

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

# H. R. 3326

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## AN ACT

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

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

## 1 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

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

## 4 TITLE VIII

## 5 GENERAL PROVISIONS

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

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

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

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

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

14 (TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

22 (TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

25           F-18 aircraft variants.

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

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

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

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

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

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

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

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

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

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

19 (2) the Competitive Sourcing Official deter-  
20 mines that, over all performance periods stated in  
21 the solicitation of offers for performance of the ac-  
22 tivity or function, the cost of performance of the ac-  
23 tivity or function by a contractor would be less costly  
24 to the Department of Defense by an amount that  
25 equals or exceeds the lesser of—

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

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

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

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

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

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

1 mercial or industrial type function of the Department of  
2 Defense that—

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

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

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

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

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

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

4 (TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (c) This section does not apply to—

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

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

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

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

5 (RESCISSIONS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (b) This section applies to—

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

4 (INCLUDING TRANSFER OF FUNDS)

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

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

3 (INCLUDING TRANSFER OF FUNDS)

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

14 To:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21                               (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

1 (INCLUDING TRANSFER OF FUNDS)

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

10 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

11 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

9 (1) Business process reengineering.

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

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

15 (4) Performance measures.

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

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

22 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (g) DEFINITIONS.—In this section:

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

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

17 (h) TERMINATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 TITLE IX

8 OVERSEAS DEPLOYMENTS AND OTHER

9 ACTIVITIES

10 MILITARY PERSONNEL

11 MILITARY PERSONNEL, ARMY

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

18 MILITARY PERSONNEL, NAVY

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