baseline for applica-

1 tion of reprogramming and transfer authorities for fiscal
2 year 2010: *Provided*, That the report shall include—

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

8 (2) a delineation in the table for each appro-
9 priation by Expenditure Center and project; and

10 (3) an identification of items of special congres-
11 sional interest.

12 (b) None of the funds provided for the National Intel-
13 ligence Program in this Act shall be available for re-
14 programming or transfer until the report identified in sub-
15 section (a) is submitted to the congressional intelligence
16 committees, unless the Director of National Intelligence
17 certifies in writing to the congressional intelligence com-
18 mittees that such reprogramming or transfer is necessary
19 as an emergency requirement.

20 SEC. 8100. The Director of National Intelligence
21 shall submit to Congress each year, at or about the time
22 that the President's budget is submitted to Congress that
23 year under section 1105(a) of title 31, United States
24 Code, a future-years intelligence program (including asso-
25 ciated annexes) reflecting the estimated expenditures and

1 proposed appropriations included in that budget. Any such
2 future-years intelligence program shall cover the fiscal
3 year with respect to which the budget is submitted and
4 at least the four succeeding fiscal years.

5 SEC. 8101. For the purposes of this Act, the term
6 “congressional intelligence committees” means the Perma-
7 nent Select Committee on Intelligence of the House of
8 Representatives, the Select Committee on Intelligence of
9 the Senate, the Subcommittee on Defense of the Com-
10 mittee on Appropriations of the House of Representatives,
11 and the Subcommittee on Defense of the Committee on
12 Appropriations of the Senate.

13 SEC. 8102. The Department of Defense shall con-
14 tinue to report incremental contingency operations costs
15 for Operation Iraqi Freedom and Operation Enduring
16 Freedom on a monthly basis in the Cost of War Execution
17 Report as prescribed in the Department of Defense Finan-
18 cial Management Regulation Department of Defense In-
19 struction 7000.14, Volume 12, Chapter 23 “Contingency
20 Operations”, Annex 1, dated September 2005.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8103. (a) CONTINUATION OF STOP-LOSS SPE-
23 CIAL PAY.—In addition to the amounts appropriated or
24 otherwise made available elsewhere in this Act,
25 \$8,300,000 is hereby appropriated to the Secretary of De-

1 fense to carry out this section. Such amount shall be made
2 available to the Secretaries of the military departments
3 only to provide special pay during fiscal year 2010 to
4 members of the Army, Navy, Air Force, and Marine
5 Corps, including members of their reserve components,
6 who, at any time during fiscal year 2010, serve on active
7 duty while the members' enlistment or period of obligated
8 service is extended, or whose eligibility for retirement is
9 suspended, pursuant to section 123 or 12305 of title 10,
10 United States Code, or any other provision of law (com-
11 monly referred to as a "stop-loss authority") authorizing
12 the President to extend an enlistment or period of obli-
13 gated service, or suspend an eligibility for retirement, of
14 a member of the uniformed services in time of war or of
15 national emergency declared by Congress or the President.

16 (b) SPECIAL PAY AMOUNT.—The amount of the spe-
17 cial pay paid under subsection (a) to or on behalf of an
18 eligible member shall be \$500 per month for each month
19 or portion of a month during fiscal year 2010 that the
20 member is retained on active duty as a result of applica-
21 tion of the stop-loss authority.

22 (c) TREATMENT OF DECEASED MEMBERS.—If an eli-
23 gible member described in subsection (a) dies before the
24 payment required by this section is made, the Secretary

1 concerned shall make the payment in accordance with sec-
2 tion 2771 of title 10, United States Code.

3 (d) CLARIFICATION OF RETROACTIVE STOP-LOSS
4 SPECIAL PAY AUTHORITY.—Section 310 of the Supple-
5 mental Appropriations Act, 2009 (Public Law 111–32) is
6 amended by adding at the end the following new sub-
7 section:

8 “(i) EFFECT OF SUBSEQUENT REENLISTMENT OF
9 VOLUNTARY EXTENSION OF SERVICE.—Members of the
10 Armed Forces, retired members, and former members oth-
11 erwise described in subsection (a) are not eligible for a
12 payment under this section if the members—

13 “(1) voluntarily reenlisted or extended their
14 service after their enlistment or period of obligated
15 service was extended, or after their eligibility for re-
16 tirement was suspended, pursuant to a stop-loss au-
17 thority; and

18 “(2) received a bonus for such reenlistment or
19 extension of service.”.

20 SEC. 8104. Appropriations available to the Depart-
21 ment of Defense for the purchase of heavy and light ar-
22 mored vehicles for force protection purposes may be used
23 for such purchase, up to a limit of \$262,000 per vehicle,
24 notwithstanding other limitations applicable to the pur-
25 chase of passenger carrying vehicles.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8105. During the current fiscal year, not to ex-
3 ceed \$12,000,000 from each of the appropriations made
4 in title II of this Act for “Operation and Maintenance,
5 Army”, “Operation and Maintenance, Navy”, and “Oper-
6 ation and Maintenance, Air Force” may be transferred by
7 the military department concerned to its central fund es-
8 tablished for Fisher Houses and Suites pursuant to sec-
9 tion 2493(d) of title 10, United States Code.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 8106. Of the funds appropriated in the Intel-
12 ligence Community Management Account for the Program
13 Manager for the Information Sharing Environment,
14 \$24,000,000 is available for transfer by the Director of
15 National Intelligence to other departments and agencies
16 for purposes of Government-wide information sharing ac-
17 tivities: *Provided*, That the funds transferred under this
18 provision are to be merged with, and to be available for
19 the same purposes and for the same time period as the
20 appropriations to which transferred: *Provided further*,
21 That the Office of Management and Budget must approve
22 any transfers made under this provision.

23 SEC. 8107. (a) None of the funds provided for the
24 National Intelligence Program in this or any prior appro-
25 priations Act shall be available for obligation or expendi-

1 ture through a reprogramming of funds in accordance
2 with section 102A(d) of the National Security Act of 1947
3 (50 U.S.C. 403–1(d)) unless the Committees on Appro-
4 priations of the House of Representatives and the Senate
5 are notified 15 days in advance of the reprogramming
6 that—

7 (1) creates or initiates a new program, project
8 or activity;

9 (2) eliminates a program, project or activity;

10 (3) augments funds for existing projects in ex-
11 cess of 10 percent or more; or

12 (4) reduces by 10 percent or more funding or
13 personnel for a project.

14 (b) None of the funds provided for the National intel-
15 ligence Program in this or any prior appropriations Act
16 shall be available for obligation or expenditure through a
17 reprogramming of funds in accordance with section
18 102A(d) of the National Security Act of 1947 (50 U.S.C.
19 403–1(d)) made after August 1, 2010, except in extraor-
20 dinary circumstances and after the Committees on Appro-
21 priations of the House of Representatives and the Senate
22 are notified 30 days in advance of the reprogramming.

23 SEC. 8108. None of the funds appropriated or other-
24 wise made available by this Act, or that remain available
25 for obligation for the Department of Defense from the

1 Consolidated Security, Disaster Assistance, and Con-
2 tinuing Appropriations Act, 2009 (Public Law 110–329),
3 the American Recovery and Reinvestment Act of 2009
4 (Public Law 111–5), and the Supplemental Appropria-
5 tions Act, 2009 (Public Law 111–32), may be used to
6 award to a contractor or convert to performance by a con-
7 tractor any functions performed by Federal employees
8 pursuant to a study conducted under Office of Manage-
9 ment and Budget (OMB) Circular A–76, as of the date
10 of enactment of this Act.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8109. During the current fiscal year, the Sec-
13 retary of Defense may transfer to the appropriation “For-
14 eign Currency Fluctuations, Defense” unobligated
15 amounts of funds appropriated for operation and mainte-
16 nance for fiscal year 2007, 2008, or 2009 and unobligated
17 amounts of funds appropriated for military personnel for
18 any of such fiscal years if such unobligated amounts are
19 not necessary for the liquidation of obligations or for the
20 making of authorized adjustments to such appropriations
21 for obligations incurred during the period of availability
22 of such appropriations: *Provided*, That the amount in the
23 appropriation “Foreign Currency Fluctuations, Defense”
24 may not exceed the amount specified in subsection
25 2779(d) of title 10, United States Code, as a result of

1 the transfer: *Provided further*, That the transfer authority
2 provided by this section is in addition to any other transfer
3 authority contained in this Act.

4 SEC. 8110. The amounts appropriated in title II of
5 this Act are hereby reduced by \$289,570,000 to reflect
6 excess cash balances in Department of Defense Working
7 Capital Funds.

8 SEC. 8111. (a)(1) No National Intelligence Program
9 funds appropriated in this Act may be used for a mission
10 critical or mission essential business management infor-
11 mation technology system that is not registered with the
12 Director of National Intelligence. A system shall be con-
13 sidered to be registered with that officer upon the fur-
14 nishing notice of the system, together with such informa-
15 tion concerning the system as the Director of the Business
16 Transformation Office may prescribe.

17 (2) During the current fiscal year no funds may be
18 obligated or expended for a financial management auto-
19 mated information system, a mixed information system
20 supporting financial and non-financial systems, or a busi-
21 ness system improvement of more than \$1,000,000, within
22 the Intelligence Community until the Director of National
23 Intelligence certifies to the congressional intelligence com-
24 mittees that the system is being developed and managed

1 in accordance with the Business Transformation require-
2 ments.

3 (b) The Director of the Business Transformation Of-
4 fice shall provide the congressional intelligence committees
5 notification of approvals under paragraph (1) no later
6 than 30 days after certification. Each such notification
7 shall include a statement confirming that the following
8 steps have been taken with respect to the system:

9 (1) Business process reengineering.

10 (2) An analysis of alternatives and an economic
11 analysis that includes a calculation of the return on
12 investment.

13 (3) Assurance the system is compatible with the
14 enterprise-wide business architecture.

15 (4) Performance measures.

16 (5) An information assurance strategy con-
17 sistent with the Chief Information Officer of the In-
18 telligence Community.

19 (c) This section shall not apply to any programmatic
20 or analytic systems or programmatic or analytic system
21 improvements.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 8112. (a) In addition to funds made available
24 elsewhere in this Act, there is hereby appropriated
25 \$439,615,000 to remain available until transferred: *Pro-*

1 *vided*, That these funds are appropriated to the “Tanker
2 Replacement Transfer Fund” (referred to as “the Fund”
3 elsewhere in this section): *Provided further*, That the Sec-
4 retary of the Air Force may transfer amounts in the Fund
5 to “Operation and Maintenance, Air Force”, “Aircraft
6 Procurement, Air Force”, and “Research, Development,
7 Test and Evaluation, Air Force”, only for the purposes
8 of proceeding with a tanker acquisition program: *Provided*
9 *further*, That funds transferred shall be merged with and
10 be available for the same purposes and for the same time
11 period as the appropriations or fund to which transferred:
12 *Provided further*, That this transfer authority is in addi-
13 tion to any other transfer authority available to the De-
14 partment of Defense: *Provided further*, That the Secretary
15 of the Air Force shall, not fewer than 15 days prior to
16 making transfers using funds provided in this section, no-
17 tify the congressional defense committees in writing of the
18 details of any such transfer: *Provided further*, That the
19 Secretary shall submit a report no later than 30 days after
20 the end of each fiscal quarter to the congressional defense
21 committees summarizing the details of the transfer of
22 funds from this appropriation.

23 (b) The Secretary of Defense is directed to award one
24 or more contracts for the aerial refueling tanker replace-

1 ment program according to either of the following alter-
2 natives:

3 (1) A contract to a single offeror based on a
4 best value or lowest cost source selection derived
5 from full and open competition, subject to the condi-
6 tion that non-development aircraft produced under
7 such contract must be finally assembled in the
8 United States. Such competition and source selection
9 shall include evaluation of the life-cycle costs of each
10 aircraft over a 40-year period (including costs of fuel
11 consumption, military construction and other factors
12 normally associated with operation and support of
13 tanker aircraft) and shall include an independent
14 40-year life-cycle cost estimate conducted by a feder-
15 ally funded research and development center.

16 (2) Contracts awarded to each of the two
17 offerors that responded to Request for Proposal No.
18 FA8625-07-R-6470 (as released on January 29,
19 2007) subject to the condition that all non-devel-
20 opment aircraft produced under any such contracts
21 must be finally assembled in the United States.

22 (c) The Secretary of Defense shall certify in writing
23 to the congressional defense committees by October 1,
24 2009, which of the procurement alternatives in subsection
25 (b) represents the most cost-effective and expeditious

1 tanker replacement strategy that best responds to United
2 States national security requirements. The certification
3 shall be accompanied by a report to the congressional de-
4 fense committees detailing the rationale for such certifi-
5 cation.

6 SEC. 8113. (a) Under regulations prescribed by the
7 Secretary of Defense, the Secretary concerned shall pro-
8 vide any member or former member of the Armed Forces
9 with the benefits specified in subsection (b) if the member
10 or former member would, on any day during the period
11 beginning on January 19, 2007, and ending on the date
12 of the implementation of the Post-Deployment/Mobiliza-
13 tion Respite Absence (PDMRA) program by the Secretary
14 concerned, have qualified for a day of administrative ab-
15 sence under the Post-Deployment/Mobilization Respite
16 Absence program had the program been in effect during
17 such period.

18 (b) BENEFITS.—The benefits authorized under this
19 section are the following:

20 (1) In the case of an individual who is a former
21 member of the Armed Forces at the time of the pro-
22 vision of benefits under this section, payment of an
23 amount not to exceed \$200 for each day the indi-
24 vidual would have qualified for a day of administra-

1 tive absence as described in subsection (a) during
2 the period specified in that subsection.

3 (2) In the case of an individual who is a mem-
4 ber of the Armed Forces at the time of the provision
5 of benefits under this section, either one day of ad-
6 ministrative absence or payment of an amount not
7 to exceed \$200, as selected by the Secretary con-
8 cerned, for each day the individual would have quali-
9 fied for a day of administrative absence as described
10 in subsection (a) during the period specified in that
11 subsection.

12 (c) EXCLUSION OF CERTAIN FORMER MEMBERS.—
13 A former member of the Armed Forces is not eligible
14 under this section for the benefits specified in subsection
15 (b)(1) if the former member was discharged or released
16 from the Armed Forces under other than honorable condi-
17 tions.

18 (d) MAXIMUM NUMBER OF DAYS OF BENEFITS.—
19 Not more than 40 days of benefits may be provided to
20 a member or former member of the Armed Forces under
21 this section.

22 (e) FORM OF PAYMENT.—The paid benefits author-
23 ized under this section may be paid in a lump sum or in-
24 stallments, at the election of the Secretary concerned.

1 (f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—

2 The benefits provided a member or former member of the
3 Armed Forces under this section are in addition to any
4 other pay, absence, or leave provided by law.

5 (g) DEFINITIONS.—In this section:

6 (1) The term “Post-Deployment/Mobilization
7 Respite Absence program” means the program of a
8 military department to provide days of administra-
9 tive absence not chargeable against available leave to
10 certain deployed or mobilized members of the Armed
11 Forces in order to assist such members in reinte-
12 grating into civilian life after deployment or mobili-
13 zation.

14 (2) The term “Secretary concerned” has the
15 meaning given that term in section 101(5) of title
16 37, United States Code.

17 (h) TERMINATION.—

18 (1) The authority to provide benefits under this
19 section shall expire on the date that is 1 year after
20 the date of the enactment of this Act.

21 (2) Expiration under this subsection of the au-
22 thority to provide benefits under this section shall
23 not affect the utilization of any day of administra-
24 tive absence provided a member of the Armed
25 Forces under subsection (b)(2), or the payment of

1 any payment authorized a member or former mem-
2 ber of the Armed Forces under subsection (b), be-
3 fore the expiration of the authority in this section.

4 SEC. 8114. (a) RESETTLEMENT SUPPORT AND
5 OTHER PUBLIC BENEFITS FOR CERTAIN IRAQI REFU-
6 GEES.—Section 1244(g) of the Refugee Crisis in Iraq Act
7 of 2007 (subtitle C of title XII of division A of Public
8 Law 110–181; 122 Stat. 398) is amended by striking “for
9 a period not to exceed eight months” and inserting “to
10 the same extent, and for the same periods of time, as such
11 refugees”.

12 (b) RESETTLEMENT SUPPORT AND OTHER PUBLIC
13 BENEFITS FOR CERTAIN AFGHAN ALLIES.—Section
14 602(b)(8) of the Afghan Allies Protection Act of 2009
15 (title VI of division F of Public Law 111–8; 123 Stat.
16 809) is amended by striking “for a period not to exceed
17 8 months” and inserting “to the same extent, and for the
18 same periods of time, as such refugees”.

19 SEC. 8115. (a) With respect to the list of specific pro-
20 grams, projects and activities contained in the tables enti-
21 tled “Explanation of Project Level Adjustments” in the
22 report of the Committee on Appropriations of the House
23 of Representatives, those which are considered congres-
24 sional earmarks for purposes of rule XXI of the House

1 of Representatives, when awarded to a for profit entity,
2 shall be awarded under full and open competition.

3 (b) For profit entities previously awarded a contract
4 with the Department of Defense which remains in effect
5 during fiscal year 2010, to provide such programs projects
6 or activities as described in subsection (a), shall be consid-
7 ered to have satisfied the conditions of full and open com-
8 petition, provided that any such contract was awarded
9 under full and open competition.

10 SEC. 8116. The amounts appropriated in title II of
11 this Act are hereby reduced from the specified accounts
12 in the specified amounts:

13 “Operation and Maintenance, Navy”, \$192,000,000.

14 “Operation and Maintenance, Marine Corps”,
15 \$28,000,000.

16 “Operation and Maintenance, Air Force”,
17 \$188,000,000.

18 “Operation and Maintenance, Defense-Wide”,
19 \$142,000,000.

20 SEC. 8117. In carrying out Congressionally Directed
21 Medical Research programs related to breast cancer re-
22 search, the Secretary of Defense shall ensure the fol-
23 lowing:

24 (1) The selection process for choosing an indi-
25 vidual to serve as a member of an integration panel

1 shall be fair and representative of the interested
2 community so that the integration panel consists of
3 a diverse representation of the breast cancer sur-
4 vivor and advocacy community.

5 (2) An individual serving as a member of an in-
6 tegration panel may not be an employee, serve on
7 the board of, or have a financial relationship with
8 the same organization (including any organization
9 related to such organization through common board
10 membership, financial support, or other similar rela-
11 tionship) as that of another individual serving as a
12 member of such panel.

13 SEC. 8118. None of the funds appropriated or other-
14 wise made available by this Act, or that remain available
15 for obligation for the Department of Defense from the
16 Consolidated Security, Disaster Assistance, and Con-
17 tinuing Appropriations Act, 2009 (Public Law 110–329),
18 the American Recovery and Reinvestment Act of 2009
19 (Public Law 111–5), and the Supplemental Appropria-
20 tions Act, 2009 (Public Law 111–32), may be used to
21 eliminate any personnel positions from the 194th Regional
22 Support Wing of the United States Air National Guard
23 as of the date of enactment of this Act.

24 SEC. 8119. (a) None of the funds made available in
25 this or any prior Act may be used to release an individual

1 who is detained, as of April 30, 2009, at Naval Station,
2 Guantanamo Bay, Cuba, into the continental United
3 States, Alaska, Hawaii, the District of Columbia, or any
4 of the United States territories of Guam, American Samoa
5 (AS), the United States Virgin Islands (USVI), the Com-
6 monwealth of Puerto Rico and the Commonwealth of the
7 Northern Mariana Islands (CNMI).

8 (b) None of the funds made available in this or any
9 prior Act may be used to transfer an individual who is
10 detained, as of April 30, 2009, at the Naval Station,
11 Guantanamo Bay, Cuba, into the continental United
12 States, Alaska, Hawaii, the District of Columbia, or any
13 of the United States territories of Guam, American Samoa
14 (AS), the United States Virgin Islands (USVI), the Com-
15 monwealth of Puerto Rico and the Commonwealth of the
16 Northern Mariana Islands (CNMI), for the purposes of
17 detaining or prosecuting such individual until 2 months
18 after the plan detailed in subsection (c) is received.

19 (c) The President shall submit to the Congress, in
20 writing, a comprehensive plan regarding the proposed dis-
21 position of each individual who is detained, as of April 30,
22 2009, at Naval Station, Guantanamo Bay, Cuba, who is
23 not covered under subsection (d). Such plan shall include,
24 at a minimum, each of the following for each such indi-
25 vidual:

1 (1) The findings of an analysis regarding any
2 risk to the national security of the United States
3 that is posed by the transfer of the individual.

4 (2) The costs associated with not transferring
5 the individual in question.

6 (3) The legal rationale and associated court de-
7 mands for transfer.

8 (4) A certification by the President that any
9 risk described in paragraph (1) has been mitigated,
10 together with a full description of the plan for such
11 mitigation.

12 (5) A certification by the President that the
13 President has submitted to the Governor and legisla-
14 ture of the State or territory (or, in the case of the
15 District of Columbia, to the Mayor of the District of
16 Columbia) to which the President intends to transfer
17 the individual a certification in writing at least 30
18 days prior to such transfer (together with supporting
19 documentation and justification) that the individual
20 does not pose a security risk to the United States.

21 (d) None of the funds made available in this or any
22 prior Act may be used to transfer or release an individual
23 detained at Naval Station, Guantanamo Bay, Cuba, as of
24 April 30, 2009, to the country of such individual's nation-
25 ality or last habitual residence or to the freely associated

1 States of the Federated States of Micronesia (FSM), the
2 Republic of the Marshall Islands (RMI), or the Republic
3 of Palau, or to any other country other than the United
4 States, unless the President submits to the Congress, in
5 writing, at least 30 days prior to such transfer or release,
6 the following information:

7 (1) The name of any individual to be trans-
8 ferred or released and the country to which such in-
9 dividual is to be transferred or released.

10 (2) An assessment of any risk to the national
11 security of the United States or its citizens, includ-
12 ing members of the Armed Services or the United
13 States, that is posed by such transfer or release and
14 the actions taken to mitigate such risk.

15 (3) The terms of any agreement with another
16 country for acceptance of such individual, including
17 the amount of any financial assistance related to
18 such agreement.

19 SEC. 8120. None of the funds appropriated or other-
20 wise made available in this Act may be used for advance
21 procurement of the F-22 aircraft: *Provided*, That
22 \$368,800,000 of the funds made available in title III
23 under the heading “Aircraft Procurement, Air Force” may
24 be available for the following programs in the following
25 amounts:

1 (1) \$64,000,000 for production line shut down
2 activities for the F-22.

3 (2) \$138,800,000 for spare engines for F-22
4 and C-17 aircraft.

5 (3) \$79,000,000 for LAIRCM kits for the Air
6 National Guard.

7 (4) \$37,000,000 for advanced targeting pods.

8 (5) \$50,000,000 for advanced radar develop-
9 ment.

10 SEC. 8121. The amount appropriated in title VI
11 under the heading “Defense Health Program” for oper-
12 ation and maintenance is hereby reduced by \$26,000,000
13 and the amount appropriated under such heading for re-
14 search, development, test, and evaluation is hereby in-
15 creased by \$26,000,000.

16 SEC. 8122. None of the funds appropriated or other-
17 wise made available in this Act may be used to award to
18 a contractor, or convert to performance by a contractor,
19 the provision of utilities at the United States Military
20 Academy at West Point.

21 SEC. 8123. The amounts otherwise provided by this
22 Act are revised by reducing the amount made available
23 under title II under the heading “Operation and Mainte-
24 nance, Air Force”, and increasing the amount available

1 under title VI under the heading “Chemical Agents and
2 Munitions Destruction, Defense”, by \$50,000,000.

3 SEC. 8124. None of the funds appropriated or other-
4 wise made available in this Act may be used by the Sec-
5 retary of the Army to convert government-owned ammuni-
6 tion production assets to the private sector.

7 TITLE IX

8 OVERSEAS DEPLOYMENTS AND OTHER

9 ACTIVITIES

10 MILITARY PERSONNEL

11 MILITARY PERSONNEL, ARMY

12 For an additional amount for “Military Personnel,
13 Army”, \$10,492,723,000: *Provided*, That the amount
14 under this heading is designated as being for overseas de-
15 ployments and other activities pursuant to section
16 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
17 current resolution on the budget for fiscal year 2010.

18 MILITARY PERSONNEL, NAVY

19 For an additional amount for “Military Personnel,
20 Navy”, \$1,622,717,000: *Provided*, That the amount under
21 this heading is designated as being for overseas deploy-
22 ments and other activities pursuant to section 423(a)(1)
23 of S. Con. Res. 13 (111th Congress), the concurrent reso-
24 lution on the budget for fiscal year 2010.

1 MILITARY PERSONNEL, MARINE CORPS

2 For an additional amount for “Military Personnel,
3 Marine Corps”, \$997,470,000: *Provided*, That the amount
4 under this heading is designated as being for overseas de-
5 ployments and other activities pursuant to section
6 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
7 current resolution on the budget for fiscal year 2010.

8 MILITARY PERSONNEL, AIR FORCE

9 For an additional amount for “Military Personnel,
10 Air Force”, \$1,855,337,000: *Provided*, That the amount
11 under this heading is designated as being for overseas de-
12 ployments and other activities pursuant to section
13 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
14 current resolution on the budget for fiscal year 2010.

15 RESERVE PERSONNEL, ARMY

16 For an additional amount for “Reserve Personnel,
17 Army”, \$302,637,000: *Provided*, That the amount under
18 this heading is designated as being for overseas deploy-
19 ments and other activities pursuant to section 423(a)(1)
20 of S. Con. Res. 13 (111th Congress), the concurrent reso-
21 lution on the budget for fiscal year 2010.

22 RESERVE PERSONNEL, NAVY

23 For an additional amount for “Reserve Personnel,
24 Navy”, \$39,040,000: *Provided*, That the amount under
25 this heading is designated as being for overseas deploy-

1 ments and other activities pursuant to section 423(a)(1)
2 of S. Con. Res. 13 (111th Congress), the concurrent reso-
3 lution on the budget for fiscal year 2010.

4 RESERVE PERSONNEL, MARINE CORPS

5 For an additional amount for “Reserve Personnel,
6 Marine Corps”, \$31,337,000: *Provided*, That the amount
7 under this heading is designated as being for overseas de-
8 ployments and other activities pursuant to section
9 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
10 current resolution on the budget for fiscal year 2010.

11 RESERVE PERSONNEL, AIR FORCE

12 For an additional amount for “Reserve Personnel,
13 Air Force”, \$24,822,000: *Provided*, That the amount
14 under this heading is designated as being for overseas de-
15 ployments and other activities pursuant to section
16 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
17 current resolution on the budget for fiscal year 2010.

18 NATIONAL GUARD PERSONNEL, ARMY

19 For an additional amount for “National Guard Per-
20 sonnel, Army”, \$839,966,000: *Provided*, That the amount
21 under this heading is designated as being for overseas de-
22 ployments and other activities pursuant to section
23 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
24 current resolution on the budget for fiscal year 2010.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For an additional amount for “National Guard Per-
3 sonnel, Air Force”, \$18,500,000: *Provided*, That the
4 amount under this heading is designated as being for over-
5 seas deployments and other activities pursuant to section
6 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
7 current resolution on the budget for fiscal year 2010.

8 OPERATION AND MAINTENANCE

9 OPERATION AND MAINTENANCE, ARMY

10 For an additional amount for “Operation and Main-
11 tenance, Army”, \$41,836,029,000: *Provided*, That the
12 amount under this heading is designated as being for over-
13 seas deployments and other activities pursuant to section
14 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
15 current resolution on the budget for fiscal year 2010.

16 OPERATION AND MAINTENANCE, NAVY

17 For an additional amount for “Operation and Main-
18 tenance, Navy”, \$4,975,665,000: *Provided*, That up to
19 \$241,503,000 of the amount under this heading shall be
20 transferred to the Coast Guard “Operating Expenses” ac-
21 count: *Provided further*, That the amount under this head-
22 ing is designated as being for overseas deployments and
23 other activities pursuant to section 423(a)(1) of S. Con.
24 Res. 13 (111th Congress), the concurrent resolution on
25 the budget for fiscal year 2010.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 For an additional amount for “Operation and Main-
3 tenance, Marine Corps”, \$2,961,279,000: *Provided*, That
4 the amount under this heading is designated as being for
5 overseas deployments and other activities pursuant to sec-
6 tion 423(a)(1) of S. Con. Res. 13 (111th Congress), the
7 concurrent resolution on the budget for fiscal year 2010.

8 OPERATION AND MAINTENANCE, AIR FORCE

9 For an additional amount for “Operation and Main-
10 tenance, Air Force”, \$7,858,895,000: *Provided*, That the
11 amount under this heading is designated as being for over-
12 seas deployments and other activities pursuant to section
13 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
14 current resolution on the budget for fiscal year 2010.

15 OPERATION AND MAINTENANCE, DEFENSE-WIDE

16 For an additional amount for “Operation and Main-
17 tenance, Defense-Wide”, \$7,397,800,000, of which:

18 (1) Not to exceed \$12,500,000 for the Combat-
19 ant Commander Initiative Fund, to be used in sup-
20 port of Operation Iraqi Freedom and Operation En-
21 during Freedom.

22 (2) Not to exceed \$1,540,000,000, to remain
23 available until expended, for payments to reimburse
24 key cooperating nations for logistical, military, and
25 other support, including access provided to United

1 States military operations in support of Operation
2 Iraqi Freedom and Operation Enduring Freedom,
3 notwithstanding any other provision of law: *Pro-*
4 *vided*, That such reimbursement payments may be
5 made in such amounts as the Secretary of Defense,
6 with the concurrence of the Secretary of State, and
7 in consultation with the Director of the Office of
8 Management and Budget, may determine, in his dis-
9 cretion, based on documentation determined by the
10 Secretary of Defense to adequately account for the
11 support provided, and such determination is final
12 and conclusive upon the accounting officers of the
13 United States, and 15 days following notification to
14 the appropriate congressional committees: *Provided*
15 *further*, That these funds may be used for the pur-
16 pose of providing specialized training and procuring
17 supplies and specialized equipment and providing
18 such supplies and loaning such equipment on a non-
19 reimbursable basis to coalition forces supporting
20 United States military operations in Iraq and Af-
21 ghanistan, and 15 days following notification to the
22 appropriate congressional committees: *Provided fur-*
23 *ther*, That the Secretary of Defense shall provide
24 quarterly reports to the congressional defense com-
25 mittees on the use of funds provided in this para-

1 graph: *Provided further*, That the amount under this
2 heading is designated as being for overseas deploy-
3 ments and other activities pursuant to section
4 423(a)(1) of S. Con. Res. 13 (111th Congress), the
5 concurrent resolution on the budget for fiscal year
6 2010.

7 OPERATION AND MAINTENANCE, ARMY RESERVE

8 For an additional amount for “Operation and Main-
9 tenance, Army Reserve”, \$163,461,000: *Provided*, That
10 the amount under this heading is designated as being for
11 overseas deployments and other activities pursuant to sec-
12 tion 423(a)(1) of S. Con. Res. 13 (111th Congress), the
13 concurrent resolution on the budget for fiscal year 2010.

14 OPERATION AND MAINTENANCE, NAVY RESERVE

15 For an additional amount for “Operation and Main-
16 tenance, Navy Reserve”, \$54,447,000: *Provided*, That the
17 amount under this heading is designated as being for over-
18 seas deployments and other activities pursuant to section
19 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
20 current resolution on the budget for fiscal year 2010.

21 OPERATION AND MAINTENANCE, MARINE CORPS

22 RESERVE

23 For an additional amount for “Operation and Main-
24 tenance, Marine Corps Reserve”, \$69,333,000: *Provided*,
25 That the amount under this heading is designated as

1 being for overseas deployments and other activities pursu-
2 ant to section 423(a)(1) of S. Con. Res. 13 (111th Con-
3 gress), the concurrent resolution on the budget for fiscal
4 year 2010.

5 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

6 For an additional amount for “Operation and Main-
7 tenance, Air Force Reserve”, \$100,740,000: *Provided*,
8 That the amount under this heading is designated as
9 being for overseas deployments and other activities pursu-
10 ant to section 423(a)(1) of S. Con. Res. 13 (111th Con-
11 gress), the concurrent resolution on the budget for fiscal
12 year 2010.

13 OPERATION AND MAINTENANCE, ARMY NATIONAL
14 GUARD

15 For an additional amount for “Operation and Main-
16 tenance, Army National Guard”, \$257,317,000: *Provided*,
17 That the amount under this heading is designated as
18 being for overseas deployments and other activities pursu-
19 ant to section 423(a)(1) of S. Con. Res. 13 (111th Con-
20 gress), the concurrent resolution on the budget for fiscal
21 year 2010.

22 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

23 For an additional amount for “Operation and Main-
24 tenance, Air National Guard”, \$231,889,000: *Provided*,
25 That the amount under this heading is designated as

1 being for overseas deployments and other activities pursu-
2 ant to section 423(a)(1) of S. Con. Res. 13 (111th Con-
3 gress), the concurrent resolution on the budget for fiscal
4 year 2010.

5 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND
6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for expenses directly relat-
8 ing to overseas contingency operations by United States
9 military forces, \$14,636,901,000, to remain available for
10 obligation until expended: *Provided*, That of the funds
11 made available under this heading, the Secretary of De-
12 fense may transfer these funds only to military personnel
13 accounts, operation and maintenance accounts, the de-
14 fense health program appropriation, and working capital
15 funds accounts: *Provided further*, That the funds trans-
16 ferred shall be merged with and shall be available for the
17 same purposes and for the same time period, as the appro-
18 priation to which transferred: *Provided further*, That upon
19 a determination that all or part of the funds transferred
20 from this appropriation are not necessary for the purposes
21 provided herein, such amounts may be transferred back
22 to this appropriation: *Provided further*, That the Secretary
23 shall notify the congressional defense committees 15 days
24 prior to such transfer: *Provided further*, That the transfer
25 authority provided under this heading is in addition to any

1 other transfer authority available to the Department of
2 Defense: *Provided further*, That the amount under this
3 heading is designated as being for overseas deployments
4 and other activities pursuant to section 423(a)(1) of S.
5 Con. Res. 13 (111th Congress), the concurrent resolution
6 on the budget for fiscal year 2010.

7 AFGHANISTAN SECURITY FORCES FUND

8 For the “Afghanistan Security Forces Fund”,
9 \$7,462,769,000, to remain available until September 30,
10 2011: *Provided*, That such funds shall be available to the
11 Secretary of Defense, notwithstanding any other provision
12 of law, for the purpose of allowing the Commander, Com-
13 bined Security Transition Command-Afghanistan, or the
14 Secretary’s designee, to provide assistance, with the con-
15 currence of the Secretary of State, to the security forces
16 of Afghanistan, including the provision of equipment, sup-
17 plies, services, training, facility and infrastructure repair,
18 renovation, and construction, and funding: *Provided fur-*
19 *ther*, That the authority to provide assistance under this
20 heading is in addition to any other authority to provide
21 assistance to foreign nations: *Provided further*, That con-
22 tributions of funds for the purposes provided herein from
23 any person, foreign government, or international organiza-
24 tion may be credited to this Fund and used for such pur-
25 poses: *Provided further*, That the Secretary of Defense

1 shall notify the congressional defense committees in writ-
2 ing upon the receipt and upon the obligation of any con-
3 tribution, delineating the sources and amounts of the
4 funds received and the specific use of such contributions:
5 *Provided further*, That the Secretary of Defense shall, not
6 fewer than 15 days prior to obligating from this appro-
7 priation account, notify the congressional defense commit-
8 tees in writing of the details of any such obligation: *Pro-*
9 *vided further*, That the amount under this heading is des-
10 ignated as being for overseas deployments and other ac-
11 tivities pursuant to section 423(a)(1) of S. Con. Res. 13
12 (111th Congress), the concurrent resolution on the budget
13 for fiscal year 2010.

14 PROCUREMENT

15 AIRCRAFT PROCUREMENT, ARMY

16 For an additional amount for “Aircraft Procurement,
17 Army”, \$1,636,229,000, to remain available until Sep-
18 tember 30, 2012: *Provided*, That the amount under this
19 heading is designated as being for overseas deployments
20 and other activities pursuant to section 423(a)(1) of S.
21 Con. Res. 13 (111th Congress), the concurrent resolution
22 on the budget for fiscal year 2010.

23 MISSILE PROCUREMENT, ARMY

24 For an additional amount for “Missile Procurement,
25 Army”, \$469,470,000, to remain available until Sep-

1 OTHER PROCUREMENT, ARMY

2 For an additional amount for “Other Procurement,
3 Army”, \$5,635,306,000, to remain available until Sep-
4 tember 30, 2012: *Provided*, That the amount under this
5 heading is designated as being for overseas deployments
6 and other activities pursuant to section 423(a)(1) of S.
7 Con. Res. 13 (111th Congress), the concurrent resolution
8 on the budget for fiscal year 2010.

9 AIRCRAFT PROCUREMENT, NAVY

10 For an additional amount for “Aircraft Procurement,
11 Navy”, \$889,097,000, to remain available until September
12 30, 2012: *Provided*, That the amount under this heading
13 is designated as being for overseas deployments and other
14 activities pursuant to section 423(a)(1) of S. Con. Res.
15 13 (111th Congress), the concurrent resolution on the
16 budget for fiscal year 2010.

17 WEAPONS PROCUREMENT, NAVY

18 For an additional amount for “Weapons Procure-
19 ment, Navy”, \$73,700,000, to remain available until Sep-
20 tember 30, 2012: *Provided*, That the amount under this
21 heading is designated as being for overseas deployments
22 and other activities pursuant to section 423(a)(1) of S.
23 Con. Res. 13 (111th Congress), the concurrent resolution
24 on the budget for fiscal year 2010.

1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For an additional amount for “Aircraft Procurement,
3 Air Force”, \$825,718,000, to remain available until Sep-
4 tember 30, 2012: *Provided*, That the amount under this
5 heading is designated as being for overseas deployments
6 and other activities pursuant to section 423(a)(1) of S.
7 Con. Res. 13 (111th Congress), the concurrent resolution
8 on the budget for fiscal year 2010.

9 MISSILE PROCUREMENT, AIR FORCE

10 For an additional amount for “Missile Procurement,
11 Air Force”, \$36,625,000, to remain available until Sep-
12 tember 30, 2012: *Provided*, That the amount under this
13 heading is designated as being for overseas deployments
14 and other activities pursuant to section 423(a)(1) of S.
15 Con. Res. 13 (111th Congress), the concurrent resolution
16 on the budget for fiscal year 2010.

17 PROCUREMENT OF AMMUNITION, AIR FORCE

18 For an additional amount for “Procurement of Am-
19 muniton, Air Force”, \$256,819,000, to remain available
20 until September 30, 2012: *Provided*, That the amount
21 under this heading is designated as being for overseas de-
22 ployments and other activities pursuant to section
23 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
24 current resolution on the budget for fiscal year 2010.

1 OTHER PROCUREMENT, AIR FORCE

2 For an additional amount for “Other Procurement,
3 Air Force”, \$2,275,238,000, to remain available until
4 September 30, 2012: *Provided*, That the amount under
5 this heading is designated as being for overseas deploy-
6 ments and other activities pursuant to section 423(a)(1)
7 of S. Con. Res. 13 (111th Congress), the concurrent reso-
8 lution on the budget for fiscal year 2010.

9 PROCUREMENT, DEFENSE-WIDE

10 For an additional amount for “Procurement, De-
11 fense-Wide”, \$489,980,000, to remain available until Sep-
12 tember 30, 2012: *Provided*, That the amount under this
13 heading is designated as being for overseas deployments
14 and other activities pursuant to section 423(a)(1) of S.
15 Con. Res. 13 (111th Congress), the concurrent resolution
16 on the budget for fiscal year 2010.

17 NATIONAL GUARD AND RESERVE EQUIPMENT

18 For procurement of items of equipment as designated
19 by the Chief of the National Guard Bureau and the Chiefs
20 of the reserve components of the Armed Forces,
21 \$500,000,000, to remain available for obligation until Sep-
22 tember 30, 2012, of which \$300,000,000 shall be available
23 only for the Army National Guard: *Provided*, That the
24 Chiefs of National Guard and Reserve components shall,
25 not later than 30 days after the enactment of this Act,

1 individually submit to the congressional defense commit-
2 tees the modernization priority assessment for their re-
3 spective National Guard or Reserve component: *Provided*
4 *further*, That the amount under this heading is designated
5 as being for overseas deployments and other activities pur-
6 suant to section 423(a)(1) of S. Con. Res. 13 (111th Con-
7 gress), the concurrent resolution on the budget for fiscal
8 year 2010.

9 RAPID ACQUISITION FUND

10 (INCLUDING TRANSFER OF FUNDS)

11 There is hereby established in the Treasury of the
12 United States the Rapid Acquisition Fund. For the Rapid
13 Acquisition Fund, \$40,000,000, to remain available until
14 September 30, 2012: *Provided*, That such funds shall be
15 available to the Secretary of Defense, with the advice of
16 the Chairman of the Joint Chiefs of Staff, for the purpose
17 of providing for Joint Urgent Operational Needs: *Provided*
18 *further*, That the Secretary of Defense may transfer such
19 funds to appropriations for operation and maintenance;
20 procurement; and research, development, test and evalua-
21 tion: *Provided further*, That funds so transferred shall be
22 merged with and shall be available for the same purposes
23 and the same time period as that account to which trans-
24 ferred: *Provided further*, That upon a determination that
25 all or part of the funds transferred from this appropriation

1 are not necessary for the purposes provided herein, such
2 funds may be transferred back to this appropriation: *Pro-*
3 *vided further*, That the transfer authority provided herein
4 is in addition to any other transfer authority available to
5 the Department of Defense: *Provided further*, That the
6 amount under this heading is designated as being for over-
7 seas deployments and other activities pursuant to section
8 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
9 current resolution on the budget for fiscal year 2010.

10 MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND
11 (INCLUDING TRANSFER OF FUNDS)

12 For the Mine Resistant Ambush Protected Vehicle
13 Fund, \$3,606,000,000, to remain available until Sep-
14 tember 30, 2011: *Provided*, That such funds shall be avail-
15 able to the Secretary of Defense, notwithstanding any
16 other provision of law, to procure, sustain, transport, and
17 field Mine Resistant Ambush Protected vehicles: *Provided*
18 *further*, That the Secretary shall transfer such funds only
19 to appropriations for operation and maintenance; procure-
20 ment; research, development, test and evaluation; and de-
21 fense working capital funds to accomplish the purpose pro-
22 vided herein: *Provided further*, That this transfer author-
23 ity is in addition to any other transfer authority available
24 to the Department of Defense: *Provided further*, That
25 upon a determination that all or part of the funds trans-

1 ferred from this appropriation are not necessary for the
2 purposes provided herein, such funds may be transferred
3 back to this appropriation: *Provided further*, That the Sec-
4 retary shall, not fewer than 10 days prior to making trans-
5 fers from this appropriation, notify the congressional de-
6 fense committees in writing of the details of any such
7 transfer: *Provided further*, That the amount under this
8 heading is designated as being for overseas deployments
9 and other activities pursuant to section 423(a)(1) of S.
10 Con. Res. 13 (111th Congress), the concurrent resolution
11 on the budget for fiscal year 2010.

12 RESEARCH, DEVELOPMENT, TEST AND
13 EVALUATION
14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
15 ARMY

16 For an additional amount for “Research, Develop-
17 ment, Test and Evaluation, Army”, \$57,962,000, to re-
18 main available until September 30, 2011: *Provided*, That
19 the amount under this heading is designated as being for
20 overseas deployments and other activities pursuant to sec-
21 tion 423(a)(1) of S. Con. Res. 13 (111th Congress), the
22 concurrent resolution on the budget for fiscal year 2010.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Navy”, \$38,280,000, to re-
5 main available until September 30, 2011: *Provided*, That
6 the amount under this heading is designated as being for
7 overseas deployments and other activities pursuant to sec-
8 tion 423(a)(1) of S. Con. Res. 13 (111th Congress), the
9 concurrent resolution on the budget for fiscal year 2010.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 AIR FORCE

12 For an additional amount for “Research, Develop-
13 ment, Test and Evaluation, Air Force”, \$29,286,000, to
14 remain available until September 30, 2011: *Provided*,
15 That the amount under this heading is designated as
16 being for overseas deployments and other activities pursu-
17 ant to section 423(a)(1) of S. Con. Res. 13 (111th Con-
18 gress), the concurrent resolution on the budget for fiscal
19 year 2010.

20 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
21 DEFENSE-WIDE

22 For an additional amount for “Research, Develop-
23 ment, Test and Evaluation, Defense-Wide”,
24 \$115,826,000, to remain available until September 30,
25 2011: *Provided*, That the amount under this heading is

1 designated as being for overseas deployments and other
2 activities pursuant to section 423(a)(1) of S. Con. Res.
3 13 (111th Congress), the concurrent resolution on the
4 budget for fiscal year 2010.

5 REVOLVING AND MANAGEMENT FUNDS

6 DEFENSE WORKING CAPITAL FUNDS

7 For an additional amount for “Defense Working
8 Capital Funds”, \$412,215,000: *Provided*, That the
9 amount under this heading is designated as being for over-
10 seas deployments and other activities pursuant to section
11 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
12 current resolution on the budget for fiscal year 2010.

13 OTHER DEPARTMENT OF DEFENSE PROGRAMS

14 DEFENSE HEALTH PROGRAM

15 For an additional amount for “Defense Health Pro-
16 gram”, \$1,155,235,000, which shall be for operation and
17 maintenance: *Provided*, That the amount under this head-
18 ing is designated as being for overseas deployments and
19 other activities pursuant to section 423(a)(1) of S. Con.
20 Res. 13 (111th Congress), the concurrent resolution on
21 the budget for fiscal year 2010.

22 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

23 (INCLUDING TRANSFER OF FUNDS)

24 For an additional amount for “Drug Interdiction and
25 Counter-Drug Activities”, \$317,603,000, to remain avail-

1 able until September 30, 2011: *Provided*, That the amount
2 under this heading is designated as being for overseas de-
3 ployments and other activities pursuant to section
4 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
5 current resolution on the budget for fiscal year 2010.

6 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

7 (INCLUDING TRANSFER OF FUNDS)

8 For an additional amount for “Joint Improvised Ex-
9 plosive Device Defeat Fund”, \$1,490,000,000, of which
10 \$730,000,000 shall be for Attack the Network, to remain
11 available until September 30, 2011; \$600,000,000 shall be
12 for Defeat the Device, to remain available until September
13 30, 2012; and \$160,000,000 shall be for Train the Force,
14 to remain available until September 30, 2010: *Provided*,
15 That the amount under this heading is designated as
16 being for overseas deployments and other activities pursu-
17 ant to section 423(a)(1) of S. Con. Res. 13 (111th Con-
18 gress), the concurrent resolution on the budget for fiscal
19 year 2010.

20 OFFICE OF THE INSPECTOR GENERAL

21 For an additional amount for the “Office of the In-
22 spector General”, \$8,876,000: *Provided*, That the amount
23 under this heading is designated as being for overseas de-
24 ployments and other activities pursuant to section

1 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
2 current resolution on the budget for fiscal year 2010.

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 9001. Notwithstanding any other provision of
5 law, funds made available in this title are in addition to
6 amounts appropriated or otherwise made available for the
7 Department of Defense for fiscal year 2010.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 9002. Upon the determination of the Secretary
10 of Defense that such action is necessary in the national
11 interest, the Secretary may, with the approval of the Of-
12 fice of Management and Budget, transfer up to
13 \$3,000,000,000 between the appropriations or funds made
14 available to the Department of Defense in this title, with
15 the exception of the “Overseas Contingency Operations
16 Transfer Fund”: *Provided*, That the Secretary shall notify
17 the Congress promptly of each transfer made pursuant to
18 the authority in this section: *Provided further*, That the
19 authority provided in this section is in addition to any
20 other transfer authority available to the Department of
21 Defense and is subject to the same terms and conditions
22 as the authority provided in the Department of Defense
23 Appropriations Act, 2010: *Provided further*, That the
24 amount in this section is designated as being for overseas
25 deployments and other activities pursuant to section

1 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
2 current resolution on the budget for fiscal year 2010.

3 SEC. 9003. Supervision and administration costs as-
4 sociated with a construction project funded with appro-
5 priations available for operation and maintenance or the
6 “Afghanistan Security Forces Fund” provided in this Act
7 and executed in direct support of overseas contingency op-
8 erations in Afghanistan or Iraq, may be obligated at the
9 time a construction contract is awarded: *Provided*, That
10 for the purpose of this section, supervision and adminis-
11 tration costs include all in-house Government costs.

12 SEC. 9004. From funds made available in this title,
13 the Secretary of Defense may purchase motor vehicles for
14 use by military and civilian employees of the Department
15 of Defense in Iraq and Afghanistan, up to a limit of
16 \$75,000 per vehicle, notwithstanding other limitations ap-
17 plicable to passenger carrying motor vehicles.

18 SEC. 9005. Not to exceed \$1,300,000,000 of the
19 amount appropriated in this title under the heading “Op-
20 eration and Maintenance, Army” may be used, notwith-
21 standing any other provision of law, to fund the Com-
22 mander’s Emergency Response Program, for the purpose
23 of enabling military commanders in Iraq and Afghanistan
24 to respond to urgent humanitarian relief and reconstruc-
25 tion requirements within their areas of responsibility: *Pro-*

1 *vided*, That not later than 15 days after the end of each
2 fiscal year quarter, the Secretary of Defense shall submit
3 to the congressional defense committees a report regard-
4 ing the source of funds and the allocation and use of funds
5 during that quarter that were made available pursuant to
6 the authority provided in this section or under any other
7 provision of law for the purposes described herein: *Pro-*
8 *vided further*, That, of the funds provided, \$500,000,000
9 shall not be available until 5 days after the Secretary of
10 Defense has completed a thorough review of the Com-
11 mander's Emergency Response Program and provided a
12 report on his findings to the congressional defense com-
13 mittees.

14 SEC. 9006. Funds available to the Department of De-
15 fense for operation and maintenance may be used, not-
16 withstanding any other provision of law, to provide sup-
17 plies, services, transportation, including airlift and sealift,
18 and other logistical support to coalition forces supporting
19 military and stability operations in Iraq and Afghanistan:
20 *Provided*, That the Secretary of Defense shall provide
21 quarterly reports to the congressional defense committees
22 regarding support provided under this section.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 9007. During fiscal year 2010 and from funds
25 in the "Defense Cooperation Account", as established by

1 10 U.S.C. 2608, the Secretary of Defense may transfer
2 not to exceed \$6,500,000 to such appropriations or funds
3 of the Department of Defense as the Secretary shall deter-
4 mine for use consistent with the purposes for which such
5 funds were contributed and accepted: *Provided*, That such
6 amounts shall be available for the same time period as
7 the appropriation to which transferred: *Provided further*,
8 That the Secretary shall report to the Congress all trans-
9 fers made pursuant to this authority: *Provided further*,
10 That the amount in this section is designated as being
11 for overseas deployments and other activities pursuant to
12 section 423(a)(1) of S. Con. Res. 13 (111th Congress),
13 the concurrent resolution on the budget for fiscal year
14 2010.

15 SEC. 9008. None of the funds appropriated or other-
16 wise made available by this or any other Act shall be obli-
17 gated or expended by the United States Government for
18 a purpose as follows:

19 (1) To establish any military installation or
20 base for the purpose of providing for the permanent
21 stationing of United States Armed Forces in Iraq.

22 (2) To exercise United States control over any
23 oil resource of Iraq.

24 (3) To establish any military installation or
25 base for the purpose of providing for the permanent

1 stationing of United States Armed Forces in Af-
2 ghanistan.

3 SEC. 9009. None of the funds made available in this
4 Act may be used in contravention of the following laws
5 enacted or regulations promulgated to implement the
6 United Nations Convention Against Torture and Other
7 Cruel, Inhuman or Degrading Treatment or Punishment
8 (done at New York on December 10, 1984):

9 (1) Section 2340A of title 18, United States
10 Code.

11 (2) Section 2242 of the Foreign Affairs Reform
12 and Restructuring Act of 1998 (division G of Public
13 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231
14 note) and regulations prescribed thereto, including
15 regulations under part 208 of title 8, Code of Fed-
16 eral Regulations, and part 95 of title 22, Code of
17 Federal Regulations.

18 (3) Sections 1002 and 1003 of the Department
19 of Defense, Emergency Supplemental Appropriations
20 to Address Hurricanes in the Gulf of Mexico, and
21 Pandemic Influenza Act, 2006 (Public Law 109–
22 148).

23 SEC. 9010. (a) REPORT ON IRAQ TROOP DRAWDOWN
24 STATUS, GOALS, AND TIMETABLE.—In recognition and
25 support of the policy of President Barack Obama to with-

1 draw all United States combat brigades from Iraq by Au-
2 gust 31, 2010, and all United States military forces from
3 Iraq on December 31, 2011, Congress directs the Sec-
4 retary of Defense (in consultation with other members of
5 the National Security Council) to prepare a report that
6 identifies troop drawdown status and goals and includes—

7 (1) a detailed, month-by-month description of
8 the transition of United States military forces and
9 equipment out of Iraq; and

10 (2) a detailed, month-by-month description of
11 the transition of United States contractors out of
12 Iraq.

13 (b) ELEMENTS OF REPORT.—At a minimum, the
14 Secretary of Defense shall address the following:

15 (1) How the Government of Iraq is assuming
16 the responsibility for reconciliation initiatives as the
17 mission of the United States Armed Forces transi-
18 tions.

19 (2) How the drawdown of military forces com-
20 plies with the President’s planned withdrawal of
21 combat brigades by August 31, 2010, and all United
22 States forces by December 31, 2011.

23 (3) The roles and responsibilities of remaining
24 contractors in Iraq as the United States mission
25 evolves, including the anticipated number of United

1 States contractors to remain in Iraq after August
2 31, 2010, and December 31, 2011.

3 (c) SUBMISSION.—

4 (1) Not later than 90 days after the date of en-
5 actment of this Act, and every 90 days thereafter
6 through September 30, 2010, the Secretary of De-
7 fense shall submit the report required by subsection
8 (a) and a classified annex to the report, as nec-
9 essary.

10 (2) The Secretary may submit the report re-
11 quired by subsection (a) separately as provided in
12 paragraph (1) or include the information required by
13 this report when submitting reports required of the
14 Secretary under section 9204 of the Supplemental
15 Appropriations Act, 2008 (Public Law 110–252;
16 122 Stat. 2410).

17 TITLE X

18 ADDITIONAL GENERAL PROVISIONS

19 SEC. 1001. Not later than 60 days after the date of
20 the enactment of this Act, the Secretary of Defense shall
21 submit to Congress a report on the use of hyperbaric oxy-
22 gen therapy (in this section referred to as “HBOT”)
23 under the Secretary of Defense. Such report shall include
24 the following:

1 (1) The number of members of the Armed
2 Forces, veterans, and civilians being treated with
3 HBOT.

4 (2) The types of conditions being treated with
5 HBOT and the respective success rates for each con-
6 dition.

7 (3) The current inventory of all hyperbaric
8 chambers being used by the Secretary of Defense
9 (including the locations, the purposes, and the rate
10 of use of such chambers).

11 (4) Any plans for expanding the use of HBOT
12 for treatment.

13 This Act may be cited as the “Department of Defense
14 Appropriations Act, 2010”.

Passed the House of Representatives July 30, 2009.

Attest:

Clerk.

111TH CONGRESS
1ST SESSION

H. R. 3326

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.