

1 (iii) by inserting "and, in the case of homeland security, may not
2 include any equipment that is not found on the Authorized Equipment List
3 as published by the Department of Homeland Security" after "purposes".

4 (b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as
5 follows:

6 **"§ 381. Procurement by State and local governments of equipment suitable for counter-**
7 **drug, homeland security, counter-terrorism, and emergency response**
8 **activities through the Department of Defense".**

9 (2) The table of sections at the beginning of chapter 18 of such title is amended by
10 striking the item relating to section 381 and inserting the following new item:

11 "381. Procurement by State and local governments of equipment suitable for counter-drug, homeland security,
12 counter-terrorism, and emergency response activities through the Department of Defense."

13 **SEC. 1036. CONFIDENTIAL BUSINESS AND HOMELAND SECURITY**
14 **INFORMATION SHARING.**

15 (a) IN GENERAL.—Section 130d of title 10, United States Code, is amended to read as
16 follows:

17 **"§ 130d. Treatment under the Freedom of Information Act of confidential business**
18 **information and homeland security information shared with State and local**
19 **personnel**

20 "The sharing of confidential business information or homeland security information,
21 pursuant to section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482), by any Federal
22 agency, with State and local personnel (as defined in such section) shall not be considered
23 release of such information to the public, and shall not constitute a waiver of any applicable
24 exemption to the release of such information under section 552 of title 5."

1 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such
2 title is amended by striking the item relating to section 130d and inserting the following new
3 item:

4 "130d. Treatment under the Freedom of Information Act of confidential business information and homeland
5 security information shared with State and local personnel."

6 **Subtitle E—Miscellaneous Authorities and Limitations**

7 **SEC. 1041. MINIMUM ANNUAL PURCHASE AMOUNTS FOR AIRLIFT FROM**
8 **CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.**

9 (a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at
10 the end the following new section:

11 **"§ 9515. Airlift services: minimum annual purchase amount for carriers participating in**
12 **Civil Reserve Air Fleet**

13 "(a) IN GENERAL.—The Secretary of Defense may award to air carriers or air carrier
14 contractor team arrangements (carriers) participating in the Civil Reserve Air Fleet on a fiscal
15 year basis a one-year contract for airlift services with a minimum purchase amount determined in
16 accordance with this section.

17 "(b) MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum
18 purchase amount for all contracts awarded under subsection (a) for a fiscal year shall be based on
19 forecast needs, but may not exceed the amount equal to 80 percent of the annual average
20 expenditure of the Department of Defense for commercial airlift during the five-fiscal year
21 period ending in the fiscal year before the fiscal year for which such contracts are awarded.

22 "(2) In calculating the annual average expenditure of the Department of Defense for
23 airlift for purposes of paragraph (1), the Secretary of Defense shall omit from the calculation any
24 fiscal year exhibiting unusually high demand for commercial airlift if the Secretary determines