

**Calendar No. 571**111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 3800****[Report No. 111-295]**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 2010

Mr. INOUE, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, 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,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for  
5 military functions administered by the Department of De-  
6 fense and for other purposes, namely:

1

## TITLE I

2

## MILITARY PERSONNEL

3

## MILITARY PERSONNEL, ARMY

4

For pay, allowances, individual clothing, subsistence,  
interest on deposits, gratuities, permanent change of sta-  
tion travel (including all expenses thereof for organiza-  
tional movements), and expenses of temporary duty travel  
between permanent duty stations, for members of the  
Army on active duty, (except members of reserve compo-  
nents provided for elsewhere), cadets, and aviation cadets;  
for members of the Reserve Officers' Training Corps; and  
for payments pursuant to section 156 of Public Law 97-  
377, as amended (42 U.S.C. 402 note), and to the Depart-  
ment of Defense Military Retirement Fund,  
\$41,822,277,000.

16

## MILITARY PERSONNEL, NAVY

17

For pay, allowances, individual clothing, subsistence,  
interest on deposits, gratuities, permanent change of sta-  
tion travel (including all expenses thereof for organiza-  
tional movements), and expenses of temporary duty travel  
between permanent duty stations, for members of the  
Navy on active duty (except members of the Reserve pro-  
vided for elsewhere), midshipmen, and aviation cadets; for  
members of the Reserve Officers' Training Corps; and for  
payments pursuant to section 156 of Public Law 97-377,

25

1 as amended (42 U.S.C. 402 note), and to the Department  
2 of Defense Military Retirement Fund, \$25,916,549,000.

3           MILITARY PERSONNEL, MARINE CORPS

4           For pay, allowances, individual clothing, subsistence,  
5 interest on deposits, gratuities, permanent change of sta-  
6 tion travel (including all expenses thereof for organiza-  
7 tional movements), and expenses of temporary duty travel  
8 between permanent duty stations, for members of the Ma-  
9 rine Corps on active duty (except members of the Reserve  
10 provided for elsewhere); and for payments pursuant to sec-  
11 tion 156 of Public Law 97-377, as amended (42 U.S.C.  
12 402 note), and to the Department of Defense Military Re-  
13 tirement Fund, \$13,203,161,000.

14           MILITARY PERSONNEL, AIR FORCE

15           For pay, allowances, individual clothing, subsistence,  
16 interest on deposits, gratuities, permanent change of sta-  
17 tion travel (including all expenses thereof for organiza-  
18 tional movements), and expenses of temporary duty travel  
19 between permanent duty stations, for members of the Air  
20 Force on active duty (except members of reserve compo-  
21 nents provided for elsewhere), cadets, and aviation cadets;  
22 for members of the Reserve Officers' Training Corps; and  
23 for payments pursuant to section 156 of Public Law 97-  
24 377, as amended (42 U.S.C. 402 note), and to the Depart-

1 ment of Defense Military Retirement Fund,  
2 \$27,105,755,000.

3 RESERVE PERSONNEL, ARMY

4 For pay, allowances, clothing, subsistence, gratuities,  
5 travel, and related expenses for personnel of the Army Re-  
6 serve on active duty under sections 10211, 10302, and  
7 3038 of title 10, United States Code, or while serving on  
8 active duty under section 12301(d) of title 10, United  
9 States Code, in connection with performing duty specified  
10 in section 12310(a) of title 10, United States Code, or  
11 while undergoing reserve training, or while performing  
12 drills or equivalent duty or other duty, and expenses au-  
13 thorized by section 16131 of title 10, United States Code;  
14 and for payments to the Department of Defense Military  
15 Retirement Fund, \$4,321,165,000.

16 RESERVE PERSONNEL, NAVY

17 For pay, allowances, clothing, subsistence, gratuities,  
18 travel, and related expenses for personnel of the Navy Re-  
19 serve on active duty under section 10211 of title 10,  
20 United States Code, or while serving on active duty under  
21 section 12301(d) of title 10, United States Code, in con-  
22 nection with performing duty specified in section 12310(a)  
23 of title 10, United States Code, or while undergoing re-  
24 serve training, or while performing drills or equivalent  
25 duty, and expenses authorized by section 16131 of title

1 10, United States Code; and for payments to the Depart-  
2 ment of Defense Military Retirement Fund,  
3 \$1,944,191,000.

4 RESERVE PERSONNEL, MARINE CORPS

5 For pay, allowances, clothing, subsistence, gratuities,  
6 travel, and related expenses for personnel of the Marine  
7 Corps Reserve on active duty under section 10211 of title  
8 10, United States Code, or while serving on active duty  
9 under section 12301(d) of title 10, United States Code,  
10 in connection with performing duty specified in section  
11 12310(a) of title 10, United States Code, or while under-  
12 going reserve training, or while performing drills or equiv-  
13 alent duty, and for members of the Marine Corps platoon  
14 leaders class, and expenses authorized by section 16131  
15 of title 10, United States Code; and for payments to the  
16 Department of Defense Military Retirement Fund,  
17 \$612,141,000.

18 RESERVE PERSONNEL, AIR FORCE

19 For pay, allowances, clothing, subsistence, gratuities,  
20 travel, and related expenses for personnel of the Air Force  
21 Reserve on active duty under sections 10211, 10305, and  
22 8038 of title 10, United States Code, or while serving on  
23 active duty under section 12301(d) of title 10, United  
24 States Code, in connection with performing duty specified  
25 in section 12310(a) of title 10, United States Code, or

1 while undergoing reserve training, or while performing  
2 drills or equivalent duty or other duty, and expenses au-  
3 thorized by section 16131 of title 10, United States Code;  
4 and for payments to the Department of Defense Military  
5 Retirement Fund, \$1,652,997,000.

6 NATIONAL GUARD PERSONNEL, ARMY

7 For pay, allowances, clothing, subsistence, gratuities,  
8 travel, and related expenses for personnel of the Army Na-  
9 tional Guard while on duty under section 10211, 10302,  
10 or 12402 of title 10 or section 708 of title 32, United  
11 States Code, or while serving on duty under section  
12 12301(d) of title 10 or section 502(f) of title 32, 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 training, or while performing drills or  
16 equivalent duty or other duty, and expenses authorized by  
17 section 16131 of title 10, United States Code; and for pay-  
18 ments to the Department of Defense Military Retirement  
19 Fund, \$7,513,796,000.

20 NATIONAL GUARD PERSONNEL, AIR FORCE

21 For pay, allowances, clothing, subsistence, gratuities,  
22 travel, and related expenses for personnel of the Air Na-  
23 tional Guard on duty under section 10211, 10305, or  
24 12402 of title 10 or section 708 of title 32, United States  
25 Code, or while serving on duty under section 12301(d) of

1 title 10 or section 502(f) of title 32, United States Code,  
2 in connection with performing duty specified in section  
3 12310(a) of title 10, United States Code, or while under-  
4 going training, or while performing drills or equivalent  
5 duty or other duty, and expenses authorized by section  
6 16131 of title 10, United States Code; and for payments  
7 to the Department of Defense Military Retirement Fund,  
8 \$3,061,264,000.

## 9 TITLE II

### 10 OPERATION AND MAINTENANCE

#### 11 OPERATION AND MAINTENANCE, ARMY

12 For expenses, not otherwise provided for, necessary  
13 for the operation and maintenance of the Army, as author-  
14 ized by law; and not to exceed \$12,478,000 can be used  
15 for emergencies and extraordinary expenses, to be ex-  
16 pended on the approval or authority of the Secretary of  
17 the Army, and payments may be made on his certificate  
18 of necessity for confidential military purposes,  
19 \$34,239,764,000.

#### 20 OPERATION AND MAINTENANCE, NAVY

21 For expenses, not otherwise provided for, necessary  
22 for the operation and maintenance of the Navy and the  
23 Marine Corps, as authorized by law; and not to exceed  
24 \$14,804,000 can be used for emergencies and extraor-  
25 dinary expenses, to be expended on the approval or author-

1 ity of the Secretary of the Navy, and payments may be  
2 made on his certificate of necessity for confidential mili-  
3 tary purposes, \$37,959,579,000.

4 OPERATION AND MAINTENANCE, MARINE CORPS

5 For expenses, not otherwise provided for, necessary  
6 for the operation and maintenance of the Marine Corps,  
7 as authorized by law, \$5,579,540,000.

8 OPERATION AND MAINTENANCE, AIR FORCE

9 For expenses, not otherwise provided for, necessary  
10 for the operation and maintenance of the Air Force, as  
11 authorized by law; and not to exceed \$7,699,000 can be  
12 used for emergencies and extraordinary expenses, to be ex-  
13 pended on the approval or authority of the Secretary of  
14 the Air Force, and payments may be made on his certifi-  
15 cate of necessity for confidential military purposes,  
16 \$36,517,070,000.

17 OPERATION AND MAINTENANCE, DEFENSE-WIDE

18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary  
20 for the operation and maintenance of activities and agen-  
21 cies of the Department of Defense (other than the military  
22 departments), as authorized by law, \$30,257,819,000:  
23 *Provided*, That not more than \$50,000,000 may be used  
24 for the Combatant Commander Initiative Fund authorized  
25 under section 166a of title 10, United States Code: *Pro-*



1 *vided further*, That not to exceed \$36,000,000 can be used  
2 for emergencies and extraordinary expenses, to be ex-  
3 pended on the approval or authority of the Secretary of  
4 Defense, and payments may be made on his certificate of  
5 necessity for confidential military purposes: *Provided fur-*  
6 *ther*, That of the funds provided under this heading, not  
7 less than \$33,459,000 shall be made available for the Pro-  
8 curement Technical Assistance Cooperative Agreement  
9 Program, of which not less than \$3,600,000 shall be avail-  
10 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*  
11 *vided further*, That none of the funds appropriated or oth-  
12 erwise made available by this Act may be used to plan  
13 or implement the consolidation of a budget or appropria-  
14 tions liaison office of the Office of the Secretary of De-  
15 fense, the office of the Secretary of a military department,  
16 or the service headquarters of one of the Armed Forces  
17 into a legislative affairs or legislative liaison office: *Pro-*  
18 *vided further*, That \$8,251,000, to remain available until  
19 expended, is available only for expenses relating to certain  
20 classified activities, and may be transferred as necessary  
21 by the Secretary of *Defense* to operation and maintenance  
22 appropriations or research, development, test and evalua-  
23 tion appropriations, to be merged with and to be available  
24 for the same time period as the appropriations to which  
25 transferred: *Provided further*, That any ceiling on the in-

1 vestment item unit cost of items that may be purchased  
2 with operation and maintenance funds shall not apply to  
3 the funds described in the preceding proviso: *Provided fur-*  
4 *ther*, That the transfer authority provided under this head-  
5 ing is in addition to any other transfer authority provided  
6 elsewhere in this Act.

7 OPERATION AND MAINTENANCE, ARMY RESERVE

8 For expenses, not otherwise provided for, necessary  
9 for the operation and maintenance, including training, or-  
10 ganization, and administration, of the Army Reserve; re-  
11 pair of facilities and equipment; hire of passenger motor  
12 vehicles; travel and transportation; care of the dead; re-  
13 cruiting; procurement of services, supplies, and equip-  
14 ment; and communications, \$2,869,077,000.

15 OPERATION AND MAINTENANCE, NAVY RESERVE

16 For expenses, not otherwise provided for, necessary  
17 for the operation and maintenance, including training, or-  
18 ganization, and administration, of the Navy Reserve; re-  
19 pair of facilities and equipment; hire of passenger motor  
20 vehicles; travel and transportation; care of the dead; re-  
21 cruiting; procurement of services, supplies, and equip-  
22 ment; and communications, \$1,367,764,000.

## 1 OPERATION AND MAINTENANCE, MARINE CORPS

## 2 RESERVE

3 For expenses, not otherwise provided for, necessary  
4 for the operation and maintenance, including training, or-  
5 ganization, and administration, of the Marine Corps Re-  
6 serve; repair of facilities and equipment; hire of passenger  
7 motor vehicles; travel and transportation; care of the dead;  
8 recruiting; procurement of services, supplies, and equip-  
9 ment; and communications, \$285,234,000.

## 10 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

11 For expenses, not otherwise provided for, necessary  
12 for the operation and maintenance, including training, or-  
13 ganization, and administration, of the Air Force Reserve;  
14 repair of facilities and equipment; hire of passenger motor  
15 vehicles; travel and transportation; care of the dead; re-  
16 cruiting; procurement of services, supplies, and equip-  
17 ment; and communications, \$3,299,827,000.

## 18 OPERATION AND MAINTENANCE, ARMY NATIONAL

## 19 GUARD

20 For expenses of training, organizing, and admin-  
21 istering the Army National Guard, including medical and  
22 hospital treatment and related expenses in non-Federal  
23 hospitals; maintenance, operation, and repairs to struc-  
24 tures and facilities; hire of passenger motor vehicles; per-  
25 sonnel services in the National Guard Bureau; travel ex-

1 penses (other than mileage), as authorized by law for  
2 Army personnel on active duty, for Army National Guard  
3 division, regimental, and battalion commanders while in-  
4 specting units in compliance with National Guard Bureau  
5 regulations when specifically authorized by the Chief, Na-  
6 tional Guard Bureau; supplying and equipping the Army  
7 National Guard as authorized by law; and expenses of re-  
8 pair, modification, maintenance, and issue of supplies and  
9 equipment (including aircraft), \$6,532,642,000.

10 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

11 For expenses of training, organizing, and admin-  
12 istering the Air National Guard, including medical and  
13 hospital treatment and related expenses in non-Federal  
14 hospitals; maintenance, operation, and repairs to struc-  
15 tures and facilities; transportation of things, hire of pas-  
16 senger motor vehicles; supplying and equipping the Air  
17 National Guard, as authorized by law; expenses for repair,  
18 modification, maintenance, and issue of supplies and  
19 equipment, including those furnished from stocks under  
20 the control of agencies of the Department of Defense;  
21 travel expenses (other than mileage) on the same basis as  
22 authorized by law for Air National Guard personnel on  
23 active Federal duty, for Air National Guard commanders  
24 while inspecting units in compliance with National Guard

1 Bureau regulations when specifically authorized by the  
2 Chief, National Guard Bureau, \$5,947,124,000.

3 UNITED STATES COURT OF APPEALS FOR THE ARMED  
4 FORCES

5 For salaries and expenses necessary for the United  
6 States Court of Appeals for the Armed Forces,  
7 \$14,068,000, of which not to exceed \$5,000 may be used  
8 for official representation purposes.

9 ENVIRONMENTAL RESTORATION, ARMY  
10 (INCLUDING TRANSFER OF FUNDS)

11 For the Department of the Army, \$469,581,000, to  
12 remain available until transferred: *Provided*, That the Sec-  
13 retary of the Army shall, upon determining that such  
14 funds are required for environmental restoration, reduc-  
15 tion and recycling of hazardous waste, removal of unsafe  
16 buildings and debris of the Department of the Army, or  
17 for similar purposes, transfer the funds made available by  
18 this appropriation to other appropriations made available  
19 to the Department of the Army, to be merged with and  
20 to be available for the same purposes and for the same  
21 time period as the appropriations to which transferred:  
22 *Provided further*, That upon a determination that all or  
23 part of the funds transferred from this appropriation are  
24 not necessary for the purposes provided herein, such  
25 amounts may be transferred back to this appropriation:

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

4 ENVIRONMENTAL RESTORATION, NAVY

5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of the Navy, \$304,867,000, to  
7 remain available until transferred: *Provided*, That the Sec-  
8 retary of the Navy shall, upon determining that such  
9 funds are required for environmental restoration, reduc-  
10 tion and recycling of hazardous waste, removal of unsafe  
11 buildings and debris of the Department of the Navy, or  
12 for similar purposes, transfer the funds made available by  
13 this appropriation to other appropriations made available  
14 to the Department of the Navy, to be merged with and  
15 to be available for the same purposes and for the same  
16 time period as the appropriations to which transferred:  
17 *Provided further*, That upon a determination that all or  
18 part of the funds transferred from this appropriation are  
19 not necessary for the purposes provided herein, such  
20 amounts may be transferred back to this appropriation:  
21 *Provided further*, That the transfer authority provided  
22 under this heading is in addition to any other transfer au-  
23 thority provided elsewhere in this Act.

## 1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$502,653,000,  
4 to remain available until transferred: *Provided*, That the  
5 Secretary of the Air Force shall, upon determining that  
6 such funds are required for environmental restoration, re-  
7 duction and recycling of hazardous waste, removal of un-  
8 safe buildings and debris of the Department of the Air  
9 Force, or for similar purposes, transfer the funds made  
10 available by this appropriation to other appropriations  
11 made available to the Department of the Air Force, to be  
12 merged with and to be available for the same purposes  
13 and for the same time period as the appropriations to  
14 which transferred: *Provided further*, That upon a deter-  
15 mination that all or part of the funds transferred from  
16 this appropriation are not necessary for the purposes pro-  
17 vided herein, such amounts may be transferred back to  
18 this appropriation: *Provided further*, That the transfer au-  
19 thority provided under this heading is in addition to any  
20 other transfer authority provided elsewhere in this Act.

## 21 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of Defense, \$10,744,000, to re-  
24 main available until transferred: *Provided*, That the Sec-  
25 retary of Defense shall, upon determining that such funds

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

16 ENVIRONMENTAL RESTORATION, FORMERLY USED  
17 DEFENSE SITES  
18 (INCLUDING TRANSFER OF FUNDS)

19 For the Department of the Army, \$326,546,000, to  
20 remain available until transferred: *Provided*, That the Sec-  
21 retary of the Army shall, upon determining that such  
22 funds are required for environmental restoration, reduc-  
23 tion and recycling of hazardous waste, removal of unsafe  
24 buildings and debris at sites formerly used by the Depart-  
25 ment of Defense, transfer the funds made available by this



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

12 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

13 For expenses relating to the Overseas Humanitarian,  
14 Disaster, and Civic Aid programs of the Department of  
15 Defense (consisting of the programs provided under sec-  
16 tions 401, 402, 404, 407, 2557, and 2561 of title 10,  
17 United States Code), \$108,032,000, to remain available  
18 until September 30, 2012.

19 COOPERATIVE THREAT REDUCTION ACCOUNT

20 For assistance to the republics of the former Soviet  
21 Union and, with appropriate authorization by the Depart-  
22 ment of Defense and Department of State, to countries  
23 outside of the former Soviet Union, including assistance  
24 provided by contract or by grants, for facilitating the  
25 elimination and the safe and secure transportation and

1 storage of nuclear, chemical and other weapons; for estab-  
2 lishing programs to prevent the proliferation of weapons,  
3 weapons components, and weapon-related technology and  
4 expertise; for programs relating to the training and sup-  
5 port of defense and military personnel for demilitarization  
6 and protection of weapons, weapons components and  
7 weapons technology and expertise, and for defense and  
8 military contacts, \$522,512,000, to remain available until  
9 September 30, 2013: *Provided*, That of the amounts pro-  
10 vided under this heading, not less than \$15,000,000 shall  
11 be available only to support the dismantling and disposal  
12 of nuclear submarines, submarine reactor components,  
13 and security enhancements for transport and storage of  
14 nuclear warheads in the Russian Far East and North.

15 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE  
16 DEVELOPMENT FUND

17 For the Department of Defense Acquisition Work-  
18 force Development Fund, \$217,561,000.

19 TITLE III  
20 PROCUREMENT

21 AIRCRAFT PROCUREMENT, ARMY

22 For construction, procurement, production, modifica-  
23 tion, and modernization of aircraft, equipment, including  
24 ordnance, ground handling equipment, spare parts, and  
25 accessories therefor; specialized equipment and training

1 devices; expansion of public and private plants, including  
2 the land necessary therefor, for the foregoing purposes,  
3 and such lands and interests therein, may be acquired,  
4 and construction prosecuted thereon prior to approval of  
5 title; and procurement and installation of equipment, ap-  
6 pliances, and machine tools in public and private plants;  
7 reserve plant and Government and contractor-owned  
8 equipment layaway; and other expenses necessary for the  
9 foregoing purposes, \$5,604,529,000, to remain available  
10 for obligation until September 30, 2013.

11 MISSILE PROCUREMENT, ARMY

12 For construction, procurement, production, modifica-  
13 tion, and modernization of missiles, equipment, including  
14 ordnance, ground handling equipment, spare parts, and  
15 accessories therefor; specialized equipment and training  
16 devices; expansion of public and private plants, including  
17 the land necessary therefor, for the foregoing purposes,  
18 and such lands and interests therein, may be acquired,  
19 and construction prosecuted thereon prior to approval of  
20 title; and procurement and installation of equipment, ap-  
21 pliances, and machine tools in public and private plants;  
22 reserve plant and Government and contractor-owned  
23 equipment layaway; and other expenses necessary for the  
24 foregoing purposes, \$1,615,108,000, to remain available  
25 for obligation until September 30, 2013.

1    PROCUREMENT OF WEAPONS AND TRACKED COMBAT  
2    VEHICLES, ARMY

3        For construction, procurement, production, and  
4 modification of weapons and tracked combat vehicles,  
5 equipment, including ordnance, spare parts, and acces-  
6 sories therefor; specialized equipment and training devices;  
7 expansion of public and private plants, including the land  
8 necessary therefor, for the foregoing purposes, and such  
9 lands and interests therein, may be acquired, and con-  
10 struction prosecuted thereon prior to approval of title; and  
11 procurement and installation of equipment, appliances,  
12 and machine tools in public and private plants; reserve  
13 plant and Government and contractor-owned equipment  
14 layaway; and other expenses necessary for the foregoing  
15 purposes, \$1,471,120,000, to remain available for obliga-  
16 tion until September 30, 2013.

17    PROCUREMENT OF AMMUNITION, ARMY

18        For construction, procurement, production, and  
19 modification of ammunition, and accessories therefor; spe-  
20 cialized equipment and training devices; expansion of pub-  
21 lic and private plants, including ammunition facilities, au-  
22 thorized by section 2854 of title 10, United States Code,  
23 and the land necessary therefor, for the foregoing pur-  
24 poses, and such lands and interests therein, may be ac-  
25 quired, and construction prosecuted thereon prior to ap-

1 proval of title; and procurement and installation of equip-  
2 ment, appliances, and machine tools in public and private  
3 plants; reserve plant and Government and contractor-  
4 owned equipment layaway; and other expenses necessary  
5 for the foregoing purposes, \$1,860,395,000, to remain  
6 available for obligation until September 30, 2013.

7                   OTHER PROCUREMENT, ARMY

8       For construction, procurement, production, and  
9 modification of vehicles, including tactical, support, and  
10 non-tracked combat vehicles; the purchase of passenger  
11 motor vehicles for replacement only; communications and  
12 electronic equipment; other support equipment; spare  
13 parts, ordnance, and accessories therefor; specialized  
14 equipment and training devices; expansion of public and  
15 private plants, including the land necessary therefor, for  
16 the foregoing purposes, and such lands and interests  
17 therein, may be acquired, and construction prosecuted  
18 thereon prior to approval of title; and procurement and  
19 installation of equipment, appliances, and machine tools  
20 in public and private plants; reserve plant and Govern-  
21 ment and contractor-owned equipment layaway; and other  
22 expenses necessary for the foregoing purposes,  
23 \$8,150,227,000, to remain available for obligation until  
24 September 30, 2013.

## 1 AIRCRAFT PROCUREMENT, NAVY

2 For construction, procurement, production, modifica-  
3 tion, and modernization of aircraft, equipment, including  
4 ordnance, spare parts, and accessories therefor; specialized  
5 equipment; expansion of public and private plants, includ-  
6 ing the land necessary therefor, and such lands and inter-  
7 ests therein, may be acquired, and construction prosecuted  
8 thereon prior to approval of title; and procurement and  
9 installation of equipment, appliances, and machine tools  
10 in public and private plants; reserve plant and Govern-  
11 ment and contractor-owned equipment layaway,  
12 \$17,614,249,000, to remain available for obligation until  
13 September 30, 2013.

## 14 WEAPONS PROCUREMENT, NAVY

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

1 layaway, \$3,269,051,000, to remain available for obliga-  
2 tion until September 30, 2013.

3       PROCUREMENT OF AMMUNITION, NAVY AND MARINE  
4   CORPS

5       For construction, procurement, production, and  
6 modification of ammunition, and accessories therefor; spe-  
7 cialized equipment and training devices; expansion of pub-  
8 lic and private plants, including ammunition facilities, au-  
9 thorized by section 2854 of title 10, United States Code,  
10 and the land necessary therefor, for the foregoing pur-  
11 poses, and such lands and interests therein, may be ac-  
12 quired, and construction prosecuted thereon prior to ap-  
13 proval of title; and procurement and installation of equip-  
14 ment, appliances, and machine tools in public and private  
15 plants; reserve plant and Government and contractor-  
16 owned equipment layaway; and other expenses necessary  
17 for the foregoing purposes, \$795,114,000, to remain avail-  
18 able for obligation until September 30, 2013.

19                               SHIPBUILDING AND CONVERSION, NAVY

20       For expenses necessary for the construction, acquisi-  
21 tion, or conversion of vessels as authorized by law, includ-  
22 ing armor and armament thereof, plant equipment, appli-  
23 ances, and machine tools and installation thereof in public  
24 and private plants; reserve plant and Government and con-  
25 tractor-owned equipment layaway; procurement of critical,

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

7           Carrier Replacement Program, \$1,731,256,000;  
8           Carrier Replacement Program (AP),  
9           \$908,313,000;  
10           NSSN, \$3,441,452,000;  
11           NSSN (AP), \$1,691,236,000;  
12           CVN Refueling, \$1,255,799,000;  
13           CVN Refuelings (AP), \$408,037,000;  
14           DDG-1000 Program, \$186,312,000;  
15           DDG-51 Destroyer, \$2,922,190,000;  
16           DDG-51 Destroyer (AP), \$47,984,000;  
17           Littoral Combat Ship, \$615,492,000;  
18           Littoral Combat Ship (AP), \$278,351,000;  
19           LHA-R, \$949,897,000;  
20           Joint High Speed Vessel, \$180,703,000;  
21           Oceanographic Ships, \$88,561,000;  
22           LCAC Service Life Extension Program,  
23           \$83,035,000;  
24           Service Craft, \$13,770,000; and



1           For outfitting, post delivery, conversions, and  
2           first destination transportation, \$306,640,000.

3           In all: \$15,109,028,000, to remain available for obli-  
4           gation until September 30, 2015: *Provided*, That addi-  
5           tional obligations may be incurred after September 30,  
6           2015, 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, and the  
23          purchase of seven vehicles required for physical security  
24          of personnel, notwithstanding price limitations applicable  
25          to passenger vehicles but not to exceed \$250,000 per vehi-

1 cle; expansion of public and private plants, including the  
2 land necessary therefor, and such lands and interests  
3 therein, may be acquired, and construction prosecuted  
4 thereon prior to approval of title; and procurement and  
5 installation of equipment, appliances, and machine tools  
6 in public and private plants; reserve plant and Govern-  
7 ment and contractor-owned equipment layaway,  
8 \$5,986,185,000, to remain available for obligation until  
9 September 30, 2013.

10                   PROCUREMENT, MARINE CORPS

11       For expenses necessary for the procurement, manu-  
12 facture, and modification of missiles, armament, military  
13 equipment, spare parts, and accessories therefor; plant  
14 equipment, appliances, and machine tools, and installation  
15 thereof in public and private plants; reserve plant and  
16 Government and contractor-owned equipment layaway; ve-  
17 hicles for the Marine Corps, including the purchase of pas-  
18 senger motor vehicles for replacement only; and expansion  
19 of public and private plants, including land necessary  
20 therefor, and such lands and interests therein, may be ac-  
21 quired, and construction prosecuted thereon prior to ap-  
22 proval of title, \$1,293,956,000, to remain available for ob-  
23 ligation until September 30, 2013.

## 1                   AIRCRAFT PROCUREMENT, AIR FORCE

2           For construction, procurement, and modification of  
3 aircraft and equipment, including armor and armament,  
4 specialized ground handling equipment, and training de-  
5 vices, spare parts, and accessories therefor; specialized  
6 equipment; expansion of public and private plants, Gov-  
7 ernment-owned equipment and installation thereof in such  
8 plants, erection of structures, and acquisition of land, for  
9 the foregoing purposes, and such lands and interests  
10 therein, may be acquired, and construction prosecuted  
11 thereon prior to approval of title; reserve plant and Gov-  
12 ernment and contractor-owned equipment layaway; and  
13 other expenses necessary for the foregoing purposes in-  
14 cluding rents and transportation of things,  
15 \$13,495,310,000, to remain available for obligation until  
16 September 30, 2013.

## 17                   MISSILE PROCUREMENT, AIR FORCE

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

1 construction prosecuted thereon prior to approval of title;  
2 reserve plant and Government and contractor-owned  
3 equipment layaway; and other expenses necessary for the  
4 foregoing purposes including rents and transportation of  
5 things, \$5,454,264,000, to remain available for obligation  
6 until September 30, 2013.

7           PROCUREMENT OF AMMUNITION, AIR FORCE

8           For construction, procurement, production, and  
9 modification of ammunition, and accessories therefor; spe-  
10 cialized equipment and training devices; expansion of pub-  
11 lic and private plants, including ammunition facilities, au-  
12 thorized by section 2854 of title 10, United States Code,  
13 and the land necessary therefor, for the foregoing pur-  
14 poses, and such lands and interests therein, may be ac-  
15 quired, and construction prosecuted thereon prior to ap-  
16 proval of title; and procurement and installation of equip-  
17 ment, appliances, and machine tools in public and private  
18 plants; reserve plant and Government and contractor-  
19 owned equipment layaway; and other expenses necessary  
20 for the foregoing purposes, \$750,167,000, to remain avail-  
21 able for obligation until September 30, 2013.

22           OTHER PROCUREMENT, AIR FORCE

23           For procurement and modification of equipment (in-  
24 cluding ground guidance and electronic control equipment,  
25 and ground electronic and communication equipment),

1 and supplies, materials, and spare parts therefor, not oth-  
2 erwise provided for; the purchase of passenger motor vehi-  
3 cles for replacement only, and the purchase of two vehicles  
4 required for physical security of personnel, notwith-  
5 standing price limitations applicable to passenger vehicles  
6 but not to exceed \$250,000 per vehicle; lease of passenger  
7 motor vehicles; and expansion of public and private plants,  
8 Government-owned equipment and installation thereof in  
9 such plants, erection of structures, and acquisition of land,  
10 for the foregoing purposes, and such lands and interests  
11 therein, may be acquired, and construction prosecuted  
12 thereon, prior to approval of title; reserve plant and Gov-  
13 ernment and contractor-owned equipment layaway,  
14 \$17,721,506,000, to remain available for obligation until  
15 September 30, 2013.

16 PROCUREMENT, DEFENSE-WIDE

17 For expenses of activities and agencies of the Depart-  
18 ment of Defense (other than the military departments)  
19 necessary for procurement, production, and modification  
20 of equipment, supplies, materials, and spare parts there-  
21 for, not otherwise provided for; the purchase of passenger  
22 motor vehicles for replacement only; expansion of public  
23 and private plants, equipment, and installation thereof in  
24 such plants, erection of structures, and acquisition of land  
25 for the foregoing purposes, and such lands and interests

1 therein, may be acquired, and construction prosecuted  
2 thereon prior to approval of title; reserve plant and Gov-  
3 ernment and contractor-owned equipment layaway,  
4 \$3,995,835,000, to remain available for obligation until  
5 September 30, 2013.

6 NATIONAL GUARD AND RESERVE EQUIPMENT

7 For procurement of aircraft, missiles, tracked combat  
8 vehicles, ammunition, other weapons and other procure-  
9 ment for the reserve components of the Armed Forces,  
10 \$500,000,000, to remain available for obligation until Sep-  
11 tember 30, 2013: *Provided*, That the Chiefs of National  
12 Guard and Reserve components shall, not later than 30  
13 days after the enactment of this Act, individually submit  
14 to the congressional defense committees the modernization  
15 priority assessment for their respective National Guard or  
16 Reserve component.

17 DEFENSE PRODUCTION ACT PURCHASES

18 For activities by the Department of Defense pursuant  
19 to sections 108, 301, 302, and 303 of the Defense Produc-  
20 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and  
21 2093), \$79,446,000, to remain available until expended.

1 TITLE IV  
2 RESEARCH, DEVELOPMENT, TEST AND  
3 EVALUATION  
4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
5 ARMY

6 For expenses necessary for basic and applied sci-  
7 entific research, development, test and evaluation, includ-  
8 ing maintenance, rehabilitation, lease, and operation of fa-  
9 cilities and equipment, \$10,513,704,000, to remain avail-  
10 able for obligation until September 30, 2012.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
12 NAVY

13 For expenses necessary for basic and applied sci-  
14 entific research, development, test and evaluation, includ-  
15 ing maintenance, rehabilitation, lease, and operation of fa-  
16 cilities and equipment, \$17,693,981,000, to remain avail-  
17 able for obligation until September 30, 2012: *Provided*,  
18 That funds appropriated in this paragraph which are  
19 available for the V-22 may be used to meet unique oper-  
20 ational requirements of the Special Operations Forces:  
21 *Provided further*, That funds appropriated in this para-  
22 graph shall be available for the Cobra Judy program.

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

3 For expenses necessary for basic and applied sci-  
4 entific research, development, test and evaluation, includ-  
5 ing maintenance, rehabilitation, lease, and operation of fa-  
6 cilities and equipment, \$26,761,621,000, to remain avail-  
7 able for obligation until September 30, 2012.

8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
9 DEFENSE-WIDE

10 For expenses of activities and agencies of the Depart-  
11 ment of Defense (other than the military departments),  
12 necessary for basic and applied scientific research, devel-  
13 opment, test and evaluation; advanced research projects  
14 as may be designated and determined by the Secretary  
15 of Defense, pursuant to law; maintenance, rehabilitation,  
16 lease, and operation of facilities and equipment,  
17 \$21,029,479,000, to remain available for obligation until  
18 September 30, 2012.

19 OPERATIONAL TEST AND EVALUATION, DEFENSE

20 For expenses, not otherwise provided for, necessary  
21 for the independent activities of the Director, Operational  
22 Test and Evaluation, in the direction and supervision of  
23 operational test and evaluation, including initial oper-  
24 ational test and evaluation which is conducted prior to,  
25 and in support of, production decisions; joint operational



1 testing and evaluation; and administrative expenses in  
2 connection therewith, \$194,910,000, to remain available  
3 for obligation until September 30, 2012.

4 TITLE V

5 REVOLVING AND MANAGEMENT FUNDS

6 DEFENSE WORKING CAPITAL FUNDS

7 For the Defense Working Capital Funds,  
8 \$1,434,536,000.

9 NATIONAL DEFENSE SEALIFT FUND

10 For National Defense Sealift Fund programs,  
11 projects, and activities, and for expenses of the National  
12 Defense Reserve Fleet, as established by section 11 of the  
13 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),  
14 and for the necessary expenses to maintain and preserve  
15 a U.S.-flag merchant fleet to serve the national security  
16 needs of the United States, \$1,037,866,000, to remain  
17 available until expended: *Provided*, That none of the funds  
18 provided in this paragraph shall be used to award a new  
19 contract that provides for the acquisition of any of the  
20 following major components unless such components are  
21 manufactured in the United States: auxiliary equipment,  
22 including pumps, for all shipboard services; propulsion  
23 system components (engines, reduction gears, and propel-  
24 lers); shipboard cranes; and spreaders for shipboard  
25 cranes: *Provided further*, That the exercise of an option

1 in a contract awarded through the obligation of previously  
2 appropriated funds shall not be considered to be the award  
3 of a new contract: *Provided further*, That the Secretary  
4 of the military department responsible for such procure-  
5 ment may waive the restrictions in the first proviso on  
6 a case-by-case basis by certifying in writing to the Com-  
7 mittees on Appropriations of the House of Representatives  
8 and the Senate that adequate domestic supplies are not  
9 available to meet Department of Defense requirements on  
10 a timely basis and that such an acquisition must be made  
11 in order to acquire capability for national security pur-  
12 poses.

## 13 TITLE VI

### 14 OTHER DEPARTMENT OF DEFENSE PROGRAMS

#### 15 DEFENSE HEALTH PROGRAM

16 For expenses, not otherwise provided for, for medical  
17 and health care programs of the Department of Defense  
18 as authorized by law, \$31,530,598,000; of which  
19 \$29,999,764,000 shall be for operation and maintenance,  
20 of which not to exceed 1 percent shall remain available  
21 until September 30, 2012, and of which up to  
22 \$16,458,121,000 may be available for contracts entered  
23 into under the TRICARE program; of which  
24 \$519,921,000, to remain available for obligation until Sep-  
25 tember 30, 2013, shall be for procurement; and of which

1 \$1,010,913,000, to remain available for obligation until  
2 September 30, 2012, shall be for research, development,  
3 test and evaluation.

4 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,  
5 DEFENSE

6 For expenses, not otherwise provided for, necessary  
7 for the destruction of the United States stockpile of lethal  
8 chemical agents and munitions, to include construction of  
9 facilities, in accordance with the provisions of section 1412  
10 of the Department of Defense Authorization Act, 1986  
11 (50 U.S.C. 1521), and for the destruction of other chem-  
12 ical warfare materials that are not in the chemical weapon  
13 stockpile, \$1,467,307,000, of which \$1,067,364,000 shall  
14 be for operation and maintenance, of which no less than  
15 \$111,178,000, shall be for the Chemical Stockpile Emer-  
16 gency Preparedness Program, consisting of \$35,130,000  
17 for activities on military installations and \$76,048,000, to  
18 remain available until September 30, 2012, to assist State  
19 and local governments; \$7,132,000 shall be for procure-  
20 ment, to remain available until September 30, 2013, of  
21 which no less than \$7,132,000 shall be for the Chemical  
22 Stockpile Emergency Preparedness Program to assist  
23 State and local governments; and \$392,811,000, to re-  
24 main available until September 30, 2012, shall be for re-  
25 search, development, test and evaluation, of which

1 \$385,868,000 shall only be for the Assembled Chemical  
2 Weapons Alternatives (ACWA) program.

3 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,  
4 DEFENSE  
5 (INCLUDING TRANSFER OF FUNDS)

6 For drug interdiction and counter-drug activities of  
7 the Department of Defense, for transfer to appropriations  
8 available to the Department of Defense for military per-  
9 sonnel of the reserve components serving under the provi-  
10 sions of title 10 and title 32, United States Code; for oper-  
11 ation and maintenance; for procurement; and for research,  
12 development, test and evaluation, \$1,198,016,000: *Pro-*  
13 *vided*, That the funds appropriated under this heading  
14 shall be available for obligation for the same time period  
15 and for the same purpose as the appropriation to which  
16 transferred: *Provided further*, That upon a determination  
17 that all or part of the funds transferred from this appro-  
18 priation are not necessary for the purposes provided here-  
19 in, such amounts may be transferred back to this appro-  
20 priation: *Provided further*, That the transfer authority pro-  
21 vided under this heading is in addition to any other trans-  
22 fer authority contained elsewhere in this Act.

23 OFFICE OF THE INSPECTOR GENERAL

24 For expenses and activities of the Office of the In-  
25 spector General in carrying out the provisions of the In-

1 spector General Act of 1978, as amended, \$304,354,000,  
2 of which \$303,354,000 shall be for operation and mainte-  
3 nance, of which not to exceed \$700,000 is available for  
4 emergencies and extraordinary expenses to be expended on  
5 the approval or authority of the Inspector General, and  
6 payments may be made on the Inspector General's certifi-  
7 cate of necessity for confidential military purposes; and  
8 of which \$1,000,000, to remain available until September  
9 30, 2013, shall be for procurement.

10 TITLE VII

11 RELATED AGENCIES

12 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

13 DISABILITY SYSTEM FUND

14 For payment to the Central Intelligence Agency Re-  
15 tirement and Disability System Fund, to maintain the  
16 proper funding level for continuing the operation of the  
17 Central Intelligence Agency Retirement and Disability  
18 System, \$292,000,000.

19 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

20 For necessary expenses of the Intelligence Commu-  
21 nity Management Account, \$721,692,000.

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TITLE VIII

GENERAL PROVISIONS

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

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense:

*Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That, in the case of a host nation that does not provide salary increases on an annual basis, any increase granted by that nation shall be annualized for the purpose of applying the preceding proviso: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of

1 State under the Foreign Service Act of 1980: *Provided*  
2 *further*, That the limitations of this provision shall not  
3 apply to foreign national employees of the Department of  
4 Defense in the Republic of Turkey.

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

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

15 (TRANSFER OF FUNDS)

16 SEC. 8005. Upon determination by the Secretary of  
17 Defense that such action is necessary in the national inter-  
18 est, he may, with the approval of the Office of Manage-  
19 ment and Budget, transfer not to exceed \$4,500,000,000  
20 of working capital funds of the Department of Defense  
21 or funds made available in this Act to the Department  
22 of Defense for military functions (except military con-  
23 struction) between such appropriations or funds or any  
24 subdivision thereof, to be merged with and to be available  
25 for the same purposes, and for the same time period, as

1 the appropriation or fund to which transferred: *Provided*,  
2 That such authority to transfer may not be used unless  
3 for higher priority items, based on unforeseen military re-  
4 quirements, than those for which originally appropriated  
5 and in no case where the item for which funds are re-  
6 quested has been denied by the Congress: *Provided further*,  
7 That the Secretary of Defense shall notify the Congress  
8 promptly of all transfers made pursuant to this authority  
9 or any other authority in this Act: *Provided further*, That  
10 no part of the funds in this Act shall be available to pre-  
11 pare or present a request to the Committees on Appropria-  
12 tions for reprogramming of funds, unless for higher pri-  
13 ority items, based on unforeseen military requirements,  
14 than those for which originally appropriated and in no  
15 case where the item for which reprogramming is requested  
16 has been denied by the Congress: *Provided further*, That  
17 a request for multiple reprogrammings of funds using au-  
18 thority provided in this section shall be made prior to June  
19 30, 2011: *Provided further*, That transfers among military  
20 personnel appropriations shall not be taken into account  
21 for purposes of the limitation on the amount of funds that  
22 may be transferred under this section.

23 SEC. 8006. (a) With regard to the list of specific pro-  
24 grams, projects, and activities (and the dollar amounts  
25 and adjustments to budget activities corresponding to



1 such programs, projects, and activities) contained in the  
2 tables titled “Explanation of Project Level Adjustments”  
3 in the explanatory statement regarding this Act, the obli-  
4 gation and expenditure of amounts appropriated or other-  
5 wise made available in this Act for those programs,  
6 projects, and activities for which the amounts appro-  
7 priated exceed the amounts requested are hereby required  
8 by law to be carried out in the manner provided by such  
9 tables to the same extent as if the tables were included  
10 in the text of this Act.

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

17 SEC. 8007. (a) Not later than 60 days after enact-  
18 ment of this Act, the Department of Defense shall submit  
19 a report to the congressional defense committees to estab-  
20 lish the baseline for application of reprogramming and  
21 transfer authorities for fiscal year 2011: *Provided*, That  
22 the report shall include—

23 (1) a table for each appropriation with a sepa-  
24 rate column to display the President’s budget re-  
25 quest, adjustments made by Congress, adjustments

1 due to enacted rescissions, if appropriate, and the  
2 fiscal year enacted level;

3 (2) a delineation in the table for each appro-  
4 priation both by budget activity and program,  
5 project, and activity as detailed in the Budget Ap-  
6 pendix; and

7 (3) an identification of items of special congres-  
8 sional interest.

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

17 SEC. 8008. The Secretaries of the Air Force and the  
18 Army are authorized, using funds available under the  
19 headings “Operation and Maintenance, Air Force” and  
20 “Operation and Maintenance, Army”, to complete facility  
21 conversions and phased repair projects which may include  
22 upgrades and additions to Alaskan range infrastructure  
23 and training areas, and improved access to these ranges.

## (TRANSFER OF FUNDS)

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2       SEC. 8009. During the current fiscal year, cash bal-  
3 ances in working capital funds of the Department of De-  
4 fense established pursuant to section 2208 of title 10,  
5 United States Code, may be maintained in only such  
6 amounts as are necessary at any time for cash disburse-  
7 ments to be made from such funds: *Provided*, That trans-  
8 fers may be made between such funds: *Provided further*,  
9 That transfers may be made between working capital  
10 funds and the “Foreign Currency Fluctuations, Defense”  
11 appropriation and the “Operation and Maintenance” ap-  
12 propriation accounts in such amounts as may be deter-  
13 mined by the Secretary of Defense, with the approval of  
14 the Office of Management and Budget, except that such  
15 transfers may not be made unless the Secretary of Defense  
16 has notified the Congress of the proposed transfer. Except  
17 in amounts equal to the amounts appropriated to working  
18 capital funds in this Act, no obligations may be made  
19 against a working capital fund to procure or increase the  
20 value of war reserve material inventory, unless the Sec-  
21 retary of Defense has notified the Congress prior to any  
22 such obligation.

23       SEC. 8010. Funds appropriated by this Act may not  
24 be used to initiate a special access program without prior

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

3       SEC. 8011. None of the funds provided in this Act  
4 shall be available to initiate: (1) a multiyear contract that  
5 employs economic order quantity procurement in excess of  
6 \$20,000,000 in any one year of the contract or that in-  
7 cludes an unfunded contingent liability in excess of  
8 \$20,000,000; or (2) a contract for advance procurement  
9 leading to a multiyear contract that employs economic  
10 order quantity procurement in excess of \$20,000,000 in  
11 any one year, unless the congressional defense committees  
12 have been notified at least 30 days in advance of the pro-  
13 posed contract award: *Provided*, That no part of any ap-  
14 propriation contained in this Act shall be available to ini-  
15 tiate a multiyear contract for which the economic order  
16 quantity advance procurement is not funded at least to  
17 the limits of the Government's liability: *Provided further*,  
18 That no part of any appropriation contained in this Act  
19 shall be available to initiate multiyear procurement con-  
20 tracts for any systems or component thereof if the value  
21 of the multiyear contract would exceed \$500,000,000 un-  
22 less specifically provided in this Act: *Provided further*,  
23 That no multiyear procurement contract can be termi-  
24 nated without 10-day prior notification to the congres-  
25 sional defense committees: *Provided further*, That the exe-

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

7           (1) the Secretary of Defense has submitted to  
8           Congress a report within 30 days of enactment of  
9           this Act that certifies full funding of units to be pro-  
10          cured through the contract and, in the case of a con-  
11          tract for procurement of aircraft, that includes, for  
12          any aircraft unit to be procured through the con-  
13          tract for which procurement funds are identified in  
14          that report for production beyond advance procure-  
15          ment activities in the fiscal year 2011 budget, full  
16          funding of procurement of such unit in that fiscal  
17          year;

18           (2) cancellation provisions in the contract do  
19          not include consideration of recurring manufacturing  
20          costs of the contractor associated with the produc-  
21          tion of unfunded units to be delivered under the con-  
22          tract;

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

1           (4) the contract does not provide for a price ad-  
2           justment based on a failure to award a follow-on  
3           contract.

4           Funds appropriated in title III of this Act may be  
5           used for a multiyear procurement contract as follows:  
6           MH-60R/S Helicopter Systems.

7           SEC. 8012. Within the funds appropriated for the op-  
8           eration and maintenance of the Armed Forces, funds are  
9           hereby appropriated pursuant to section 401 of title 10,  
10          United States Code, for humanitarian and civic assistance  
11          costs under chapter 20 of title 10, United States Code.  
12          Such funds may also be obligated for humanitarian and  
13          civic assistance costs incidental to authorized operations  
14          and pursuant to authority granted in section 401 of chap-  
15          ter 20 of title 10, United States Code, and these obliga-  
16          tions shall be reported as required by section 401(d) of  
17          title 10, United States Code: *Provided*, That funds avail-  
18          able for operation and maintenance shall be available for  
19          providing humanitarian and similar assistance by using  
20          Civic Action Teams in the Trust Territories of the Pacific  
21          Islands and freely associated states of Micronesia, pursu-  
22          ant to the Compact of Free Association as authorized by  
23          Public Law 99-239: *Provided further*, That upon a deter-  
24          mination by the Secretary of the Army that such action  
25          is beneficial for graduate medical education programs con-

1 ducted at Army medical facilities located in Hawaii, the  
2 Secretary of the Army may authorize the provision of med-  
3 ical services at such facilities and transportation to such  
4 facilities, on a nonreimbursable basis, for civilian patients  
5 from American Samoa, the Commonwealth of the North-  
6 ern Mariana Islands, the Marshall Islands, the Federated  
7 States of Micronesia, Palau, and Guam.

8       SEC. 8013. (a) During fiscal year 2011, the civilian  
9 personnel of the Department of Defense may not be man-  
10 aged on the basis of any end-strength, and the manage-  
11 ment of such personnel during that fiscal year shall not  
12 be subject to any constraint or limitation (known as an  
13 end-strength) on the number of such personnel who may  
14 be employed on the last day of such fiscal year.

15       (b) The fiscal year 2012 budget request for the De-  
16 partment of Defense as well as all justification material  
17 and other documentation supporting the fiscal year 2012  
18 Department of Defense budget request shall be prepared  
19 and submitted to the Congress as if subsections (a) and  
20 (b) of this provision were effective with regard to fiscal  
21 year 2012.

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

24       SEC. 8014. None of the funds made available by this  
25 Act shall be used in any way, directly or indirectly, to in-

1 fluence congressional action on any legislation or appro-  
2 priation matters pending before the Congress.

3       SEC. 8015. None of the funds appropriated by this  
4 Act shall be available for the basic pay and allowances of  
5 any member of the Army participating as a full-time stu-  
6 dent and receiving benefits paid by the Secretary of Vet-  
7 erans Affairs from the Department of Defense Education  
8 Benefits Fund when time spent as a full-time student is  
9 credited toward completion of a service commitment: *Pro-*  
10 *vided*, That this section shall not apply to those members  
11 who have reenlisted with this option prior to October 1,  
12 1987: *Provided further*, That this section applies only to  
13 active components of the Army.

14       SEC. 8016. (a) None of the funds appropriated by  
15 this Act shall be available to convert to contractor per-  
16 formance an activity or function of the Department of De-  
17 fense that, on or after the date of the enactment of this  
18 Act, is performed by more than 10 Department of Defense  
19 civilian employees unless—

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

24               (2) the Competitive Sourcing Official deter-  
25               mines that, over all performance periods stated in



1 the solicitation of offers for performance of the ac-  
2 tivity or function, the cost of performance of the ac-  
3 tivity or function by a contractor would be less costly  
4 to the Department of Defense by an amount that  
5 equals or exceeds the lesser of—

6 (A) 10 percent of the most efficient organi-  
7 zation's personnel-related costs for performance  
8 of that activity or function by Federal employ-  
9 ees; or

10 (B) \$10,000,000; and

11 (3) the contractor does not receive an advan-  
12 tage for a proposal that would reduce costs for the  
13 Department of Defense by—

14 (A) not making an employer-sponsored  
15 health insurance plan available to the workers  
16 who are to be employed in the performance of  
17 that activity or function under the contract; or

18 (B) offering to such workers an employer-  
19 sponsored health benefits plan that requires the  
20 employer to contribute less towards the pre-  
21 mium or subscription share than the amount  
22 that is paid by the Department of Defense for  
23 health benefits for civilian employees under  
24 chapter 89 of title 5, United States Code.

1 (b)(1) The Department of Defense, without regard  
2 to subsection (a) of this section or subsection (a), (b), or  
3 (c) of section 2461 of title 10, United States Code, and  
4 notwithstanding any administrative regulation, require-  
5 ment, or policy to the contrary shall have full authority  
6 to enter into a contract for the performance of any com-  
7 mercial or industrial type function of the Department of  
8 Defense that—

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

12 (B) is planned to be converted to performance  
13 by a qualified nonprofit agency for the blind or by  
14 a qualified nonprofit agency for other severely handi-  
15 capped individuals in accordance with that Act; or

16 (C) is planned to be converted to performance  
17 by a qualified firm under at least 51 percent owner-  
18 ship by an Indian tribe, as defined in section 4(e)  
19 of the Indian Self-Determination and Education As-  
20 sistance Act (25 U.S.C. 450b(e)), or a Native Ha-  
21 waiian Organization, as defined in section 8(a)(15)  
22 of the Small Business Act (15 U.S.C. 637(a)(15)).

23 (2) This section shall not apply to depot contracts  
24 or contracts for depot maintenance as provided in sections  
25 2469 and 2474 of title 10, United States Code.

1       (c) The conversion of any activity or function of the  
2 Department of Defense under the authority provided by  
3 this section shall be credited toward any competitive or  
4 outsourcing goal, target, or measurement that may be es-  
5 tablished by statute, regulation, or policy and is deemed  
6 to be awarded under the authority of, and in compliance  
7 with, subsection (h) of section 2304 of title 10, United  
8 States Code, for the competition or outsourcing of com-  
9 mercial activities.

10   (TRANSFER OF FUNDS)

11       SEC. 8017. Funds appropriated in title III of this Act  
12 for the Department of Defense Pilot Mentor-Protege Pro-  
13 gram may be transferred to any other appropriation con-  
14 tained in this Act solely for the purpose of implementing  
15 a Mentor-Protege Program developmental assistance  
16 agreement pursuant to section 831 of the National De-  
17 fense Authorization Act for Fiscal Year 1991 (Public Law  
18 101-510; 10 U.S.C. 2302 note), as amended, under the  
19 authority of this provision or any other transfer authority  
20 contained in this Act.

21       SEC. 8018. None of the funds in this Act may be  
22 available for the purchase by the Department of Defense  
23 (and its departments and agencies) of welded shipboard  
24 anchor and mooring chain 4 inches in diameter and under  
25 unless the anchor and mooring chain are manufactured

1 in the United States from components which are substan-  
2 tially manufactured in the United States: *Provided*, That  
3 for the purpose of this section, the term “manufactured”  
4 shall include cutting, heat treating, quality control, testing  
5 of chain and welding (including the forging and shot blast-  
6 ing process): *Provided further*, That for the purpose of this  
7 section substantially all of the components of anchor and  
8 mooring chain shall be considered to be produced or manu-  
9 factured in the United States if the aggregate cost of the  
10 components produced or manufactured in the United  
11 States exceeds the aggregate cost of the components pro-  
12 duced or manufactured outside the United States: *Pro-*  
13 *vided further*, That when adequate domestic supplies are  
14 not available to meet Department of Defense requirements  
15 on a timely basis, the Secretary of the service responsible  
16 for the procurement may waive this restriction on a case-  
17 by-case basis by certifying in writing to the Committees  
18 on Appropriations that such an acquisition must be made  
19 in order to acquire capability for national security pur-  
20 poses.

21 SEC. 8019. None of the funds available to the De-  
22 partment of Defense may be used to demilitarize or dis-  
23 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,  
24 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or  
25 to demilitarize or destroy small arms ammunition or am-

1 munition components that are not otherwise prohibited  
2 from commercial sale under Federal law, unless the small  
3 arms ammunition or ammunition components are certified  
4 by the Secretary of the Army or designee as unserviceable  
5 or unsafe for further use.

6       SEC. 8020. No more than \$500,000 of the funds ap-  
7 propriated or made available in this Act shall be used dur-  
8 ing a single fiscal year for any single relocation of an orga-  
9 nization, unit, activity or function of the Department of  
10 Defense into or within the National Capital Region: *Pro-*  
11 *vided*, That the Secretary of Defense may waive this re-  
12 striction on a case-by-case basis by certifying in writing  
13 to the congressional defense committees that such a relo-  
14 cation is required in the best interest of the Government.

15       SEC. 8021. In addition to the funds provided else-  
16 where in this Act, \$15,000,000 is appropriated only for  
17 incentive payments authorized by section 504 of the In-  
18 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,  
19 That a prime contractor or a subcontractor at any tier  
20 that makes a subcontract award to any subcontractor or  
21 supplier as defined in section 1544 of title 25, United  
22 States Code, or a small business owned and controlled by  
23 an individual or individuals defined under section 4221(9)  
24 of title 25, United States Code, shall be considered a con-  
25 tractor for the purposes of being allowed additional com-

1 pensionation under section 504 of the Indian Financing Act  
2 of 1974 (25 U.S.C. 1544) whenever the prime contract  
3 or subcontract amount is over \$500,000 and involves the  
4 expenditure of funds appropriated by an Act making Ap-  
5 propriations for the Department of Defense with respect  
6 to any fiscal year: *Provided further*, That notwithstanding  
7 section 430 of title 41, United States Code, this section  
8 shall be applicable to any Department of Defense acquisi-  
9 tion of supplies or services, including any contract and any  
10 subcontract at any tier for acquisition of commercial items  
11 produced or manufactured, in whole or in part by any sub-  
12 contractor or supplier defined in section 1544 of title 25,  
13 United States Code, or a small business owned and con-  
14 trolled by an individual or individuals defined under sec-  
15 tion 4221(9) of title 25, United States Code.

16       SEC. 8022. Funds appropriated by this Act for the  
17 Defense Media Activity shall not be used for any national  
18 or international political or psychological activities.

19       SEC. 8023. During the current fiscal year, the De-  
20 partment of Defense is authorized to incur obligations of  
21 not to exceed \$350,000,000 for purposes specified in sec-  
22 tion 2350j(c) of title 10, United States Code, in anticipa-  
23 tion of receipt of contributions, only from the Government  
24 of Kuwait, under that section: *Provided*, That upon re-  
25 ceipt, such contributions from the Government of Kuwait

1 shall be credited to the appropriations or fund which in-  
2 curred such obligations.

3 SEC. 8024. (a) Of the funds made available in this  
4 Act, not less than \$30,674,000 shall be available for the  
5 Civil Air Patrol Corporation, of which—

6 (1) \$27,348,000 shall be available from “Oper-  
7 ation and Maintenance, Air Force” to support Civil  
8 Air Patrol Corporation operation and maintenance,  
9 readiness, counterdrug activities, and drug demand  
10 reduction activities involving youth programs;

11 (2) \$2,424,000 shall be available from “Aircraft  
12 Procurement, Air Force”; and

13 (3) \$902,000 shall be available from “Other  
14 Procurement, Air Force” for vehicle procurement.

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

19 SEC. 8025. (a) None of the funds appropriated in this  
20 Act are available to establish a new Department of De-  
21 fense (department) federally funded research and develop-  
22 ment center (FFRDC), either as a new entity, or as a  
23 separate entity administrated by an organization man-  
24 aging another FFRDC, or as a nonprofit membership cor-

1 poration consisting of a consortium of other FFRDCs and  
2 other nonprofit entities.

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

15 (c) Notwithstanding any other provision of law, none  
16 of the funds available to the department from any source  
17 during fiscal year 2011 may be used by a defense FFRDC,  
18 through a fee or other payment mechanism, for construc-  
19 tion of new buildings, for payment of cost sharing for  
20 projects funded by Government grants, for absorption of  
21 contract overruns, or for certain charitable contributions,  
22 not to include employee participation in community service  
23 and/or development.

24 (d) Notwithstanding any other provision of law, of  
25 the funds available to the department during fiscal year



1 2011, not more than 5,750 staff years of technical effort  
2 (staff years) may be funded for defense FFRDCs: *Pro-*  
3 *vided*, That of the specific amount referred to previously  
4 in this subsection, not more than 1,125 staff years may  
5 be funded for the defense studies and analysis FFRDCs:  
6 *Provided further*, That this subsection shall not apply to  
7 staff years funded in the National Intelligence Program  
8 (NIP) and the Military Intelligence Program (MIP).

9 (e) The Secretary of Defense shall, with the submis-  
10 sion of the department's fiscal year 2012 budget request,  
11 submit a report presenting the specific amounts of staff  
12 years of technical effort to be allocated for each defense  
13 FFRDC during that fiscal year and the associated budget  
14 estimates.

15 (f) Notwithstanding any other provision of this Act,  
16 the total amount appropriated in this Act for FFRDCs  
17 is hereby reduced by \$144,744,000.

18 SEC. 8026. None of the funds appropriated or made  
19 available in this Act shall be used to procure carbon, alloy  
20 or armor steel plate for use in any Government-owned fa-  
21 cility or property under the control of the Department of  
22 Defense which were not melted and rolled in the United  
23 States or Canada: *Provided*, That these procurement re-  
24 strictions shall apply to any and all Federal Supply Class  
25 9515, American Society of Testing and Materials (ASTM)

1 or American Iron and Steel Institute (AISI) specifications  
2 of carbon, alloy or armor steel plate: *Provided further*,  
3 That the Secretary of the military department responsible  
4 for the procurement may waive this restriction on a case-  
5 by-case basis by certifying in writing to the Committees  
6 on Appropriations of the House of Representatives and the  
7 Senate that adequate domestic supplies are not available  
8 to meet Department of Defense requirements on a timely  
9 basis and that such an acquisition must be made in order  
10 to acquire capability for national security purposes: *Pro-*  
11 *vided further*, That these restrictions shall not apply to  
12 contracts which are in being as of the date of the enact-  
13 ment of this Act.

14       SEC. 8027. For the purposes of this Act, the term  
15 “congressional defense committees” means the Armed  
16 Services Committee of the House of Representatives, the  
17 Armed Services Committee of the Senate, the Sub-  
18 committee on Defense of the Committee on Appropriations  
19 of the Senate, and the Subcommittee on Defense of the  
20 Committee on Appropriations of the House of Representa-  
21 tives.

22       SEC. 8028. During the current fiscal year, the De-  
23 partment of Defense may acquire the modification, depot  
24 maintenance and repair of aircraft, vehicles and vessels  
25 as well as the production of components and other De-

1 fense-related articles, through competition between De-  
2 partment of Defense depot maintenance activities and pri-  
3 vate firms: *Provided*, That the Senior Acquisition Execu-  
4 tive of the military department or Defense Agency con-  
5 cerned, with power of delegation, shall certify that success-  
6 ful bids include comparable estimates of all direct and in-  
7 direct costs for both public and private bids: *Provided fur-*  
8 *ther*, That Office of Management and Budget Circular A-  
9 76 shall not apply to competitions conducted under this  
10 section.

11       SEC. 8029. (a)(1) If the Secretary of Defense, after  
12 consultation with the United States Trade Representative,  
13 determines that a foreign country which is party to an  
14 agreement described in paragraph (2) has violated the  
15 terms of the agreement by discriminating against certain  
16 types of products produced in the United States that are  
17 covered by the agreement, the Secretary of Defense shall  
18 rescind the Secretary's blanket waiver of the Buy Amer-  
19 ican Act with respect to such types of products produced  
20 in that foreign country.

21       (2) An agreement referred to in paragraph (1) is any  
22 reciprocal defense procurement memorandum of under-  
23 standing, between the United States and a foreign country  
24 pursuant to which the Secretary of Defense has prospec-

1 tively waived the Buy American Act for certain products  
2 in that country.

3 (b) The Secretary of Defense shall submit to the Con-  
4 gress a report on the amount of Department of Defense  
5 purchases from foreign entities in fiscal year 2011. Such  
6 report shall separately indicate the dollar value of items  
7 for which the Buy American Act was waived pursuant to  
8 any agreement described in subsection (a)(2), the Trade  
9 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any  
10 international agreement to which the United States is a  
11 party.

12 (c) For purposes of this section, the term “Buy  
13 American Act” means title III of the Act entitled “An Act  
14 making appropriations for the Treasury and Post Office  
15 Departments for the fiscal year ending June 30, 1934,  
16 and for other purposes”, approved March 3, 1933 (41  
17 U.S.C. 10a et seq.).

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

1        SEC. 8031. (a) Notwithstanding any other provision  
2 of law, the Secretary of the Air Force may convey at no  
3 cost to the Air Force, without consideration, to Indian  
4 tribes located in the States of Nevada, Idaho, North Da-  
5 kota, South Dakota, Montana, Oregon, and Minnesota  
6 relocatable military housing units located at Grand Forks  
7 Air Force Base, Malmstrom Air Force Base, Mountain  
8 Home Air Force Base, Ellsworth Air Force Base, and  
9 Minot Air Force Base that are excess to the needs of the  
10 Air Force.

11        (b) The Secretary of the Air Force shall convey, at  
12 no cost to the Air Force, military housing units under sub-  
13 section (a) in accordance with the request for such units  
14 that are submitted to the Secretary by the Operation  
15 Walking Shield Program on behalf of Indian tribes located  
16 in the States of Nevada, Idaho, North Dakota, South Da-  
17 kota, Montana, Oregon, and Minnesota. Any such convey-  
18 ance shall be subject to the condition that the housing  
19 units shall be removed within a reasonable period of time,  
20 as determined by the Secretary.

21        (c) The Operation Walking Shield Program shall re-  
22 solve any conflicts among requests of Indian tribes for  
23 housing units under subsection (a) before submitting re-  
24 quests to the Secretary of the Air Force under subsection  
25 (b).

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

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

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

1           (b) The fiscal year 2012 budget request for the De-  
2   partment of Defense as well as all justification material  
3   and other documentation supporting the fiscal year 2012  
4   Department of Defense budget shall be prepared and sub-  
5   mitted to the Congress on the basis that any equipment  
6   which was classified as an end item and funded in a pro-  
7   curement appropriation contained in this Act shall be  
8   budgeted for in a proposed fiscal year 2012 procurement  
9   appropriation and not in the supply management business  
10  area or any other area or category of the Department of  
11  Defense Working Capital Funds.

12           SEC. 8034. None of the funds appropriated by this  
13  Act for programs of the Central Intelligence Agency shall  
14  remain available for obligation beyond the current fiscal  
15  year, except for funds appropriated for the Reserve for  
16  Contingencies, which shall remain available until Sep-  
17  tember 30, 2012: *Provided*, That funds appropriated,  
18  transferred, or otherwise credited to the Central Intel-  
19  ligence Agency Central Services Working Capital Fund  
20  during this or any prior or subsequent fiscal year shall  
21  remain available until expended: *Provided further*, That  
22  any funds appropriated or transferred to the Central Intel-  
23  ligence Agency for advanced research and development ac-  
24  quisition, for agent operations, and for covert action pro-  
25  grams authorized by the President under section 503 of

1 the National Security Act of 1947, as amended, shall re-  
2 main available until September 30, 2012.

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

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

20 SEC. 8037. (a) None of the funds appropriated in this  
21 Act may be expended by an entity of the Department of  
22 Defense unless the entity, in expending the funds, com-  
23 plies with the Buy American Act. For purposes of this  
24 subsection, the term “Buy American Act” means title III  
25 of the Act entitled “An Act making appropriations for the



1 Treasury and Post Office Departments for the fiscal year  
2 ending June 30, 1934, and for other purposes”, approved  
3 March 3, 1933 (41 U.S.C. 10a et seq.).

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

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

20 SEC. 8038. None of the funds appropriated by this  
21 Act shall be available for a contract for studies, analysis,  
22 or consulting services entered into without competition on  
23 the basis of an unsolicited proposal unless the head of the  
24 activity responsible for the procurement determines—

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

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

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

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

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

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

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

13          (c) This section does not apply to—

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

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

20                (3) an Army field operating agency established  
21                to improve the effectiveness and efficiencies of bio-  
22                metric activities and to integrate common biometric  
23                technologies throughout the Department of Defense.

## (RESCISSIONS)

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

6 “Procurement of Weapons and Tracked Combat  
7 Vehicles, Army, 2009/2011”, \$86,300,000;

8 “Other Procurement, Army, 2009/2011”,  
9 \$147,600,000;

10 “Aircraft Procurement, Navy, 2009/2011”,  
11 \$26,100,000;

12 “Aircraft Procurement, Air Force, 2009/2011”,  
13 \$48,690,000;

14 “Aircraft Procurement, Army, 2010/2012”,  
15 \$14,000,000;

16 “Missile Procurement, Army, 2010/2012”,  
17 \$18,171,000;

18 “Procurement of Weapons and Tracked Combat  
19 Vehicles, Army, 2010/2012”, \$36,000,000;

20 “Aircraft Procurement, Navy, 2010/2012”,  
21 \$6,000,000;

22 “Procurement of Ammunition, Navy and Ma-  
23 rine Corps, 2010/2012”, \$11,576,000;

24 “Aircraft Procurement, Air Force, 2010/2012”,  
25 \$72,900,000;

1           “Research, Development, Test and Evaluation,  
2           Army, 2010/2011”, \$53,500,000;

3           “Research, Development, Test and Evaluation,  
4           Air Force, 2010/2011”, \$115,600,000; and

5           “Research, Development, Test and Evaluation,  
6           Defense-Wide, 2010/2011”, \$10,000,000.

7           SEC. 8041. None of the funds available in this Act  
8           may be used to reduce the authorized positions for mili-  
9           tary (civilian) technicians of the Army National Guard,  
10          Air National Guard, Army Reserve and Air Force Reserve  
11          for the purpose of applying any administratively imposed  
12          civilian personnel ceiling, freeze, or reduction on military  
13          (civilian) technicians, unless such reductions are a direct  
14          result of a reduction in military force structure.

15          SEC. 8042. None of the funds appropriated or other-  
16          wise made available in this Act may be obligated or ex-  
17          pended for assistance to the Democratic People’s Republic  
18          of Korea unless specifically appropriated for that purpose.

19          SEC. 8043. Funds appropriated in this Act for oper-  
20          ation and maintenance of the Military Departments, Com-  
21          batant Commands and Defense Agencies shall be available  
22          for reimbursement of pay, allowances and other expenses  
23          which would otherwise be incurred against appropriations  
24          for the National Guard and Reserve when members of the  
25          National Guard and Reserve provide intelligence or coun-

1 terintelligence support to Combatant Commands, Defense  
2 Agencies and Joint Intelligence Activities, including the  
3 activities and programs included within the National Intel-  
4 ligence Program and the Military Intelligence Program:  
5 *Provided*, That nothing in this section authorizes deviation  
6 from established Reserve and National Guard personnel  
7 and training procedures.

8       SEC. 8044. During the current fiscal year, none of  
9 the funds appropriated in this Act may be used to reduce  
10 the civilian medical and medical support personnel as-  
11 signed to military treatment facilities below the September  
12 30, 2003, level: *Provided*, That the Service Surgeons Gen-  
13 eral may waive this section by certifying to the congres-  
14 sional defense committees that the beneficiary population  
15 is declining in some catchment areas and civilian strength  
16 reductions may be consistent with responsible resource  
17 stewardship and capitation-based budgeting.

18       SEC. 8045. (a) None of the funds available to the  
19 Department of Defense for any fiscal year for drug inter-  
20 diction or counter-drug activities may be transferred to  
21 any other department or agency of the United States ex-  
22 cept as specifically provided in an appropriations law.

23       (b) None of the funds available to the Central Intel-  
24 ligence Agency for any fiscal year for drug interdiction  
25 and counter-drug activities may be transferred to any

1 other department or agency of the United States except  
2 as specifically provided in an appropriations law.

3       SEC. 8046. None of the funds appropriated by this  
4 Act may be used for the procurement of ball and roller  
5 bearings other than those produced by a domestic source  
6 and of domestic origin: *Provided*, That the Secretary of  
7 the military department responsible for such procurement  
8 may waive this restriction on a case-by-case basis by certi-  
9 fying in writing to the Committees on Appropriations of  
10 the House of Representatives and the Senate, that ade-  
11 quate domestic supplies are not available to meet Depart-  
12 ment of Defense requirements on a timely basis and that  
13 such an acquisition must be made in order to acquire ca-  
14 pability for national security purposes: *Provided further*,  
15 That this restriction shall not apply to the purchase of  
16 “commercial items”, as defined by section 4(12) of the  
17 Office of Federal Procurement Policy Act, except that the  
18 restriction shall apply to ball or roller bearings purchased  
19 as end items.

20       SEC. 8047. None of the funds in this Act may be  
21 used to purchase any supercomputer which is not manu-  
22 factured in the United States, unless the Secretary of De-  
23 fense certifies to the congressional defense committees  
24 that such an acquisition must be made in order to acquire

1 capability for national security purposes that is not avail-  
2 able from United States manufacturers.

3 SEC. 8048. None of the funds made available in this  
4 or any other Act may be used to pay the salary of any  
5 officer or employee of the Department of Defense who ap-  
6 proves or implements the transfer of administrative re-  
7 sponsibilities or budgetary resources of any program,  
8 project, or activity financed by this Act to the jurisdiction  
9 of another Federal agency not financed by this Act with-  
10 out the express authorization of Congress: *Provided*, That  
11 this limitation shall not apply to transfers of funds ex-  
12 pressly provided for in Defense Appropriations Acts, or  
13 provisions of Acts providing supplemental appropriations  
14 for the Department of Defense.

15 SEC. 8049. (a) Notwithstanding any other provision  
16 of law, none of the funds available to the Department of  
17 Defense for the current fiscal year may be obligated or  
18 expended to transfer to another nation or an international  
19 organization any defense articles or services (other than  
20 intelligence services) for use in the activities described in  
21 subsection (b) unless the congressional defense commit-  
22 tees, the Committee on Foreign Affairs of the House of  
23 Representatives, and the Committee on Foreign Relations  
24 of the Senate are notified 15 days in advance of such  
25 transfer.



1 (b) This section applies to—

2 (1) any international peacekeeping or peace-en-  
3 forcement operation under the authority of chapter  
4 VI or chapter VII of the United Nations Charter  
5 under the authority of a United Nations Security  
6 Council resolution; and

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

9 (c) A notice under subsection (a) shall include the  
10 following—

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

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

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

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

22 (B) a statement of whether the items pro-  
23 posed to be transferred will have to be replaced  
24 and, if so, how the President proposes to pro-  
25 vide funds for such replacement.

1       SEC. 8050. None of the funds available to the De-  
2       partment of Defense under this Act shall be obligated or  
3       expended to pay a contractor under a contract with the  
4       Department of Defense for costs of any amount paid by  
5       the contractor to an employee when—

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

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

11                       (INCLUDING TRANSFER OF FUNDS)

12      SEC. 8051. During the current fiscal year, no more  
13      than \$30,000,000 of appropriations made in this Act  
14      under the heading “Operation and Maintenance, Defense-  
15      Wide” may be transferred to appropriations available for  
16      the pay of military personnel, to be merged with, and to  
17      be available for the same time period as the appropriations  
18      to which transferred, to be used in support of such per-  
19      sonnel in connection with support and services for eligible  
20      organizations and activities outside the Department of De-  
21      fense pursuant to section 2012 of title 10, United States  
22      Code.

23      SEC. 8052. During the current fiscal year, in the case  
24      of an appropriation account of the Department of Defense  
25      for which the period of availability for obligation has ex-

1   pired or which has closed under the provisions of section  
2   1552 of title 31, United States Code, and which has a  
3   negative unliquidated or unexpended balance, an obliga-  
4   tion or an adjustment of an obligation may be charged  
5   to any current appropriation account for the same purpose  
6   as the expired or closed account if—

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

11          (2) the obligation is not otherwise properly  
12          chargeable to any current appropriation account of  
13          the Department of Defense; and

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

1 count: *Provided further*, That the total amount  
2 charged to a current appropriation under this sec-  
3 tion may not exceed an amount equal to 1 percent  
4 of the total appropriation for that account.

5 SEC. 8053. (a) Notwithstanding any other provision  
6 of law, the Chief of the National Guard Bureau may per-  
7 mit the use of equipment of the National Guard Distance  
8 Learning Project by any person or entity on a space-avail-  
9 able, reimbursable basis. The Chief of the National Guard  
10 Bureau shall establish the amount of reimbursement for  
11 such use on a case-by-case basis.

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

18 SEC. 8054. Using funds available by this Act or any  
19 other Act, the Secretary of the Air Force, pursuant to a  
20 determination under section 2690 of title 10, United  
21 States Code, may implement cost-effective agreements for  
22 required heating facility modernization in the  
23 Kaiserslautern Military Community in the Federal Repub-  
24 lic of Germany: *Provided*, That in the City of  
25 Kaiserslautern and at the Rhine Ordnance Barracks area,

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

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

23 SEC. 8056. None of the funds made available in this  
24 Act may be used to approve or license the sale of the F-  
25 22A advanced tactical fighter to any foreign government:

1 *Provided*, That the Department of Defense may conduct  
2 or participate in studies, research, design and other activi-  
3 ties to define and develop a future export version of the  
4 F-22A that protects classified and sensitive information,  
5 technologies and U.S. warfighting capabilities.

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

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

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

22           (2) options for the procurement of items that  
23 are exercised after such date under contracts that  
24 are entered into before such date if the option prices

1 are adjusted for any reason other than the applica-  
2 tion of a waiver granted under subsection (a).

3 (c) Subsection (a) does not apply to a limitation re-  
4 garding construction of public vessels, ball and roller bear-  
5 ings, food, and clothing or textile materials as defined by  
6 section 11 (chapters 50–65) of the Harmonized Tariff  
7 Schedule and products classified under headings 4010,  
8 4202, 4203, 6401 through 6406, 6505, 7019, 7218  
9 through 7229, 7304.41 through 7304.49, 7306.40, 7502  
10 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

11 SEC. 8058. (a) None of the funds made available by  
12 this Act may be used to support any training program in-  
13 volving a unit of the security forces of a foreign country  
14 if the Secretary of Defense has received credible informa-  
15 tion from the Department of State that the unit has com-  
16 mitted a gross violation of human rights, unless all nec-  
17 essary corrective steps have been taken.

18 (b) The Secretary of Defense, in consultation with the  
19 Secretary of State, shall ensure that prior to a decision  
20 to conduct any training program referred to in subsection  
21 (a), full consideration is given to all credible information  
22 available to the Department of State relating to human  
23 rights violations by foreign security forces.

24 (c) The Secretary of Defense, after consultation with  
25 the Secretary of State, may waive the prohibition in sub-

1 section (a) if he determines that such waiver is required  
2 by extraordinary circumstances.

3 (d) Not more than 15 days after the exercise of any  
4 waiver under subsection (c), the Secretary of Defense shall  
5 submit a report to the congressional defense committees  
6 describing the extraordinary circumstances, the purpose  
7 and duration of the training program, the United States  
8 forces and the foreign security forces involved in the train-  
9 ing program, and the information relating to human rights  
10 violations that necessitates the waiver.

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



1        SEC. 8060. None of the funds appropriated or other-  
2 wise made available by this or other Department of De-  
3 fense Appropriations Acts may be obligated or expended  
4 for the purpose of performing repairs or maintenance to  
5 military family housing units of the Department of De-  
6 fense, including areas in such military family housing  
7 units that may be used for the purpose of conducting offi-  
8 cial Department of Defense business.

9        SEC. 8061. Notwithstanding any other provision of  
10 law, funds appropriated in this Act under the heading  
11 “Research, Development, Test and Evaluation, Defense-  
12 Wide” for any new start advanced concept technology  
13 demonstration project or joint capability demonstration  
14 project may only be obligated 30 days after a report, in-  
15 cluding a description of the project, the planned acquisi-  
16 tion and transition strategy and its estimated annual and  
17 total cost, has been provided in writing to the congres-  
18 sional defense committees: *Provided*, That the Secretary  
19 of Defense may waive this restriction on a case-by-case  
20 basis by certifying to the congressional defense committees  
21 that it is in the national interest to do so.

22        SEC. 8062. The Secretary of Defense shall provide  
23 a classified quarterly report beginning 30 days after enact-  
24 ment of this Act, to the House and Senate Appropriations  
25 Committees, Subcommittees on Defense on certain mat-

1 ters as directed in the classified annex accompanying this  
2 Act.

3 SEC. 8063. During the current fiscal year, none of  
4 the funds available to the Department of Defense may be  
5 used to provide support to another department or agency  
6 of the United States if such department or agency is more  
7 than 90 days in arrears in making payment to the Depart-  
8 ment of Defense for goods or services previously provided  
9 to such department or agency on a reimbursable basis:  
10 *Provided*, That this restriction shall not apply if the de-  
11 partment is authorized by law to provide support to such  
12 department or agency on a nonreimbursable basis, and is  
13 providing the requested support pursuant to such author-  
14 ity: *Provided further*, That the Secretary of Defense may  
15 waive this restriction on a case-by-case basis by certifying  
16 in writing to the Committees on Appropriations of the  
17 House of Representatives and the Senate that it is in the  
18 national security interest to do so.

19 SEC. 8064. Notwithstanding section 12310(b) of title  
20 10, United States Code, a Reserve who is a member of  
21 the National Guard serving on full-time National Guard  
22 duty under section 502(f) of title 32, United States Code,  
23 may perform duties in support of the ground-based ele-  
24 ments of the National Ballistic Missile Defense System.

1        SEC. 8065. None of the funds provided in this Act  
2 may be used to transfer to any nongovernmental entity  
3 ammunition held by the Department of Defense that has  
4 a center-fire cartridge and a United States military no-  
5 menclature designation of “armor penetrator”, “armor  
6 piercing (AP)”, “armor piercing incendiary (API)”, or  
7 “armor-piercing incendiary tracer (API-T)”, except to an  
8 entity performing demilitarization services for the Depart-  
9 ment of Defense under a contract that requires the entity  
10 to demonstrate to the satisfaction of the Department of  
11 Defense that armor piercing projectiles are either: (1) ren-  
12 dered incapable of reuse by the demilitarization process;  
13 or (2) used to manufacture ammunition pursuant to a con-  
14 tract with the Department of Defense or the manufacture  
15 of ammunition for export pursuant to a License for Per-  
16 manent Export of Unclassified Military Articles issued by  
17 the Department of State.

18        SEC. 8066. Notwithstanding any other provision of  
19 law, the Chief of the National Guard Bureau, or his des-  
20 ignee, may waive payment of all or part of the consider-  
21 ation that otherwise would be required under section 2667  
22 of title 10, United States Code, in the case of a lease of  
23 personal property for a period not in excess of 1 year to  
24 any organization specified in section 508(d) of title 32,  
25 United States Code, or any other youth, social, or fra-

1 ternal nonprofit organization as may be approved by the  
2 Chief of the National Guard Bureau, or his designee, on  
3 a case-by-case basis.

4       SEC. 8067. None of the funds appropriated by this  
5 Act shall be used for the support of any nonappropriated  
6 funds activity of the Department of Defense that procures  
7 malt beverages and wine with nonappropriated funds for  
8 resale (including such alcoholic beverages sold by the  
9 drink) on a military installation located in the United  
10 States unless such malt beverages and wine are procured  
11 within that State, or in the case of the District of Colum-  
12 bia, within the District of Columbia, in which the military  
13 installation is located: *Provided*, That in a case in which  
14 the military installation is located in more than one State,  
15 purchases may be made in any State in which the installa-  
16 tion is located: *Provided further*, That such local procure-  
17 ment requirements for malt beverages and wine shall  
18 apply to all alcoholic beverages only for military installa-  
19 tions in States which are not contiguous with another  
20 State: *Provided further*, That alcoholic beverages other  
21 than wine and malt beverages, in contiguous States and  
22 the District of Columbia shall be procured from the most  
23 competitive source, price and other factors considered.

24       SEC. 8068. Funds available to the Department of De-  
25 fense for the Global Positioning System during the current

1 fiscal year may be used to fund civil requirements associ-  
2 ated with the satellite and ground control segments of  
3 such system's modernization program.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8069. Of the amounts appropriated in this Act  
6 under the heading "Operation and Maintenance, Army",  
7 \$147,258,300 shall remain available until expended: *Pro-*  
8 *vided*, That notwithstanding any other provision of law,  
9 the Secretary of Defense is authorized to transfer such  
10 funds to other activities of the Federal Government: *Pro-*  
11 *vided further*, That the Secretary of Defense is authorized  
12 to enter into and carry out contracts for the acquisition  
13 of real property, construction, personal services, and oper-  
14 ations related to projects carrying out the purposes of this  
15 section: *Provided further*, That contracts entered into  
16 under the authority of this section may provide for such  
17 indemnification as the Secretary determines to be nec-  
18 essary: *Provided further*, That projects authorized by this  
19 section shall comply with applicable Federal, State, and  
20 local law to the maximum extent consistent with the na-  
21 tional security, as determined by the Secretary of Defense.

22 SEC. 8070. Section 8106 of the Department of De-  
23 fense Appropriations Act, 1997 (titles I through VIII of  
24 the matter under subsection 101(b) of Public Law 104-  
25 208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall con-

1 tinue in effect to apply to disbursements that are made  
2 by the Department of Defense in fiscal year 2011.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8071. Of the amounts appropriated in this Act  
5 under the headings “Procurement, Defense-Wide” and  
6 “Research, Development, Test and Evaluation, Defense-  
7 Wide”, \$415,115,000 shall be for the Israeli Cooperative  
8 Programs: *Provided*, That of this amount, \$205,000,000  
9 shall be for the Secretary of Defense to provide to the Gov-  
10 ernment of Israel for the procurement of the Iron Dome  
11 defense system to counter short-range rocket threats,  
12 \$84,722,000 shall be for the Short Range Ballistic Missile  
13 Defense (SRBMD) program, including cruise missile de-  
14 fense research and development under the SRBMD pro-  
15 gram, \$58,966,000 shall be available for an upper-tier  
16 component to the Israeli Missile Defense Architecture, and  
17 \$66,427,000 shall be for the Arrow System Improvement  
18 Program including development of a long range, ground  
19 and airborne, detection suite, of which \$12,000,000 shall  
20 be for producing Arrow missile components in the United  
21 States and Arrow missile components in Israel to meet  
22 Israel’s defense requirements, consistent with each na-  
23 tion’s laws, regulations and procedures: *Provided further*,  
24 That funds made available under this provision for pro-  
25 duction of missiles and missile components may be trans-

1 ferred to appropriations available for the procurement of  
2 weapons and equipment, to be merged with and to be  
3 available for the same time period and the same purposes  
4 as the appropriation to which transferred: *Provided fur-*  
5 *ther*, That the transfer authority provided under this pro-  
6 vision is in addition to any other transfer authority con-  
7 tained in this Act.

8       SEC. 8072. 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 U.S. Navy forces  
12 assigned to the Pacific fleet: *Provided*, That the command  
13 and control relationships which existed on October 1,  
14 2004, shall remain in force unless changes are specifically  
15 authorized in a subsequent Act.

16       SEC. 8073. 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,     Othotists/Prosthetists,     Occupational  
23       Therapists,   Physical   Therapists,   Rehabilitation  
24       Therapists, Respiratory Therapists, Speech Patholo-  
25       gists, Dietitian/Nutritionists, Industrial Hygienists,

1 Psychology Technicians, Social Service Assistants,  
2 Practical Nurses, Nursing Assistants, and Dental  
3 Hygienists:

4 (A) The requirements of section  
5 7403(g)(1)(A) of title 38, United States Code,  
6 shall apply.

7 (B) The limitations of section  
8 7403(g)(1)(B) of title 38, United States Code,  
9 shall not apply.

10 SEC. 8074. Funds appropriated by this Act, or made  
11 available by the transfer of funds in this Act, for intel-  
12 ligence activities are deemed to be specifically authorized  
13 by the Congress for purposes of section 504 of the Na-  
14 tional Security Act of 1947 (50 U.S.C. 414) during fiscal  
15 year 2011 until the enactment of the Intelligence Author-  
16 ization Act for Fiscal Year 2011.

17 SEC. 8075. None of the funds provided in this Act  
18 shall be available for obligation or expenditure through a  
19 reprogramming of funds that creates or initiates a new  
20 program, project, or activity unless such program, project,  
21 or activity must be undertaken immediately in the interest  
22 of national security and only after written prior notifica-  
23 tion to the congressional defense committees.

24 SEC. 8076. In addition to funds made available else-  
25 where in this Act, \$5,500,000 is hereby appropriated and



1 shall remain available until expended to provide assist-  
2 ance, by grant or otherwise (such as the provision of funds  
3 for information technology and textbook purchases, pro-  
4 fessional development for educators, and student transi-  
5 tion support) to public schools in states that are consid-  
6 ered overseas assignments with unusually high concentra-  
7 tions of special needs military dependents enrolled: *Pro-*  
8 *vided*, That up to 2 percent of the total appropriated funds  
9 under this section shall be available for the administration  
10 and execution of the programs and/or events that promote  
11 the purpose of this appropriation: *Provided further*, That  
12 up to 5 percent of the total appropriated funds under this  
13 section shall be available to public schools that have en-  
14 tered into a military partnership: *Provided further*, That  
15 \$1,000,000 shall be available for a nonprofit trust fund  
16 to assist in the public-private funding of public school re-  
17 pair and maintenance projects: *Provided further*, That  
18 \$500,000 shall be available to fund an ongoing special  
19 education support program in public schools with unusu-  
20 ally high concentrations of active duty military dependents  
21 enrolled: *Provided further*, That to the extent a Federal  
22 agency provides this assistance by contract, grant, or oth-  
23 erwise, it may accept and expend non-Federal funds in  
24 combination with these Federal funds to provide assist-  
25 ance for the authorized purpose.

1        SEC. 8077. The budget of the President for fiscal  
2 year 2012 submitted to the Congress pursuant to section  
3 1105 of title 31, United States Code, shall include sepa-  
4 rate budget justification documents for costs of United  
5 States Armed Forces' participation in contingency oper-  
6 ations for the Military Personnel accounts, the Operation  
7 and Maintenance accounts, and the Procurement ac-  
8 counts: *Provided*, That these documents shall include a de-  
9 scription of the funding requested for each contingency op-  
10 eration, for each military service, to include all Active and  
11 Reserve components, and for each appropriations account:  
12 *Provided further*, That these documents shall include esti-  
13 mated costs for each element of expense or object class,  
14 a reconciliation of increases and decreases for each contin-  
15 gency operation, and programmatic data including, but  
16 not limited to, troop strength for each Active and Reserve  
17 component, and estimates of the major weapons systems  
18 deployed in support of each contingency: *Provided further*,  
19 That these documents shall include budget exhibits OP-  
20 5 and OP-32 (as defined in the Department of Defense  
21 Financial Management Regulation) for all contingency op-  
22 erations for the budget year and the two preceding fiscal  
23 years.

24        SEC. 8078. None of the funds in this Act may be  
25 used for research, development, test, evaluation, procure-

1 ment or deployment of nuclear armed interceptors of a  
2 missile defense system.

3 SEC. 8079. In addition to the amounts appropriated  
4 or otherwise made available elsewhere in this Act,  
5 \$20,000,000 is hereby appropriated to the Department of  
6 Defense: *Provided*, That the Secretary of Defense shall  
7 make a grant in the amount specified as follows:  
8 \$20,000,000 to the United Service Organizations.

9 SEC. 8080. None of the funds appropriated or made  
10 available in this Act shall be used to reduce or disestablish  
11 the operation of the 53rd Weather Reconnaissance Squad-  
12 ron of the Air Force Reserve, if such action would reduce  
13 the WC-130 Weather Reconnaissance mission below the  
14 levels funded in this Act: *Provided*, That the Air Force  
15 shall allow the 53rd Weather Reconnaissance Squadron to  
16 perform other missions in support of national defense re-  
17 quirements during the non-hurricane season.

18 SEC. 8081. None of the funds provided in this Act  
19 shall be available for integration of foreign intelligence in-  
20 formation unless the information has been lawfully col-  
21 lected and processed during the conduct of authorized for-  
22 eign intelligence activities: *Provided*, That information  
23 pertaining to United States persons shall only be handled  
24 in accordance with protections provided in the Fourth

1 Amendment of the United States Constitution as imple-  
2 mented through Executive Order No. 12333.

3 SEC. 8082. (a) At the time members of reserve com-  
4 ponents of the Armed Forces are called or ordered to ac-  
5 tive duty under section 12302(a) of title 10, United States  
6 Code, each member shall be notified in writing of the ex-  
7 pected period during which the member will be mobilized.

8 (b) The Secretary of Defense may waive the require-  
9 ments of subsection (a) in any case in which the Secretary  
10 determines that it is necessary to do so to respond to a  
11 national security emergency or to meet dire operational  
12 requirements of the Armed Forces.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8083. The Secretary of Defense may transfer  
15 funds from any available Department of the Navy appro-  
16 priation to any available Navy ship construction appro-  
17 priation for the purpose of liquidating necessary changes  
18 resulting from inflation, market fluctuations, or rate ad-  
19 justments for any ship construction program appropriated  
20 in law: *Provided*, That the Secretary may transfer not to  
21 exceed \$100,000,000 under the authority provided by this  
22 section: *Provided further*, That the Secretary may not  
23 transfer any funds until 30 days after the proposed trans-  
24 fer has been reported to the Committees on Appropria-  
25 tions of the House of Representatives and the Senate, un-

1 less a response from the Committees is received sooner:  
2 *Provided further*, That the transfer authority provided by  
3 this section is in addition to any other transfer authority  
4 contained elsewhere in this Act.

5 SEC. 8084. For purposes of section 612 of title 41,  
6 United States Code, any subdivision of appropriations  
7 made under the heading “Shipbuilding and Conversion,  
8 Navy” that is not closed at the time reimbursement is  
9 made shall be available to reimburse the Judgment Fund  
10 and shall be considered for the same purposes as any sub-  
11 division under the heading “Shipbuilding and Conversion,  
12 Navy” appropriations in the current fiscal year or any  
13 prior fiscal year.

14 SEC. 8085. (a) None of the funds appropriated by  
15 this Act may be used to transfer research and develop-  
16 ment, acquisition, or other program authority relating to  
17 current tactical unmanned aerial vehicles (TUAVs) from  
18 the Army.

19 (b) The Army shall retain responsibility for and oper-  
20 ational control of the MQ-1C Sky Warrior Unmanned  
21 Aerial Vehicle (UAV) in order to support the Secretary  
22 of Defense in matters relating to the employment of un-  
23 manned aerial vehicles.

24 SEC. 8086. Of the funds provided in this Act,  
25 \$8,850,000 shall be available for the operations and devel-

1 opment of training and technology for the Joint Inter-  
2 agency Training and Education Center and the affiliated  
3 Center for National Response at the Memorial Tunnel and  
4 for providing homeland defense/security and traditional  
5 warfighting training to the Department of Defense, other  
6 Federal agencies, and State and local first responder per-  
7 sonnel at the Joint Interagency Training and Education  
8 Center.

9       SEC. 8087. Notwithstanding any other provision of  
10 law or regulation, during the current fiscal year and here-  
11 after, the Secretary of Defense may adjust wage rates for  
12 civilian employees hired for certain health care occupa-  
13 tions as authorized for the Secretary of Veterans Affairs  
14 by section 7455 of title 38, United States Code.

15       SEC. 8088. Up to \$15,000,000 of the funds appro-  
16 priated under the heading “Operation and Maintenance,  
17 Navy” may be made available for the Asia Pacific Re-  
18 gional Initiative Program for the purpose of enabling the  
19 Pacific Command to execute Theater Security Cooperation  
20 activities such as humanitarian assistance, and payment  
21 of incremental and personnel costs of training and exer-  
22 cising with foreign security forces: *Provided*, That funds  
23 made available for this purpose may be used, notwith-  
24 standing any other funding authorities for humanitarian  
25 assistance, security assistance or combined exercise ex-

1 penses: *Provided further*, That funds may not be obligated  
2 to provide assistance to any foreign country that is other-  
3 wise prohibited from receiving such type of assistance  
4 under any other provision of law.

5       SEC. 8089. None of the funds appropriated by this  
6 Act for programs of the Office of the Director of National  
7 Intelligence shall remain available for obligation beyond  
8 the current fiscal year, except for funds appropriated for  
9 research and technology, which shall remain available until  
10 September 30, 2012.

11       SEC. 8090. For purposes of section 1553(b) of title  
12 31, United States Code, any subdivision of appropriations  
13 made in this Act under the heading “Shipbuilding and  
14 Conversion, Navy” shall be considered to be for the same  
15 purpose as any subdivision under the heading “Ship-  
16 building and Conversion, Navy” appropriations in any  
17 prior fiscal year, and the 1 percent limitation shall apply  
18 to the total amount of the appropriation.

19       SEC. 8091. Notwithstanding any other provision of  
20 law, that not more than 35 percent of funds provided in  
21 this Act for environmental remediation may be obligated  
22 under indefinite delivery/indefinite quantity contracts with  
23 a total contract value of \$130,000,000 or higher.

24       SEC. 8092. The Director of National Intelligence  
25 shall include the budget exhibits identified in paragraphs

1 (1) and (2) as described in the Department of Defense  
2 Financial Management Regulation with the congressional  
3 budget justification books.

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

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

15 SEC. 8093. (a) Not later than 60 days after enact-  
16 ment of this Act, the Office of the Director of National  
17 Intelligence shall submit a report to the congressional in-  
18 telligence committees to establish the baseline for applica-  
19 tion of reprogramming and transfer authorities for fiscal  
20 year 2011: *Provided*, That the report shall include—

21 (1) a table for each appropriation with a sepa-  
22 rate column to display the President's budget re-  
23 quest, adjustments made by Congress, adjustments  
24 due to enacted rescissions, if appropriate, and the  
25 fiscal year enacted level;



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

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

5           (b) None of the funds provided for the National Intel-  
6           ligence Program in this Act shall be available for re-  
7           programming or transfer until the report identified in sub-  
8           section (a) is submitted to the congressional intelligence  
9           committees, unless the Director of National Intelligence  
10          certifies in writing to the congressional intelligence com-  
11          mittees that such reprogramming or transfer is necessary  
12          as an emergency requirement.

13          SEC. 8094. For the purposes of this Act, the term  
14          “congressional intelligence committees” means the Perma-  
15          nent Select Committee on Intelligence of the House of  
16          Representatives, the Select Committee on Intelligence of  
17          the Senate, the Subcommittee on Defense of the Com-  
18          mittee on Appropriations of the House of Representatives,  
19          and the Subcommittee on Defense of the Committee on  
20          Appropriations of the Senate.

21          SEC. 8095. The Department of Defense shall con-  
22          tinue to report incremental contingency operations costs  
23          for Operation Iraqi Freedom and Operation Enduring  
24          Freedom on a monthly basis in the Cost of War Execution  
25          Report as prescribed in the Department of Defense Finan-

1 cial Management Regulation Department of Defense In-  
2 struction 7000.14, Volume 12, Chapter 23 “Contingency  
3 Operations”, Annex 1, dated September 2005.

4 SEC. 8096. The amounts appropriated in title II of  
5 this Act are hereby reduced by \$500,000,000 to reflect  
6 excess cash balances in Department of Defense Working  
7 Capital Funds, as follows: From “Operation and Mainte-  
8 nance, Army”, \$500,000,000.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8097. During the current fiscal year, not to ex-  
11 ceed \$11,000,000 from each of the appropriations made  
12 in title II of this Act for “Operation and Maintenance,  
13 Army”, “Operation and Maintenance, Navy”, and “Oper-  
14 ation and Maintenance, Air Force” may be transferred by  
15 the military department concerned to its central fund es-  
16 tablished for Fisher Houses and Suites pursuant to sec-  
17 tion 2493(d) of title 10, United States Code.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 8098. Of the funds appropriated in the Intel-  
20 ligence Community Management Account for the Program  
21 Manager for the Information Sharing Environment,  
22 \$24,000,000 is available for transfer by the Director of  
23 National Intelligence to other departments and agencies  
24 for purposes of Government-wide information sharing ac-  
25 tivities: *Provided*, That funds transferred under this provi-

1 sion are to be merged with and available for the same pur-  
2 poses and time period as the appropriation to which trans-  
3 ferred: *Provided further*, That the Office of Management  
4 and Budget must approve any transfers made under this  
5 provision.

6 SEC. 8099. Funds appropriated by this Act for oper-  
7 ation and maintenance may be available for the purpose  
8 of making remittances to the Defense Acquisition Work-  
9 force Development Fund in accordance with the require-  
10 ments of section 1705 of title 10, United States Code.

11 SEC. 8100. (a) Any agency receiving funds made  
12 available in this Act, shall, subject to subsections (b) and  
13 (c), post on the public website of that agency any report  
14 required to be submitted by the Congress in this or any  
15 other Act, upon the determination by the head of the agen-  
16 cy that it shall serve the national interest.

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

18 (1) the public posting of the report com-  
19 promises national security; or

20 (2) the report contains proprietary information.

21 (c) The head of the agency posting such report shall  
22 do so only after such report has been made available to  
23 the requesting Committee or Committees of Congress for  
24 no less than 45 days.

1        SEC. 8101. (a) None of the funds appropriated or  
2 otherwise made available by this Act may be expended for  
3 any Federal contract for an amount in excess of  
4 \$1,000,000 unless the contractor agrees not to:

5            (1) enter into any agreement with any of its  
6 employees or independent contractors that requires,  
7 as a condition of employment, that the employee or  
8 independent contractor agree to resolve through ar-  
9 bitration any claim under title VII of the Civil  
10 Rights Act of 1964 or any tort related to or arising  
11 out of sexual assault or harassment, including as-  
12 sault and battery, intentional infliction of emotional  
13 distress, false imprisonment, or negligent hiring, su-  
14 pervision, or retention; or

15            (2) take any action to enforce any provision of  
16 an existing agreement with an employee or inde-  
17 pendent contractor that mandates that the employee  
18 or independent contractor resolve through arbitra-  
19 tion any claim under title VII of the Civil Rights Act  
20 of 1964 or any tort related to or arising out of sex-  
21 ual assault or harassment, including assault and  
22 battery, intentional infliction of emotional distress,  
23 false imprisonment, or negligent hiring, supervision,  
24 or retention.

1 (b) None of the funds appropriated or otherwise  
2 made available by this Act may be expended for any Fed-  
3 eral contract awarded unless the contractor certifies that  
4 it requires each covered subcontractor to agree not to  
5 enter into, and not to take any action to enforce any provi-  
6 sion of, any agreement as described in paragraphs (1) and  
7 (2) of subsection (a), with respect to any employee or inde-  
8 pendent contractor performing work related to such sub-  
9 contract. For purposes of this subsection, a “covered sub-  
10 contractor” is an entity that has a subcontract in excess  
11 of \$1,000,000 on a contract subject to subsection (a).

12 (c) The prohibitions in this section do not apply with  
13 respect to a contractor’s or subcontractor’s agreements  
14 with employees or independent contractors that may not  
15 be enforced in a court of the United States.

16 (d) The Secretary of Defense may waive the applica-  
17 tion of subsection (a) or (b) to a particular contractor or  
18 subcontractor for the purposes of a particular contract or  
19 subcontract if the Secretary or the Deputy Secretary per-  
20 sonally determines that the waiver is necessary to avoid  
21 harm to national security interests of the United States,  
22 and that the term of the contract or subcontract is not  
23 longer than necessary to avoid such harm. The determina-  
24 tion shall set forth with specificity the grounds for the  
25 waiver and for the contract or subcontract term selected,

1 and shall state any alternatives considered in lieu of a  
2 waiver and the reasons each such alternative would not  
3 avoid harm to national security interests of the United  
4 States. The Secretary of Defense shall transmit to Con-  
5 gress, and simultaneously make public, any determination  
6 under this subsection not less than 15 business days be-  
7 fore the contract or subcontract addressed in the deter-  
8 mination may be awarded.

9 (e) By March 1, 2011, or within 60 days after enact-  
10 ment of this Act, whichever is later, the Government Ac-  
11 countability Office shall submit a report to the Congress  
12 evaluating the effect that the requirements of this section  
13 have had on national security, including recommendations,  
14 if any, for changes to these requirements.

15 SEC. 8102. (a) PROHIBITION ON CONVERSION OF  
16 FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO  
17 CONTRACTOR PERFORMANCE.—None of the funds appro-  
18 priated or otherwise made available by this Act, or that  
19 remain available for obligation for the Department of De-  
20 fense from the Consolidated Security, Disaster Assistance,  
21 and Continuing Appropriations Act, 2009 (Public Law  
22 110–329), the American Recovery and Reinvestment Act  
23 of 2009 (Public Law 111–5), and the Supplemental Ap-  
24 propriations Act, 2009 (Public Law 111–32), may be used  
25 to begin or announce the competition to award to a con-

1 tractor or convert to performance by a contractor any  
2 functions performed by Federal employees pursuant to a  
3 study conducted under Office of Management and Budget  
4 (OMB) Circular A-76.

5 (b) EXCEPTION.—The prohibition in subsection (a)  
6 shall not apply to the award of a function to a contractor  
7 or the conversion of a function to performance by a con-  
8 tractor pursuant to a study conducted under Office of  
9 Management and Budget (OMB) Circular A-76 once all  
10 reporting and certifications required by section 325 of the  
11 National Defense Authorization Act for Fiscal Year 2010  
12 (Public Law 111-84) have been satisfactorily completed.

13 SEC. 8103. (a)(1) No National Intelligence Program  
14 funds appropriated in this Act may be used for a mission  
15 critical or mission essential business management infor-  
16 mation technology system that is not registered with the  
17 Director of National Intelligence. A system shall be con-  
18 sidered to be registered with that officer upon the fur-  
19 nishing notice of the system, together with such informa-  
20 tion concerning the system as the Director of the Business  
21 Transformation Office may prescribe.

22 (2) During the current fiscal year no funds may be  
23 obligated or expended for a financial management auto-  
24 mated information system, a mixed information system  
25 supporting financial and non-financial systems, or a busi-

1 ness system improvement of more than \$3,000,000, within  
2 the Intelligence Community without the approval of the  
3 Business Transformation Investment Review Board.

4 (b) The Director of the Business Transformation Of-  
5 fice shall provide the congressional intelligence committees  
6 a semi-annual report of approvals under paragraph (1) no  
7 later than March 30 and September 30 of each year. The  
8 report shall include the results of the Business Trans-  
9 formation Investment Review Board's semi-annual activi-  
10 ties, and each report shall certify that the following steps  
11 have been taken for systems approved under paragraph  
12 (1):

13 (1) Business process reengineering.

14 (2) An analysis of alternatives and an economic  
15 analysis that includes a calculation of the return on  
16 investment.

17 (3) Assurance the system is compatible with the  
18 enterprise-wide business architecture.

19 (4) Performance measures.

20 (5) An information assurance strategy con-  
21 sistent with the Chief Information Officer of the In-  
22 telligence Community.

23 (c) This section shall not apply to any programmatic  
24 or analytic systems or programmatic or analytic system  
25 improvements.



1        SEC. 8104. (a) Each congressionally directed spend-  
2 ing item specified in this Act or the explanatory statement  
3 regarding this Act intended for award to a for-profit entity  
4 shall be subject to acquisition regulations for full and open  
5 competition on the same basis as each spending item in-  
6 tended for a for-profit entity that is contained in the budg-  
7 et request of the President.

8        (b) EXCEPTIONS.—Subsection (a) shall not apply to  
9 any contract awarded—

10            (1) by a means that is required by Federal stat-  
11 ute, including for a purchase made under a man-  
12 dated preferential program;

13            (2) pursuant to the Small Business Act (15  
14 U.S.C. 631 et seq.); or

15            (3) in an amount less than the simplified acqui-  
16 sition threshold described in section 302A(a) of the  
17 Federal Property and Administrative Services Act of  
18 1949 (41 U.S.C. 252a(a)).

19        (c) In this section, the term “congressionally directed  
20 spending item” means a congressionally directed spending  
21 item, as defined in Rule XLIV of the Standing Rules of  
22 the Senate.

23        SEC. 8105. None of the funds made available under  
24 this Act may be distributed to the Association of Commu-

1 nity Organizations for Reform Now (ACORN) or its sub-  
2 sidiaries.

3       SEC. 8106. From within the funds appropriated for  
4 operation and maintenance for the Defense Health Pro-  
5 gram in this Act, up to \$132,100,000, shall be available  
6 for transfer to the Joint Department of Defense-Depart-  
7 ment of Veterans Affairs Medical Facility Demonstration  
8 Fund in accordance with the provisions of section 1704  
9 of the National Defense Authorization Act for Fiscal Year  
10 2010, Public Law 111–84: *Provided*, That for purposes  
11 of section 1704(b), the facility operations funded are oper-  
12 ations of the integrated Captain James A. Lovell Federal  
13 Health Care Center, consisting of the North Chicago Vet-  
14 erans Affairs Medical Center, the Navy Ambulatory Care  
15 Center, and supporting facilities designated as a combined  
16 Federal medical facility as described by section 706 of  
17 Public Law 110–417: *Provided further*, That additional  
18 funds may be transferred from funds appropriated for op-  
19 eration and maintenance for the Defense Health Program  
20 to the Joint Department of Defense-Department of Vet-  
21 erans Affairs Medical Facility Demonstration Fund upon  
22 written notification by the Secretary of Defense to the  
23 Committees on Appropriations of the House of Represent-  
24 atives and the Senate.

1        SEC. 8107. The following amounts are available in  
2 accordance with section 214 of the National Defense Au-  
3 thorization Act for Fiscal Year 2010 (Public Law 111-  
4 84), within the amounts appropriated in this Act: for  
5 “Other Procurement, Navy”, \$44,500,000, to remain  
6 available until September 30, 2013; and for “Procure-  
7 ment, Marine Corps”, \$175,000,000, to remain available  
8 until September 30, 2013.

9        SEC. 8108. None of the funds provided in this Act  
10 shall be available for the consolidation or realignment of  
11 any Department of Defense Supercomputing Resource  
12 Center.

13        SEC. 8109. Section 115 of the Miscellaneous Appro-  
14 priations and Offsets Act, 2004 (division H of Public Law  
15 108–199; 118 Stat. 439), as amended by section 1017 of  
16 the Emergency Supplemental Appropriations Act for De-  
17 fense, the Global War on Terror, and Tsunami Relief,  
18 2005 (Public Law 109–13; 119 Stat. 250), is amended  
19 by striking all after “company” through “requirements.”  
20 and inserting “, of ocean going commercial vessels of  
21 20,000 dwt or greater capable of supporting military sea-  
22 lift requirements.”.

23        SEC. 8110. Chapter 11 of title I of the Supplemental  
24 Appropriations Act, 2010, is amended by striking the  
25 heading “Community Development Fund” and all the

1 matter that follows through the ninth proviso under such  
2 heading and inserting the following:

3 “COMMUNITY DEVELOPMENT FUND

4 “For an additional amount for the ‘Community De-  
5 velopment Fund’, for necessary expenses related to dis-  
6 aster relief, long-term recovery, and restoration of infra-  
7 structure, housing, and economic revitalization in areas af-  
8 fected by flooding for which the President declared a  
9 major disaster between March 29, 2010, and May 7, 2010,  
10 which included Individual Assistance for an entire State  
11 or not fewer than 45 counties within a State under title  
12 IV of the Robert T. Stafford Disaster Relief and Emer-  
13 gency Assistance Act of 1974, \$100,000,000, to remain  
14 available until expended, for activities authorized under  
15 title I of the Housing and Community Development Act  
16 of 1974 (Public Law 93–383): *Provided*, That funds shall  
17 be awarded directly to the State or unit of general local  
18 government at the discretion of the Secretary: *Provided*  
19 *further*, That prior to the obligation of funds a grantee  
20 shall submit a plan to the Secretary detailing the proposed  
21 use of all funds, including criteria for eligibility and how  
22 the use of these funds will address long-term recovery and  
23 restoration of infrastructure: *Provided further*, That funds  
24 provided under this heading may be used by a State or  
25 locality as a matching requirement, share, or contribution

1 for any other Federal program: *Provided further*, That  
2 such funds may not be used for activities reimbursable by,  
3 or for which funds are made available by, the Federal  
4 Emergency Management Agency or the Army Corps of  
5 Engineers: *Provided further*, That funds allocated under  
6 this heading shall not adversely affect the amount of any  
7 formula assistance received by a State or subdivision  
8 thereof under the Community Development Fund: *Pro-*  
9 *vided further*, That a State or subdivision thereof may use  
10 up to 5 percent of its allocation for administrative costs:  
11 *Provided further*, That in administering the funds under  
12 this heading, the Secretary of Housing and Urban Devel-  
13 opment may waive, or specify alternative requirements for,  
14 any provision of any statute or regulation that the Sec-  
15 retary administers in connection with the obligation by the  
16 Secretary or the use by the recipient of these funds or  
17 guarantees (except for requirements related to fair hous-  
18 ing, nondiscrimination, labor standards, and the environ-  
19 ment), upon a request by a State or subdivision thereof  
20 explaining why such waiver is required to facilitate the use  
21 of such funds or guarantees, if the Secretary finds that  
22 such waiver would not be inconsistent with the overall pur-  
23 pose of title I of the Housing and Community Develop-  
24 ment Act of 1974: *Provided further*, That the Secretary  
25 shall publish in the Federal Register any waiver of any

1 statute or regulation that the Secretary administers pur-  
2 suant to title I of the Housing and Community Develop-  
3 ment Act of 1974 no later than 5 days before the effective  
4 date of such waiver: *Provided further*, That the Secretary  
5 shall obligate to a State or subdivision thereof not less  
6 than 50 percent of the funding provided under this head-  
7 ing within 90 days after the enactment of this Act: *Pro-*  
8 *vided further*, That not more than 50 percent of the fund-  
9 ing provided under this heading shall be allocated to any  
10 State (including units of general local government).”.

11 SEC. 8111. In chapter 2 of title I of the Act entitled  
12 “An Act making supplemental appropriations for the fiscal  
13 year ending September 30, 2010, and for other purposes”,  
14 strike the matter under the heading “Economic Develop-  
15 ment Assistance Programs” under the heading “Economic  
16 Development Administration” under the heading “Depart-  
17 ment of Commerce” and insert the following: “Pursuant  
18 to section 703 of the Public Works and Economic Develop-  
19 ment Act of 1965 (42 U.S.C. 3233), for an additional  
20 amount for ‘Economic Development Assistance Pro-  
21 grams’, for necessary expenses relating to disaster relief,  
22 long-term recovery, and restoration of infrastructure in  
23 areas affected by flooding for which the President declared  
24 a major disaster during the period beginning on March  
25 29, 2010, and ending on May 7, 2010, which included in-

1 individual assistance for an entire State or not fewer than  
2 45 counties within a State under title IV of the Robert  
3 T. Stafford Disaster Relief and Emergency Assistance Act  
4 (42 U.S.C. 5170 et seq.), \$49,000,000, to remain available  
5 until expended: *Provided*, That not more than 50 percent  
6 of the amount provided under this heading shall be allo-  
7 cated to any State.”.

8 TITLE IX

9 OVERSEAS DEPLOYMENTS AND OTHER

10 ACTIVITIES

11 MILITARY PERSONNEL

12 MILITARY PERSONNEL, ARMY

13 For an additional amount for “Military Personnel,  
14 Army”, \$10,678,409,000.

15 MILITARY PERSONNEL, NAVY

16 For an additional amount for “Military Personnel,  
17 Navy”, \$1,435,319,000.

18 MILITARY PERSONNEL, MARINE CORPS

19 For an additional amount for “Military Personnel,  
20 Marine Corps”, \$732,920,000.

21 MILITARY PERSONNEL, AIR FORCE

22 For an additional amount for “Military Personnel,  
23 Air Force”, \$1,934,387,000.

## 1 RESERVE PERSONNEL, ARMY

2 For an additional amount for “Reserve Personnel,  
3 Army”, \$268,031,000.

## 4 RESERVE PERSONNEL, NAVY

5 For an additional amount for “Reserve Personnel,  
6 Navy”, \$48,912,000.

## 7 RESERVE PERSONNEL, MARINE CORPS

8 For an additional amount for “Reserve Personnel,  
9 Marine Corps”, \$45,437,000.

## 10 RESERVE PERSONNEL, AIR FORCE

11 For an additional amount for “Reserve Personnel,  
12 Air Force”, \$27,002,000.

## 13 NATIONAL GUARD PERSONNEL, ARMY

14 For an additional amount for “National Guard Per-  
15 sonnel, Army”, \$853,022,000.

## 16 NATIONAL GUARD PERSONNEL, AIR FORCE

17 For an additional amount for “National Guard Per-  
18 sonnel, Air Force”, \$16,860,000.

## 19 OPERATION AND MAINTENANCE

## 20 OPERATION AND MAINTENANCE, ARMY

21 For an additional amount for “Operation and Main-  
22 tenance, Army”, \$62,669,767,000.

## 23 OPERATION AND MAINTENANCE, NAVY

24 For an additional amount for “Operation and Main-  
25 tenance, Navy”, \$8,988,724,000.



## 1 OPERATION AND MAINTENANCE, MARINE CORPS

2 For an additional amount for “Operation and Main-  
3 tenance, Marine Corps”, \$4,050,822,000.

## 4 OPERATION AND MAINTENANCE, AIR FORCE

5 For an additional amount for “Operation and Main-  
6 tenance, Air Force”, \$13,427,283,000.

## 7 OPERATION AND MAINTENANCE, DEFENSE-WIDE

8 For an additional amount for “Operation and Main-  
9 tenance, Defense-Wide”, \$9,309,271,000, of which:

10 (1) Not to exceed \$12,500,000 for the Combat-  
11 ant Commander Initiative Fund, to be used in sup-  
12 port of Operation Iraqi Freedom and Operation En-  
13 during Freedom; and

14 (2) Not to exceed \$1,600,000,000, to remain  
15 available until expended, for payments to reimburse  
16 key cooperating nations for logistical, military, and  
17 other support, including access provided to United  
18 States military operations in support of Operation  
19 Iraqi Freedom and Operation Enduring Freedom,  
20 notwithstanding any other provision of law: *Pro-*  
21 *vided*, That such reimbursement payments may be  
22 made in such amounts as the Secretary of Defense,  
23 with the concurrence of the Secretary of State, and  
24 in consultation with the Director of the Office of  
25 Management and Budget, may determine, in his dis-

1       cretion, based on documentation determined by the  
2       Secretary of Defense to adequately account for the  
3       support provided, and such determination is final  
4       and conclusive upon the accounting officers of the  
5       United States, and 15 days following notification to  
6       the appropriate congressional committees: *Provided*  
7       *further*, That the requirement to provide notification  
8       shall not apply with respect to a reimbursement for  
9       access based on an international agreement: *Pro-*  
10      *vided further*, That these funds may be used for the  
11      purpose of providing specialized training and pro-  
12      curing supplies and specialized equipment and pro-  
13      viding such supplies and loaning such equipment on  
14      a non-reimbursable basis to coalition forces sup-  
15      porting United States military operations in Iraq  
16      and Afghanistan, and 15 days following notification  
17      to the appropriate congressional committees: *Pro-*  
18      *vided further*, That the Secretary of Defense shall  
19      provide quarterly reports to the congressional de-  
20      fense committees on the use of funds provided in  
21      this paragraph.

22      OPERATION AND MAINTENANCE, ARMY RESERVE

23      For an additional amount for “Operation and Main-  
24      tenance, Army Reserve”, \$206,784,000.

## 1 OPERATION AND MAINTENANCE, NAVY RESERVE

2 For an additional amount for “Operation and Main-  
3 tenance, Navy Reserve”, \$93,559,000.

4 OPERATION AND MAINTENANCE, MARINE CORPS  
5 RESERVE

6 For an additional amount for “Operation and Main-  
7 tenance, Marine Corps Reserve”, \$29,685,000.

## 8 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

9 For an additional amount for “Operation and Main-  
10 tenance, Air Force Reserve”, \$228,607,000.

11 OPERATION AND MAINTENANCE, ARMY NATIONAL  
12 GUARD

13 For an additional amount for “Operation and Main-  
14 tenance, Army National Guard”, \$497,849,000.

## 15 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

16 For an additional amount for “Operation and Main-  
17 tenance, Air National Guard”, \$440,623,000.

## 18 AFGHANISTAN SECURITY FORCES FUND

19 For the “Afghanistan Security Forces Fund”,  
20 \$11,619,283,000, to remain available until September 30,  
21 2012: *Provided*, That such funds shall be available to the  
22 Secretary of Defense, notwithstanding any other provision  
23 of law, for the purpose of allowing the Commander, Com-  
24 bined Security Transition Command—Afghanistan, or the  
25 Secretary’s designee, to provide assistance, with the con-

1 currence of the Secretary of State, to the security forces  
2 of Afghanistan, including the provision of equipment, sup-  
3 plies, services, training, facility and infrastructure repair,  
4 renovation, and construction, and funding: *Provided fur-*  
5 *ther*, That the authority to provide assistance under this  
6 heading is in addition to any other authority to provide  
7 assistance to foreign nations: *Provided further*, That up  
8 to \$25,000,000 of these funds may be available for coali-  
9 tion police trainer life support costs: *Provided further*,  
10 That contributions of funds for the purposes provided  
11 herein from any person, foreign government, or inter-  
12 national organization may be credited to this Fund and  
13 used for such purposes: *Provided further*, That the Sec-  
14 retary of Defense shall notify the congressional defense  
15 committees in writing upon the receipt and upon the obli-  
16 gation of any contribution, delineating the sources and  
17 amounts of the funds received and the specific use of such  
18 contributions: *Provided further*, That the Secretary of De-  
19 fense shall, not fewer than 15 days prior to obligating  
20 from this appropriation account, notify the congressional  
21 defense committees in writing of the details of any such  
22 obligation: *Provided further*, That the Secretary of Defense  
23 shall notify the congressional defense committees of any  
24 proposed new projects or transfer of funds between budget  
25 sub-activity groups in excess of \$20,000,000.

## 1 IRAQ SECURITY FORCES FUND

2 For the “Iraq Security Forces Fund”,  
3 \$1,000,000,000, to remain available until September 30,  
4 2012: *Provided*, That such funds shall be available to the  
5 Secretary of Defense, notwithstanding any other provision  
6 of law, for the purpose of allowing the Commander, United  
7 States Forces-Iraq, or the Secretary’s designee, to provide  
8 assistance, with the concurrence of the Secretary of State,  
9 to the security forces of Iraq, including the provision of  
10 equipment, supplies, services, training, facility and infra-  
11 structure repair, and renovation: *Provided further*, That  
12 the authority to provide assistance under this heading is  
13 in addition to any other authority to provide assistance  
14 to foreign nations: *Provided further*, That contributions of  
15 funds for the purposes provided herein from any person,  
16 foreign government, or international organization may be  
17 credited to this Fund and used for such purposes: *Pro-*  
18 *vided further*, That the Secretary shall notify the congres-  
19 sional defense committees in writing upon the receipt and  
20 upon the obligation of any contribution, delineating the  
21 sources and amounts of the funds received and the specific  
22 use of such contributions: *Provided further*, That the Sec-  
23 retary of Defense shall, not fewer than 15 days prior to  
24 obligating from this appropriation account, notify the con-  
25 gressional defense committees in writing of the details of

1 any such obligation: *Provided further*, That the Secretary  
2 of Defense shall notify the congressional defense commit-  
3 tees of any proposed new projects or transfer of funds be-  
4 tween budget sub-activity groups in excess of  
5 \$20,000,000.

## 6 PROCUREMENT

### 7 AIRCRAFT PROCUREMENT, ARMY

8 For an additional amount for “Aircraft Procurement,  
9 Army”, \$2,167,748,000, to remain available until Sep-  
10 tember 30, 2013.

### 11 MISSILE PROCUREMENT, ARMY

12 For an additional amount for “Missile Procurement,  
13 Army”, \$343,828,000, to remain available until Sep-  
14 tember 30, 2013.

### 15 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

#### 16 VEHICLES, ARMY

17 For an additional amount for “Procurement of Weap-  
18 ons and Tracked Combat Vehicles, Army”,  
19 \$1,104,996,000, to remain available until September 30,  
20 2013.

### 21 PROCUREMENT OF AMMUNITION, ARMY

22 For an additional amount for “Procurement of Am-  
23 muniton, Army”, \$369,885,000, to remain available until  
24 September 30, 2013.

## 1 OTHER PROCUREMENT, ARMY

2 For an additional amount for “Other Procurement,  
3 Army”, \$6,276,795,000, to remain available until Sep-  
4 tember 30, 2013.

## 5 AIRCRAFT PROCUREMENT, NAVY

6 For an additional amount for “Aircraft Procurement,  
7 Navy”, \$621,258,000, to remain available until September  
8 30, 2013.

## 9 WEAPONS PROCUREMENT, NAVY

10 For an additional amount for “Weapons Procure-  
11 ment, Navy”, \$93,425,000, to remain available until Sep-  
12 tember 30, 2013.

## 13 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

## 14 CORPS

15 For an additional amount for “Procurement of Am-  
16 munition, Navy and Marine Corps”, \$565,084,000, to re-  
17 main available until September 30, 2013.

## 18 OTHER PROCUREMENT, NAVY

19 For an additional amount for “Other Procurement,  
20 Navy”, \$316,835,000, to remain available until September  
21 30, 2013.

## 22 PROCUREMENT, MARINE CORPS

23 For an additional amount for “Procurement, Marine  
24 Corps”, \$1,614,139,000, to remain available until Sep-  
25 tember 30, 2013.

## 1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For an additional amount for “Aircraft Procurement,  
3 Air Force”, \$1,976,054,000, to remain available until  
4 September 30, 2013.

## 5 MISSILE PROCUREMENT, AIR FORCE

6 For an additional amount for “Missile Procurement,  
7 Air Force”, \$56,621,000, to remain available until Sep-  
8 tember 30, 2013.

## 9 PROCUREMENT OF AMMUNITION, AIR FORCE

10 For an additional amount for “Procurement of Am-  
11 munition, Air Force”, \$292,959,000, to remain available  
12 until September 30, 2013.

## 13 OTHER PROCUREMENT, AIR FORCE

14 For an additional amount for “Other Procurement,  
15 Air Force”, \$2,880,414,000, to remain available until  
16 September 30, 2013.

## 17 PROCUREMENT, DEFENSE-WIDE

18 For an additional amount for “Procurement, De-  
19 fense-Wide”, \$966,114,000, to remain available until Sep-  
20 tember 30, 2013.

## 21 MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Mine Resistant Ambush Protected Vehicle  
24 Fund, \$3,415,000,000, to remain available until Sep-  
25 tember 30, 2012: *Provided*, That such funds shall be avail-



1 able to the Secretary of Defense, notwithstanding any  
2 other provision of law, to procure, sustain, transport, and  
3 field Mine Resistant Ambush Protected vehicles: *Provided*  
4 *further*, That the Secretary shall transfer such funds only  
5 to appropriations made available in this or any other Act  
6 for operation and maintenance; procurement; research, de-  
7 velopment, test and evaluation; and defense working cap-  
8 ital funds to accomplish the purpose provided herein: *Pro-*  
9 *vided further*, That such transferred funds shall be merged  
10 with and be available for the same purposes and the same  
11 time period as the appropriation 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 shall, not fewer than 10 days prior to making transfers  
16 from this appropriation, notify the congressional defense  
17 committees in writing of the details of any such transfer.

18           RESEARCH, DEVELOPMENT, TEST AND  
19                           EVALUATION  
20   RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
21                           ARMY

22           For an additional amount for “Research, Develop-  
23 ment, Test and Evaluation, Army”, \$144,134,000, to re-  
24 main available until September 30, 2012.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
2 NAVY

3 For an additional amount for “Research, Develop-  
4 ment, Test and Evaluation, Navy”, \$84,301,000, to re-  
5 main available until September 30, 2012.

6 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
7 AIR FORCE

8 For an additional amount for “Research, Develop-  
9 ment, Test and Evaluation, Air Force”, \$410,741,000, to  
10 remain available until September 30, 2012.

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

13 For an additional amount for “Research, Develop-  
14 ment, Test and Evaluation, Defense-Wide”,  
15 \$234,787,000, to remain available until September 30,  
16 2012.

17 REVOLVING AND MANAGEMENT FUNDS

18 DEFENSE WORKING CAPITAL FUNDS

19 For an additional amount for “Defense Working  
20 Capital Funds”, \$485,384,000.

21 OTHER DEPARTMENT OF DEFENSE PROGRAMS

22 DEFENSE HEALTH PROGRAM

23 For an additional amount for “Defense Health Pro-  
24 gram”, \$1,398,092,000, which shall be for operation and  
25 maintenance.

1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,  
2 DEFENSE

3 For an additional amount for “Drug Interdiction and  
4 Counter-Drug Activities, Defense”, \$440,610,000, to re-  
5 main available until September 30, 2012.

6 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND  
7 (INCLUDING TRANSFER OF FUNDS)

8 For the “Joint Improvised Explosive Device Defeat  
9 Fund”, \$2,808,268,000, to remain available until Sep-  
10 tember 30, 2013: *Provided*, That such funds shall be avail-  
11 able to the Secretary of Defense, notwithstanding any  
12 other provision of law, for the purpose of allowing the Di-  
13 rector of the Joint Improvised Explosive Device Defeat  
14 Organization to investigate, develop and provide equip-  
15 ment, supplies, services, training, facilities, personnel and  
16 funds to assist United States forces in the defeat of impro-  
17 vised explosive devices: *Provided further*, That the Sec-  
18 retary of Defense may transfer funds provided herein to  
19 appropriations for military personnel; operation and main-  
20 tenance; procurement; research, development, test and  
21 evaluation; and defense working capital funds to accom-  
22 plish the purpose provided herein: *Provided further*, That  
23 this transfer authority is in addition to any other transfer  
24 authority available to the Department of Defense: *Pro-*  
25 *vided further*, That the Secretary of Defense shall, not

1 fewer than 15 days prior to making transfers from this  
2 appropriation, notify the congressional defense committees  
3 in writing of the details of any such transfer.

4 OFFICE OF THE INSPECTOR GENERAL

5 For an additional amount for the “Office of the In-  
6 spector General”, \$10,529,000.

7 GENERAL PROVISIONS—THIS TITLE

8 SEC. 9001. Notwithstanding any other provision of  
9 law, funds made available in this title are in addition to  
10 amounts appropriated or otherwise made available for the  
11 Department of Defense for fiscal year 2011.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 9002. Upon the determination of the Secretary  
14 of Defense that such action is necessary in the national  
15 interest, the Secretary may, with the approval of the Of-  
16 fice of Management and Budget, transfer up to  
17 \$4,000,000,000 between the appropriations or funds made  
18 available to the Department of Defense in this title: *Pro-*  
19 *vided*, That the Secretary shall notify the Congress  
20 promptly of each transfer made pursuant to the authority  
21 in this section: *Provided further*, That the authority pro-  
22 vided in this section is in addition to any other transfer  
23 authority available to the Department of Defense and is  
24 subject to the same terms and conditions as the authority

1 provided in the Department of Defense Appropriations  
2 Act, 2011.

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, may be obligated at the time a  
9 construction contract is awarded: *Provided*, That for the  
10 purpose of this section, supervision and administration  
11 costs include all in-house Government costs

12       SEC. 9004. From funds made available in this title,  
13 the Secretary of Defense may purchase for use by military  
14 and civilian employees of the Department of Defense in  
15 Iraq and Afghanistan: (a) passenger motor vehicles up to  
16 a limit of \$75,000 per vehicle and (b) heavy and light ar-  
17 mored vehicles for the physical security of personnel or  
18 for force protection purposes up to a limit of \$250,000  
19 per vehicle, notwithstanding price or other limitations ap-  
20 plicable to the purchase of passenger carrying vehicles.

21       SEC. 9005. Not to exceed \$900,000,000 of the  
22 amount appropriated in this title under the heading “Op-  
23 eration and Maintenance, Army” may be used, notwith-  
24 standing any other provision of law, to fund the Com-  
25 mander’s Emergency Response Program, for the purpose

1 of enabling military commanders in Iraq and Afghanistan  
2 to respond to urgent, small scale, humanitarian relief and  
3 reconstruction requirements within their areas of responsi-  
4 bility: *Provided*, That projects (including any ancillary or  
5 related elements in connection with such project) executed  
6 under this authority shall not exceed \$20,000,000: *Pro-*  
7 *vided further*, That not later than 45 days after the end  
8 of each fiscal year quarter, the Secretary of Defense shall  
9 submit to the congressional defense committees a report  
10 regarding the source of funds and the allocation and use  
11 of funds during that quarter that were made available pur-  
12 suant to the authority provided in this section or under  
13 any other provision of law for the purposes described here-  
14 in: *Provided further*, That, not later than 30 days after  
15 the end of each month, the Army shall submit to the con-  
16 gressional defense committees monthly commitment, obli-  
17 gation, and expenditure data for the Commander's Emer-  
18 gency Response Program in Iraq and Afghanistan.

19       SEC. 9006. Funds available to the Department of De-  
20 fense for operation and maintenance may be used, not-  
21 withstanding any other provision of law, to provide sup-  
22 plies, services, transportation, including airlift and sealift,  
23 and other logistical support to coalition forces supporting  
24 military and stability operations in Iraq and Afghanistan:  
25 *Provided*, That the Secretary of Defense shall provide

1 quarterly reports to the congressional defense committees  
2 regarding support provided under this section.

3 SEC. 9007. Amounts appropriated or otherwise made  
4 available by this title are for overseas deployments and  
5 other activities.

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

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

13 (2) To exercise United States control over any  
14 oil resource of Iraq.

15 (3) To establish any military installation or  
16 base for the purpose of providing for the permanent  
17 stationing of United States Armed Forces in Af-  
18 ghanistan.

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

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

3           (2) Section 2242 of the Foreign Affairs Reform  
4 and Restructuring Act of 1998 (division G of Public  
5 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231  
6 note) and regulations prescribed thereto, including  
7 regulations under part 208 of title 8, Code of Fed-  
8 eral Regulations, and part 95 of title 22, Code of  
9 Federal Regulations.

10           (3) Sections 1002 and 1003 of the Department  
11 of Defense, Emergency Supplemental Appropriations  
12 to Address Hurricanes in the Gulf of Mexico, and  
13 Pandemic Influenza Act, 2006 (Public Law 109–  
14 148).

15       SEC. 9010. (a) The Secretary of Defense shall submit  
16 to the congressional defense committees not later than 45  
17 days after the end of each fiscal quarter a report on the  
18 proposed use of all funds appropriated by this or any prior  
19 Act under each of the headings Iraq Security Forces  
20 Fund, Afghanistan Security Forces Fund, and Pakistan  
21 Counterinsurgency Fund on a project-by-project basis, for  
22 which the obligation of funds is anticipated during the 3-  
23 month period from such date, including estimates by the  
24 commanders referred to in this section of the costs re-  
25 quired to complete each such project.



1 (b) The report required by this subsection shall in-  
2 clude the following:

3 (1) The use of all funds on a project-by-project  
4 basis for which funds appropriated under the head-  
5 ings referred to in subsection (a) were obligated  
6 prior to the submission of the report, including esti-  
7 mates by the commanders referred to in subsection  
8 (a) of the costs to complete each project.

9 (2) The use of all funds on a project-by-project  
10 basis for which funds were appropriated under the  
11 headings referred to in subsection (a) in prior appro-  
12 priations Acts, or for which funds were made avail-  
13 able by transfer, reprogramming, or allocation from  
14 other headings in prior appropriations Acts, includ-  
15 ing estimates by the commanders referred to in sub-  
16 section (a) of the costs to complete each project.

17 (3) An estimated total cost to train and equip  
18 the Iraq, Afghanistan, and Pakistan security forces,  
19 disaggregated by major program and sub-elements  
20 by force, arrayed by fiscal year.

21 SEC. 9011. (a) None of the funds made available in  
22 this or any other Act may be used to release an individual  
23 who is detained, as of June 24, 2009, at Naval Station,  
24 Guantanamo Bay, Cuba, into the continental United  
25 States, Alaska, Hawaii, or the District of Columbia, into

1 any of the United States territories of Guam, American  
2 Samoa (AS), the United States Virgin Islands (USVI), the  
3 Commonwealth of Puerto Rico and the Commonwealth of  
4 the Northern Mariana Islands (CNMI).

5 (b) None of the funds made available in this or any  
6 other Act may be used to transfer an individual who is  
7 detained, as of June 24, 2009, at Naval Station, Guanta-  
8 namo Bay, Cuba, into the continental United States, Alas-  
9 ka, Hawaii, or the District of Columbia, into any of the  
10 United States territories of Guam, American Samoa (AS),  
11 the United States Virgin Islands (USVI), the Common-  
12 wealth of Puerto Rico and the Commonwealth of the  
13 Northern Mariana Islands (CNMI), for the purpose of de-  
14 tention, except as provided in subsection (c).

15 (c) None of the funds made available in this or any  
16 other Act may be used to transfer an individual who is  
17 detained, as of June 24, 2009, at Naval Station, Guanta-  
18 namo Bay, Cuba, into the continental United States, Alas-  
19 ka, Hawaii, or the District of Columbia, into any of the  
20 United States territories of Guam, American Samoa (AS),  
21 the United States Virgin Islands (USVI), the Common-  
22 wealth of Puerto Rico and the Commonwealth of the  
23 Northern Mariana Islands (CNMI), for the purposes of  
24 prosecuting such individual, or detaining such individual

1 during legal proceedings, until 45 days after the plan de-  
2 scribed in subsection (d) is received.

3 (d) The President shall submit to Congress, in classi-  
4 fied form, a plan regarding the proposed disposition of any  
5 individual covered by subsection (c) who is detained as of  
6 June 24, 2009. Such plan shall include, at a minimum,  
7 each of the following for each such individual:

8 (1) A determination of the risk that the indi-  
9 vidual might instigate an act of terrorism within the  
10 continental United States, Alaska, Hawaii, the Dis-  
11 trict of Columbia, or the United States territories if  
12 the individual were so transferred.

13 (2) A determination of the risk that the indi-  
14 vidual might advocate, coerce, or incite violent extre-  
15 mism, ideologically motivated criminal activity, or  
16 acts of terrorism, among inmate populations at in-  
17 carceration facilities within the continental United  
18 States, Alaska, Hawaii, the District of Columbia, or  
19 the United States territories if the individual were  
20 transferred to such a facility.

21 (3) The costs associated with transferring the  
22 individual in question.

23 (4) The legal rationale and associated court de-  
24 mands for transfer.

1           (5) A plan for mitigation of any risks described  
2           in paragraphs (1), (2), and (7).

3           (6) A copy of a notification to the Governor of  
4           the State to which the individual will be transferred,  
5           to the Mayor of the District of Columbia if the indi-  
6           vidual will be transferred to the District of Colum-  
7           bia, or to any United States territories with a certifi-  
8           cation by the Attorney General of the United States  
9           in classified form at least 14 days prior to such  
10          transfer (together with supporting documentation  
11          and justification) that the individual poses little or  
12          no security risk to the United States.

13          (7) An assessment of any risk to the national  
14          security of the United States or its citizens, includ-  
15          ing members of the Armed Services of the United  
16          States, that is posed by such transfer and the ac-  
17          tions taken to mitigate such risk.

18          (e) None of the funds made available in this or any  
19          other Act may be used to transfer or release an individual  
20          detained at Naval Station, Guantanamo Bay, Cuba, as of  
21          June 24, 2009, to the country of such individual's nation-  
22          ality or last habitual residence or to any other country  
23          other than the United States or to a freely associated  
24          State, unless the President submits to the Congress, in

1 classified form, at least 15 days prior to such transfer or  
2 release, the following information:

3 (1) The name of any individual to be trans-  
4 ferred or released and the country or the freely asso-  
5 ciated State to which such individual is to be trans-  
6 ferred or released.

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

12 (3) The terms of any agreement with the coun-  
13 try or the freely associated State for the acceptance  
14 of such individual, including the amount of any fi-  
15 nancial assistance related to such agreement.

16 (f) In this section, the term freely associated States  
17 means the Federated States of Micronesia (FSM), the Re-  
18 public of the Marshall Islands (RMI), and the Republic  
19 of Palau.

20 (g) Prior to the termination of detention operations  
21 at Naval Station, Guantanamo Bay, Cuba, the President  
22 shall submit to the Congress a report in classified form  
23 describing the disposition or legal status of each individual  
24 detained at the facility as of the date of enactment of this  
25 Act.

1        SEC. 9012. Funds made available in this title to the  
2 Department of Defense for operation and maintenance  
3 may be used to purchase items having an investment unit  
4 cost of not more than \$250,000: *Provided*, That, upon de-  
5 termination by the Secretary of Defense that such action  
6 is necessary to meet the operational requirements of a  
7 Commander of a Combatant Command engaged in contin-  
8 gency operations overseas, such funds may be used to pur-  
9 chase items having an investment item unit cost of not  
10 more than \$500,000.

11        This Act may be cited as the Department of Defense  
12 Appropriations Act, 2011.



Calendar No. 571

11<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 3800**

[Report No. 111-295]

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## **A BILL**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes.

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SEPTEMBER 16, 2010

Read twice and placed on the calendar