

**AMENDMENT TO THE SENATE AMENDMENT TO
H.R. 3326**

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS

Title I—Military Personnel
Title II—Operation and Maintenance
Title III—Procurement
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs
Title VII—Related Agencies
Title VIII—General Provisions
Title IX—Overseas Contingency Operations

DIVISION B—OTHER MATTERS

6 SEC. 3. REFERENCES.

7 Except as expressly provided otherwise, any reference
8 to “this Act” contained in any division of this Act shall
9 be treated as referring only to the provisions of that divi-
10 sion.

1 **DIVISION A—DEPARTMENT OF DEFENSE**
2 **APPROPRIATIONS**

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

8 **TITLE I**

9 **MILITARY PERSONNEL**

10 **MILITARY PERSONNEL, ARMY**

11 For pay, allowances, individual clothing, subsistence,
12 interest on deposits, gratuities, permanent change of sta-
13 tion travel (including all expenses thereof for organiza-
14 tional movements), and expenses of temporary duty travel
15 between permanent duty stations, for members of the
16 Army on active duty, (except members of reserve compo-
17 nents provided for elsewhere), cadets, and aviation cadets;
18 for members of the Reserve Officers' Training Corps; and
19 for payments pursuant to section 156 of Public Law 97-
20 377, as amended (42 U.S.C. 402 note), and to the Depart-
21 ment of Defense Military Retirement Fund,
22 \$41,005,612,000.

23 **MILITARY PERSONNEL, NAVY**

24 For pay, allowances, individual clothing, subsistence,
25 interest on deposits, gratuities, permanent change of sta-

1 tion travel (including all expenses thereof for organiza-
2 tional movements), and expenses of temporary duty travel
3 between permanent duty stations, for members of the
4 Navy on active duty (except members of the Reserve pro-
5 vided for elsewhere), midshipmen, and aviation cadets; for
6 members of the Reserve Officers' Training Corps; and for
7 payments pursuant to section 156 of Public Law 97-377,
8 as amended (42 U.S.C. 402 note), and to the Department
9 of Defense Military Retirement Fund, \$25,289,049,000.

10 MILITARY PERSONNEL, MARINE CORPS

11 For pay, allowances, individual clothing, subsistence,
12 interest on deposits, gratuities, permanent change of sta-
13 tion travel (including all expenses thereof for organiza-
14 tional movements), and expenses of temporary duty travel
15 between permanent duty stations, for members of the Ma-
16 rine Corps on active duty (except members of the Reserve
17 provided for elsewhere); and for payments pursuant to sec-
18 tion 156 of Public Law 97-377, as amended (42 U.S.C.
19 402 note), and to the Department of Defense Military Re-
20 tirement Fund, \$12,799,990,000.

21 MILITARY PERSONNEL, AIR FORCE

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

1 between permanent duty stations, for members of the Air
2 Force on active duty (except members of reserve compo-
3 nents provided for elsewhere), cadets, and aviation cadets;
4 for members of the Reserve Officers' Training Corps; and
5 for payments pursuant to section 156 of Public Law 97-
6 377, as amended (42 U.S.C. 402 note), and to the Depart-
7 ment of Defense Military Retirement Fund,
8 \$26,174,136,000.

9 RESERVE PERSONNEL, ARMY

10 For pay, allowances, clothing, subsistence, gratuities,
11 travel, and related expenses for personnel of the Army Re-
12 serve on active duty under sections 10211, 10302, and
13 3038 of title 10, United States Code, or while serving on
14 active duty under section 12301(d) of title 10, United
15 States Code, in connection with performing duty specified
16 in section 12310(a) of title 10, United States Code, or
17 while undergoing reserve training, or while performing
18 drills or equivalent duty or other duty, and expenses au-
19 thorized by section 16131 of title 10, United States Code;
20 and for payments to the Department of Defense Military
21 Retirement Fund, \$4,304,713,000.

22 RESERVE PERSONNEL, NAVY

23 For pay, allowances, clothing, subsistence, gratuities,
24 travel, and related expenses for personnel of the Navy Re-
25 serve on active duty under section 10211 of title 10,

1 United States Code, or while serving on active duty under
2 section 12301(d) of title 10, United States Code, in con-
3 nection with performing duty specified in section 12310(a)
4 of title 10, United States Code, or while undergoing re-
5 serve training, or while performing drills or equivalent
6 duty, and expenses authorized by section 16131 of title
7 10, United States Code; and for payments to the Depart-
8 ment of Defense Military Retirement Fund,
9 \$1,909,301,000.

10 RESERVE PERSONNEL, MARINE CORPS

11 For pay, allowances, clothing, subsistence, gratuities,
12 travel, and related expenses for personnel of the Marine
13 Corps Reserve on active duty under section 10211 of title
14 10, United States Code, or while serving on active duty
15 under section 12301(d) of title 10, United States Code,
16 in connection with performing duty specified in section
17 12310(a) of title 10, United States Code, or while under-
18 going reserve training, or while performing drills or equiv-
19 alent duty, and for members of the Marine Corps platoon
20 leaders class, and expenses authorized by section 16131
21 of title 10, United States Code; and for payments to the
22 Department of Defense Military Retirement Fund,
23 \$613,500,000.

1 RESERVE PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Air Force
4 Reserve on active duty under sections 10211, 10305, and
5 8038 of title 10, United States Code, or while serving on
6 active duty under section 12301(d) of title 10, United
7 States Code, in connection with performing duty specified
8 in section 12310(a) of title 10, United States Code, or
9 while undergoing reserve training, or while performing
10 drills or equivalent duty or other duty, and expenses au-
11 thorized by section 16131 of title 10, United States Code;
12 and for payments to the Department of Defense Military
13 Retirement Fund, \$1,589,412,000.

14 NATIONAL GUARD PERSONNEL, ARMY

15 For pay, allowances, clothing, subsistence, gratuities,
16 travel, and related expenses for personnel of the Army Na-
17 tional Guard while on duty under section 10211, 10302,
18 or 12402 of title 10 or section 708 of title 32, United
19 States Code, or while serving on duty under section
20 12301(d) of title 10 or section 502(f) of title 32, United
21 States Code, in connection with performing duty specified
22 in section 12310(a) of title 10, United States Code, or
23 while undergoing training, or while performing drills or
24 equivalent duty or other duty, and expenses authorized by
25 section 16131 of title 10, United States Code; and for pay-

1 ments to the Department of Defense Military Retirement
2 Fund, \$7,546,905,000.

3 NATIONAL GUARD PERSONNEL, AIR FORCE

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Air Na-
6 tional Guard on duty under section 10211, 10305, or
7 12402 of title 10 or section 708 of title 32, United States
8 Code, or while serving on duty under section 12301(d) of
9 title 10 or section 502(f) of title 32, 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 training, or while performing drills or equivalent
13 duty or other duty, and expenses authorized by section
14 16131 of title 10, United States Code; and for payments
15 to the Department of Defense Military Retirement Fund,
16 \$2,938,229,000.

17 TITLE II

18 OPERATION AND MAINTENANCE

19 OPERATION AND MAINTENANCE, ARMY

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

1 of necessity for confidential military purposes,
2 \$30,934,550,000.

3 OPERATION AND MAINTENANCE, NAVY

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance of the Navy and the
6 Marine Corps, as authorized by law; and not to exceed
7 \$14,657,000 can be used for emergencies and extraor-
8 dinary expenses, to be expended on the approval or author-
9 ity of the Secretary of the Navy, and payments may be
10 made on his certificate of necessity for confidential mili-
11 tary purposes, \$34,714,396,000.

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance of the Marine Corps,
15 as authorized by law, \$5,539,117,000.

16 OPERATION AND MAINTENANCE, AIR FORCE

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance of the Air Force, as
19 authorized by law; and not to exceed \$7,699,000 can be
20 used for emergencies and extraordinary expenses, to be ex-
21 pended on the approval or authority of the Secretary of
22 the Air Force, and payments may be made on his certifi-
23 cate of necessity for confidential military purposes,
24 \$33,477,116,000.

1 OPERATION AND MAINTENANCE, DEFENSE-WIDE
2 (INCLUDING TRANSFER OF FUNDS)

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance of activities and agen-
5 cies of the Department of Defense (other than the military
6 departments), as authorized by law, \$28,115,793,000:
7 *Provided*, That not more than \$50,000,000 may be used
8 for the Combatant Commander Initiative Fund authorized
9 under section 166a of title 10, United States Code: *Pro-*
10 *vided further*, That not to exceed \$36,000,000 can be used
11 for emergencies and extraordinary expenses, to be ex-
12 pended on the approval or authority of the Secretary of
13 Defense, and payments may be made on his certificate of
14 necessity for confidential military purposes: *Provided fur-*
15 *ther*, That of the funds provided under this heading, not
16 less than \$29,732,000 shall be made available for the Pro-
17 curement Technical Assistance Cooperative Agreement
18 Program, of which not less than \$3,600,000 shall be avail-
19 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
20 *vided further*, That none of the funds appropriated or oth-
21 erwise made available by this Act may be used to plan
22 or implement the consolidation of a budget or appropria-
23 tions liaison office of the Office of the Secretary of De-
24 fense, the office of the Secretary of a military department,
25 or the service headquarters of one of the Armed Forces

1 into a legislative affairs or legislative liaison office: *Pro-*
2 *vided further*, That \$6,667,000, to remain available until
3 expended, is available only for expenses relating to certain
4 classified activities, and may be transferred as necessary
5 by the Secretary to operation and maintenance appropria-
6 tions or research, development, test and evaluation approp-
7 riations, to be merged with and to be available for the
8 same time period as the appropriations to which trans-
9 ferred: *Provided further*, That any ceiling on the invest-
10 ment item unit cost of items that may be purchased with
11 operation and maintenance funds shall not apply to the
12 funds described in the preceding proviso: *Provided further*,
13 That the transfer authority provided under this heading
14 is in addition to any other transfer authority provided else-
15 where in this Act.

16 OPERATION AND MAINTENANCE, ARMY RESERVE

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance, including training, or-
19 ganization, and administration, of the Army Reserve; re-
20 pair of facilities and equipment; hire of passenger motor
21 vehicles; travel and transportation; care of the dead; re-
22 cruiting; procurement of services, supplies, and equip-
23 ment; and communications, \$2,617,496,000.

1 OPERATION AND MAINTENANCE, NAVY RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Navy Reserve; re-
5 pair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$1,273,701,000.

9 OPERATION AND MAINTENANCE, MARINE CORPS

10 RESERVE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance, including training, or-
13 ganization, and administration, of the Marine Corps Re-
14 serve; repair of facilities and equipment; hire of passenger
15 motor vehicles; travel and transportation; care of the dead;
16 recruiting; procurement of services, supplies, and equip-
17 ment; and communications, \$223,175,000.

18 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance, including training, or-
21 ganization, and administration, of the Air Force Reserve;
22 repair of facilities and equipment; hire of passenger motor
23 vehicles; travel and transportation; care of the dead; re-
24 cruiting; procurement of services, supplies, and equip-
25 ment; and communications, \$3,131,200,000.

1 modification, maintenance, and issue of supplies and
2 equipment, including those furnished from stocks under
3 the control of agencies of the Department of Defense;
4 travel expenses (other than mileage) on the same basis as
5 authorized by law for Air National Guard personnel on
6 active Federal duty, for Air National Guard commanders
7 while inspecting units in compliance with National Guard
8 Bureau regulations when specifically authorized by the
9 Chief, National Guard Bureau, \$5,882,251,000.

10 UNITED STATES COURT OF APPEALS FOR THE ARMED
11 FORCES

12 For salaries and expenses necessary for the United
13 States Court of Appeals for the Armed Forces,
14 \$13,932,000, of which not to exceed \$5,000 may be used
15 for official representation purposes.

16 ENVIRONMENTAL RESTORATION, ARMY
17 (INCLUDING TRANSFER OF FUNDS)

18 For the Department of the Army, \$423,364,000, to
19 remain available until transferred: *Provided*, That the Sec-
20 retary of the Army shall, upon determining that such
21 funds are required for environmental restoration, reduc-
22 tion and recycling of hazardous waste, removal of unsafe
23 buildings and debris of the Department of the Army, or
24 for similar purposes, transfer the funds made available by
25 this appropriation to other appropriations made available

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

11 ENVIRONMENTAL RESTORATION, NAVY

12 (INCLUDING TRANSFER OF FUNDS)

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

1 not necessary for the purposes provided herein, such
2 amounts may be transferred back to this appropriation:
3 *Provided further*, That the transfer authority provided
4 under this heading is in addition to any other transfer au-
5 thority provided elsewhere in this Act.

6 ENVIRONMENTAL RESTORATION, AIR FORCE

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Department of the Air Force, \$494,276,000,
9 to remain available until transferred: *Provided*, That the
10 Secretary of the Air Force shall, upon determining that
11 such funds are required for environmental restoration, re-
12 duction and recycling of hazardous waste, removal of un-
13 safe buildings and debris of the Department of the Air
14 Force, or for similar purposes, transfer the funds made
15 available by this appropriation to other appropriations
16 made available to the Department of the Air Force, to be
17 merged with and to be available for the same purposes
18 and for the same time period as the appropriations to
19 which transferred: *Provided further*, That upon a deter-
20 mination that all or part of the funds transferred from
21 this appropriation are not necessary for the purposes pro-
22 vided herein, such amounts may be transferred back to
23 this appropriation: *Provided further*, That the transfer au-
24 thority provided under this heading is in addition to any
25 other transfer authority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of Defense, \$11,100,000, to re-
4 main available until transferred: *Provided*, That the Sec-
5 retary of Defense shall, upon determining that such funds
6 are required for environmental restoration, reduction and
7 recycling of hazardous waste, removal of unsafe buildings
8 and debris of the Department of Defense, or for similar
9 purposes, transfer the funds made available by this appro-
10 priation to other appropriations made available to the De-
11 partment of Defense, to be merged with and to be avail-
12 able for the same purposes and for the same time period
13 as the appropriations to which transferred: *Provided fur-*
14 *ther*, That upon a determination that all or part of the
15 funds transferred from this appropriation are not nec-
16 essary for the purposes provided herein, such amounts
17 may be transferred back to this appropriation: *Provided*
18 *further*, That the transfer authority provided under this
19 heading is in addition to any other transfer authority pro-
20 vided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, FORMERLY USED
22 DEFENSE SITES
23 (INCLUDING TRANSFER OF FUNDS)

24 For the Department of the Army, \$292,700,000, to
25 remain available until transferred: *Provided*, That the Sec-

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

17 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

18 For expenses relating to the Overseas Humanitarian,
19 Disaster, and Civic Aid programs of the Department of
20 Defense (consisting of the programs provided under sec-
21 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
22 United States Code), \$109,869,000, to remain available
23 until September 30, 2011.

1 COOPERATIVE THREAT REDUCTION ACCOUNT

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

22 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
23 DEVELOPMENT FUND

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

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TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$5,093,822,000, to remain available for obligation until September 30, 2012.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired,

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$2,056,115,000, to remain
15 available for obligation until September 30, 2012.

16 OTHER PROCUREMENT, ARMY

17 For construction, procurement, production, and
18 modification of vehicles, including tactical, support, and
19 non-tracked combat vehicles; the purchase of passenger
20 motor vehicles for replacement only; and the purchase of
21 eight vehicles required for physical security of personnel,
22 notwithstanding price limitations applicable to passenger
23 vehicles but not to exceed \$250,000 per vehicle; commu-
24 nications and electronic equipment; other support equip-
25 ment; spare parts, ordnance, and accessories therefor; spe-

1 cialized equipment and training devices; expansion of pub-
2 lic and private plants, including the land necessary there-
3 for, for the foregoing purposes, and such lands and inter-
4 ests therein, may be acquired, and construction prosecuted
5 thereon prior to approval of title; and procurement and
6 installation of equipment, appliances, and machine tools
7 in public and private plants; reserve plant and Govern-
8 ment and contractor-owned equipment layaway; and other
9 expenses necessary for the foregoing purposes,
10 \$8,582,660,000, to remain available for obligation until
11 September 30, 2012.

12 AIRCRAFT PROCUREMENT, NAVY

13 For construction, procurement, production, modifica-
14 tion, and modernization of aircraft, equipment, including
15 ordnance, spare parts, and accessories therefor; specialized
16 equipment; expansion of public and private plants, includ-
17 ing the land necessary therefor, and such lands and inter-
18 ests therein, may be acquired, and construction prosecuted
19 thereon prior to approval of title; and procurement and
20 installation of equipment, appliances, and machine tools
21 in public and private plants; reserve plant and Govern-
22 ment and contractor-owned equipment layaway,
23 \$18,643,221,000, to remain available for obligation until
24 September 30, 2012.

1 WEAPONS PROCUREMENT, NAVY

2 For construction, procurement, production, modifica-
3 tion, and modernization of missiles, torpedoes, other weap-
4 ons, and related support equipment including spare parts,
5 and accessories therefor; expansion of public and private
6 plants, including the land necessary therefor, and such
7 lands and interests therein, may be acquired, and con-
8 struction prosecuted thereon prior to approval of title; and
9 procurement and installation of equipment, appliances,
10 and machine tools in public and private plants; reserve
11 plant and Government and contractor-owned equipment
12 layaway, \$3,357,572,000, to remain available for obliga-
13 tion until September 30, 2012.

14 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
15 CORPS

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

1 plants; reserve plant and Government and contractor-
2 owned equipment layaway; and other expenses necessary
3 for the foregoing purposes, \$800,651,000, to remain avail-
4 able for obligation until September 30, 2012.

5 SHIPBUILDING AND CONVERSION, NAVY

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

18 Carrier Replacement Program, \$739,269,000;
19 Carrier Replacement Program (AP),
20 \$484,432,000;
21 NSSN, \$1,964,317,000;
22 NSSN (AP), \$1,959,725,000;
23 CVN Refueling, \$1,563,602,000;
24 CVN Refuelings (AP), \$211,820,000;
25 DDG-1000 Program, \$1,382,797,000;

1 DDG-51 Destroyer, \$1,912,267,000;
2 DDG-51 Destroyer (AP), \$578,996,000;
3 Littoral Combat Ship, \$1,080,000,000;
4 LPD-17, \$872,392,000;
5 LPD-17 (AP), \$184,555,000;
6 LHA-R (AP), \$170,000,000;
7 Intratheater Connector, \$177,956,000;
8 LCAC Service Life Extension Program,
9 \$63,857,000;
10 Prior year shipbuilding costs, \$144,950,000;
11 Service Craft, \$3,694,000; and
12 For outfitting, post delivery, conversions, and
13 first destination transportation, \$386,903,000.
14 In all: \$13,881,532,000, to remain available for obli-
15 gation until September 30, 2014: *Provided*, That addi-
16 tional obligations may be incurred after September 30,
17 2014, for engineering services, tests, evaluations, and
18 other such budgeted work that must be performed in the
19 final stage of ship construction: *Provided further*, That
20 none of the funds provided under this heading for the con-
21 struction or conversion of any naval vessel to be con-
22 structed in shipyards in the United States shall be ex-
23 pended in foreign facilities for the construction of major
24 components of such vessel: *Provided further*, That none
25 of the funds provided under this heading shall be used

1 for the construction of any naval vessel in foreign ship-
2 yards.

3 OTHER PROCUREMENT, NAVY

4 For procurement, production, and modernization of
5 support equipment and materials not otherwise provided
6 for, Navy ordnance (except ordnance for new aircraft, new
7 ships, and ships authorized for conversion); the purchase
8 of passenger motor vehicles for replacement only, and the
9 purchase of seven vehicles required for physical security
10 of personnel, notwithstanding price limitations applicable
11 to passenger vehicles but not to exceed \$250,000 per vehi-
12 cle; expansion of public and private plants, including the
13 land necessary therefor, and such lands and interests
14 therein, may be acquired, and construction prosecuted
15 thereon prior to approval of title; and procurement and
16 installation of equipment, appliances, and machine tools
17 in public and private plants; reserve plant and Govern-
18 ment and contractor-owned equipment layaway,
19 \$5,441,234,000, to remain available for obligation until
20 September 30, 2012.

21 PROCUREMENT, MARINE CORPS

22 For expenses necessary for the procurement, manu-
23 facture, and modification of missiles, armament, military
24 equipment, spare parts, and accessories therefor; plant
25 equipment, appliances, and machine tools, and installation

1 thereof in public and private plants; reserve plant and
2 Government and contractor-owned equipment layaway; ve-
3 hicles for the Marine Corps, including the purchase of pas-
4 senger motor vehicles for replacement only; and expansion
5 of public and private plants, including land necessary
6 therefor, and such lands and interests therein, may be ac-
7 quired, and construction prosecuted thereon prior to ap-
8 proval of title, \$1,521,505,000, to remain available for ob-
9 ligation until September 30, 2012.

10 AIRCRAFT PROCUREMENT, AIR FORCE

11 For construction, procurement, and modification of
12 aircraft and equipment, including armor and armament,
13 specialized ground handling equipment, and training de-
14 vices, spare parts, and accessories therefor; specialized
15 equipment; expansion of public and private plants, Gov-
16 ernment-owned equipment and installation thereof in such
17 plants, erection of structures, and acquisition of land, for
18 the foregoing purposes, and such lands and interests
19 therein, may be acquired, and construction prosecuted
20 thereon prior to approval of title; reserve plant and Gov-
21 ernment and contractor-owned equipment layaway; and
22 other expenses necessary for the foregoing purposes in-
23 cluding rents and transportation of things,
24 \$13,295,474,000, to remain available for obligation until
25 September 30, 2012; *Provided*, That none of the funds

1 provided in this Act for modification of C-17 aircraft may
2 be obligated until all C-17 contracts funded with prior
3 year "Aircraft Procurement, Air Force" appropriated
4 funds are definitized unless the Secretary of the Air Force
5 certifies in writing to the congressional defense commit-
6 tees that each such obligation is necessary to meet the
7 needs of a warfighting requirement or prevents increased
8 costs to the taxpayer and provides the reasons for failing
9 to definitize the prior year contracts along with the pro-
10 spective contract definitization schedule.

11 MISSILE PROCUREMENT, AIR FORCE

12 For construction, procurement, and modification of
13 missiles, spacecraft, rockets, and related equipment, in-
14 cluding spare parts and accessories therefor, ground han-
15 dling equipment, and training devices; expansion of public
16 and private plants, Government-owned equipment and in-
17 stallation thereof in such plants, erection of structures,
18 and acquisition of land, for the foregoing purposes, and
19 such lands and interests therein, may be acquired, and
20 construction prosecuted thereon prior to approval of title;
21 reserve plant and Government and contractor-owned
22 equipment layaway; and other expenses necessary for the
23 foregoing purposes including rents and transportation of
24 things, \$5,995,544,000, to remain available for obligation
25 until September 30, 2012.

1 PROCUREMENT OF AMMUNITION, AIR FORCE

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$801,550,000, to remain avail-
15 able for obligation until September 30, 2012.

16 OTHER PROCUREMENT, AIR FORCE

17 For procurement and modification of equipment (in-
18 cluding ground guidance and electronic control equipment,
19 and ground electronic and communication equipment),
20 and supplies, materials, and spare parts therefor, not oth-
21 erwise provided for; the purchase of passenger motor vehi-
22 cles for replacement only, and the purchase of two vehicles
23 required for physical security of personnel, notwith-
24 standing price limitations applicable to passenger vehicles
25 but not to exceed \$250,000 per vehicle; lease of passenger

1 DEFENSE PRODUCTION ACT PURCHASES

2 For activities by the Department of Defense pursuant
3 to sections 108, 301, 302, and 303 of the Defense Produc-
4 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
5 2093), \$150,746,000, to remain available until expended.

6 TITLE IV

7 RESEARCH, DEVELOPMENT, TEST AND

8 EVALUATION

9 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

10 ARMY

11 For expenses necessary for basic and applied sci-
12 entific research, development, test and evaluation, includ-
13 ing maintenance, rehabilitation, lease, and operation of fa-
14 cilities and equipment, \$11,474,180,000, to remain avail-
15 able for obligation until September 30, 2011.

16 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

17 NAVY

18 For expenses necessary for basic and applied sci-
19 entific research, development, test and evaluation, includ-
20 ing maintenance, rehabilitation, lease, and operation of fa-
21 cilities and equipment, \$20,003,463,000, to remain avail-
22 able for obligation until September 30, 2011: *Provided*,
23 That funds appropriated in this paragraph which are
24 available for the V-22 may be used to meet unique oper-
25 ational requirements of the Special Operations Forces:

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

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

4 AIR FORCE

5 For expenses necessary for basic and applied sci-
6 entific research, development, test and evaluation, includ-
7 ing maintenance, rehabilitation, lease, and operation of fa-
8 cilities and equipment, \$28,121,985,000, to remain avail-
9 able for obligation until September 30, 2011.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

11 DEFENSE-WIDE

12 For expenses of activities and agencies of the Depart-
13 ment of Defense (other than the military departments),
14 necessary for basic and applied scientific research, devel-
15 opment, test and evaluation; advanced research projects
16 as may be designated and determined by the Secretary
17 of Defense, pursuant to law; maintenance, rehabilitation,
18 lease, and operation of facilities and equipment,
19 \$20,747,081,000, to remain available for obligation until
20 September 30, 2011, of which \$2,500,000 shall be avail-
21 able only for the Missile Defense Agency to construct a
22 replacement Patriot launcher pad for the Japanese Min-
23 istry of Defense.

1 OPERATIONAL TEST AND EVALUATION, DEFENSE

2 For expenses, not otherwise provided for, necessary
3 for the independent activities of the Director, Operational
4 Test and Evaluation, in the direction and supervision of
5 operational test and evaluation, including initial oper-
6 ational test and evaluation which is conducted prior to,
7 and in support of, production decisions; joint operational
8 testing and evaluation; and administrative expenses in
9 connection therewith, \$190,770,000, to remain available
10 for obligation until September 30, 2011.

11 TITLE V

12 REVOLVING AND MANAGEMENT FUNDS

13 DEFENSE WORKING CAPITAL FUNDS

14 For the Defense Working Capital Funds,
15 \$1,455,004,000.

16 NATIONAL DEFENSE SEALIFT FUND

17 For National Defense Sealift Fund programs,
18 projects, and activities, and for expenses of the National
19 Defense Reserve Fleet, as established by section 11 of the
20 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
21 and for the necessary expenses to maintain and preserve
22 a U.S.-flag merchant fleet to serve the national security
23 needs of the United States, \$1,672,758,000, to remain
24 available until expended: *Provided*, That none of the funds
25 provided in this paragraph shall be used to award a new

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

20 TITLE VI

21 OTHER DEPARTMENT OF DEFENSE PROGRAMS

22 DEFENSE HEALTH PROGRAM

23 For expenses, not otherwise provided for, for medical
24 and health care programs of the Department of Defense
25 as authorized by law, \$29,243,428,000; of which

1 \$27,596,689,000 shall be for operation and maintenance,
2 of which not to exceed one percent shall remain available
3 until September 30, 2011, and of which up to
4 \$15,093,539,000 may be available for contracts entered
5 into under the TRICARE program; of which
6 \$366,692,000, to remain available for obligation until Sep-
7 tember 30, 2012, shall be for procurement; and of which
8 \$1,280,047,000, to remain available for obligation until
9 September 30, 2011, shall be for research, development,
10 test and evaluation: *Provided*, That, notwithstanding any
11 other provision of law, of the amount made available under
12 this heading for research, development, test and evalua-
13 tion, not less than \$10,000,000 shall be available for HIV
14 prevention educational activities undertaken in connection
15 with United States military training, exercises, and hu-
16 manitarian assistance activities conducted primarily in Af-
17 rican nations.

18 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

19 DEFENSE

20 For expenses, not otherwise provided for, necessary
21 for the destruction of the United States stockpile of lethal
22 chemical agents and munitions, to include construction of
23 facilities, in accordance with the provisions of section 1412
24 of the Department of Defense Authorization Act, 1986
25 (50 U.S.C. 1521), and for the destruction of other chem-

1 ical warfare materials that are not in the chemical weapon
2 stockpile, \$1,560,760,000, of which \$1,146,802,000 shall
3 be for operation and maintenance, of which no less than
4 \$84,839,000, shall be for the Chemical Stockpile Emer-
5 gency Preparedness Program, consisting of \$34,905,000
6 for activities on military installations and \$49,934,000, to
7 remain available until September 30, 2011, to assist State
8 and local governments; \$12,689,000 shall be for procure-
9 ment, to remain available until September 30, 2012, of
10 which no less than \$12,689,000 shall be for the Chemical
11 Stockpile Emergency Preparedness Program to assist
12 State and local governments; and \$401,269,000, to re-
13 main available until September 30, 2011, shall be for re-
14 search, development, test and evaluation, of which
15 \$398,669,000 shall only be for the Assembled Chemical
16 Weapons Alternatives (ACWA) program.

17 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

18 DEFENSE

19 (INCLUDING TRANSFER OF FUNDS)

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

1 development, test and evaluation, \$1,158,226,000: *Pro-*
2 *vided*, That the funds appropriated under this heading
3 shall be available for obligation for the same time period
4 and for the same purpose as the appropriation to which
5 transferred: *Provided further*, That upon a determination
6 that all or part of the funds transferred from this appro-
7 priation are not necessary for the purposes provided here-
8 in, such amounts may be transferred back to this appro-
9 priation: *Provided further*, That the transfer authority pro-
10 vided under this heading is in addition to any other trans-
11 fer authority contained elsewhere in this Act.

12 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

13 (INCLUDING TRANSFER OF FUNDS)

14 For the “Joint Improvised Explosive Device Defeat
15 Fund”, \$121,550,000 for Staff and Infrastructure: *Pro-*
16 *vided*, That such funds shall be available to the Secretary
17 of Defense, notwithstanding any other provision of law,
18 for the purpose of allowing the Director of the Joint Im-
19 proved Explosive Device Defeat Organization to inves-
20 tigate, develop and provide equipment, supplies, services,
21 training, facilities, personnel and funds to assist United
22 States forces in the defeat of improvised explosive devices:
23 *Provided further*, That within 60 days of the enactment
24 of this Act, a plan for the intended management and use
25 of the amounts provided under this heading shall be sub-

1 mitted to the congressional defense committees: *Provided*
2 *further*, That the Secretary of Defense shall submit a re-
3 port not later than 60 days after the end of each fiscal
4 quarter to the congressional defense committees providing
5 assessments of the evolving threats, individual service re-
6 quirements to counter the threats, the current strategy for
7 predeployment training of members of the Armed Forces
8 on improvised explosive devices, and details on the execu-
9 tion of the Fund: *Provided further*, That the Secretary of
10 Defense may transfer funds provided herein to appropria-
11 tions for operation and maintenance; procurement; re-
12 search, development, test and evaluation; and defense
13 working capital funds to accomplish the purpose provided
14 herein: *Provided further*, That amounts transferred shall
15 be merged with and available for the same purposes and
16 time period as the appropriations to which transferred:
17 *Provided further*, That this transfer authority is in addi-
18 tion to any other transfer authority available to the De-
19 partment of Defense: *Provided further*, That the Secretary
20 of Defense shall, not fewer than 15 days prior to making
21 transfers from this appropriation, notify the congressional
22 defense committees in writing of the details of any such
23 transfer.

1 OFFICE OF THE INSPECTOR GENERAL

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

13 TITLE VII

14 RELATED AGENCIES

15 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

16 DISABILITY SYSTEM FUND

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

22 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

23 For necessary expenses of the Intelligence Commu-
24 nity Management Account, \$707,912,000.

1

TITLE VIII

2

GENERAL PROVISIONS

3

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

6

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

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

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 2010: *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.

1 (TRANSFER OF FUNDS)

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 2010 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 F-18 aircraft variants.

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 2010, 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 2011 budget request for the De-
16 partment of Defense as well as all justification material
17 and other documentation supporting the fiscal year 2011
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 2011.

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 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 pensation 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. None of the funds appropriated by this
20 Act shall be available to perform any cost study pursuant
21 to the provisions of OMB Circular A-76 if the study being
22 performed exceeds the period permitted by section 322 of
23 the National Defense Authorization Act for Fiscal Year
24 2010 (Public Law 111-84).

1 SEC. 8024. During the current fiscal year, the De-
2 partment of Defense is authorized to incur obligations of
3 not to exceed \$350,000,000 for purposes specified in sec-
4 tion 2350j(c) of title 10, United States Code, in anticipa-
5 tion of receipt of contributions, only from the Government
6 of Kuwait, under that section: *Provided*, That upon re-
7 ceipt, such contributions from the Government of Kuwait
8 shall be credited to the appropriations or fund which in-
9 curred such obligations.

10 SEC. 8025. (a) Of the funds made available in this
11 Act, not less than \$33,756,000 shall be available for the
12 Civil Air Patrol Corporation, of which—

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

18 (2) \$6,426,000 shall be available from “Aircraft
19 Procurement, Air Force”; and

20 (3) \$897,000 shall be available from “Other
21 Procurement, Air Force” for vehicle procurement.

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

1 SEC. 8026. (a) None of the funds appropriated in this
2 Act are available to establish a new Department of De-
3 fense (department) federally funded research and develop-
4 ment center (FFRDC), either as a new entity, or as a
5 separate entity administrated by an organization man-
6 aging another FFRDC, or as a nonprofit membership cor-
7 poration consisting of a consortium of other FFRDCs and
8 other nonprofit entities.

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

21 (c) Notwithstanding any other provision of law, none
22 of the funds available to the department from any source
23 during fiscal year 2010 may be used by a defense FFRDC,
24 through a fee or other payment mechanism, for construc-
25 tion of new buildings, for payment of cost sharing for

1 projects funded by Government grants, for absorption of
2 contract overruns, or for certain charitable contributions,
3 not to include employee participation in community service
4 and/or development.

5 (d) Notwithstanding any other provision of law, of
6 the funds available to the department during fiscal year
7 2010, not more than 5,600 staff years of technical effort
8 (staff years) may be funded for defense FFRDCs: *Pro-*
9 *vided*, That of the specific amount referred to previously
10 in this subsection, not more than 1,100 staff years may
11 be funded for the defense studies and analysis FFRDCs:
12 *Provided further*, That this subsection shall not apply to
13 staff years funded in the National Intelligence Program
14 (NIP) and the Military Intelligence Program (MIP).

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

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

24 SEC. 8027. None of the funds appropriated or made
25 available in this Act shall be used to procure carbon, alloy

1 or armor steel plate for use in any Government-owned fa-
2 cility or property under the control of the Department of
3 Defense which were not melted and rolled in the United
4 States or Canada: *Provided*, That these procurement re-
5 strictions shall apply to any and all Federal Supply Class
6 9515, American Society of Testing and Materials (ASTM)
7 or American Iron and Steel Institute (AISI) specifications
8 of carbon, alloy or armor steel plate: *Provided further*,
9 That the Secretary of the military department responsible
10 for the procurement may waive this restriction on a case-
11 by-case basis by certifying in writing to the Committees
12 on Appropriations of the House of Representatives and the
13 Senate that adequate domestic supplies are not available
14 to meet Department of Defense requirements on a timely
15 basis and that such an acquisition must be made in order
16 to acquire capability for national security purposes: *Pro-*
17 *vided further*, That these restrictions shall not apply to
18 contracts which are in being as of the date of the enact-
19 ment of this Act.

20 SEC. 8028. For the purposes of this Act, the term
21 “congressional defense committees” means the Armed
22 Services Committee of the House of Representatives, the
23 Armed Services Committee of the Senate, the Sub-
24 committee on Defense of the Committee on Appropriations
25 of the Senate, and the Subcommittee on Defense of the

1 Committee on Appropriations of the House of Representa-
2 tives.

3 SEC. 8029. During the current fiscal year, the De-
4 partment of Defense may acquire the modification, depot
5 maintenance and repair of aircraft, vehicles and vessels
6 as well as the production of components and other De-
7 fense-related articles, through competition between De-
8 partment of Defense depot maintenance activities and pri-
9 vate firms: *Provided*, That the Senior Acquisition Execu-
10 tive of the military department or Defense Agency con-
11 cerned, with power of delegation, shall certify that success-
12 ful bids include comparable estimates of all direct and in-
13 direct costs for both public and private bids: *Provided fur-*
14 *ther*, That Office of Management and Budget Circular A-
15 76 shall not apply to competitions conducted under this
16 section.

17 SEC. 8030. (a)(1) If the Secretary of Defense, after
18 consultation with the United States Trade Representative,
19 determines that a foreign country which is party to an
20 agreement described in paragraph (2) has violated the
21 terms of the agreement by discriminating against certain
22 types of products produced in the United States that are
23 covered by the agreement, the Secretary of Defense shall
24 rescind the Secretary's blanket waiver of the Buy Amer-

1 ican Act with respect to such types of products produced
2 in that foreign country.

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

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

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

24 SEC. 8031. During the current fiscal year, amounts
25 contained in the Department of Defense Overseas Military

1 Facility Investment Recovery Account established by sec-
2 tion 2921(c)(1) of the National Defense Authorization Act
3 of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall
4 be available until expended for the payments specified by
5 section 2921(c)(2) of that Act.

6 SEC. 8032. (a) Notwithstanding any other provision
7 of law, the Secretary of the Air Force may convey at no
8 cost to the Air Force, without consideration, to Indian
9 tribes located in the States of Nevada, Idaho, North Da-
10 kota, South Dakota, Montana, Oregon, and Minnesota
11 relocatable military housing units located at Grand Forks
12 Air Force Base, Malmstrom Air Force Base, Mountain
13 Home Air Force Base, Ellsworth Air Force Base, and
14 Minot Air Force Base that are excess to the needs of the
15 Air Force.

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

23 (c) The Operation Walking Shield Program shall re-
24 solve any conflicts among requests of Indian tribes for
25 housing units under subsection (a) before submitting re-

1 quests to the Secretary of the Air Force under subsection
2 (b).

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

9 SEC. 8033. During the current fiscal year, appropria-
10 tions which are available to the Department of Defense
11 for operation and maintenance may be used to purchase
12 items having an investment item unit cost of not more
13 than \$250,000.

14 SEC. 8034. (a) During the current fiscal year, none
15 of the appropriations or funds available to the Department
16 of Defense Working Capital Funds shall be used for the
17 purchase of an investment item for the purpose of acquir-
18 ing a new inventory item for sale or anticipated sale dur-
19 ing the current fiscal year or a subsequent fiscal year to
20 customers of the Department of Defense Working Capital
21 Funds if such an item would not have been chargeable
22 to the Department of Defense Business Operations Fund
23 during fiscal year 1994 and if the purchase of such an
24 investment item would be chargeable during the current

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

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

14 SEC. 8035. None of the funds appropriated by this
15 Act for programs of the Central Intelligence Agency shall
16 remain available for obligation beyond the current fiscal
17 year, except for funds appropriated for the Reserve for
18 Contingencies, which shall remain available until Sep-
19 tember 30, 2011: *Provided*, That funds appropriated,
20 transferred, or otherwise credited to the Central Intel-
21 ligence Agency Central Services Working Capital Fund
22 during this or any prior or subsequent fiscal year shall
23 remain available until expended: *Provided further*, That
24 any funds appropriated or transferred to the Central Intel-
25 ligence Agency for advanced research and development ac-

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

5 SEC. 8036. Notwithstanding any other provision of
6 law, funds made available in this Act for the Defense In-
7 telligence Agency may be used for the design, develop-
8 ment, and deployment of General Defense Intelligence
9 Program intelligence communications and intelligence in-
10 formation systems for the Services, the Unified and Speci-
11 fied Commands, and the component commands.

12 SEC. 8037. Of the funds appropriated to the Depart-
13 ment of Defense under the heading “Operation and Main-
14 tenance, Defense-Wide”, not less than \$12,000,000 shall
15 be made available only for the mitigation of environmental
16 impacts, including training and technical assistance to
17 tribes, related administrative support, the gathering of in-
18 formation, documenting of environmental damage, and de-
19 veloping a system for prioritization of mitigation and cost
20 to complete estimates for mitigation, on Indian lands re-
21 sulting from Department of Defense activities.

22 SEC. 8038. (a) None of the funds appropriated in this
23 Act may be expended by an entity of the Department of
24 Defense unless the entity, in expending the funds, com-
25 plies with the Buy American Act. For purposes of this

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

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

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

22 SEC. 8039. None of the funds appropriated by this
23 Act shall be available for a contract for studies, analysis,
24 or consulting services entered into without competition on

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

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

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

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

23 SEC. 8040. (a) Except as provided in subsections (b)
24 and (c), none of the funds made available by this Act may
25 be used—

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

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

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

14 (c) This section does not apply to—

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

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

21 SEC. 8041. The Secretary of Defense, notwith-
22 standing any other provision of law, acting through the
23 Office of Economic Adjustment of the Department of De-
24 fense, may use funds made available in this Act under the
25 heading "Operation and Maintenance, Defense-Wide" to

1 make grants and supplement other Federal funds in ac-
2 cordance with the guidance provided in the explanatory
3 statement regarding this Act.

4 (RESCISSIONS)

5 SEC. 8042. Of the funds appropriated in Department
6 of Defense Appropriations Acts, the following funds are
7 hereby rescinded from the following accounts and pro-
8 grams in the specified amounts:

9 “Research, Development, Test and Evaluation,
10 Navy, 2009/2010”, \$20,000,000;

11 “Research, Development, Test and Evaluation,
12 Air Force, 2009/2010”, \$98,430,000;

13 “Research, Development, Test and Evaluation,
14 Defense-Wide, 2009/2010”, \$154,457,000;

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

17 “Other Procurement, Army, 2009/2011”,
18 \$138,239,000;

19 “Other Procurement, Navy, 2009/2011”,
20 \$84,844,000;

21 “Aircraft Procurement, Air Force, 2009/2011”,
22 \$628,900,000;

23 “Missile Procurement, Air Force, 2009/2011”,
24 \$60,000,000;

1 “Other Procurement, Air Force, 2009/2011”,
2 \$10,900,000;
3 “Procurement, Defense-Wide, 2009/2011”,
4 \$5,200,000; and
5 “Procurement, Defense-Wide, 2008/2010”,
6 \$2,000,000.

7 SEC. 8043. 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. 8044. 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. 8045. 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. 8046. 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. 8047. (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. 8048. 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. 8049. 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. 8050. 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. 8051. (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. 8052. 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. 8053. 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. 8054. 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. 8055. (a) IN GENERAL.—Service as a member
6 of the Alaska Territorial Guard during World War II of
7 any individual who was honorably discharged therefrom
8 under section 8147 of the Department of Defense Appro-
9 priations Act, 2001 (Public Law 106–259; 114 Stat. 705)
10 shall be treated as active service for purposes of the com-
11 putation under chapter 61, 71, 371, 571, 871, or 1223
12 of title 10, United States Code, as applicable, of the re-
13 tired pay to which such individual may be entitled under
14 title 10, United States Code.

15 (b) APPLICABILITY.—Subsection (a) shall apply with
16 respect to amounts of retired pay payable under title 10,
17 United States Code, for months beginning on or after the
18 date of the enactment of this Act. No retired pay shall
19 be paid to any individual by reason of subsection (a) for
20 any period before that date.

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

24 SEC. 8056. (a) Notwithstanding any other provision
25 of law, the Chief of the National Guard Bureau may per-

1 mit the use of equipment of the National Guard Distance
2 Learning Project by any person or entity on a space-avail-
3 able, reimbursable basis. The Chief of the National Guard
4 Bureau shall establish the amount of reimbursement for
5 such use on a case-by-case basis.

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

12 SEC. 8057. Using funds available by this Act or any
13 other Act, the Secretary of the Air Force, pursuant to a
14 determination under section 2690 of title 10, United
15 States Code, may implement cost-effective agreements for
16 required heating facility modernization in the
17 Kaiserslautern Military Community in the Federal Repub-
18 lic of Germany: *Provided*, That in the City of
19 Kaiserslautern such agreements will include the use of
20 United States anthracite as the base load energy for mu-
21 nicipal district heat to the United States Defense installa-
22 tions: *Provided further*, That at Landstuhl Army Regional
23 Medical Center and Ramstein Air Base, furnished heat
24 may be obtained from private, regional or municipal serv-

1 ices, if provisions are included for the consideration of
2 United States coal as an energy source.

3 SEC. 8058. None of the funds appropriated in title
4 IV of this Act may be used to procure end-items for deliv-
5 ery to military forces for operational training, operational
6 use or inventory requirements: *Provided*, That this restric-
7 tion does not apply to end-items used in development,
8 prototyping, and test activities preceding and leading to
9 acceptance for operational use: *Provided further*, That this
10 restriction does not apply to programs funded within the
11 National Intelligence Program: *Provided further*, That the
12 Secretary of Defense may waive this restriction on a case-
13 by-case basis by certifying in writing to the Committees
14 on Appropriations of the House of Representatives and the
15 Senate that it is in the national security interest to do
16 so.

17 SEC. 8059. None of the funds made available in this
18 Act may be used to approve or license the sale of the F-
19 22A advanced tactical fighter to any foreign government:
20 *Provided*, That the Department of Defense may conduct
21 or participate in studies, research, design and other activi-
22 ties to define and develop a future export version of the
23 F-22A that protects classified and sensitive information,
24 technologies and U.S. warfighting capabilities.

1 SEC. 8060. (a) The Secretary of Defense may, on a
2 case-by-case basis, waive with respect to a foreign country
3 each limitation on the procurement of defense items from
4 foreign sources provided in law if the Secretary determines
5 that the application of the limitation with respect to that
6 country would invalidate cooperative programs entered
7 into between the Department of Defense and the foreign
8 country, or would invalidate reciprocal trade agreements
9 for the procurement of defense items entered into under
10 section 2531 of title 10, United States Code, and the
11 country does not discriminate against the same or similar
12 defense items produced in the United States for that coun-
13 try.

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

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

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

22 (c) Subsection (a) does not apply to a limitation re-
23 garding construction of public vessels, ball and roller bear-
24 ings, food, and clothing or textile materials as defined by
25 section 11 (chapters 50–65) of the Harmonized Tariff

1 Schedule and products classified under headings 4010,
2 4202, 4203, 6401 through 6406, 6505, 7019, 7218
3 through 7229, 7304.41 through 7304.49, 7306.40, 7502
4 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

5 SEC. 8061. (a) None of the funds made available by
6 this Act may be used to support any training program in-
7 volving a unit of the security forces of a foreign country
8 if the Secretary of Defense has received credible informa-
9 tion from the Department of State that the unit has com-
10 mitted a gross violation of human rights, unless all nec-
11 essary corrective steps have been taken.

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

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

22 (d) Not more than 15 days after the exercise of any
23 waiver under subsection (c), the Secretary of Defense shall
24 submit a report to the congressional defense committees
25 describing the extraordinary circumstances, the purpose

1 and duration of the training program, the United States
2 forces and the foreign security forces involved in the train-
3 ing program, and the information relating to human rights
4 violations that necessitates the waiver.

5 SEC. 8062. None of the funds appropriated or made
6 available in this Act to the Department of the Navy shall
7 be used to develop, lease or procure the T-AKE class of
8 ships unless the main propulsion diesel engines and
9 propulsors are manufactured in the United States by a
10 domestically operated entity: *Provided*, That the Secretary
11 of Defense may waive this restriction on a case-by-case
12 basis by certifying in writing to the Committees on Appro-
13 priations of the House of Representatives and the Senate
14 that adequate domestic supplies are not available to meet
15 Department of Defense requirements on a timely basis
16 and that such an acquisition must be made in order to
17 acquire capability for national security purposes or there
18 exists a significant cost or quality difference.

19 SEC. 8063. None of the funds appropriated or other-
20 wise made available by this or other Department of De-
21 fense Appropriations Acts may be obligated or expended
22 for the purpose of performing repairs or maintenance to
23 military family housing units of the Department of De-
24 fense, including areas in such military family housing

1 units that may be used for the purpose of conducting offi-
2 cial Department of Defense business.

3 SEC. 8064. Notwithstanding any other provision of
4 law, funds appropriated in this Act under the heading
5 “Research, Development, Test and Evaluation, Defense-
6 Wide” for any new start advanced concept technology
7 demonstration project or joint capability demonstration
8 project may only be obligated 30 days after a report, in-
9 cluding a description of the project, the planned acquisi-
10 tion and transition strategy and its estimated annual and
11 total cost, has been provided in writing to the congres-
12 sional defense committees: *Provided*, That the Secretary
13 of Defense may waive this restriction on a case-by-case
14 basis by certifying to the congressional defense committees
15 that it is in the national interest to do so.

16 SEC. 8065. The Secretary of Defense shall provide
17 a classified quarterly report beginning 30 days after enact-
18 ment of this Act, to the House and Senate Appropriations
19 Committees, Subcommittees on Defense on certain mat-
20 ters as directed in the classified annex accompanying this
21 Act.

22 SEC. 8066. During the current fiscal year, none of
23 the funds available to the Department of Defense may be
24 used to provide support to another department or agency
25 of the United States if such department or agency is more

1 than 90 days in arrears in making payment to the Depart-
2 ment of Defense for goods or services previously provided
3 to such department or agency on a reimbursable basis:
4 *Provided*, That this restriction shall not apply if the de-
5 partment is authorized by law to provide support to such
6 department or agency on a nonreimbursable basis, and is
7 providing the requested support pursuant to such author-
8 ity: *Provided further*, That the Secretary of Defense may
9 waive this restriction on a case-by-case basis by certifying
10 in writing to the Committees on Appropriations of the
11 House of Representatives and the Senate that it is in the
12 national security interest to do so.

13 SEC. 8067. Notwithstanding section 12310(b) of title
14 10, United States Code, a Reserve who is a member of
15 the National Guard serving on full-time National Guard
16 duty under section 502(f) of title 32, United States Code,
17 may perform duties in support of the ground-based ele-
18 ments of the National Ballistic Missile Defense System.

19 SEC. 8068. None of the funds provided in this Act
20 may be used to transfer to any nongovernmental entity
21 ammunition held by the Department of Defense that has
22 a center-fire cartridge and a United States military no-
23 menclature designation of “armor penetrator”, “armor
24 piercing (AP)”, “armor piercing incendiary (API)”, or
25 “armor-piercing incendiary-tracer (API-T)”, except to an

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

11 SEC. 8069. Notwithstanding any other provision of
12 law, the Chief of the National Guard Bureau, or his des-
13 ignee, may waive payment of all or part of the consider-
14 ation that otherwise would be required under section 2667
15 of title 10, United States Code, in the case of a lease of
16 personal property for a period not in excess of 1 year to
17 any organization specified in section 508(d) of title 32,
18 United States Code, or any other youth, social, or fra-
19 ternal nonprofit organization as may be approved by the
20 Chief of the National Guard Bureau, or his designee, on
21 a case-by-case basis.

22 SEC. 8070. None of the funds appropriated by this
23 Act shall be used for the support of any nonappropriated
24 funds activity of the Department of Defense that procures
25 malt beverages and wine with nonappropriated funds for

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

15 SEC. 8073. Section 8106 of the Department of De-
16 fense Appropriations Act, 1997 (titles I through VIII of
17 the matter under subsection 101(b) of Public Law 104-
18 208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall con-
19 tinue in effect to apply to disbursements that are made
20 by the Department of Defense in fiscal year 2010.

21 SEC. 8074. In addition to amounts provided else-
22 where in this Act, \$3,750,000 is hereby appropriated to
23 the Department of Defense, to remain available for obliga-
24 tion until expended: *Provided*, That notwithstanding any
25 other provision of law, these funds shall be available only

1 for a grant to the Fisher House Foundation, Inc., only
2 for the construction and furnishing of additional Fisher
3 Houses to meet the needs of military family members
4 when confronted with the illness or hospitalization of an
5 eligible military beneficiary.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8075. Of the amounts appropriated in this Act
8 under the heading “Research, Development, Test and
9 Evaluation, Defense-Wide”, \$202,434,000 shall be for the
10 Israeli Cooperative Programs: *Provided*, That of this
11 amount, \$80,092,000 shall be for the Short Range Bal-
12 listic Missile Defense (SRBMD) program, including cruise
13 missile defense research and development under the
14 SRBMD program, \$50,036,000 shall be available for an
15 upper-tier component to the Israeli Missile Defense Archi-
16 tecture, and \$72,306,000 shall be for the Arrow Missile
17 Defense Program, of which \$25,000,000 shall be for pro-
18 ducing Arrow missile components in the United States and
19 Arrow missile components in Israel to meet Israel’s de-
20 fense requirements, consistent with each nation’s laws,
21 regulations and procedures: *Provided further*, That funds
22 made available under this provision for production of mis-
23 siles and missile components may be transferred to appro-
24 priations available for the procurement of weapons and
25 equipment, to be merged with and to be available for the

1 same time period and the same purposes as the appropria-
2 tion to which transferred: *Provided further*, That the
3 transfer authority provided under this provision is in addi-
4 tion to any other transfer authority contained in this Act.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 8076. Of the amounts appropriated in this Act
7 under the heading “Shipbuilding and Conversion, Navy”,
8 \$144,950,000 shall be available until September 30, 2010,
9 to fund prior year shipbuilding cost increases: *Provided*,
10 That upon enactment of this Act, the Secretary of the
11 Navy shall transfer such funds to the following appropria-
12 tions in the amounts specified: *Provided further*, That the
13 amounts transferred shall be merged with and be available
14 for the same purposes as the appropriations to which
15 transferred:

16 To:

17 Under the heading “Shipbuilding and Con-
18 version, Navy, 2004/2010”:

19 New SSN, \$26,906,000; and

20 LPD–17 Amphibious Transport Dock
21 Program, \$16,844,000.

22 Under the heading “Shipbuilding and Con-
23 version, Navy, 2005/2010”:

24 New SSN, \$18,702,000; and

1 LPD-17 Amphibious Transport Dock
2 Program, \$16,498,000.

3 Under the heading “Shipbuilding and Con-
4 version, Navy, 2008/2012”:

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

7 SEC. 8077. None of the funds available to the De-
8 partment of Defense may be obligated to modify command
9 and control relationships to give Fleet Forces Command
10 administrative and operational control of U.S. Navy forces
11 assigned to the Pacific fleet: *Provided*, That the command
12 and control relationships which existed on October 1,
13 2004, shall remain in force unless changes are specifically
14 authorized in a subsequent Act.

15 SEC. 8078. Notwithstanding any other provision of
16 law or regulation, the Secretary of Defense may exercise
17 the provisions of section 7403(g) of title 38, United States
18 Code, for occupations listed in section 7403(a)(2) of title
19 38, United States Code, as well as the following:

20 Pharmacists, Audiologists, Psychologists, Social
21 Workers, Othotists/Prosthetists, Occupational
22 Therapists, Physical Therapists, Rehabilitation
23 Therapists, Respiratory Therapists, Speech Patholo-
24 gists, Dietitian/Nutritionists, Industrial Hygienists,
25 Psychology Technicians, Social Service Assistants,

1 Practical Nurses, Nursing Assistants, and Dental
2 Hygienists:

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

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

9 SEC. 8079. Funds appropriated by this Act, or made
10 available by the transfer of funds in this Act, for intel-
11 ligence activities are deemed to be specifically authorized
12 by the Congress for purposes of section 504 of the Na-
13 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
14 year 2010 until the enactment of the Intelligence Author-
15 ization Act for Fiscal Year 2010.

16 SEC. 8080. None of the funds provided in this Act
17 shall be available for obligation or expenditure through a
18 reprogramming of funds that creates or initiates a new
19 program, project, or activity unless such program, project,
20 or activity must be undertaken immediately in the interest
21 of national security and only after written prior notifica-
22 tion to the congressional defense committees.

23 SEC. 8081. In addition to funds made available else-
24 where in this Act, \$5,500,000 is hereby appropriated and
25 shall remain available until expended to provide assist-

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

1 SEC. 8082. (a) In addition to the amounts provided
2 elsewhere in this Act, \$3,000,000 is hereby appropriated
3 to the Department of Defense for “Operation and Mainte-
4 nance, Army National Guard”. Such amount shall be
5 made available to the Secretary of the Army only to make
6 a grant in the amount of \$3,000,000 to the entity speci-
7 fied in subsection (b) to facilitate access by veterans to
8 opportunities for skilled employment in the construction
9 industry.

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

18 SEC. 8083. The budget of the President for fiscal
19 year 2011 submitted to the Congress pursuant to section
20 1105 of title 31, United States Code, shall include sepa-
21 rate budget justification documents for costs of United
22 States Armed Forces’ participation in contingency oper-
23 ations for the Military Personnel accounts, the Operation
24 and Maintenance accounts, and the Procurement ac-
25 counts: *Provided*, That these documents shall include a de-

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

16 SEC. 8084. None of the funds in this Act may be
17 used for research, development, test, evaluation, procure-
18 ment or deployment of nuclear armed interceptors of a
19 missile defense system.

20 SEC. 8085. In addition to the amounts appropriated
21 or otherwise made available elsewhere in this Act,
22 \$110,640,000 is hereby appropriated to the Department
23 of Defense: *Provided*, That the Secretary of Defense shall
24 make grants in the amounts specified as follows:
25 \$15,000,000 to the United Service Organizations;

1 \$22,500,000 to the Red Cross; \$6,000,000 to the SOAR
2 Virtual School District; \$5,000,000 to The Presidio Herit-
3 age Center; \$5,000,000 to the Paralympics Military Pro-
4 gram; \$3,840,000 to the Arrest Deterioration of Ford Is-
5 land Aviation Control Tower, Pearl Harbor, Hawaii;
6 \$1,500,000 to the Go For Broke program; \$800,000 to
7 Our Military Kids; \$3,000,000 to the New Jersey Tech-
8 nology Center; \$1,600,000 to the Women in Military Serv-
9 ice for America Memorial; \$500,000 to the Marshall Leg-
10 acy Institute; \$1,000,000 to the Vietnam Veterans Memo-
11 rial Fund for Demining Activities; \$18,900,000 to the Ed-
12 ward M. Kennedy Institute for the Senate; \$5,000,000 to
13 the U.S.S. Missouri Memorial Association; \$20,000,000 to
14 the National World War II Museum; and \$1,000,000 for
15 the Riverside General Hospital in Houston, Texas, for the
16 treatment of psychological health issues.

17 SEC. 8086. None of the funds appropriated or made
18 available in this Act shall be used to reduce or disestablish
19 the operation of the 53rd Weather Reconnaissance Squad-
20 ron of the Air Force Reserve, if such action would reduce
21 the WC-130 Weather Reconnaissance mission below the
22 levels funded in this Act: *Provided*, That the Air Force
23 shall allow the 53rd Weather Reconnaissance Squadron to
24 perform other missions in support of national defense re-
25 quirements during the non-hurricane season.

1 justments for any ship construction program appropriated
2 in law: *Provided*, That the Secretary may transfer not to
3 exceed \$100,000,000 under the authority provided by this
4 section: *Provided further*, That the Secretary may not
5 transfer any funds until 30 days after the proposed trans-
6 fer has been reported to the Committees on Appropria-
7 tions of the House of Representatives and the Senate, un-
8 less a response from the Committees is received sooner:
9 *Provided further*, That the transfer authority provided by
10 this section is in addition to any other transfer authority
11 contained elsewhere in this Act.

12 SEC. 8090. For purposes of section 612 of title 41,
13 United States Code, any subdivision of appropriations
14 made under the heading “Shipbuilding and Conversion,
15 Navy” that is not closed at the time reimbursement is
16 made shall be available to reimburse the Judgment Fund
17 and shall be considered for the same purposes as any sub-
18 division under the heading “Shipbuilding and Conversion,
19 Navy” appropriations in the current fiscal year or any
20 prior fiscal year.

21 SEC. 8091. (a) None of the funds appropriated by
22 this Act may be used to transfer research and develop-
23 ment, acquisition, or other program authority relating to
24 current tactical unmanned aerial vehicles (TUAVs) from
25 the Army.

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

6 SEC. 8092. Of the funds provided in this Act,
7 \$10,000,000 shall be available for the operations and de-
8 velopment of training and technology for the Joint Inter-
9 agency Training and Education Center and the affiliated
10 Center for National Response at the Memorial Tunnel and
11 for providing homeland defense/security and traditional
12 warfighting training to the Department of Defense, other
13 Federal agencies, and State and local first responder per-
14 sonnel at the Joint Interagency Training and Education
15 Center.

16 SEC. 8093. Notwithstanding any other provision of
17 law or regulation, the Secretary of Defense may adjust
18 wage rates for civilian employees hired for certain health
19 care occupations as authorized for the Secretary of Vet-
20 erans Affairs by section 7455 of title 38, United States
21 Code.

22 SEC. 8094. Up to \$16,000,000 of the funds appro-
23 priated under the heading “Operation and Maintenance,
24 Navy” may be made available for the Asia Pacific Re-
25 gional Initiative Program for the purpose of enabling the

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

12 SEC. 8095. None of the funds appropriated by this
13 Act for programs of the Office of the Director of National
14 Intelligence shall remain available for obligation beyond
15 the current fiscal year, except for funds appropriated for
16 research and technology, which shall remain available until
17 September 30, 2011.

18 SEC. 8096. For purposes of section 1553(b) of title
19 31, United States Code, any subdivision of appropriations
20 made in this Act under the heading “Shipbuilding and
21 Conversion, Navy” shall be considered to be for the same
22 purpose as any subdivision under the heading “Ship-
23 building and Conversion, Navy” appropriations in any
24 prior fiscal year, and the 1 percent limitation shall apply
25 to the total amount of the appropriation.

1 SEC. 8097. Notwithstanding any other provision of
2 this Act, to reflect savings from revised economic assump-
3 tions, the total amount appropriated in title II of this Act
4 is hereby reduced by \$194,000,000, the total amount ap-
5 propriated in title III of this Act is hereby reduced by
6 \$322,000,000, the total amount appropriated in title IV
7 of this Act is hereby reduced by \$336,000,000, and the
8 total amount appropriated in title V of this Act is hereby
9 reduced by \$9,000,000: *Provided*, That the Secretary of
10 Defense shall allocate this reduction proportionally to each
11 budget activity, activity group, subactivity group, and each
12 program, project, and activity, within each appropriation
13 account.

14 SEC. 8098. Notwithstanding any other provision of
15 law, that not more than 35 percent of funds provided in
16 this Act for environmental remediation may be obligated
17 under indefinite delivery/indefinite quantity contracts with
18 a total contract value of \$130,000,000 or higher.

19 SEC. 8099. The Secretary of Defense shall create a
20 major force program category for space for the Future
21 Years Defense Program of the Department of Defense.
22 The Secretary of Defense shall designate an official in the
23 Office of the Secretary of Defense to provide overall super-
24 vision of the preparation and justification of program rec-

1 ommendations and budget proposals to be included in such
2 major force program category.

3 SEC. 8100. The Director of National Intelligence
4 shall include the budget exhibits identified in paragraphs
5 (1) and (2) as described in the Department of Defense
6 Financial Management Regulation with the congressional
7 budget justification books.

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

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

19 SEC. 8101. Notwithstanding any other provision of
20 law, none of the funds made available in this Act may be
21 used to pay negotiated indirect cost rates on a contract,
22 grant, or cooperative agreement (or similar arrangement)
23 entered into by the Department of Defense and an entity
24 in excess of 35 percent of the total cost of the contract,
25 grant, or agreement (or similar arrangement): *Provided,*

1 That this limitation shall apply only to contracts, grants,
2 or cooperative agreements entered into after the date of
3 enactment of this Act using funds made available in this
4 Act for basic research.

5 SEC. 8102. The Secretary of Defense shall maintain
6 on the homepage of the Internet website of the Depart-
7 ment of Defense a direct link to the Internet website of
8 the Office of Inspector General of the Department of De-
9 fense.

10 SEC. 8103. (a) Not later than 60 days after enact-
11 ment of this Act, the Office of the Director of National
12 Intelligence shall submit a report to the congressional in-
13 telligence committees to establish the baseline for applica-
14 tion of reprogramming and transfer authorities for fiscal
15 year 2010: *Provided*, That the report shall include—

16 (1) a table for each appropriation with a sepa-
17 rate column to display the President's budget re-
18 quest, adjustments made by Congress, adjustments
19 due to enacted rescissions, if appropriate, and the
20 fiscal year enacted level;

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

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

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

9 SEC. 8104. The Director of National Intelligence
10 shall submit to Congress each year, at or about the time
11 that the President's budget is submitted to Congress that
12 year under section 1105(a) of title 31, United States
13 Code, a future-years intelligence program (including asso-
14 ciated annexes) reflecting the estimated expenditures and
15 proposed appropriations included in that budget. Any such
16 future-years intelligence program shall cover the fiscal
17 year with respect to which the budget is submitted and
18 at least the four succeeding fiscal years.

19 SEC. 8105. For the purposes of this Act, the term
20 "congressional intelligence committees" means the Perma-
21 nent Select Committee on Intelligence of the House of
22 Representatives, the Select Committee on Intelligence of
23 the Senate, the Subcommittee on Defense of the Com-
24 mittee on Appropriations of the House of Representatives,

1 and the Subcommittee on Defense of the Committee on
2 Appropriations of the Senate.

3 SEC. 8106. The Department of Defense shall con-
4 tinue to report incremental contingency operations costs
5 for Operation Iraqi Freedom and Operation Enduring
6 Freedom on a monthly basis in the Cost of War Execution
7 Report as prescribed in the Department of Defense Finan-
8 cial Management Regulation Department of Defense In-
9 struction 7000.14, Volume 12, Chapter 23 “Contingency
10 Operations”, Annex 1, dated September 2005.

11 SEC. 8107. The amounts appropriated in title II of
12 this Act are hereby reduced by \$400,000,000 to reflect
13 excess cash balances in Department of Defense Working
14 Capital Funds, as follows:

15 (1) From “Operation and Maintenance, Army”,
16 \$150,000,000; and

17 (2) From “Operation and Maintenance, Air
18 Force”, \$250,000,000.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8108. (a) CONTINUATION OF STOP-LOSS SPE-
21 CIAL PAY.—Funds appropriated by this Act, or made
22 available by the transfer of funds in this Act, shall be
23 made available to the Secretaries of the military depart-
24 ments only to provide special pay during fiscal year 2010
25 to members of the Army, Navy, Air Force, and Marine

1 Corps, including members of their reserve components,
2 who, at any time during fiscal year 2010, serve on active
3 duty while the members' enlistment or period of obligated
4 service is extended, or whose eligibility for retirement is
5 suspended, pursuant to section 123 or 12305 of title 10,
6 United States Code, or any other provision of law (com-
7 monly referred to as a "stop-loss authority") authorizing
8 the President to extend an enlistment or period of obli-
9 gated service, or suspend an eligibility for retirement, of
10 a member of the uniformed services in time of war or of
11 national emergency declared by Congress or the President.

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

18 (c) TREATMENT OF DECEASED MEMBERS.—If an eli-
19 gible member described in subsection (a) dies before the
20 payment required by this section is made, the Secretary
21 of the military department concerned shall make the pay-
22 ment in accordance with section 2771 of title 10, United
23 States Code.

24 (d) CLARIFICATION OF RETROACTIVE STOP-LOSS
25 SPECIAL PAY AUTHORITY.—Section 310 of the Supple-

1 mental Appropriations Act, 2009 (Public Law 111–32;
2 123 Stat. 1870) is amended by adding at the end the fol-
3 lowing new subsection:

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

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

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

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8109. During the current fiscal year, not to ex-
18 ceed \$11,000,000 from each of the appropriations made
19 in title II of this Act for “Operation and Maintenance,
20 Army”, “Operation and Maintenance, Navy”, and “Oper-
21 ation and Maintenance, Air Force” may be transferred by
22 the military department concerned to its central fund es-
23 tablished for Fisher Houses and Suites pursuant to sec-
24 tion 2493(d) of title 10, United States Code.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8110. Of the funds appropriated in the Intel-
3 ligence Community Management Account for the Program
4 Manager for the Information Sharing Environment,
5 \$24,000,000 is available for transfer by the Director of
6 National Intelligence to other departments and agencies
7 for purposes of Government-wide information sharing ac-
8 tivities: *Provided*, That funds transferred under this provi-
9 sion are to be merged with and available for the same pur-
10 poses and time period as the appropriation to which trans-
11 ferred: *Provided further*, That the Office of Management
12 and Budget must approve any transfers made under this
13 provision.

14 SEC. 8111. Funds appropriated by this Act for oper-
15 ation and maintenance may be available for the purpose
16 of making remittances to the Defense Acquisition Work-
17 force Development Fund in accordance with the require-
18 ments of section 1705 of title 10, United States Code.

19 SEC. 8112. (a) HIGH PRIORITY NATIONAL GUARD
20 COUNTERDRUG PROGRAMS.—Of the amount appropriated
21 or otherwise made available by title VI under the heading
22 “Drug Interdiction and Counter-Drug Activities, De-
23 fense”, up to \$15,000,000 shall be available for the pur-
24 pose of High Priority National Guard Counterdrug Pro-
25 grams.

1 (b) SUPPLEMENT NOT SUPPLANT.—The amount
2 made available by subsection (a) for the purpose specified
3 in that subsection is in addition to any other amounts
4 made available by this Act for that purpose.

5 APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES

6 SEC. 8113. (a) ACKNOWLEDGMENT AND APOLOGY.—

7 The United States, acting through Congress—

8 (1) recognizes the special legal and political re-
9 lationship Indian tribes have with the United States
10 and the solemn covenant with the land we share;

11 (2) commends and honors Native Peoples for
12 the thousands of years that they have stewarded and
13 protected this land;

14 (3) recognizes that there have been years of of-
15 ficial depredations, ill-conceived policies, and the
16 breaking of covenants by the Federal Government
17 regarding Indian tribes;

18 (4) apologizes on behalf of the people of the
19 United States to all Native Peoples for the many in-
20 stances of violence, maltreatment, and neglect in-
21 flicted on Native Peoples by citizens of the United
22 States;

23 (5) expresses its regret for the ramifications of
24 former wrongs and its commitment to build on the
25 positive relationships of the past and present to

1 move toward a brighter future where all the people
2 of this land live reconciled as brothers and sisters,
3 and harmoniously steward and protect this land to-
4 gether;

5 (6) urges the President to acknowledge the
6 wrongs of the United States against Indian tribes in
7 the history of the United States in order to bring
8 healing to this land; and

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

15 (b) DISCLAIMER.—Nothing in this section—

16 (1) authorizes or supports any claim against
17 the United States; or

18 (2) serves as a settlement of any claim against
19 the United States.

20 SEC. 8114. (a) Any agency receiving funds made
21 available in this Act, shall, subject to subsections (b) and
22 (c), post on the public website of that agency any report
23 required to be submitted by the Congress in this or any
24 other Act, upon the determination by the head of the agen-
25 cy that it shall serve the national interest.

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

2 (1) the public posting of the report com-
3 promises national security; or

4 (2) the report contains proprietary information.

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

9 SEC. 8115. (a) It is the sense of Congress that—

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

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

17 (B) related threat reduction technologies;
18 and

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

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

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

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

6 (b) Not later than one year after the date of the en-
7 actment of this Act, the Administrator for Nuclear Secu-
8 rity shall submit to the congressional defense committees
9 and the Subcommittees on Energy and Water Develop-
10 ment of the Committees on Appropriations a plan for im-
11 proving the infrastructure of the Nevada Test Site of the
12 National Nuclear Security Administration and, if the Ad-
13 ministrator deems appropriate, all other sites under the
14 jurisdiction of the National Nuclear Security Administra-
15 tion—

16 (1) to fulfill the expanded mission of the Site
17 described in subsection (a); and

18 (2) to make the Site available to support the
19 threat reduction programs of the entire national se-
20 curity community, including threat reduction pro-
21 grams of the National Nuclear Security Administra-
22 tion, the Defense Threat Reduction Agency, the De-
23 partment of Homeland Security, and other agencies
24 as appropriate.

1 SEC. 8116. (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 that is awarded more than 60 days after the
5 effective date of this Act, unless the contractor agrees not
6 to:

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

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

1 false imprisonment, or negligent hiring, supervision,
2 or retention.

3 (b) None of the funds appropriated or otherwise
4 made available by this Act may be expended for any Fed-
5 eral contract awarded more than 180 days after the effec-
6 tive date of this Act unless the contractor certifies that
7 it requires each covered subcontractor to agree not to
8 enter into, and not to take any action to enforce any provi-
9 sion of, any agreement as described in paragraphs (1) and
10 (2) of subsection (a), with respect to any employee or inde-
11 pendent contractor performing work related to such sub-
12 contract. For purposes of this subsection, a “covered sub-
13 contractor” is an entity that has a subcontract in excess
14 of \$1,000,000 on a contract subject to subsection (a).

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

19 (d) The Secretary of Defense may waive the applica-
20 tion of subsection (a) or (b) to a particular contractor or
21 subcontractor for the purposes of a particular contract or
22 subcontract if the Secretary or the Deputy Secretary per-
23 sonally determines that the waiver is necessary to avoid
24 harm to national security interests of the United States,
25 and that the term of the contract or subcontract is not

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

12 SEC. 8117. (a) PROHIBITION ON CONVERSION OF
13 FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO
14 CONTRACTOR PERFORMANCE.—None of the funds appro-
15 priated or otherwise made available by this Act, or that
16 remain available for obligation for the Department of De-
17 fense from the Consolidated Security, Disaster Assistance,
18 and Continuing Appropriations Act, 2009 (Public Law
19 110–329), the American Recovery and Reinvestment Act
20 of 2009 (Public Law 111–5), and the Supplemental Ap-
21 propriations Act, 2009 (Public Law 111–32), may be used
22 to begin or announce the competition to award to a con-
23 tractor or convert to performance by a contractor any
24 functions performed by Federal employees pursuant to a

1 study conducted under Office of Management and Budget
2 (OMB) Circular A-76.

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

11 SEC. 8118. (a)(1) No National Intelligence Program
12 funds appropriated in this Act may be used for a mission
13 critical or mission essential business management infor-
14 mation technology system that is not registered with the
15 Director of National Intelligence. A system shall be con-
16 sidered to be registered with that officer upon the fur-
17 nishing notice of the system, together with such informa-
18 tion concerning the system as the Director of the Business
19 Transformation Office may prescribe.

20 (2) During the current fiscal year no funds may be
21 obligated or expended for a financial management auto-
22 mated information system, a mixed information system
23 supporting financial and non-financial systems, or a busi-
24 ness system improvement of more than \$3,000,000, within

1 the Intelligence Community without the approval of the
2 Business Transformation Investment Review Board.

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

12 (1) Business process reengineering.

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

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

18 (4) Performance measures.

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

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8119. In addition to funds made available else-
3 where in this Act, there is hereby appropriated
4 \$291,715,000, to remain available until transferred: *Pro-*
5 *vided*, That these funds are appropriated to the “Tanker
6 Replacement Transfer Fund” (referred to as “the Fund”
7 elsewhere in this section): *Provided further*, That the Sec-
8 retary of the Air Force may transfer amounts in the Fund
9 to “Operation and Maintenance, Air Force”, “Aircraft
10 Procurement, Air Force”, and “Research, Development,
11 Test and Evaluation, Air Force”, only for the purposes
12 of proceeding with a tanker acquisition program: *Provided*
13 *further*, That funds transferred shall be merged with and
14 be available for the same purposes and for the same time
15 period as the appropriations or fund to which transferred:
16 *Provided further*, That this transfer authority is in addi-
17 tion to any other transfer authority available to the De-
18 partment of Defense: *Provided further*, That the Secretary
19 of the Air Force shall, not fewer than 15 days prior to
20 making transfers using funds provided in this section, no-
21 tify the congressional defense committees in writing of the
22 details of any such transfer: *Provided further*, That the
23 Secretary shall submit a report no later than 30 days after
24 the end of each fiscal quarter to the congressional defense

1 committees summarizing the details of the transfer of
2 funds from this appropriation.

3 SEC. 8120. (a) RESETTLEMENT SUPPORT AND
4 OTHER PUBLIC BENEFITS FOR CERTAIN IRAQI REFU-
5 GEES.—Section 1244(g) of the Refugee Crisis in Iraq Act
6 of 2007 (subtitle C of title XII of division A of Public
7 Law 110–181; 122 Stat. 398) is amended by striking “for
8 a period not to exceed eight months” and inserting “to
9 the same extent, and for the same periods of time, as such
10 refugees”.

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

18 SEC. 8121. (a) Each congressionally directed spend-
19 ing item specified in this Act or the explanatory statement
20 regarding this Act that is also identified in Senate Report
21 111–74 and intended for award to a for-profit entity shall
22 be subject to acquisition regulations for full and open com-
23 petition on the same basis as each spending item intended
24 for a for-profit entity that is contained in the budget re-
25 quest of the President.

1 (b) EXCEPTIONS.—Subsection (a) shall not apply to
2 any contract awarded—

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

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

8 (3) in an amount less than the simplified acqui-
9 sition threshold described in section 302A(a) of the
10 Federal Property and Administrative Services Act of
11 1949 (41 U.S.C. 252a(a)).

12 (c) Any congressionally directed spending item speci-
13 fied in this Act or the explanatory statement regarding
14 this Act that is intended for award to a for-profit entity
15 and is not covered by the competition requirement speci-
16 fied in subsection (a), shall be awarded under full and
17 open competition, except that any contract previously
18 awarded under full and open competition that remains in
19 effect during fiscal year 2010 shall be considered to have
20 satisfied the conditions of full and open competition.

21 (d) In this section, the term “congressionally directed
22 spending item” means the following:

23 (1) A congressionally directed spending item, as
24 defined in Rule XLIV of the Standing Rules of the
25 Senate.

1 (2) A congressional earmark for purposes of
2 rule XXI of the House of Representatives.

3 SEC. 8122. None of the funds appropriated or other-
4 wise made available by this Act may be used to award
5 to a contractor or convert to performance by a contractor
6 any functions pursuant to a study conducted under Office
7 of Management and Budget (OMB) Circular A-76 or as
8 part of a utility privatization authorized under section
9 2688 of title 10, United States Code or under any other
10 provision of law, that are performed by Federal employees
11 at the United States Military Academy, West Point, as
12 of the date of enactment of this Act.

13 SEC. 8123. None of the funds made available under
14 this Act may be distributed to the Association of Commu-
15 nity Organizations for Reform Now (ACORN) or its sub-
16 sidiaries.

17 SEC. 8124. The explanatory statement regarding this
18 Act printed in the House of Representatives section of the
19 Congressional Record on or about December 16, 2010, by
20 the Chairman of the Subcommittee on Defense of the
21 Committee on Appropriations of the House of Representa-
22 tives shall have the same effect with respect to the alloca-
23 tion of funds and implementation of this Act as if it were
24 a joint explanatory statement of a committee of con-
25 ference.

1 TITLE IX

2 OVERSEAS CONTINGENCY OPERATIONS

3 MILITARY PERSONNEL

4 MILITARY PERSONNEL, ARMY

5 For an additional amount for “Military Personnel,
6 Army”, \$9,958,840,000.

7 MILITARY PERSONNEL, NAVY

8 For an additional amount for “Military Personnel,
9 Navy”, \$1,388,601,000.

10 MILITARY PERSONNEL, MARINE CORPS

11 For an additional amount for “Military Personnel,
12 Marine Corps”, \$778,722,000.

13 MILITARY PERSONNEL, AIR FORCE

14 For an additional amount for “Military Personnel,
15 Air Force”, \$1,667,376,000.

16 RESERVE PERSONNEL, ARMY

17 For an additional amount for “Reserve Personnel,
18 Army”, \$293,137,000.

19 RESERVE PERSONNEL, NAVY

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

22 RESERVE PERSONNEL, MARINE CORPS

23 For an additional amount for “Reserve Personnel,
24 Marine Corps”, \$31,337,000.

1 RESERVE PERSONNEL, AIR FORCE

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

4 NATIONAL GUARD PERSONNEL, ARMY

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

7 NATIONAL GUARD PERSONNEL, AIR FORCE

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

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

12 For an additional amount for “Operation and Main-
13 tenance, Army”, \$47,821,154,000.

14 OPERATION AND MAINTENANCE, NAVY

15 For an additional amount for “Operation and Main-
16 tenance, Navy”, \$5,475,925,000.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 For an additional amount for “Operation and Main-
19 tenance, Marine Corps”, \$3,430,258,000.

20 OPERATION AND MAINTENANCE, AIR FORCE

21 For an additional amount for “Operation and Main-
22 tenance, Air Force”, \$9,216,319,000.

23 OPERATION AND MAINTENANCE, DEFENSE-WIDE

24 For an additional amount for “Operation and Main-
25 tenance, Defense-Wide”, \$7,490,900,000, of which:

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

5 (2) Not to exceed \$1,570,000,000, to remain
6 available until expended, for payments to reimburse
7 key cooperating nations for logistical, military, and
8 other support, including access provided to United
9 States military operations in support of Operation
10 Iraqi Freedom and Operation Enduring Freedom,
11 notwithstanding any other provision of law: *Pro-*
12 *vided*, That such reimbursement payments may be
13 made in such amounts as the Secretary of Defense,
14 with the concurrence of the Secretary of State, and
15 in consultation with the Director of the Office of
16 Management and Budget, may determine, in his dis-
17 cretion, based on documentation determined by the
18 Secretary of Defense to adequately account for the
19 support provided, and such determination is final
20 and conclusive upon the accounting officers of the
21 United States, and 15 days following notification to
22 the appropriate congressional committees: *Provided*
23 *further*, That these funds may be used for the pur-
24 pose of providing specialized training and procuring
25 supplies and specialized equipment and providing

1 such supplies and loaning such equipment on a non-
2 reimbursable basis to coalition forces supporting
3 United States military operations in Iraq and Af-
4 ghanistan, and 15 days following notification to the
5 appropriate congressional committees: *Provided fur-*
6 *ther*, That the Secretary of Defense shall provide
7 quarterly reports to the congressional defense com-
8 mittees on the use of funds provided in this para-
9 graph.

10 OPERATION AND MAINTENANCE, ARMY RESERVE

11 For an additional amount for “Operation and Main-
12 tenance, Army Reserve”, \$204,326,000.

13 OPERATION AND MAINTENANCE, NAVY RESERVE

14 For an additional amount for “Operation and Main-
15 tenance, Navy Reserve”, \$68,059,000.

16 OPERATION AND MAINTENANCE, MARINE CORPS

17 RESERVE

18 For an additional amount for “Operation and Main-
19 tenance, Marine Corps Reserve”, \$86,667,000.

20 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

21 For an additional amount for “Operation and Main-
22 tenance, Air Force Reserve”, \$125,925,000.

1 addition to any other transfer authority available to the
2 Department of Defense.

3 AFGHANISTAN SECURITY FORCES FUND

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

1 *Provided further*, That the Secretary of Defense shall, not
2 fewer than 15 days prior to obligating from this appro-
3 priation account, notify the congressional defense commit-
4 tees in writing of the details of any such obligation.

5 PROCUREMENT

6 AIRCRAFT PROCUREMENT, ARMY

7 For an additional amount for “Aircraft Procurement,
8 Army”, \$1,238,219,000, to remain available until Sep-
9 tember 30, 2012.

10 MISSILE PROCUREMENT, ARMY

11 For an additional amount for “Missile Procurement,
12 Army”, \$475,954,000, to remain available until Sep-
13 tember 30, 2012.

14 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

15 VEHICLES, ARMY

16 For an additional amount for “Procurement of Weap-
17 ons and Tracked Combat Vehicles, Army”,
18 \$1,169,466,000, to remain available until September 30,
19 2012.

20 PROCUREMENT OF AMMUNITION, ARMY

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

1 OTHER PROCUREMENT, ARMY

2 For an additional amount for “Other Procurement,
3 Army”, \$5,800,516,000, to remain available until Sep-
4 tember 30, 2012.

5 AIRCRAFT PROCUREMENT, NAVY

6 For an additional amount for “Aircraft Procurement,
7 Navy”, \$853,297,000, to remain available until September
8 30, 2012.

9 WEAPONS PROCUREMENT, NAVY

10 For an additional amount for “Weapons Procure-
11 ment, Navy”, \$50,700,000, to remain available until Sep-
12 tember 30, 2012.

13 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

14 CORPS

15 For an additional amount for “Procurement of Am-
16 muniton, Navy and Marine Corps”, \$675,957,000, to re-
17 main available until September 30, 2012.

18 OTHER PROCUREMENT, NAVY

19 For an additional amount for “Other Procurement,
20 Navy”, \$241,018,000, to remain available until September
21 30, 2012.

22 PROCUREMENT, MARINE CORPS

23 For an additional amount for “Procurement, Marine
24 Corps”, \$893,197,000, to remain available until Sep-
25 tember 30, 2012.

1 AIRCRAFT PROCUREMENT, AIR FORCE

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

5 MISSILE PROCUREMENT, AIR FORCE

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

9 PROCUREMENT OF AMMUNITION, AIR FORCE

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

13 OTHER PROCUREMENT, AIR FORCE

14 For an additional amount for “Other Procurement,
15 Air Force”, \$2,583,421,000, to remain available until
16 September 30, 2012.

17 PROCUREMENT, DEFENSE-WIDE

18 For an additional amount for “Procurement, De-
19 fense-Wide”, \$480,780,000, to remain available until Sep-
20 tember 30, 2012.

21 NATIONAL GUARD AND RESERVE EQUIPMENT

22 For procurement of aircraft, missiles, tracked combat
23 vehicles, ammunition, other weapons and other procure-
24 ment for the reserve components of the Armed Forces,
25 \$950,000,000, to remain available for obligation until Sep-

1 tember 30, 2012, of which \$575,000,000 shall be available
2 only for the Army National Guard: *Provided*, That the
3 Chiefs of National Guard and Reserve components shall,
4 not later than 30 days after the enactment of this Act,
5 individually submit to the congressional defense commit-
6 tees the modernization priority assessment for their re-
7 spective National Guard or Reserve component.

8 MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND
9 (INCLUDING TRANSFER OF FUNDS)

10 For the Mine Resistant Ambush Protected Vehicle
11 Fund, \$6,281,000,000, to remain available until Sep-
12 tember 30, 2011: *Provided*, That such funds shall be avail-
13 able to the Secretary of Defense, notwithstanding any
14 other provision of law, to procure, sustain, transport, and
15 field Mine Resistant Ambush Protected vehicles: *Provided*
16 *further*, That the Secretary shall transfer such funds only
17 to appropriations made available in this or any other Act
18 for operation and maintenance; procurement; research, de-
19 velopment, test and evaluation; and defense working cap-
20 ital funds to accomplish the purpose provided herein: *Pro-*
21 *vided further*, That such transferred funds shall be merged
22 with and be available for the same purposes and the same
23 time period as the appropriation to which transferred:
24 *Provided further*, That this transfer authority is in addi-
25 tion to any other transfer authority available to the De-

1 partment of Defense: *Provided further*, That the Secretary
2 shall, not fewer than 10 days prior to making transfers
3 from this appropriation, notify the congressional defense
4 committees in writing of the details of any such transfer.

5 RESEARCH, DEVELOPMENT, TEST AND
6 EVALUATION

7 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
8 ARMY

9 For an additional amount for “Research, Develop-
10 ment, Test and Evaluation, Army”, \$57,962,000, to re-
11 main available until September 30, 2011.

12 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
13 NAVY

14 For an additional amount for “Research, Develop-
15 ment, Test and Evaluation, Navy”, \$58,660,000, to re-
16 main available until September 30, 2011.

17 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
18 AIR FORCE

19 For an additional amount for “Research, Develop-
20 ment, Test and Evaluation, Air Force”, \$39,286,000, to
21 remain available until September 30, 2011.

22 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
23 DEFENSE-WIDE

24 For an additional amount for “Research, Develop-
25 ment, Test and Evaluation, Defense-Wide”,

1 \$112,196,000, to remain available until September 30,
2 2011.

3 REVOLVING AND MANAGEMENT FUNDS

4 DEFENSE WORKING CAPITAL FUNDS

5 For an additional amount for “Defense Working
6 Capital Funds”, \$412,215,000.

7 OTHER DEPARTMENT OF DEFENSE PROGRAMS

8 DEFENSE HEALTH PROGRAM

9 For an additional amount for “Defense Health Pro-
10 gram”, \$1,256,675,000, which shall be for operation and
11 maintenance.

12 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for “Drug Interdiction and
15 Counter-Drug Activities”, \$346,603,000, to remain avail-
16 able until September 30, 2011.

17 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for “Joint Improvised Ex-
20 plosive Device Defeat Fund”, \$1,762,010,000, to remain
21 available until September 30, 2012.

22 OFFICE OF THE INSPECTOR GENERAL

23 For an additional amount for the “Office of the In-
24 spector General”, \$8,876,000.

1 GENERAL PROVISIONS—THIS TITLE

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

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 9002. Upon the determination of the Secretary
8 of Defense that such action is necessary in the national
9 interest, the Secretary may, with the approval of the Of-
10 fice of Management and Budget, transfer up to
11 \$4,000,000,000 between the appropriations or funds made
12 available to the Department of Defense in this title: *Pro-*
13 *vided*, That the Secretary shall notify the Congress
14 promptly of each transfer made pursuant to the authority
15 in this section: *Provided further*, That the authority pro-
16 vided in this section is in addition to any other transfer
17 authority available to the Department of Defense and is
18 subject to the same terms and conditions as the authority
19 provided in the Department of Defense Appropriations
20 Act, 2010: *Provided further*, That the amount in this sec-
21 tion is designated as being for overseas deployments and
22 other activities pursuant to sections 401(c)(4) and
23 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-
24 current resolution on the budget for fiscal year 2010.

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

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

19 SEC. 9005. Not to exceed \$1,200,000,000 of the
20 amount appropriated in this title under the heading “Op-
21 eration and Maintenance, Army” may be used, notwith-
22 standing any other provision of law, to fund the Com-
23 mander’s Emergency Response Program, for the purpose
24 of enabling military commanders in Iraq and Afghanistan
25 to respond to urgent humanitarian relief and reconstruc-

1 tion requirements within their areas of responsibility: *Pro-*
2 *vided*, That not later than 45 days after the end of each
3 fiscal year quarter, the Secretary of Defense shall submit
4 to the congressional defense committees a report regard-
5 ing the source of funds and the allocation and use of funds
6 during that quarter that were made available pursuant to
7 the authority provided in this section or under any other
8 provision of law for the purposes described herein: *Pro-*
9 *vided further*, That, of the funds provided, \$500,000,000
10 shall not be available until 5 days after the Secretary of
11 Defense has completed a thorough review of the Com-
12 mander's Emergency Response Program and provided a
13 report on his findings to the congressional defense com-
14 mittees.

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

24 SEC. 9007. Each amount in this title is designated
25 as being for overseas deployments and other activities pur-

1 suant to section 401(c)(4) and 423(a)(1) of S. Con. Res.
2 13 (111th Congress), the concurrent resolution on the
3 budget for fiscal year 2010.

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

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

11 (2) To exercise United States control over any
12 oil resource of Iraq.

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

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

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

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

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

13 SEC. 9010. (a) The Director of the Office of Manage-
14 ment and Budget, in consultation with the Secretary of
15 Defense; the Commander of the United States Central
16 Command; the Commander, Multi-National Security
17 Transition Command—Iraq; and the Commander, Com-
18 bined Security Transition Command—Afghanistan, shall
19 submit to the congressional defense committees not later
20 than 45 days after the end of each fiscal quarter a report
21 on the proposed use of all funds appropriated by this or
22 any prior Act under each of the headings “Iraq Security
23 Forces Fund”, “Afghanistan Security Forces Fund”, and
24 “Pakistan Counterinsurgency Fund” on a project-by-
25 project basis, for which the obligation of funds is antici-

1 pated during the 3-month period from such date, including
2 estimates by the commanders referred to in this section
3 of the costs required to complete each such project.

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

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

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

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

24 (c) The Secretary of Defense shall notify the congres-
25 sional defense committees of any proposed new projects

1 or transfers of funds between sub-activity groups in excess
2 of \$20,000,000 using funds appropriated by this or any
3 prior Act under the headings “Iraq Security Forces
4 Fund”, “Afghanistan Security Forces Fund”, and “Paki-
5 stan Counterinsurgency Fund”.

6 SEC. 9011. (a) None of the funds made available in
7 this or any other Act may be used to release an individual
8 who is detained, as of June 24, 2009, at Naval Station,
9 Guantanamo Bay, Cuba, into the continental United
10 States, Alaska, Hawaii, or the District of Columbia, into
11 any of the United States territories of Guam, American
12 Samoa (AS), the United States Virgin Islands (USVI), the
13 Commonwealth of Puerto Rico and the Commonwealth of
14 the Northern Mariana Islands (CNMI).

15 (b) 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 purpose of de-
24 tention, except as provided in subsection (c).

1 (c) None of the funds made available in this or any
2 other Act may be used to transfer an individual who is
3 detained, as of June 24, 2009, at Naval Station, Guanta-
4 namo Bay, Cuba, into the continental United States, Alas-
5 ka, Hawaii, or the District of Columbia, into any of the
6 United States territories of Guam, American Samoa (AS),
7 the United States Virgin Islands (USVI), the Common-
8 wealth of Puerto Rico and the Commonwealth of the
9 Northern Mariana Islands (CNMI), for the purposes of
10 prosecuting such individual, or detaining such individual
11 during legal proceedings, until 45 days after the plan de-
12 scribed in subsection (d) is received.

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

18 (1) A determination of the risk that the indi-
19 vidual might instigate an act of terrorism within the
20 continental United States, Alaska, Hawaii, the Dis-
21 trict of Columbia, or the United States territories if
22 the individual were so transferred.

23 (2) A determination of the risk that the indi-
24 vidual might advocate, coerce, or incite violent extre-
25 mism, ideologically motivated criminal activity, or

1 acts of terrorism, among inmate populations at in-
2 carceration facilities within the continental United
3 States, Alaska, Hawaii, the District of Columbia, or
4 the United States territories if the individual were
5 transferred to such a facility.

6 (3) The costs associated with transferring the
7 individual in question.

8 (4) The legal rationale and associated court de-
9 mands for transfer.

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

12 (6) A copy of a notification to the Governor of
13 the State to which the individual will be transferred,
14 to the Mayor of the District of Columbia if the indi-
15 vidual will be transferred to the District of Colum-
16 bia, or to any United States territories with a certifi-
17 cation by the Attorney General of the United States
18 in classified form at least 14 days prior to such
19 transfer (together with supporting documentation
20 and justification) that the individual poses little or
21 no security risk to the United States.

22 (7) An assessment of any risk to the national
23 security of the United States or its citizens, includ-
24 ing members of the Armed Services of the United

1 States, that is posed by such transfer and the ac-
2 tions taken to mitigate such risk.

3 (e) None of the funds made available in this or any
4 other Act may be used to transfer or release an individual
5 detained at Naval Station, Guantanamo Bay, Cuba, as of
6 June 24, 2009, to the country of such individual's nation-
7 ality or last habitual residence or to any other country
8 other than the United States or to a freely associated
9 State, unless the President submits to the Congress, in
10 classified form, at least 15 days prior to such transfer or
11 release, the following information:

12 (1) The name of any individual to be trans-
13 ferred or released and the country or the freely asso-
14 ciated State to which such individual is to be trans-
15 ferred or released.

16 (2) An assessment of any risk to the national
17 security of the United States or its citizens, includ-
18 ing members of the Armed Services of the United
19 States, that is posed by such transfer or release and
20 the actions taken to mitigate such risk.

21 (3) The terms of any agreement with the coun-
22 try or the freely associated State for the acceptance
23 of such individual, including the amount of any fi-
24 nancial assistance related to such agreement.

1 (f) In this section, the term “freely associated States”
2 means the Federated States of Micronesia (FSM), the Re-
3 public of the Marshall Islands (RMI), and the Republic
4 of Palau.

5 (g) Prior to the termination of detention operations
6 at Naval Station, Guantanamo Bay, Cuba, the President
7 shall submit to the Congress a report in classified form
8 describing the disposition or legal status of each individual
9 detained at the facility as of the date of enactment of this
10 Act.

11 SEC. 9012. (a) FUNDING FOR OUTREACH AND RE-
12 INTEGRATION SERVICES UNDER YELLOW RIBBON RE-
13 INTEGRATION PROGRAM.—Of the amounts appropriated
14 or otherwise made available by title IX, up to \$20,000,000
15 may be available for outreach and reintegration services
16 under the Yellow Ribbon Reintegration Program under
17 section 582(h) of the National Defense Authorization Act
18 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
19 125; 10 U.S.C. 10101 note).

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

24 This division may be cited as the “Department of De-
25 fense Appropriations Act, 2010”.

1 **DIVISION B—OTHER MATTERS**

2 SEC. 1001. There are hereby appropriated such sums
3 as may be necessary, for an additional amount for “Food
4 and Nutrition Service—Supplemental Nutrition Assist-
5 ance Program” for necessary current year expenses to
6 carry out the Food and Nutrition Act of 2008 (7 U.S.C.
7 2011 et seq.): *Provided*, That such amount shall be used
8 only in such amounts and at such times as may become
9 necessary to carry out program operations: *Provided fur-*
10 *ther*, That amounts so appropriated are designated as
11 emergency requirements and necessary to meet emergency
12 needs pursuant to sections 403 and 423(b) of S. Con. Res.
13 13 (111th Congress), the concurrent resolution on the
14 budget for fiscal year 2010.

15 SEC. 1002. (a) IN GENERAL.—For the costs of State
16 administrative expenses associated with administering the
17 supplemental nutrition assistance program established
18 under the Food and Nutrition Act of 2008 (7 U.S.C. 2011
19 et seq.), there are hereby appropriated \$400,000,000,
20 which shall remain available until September 30, 2011.

21 (b) ALLOCATION OF FUNDS.—Funds described in
22 subsection (a) shall be made available as grants to State
23 agencies as follows—

24 (1) 75 percent of the amounts available shall be
25 allocated to States based on the share of each State

1 of households that participate in the supplemental
2 nutrition assistance program as reported to the De-
3 partment of Agriculture for the most recent 12-
4 month period for which data are available, adjusted
5 by the Secretary (as of the date of enactment) for
6 participation in disaster programs under section
7 5(h) of the Food and Nutrition Act of 2008 (7
8 U.S.C. 2014(h));

9 (2) 25 percent of the amounts available shall be
10 allocated to States based on the increase in the num-
11 ber of households that participate in the supple-
12 mental nutrition assistance program as reported to
13 the Department of Agriculture over the most recent
14 12-month period for which data are available, ad-
15 justed by the Secretary (as of the date of enact-
16 ment) for participation in disaster programs under
17 section 5(h) of the Food and Nutrition Act of 2008
18 (7 U.S.C. 2014(h)); and

19 (3) Not later than 60 days after the date of en-
20 actment of this Act, the Secretary shall make avail-
21 able to States amounts based on paragraphs (1) and
22 (2) of this subparagraph.

23 (c) REALLOCATION OF FUNDS.—Funds unobligated
24 at the State level in fiscal year 2010 may be recovered
25 and reallocated to the States in fiscal year 2011.

1 (d) EMERGENCY DESIGNATION.—Amounts in this
2 section are designated as emergency requirements and
3 necessary to meet emergency needs pursuant to sections
4 403 and 423(b) of S. Con. Res. 13 (111th Congress), the
5 concurrent resolution on the budget for fiscal year 2010.

6 SEC. 1003. (a) AMENDMENTS TO SECTION 119 OF
7 TITLE 17, UNITED STATES CODE.—

8 (1) IN GENERAL.—Section 119 of title 17,
9 United States Code, is amended—

10 (A) in subsection (c)(1)(E), by striking
11 “December 31, 2009” and inserting “February
12 28, 2010”; and

13 (B) in subsection (e), by striking “Decem-
14 ber 31, 2009” and inserting “February 28,
15 2010”.

16 (2) TERMINATION OF LICENSE.—

17 (A) TERMINATION.—Section 119 of title
18 17, United States Code, as amended by para-
19 graph (1), shall cease to be effective on Feb-
20 ruary 28, 2010.

21 (B) CONFORMING AMENDMENT.—Section
22 4(a) of the Satellite Home Viewer Act of 1994
23 (17 U.S.C. 119 note; Public Law 103–369) is
24 repealed.

1 (b) AMENDMENTS TO COMMUNICATIONS ACT OF
2 1934.—Section 325(b) of the Communications Act of
3 1934 (47 U.S.C. 325(b)) is amended—

4 (1) in paragraph (2)(C), by striking “December
5 31, 2009” and inserting “February 28, 2010”; and

6 (2) in paragraph (3)(C), by striking “January
7 1, 2010” each place it appears in clauses (ii) and
8 (iii) and inserting “March 1, 2010”.

9 (c) EMERGENCY DESIGNATION.—Amounts in this
10 section are designated as emergency requirements and
11 necessary to meet emergency needs pursuant to sections
12 403 and 423(b) of S. Con. Res. 13 (111th Congress), the
13 concurrent resolution on the budget for fiscal year 2010.

14 SEC. 1004. (a) USA PATRIOT IMPROVEMENT AND
15 REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of
16 the USA PATRIOT Improvement and Reauthorization
17 Act of 2005 (Public Law 109–177; 120 Stat. 195) is
18 amended by striking “December 31, 2009” and inserting
19 “February 28, 2010”.

20 (b) INTELLIGENCE REFORM AND TERRORISM PRE-
21 VENTION ACT OF 2004.—Section 6001(b)(1) of the Intel-
22 ligence Reform and Terrorism Prevention Act of 2004
23 (Public Law 108–458; 118 Stat. 3742; 50 U.S.C. 1801
24 note) is amended by striking “December 31, 2009” and
25 inserting “February 28, 2010”.

1 SEC. 1005. Section 129 of the Continuing Appropria-
2 tions Resolution, 2010 (Public Law 111–68) is amended
3 by striking “by substituting” and all that follows through
4 the period at the end, and inserting “by substituting Feb-
5 ruary 28, 2010 for the date specified in each such sec-
6 tion.”.

7 SEC. 1006. (a) There is hereby appropriated
8 \$125,000,000, for an additional amount for “Small Busi-
9 ness Administration—Business Loans Program Account”
10 for fee reductions and eliminations under section 501 of
11 division A of the American Recovery and Reinvestment
12 Act of 2009 (Public Law 111–5) and for the cost of guar-
13 anteed loans under section 502 of such division: *Provided*,
14 That such cost shall be as defined in section 502 of the
15 Congressional Budget Act of 1974.

16 (b) Section 502(f) of division A of the American Re-
17 covery and Reinvestment Act of 2009 is amended by strik-
18 ing “the date 12 months after the date of enactment of
19 this Act” and inserting “February 28, 2010”.

20 (c) Amounts in this section are designated as emer-
21 gency requirements and necessary to meet emergency
22 needs pursuant to sections 403 and 423(b) of S. Con. Res.
23 13 (111th Congress), the concurrent resolution on the
24 budget for fiscal year 2010.

1 SEC. 1007. (a) PAYMENT.—The Secretary of the In-
2 terior may make a payment to Swain County, North Caro-
3 lina, in an amount of \$12,800,000, in connection with the
4 non-construction of the North Shore Road: *Provided*, That
5 \$4,000,000 shall be available for obligation upon enact-
6 ment of this Act: *Provided further*, That remaining
7 amounts shall not be available for obligation until 120
8 days following signature of an agreement between the Sec-
9 retary of the Interior, Swain County, the State of North
10 Carolina, and the Tennessee Valley Authority that super-
11 sedes the agreement of July 30, 1943, related to the con-
12 struction of North Shore Road between the Secretary, the
13 County, the State, and the Authority. For this payment,
14 there is hereby appropriated \$6,800,000, to remain avail-
15 able until expended, and an amount of \$6,000,000 from
16 unobligated balances available to the Department of the
17 Interior from prior appropriations to the “Construction”
18 account for the National Park Service.

19 (b) RESCISSION.—Of the funds appropriated in the
20 Department of Transportation and Related Agencies Ap-
21 propriations Act, 2001 (Public Law 106–346), in section
22 378 for construction of, and improvements to, North
23 Shore Road in Swain County, North Carolina, \$6,800,000
24 is hereby permanently rescinded.

1 SEC. 1008. (a) For purposes of the continued exten-
2 sion of surface transportation programs and related au-
3 thority to make expenditures from the Highway Trust
4 Fund and other trust funds under sections 157 through
5 162 of the Continuing Appropriations Resolution, 2010,
6 the date specified in section 106(3) of such resolution shall
7 be deemed to be February 28, 2010.

8 (b) Section 158(c) is amended by striking the period
9 at the end and inserting “except for the rescission made
10 by section 123 of division I of the Omnibus Appropriations
11 Act, 2009. The amount made available for each of the ap-
12 portioned Federal-aid highway programs under subsection
13 (a) shall be reduced by an amount equaling \$33,401,492
14 multiplied by the amount calculated under subsection (a)
15 and divided by \$23,941,505,262”.

16 SEC. 1009. (a)(1) Section 4007 of the Supplemental
17 Appropriations Act, 2008 (Public Law 110–252; 26
18 U.S.C. 3304 note) is amended—

19 (A) by striking “December 31, 2009” each
20 place it appears and inserting “February 28, 2010”;

21 (B) in the heading for subsection (b)(2), by
22 striking “DECEMBER 31, 2009” and inserting “FEB-
23 RUARY 28, 2010”; and

24 (C) in subsection (b)(3), by striking “May 31,
25 2010” and inserting “July 31, 2010”.

1 (2) Section 2002(e) of the Assistance for Unemployed
2 Workers and Struggling Families Act, as contained in
3 Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438),
4 is amended—

5 (A) in paragraph (1)(B), by striking “before
6 January 1, 2010” and inserting “on or before Feb-
7 ruary 28, 2010”;

8 (B) in the heading for paragraph (2), by strik-
9 ing “JANUARY 1, 2010” and inserting “FEBRUARY
10 28, 2010”; and

11 (C) in paragraph (3), by striking “June 30,
12 2010” and inserting “August 31, 2010”.

13 (3) Section 2005 of the Assistance for Unemployed
14 Workers and Struggling Families Act, as contained in
15 Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444),
16 is amended—

17 (A) by striking “January 1, 2010” each place
18 it appears and inserting “February 28, 2010”; and

19 (B) in subsection (c), by striking “June 1,
20 2010” and inserting “July 31, 2010”.

21 (4) Section 5 of the Unemployment Compensation
22 Extension Act of 2008 (Public Law 110–449; 26 U.S.C.
23 3304 note) is amended by striking “May 30, 2010” and
24 inserting “July 31, 2010”.

1 (b) Section 4004(e)(1) of the Supplemental Appro-
2 priations Act, 2008 (Public Law 110–252; 26 U.S.C.
3 3304 note) is amended by striking “by reason of” and all
4 that follows and inserting the following: “by reason of—

5 “(A) the amendments made by section
6 2001(a) of the Assistance for Unemployed
7 Workers and Struggling Families Act;

8 “(B) the amendments made by sections 2
9 through 4 of the Worker, Homeownership, and
10 Business Assistance Act of 2009; and

11 “(C) the amendments made by section
12 1009 of the Department of Defense Appropria-
13 tions Act, 2010; and”.

14 (c) Amounts in this section are designated as emer-
15 gency requirements and necessary to meet emergency
16 needs pursuant to sections 403 and 423(b) of S. Con. Res.
17 13 (111th Congress), the concurrent resolution on the
18 budget for fiscal year 2010.

19 SEC. 1010. (a) EXTENSION OF ELIGIBILITY PE-
20 RIOD.—Subsection (a)(3)(A) of section 3001 of division
21 B of the American Recovery and Reinvestment Act of
22 2009 (Public Law 111–5) is amended by striking “Decem-
23 ber 31, 2009” and inserting “February 28, 2010”.

24 (b) EXTENSION OF MAXIMUM DURATION OF ASSIST-
25 ANCE.—Subsection (a)(2)(A)(ii)(I) of such section is

1 amended by striking “9 months” and inserting “15
2 months”.

3 (c) RULES RELATED TO 2009 EXTENSION.—Sub-
4 section (a) of such section is further amended by adding
5 at the end the following:

6 “(16) RULES RELATED TO 2009 EXTENSION.—

7 “(A) ELECTION TO PAY PREMIUMS RETRO-
8 ACTIVELY AND MAINTAIN COBRA COVERAGE.—

9 In the case of any premium for a period of cov-
10 erage during an assistance eligible individual’s
11 transition period, such individual shall be treat-
12 ed for purposes of any COBRA continuation
13 provision as having timely paid the amount of
14 such premium if—

15 “(i) such individual was covered under
16 the COBRA continuation coverage to
17 which such premium relates for the period
18 of coverage immediately preceding such
19 transition period, and

20 “(ii) such individual pays, not later
21 than 60 days after the date of the enact-
22 ment of this paragraph (or, if later, 30
23 days after the date of provision of the noti-
24 fication required under subparagraph

1 (D)(ii)), the amount of such premium,
2 after the application of paragraph (1)(A).

3 “(B) REFUNDS AND CREDITS FOR RETRO-
4 ACTIVE PREMIUM ASSISTANCE ELIGIBILITY.—In
5 the case of an assistance eligible individual who
6 pays, with respect to any period of COBRA
7 continuation coverage during such individual’s
8 transition period, the premium amount for such
9 coverage without regard to paragraph (1)(A),
10 rules similar to the rules of paragraph (12)(E)
11 shall apply.

12 “(C) TRANSITION PERIOD.—

13 “(i) IN GENERAL.—For purposes of
14 this paragraph, the term ‘transition period’
15 means, with respect to any assistance eligi-
16 ble individual, any period of coverage if—

17 “(I) such period begins before
18 the date of the enactment of this
19 paragraph, and

20 “(II) paragraph (1)(A) applies to
21 such period by reason of the amend-
22 ment made by section 1010(b) of the
23 Department of Defense Appropria-
24 tions Act, 2010.

1 “(ii) CONSTRUCTION.—Any period
2 during the period described in subclauses
3 (I) and (II) of clause (i) for which the ap-
4 plicable premium has been paid pursuant
5 to subparagraph (A) shall be treated as a
6 period of coverage referred to in such para-
7 graph, irrespective of any failure to timely
8 pay the applicable premium (other than
9 pursuant to subparagraph (A)) for such
10 period.

11 “(D) NOTIFICATION.—

12 “(i) IN GENERAL.—In the case of an
13 individual who was an assistance eligible
14 individual at any time on or after October
15 31, 2009, or experiences a qualifying event
16 (consisting of termination of employment)
17 relating to COBRA continuation coverage
18 on or after such date, the administrator of
19 the group health plan (or other entity) in-
20 volved shall provide an additional notifica-
21 tion with information regarding the
22 amendments made by section 1010 of the
23 Department of Defense Appropriations
24 Act, 2010, within 60 days after the date of
25 the enactment of such Act or, in the case

1 of a qualifying event occurring after such
2 date of enactment, consistent with the tim-
3 ing of notifications under paragraph
4 (7)(A).

5 “(ii) TO INDIVIDUALS WHO LOST AS-
6 SISTANCE.—In the case of an assistance el-
7 igible individual described in subparagraph
8 (A)(i) who did not timely pay the premium
9 for any period of coverage during such in-
10 dividual’s transition period or paid the pre-
11 mium for such period without regard to
12 paragraph (1)(A), the administrator of the
13 group health plan (or other entity) involved
14 shall provide to such individual, within the
15 first 60 days of such individual’s transition
16 period, an additional notification with in-
17 formation regarding the amendments made
18 by section 1010 of the Department of De-
19 fense Appropriations Act, 2010, including
20 information on the ability under subpara-
21 graph (A) to make retroactive premium
22 payments with respect to the transition pe-
23 riod of the individual in order to maintain
24 COBRA continuation coverage.

1 “(iii) APPLICATION OF RULES.—Rules
2 similar to the rules of paragraph (7) shall
3 apply with respect to notifications under
4 this subparagraph.”.

5 (d) CLARIFICATION THAT ELIGIBILITY AND NOTICE
6 IS BASED ON TIMING OF QUALIFYING EVENT.—Sub-
7 section (a) of such section is amended—

8 (1) in paragraph (3)(A)—

9 (A) by striking “at any time” and insert-
10 ing “such qualified beneficiary is eligible for
11 COBRA continuation coverage related to a
12 qualifying event occurring”; and

13 (B) by striking “, such qualified bene-
14 ficiary is eligible for COBRA continuation cov-
15 erage”; and

16 (2) in paragraph (7)(A), by striking “become
17 entitled to elect COBRA continuation coverage” and
18 inserting “have a qualifying event relating to
19 COBRA continuation coverage”.

20 (e) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect as if included in the provisions
22 of section 3001 of division B of the American Recovery
23 and Reinvestment Act of 2009 to which they relate.

24 (f) EMERGENCY DESIGNATIONS.—

1 (1) IN GENERAL.—Amounts in this section are
2 designated as emergency requirements and necessary
3 to meet emergency needs pursuant to sections 403
4 and 423(b) of S. Con. Res. 13 (111th Congress), the
5 concurrent resolution on the budget for fiscal year
6 2010.

7 (2) PAYGO.—All applicable provisions in this
8 section are designated as an emergency for purposes
9 of pay-as-you-go principles.

10 SEC. 1011. (a) IN GENERAL.—Section 1848(d) of the
11 Social Security Act (42 U.S.C. 1395w–4(d)) is amended
12 by adding at the end the following new paragraph:

13 “(10) UPDATE FOR PORTION OF 2010.—

14 “(A) IN GENERAL.—Subject to paragraphs
15 (7)(B), (8)(B), and (9)(B), in lieu of the update
16 to the single conversion factor established in
17 paragraph (1)(C) that would otherwise apply
18 for 2010 for the period beginning on January
19 1, 2010, and ending on February 28, 2010, the
20 update to the single conversion factor shall be
21 0 percent for 2010.

22 “(B) NO EFFECT ON COMPUTATION OF
23 CONVERSION FACTOR FOR REMAINING PORTION
24 OF 2010 AND SUBSEQUENT YEARS.—The con-
25 version factor under this subsection shall be

1 computed under paragraph (1)(A) for the pe-
2 riod beginning on March 1, 2010, and ending
3 on December 31, 2010, and for 2011 and sub-
4 sequent years as if subparagraph (A) had never
5 applied.”.

6 (b) FUNDING FROM MEDICARE IMPROVEMENT
7 FUND.—Section 1898(b)(1) of such Act (42 U.S.C.
8 1395iii(b)(1)) is amended—

9 (1) in subparagraph (A)—

10 (A) by striking “\$22,290,000,000” and in-
11 serting “\$20,740,000,000”; and

12 (B) by striking “and” at the end;

13 (2) by redesignating subparagraph (B) as sub-
14 paragraph (C); and

15 (3) by inserting after subparagraph (A) the fol-
16 lowing new subparagraph:

17 “(B) fiscal year 2015, \$550,000,000;
18 and”.

19 SEC. 1012. Notwithstanding any other provision of
20 law, the Secretary of Health and Human Services shall
21 not publish updated poverty guidelines for 2010 under sec-
22 tion 673(2) of the Omnibus Budget Reconciliation Act of
23 1981 (42 U.S.C. 9902(2)) before March 1, 2010, and the
24 poverty guidelines published under such section on Janu-

1 ary 23, 2009, shall remain in effect until updated poverty
2 guidelines are published.

3 SEC. 1013. From the “National Telecommunications
4 and Information Administration—Digital-to-Analog Con-
5 verter Box Program” in the Department of Commerce,
6 \$128,000,000 is hereby rescinded.

7 SEC. 1014. The explanatory statement regarding this
8 Act printed in the House of Representatives section of the
9 Congressional Record on or about December 16, 2010, by
10 the Chairman of the Subcommittee on Defense of the
11 Committee on Appropriations of the House of Representa-
12 tives shall have the same effect with respect to the alloca-
13 tion of funds and implementation of this Act as if it were
14 a joint explanatory statement of a committee of con-
15 ference.

