

Union Calendar No. 346

112TH CONGRESS
2^D SESSION

H. R. 5856

[Report No. 112-493]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2012

Mr. YOUNG, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes.

1 tion travel (including all expenses thereof for organiza-
2 tional movements), and expenses of temporary duty travel
3 between permanent duty stations, for members of the
4 Navy on active duty (except members of the Reserve pro-
5 vided for elsewhere), midshipmen, and aviation cadets; for
6 members of the Reserve Officers' Training Corps; and for
7 payments pursuant to section 156 of Public Law 97-377,
8 as amended (42 U.S.C. 402 note), and to the Department
9 of Defense Military Retirement Fund, \$27,075,933,000.

10 MILITARY PERSONNEL, MARINE CORPS

11 For pay, allowances, individual clothing, subsistence,
12 interest on deposits, gratuities, permanent change of sta-
13 tion travel (including all expenses thereof for organiza-
14 tional movements), and expenses of temporary duty travel
15 between permanent duty stations, for members of the Ma-
16 rine Corps on active duty (except members of the Reserve
17 provided for elsewhere); and for payments pursuant to sec-
18 tion 156 of Public Law 97-377, as amended (42 U.S.C.
19 402 note), and to the Department of Defense Military Re-
20 tirement Fund, \$12,560,999,000.

21 MILITARY PERSONNEL, AIR FORCE

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

1 between permanent duty stations, for members of the Air
2 Force on active duty (except members of reserve compo-
3 nents provided for elsewhere), cadets, and aviation cadets;
4 for members of the Reserve Officers' Training Corps; and
5 for payments pursuant to section 156 of Public Law 97-
6 377, as amended (42 U.S.C. 402 note), and to the Depart-
7 ment of Defense Military Retirement Fund,
8 \$28,124,109,000.

9 RESERVE PERSONNEL, ARMY

10 For pay, allowances, clothing, subsistence, gratuities,
11 travel, and related expenses for personnel of the Army Re-
12 serve on active duty under sections 10211, 10302, and
13 3038 of title 10, United States Code, or while serving on
14 active duty under section 12301(d) of title 10, United
15 States Code, in connection with performing duty specified
16 in section 12310(a) of title 10, United States Code, or
17 while undergoing reserve training, or while performing
18 drills or equivalent duty or other duty, and expenses au-
19 thorized by section 16131 of title 10, United States Code;
20 and for payments to the Department of Defense Military
21 Retirement Fund, \$4,456,823,000.

22 RESERVE PERSONNEL, NAVY

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

1 United States Code, or while serving on active duty under
2 section 12301(d) of title 10, United States Code, in con-
3 nection with performing duty specified in section 12310(a)
4 of title 10, United States Code, or while undergoing re-
5 serve training, or while performing drills or equivalent
6 duty, and expenses authorized by section 16131 of title
7 10, United States Code; and for payments to the Depart-
8 ment of Defense Military Retirement Fund,
9 \$1,871,688,000.

10 RESERVE PERSONNEL, MARINE CORPS

11 For pay, allowances, clothing, subsistence, gratuities,
12 travel, and related expenses for personnel of the Marine
13 Corps Reserve on active duty under section 10211 of title
14 10, United States Code, or while serving on active duty
15 under section 12301(d) of title 10, United States Code,
16 in connection with performing duty specified in section
17 12310(a) of title 10, United States Code, or while under-
18 going reserve training, or while performing drills or equiv-
19 alent duty, and for members of the Marine Corps platoon
20 leaders class, and expenses authorized by section 16131
21 of title 10, United States Code; and for payments to the
22 Department of Defense Military Retirement Fund,
23 \$651,861,000.

1 RESERVE PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Air Force
4 Reserve on active duty under sections 10211, 10305, and
5 8038 of title 10, United States Code, or while serving on
6 active duty under section 12301(d) of title 10, United
7 States Code, in connection with performing duty specified
8 in section 12310(a) of title 10, United States Code, or
9 while undergoing reserve training, or while performing
10 drills or equivalent duty or other duty, and expenses au-
11 thorized by section 16131 of title 10, United States Code;
12 and for payments to the Department of Defense Military
13 Retirement Fund, \$1,743,875,000.

14 NATIONAL GUARD PERSONNEL, ARMY

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

1 ments to the Department of Defense Military Retirement
2 Fund, \$8,089,477,000.

3 NATIONAL GUARD PERSONNEL, AIR FORCE

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Air Na-
6 tional Guard on duty under section 10211, 10305, or
7 12402 of title 10 or section 708 of title 32, United States
8 Code, or while serving on duty under section 12301(d) of
9 title 10 or section 502(f) of title 32, United States Code,
10 in connection with performing duty specified in section
11 12310(a) of title 10, United States Code, or while under-
12 going training, or while performing drills or equivalent
13 duty or other duty, and expenses authorized by section
14 16131 of title 10, United States Code; and for payments
15 to the Department of Defense Military Retirement Fund,
16 \$3,158,015,000.

17 TITLE II

18 OPERATION AND MAINTENANCE

19 OPERATION AND MAINTENANCE, ARMY

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

1 of necessity for confidential military purposes,
2 \$36,422,738,000.

3 OPERATION AND MAINTENANCE, NAVY

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance of the Navy and the
6 Marine Corps, as authorized by law; and not to exceed
7 \$14,804,000 can be used for emergencies and extraor-
8 dinary expenses, to be expended on the approval or author-
9 ity of the Secretary of the Navy, and payments may be
10 made on his certificate of necessity for confidential mili-
11 tary purposes, \$41,463,773,000.

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance of the Marine Corps,
15 as authorized by law, \$6,075,667,000.

16 OPERATION AND MAINTENANCE, AIR FORCE

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance of the Air Force, as
19 authorized by law; and not to exceed \$7,699,000 can be
20 used for emergencies and extraordinary expenses, to be ex-
21 pended on the approval or authority of the Secretary of
22 the Air Force, and payments may be made on his certifi-
23 cate of necessity for confidential military purposes,
24 \$35,408,795,000.

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

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance of activities and agen-
5 cies of the Department of Defense (other than the military
6 departments), as authorized by law, \$31,780,813,000:
7 *Provided*, That not more than \$30,000,000 may be used
8 for the Combatant Commander Initiative Fund authorized
9 under section 166a of title 10, United States Code: *Pro-*
10 *vided further*, That not to exceed \$36,000,000 can be used
11 for emergencies and extraordinary expenses, to be ex-
12 pended on the approval or authority of the Secretary of
13 Defense, and payments may be made on his certificate of
14 necessity for confidential military purposes: *Provided fur-*
15 *ther*, That of the funds provided under this heading, not
16 less than \$35,897,000 shall be made available for the Pro-
17 curement Technical Assistance Cooperative Agreement
18 Program, of which not less than \$3,600,000 shall be avail-
19 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
20 *vided further*, That none of the funds appropriated or oth-
21 erwise made available by this Act may be used to plan
22 or implement the consolidation of a budget or appropria-
23 tions liaison office of the Office of the Secretary of De-
24 fense, the office of the Secretary of a military department,
25 or the service headquarters of one of the Armed Forces

1 into a legislative affairs or legislative liaison office: *Pro-*
2 *vided further*, That \$8,563,000, to remain available until
3 expended, is available only for expenses relating to certain
4 classified activities, and may be transferred as necessary
5 by the Secretary of Defense to operation and maintenance
6 appropriations or research, development, test and evalua-
7 tion appropriations, to be merged with and to be available
8 for the same time period as the appropriations to which
9 transferred: *Provided further*, That any ceiling on the in-
10 vestment item unit cost of items that may be purchased
11 with operation and maintenance funds shall not apply to
12 the funds described in the preceding proviso: *Provided fur-*
13 *ther*, That the transfer authority provided under this head-
14 ing is in addition to any other transfer authority provided
15 elsewhere in this Act.

16 OPERATION AND MAINTENANCE, ARMY RESERVE

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance, including training, or-
19 ganization, and administration, of the Army Reserve; re-
20 pair of facilities and equipment; hire of passenger motor
21 vehicles; travel and transportation; care of the dead; re-
22 cruiting; procurement of services, supplies, and equip-
23 ment; and communications, \$3,199,423,000.

1 OPERATION AND MAINTENANCE, NAVY RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Navy Reserve; re-
5 pair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$1,256,347,000.

9 OPERATION AND MAINTENANCE, MARINE CORPS

10 RESERVE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance, including training, or-
13 ganization, and administration, of the Marine Corps Re-
14 serve; repair of facilities and equipment; hire of passenger
15 motor vehicles; travel and transportation; care of the dead;
16 recruiting; procurement of services, supplies, and equip-
17 ment; and communications, \$277,377,000.

18 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance, including training, or-
21 ganization, and administration, of the Air Force Reserve;
22 repair of facilities and equipment; hire of passenger motor
23 vehicles; travel and transportation; care of the dead; re-
24 cruiting; procurement of services, supplies, and equip-
25 ment; and communications, \$3,362,041,000.

1 modification, maintenance, and issue of supplies and
2 equipment, including those furnished from stocks under
3 the control of agencies of the Department of Defense;
4 travel expenses (other than mileage) on the same basis as
5 authorized by law for Air National Guard personnel on
6 active Federal duty, for Air National Guard commanders
7 while inspecting units in compliance with National Guard
8 Bureau regulations when specifically authorized by the
9 Chief, National Guard Bureau, \$6,608,826,000.

10 UNITED STATES COURT OF APPEALS FOR THE ARMED
11 FORCES

12 For salaries and expenses necessary for the United
13 States Court of Appeals for the Armed Forces,
14 \$13,516,000, of which not to exceed \$5,000 may be used
15 for official representation purposes.

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

18 For the Department of the Army, \$335,921,000, to
19 remain available until transferred: *Provided*, That the Sec-
20 retary of the Army shall, upon determining that such
21 funds are required for environmental restoration, reduc-
22 tion and recycling of hazardous waste, removal of unsafe
23 buildings and debris of the Department of the Army, or
24 for similar purposes, transfer the funds made available by
25 this appropriation to other appropriations made available

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

11 ENVIRONMENTAL RESTORATION, NAVY

12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of the Navy, \$310,594,000, to
14 remain available until transferred: *Provided*, That the Sec-
15 retary of the Navy shall, upon determining that such
16 funds are required for environmental restoration, reduc-
17 tion and recycling of hazardous waste, removal of unsafe
18 buildings and debris of the Department of the Navy, or
19 for similar purposes, transfer the funds made available by
20 this appropriation to other appropriations made available
21 to the Department of the Navy, to be merged with and
22 to be available for the same purposes and for the same
23 time period as the appropriations to which transferred:
24 *Provided further*, That upon a determination that all or
25 part of the funds transferred from this appropriation are

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

6 ENVIRONMENTAL RESTORATION, AIR FORCE

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Department of the Air Force, \$529,263,000,
9 to remain available until transferred: *Provided*, That the
10 Secretary of the Air Force shall, upon determining that
11 such funds are required for environmental restoration, re-
12 duction and recycling of hazardous waste, removal of un-
13 safe buildings and debris of the Department of the Air
14 Force, or for similar purposes, transfer the funds made
15 available by this appropriation to other appropriations
16 made available to the Department of the Air Force, to be
17 merged with and to be available for the same purposes
18 and for the same time period as the appropriations to
19 which transferred: *Provided further*, That upon a deter-
20 mination that all or part of the funds transferred from
21 this appropriation are not necessary for the purposes pro-
22 vided herein, such amounts may be transferred back to
23 this appropriation: *Provided further*, That the transfer au-
24 thority provided under this heading is in addition to any
25 other transfer authority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of Defense, \$11,133,000, to re-
4 main available until transferred: *Provided*, That the Sec-
5 retary of Defense shall, upon determining that such funds
6 are required for environmental restoration, reduction and
7 recycling of hazardous waste, removal of unsafe buildings
8 and debris of the Department of Defense, or for similar
9 purposes, transfer the funds made available by this appro-
10 priation to other appropriations made available to the De-
11 partment of Defense, to be merged with and to be avail-
12 able for the same purposes and for the same time period
13 as the appropriations to which transferred: *Provided fur-*
14 *ther*, That upon a determination that all or part of the
15 funds transferred from this appropriation are not nec-
16 essary for the purposes provided herein, such amounts
17 may be transferred back to this appropriation: *Provided*
18 *further*, That the transfer authority provided under this
19 heading is in addition to any other transfer authority pro-
20 vided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, FORMERLY USED

22 DEFENSE SITES

23 (INCLUDING TRANSFER OF FUNDS)

24 For the Department of the Army, \$237,543,000, to
25 remain available until transferred: *Provided*, That the Sec-

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

17 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

18 For expenses relating to the Overseas Humanitarian,
19 Disaster, and Civic Aid programs of the Department of
20 Defense (consisting of the programs provided under sec-
21 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
22 United States Code), \$108,759,000, to remain available
23 until September 30, 2014.

1 COOPERATIVE THREAT REDUCTION ACCOUNT

2 For assistance to the republics of the former Soviet
3 Union and, with appropriate authorization by the Depart-
4 ment of Defense and Department of State, to countries
5 outside of the former Soviet Union, including assistance
6 provided by contract or by grants, for facilitating the
7 elimination and the safe and secure transportation and
8 storage of nuclear, chemical and other weapons; for estab-
9 lishing programs to prevent the proliferation of weapons,
10 weapons components, and weapon-related technology and
11 expertise; for programs relating to the training and sup-
12 port of defense and military personnel for demilitarization
13 and protection of weapons, weapons components and
14 weapons technology and expertise, and for defense and
15 military contacts, \$519,111,000, to remain available until
16 September 30, 2015.

17 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

18 DEVELOPMENT FUND

19 For the Department of Defense Acquisition Work-
20 force Development Fund, \$50,198,000.

21 TITLE III

22 PROCUREMENT

23 AIRCRAFT PROCUREMENT, ARMY

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

1 ordnance, ground handling equipment, spare parts, and
2 accessories therefor; specialized equipment and training
3 devices; expansion of public and private plants, including
4 the land necessary therefor, for the foregoing purposes,
5 and such lands and interests therein, may be acquired,
6 and construction prosecuted thereon prior to approval of
7 title; and procurement and installation of equipment, ap-
8 pliances, and machine tools in public and private plants;
9 reserve plant and Government and contractor-owned
10 equipment layaway; and other expenses necessary for the
11 foregoing purposes, \$6,115,226,000, to remain available
12 for obligation until September 30, 2015.

13 MISSILE PROCUREMENT, ARMY

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

1 poses, and such lands and interests therein, may be ac-
2 quired, and construction prosecuted thereon prior to ap-
3 proval of title; and procurement and installation of equip-
4 ment, appliances, and machine tools in public and private
5 plants; reserve plant and Government and contractor-
6 owned equipment layaway; and other expenses necessary
7 for the foregoing purposes, \$1,576,768,000, to remain
8 available for obligation until September 30, 2015.

9 OTHER PROCUREMENT, ARMY

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

1 \$6,488,045,000, to remain available for obligation until
2 September 30, 2015.

3 AIRCRAFT PROCUREMENT, NAVY

4 For construction, procurement, production, modifica-
5 tion, and modernization of aircraft, equipment, including
6 ordnance, spare parts, and accessories therefor; specialized
7 equipment; expansion of public and private plants, includ-
8 ing the land necessary therefor, and such lands and inter-
9 ests therein, may be acquired, and construction prosecuted
10 thereon prior to approval of title; and procurement and
11 installation of equipment, appliances, and machine tools
12 in public and private plants; reserve plant and Govern-
13 ment and contractor-owned equipment layaway,
14 \$17,518,324,000, to remain available for obligation until
15 September 30, 2015.

16 WEAPONS PROCUREMENT, NAVY

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

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

8 Carrier Replacement Program, \$578,295,000;
9 Virginia Class Submarine, \$3,217,601,000;
10 Virginia Class Submarine (AP), \$1,597,878,000;
11 CVN Refuelings,\$1,613,392,000;
12 CVN Refuelings (AP), \$70,010,000;
13 DDG-1000 Program, \$669,222,000;
14 DDG-51 Destroyer, \$4,036,628,000;
15 DDG-51 Destroyer (AP), \$466,283,000;
16 Littoral Combat Ship, \$1,784,959,000;
17 Joint High Speed Vessel, \$189,196,000;
18 Moored Training Ship, \$307,300,000;
19 LCAC Service Life Extension Program, \$47,930,000;

20 and

21 For outfitting, post delivery, conversions, and first
22 destination transportation, \$284,859,000.

23 Completion of Prior Year Shipbuilding Programs,
24 \$372,573,000.

1 In all: \$15,236,126,000, to remain available for obli-
2 gation until September 30, 2017: *Provided*, That addi-
3 tional obligations may be incurred after September 30,
4 2017, for engineering services, tests, evaluations, and
5 other such budgeted work that must be performed in the
6 final stage of ship construction: *Provided further*, That
7 none of the funds provided under this heading for the con-
8 struction or conversion of any naval vessel to be con-
9 structed in shipyards in the United States shall be ex-
10 pended in foreign facilities for the construction of major
11 components of such vessel: *Provided further*, That none
12 of the funds provided under this heading shall be used
13 for the construction of any naval vessel in foreign ship-
14 yards.

15 OTHER PROCUREMENT, NAVY

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

1 private plants; reserve plant and Government and con-
2 tractor-owned equipment layaway, \$6,364,191,000, to re-
3 main available for obligation until September 30, 2015.

4 PROCUREMENT, MARINE CORPS

5 For expenses necessary for the procurement, manu-
6 facture, and modification of missiles, armament, military
7 equipment, spare parts, and accessories therefor; plant
8 equipment, appliances, and machine tools, and installation
9 thereof in public and private plants; reserve plant and
10 Government and contractor-owned equipment layaway; ve-
11 hicles for the Marine Corps, including the purchase of pas-
12 senger motor vehicles for replacement only; and expansion
13 of public and private plants, including land necessary
14 therefor, and such lands and interests therein, may be ac-
15 quired, and construction prosecuted thereon prior to ap-
16 proval of title, \$1,482,081,000, to remain available for ob-
17 ligation until September 30, 2015.

18 AIRCRAFT PROCUREMENT, AIR FORCE

19 For construction, procurement, and modification of
20 aircraft and equipment, including armor and armament,
21 specialized ground handling equipment, and training de-
22 vices, spare parts, and accessories therefor; specialized
23 equipment; expansion of public and private plants, Gov-
24 ernment-owned equipment and installation thereof in such
25 plants, erection of structures, and acquisition of land, for

1 the foregoing purposes, and such lands and interests
2 therein, may be acquired, and construction prosecuted
3 thereon prior to approval of title; reserve plant and Gov-
4 ernment and contractor-owned equipment layaway; and
5 other expenses necessary for the foregoing purposes in-
6 cluding rents and transportation of things,
7 \$11,304,899,000, to remain available for obligation until
8 September 30, 2015.

9 MISSILE PROCUREMENT, AIR FORCE

10 For construction, procurement, and modification of
11 missiles, spacecraft, rockets, and related equipment, in-
12 cluding spare parts and accessories therefor, ground han-
13 dling equipment, and training devices; expansion of public
14 and private plants, Government-owned equipment and in-
15 stallation thereof in such plants, erection of structures,
16 and acquisition of land, for the foregoing purposes, and
17 such lands and interests therein, may be acquired, and
18 construction prosecuted thereon prior to approval of title;
19 reserve plant and Government and contractor-owned
20 equipment layaway; and other expenses necessary for the
21 foregoing purposes including rents and transportation of
22 things, \$5,449,146,000, to remain available for obligation
23 until September 30, 2015.

1 PROCUREMENT OF AMMUNITION, AIR FORCE

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$599,194,000, to remain avail-
15 able for obligation until September 30, 2015.

16 OTHER PROCUREMENT, AIR FORCE

17 For procurement and modification of equipment (in-
18 cluding ground guidance and electronic control equipment,
19 and ground electronic and communication equipment),
20 and supplies, materials, and spare parts therefor, not oth-
21 erwise provided for; the purchase of passenger motor vehi-
22 cles for replacement only; lease of passenger motor vehi-
23 cles; and expansion of public and private plants, Govern-
24 ment-owned equipment and installation thereof in such
25 plants, erection of structures, and acquisition of land, for

1 the foregoing purposes, and such lands and interests
2 therein, may be acquired, and construction prosecuted
3 thereon, prior to approval of title; reserve plant and Gov-
4 ernment and contractor-owned equipment layaway,
5 \$16,632,575,000, to remain available for obligation until
6 September 30, 2015.

7 PROCUREMENT, DEFENSE-WIDE

8 For expenses of activities and agencies of the Depart-
9 ment of Defense (other than the military departments)
10 necessary for procurement, production, and modification
11 of equipment, supplies, materials, and spare parts there-
12 for, not otherwise provided for; the purchase of passenger
13 motor vehicles for replacement only; expansion of public
14 and private plants, equipment, and installation thereof in
15 such plants, erection of structures, and acquisition of land
16 for the foregoing purposes, and such lands and interests
17 therein, may be acquired, and construction prosecuted
18 thereon prior to approval of title; reserve plant and Gov-
19 ernment and contractor-owned equipment layaway,
20 \$4,429,335,000, to remain available for obligation until
21 September 30, 2015.

22 NATIONAL GUARD AND RESERVE EQUIPMENT

23 For procurement of aircraft, missiles, tracked combat
24 vehicles, ammunition, other weapons and other procure-
25 ment for the reserve components of the Armed Forces,

1 \$2,000,000,000, to remain available for obligation until
2 September 30, 2015: *Provided*, That the Chiefs of Na-
3 tional Guard and Reserve components shall, not later than
4 30 days after the enactment of this Act, individually sub-
5 mit to the congressional defense committees the mod-
6 ernization priority assessment for their respective Na-
7 tional Guard or Reserve component: *Provided further*,
8 That during fiscal year 2013, the Chief of the National
9 Guard Bureau and each Reserve Component Chief, may
10 each use not more than 3 percent of the funds made avail-
11 able to the National Guard or such reserve component,
12 as the case may be, under this heading to carry out re-
13 search, development, test, and evaluation activities related
14 to adding technological capability to platforms or to mod-
15 ernize existing systems.

16 DEFENSE PRODUCTION ACT PURCHASES

17 For activities by the Department of Defense pursuant
18 to sections 108, 301, 302, and 303 of the Defense Produc-
19 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
20 2093), \$63,531,000, to remain available until expended.

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

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$8,593,055,000 to remain available
10 for obligation until September 30, 2014.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$16,987,768,000, to remain avail-
17 able for obligation until September 30, 2014: *Provided*,
18 That funds appropriated in this paragraph which are
19 available for the V-22 may be used to meet unique oper-
20 ational requirements of the Special Operations Forces:
21 *Provided further*, That funds appropriated in this para-
22 graph shall be available for the Cobra Judy program.

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

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment, \$25,117,692,000, to remain avail-
7 able for obligation until September 30, 2014.

8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
9 DEFENSE-WIDE
10 (INCLUDING TRANSFER OF FUNDS)

11 For expenses of activities and agencies of the Depart-
12 ment of Defense (other than the military departments),
13 necessary for basic and applied scientific research, devel-
14 opment, test and evaluation; advanced research projects
15 as may be designated and determined by the Secretary
16 of Defense, pursuant to law; maintenance, rehabilitation,
17 lease, and operation of facilities and equipment,
18 \$19,100,362,000, to remain available for obligation until
19 September 30, 2014: *Provided*, That of the funds made
20 available in this paragraph, \$250,000,000 for the Defense
21 Rapid Innovation Program shall only be available for ex-
22 penses, not otherwise provided for, to include program
23 management and oversight, to conduct research, develop-
24 ment, test and evaluation to include proof of concept dem-
25 onstration; engineering, testing, and validation; and tran-

1 sition to full-scale production: *Provided further*, That the
2 Secretary of Defense may transfer funds provided herein
3 for the Defense Rapid Innovation Program to appropria-
4 tions for research, development, test and evaluation to ac-
5 complish the purpose provided herein: *Provided further*,
6 That this transfer authority is in addition to any other
7 transfer authority available to the Department of Defense:
8 *Provided further*, That the Secretary of Defense shall, not
9 fewer than 30 days prior to making transfers from this
10 appropriation, notify the congressional defense committees
11 in writing of the details of any such transfer.

12 OPERATIONAL TEST AND EVALUATION, DEFENSE

13 For expenses, not otherwise provided for, necessary
14 for the independent activities of the Director, Operational
15 Test and Evaluation, in the direction and supervision of
16 operational test and evaluation, including initial oper-
17 ational test and evaluation which is conducted prior to,
18 and in support of, production decisions; joint operational
19 testing and evaluation; and administrative expenses in
20 connection therewith, \$185,268,000, to remain available
21 for obligation until September 30, 2014.

1 TITLE V
2 REVOLVING AND MANAGEMENT FUNDS
3 DEFENSE WORKING CAPITAL FUNDS
4 For the Defense Working Capital Funds,
5 \$1,516,184,000.
6 NATIONAL DEFENSE SEALIFT FUND
7 For National Defense Sealift Fund programs,
8 projects, and activities, and for expenses of the National
9 Defense Reserve Fleet, as established by section 11 of the
10 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
11 and for the necessary expenses to maintain and preserve
12 a U.S.-flag merchant fleet to serve the national security
13 needs of the United States, \$564,636,000, to remain avail-
14 able until expended: *Provided*, That none of the funds pro-
15 vided in this paragraph shall be used to award a new con-
16 tract that provides for the acquisition of any of the fol-
17 lowing major components unless such components are
18 manufactured in the United States: auxiliary equipment,
19 including pumps, for all shipboard services; propulsion
20 system components (engines, reduction gears, and propel-
21 lers); shipboard cranes; and spreaders for shipboard
22 cranes: *Provided further*, That the exercise of an option
23 in a contract awarded through the obligation of previously
24 appropriated funds shall not be considered to be the award
25 of a new contract: *Provided further*, That the Secretary

1 of the military department responsible for such procure-
2 ment may waive the restrictions in the first proviso on
3 a case-by-case basis by certifying in writing to the Com-
4 mittees on Appropriations of the House of Representatives
5 and the Senate that adequate domestic supplies are not
6 available to meet Department of Defense requirements on
7 a timely basis and that such an acquisition must be made
8 in order to acquire capability for national security pur-
9 poses.

10

TITLE VI

11 OTHER DEPARTMENT OF DEFENSE PROGRAMS

12

DEFENSE HEALTH PROGRAM

13 For expenses, not otherwise provided for, for medical
14 and health care programs of the Department of Defense
15 as authorized by law, \$32,862,234,000; of which
16 \$31,122,095,000 shall be for operation and maintenance,
17 of which not to exceed one percent shall remain available
18 until September 30, 2014, and of which up to
19 \$16,105,245,000 may be available for contracts entered
20 into under the TRICARE program; of which
21 \$521,762,000, to remain available for obligation until Sep-
22 tember 30, 2015, shall be for procurement; and of which
23 \$1,218,377,000, to remain available for obligation until
24 September 30, 2014, shall be for research, development,
25 test and evaluation: *Provided*, That, notwithstanding any

1 other provision of law, of the amount made available under
2 this heading for research, development, test and evalua-
3 tion, not less than \$8,000,000 shall be available for HIV
4 prevention educational activities undertaken in connection
5 with United States military training, exercises, and hu-
6 manitarian assistance activities conducted primarily in Af-
7 rican nations: *Provided further*, That of the funds provided
8 to develop an integrated Department of Defense –Depart-
9 ment of Veterans Affairs (DOD–VA) integrated health
10 record, not more than twenty-five percent shall be avail-
11 able for obligation until the DOD–VA Interagency Pro-
12 gram Office submits to the Committees on Appropriations
13 of both Houses of Congress a completed fiscal year 2013
14 execution and spending plan and a long-term roadmap for
15 the life of the project that includes, but is not limited to,
16 the following: a) annual and total spending for each De-
17 partment; b) a quarterly schedule of milestones for each
18 Department over the life of the project; c) detailed cost-
19 sharing business rules; and d) data standardization sched-
20 ules between the Departments.

21 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

22 DEFENSE

23 For expenses, not otherwise provided for, necessary
24 for the destruction of the United States stockpile of lethal
25 chemical agents and munitions in accordance with the pro-

1 visions of section 1412 of the Department of Defense Au-
2 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
3 struction of other chemical warfare materials that are not
4 in the chemical weapon stockpile, \$1,301,786,000, of
5 which \$635,843,000 shall be for operation and mainte-
6 nance, of which no less than \$53,948,000 shall be for the
7 Chemical Stockpile Emergency Preparedness Program,
8 consisting of \$22,214,000 for activities on military instal-
9 lations and \$31,734,000, to remain available until Sep-
10 tember 30, 2014, to assist State and local governments;
11 \$18,592,000 shall be for procurement, to remain available
12 until September 30, 2015, of which \$1,823,000 shall be
13 for the Chemical Stockpile Emergency Preparedness Pro-
14 gram to assist State and local governments; and
15 \$647,351,000, to remain available until September 30,
16 2014, shall be for research, development, test and evalua-
17 tion, of which \$627,705,000 shall only be for the Assem-
18 bled Chemical Weapons Alternatives (ACWA) program.

19 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

20 DEFENSE

21 (INCLUDING TRANSFER OF FUNDS)

22 For drug interdiction and counter-drug activities of
23 the Department of Defense, for transfer to appropriations
24 available to the Department of Defense for military per-
25 sonnel of the reserve components serving under the provi-

1 sions of title 10 and title 32, United States Code; for oper-
2 ation and maintenance; for procurement; and for research,
3 development, test and evaluation, \$1,133,363,000: *Pro-*
4 *vided*, That the funds appropriated under this heading
5 shall be available for obligation for the same time period
6 and for the same purpose as the appropriation to which
7 transferred: *Provided further*, That upon a determination
8 that all or part of the funds transferred from this appro-
9 priation are not necessary for the purposes provided here-
10 in, such amounts may be transferred back to this appro-
11 priation: *Provided further*, That the transfer authority pro-
12 vided under this heading is in addition to any other trans-
13 fer authority contained elsewhere in this Act.

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

16 For the “Joint Improvised Explosive Device Defeat
17 Fund,” \$217,414,000, to remain available until Sep-
18 tember 30, 2015, for Staff and Infrastructure: *Provided*,
19 That such funds shall be available to the Secretary of De-
20 fense, notwithstanding any other provision of law, for the
21 purpose of allowing the Director of the Joint Improvised
22 Explosive Device Defeat Organization to investigate, de-
23 velop and provide equipment, supplies, services, training,
24 facilities, personnel and funds to assist United States
25 forces in the defeat of improvised explosive devices: *Pro-*

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

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

3 OFFICE OF THE INSPECTOR GENERAL

4 For expenses and activities of the Office of the In-
5 spector General in carrying out the provisions of the In-
6 spector General Act of 1978, as amended, \$350,321,000,
7 of which \$347,621,000 shall be for operation and mainte-
8 nance, of which not to exceed \$700,000 is available for
9 emergencies and extraordinary expenses to be expended on
10 the approval or authority of the Inspector General, and
11 payments may be made on the Inspector General's certifi-
12 cate of necessity for confidential military purposes; and
13 of which \$2,700,000, to remain available until September
14 30, 2015, shall be for procurement.

15 TITLE VII

16 RELATED AGENCIES

17 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
18 DISABILITY SYSTEM FUND

19 For payment to the Central Intelligence Agency Re-
20 tirement and Disability System Fund, to maintain the
21 proper funding level for continuing the operation of the
22 Central Intelligence Agency Retirement and Disability
23 System, \$514,000,000.

1 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

2 For necessary expenses of the Intelligence Commu-
3 nity Management Account, \$511,476,000.

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 \$3,000,000,000
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, 2013: *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.

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

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

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

16 SEC. 8007. (a) Not later than 60 days after enact-
17 ment of this Act, the Department of Defense shall submit
18 a report to the congressional defense committees to estab-
19 lish the baseline for application of reprogramming and
20 transfer authorities for fiscal year 2013: *Provided*, That
21 the report shall include—

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

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

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

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

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

17 (TRANSFER OF FUNDS)

18 SEC. 8008. During the current fiscal year, cash bal-
19 ances in working capital funds of the Department of De-
20 fense established pursuant to section 2208 of title 10,
21 United States Code, may be maintained in only such
22 amounts as are necessary at any time for cash disburse-
23 ments to be made from such funds: *Provided*, That trans-
24 fers may be made between such funds: *Provided further*,
25 That transfers may be made between working capital

1 funds and the “Foreign Currency Fluctuations, Defense”
2 appropriation and the “Operation and Maintenance” ap-
3 propriation accounts in such amounts as may be deter-
4 mined by the Secretary of Defense, with the approval of
5 the Office of Management and Budget, except that such
6 transfers may not be made unless the Secretary of Defense
7 has notified the Congress of the proposed transfer. Except
8 in amounts equal to the amounts appropriated to working
9 capital funds in this Act, no obligations may be made
10 against a working capital fund to procure or increase the
11 value of war reserve material inventory, unless the Sec-
12 retary of Defense has notified the Congress prior to any
13 such obligation.

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

18 SEC. 8010. None of the funds provided in this Act
19 shall be available to initiate: (1) a multiyear contract that
20 employs economic order quantity procurement in excess of
21 \$20,000,000 in any one year of the contract or that in-
22 cludes an unfunded contingent liability in excess of
23 \$20,000,000; or (2) a contract for advance procurement
24 leading to a multiyear contract that employs economic
25 order quantity procurement in excess of \$20,000,000 in

1 any one year, unless the congressional defense committees
2 have been notified at least 30 days in advance of the pro-
3 posed contract award: *Provided*, That no part of any ap-
4 propriation contained in this Act shall be available to ini-
5 tiate a multiyear contract for which the economic order
6 quantity advance procurement is not funded at least to
7 the limits of the Government's liability: *Provided further*,
8 That no part of any appropriation contained in this Act
9 shall be available to initiate multiyear procurement con-
10 tracts for any systems or component thereof if the value
11 of the multiyear contract would exceed \$500,000,000 un-
12 less specifically provided in this Act: *Provided further*,
13 That no multiyear procurement contract can be termi-
14 nated without 10-day prior notification to the congres-
15 sional defense committees: *Provided further*, That none of
16 the funds appropriated by this Act shall be available for
17 a contract that incrementally funds an end item purchased
18 under multi-year procurement authority: *Provided further*,
19 That the preceding limitation shall not apply to advance
20 procurement funding and economic order quantity funding
21 associated with a multi-year procurement: *Provided fur-*
22 *ther*, That the execution of multiyear authority shall re-
23 quire the use of a present value analysis to determine low-
24 est cost compared to an annual procurement: *Provided fur-*
25 *ther*, That none of the funds provided in this Act may be

1 used for a multiyear contract executed after the date of
2 the enactment of this Act unless in the case of any such
3 contract—

4 (1) the Secretary of Defense has submitted to
5 Congress a budget request for full funding of units
6 to be procured through the contract and, in the case
7 of a contract for procurement of aircraft, that in-
8 cludes, for any aircraft unit to be procured through
9 the contract for which procurement funds are re-
10 quested in that budget request for production be-
11 yond advance procurement activities in the fiscal
12 year covered by the budget, full funding of procure-
13 ment of such unit in that fiscal year;

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

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

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

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

3 F/A-18E, F/A-18F, and EA-18G aircraft; DDG-51
4 Arleigh Burke class destroyer and associated systems;
5 SSN-774 Virginia class submarine and government-fur-
6 nished equipment; CH-47 Chinook helicopter; and V-22
7 Osprey aircraft variants.

8 SEC. 8011. Within the funds appropriated for the op-
9 eration and maintenance of the Armed Forces, funds are
10 hereby appropriated pursuant to section 401 of title 10,
11 United States Code, for humanitarian and civic assistance
12 costs under chapter 20 of title 10, United States Code.
13 Such funds may also be obligated for humanitarian and
14 civic assistance costs incidental to authorized operations
15 and pursuant to authority granted in section 401 of chap-
16 ter 20 of title 10, United States Code, and these obliga-
17 tions shall be reported as required by section 401(d) of
18 title 10, United States Code: *Provided*, That funds avail-
19 able for operation and maintenance shall be available for
20 providing humanitarian and similar assistance by using
21 Civic Action Teams in the Trust Territories of the Pacific
22 Islands and freely associated states of Micronesia, pursu-
23 ant to the Compact of Free Association as authorized by
24 Public Law 99-239: *Provided further*, That upon a deter-
25 mination by the Secretary of the Army that such action

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

9 SEC. 8012. (a) During fiscal year 2013, the civilian
10 personnel of the Department of Defense may not be man-
11 aged on the basis of any end-strength, and the manage-
12 ment of such personnel during that fiscal year shall not
13 be subject to any constraint or limitation (known as an
14 end-strength) on the number of such personnel who may
15 be employed on the last day of such fiscal year.

16 (b) The fiscal year 2014 budget request for the De-
17 partment of Defense as well as all justification material
18 and other documentation supporting the fiscal year 2014
19 Department of Defense budget request shall be prepared
20 and submitted to the Congress as if subsections (a) and
21 (b) of this provision were effective with regard to fiscal
22 year 2014.

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

1 authority of this provision or any other transfer authority
2 contained in this Act.

3 SEC. 8016. None of the funds in this Act may be
4 available for the purchase by the Department of Defense
5 (and its departments and agencies) of welded shipboard
6 anchor and mooring chain 4 inches in diameter and under
7 unless the anchor and mooring chain are manufactured
8 in the United States from components which are substan-
9 tially manufactured in the United States: *Provided*, That
10 for the purpose of this section, the term “manufactured”
11 shall include cutting, heat treating, quality control, testing
12 of chain and welding (including the forging and shot blast-
13 ing process): *Provided further*, That for the purpose of this
14 section substantially all of the components of anchor and
15 mooring chain shall be considered to be produced or manu-
16 factured in the United States if the aggregate cost of the
17 components produced or manufactured in the United
18 States exceeds the aggregate cost of the components pro-
19 duced or manufactured outside the United States: *Pro-*
20 *vided further*, That when adequate domestic supplies are
21 not available to meet Department of Defense requirements
22 on a timely basis, the Secretary of the service responsible
23 for the procurement may waive this restriction on a case-
24 by-case basis by certifying in writing to the Committees
25 on Appropriations that such an acquisition must be made

1 in order to acquire capability for national security pur-
2 poses.

3 SEC. 8017. None of the funds available to the De-
4 partment of Defense, herein and hereafter, may be used
5 to demilitarize or dispose of M-1 Carbines, M-1 Garand
6 rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or
7 M-1911 pistols, or to demilitarize or destroy small arms
8 ammunition or ammunition components that are not oth-
9 erwise prohibited from commercial sale under Federal law,
10 unless the small arms ammunition or ammunition compo-
11 nents are certified by the Secretary of the Army or des-
12 ignee as unserviceable or unsafe for further use.

13 SEC. 8018. No more than \$500,000 of the funds ap-
14 propriated or made available in this Act shall be used dur-
15 ing a single fiscal year for any single relocation of an orga-
16 nization, unit, activity or function of the Department of
17 Defense into or within the National Capital Region: *Pro-*
18 *vided*, That the Secretary of Defense may waive this re-
19 striction on a case-by-case basis by certifying in writing
20 to the congressional defense committees that such a relo-
21 cation is required in the best interest of the Government.

22 SEC. 8019. In addition to the funds provided else-
23 where in this Act, \$15,000,000 is appropriated only for
24 incentive payments authorized by section 504 of the In-
25 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,

1 That a prime contractor or a subcontractor at any tier
2 that makes a subcontract award to any subcontractor or
3 supplier as defined in section 1544 of title 25, United
4 States Code, or a small business owned and controlled by
5 an individual or individuals defined under section 4221(9)
6 of title 25, United States Code, shall be considered a con-
7 tractor for the purposes of being allowed additional com-
8 pensation under section 504 of the Indian Financing Act
9 of 1974 (25 U.S.C. 1544) whenever the prime contract
10 or subcontract amount is over \$500,000 and involves the
11 expenditure of funds appropriated by an Act making Ap-
12 propriations for the Department of Defense with respect
13 to any fiscal year: *Provided further*, That notwithstanding
14 section 1906 of title 41, United States Code, this section
15 shall be applicable to any Department of Defense acquisi-
16 tion of supplies or services, including any contract and any
17 subcontract at any tier for acquisition of commercial items
18 produced or manufactured, in whole or in part, by any
19 subcontractor or supplier defined in section 1544 of title
20 25, United States Code, or a small business owned and
21 controlled by an individual or individuals defined under
22 section 4221(9) of title 25, United States Code.

23 SEC. 8020. Funds appropriated by this Act for the
24 Defense Media Activity shall not be used for any national
25 or international political or psychological activities.

1 SEC. 8021. During the current fiscal year, the De-
2 partment of Defense is authorized to incur obligations of
3 not to exceed \$350,000,000 for purposes specified in sec-
4 tion 2350j(c) of title 10, United States Code, in anticipa-
5 tion of receipt of contributions, only from the Government
6 of Kuwait, under that section: *Provided*, That upon re-
7 ceipt, such contributions from the Government of Kuwait
8 shall be credited to the appropriations or fund which in-
9 curred such obligations.

10 SEC. 8022. (a) Of the funds made available in this
11 Act, not less than \$38,619,000 shall be available for the
12 Civil Air Patrol Corporation, of which—

13 (1) \$28,404,000 shall be available from “Oper-
14 ation and Maintenance, Air Force” to support Civil
15 Air Patrol Corporation operation and maintenance,
16 readiness, counterdrug activities, and drug demand
17 reduction activities involving youth programs;

18 (2) \$9,298,000 shall be available from “Aircraft
19 Procurement, Air Force”; and

20 (3) \$917,000 shall be available from “Other
21 Procurement, Air Force” for vehicle procurement.

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

1 SEC. 8023. (a) None of the funds appropriated in this
2 Act are available to establish a new Department of De-
3 fense (department) federally funded research and develop-
4 ment center (FFRDC), either as a new entity, or as a
5 separate entity administrated by an organization man-
6 aging another FFRDC, or as a nonprofit membership cor-
7 poration consisting of a consortium of other FFRDCs and
8 other nonprofit entities.

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

21 (c) Notwithstanding any other provision of law, none
22 of the funds available to the department from any source
23 during fiscal year 2013 may be used by a defense FFRDC,
24 through a fee or other payment mechanism, for construc-
25 tion of new buildings, for payment of cost sharing for

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

5 (d) Notwithstanding any other provision of law, of
6 the funds available to the department during fiscal year
7 2013, not more than 5,750 staff years of technical effort
8 (staff years) may be funded for defense FFRDCs: *Pro-*
9 *vided*, That of the specific amount referred to previously
10 in this subsection, not more than 1,125 staff years may
11 be funded for the defense studies and analysis FFRDCs:
12 *Provided further*, That this subsection shall not apply to
13 staff years funded in the National Intelligence Program
14 (NIP) and the Military Intelligence Program (MIP).

15 (e) The Secretary of Defense shall, with the submis-
16 sion of the department's fiscal year 2014 budget request,
17 submit a report presenting the specific amounts of staff
18 years of technical effort to be allocated for each defense
19 FFRDC during that fiscal year and the associated budget
20 estimates.

21 SEC. 8024. None of the funds appropriated or made
22 available in this Act shall be used to procure carbon, alloy
23 or armor steel plate for use in any Government-owned fa-
24 cility or property under the control of the Department of
25 Defense which were not melted and rolled in the United

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

17 SEC. 8025. For the purposes of this Act, the term
18 “congressional defense committees” means the Armed
19 Services Committee of the House of Representatives, the
20 Armed Services Committee of the Senate, the Sub-
21 committee on Defense of the Committee on Appropriations
22 of the Senate, and the Subcommittee on Defense of the
23 Committee on Appropriations of the House of Representa-
24 tives.

1 SEC. 8026. During the current fiscal year, the De-
2 partment of Defense may acquire the modification, depot
3 maintenance and repair of aircraft, vehicles and vessels
4 as well as the production of components and other De-
5 fense-related articles, through competition between De-
6 partment of Defense depot maintenance activities and pri-
7 vate firms: *Provided*, That the Senior Acquisition Execu-
8 tive of the military department or Defense Agency con-
9 cerned, with power of delegation, shall certify that success-
10 ful bids include comparable estimates of all direct and in-
11 direct costs for both public and private bids: *Provided fur-*
12 *ther*, That Office of Management and Budget Circular A-
13 76 shall not apply to competitions conducted under this
14 section.

15 SEC. 8027. (a)(1) If the Secretary of Defense, after
16 consultation with the United States Trade Representative,
17 determines that a foreign country which is party to an
18 agreement described in paragraph (2) has violated the
19 terms of the agreement by discriminating against certain
20 types of products produced in the United States that are
21 covered by the agreement, the Secretary of Defense shall
22 rescind the Secretary's blanket waiver of the Buy Amer-
23 ican Act with respect to such types of products produced
24 in that foreign country.

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

7 (b) The Secretary of Defense shall submit to the Con-
8 gress a report on the amount of Department of Defense
9 purchases from foreign entities in fiscal year 2013. Such
10 report shall separately indicate the dollar value of items
11 for which the Buy American Act was waived pursuant to
12 any agreement described in subsection (a)(2), the Trade
13 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
14 international agreement to which the United States is a
15 party.

16 (c) For purposes of this section, the term “Buy
17 American Act” means chapter 83 of title 41, United
18 States Code.

19 SEC. 8028. During the current fiscal year, amounts
20 contained in the Department of Defense Overseas Military
21 Facility Investment Recovery Account established by sec-
22 tion 2921(c)(1) of the National Defense Authorization Act
23 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
24 be available until expended for the payments specified by
25 section 2921(c)(2) of that Act.

1 SEC. 8029. (a) Notwithstanding any other provision
2 of law, the Secretary of the Air Force may convey at no
3 cost to the Air Force, without consideration, to Indian
4 tribes located in the States of Nevada, Idaho, North Da-
5 kota, South Dakota, Montana, Oregon, Minnesota, and
6 Washington relocatable military housing units located at
7 Grand Forks Air Force Base, Malmstrom Air Force Base,
8 Mountain Home Air Force Base, Ellsworth Air Force
9 Base, and Minot Air Force Base that are excess to the
10 needs of the Air Force.

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

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

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

7 SEC. 8030. During the current fiscal year, appropria-
8 tions which are available to the Department of Defense
9 for operation and maintenance may be used to purchase
10 items having an investment item unit cost of not more
11 than \$250,000.

12 SEC. 8031. (a) During the current fiscal year, none
13 of the appropriations or funds available to the Department
14 of Defense Working Capital Funds shall be used for the
15 purchase of an investment item for the purpose of acquir-
16 ing a new inventory item for sale or anticipated sale dur-
17 ing the current fiscal year or a subsequent fiscal year to
18 customers of the Department of Defense Working Capital
19 Funds if such an item would not have been chargeable
20 to the Department of Defense Business Operations Fund
21 during fiscal year 1994 and if the purchase of such an
22 investment item would be chargeable during the current
23 fiscal year to appropriations made to the Department of
24 Defense for procurement.

1 (b) The fiscal year 2014 budget request for the De-
2 partment of Defense as well as all justification material
3 and other documentation supporting the fiscal year 2014
4 Department of Defense budget shall be prepared and sub-
5 mitted to the Congress on the basis that any equipment
6 which was classified as an end item and funded in a pro-
7 curement appropriation contained in this Act shall be
8 budgeted for in a proposed fiscal year 2014 procurement
9 appropriation and not in the supply management business
10 area or any other area or category of the Department of
11 Defense Working Capital Funds.

12 SEC. 8032. None of the funds appropriated by this
13 Act for programs of the Central Intelligence Agency shall
14 remain available for obligation beyond the current fiscal
15 year, except for funds appropriated for the Reserve for
16 Contingencies, which shall remain available until Sep-
17 tember 30, 2014: *Provided*, That funds appropriated,
18 transferred, or otherwise credited to the Central Intel-
19 ligence Agency Central Services Working Capital Fund
20 during this or any prior or subsequent fiscal year shall
21 remain available until expended: *Provided further*, That
22 any funds appropriated or transferred to the Central Intel-
23 ligence Agency for advanced research and development ac-
24 quisition, for agent operations, and for covert action pro-
25 grams authorized by the President under section 503 of

1 the National Security Act of 1947, as amended, shall re-
2 main available until September 30, 2014.

3 SEC. 8033. Notwithstanding any other provision of
4 law, funds made available in this Act for the Defense In-
5 telligence Agency may be used for the design, develop-
6 ment, and deployment of General Defense Intelligence
7 Program intelligence communications and intelligence in-
8 formation systems for the Services, the Unified and Speci-
9 fied Commands, and the component commands.

10 SEC. 8034. Of the funds appropriated to the Depart-
11 ment of Defense under the heading “Operation and Main-
12 tenance, Defense-Wide”, not less than \$12,000,000 shall
13 be made available only for the mitigation of environmental
14 impacts, including training and technical assistance to
15 tribes, related administrative support, the gathering of in-
16 formation, documenting of environmental damage, and de-
17 veloping a system for prioritization of mitigation and cost
18 to complete estimates for mitigation, on Indian lands re-
19 sulting from Department of Defense activities.

20 SEC. 8035. (a) None of the funds appropriated in this
21 Act may be expended by an entity of the Department of
22 Defense unless the entity, in expending the funds, com-
23 plies with the Buy American Act. For purposes of this
24 subsection, the term “Buy American Act” means chapter
25 83 of title 41, United States Code.

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

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

17 SEC. 8036. None of the funds appropriated by this
18 Act shall be available for a contract for studies, analysis,
19 or consulting services entered into without competition on
20 the basis of an unsolicited proposal unless the head of the
21 activity responsible for the procurement determines—

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

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

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

18 SEC. 8037. (a) Except as provided in subsections (b)
19 and (c), none of the funds made available by this Act may
20 be used—

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

22 (2) to pay the basic pay of a member of the
23 Armed Forces or civilian employee of the depart-
24 ment who is transferred or reassigned from a head-

1 quarters activity if the member or employee’s place
2 of duty remains at the location of that headquarters.

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

10 (c) This section does not apply to—

11 (1) field operating agencies funded within the
12 National Intelligence Program;

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

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

21 SEC. 8038. The Secretary of Defense, notwith-
22 standing any other provision of law, acting through the
23 Office of Economic Adjustment of the Department of De-
24 fense, may use funds made available in this Act under the
25 heading “Operation and Maintenance, Defense-Wide” to

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

4 SEC. 8039. (a) None of the funds appropriated by
5 this Act shall be available to convert to contractor per-
6 formance an activity or function of the Department of De-
7 fense that, on or after the date of the enactment of this
8 Act, is performed by Department of Defense civilian em-
9 ployees unless—

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

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

21 (A) 10 percent of the most efficient organi-
22 zation's personnel-related costs for performance
23 of that activity or function by Federal employ-
24 ees; or

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

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

4 (A) not making an employer-sponsored
5 health insurance plan available to the workers
6 who are to be employed in the performance of
7 that activity or function under the contract; or

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

15 (b)(1) The Department of Defense, without regard
16 to subsection (a) of this section or subsection (a), (b), or
17 (c) of section 2461 of title 10, United States Code, and
18 notwithstanding any administrative regulation, require-
19 ment, or policy to the contrary shall have full authority
20 to enter into a contract for the performance of any com-
21 mercial or industrial type function of the Department of
22 Defense that—

23 (A) is included on the procurement list estab-
24 lished pursuant to section 2 of the Javits-Wagner-

1 O'Day Act (section 8503 of title 41, United States
2 Code);

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

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

14 (2) This section shall not apply to depot contracts
15 or contracts for depot maintenance as provided in sections
16 2469 and 2474 of title 10, United States Code.

17 (c) The conversion of any activity or function of the
18 Department of Defense under the authority provided by
19 this section shall be credited toward any competitive or
20 outsourcing goal, target, or measurement that may be es-
21 tablished by statute, regulation, or policy and is deemed
22 to be awarded under the authority of, and in compliance
23 with, subsection (h) of section 2304 of title 10, United
24 States Code, for the competition or outsourcing of com-
25 mercial activities.

(RESCISSIONS)

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

6 “Procurement of Ammunition, Army, 2011/2013”,
7 \$14,862,000;

8 “Aircraft Procurement, Navy, 2011/2013”,
9 \$30,100,000;

10 “Weapons Procurement, Navy, 2011/2013”,
11 \$22,000,000;

12 “Other Procurement, Navy, 2011/2013”,
13 \$12,432,000;

14 “Aircraft Procurement, Air Force, 2011/2013”,
15 \$65,000,000;

16 “Other Procurement, Air Force, 2011/2013”,
17 \$9,500,000;

18 “Other Procurement, Army, 2012/2014”,
19 \$80,000,000;

20 “Aircraft Procurement, Navy, 2012/2014”,
21 \$14,400,000;

22 “Weapons Procurement, Navy, 2012/2014”,
23 \$31,572,000;

24 “Aircraft Procurement, Air Force, 2012/2014”,
25 \$277,050,000;

1 “Missile Procurement, Air Force, 2012/2014”,
2 \$44,000,000;

3 “Other Procurement, Air Force, 2012/2014”,
4 \$55,800,000;

5 “Research, Development, Test and Evaluation,
6 Army, 2012/2013”, \$63,000,000;

7 “Research, Development, Test and Evaluation, Navy,
8 2012/2013”, \$120,000,000; and

9 “Research, Development, Test and Evaluation, Air
10 Force, 2012/2013”, \$179,600,000.

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

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

24 SEC. 8043. Funds appropriated in this Act for oper-
25 ation and maintenance of the Military Departments, Com-

1 batant Commands and Defense Agencies shall be available
2 for reimbursement of pay, allowances and other expenses
3 which would otherwise be incurred against appropriations
4 for the National Guard and Reserve when members of the
5 National Guard and Reserve provide intelligence or coun-
6 terintelligence support to Combatant Commands, Defense
7 Agencies and Joint Intelligence Activities, including the
8 activities and programs included within the National Intel-
9 ligence Program and the Military Intelligence Program:
10 *Provided*, That nothing in this section authorizes deviation
11 from established Reserve and National Guard personnel
12 and training procedures.

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

23 SEC. 8045. (a) None of the funds available to the
24 Department of Defense for any fiscal year for drug inter-
25 diction or counter-drug activities may be transferred to

1 any other department or agency of the United States ex-
2 cept as specifically provided in an appropriations law.

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

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

1 SEC. 8047. None of the funds in this Act may be
2 used to purchase any supercomputer which is not manu-
3 factured in the United States, unless the Secretary of De-
4 fense certifies to the congressional defense committees
5 that such an acquisition must be made in order to acquire
6 capability for national security purposes that is not avail-
7 able from United States manufacturers.

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

20 SEC. 8049. (a) Notwithstanding any other provision
21 of law, none of the funds available to the Department of
22 Defense for the current fiscal year may be obligated or
23 expended to transfer to another nation or an international
24 organization any defense articles or services (other than
25 intelligence services) for use in the activities described in

1 subsection (b) unless the congressional defense commit-
2 tees, the Committee on Foreign Affairs of the House of
3 Representatives, and the Committee on Foreign Relations
4 of the Senate are notified 15 days in advance of such
5 transfer.

6 (b) This section applies to—

7 (1) any international peacekeeping or peace-en-
8 forcement operation under the authority of chapter
9 VI or chapter VII of the United Nations Charter
10 under the authority of a United Nations Security
11 Council resolution; and

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

14 (c) A notice under subsection (a) shall include the
15 following:

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

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

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

22 (A) a statement of whether the inventory
23 requirements of all elements of the Armed
24 Forces (including the reserve components) for

1 the type of equipment or supplies to be trans-
2 ferred have been met; and

3 (B) a statement of whether the items pro-
4 posed to be transferred will have to be replaced
5 and, if so, how the President proposes to pro-
6 vide funds for such replacement.

7 SEC. 8050. None of the funds available to the De-
8 partment of Defense under this Act shall be obligated or
9 expended to pay a contractor under a contract with the
10 Department of Defense for costs of any amount paid by
11 the contractor to an employee when—

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

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

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8051. During the current fiscal year, no more
19 than \$30,000,000 of appropriations made in this Act
20 under the heading “Operation and Maintenance, Defense-
21 Wide” may be transferred to appropriations available for
22 the pay of military personnel, to be merged with, and to
23 be available for the same time period as the appropriations
24 to which transferred, to be used in support of such per-
25 sonnel in connection with support and services for eligible

1 organizations and activities outside the Department of De-
2 fense pursuant to section 2012 of title 10, United States
3 Code.

4 SEC. 8052. During the current fiscal year, in the case
5 of an appropriation account of the Department of Defense
6 for which the period of availability for obligation has ex-
7 pired or which has closed under the provisions of section
8 1552 of title 31, United States Code, and which has a
9 negative unliquidated or unexpended balance, an obliga-
10 tion or an adjustment of an obligation may be charged
11 to any current appropriation account for the same purpose
12 as the expired or closed account if—

13 (1) the obligation would have been properly
14 chargeable (except as to amount) to the expired or
15 closed account before the end of the period of avail-
16 ability or closing of that account;

17 (2) the obligation is not otherwise properly
18 chargeable to any current appropriation account of
19 the Department of Defense; and

20 (3) in the case of an expired account, the obli-
21 gation is not chargeable to a current appropriation
22 of the Department of Defense under the provisions
23 of section 1405(b)(8) of the National Defense Au-
24 thorization Act for Fiscal Year 1991, Public Law
25 101–510, as amended (31 U.S.C. 1551 note): *Pro-*

1 *vided*, That in the case of an expired account, if sub-
2 sequent review or investigation discloses that there
3 was not in fact a negative unliquidated or unex-
4 pended balance in the account, any charge to a cur-
5 rent account under the authority of this section shall
6 be reversed and recorded against the expired ac-
7 count: *Provided further*, That the total amount
8 charged to a current appropriation under this sec-
9 tion may not exceed an amount equal to 1 percent
10 of the total appropriation for that account.

11 SEC. 8053. (a) Notwithstanding any other provision
12 of law, the Chief of the National Guard Bureau may per-
13 mit the use of equipment of the National Guard Distance
14 Learning Project by any person or entity on a space-avail-
15 able, reimbursable basis. The Chief of the National Guard
16 Bureau shall establish the amount of reimbursement for
17 such use on a case-by-case basis.

18 (b) Amounts collected under subsection (a) shall be
19 credited to funds available for the National Guard Dis-
20 tance Learning Project and be available to defray the costs
21 associated with the use of equipment of the project under
22 that subsection. Such funds shall be available for such
23 purposes without fiscal year limitation.

24 SEC. 8054. Using funds made available by this Act
25 or any other Act, the Secretary of the Air Force, pursuant

1 to a determination under section 2690 of title 10, United
2 States Code, may implement cost-effective agreements for
3 required heating facility modernization in the
4 Kaiserslautern Military Community in the Federal Repub-
5 lic of Germany: *Provided*, That in the City of
6 Kaiserslautern and at the Rhine Ordnance Barracks area,
7 such agreements will include the use of United States an-
8 thracite as the base load energy for municipal district heat
9 to the United States Defense installations: *Provided fur-*
10 *ther*, That at Landstuhl Army Regional Medical Center
11 and Ramstein Air Base, furnished heat may be obtained
12 from private, regional or municipal services, if provisions
13 are included for the consideration of United States coal
14 as an energy source.

15 SEC. 8055. None of the funds appropriated in title
16 IV of this Act may be used to procure end-items for deliv-
17 ery to military forces for operational training, operational
18 use or inventory requirements: *Provided*, That this restric-
19 tion does not apply to end-items used in development,
20 prototyping, and test activities preceding and leading to
21 acceptance for operational use: *Provided further*, That this
22 restriction does not apply to programs funded within the
23 National Intelligence Program: *Provided further*, That the
24 Secretary of Defense may waive this restriction on a case-
25 by-case basis by certifying in writing to the Committees

1 on Appropriations of the House of Representatives and the
2 Senate that it is in the national security interest to do
3 so.

4 SEC. 8056. (a) The Secretary of Defense may, on a
5 case-by-case basis, waive with respect to a foreign country
6 each limitation on the procurement of defense items from
7 foreign sources provided in law if the Secretary determines
8 that the application of the limitation with respect to that
9 country would invalidate cooperative programs entered
10 into between the Department of Defense and the foreign
11 country, or would invalidate reciprocal trade agreements
12 for the procurement of defense items entered into under
13 section 2531 of title 10, United States Code, and the
14 country does not discriminate against the same or similar
15 defense items produced in the United States for that coun-
16 try.

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

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

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

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

9 SEC. 8057. (a) None of the funds made available by
10 this Act may be used to support any training program in-
11 volving a unit of the security forces or police of a foreign
12 country if the Secretary of Defense has received credible
13 information from the Department of State that the unit
14 has committed a gross violation of human rights, unless
15 all necessary corrective steps have been taken.

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

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

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

9 SEC. 8058. None of the funds appropriated or other-
10 wise made available by this or other Department of De-
11 fense Appropriations Acts may be obligated or expended
12 for the purpose of performing repairs or maintenance to
13 military family housing units of the Department of De-
14 fense, including areas in such military family housing
15 units that may be used for the purpose of conducting offi-
16 cial Department of Defense business.

17 SEC. 8059. Notwithstanding any other provision of
18 law, funds appropriated in this Act under the heading
19 “Research, Development, Test and Evaluation, Defense-
20 Wide” for any new start advanced concept technology
21 demonstration project or joint capability demonstration
22 project may only be obligated 45 days after a report, in-
23 cluding a description of the project, the planned acquisi-
24 tion and transition strategy and its estimated annual and
25 total cost, has been provided in writing to the congress-

1 sional defense committees: *Provided*, That the Secretary
2 of Defense may waive this restriction on a case-by-case
3 basis by certifying to the congressional defense committees
4 that it is in the national interest to do so.

5 SEC. 8060. The Secretary of Defense shall provide
6 a classified quarterly report beginning 30 days after enact-
7 ment of this Act, to the House and Senate Appropriations
8 Committees, Subcommittees on Defense on certain mat-
9 ters as directed in the classified annex accompanying this
10 Act.

11 SEC. 8061. During the current fiscal year, none of
12 the funds available to the Department of Defense may be
13 used to provide support to another department or agency
14 of the United States if such department or agency is more
15 than 90 days in arrears in making payment to the Depart-
16 ment of Defense for goods or services previously provided
17 to such department or agency on a reimbursable basis:
18 *Provided*, That this restriction shall not apply if the de-
19 partment is authorized by law to provide support to such
20 department or agency on a nonreimbursable basis, and is
21 providing the requested support pursuant to such author-
22 ity: *Provided further*, That the Secretary of Defense may
23 waive this restriction on a case-by-case basis by certifying
24 in writing to the Committees on Appropriations of the

1 House of Representatives and the Senate that it is in the
2 national security interest to do so.

3 SEC. 8062. Notwithstanding section 12310(b) of title
4 10, United States Code, a Reserve who is a member of
5 the National Guard serving on full-time National Guard
6 duty under section 502(f) of title 32, United States Code,
7 may perform duties in support of the ground-based ele-
8 ments of the National Ballistic Missile Defense System.

9 SEC. 8063. None of the funds provided in this Act
10 may be used to transfer to any nongovernmental entity
11 ammunition held by the Department of Defense that has
12 a center-fire cartridge and a United States military no-
13 menclature designation of “armor penetrator”, “armor
14 piercing (AP)”, “armor piercing incendiary (API)”, or
15 “armor-piercing incendiary tracer (API-T)”, except to an
16 entity performing demilitarization services for the Depart-
17 ment of Defense under a contract that requires the entity
18 to demonstrate to the satisfaction of the Department of
19 Defense that armor piercing projectiles are either: (1) ren-
20 dered incapable of reuse by the demilitarization process;
21 or (2) used to manufacture ammunition pursuant to a con-
22 tract with the Department of Defense or the manufacture
23 of ammunition for export pursuant to a License for Per-
24 manent Export of Unclassified Military Articles issued by
25 the Department of State.

1 SEC. 8064. Notwithstanding any other provision of
2 law, the Chief of the National Guard Bureau, or his des-
3 ignee, may waive payment of all or part of the consider-
4 ation that otherwise would be required under section 2667
5 of title 10, United States Code, in the case of a lease of
6 personal property for a period not in excess of 1 year to
7 any organization specified in section 508(d) of title 32,
8 United States Code, or any other youth, social, or fra-
9 ternal nonprofit organization as may be approved by the
10 Chief of the National Guard Bureau, or his designee, on
11 a case-by-case basis.

12 SEC. 8065. None of the funds appropriated by this
13 Act shall be used for the support of any nonappropriated
14 funds activity of the Department of Defense that procures
15 malt beverages and wine with nonappropriated funds for
16 resale (including such alcoholic beverages sold by the
17 drink) on a military installation located in the United
18 States unless such malt beverages and wine are procured
19 within that State, or in the case of the District of Colum-
20 bia, within the District of Columbia, in which the military
21 installation is located: *Provided*, That in a case in which
22 the military installation is located in more than one State,
23 purchases may be made in any State in which the installa-
24 tion is located: *Provided further*, That such local procure-
25 ment requirements for malt beverages and wine shall

1 apply to all alcoholic beverages only for military installa-
2 tions in States which are not contiguous with another
3 State: *Provided further*, That alcoholic beverages other
4 than wine and malt beverages, in contiguous States and
5 the District of Columbia shall be procured from the most
6 competitive source, price and other factors considered.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 8066. Of the amounts appropriated in this Act
9 under the heading “Operation and Maintenance, Army”,
10 \$133,381,000 shall remain available until expended: *Pro-*
11 *vided*, That notwithstanding any other provision of law,
12 the Secretary of Defense is authorized to transfer such
13 funds to other activities of the Federal Government: *Pro-*
14 *vided further*, That the Secretary of Defense is authorized
15 to enter into and carry out contracts for the acquisition
16 of real property, construction, personal services, and oper-
17 ations related to projects carrying out the purposes of this
18 section: *Provided further*, That contracts entered into
19 under the authority of this section may provide for such
20 indemnification as the Secretary determines to be nec-
21 essary: *Provided further*, That projects authorized by this
22 section shall comply with applicable Federal, State, and
23 local law to the maximum extent consistent with the na-
24 tional security, as determined by the Secretary of Defense.

1 SEC. 8067. Section 8106 of the Department of De-
2 fense Appropriations Act, 1997 (titles I through VIII of
3 the matter under subsection 101(b) of Public Law 104-
4 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-
5 tinue in effect to apply to disbursements that are made
6 by the Department of Defense in fiscal year 2013.

7 SEC. 8068. In addition to amounts provided else-
8 where in this Act, \$4,000,000 is hereby appropriated to
9 the Department of Defense, to remain available for obliga-
10 tion until expended: *Provided*, That notwithstanding any
11 other provision of law, that upon the determination of the
12 Secretary of Defense that it shall serve the national inter-
13 est, these funds shall be available only for a grant to the
14 Fisher House Foundation, Inc., only for the construction
15 and furnishing of additional Fisher Houses to meet the
16 needs of military family members when confronted with
17 the illness or hospitalization of an eligible military bene-
18 ficiary.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8069. Of the amounts appropriated in this Act
21 under the heading “Research, Development, Test and
22 Evaluation, Defense-Wide”, \$948,736,000 shall be for the
23 Israeli Cooperative Programs: *Provided*, That of this
24 amount, \$149,679,000 shall be for the Short Range Bal-
25 listic Missile Defense (SRBMD) program, including cruise

1 missile defense research and development under the
2 SRBMD program, of which \$15,000,000 shall be for pro-
3 duction activities of SRBMD missiles in the United States
4 and in Israel to meet Israel's defense requirements con-
5 sistent with each nation's laws, regulations, and proce-
6 dures, \$74,692,000 shall be available for an upper-tier
7 component to the Israeli Missile Defense Architecture, and
8 \$44,365,000 shall be for the Arrow System Improvement
9 Program including development of a long range, ground
10 and airborne, detection suite, and \$680,000,000 shall be
11 for the Iron Dome program: *Provided further*, That funds
12 made available under this provision for production of mis-
13 siles and missile components may be transferred to appro-
14 priations available for the procurement of weapons and
15 equipment, to be merged with and to be available for the
16 same time period and the same purposes as the appropria-
17 tion to which transferred: *Provided further*, That the
18 transfer authority provided under this provision is in addi-
19 tion to any other transfer authority contained in this Act.

20 SEC. 8070. None of the funds available to the De-
21 partment of Defense may be obligated to modify command
22 and control relationships to give Fleet Forces Command
23 operational and administrative control of U.S. Navy forces
24 assigned to the Pacific fleet: *Provided*, That the command
25 and control relationships which existed on October 1,

1 1994, shall remain in force unless changes are specifically
2 authorized in a subsequent Act.

3 SEC. 8071. Of the amounts appropriated in this Act
4 under the heading “Shipbuilding and Conversion, Navy”,
5 \$372,573,000 shall be available until September 30, 2013,
6 to fund prior year shipbuilding cost increases: *Provided*,
7 That upon enactment of this Act, the Secretary of the
8 Navy shall transfer funds to the following appropriations
9 in the amounts specified: *Provided further*, That the
10 amounts transferred shall be merged with and be available
11 for the same purposes as the appropriations to which
12 transferred to:

13 (1) Under the heading “Shipbuilding and Con-
14 version, Navy, 2007/2013”: LHA Replacement Pro-
15 gram \$156,685,000;

16 (2) Under the heading “Shipbuilding and Con-
17 version, Navy, 2008/2013”: LPD-17 Amphibious
18 Transport Dock Program \$80,888,000; and

19 (3) Under the heading “Shipbuilding and Con-
20 version, Navy, 2009/2013”: CVN Refueling Over-
21 hauls \$135,000,000.

22 SEC. 8072. Funds appropriated by this Act, or made
23 available by the transfer of funds in this Act, for intel-
24 ligence activities are deemed to be specifically authorized
25 by the Congress for purposes of section 504 of the Na-

1 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
2 year 2013 until the enactment of the Intelligence Author-
3 ization Act for Fiscal Year 2013.

4 SEC. 8073. None of the funds provided in this Act
5 shall be available for obligation or expenditure through a
6 reprogramming of funds that creates or initiates a new
7 program, project, or activity unless such program, project,
8 or activity must be undertaken immediately in the interest
9 of national security and only after written prior notifica-
10 tion to the congressional defense committee.

11 SEC. 8074. The budget of the President for fiscal
12 year 2014 submitted to the Congress pursuant to section
13 1105 of title 31, United States Code, shall include sepa-
14 rate budget justification documents for costs of United
15 States Armed Forces' participation in contingency oper-
16 ations for the Military Personnel accounts, the Operation
17 and Maintenance accounts, and the Procurement ac-
18 counts: *Provided*, That these documents shall include a de-
19 scription of the funding requested for each contingency op-
20 eration, for each military service, to include all Active and
21 Reserve components, and for each appropriations account:
22 *Provided further*, That these documents shall include esti-
23 mated costs for each element of expense or object class,
24 a reconciliation of increases and decreases for each contin-
25 gency operation, and programmatic data including, but

1 not limited to, troop strength for each Active and Reserve
2 component, and estimates of the major weapons systems
3 deployed in support of each contingency: *Provided further*,
4 That these documents shall include budget exhibits OP-
5 5 and OP-32 (as defined in the Department of Defense
6 Financial Management Regulation) for all contingency op-
7 erations for the budget year and the two preceding fiscal
8 years.

9 SEC. 8075. None of the funds in this Act may be
10 used for research, development, test, evaluation, procure-
11 ment or deployment of nuclear armed interceptors of a
12 missile defense system.

13 SEC. 8076. In addition to the amounts appropriated
14 or otherwise made available elsewhere in this Act,
15 \$44,000,000 is hereby appropriated to the Department of
16 Defense: *Provided*, That upon the determination of the
17 Secretary of Defense that it shall serve the national inter-
18 est, he shall make grants in the amounts specified as fol-
19 lows: \$20,000,000 to the United Service Organizations
20 and \$24,000,000 to the Red Cross.

21 SEC. 8077. None of the funds appropriated or made
22 available in this Act shall be used to reduce or disestablish
23 the operation of the 53rd Weather Reconnaissance Squad-
24 ron of the Air Force Reserve, if such action would reduce
25 the WC-130 Weather Reconnaissance mission below the

1 levels funded in this Act: *Provided*, That the Air Force
2 shall allow the 53rd Weather Reconnaissance Squadron to
3 perform other missions in support of national defense re-
4 quirements during the non-hurricane season.

5 SEC. 8078. None of the funds provided in this Act
6 shall be available for integration of foreign intelligence in-
7 formation unless the information has been lawfully col-
8 lected and processed during the conduct of authorized for-
9 eign intelligence activities: *Provided*, That information
10 pertaining to United States persons shall only be handled
11 in accordance with protections provided in the Fourth
12 Amendment of the United States Constitution as imple-
13 mented through Executive Order No. 12333.

14 SEC. 8079. (a) At the time members of reserve com-
15 ponents of the Armed Forces are called or ordered to ac-
16 tive duty under section 12302(a) of title 10, United States
17 Code, each member shall be notified in writing of the ex-
18 pected period during which the member will be mobilized.

19 (b) The Secretary of Defense may waive the require-
20 ments of subsection (a) in any case in which the Secretary
21 determines that it is necessary to do so to respond to a
22 national security emergency or to meet dire operational
23 requirements of the Armed Forces.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8080. The Secretary of Defense may transfer
3 funds from any available Department of the Navy appro-
4 priation to any available Navy ship construction appro-
5 priation for the purpose of liquidating necessary changes
6 resulting from inflation, market fluctuations, or rate ad-
7 justments for any ship construction program appropriated
8 in law: *Provided*, That the Secretary may transfer not to
9 exceed \$100,000,000 under the authority provided by this
10 section: *Provided further*, That the Secretary may not
11 transfer any funds until 30 days after the proposed trans-
12 fer has been reported to the Committees on Appropria-
13 tions of the House of Representatives and the Senate, un-
14 less a response from the Committees is received sooner:
15 *Provided further*, That any funds transferred pursuant to
16 this section shall retain the same period of availability as
17 when originally appropriated: *Provided further*, That the
18 transfer authority provided by this section is in addition
19 to any other transfer authority contained elsewhere in this
20 Act.

21 SEC. 8081. For purposes of section 7108 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. 8082. (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) The Army shall retain responsibility for and oper-
11 ational control of the MQ-1C Sky Warrior Unmanned
12 Aerial Vehicle (UAV) in order to support the Secretary
13 of Defense in matters relating to the employment of un-
14 manned aerial vehicles.

15 SEC. 8083. Up to \$15,000,000 of the funds appro-
16 priated under the heading “Operation and Maintenance,
17 Navy” may be made available for the Asia Pacific Re-
18 gional Initiative Program for the purpose of enabling the
19 Pacific Command to execute Theater Security Cooperation
20 activities such as humanitarian assistance, and payment
21 of incremental and personnel costs of training and exer-
22 cising with foreign security forces: *Provided*, That funds
23 made available for this purpose may be used, notwith-
24 standing any other funding authorities for humanitarian
25 assistance, security assistance or combined exercise ex-

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

5 SEC. 8084. None of the funds appropriated by this
6 Act for programs of the Office of the Director of National
7 Intelligence shall remain available for obligation beyond
8 the current fiscal year, except for funds appropriated for
9 research and technology, which shall remain available until
10 September 30, 2014.

11 SEC. 8085. For purposes of section 1553(b) of title
12 31, United States Code, any subdivision of appropriations
13 made in this Act under the heading “Shipbuilding and
14 Conversion, Navy” shall be considered to be for the same
15 purpose as any subdivision under the heading “Ship-
16 building and Conversion, Navy” appropriations in any
17 prior fiscal year, and the 1 percent limitation shall apply
18 to the total amount of the appropriation.

19 SEC. 8086. The Director of National Intelligence
20 shall include the budget exhibits identified in paragraphs
21 (1) and (2) as described in the Department of Defense
22 Financial Management Regulation with the congressional
23 budget justification books:

24 (1) For procurement programs requesting more
25 than \$10,000,000 in any fiscal year, the P-1, Pro-

1 procurement Program; P-5, Cost Analysis; P-5a, Pro-
2 curement History and Planning; P-21, Production
3 Schedule; and P-40, Budget Item Justification.

4 (2) For research, development, test and evalua-
5 tion projects requesting more than \$5,000,000 in
6 any fiscal year, the R-1, Research, Development,
7 Test and Evaluation Program; R-2, Research, De-
8 velopment, Test and Evaluation Budget Item Jus-
9 tification; R-3, Research, Development, Test and
10 Evaluation Project Cost Analysis; and R-4, Re-
11 search, Development, Test and Evaluation Program
12 Schedule Profile.

13 SEC. 8087. Notwithstanding any other provision of
14 this Act, due to an excessive level of funded carryover at
15 Army depots, the total amount appropriated to “Operation
16 and Maintenance, Army”, in title II of this Act is hereby
17 reduced by \$1,207,400,000, and the total amount appro-
18 priated to “Other Procurement, Army”, in title III of this
19 Act is hereby reduced by \$1,253,500,000.

20 SEC. 8088. (a) Not later than 60 days after the date
21 of enactment of this Act, the Director of National Intel-
22 ligence shall submit a report to the congressional intel-
23 ligence committees to establish the baseline for application
24 of reprogramming and transfer authorities for fiscal year
25 2013: *Provided*, That the report shall include—

1 (1) a table for each appropriation with a separate
2 column to display the President's budget request,
3 adjustments made by Congress, adjustments
4 due to enacted rescissions, if appropriate, and the
5 fiscal year enacted level;

6 (2) a delineation in the table for each appropriation
7 by Expenditure Center and project; and

8 (3) an identification of items of special congressional
9 interest.

10 (b) None of the funds provided for the National Intelligence
11 Program in this Act shall be available for reprogramming
12 or transfer until the report identified in subsection
13 (a) is submitted to the congressional intelligence
14 committees, unless the Director of National Intelligence
15 certifies in writing to the congressional intelligence
16 committees that such reprogramming or transfer is necessary
17 as an emergency requirement.

18 SEC. 8089. (a) None of the funds provided for the
19 National Intelligence Program in this or any prior appropriations
20 Act shall be available for obligation or expenditure
21 through a reprogramming or transfer of funds in accordance
22 with section 102A(d) of the National Security Act of 1947
23 (50 U.S.C. 403–1(d)) that—

24 (1) creates a new start effort;

1 (2) terminates a program with appropriated
2 funding of \$10,000,000 or more;

3 (3) transfers funding into or out of the Na-
4 tional Intelligence Program; or

5 (4) transfers funding between appropriations,
6 unless the congressional intelligence committees are noti-
7 fied 30 days in advance of such reprogramming of funds;
8 this notification period may be reduced for urgent national
9 security requirements.

10 (b) None of the funds provided for the National Intel-
11 ligence Program in this or any prior appropriations Act
12 shall be available for obligation or expenditure through a
13 reprogramming or transfer of funds in accordance with
14 section 102A(d) of the National Security Act of 1947 (50
15 U.S.C. 403–1(d)) that results in a cumulative increase or
16 decrease of the levels specified in the classified annex ac-
17 companying the Act unless the congressional intelligence
18 committees are notified 30 days in advance of such re-
19 programming of funds; this notification period may be re-
20 duced for urgent national security requirements.

21 SEC. 8090. The Director of National Intelligence
22 shall submit to Congress each year, at or about the time
23 that the President’s budget is submitted to Congress that
24 year under section 1105(a) of title 31, United States
25 Code, a future-years intelligence program (including asso-

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

6 SEC. 8091. For the purposes of this Act, the term
7 “congressional intelligence committees” means the Perma-
8 nent Select Committee on Intelligence of the House of
9 Representatives, the Select Committee on Intelligence of
10 the Senate, the Subcommittee on Defense of the Com-
11 mittee on Appropriations of the House of Representatives,
12 and the Subcommittee on Defense of the Committee on
13 Appropriations of the Senate.

14 SEC. 8092. The Department of Defense shall con-
15 tinue to report incremental contingency operations costs
16 for Operation New Dawn and Operation Enduring Free-
17 dom, or any other named operations in the U.S. Central
18 Command area of operation on a monthly basis in the Cost
19 of War Execution Report as prescribed in the Department
20 of Defense Financial Management Regulation Department
21 of Defense Instruction 7000.14, Volume 12, Chapter 23
22 “Contingency Operations”, Annex 1, dated September
23 2005.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8093. During the current fiscal year, not to ex-
3 ceed \$11,000,000 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. 8094. Funds appropriated by this Act for oper-
12 ation and maintenance may be available for the purpose
13 of making remittances to the Defense Acquisition Work-
14 force Development Fund in accordance with the require-
15 ments of section 1705 of title 10, United States Code.

16 SEC. 8095. (a) Any agency receiving funds made
17 available in this Act, shall, subject to subsections (b) and
18 (c), post on the public website of that agency any report
19 required to be submitted by the Congress in this or any
20 other Act, upon the determination by the head of the agen-
21 cy that it shall serve the national interest.

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

23 (1) the public posting of the report com-
24 promises national security; or

25 (2) the report contains proprietary information.

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

5 SEC. 8096. (a) None of the funds appropriated or
6 otherwise made available by this Act may be expended for
7 any Federal contract for an amount in excess of
8 \$1,000,000, unless the contractor agrees not to—

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

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

1 battery, intentional infliction of emotional distress,
2 false imprisonment, or negligent hiring, supervision,
3 or retention.

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

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

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

1 ations of the integrated Captain James A. Lovell Federal
2 Health Care Center, consisting of the North Chicago Vet-
3 erans Affairs Medical Center, the Navy Ambulatory Care
4 Center, and supporting facilities designated as a combined
5 Federal medical facility as described by section 706 of
6 Public Law 110–417: *Provided further*, That additional
7 funds may be transferred from funds appropriated for op-
8 eration and maintenance for the Defense Health Program
9 to the Joint Department of Defense-Department of Vet-
10 erans Affairs Medical Facility Demonstration Fund upon
11 written notification by the Secretary of Defense to the
12 Committees on Appropriations of the House of Represent-
13 atives and the Senate.

14 SEC. 8099. The Office of the Director of National
15 Intelligence shall not employ more Senior Executive em-
16 ployees than are specified in the classified annex.

17 SEC. 8100. None of the funds appropriated or other-
18 wise made available by this Act may be obligated or ex-
19 pended to pay a retired general or flag officer to serve
20 as a senior mentor advising the Department of Defense
21 unless such retired officer files a Standard Form 278 (or
22 successor form concerning public financial disclosure
23 under part 2634 of title 5, Code of Federal Regulations)
24 to the Office of Government Ethics.

1 SEC. 8101. Appropriations available to the Depart-
2 ment of Defense may be used for the purchase of heavy
3 and light armored vehicles for the physical security of per-
4 sonnel or for force protection purposes up to a limit of
5 \$250,000 per vehicle, notwithstanding price or other limi-
6 tations applicable to the purchase of passenger carrying
7 vehicles.

8 SEC. 8102. Of the amounts appropriated for “Oper-
9 ation and Maintenance, Defense-Wide”, the following
10 amounts shall be available to the Secretary of Defense,
11 for the following authorized purposes, notwithstanding
12 any other provision of law, acting through the Office of
13 Economic Adjustment of the Department of Defense, to
14 make grants, conclude cooperative agreements, and sup-
15 plement other Federal funds, to remain available until ex-
16 pended, to assist the civilian population of Guam in re-
17 sponse to the military buildup of Guam: (1) \$33,000,000
18 for addressing the need for construction of a mental health
19 and substance abuse facility and construction of a regional
20 public health laboratory; and (2) \$106,400,000 for ad-
21 dressing the need for civilian water and wastewater im-
22 provements: *Provided*, That the Secretary of Defense
23 shall, not fewer than 15 days prior to obligating funds for
24 either of the foregoing purposes, notify the congressional

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

3 SEC. 8103. None of the funds made available by this
4 Act may be used by the Secretary of Defense to take bene-
5 ficial occupancy of more than 2,000 parking spaces (other
6 than handicap-reserved spaces) to be provided by the
7 BRAC 133 project: *Provided*, That this limitation may be
8 waived in part if: (1) the Secretary of Defense certifies
9 to Congress that levels of service at existing intersections
10 in the vicinity of the project have not experienced failing
11 levels of service as defined by the Transportation Research
12 Board Highway Capacity Manual over a consecutive 90-
13 day period; (2) the Department of Defense and the Vir-
14 ginia Department of Transportation agree on the number
15 of additional parking spaces that may be made available
16 to employees of the facility subject to continued 90-day
17 traffic monitoring; and (3) the Secretary of Defense noti-
18 fies the congressional defense committees in writing at
19 least 14 days prior to exercising this waiver of the number
20 of additional parking spaces to be made available: *Pro-*
21 *vided further*, That the Secretary of Defense shall imple-
22 ment the Department of Defense Inspector General rec-
23 ommendations outlined in report number DODIG–2012–
24 024, and certify to Congress not later than 180 days after

1 and in no case where the item for which funds are re-
2 quested has been denied by the Congress: *Provided further*,
3 That a request for multiple reprogrammings of funds
4 using authority provided in this section shall be made
5 prior to June 30, 2013.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8107. In addition to amounts provided else-
8 where in the Act, there is appropriated \$270,000,000 for
9 an additional amount for “Operation and Maintenance,
10 Defense-Wide”, to be available until expended: *Provided*,
11 That such funds shall only be available to the Secretary
12 of Defense, acting through the Office of Economic Adjust-
13 ment of the Department of Defense, or for transfer to the
14 Secretary of Education, notwithstanding any other provi-
15 sion of law, to make grants, conclude cooperative agree-
16 ments, or supplement other Federal funds to construct,
17 renovate, repair, or expand elementary and secondary pub-
18 lic schools on military installations in order to address ca-
19 pacity or facility condition deficiencies at such schools:
20 *Provided further*, That in making such funds available, the
21 Office of Economic Adjustment or the Secretary of Edu-
22 cation shall give priority consideration to those military
23 installations with schools having the most serious capacity
24 or facility condition deficiencies as determined by the Sec-
25 retary of Defense: *Provided further*, That funds may not

1 be made available for a school unless its enrollment of De-
2 partment of Defense-connected children is greater than 50
3 percent.

4 SEC. 8108. None of the funds appropriated or other-
5 wise made available in this or any other Act may be used
6 to transfer, release, or assist in the transfer or release to
7 or within the United States, its territories, or possessions
8 Khalid Sheikh Mohammed or any other detainee who—

9 (1) is not a United States citizen or a member
10 of the Armed Forces of the United States; and

11 (2) is or was held on or after June 24, 2009,
12 at the United States Naval Station, Guantanamo
13 Bay, Cuba, by the Department of Defense.

14 SEC. 8109. (a)(1) Except as provided in paragraph
15 (2) and subsection (d), none of the funds appropriated or
16 otherwise made available in this or any other Act may be
17 used to transfer any individual detained at Guantanamo
18 to the custody or control of the individual's country of ori-
19 gin, any other foreign country, or any other foreign entity
20 unless the Secretary of Defense submits to Congress the
21 certification described in subsection (b) not later than 30
22 days before the transfer of the individual.

23 (2) Paragraph (1) shall not apply to any action taken
24 by the Secretary to transfer any individual detained at
25 Guantanamo to effectuate—

1 (A) an order affecting the disposition of the in-
2 dividual that is issued by a court or competent tri-
3 bunal of the United States having lawful jurisdiction
4 (which the Secretary shall notify Congress of
5 promptly after issuance); or

6 (B) a pre-trial agreement entered in a military
7 commission case prior to the date of the enactment
8 of this Act.

9 (b) A certification described in this subsection is a
10 written certification made by the Secretary of Defense,
11 with the concurrence of the Secretary of State and in con-
12 sultation with the Director of National Intelligence, that—

13 (1) the government of the foreign country or
14 the recognized leadership of the foreign entity to
15 which the individual detained at Guantanamo is to
16 be transferred—

17 (A) is not a designated state sponsor of
18 terrorism or a designated foreign terrorist orga-
19 nization;

20 (B) maintains control over each detention
21 facility in which the individual is to be detained
22 if the individual is to be housed in a detention
23 facility;

24 (C) is not, as of the date of the certifi-
25 cation, facing a threat that is likely to substan-

1 tially affect its ability to exercise control over
2 the individual;

3 (D) has taken or agreed to take effective
4 actions to ensure that the individual cannot
5 take action to threaten the United States, its
6 citizens, or its allies in the future;

7 (E) has taken or agreed to take such ac-
8 tions as the Secretary of Defense determines
9 are necessary to ensure that the individual can-
10 not engage or reengage in any terrorist activity;
11 and

12 (F) has agreed to share with the United
13 States any information that—

14 (i) is related to the individual or any
15 associates of the individual; and

16 (ii) could affect the security of the
17 United States, its citizens, or its allies; and

18 (2) includes an assessment, in classified or un-
19 classified form, of the capacity, willingness, and past
20 practices (if applicable) of the foreign country or en-
21 tity in relation to the Secretary's certifications.

22 (c)(1) Except as provided in paragraph (2) and sub-
23 section (d), none of the funds appropriated or otherwise
24 made available in this or any other Act may be used to
25 transfer any individual detained at Guantanamo to the

1 custody or control of the individual's country of origin, any
2 other foreign country, or any other foreign entity if there
3 is a confirmed case of any individual who was detained
4 at United States Naval Station, Guantanamo Bay, Cuba,
5 at any time after September 11, 2001, who was trans-
6 ferred to such foreign country or entity and subsequently
7 engaged in any terrorist activity.

8 (2) Paragraph (1) shall not apply to any action taken
9 by the Secretary to transfer any individual detained at
10 Guantanamo to effectuate—

11 (A) an order affecting the disposition of the in-
12 dividual that is issued by a court or competent tri-
13 bunal of the United States having lawful jurisdiction
14 (which the Secretary shall notify Congress of
15 promptly after issuance); or

16 (B) a pre-trial agreement entered in a military
17 commission case prior to the date of the enactment
18 of this Act.

19 (d)(1) The Secretary of Defense may waive the appli-
20 cability to a detainee transfer of a certification require-
21 ment specified in subparagraph (D) or (E) of subsection
22 (b)(1) or the prohibition in subsection (c), if the Secretary
23 certifies the rest of the criteria required by subsection (b)
24 for transfers prohibited by (c) and, with the concurrence

1 of the Secretary of State and in consultation with the Di-
2 rector of National Intelligence, determines that—

3 (A) alternative actions will be taken to address
4 the underlying purpose of the requirement or re-
5 quirements to be waived;

6 (B) in the case of a waiver of subparagraph (D)
7 or (E) of subsection (b)(1), it is not possible to cer-
8 tify that the risks addressed in the paragraph to be
9 waived have been completely eliminated, but the ac-
10 tions to be taken under subparagraph (A) will sub-
11 stantially mitigate such risks with regard to the indi-
12 vidual to be transferred;

13 (C) in the case of a waiver of subsection (c), the
14 Secretary has considered any confirmed case in
15 which an individual who was transferred to the
16 country subsequently engaged in terrorist activity,
17 and the actions to be taken under subparagraph (A)
18 will substantially mitigate the risk of recidivism with
19 regard to the individual to be transferred; and

20 (D) the transfer is in the national security in-
21 terests of the United States.

22 (2) Whenever the Secretary makes a determination
23 under paragraph (1), the Secretary shall submit to the ap-
24 propriate committees of Congress, not later than 30 days

1 before the transfer of the individual concerned, the fol-
2 lowing:

3 (A) A copy of the determination and the waiver
4 concerned.

5 (B) A statement of the basis for the determina-
6 tion, including—

7 (i) an explanation why the transfer is in
8 the national security interests of the United
9 States; and

10 (ii) in the case of a waiver of subparagraph
11 (D) or (E) of subsection (b)(1), an explanation
12 why it is not possible to certify that the risks
13 addressed in the subparagraph to be waived
14 have been completely eliminated.

15 (C) A summary of the alternative actions to be
16 taken to address the underlying purpose of, and to
17 mitigate the risks addressed in, the subparagraph or
18 subsection to be waived.

19 (D) The assessment required by subsection
20 (b)(2).

21 (e) In this section:

22 (1) The term “appropriate committees of Con-
23 gress” means—

1 (A) the Committee on Armed Services, the
2 Committee on Appropriations, and the Select
3 Committee on Intelligence of the Senate; and

4 (B) the Committee on Armed Services, the
5 Committee on Appropriations, and the Perma-
6 nent Select Committee on Intelligence of the
7 House of Representatives.

8 (2) The term “individual detained at Guanta-
9 namo” means any individual located at United
10 States Naval Station, Guantanamo Bay, Cuba, as of
11 October 1, 2009, who—

12 (A) is not a citizen of the United States or
13 a member of the Armed Forces of the United
14 States; and

15 (B) is—

16 (i) in the custody or under the control
17 of the Department of Defense; or

18 (ii) otherwise under detention at
19 United States Naval Station, Guantanamo
20 Bay,

21 (3) The term “foreign terrorist organization”
22 means any organization so designated by the Sec-
23 retary of State under section 219 of the Immigra-
24 tion and Nationality Act (8 U.S.C. 1189).

1 SEC. 8110. (a) None of the funds appropriated or
2 otherwise made available in this or any other Act may be
3 used to construct, acquire, or modify any facility in the
4 United States, its territories, or possessions to house any
5 individual described in subsection (c) for the purposes of
6 detention or imprisonment in the custody or under the ef-
7 fective control of the Department of Defense.

8 (b) The prohibition in subsection (a) shall not apply
9 to any modification of facilities at United States Naval
10 Station, Guantanamo Bay, Cuba.

11 (c) An individual described in this subsection is any
12 individual who, as of June 24, 2009, is located at United
13 States Naval Station, Guantanamo Bay, Cuba, and who—

14 (1) is not a citizen of the United States or a
15 member of the Armed Forces of the United States;
16 and

17 (2) is—

18 (A) in the custody or under the effective
19 control of the Department of Defense; or

20 (B) otherwise under detention at United
21 States Naval Station, Guantanamo Bay, Cuba.

22 SEC. 8111. None of the funds made available by this
23 Act may be used to enter into a contract, memorandum
24 of understanding, or cooperative agreement with, make a
25 grant to, or provide a loan or loan guarantee to, any cor-

1 poration that any unpaid Federal tax liability that has
2 been assessed, for which all judicial and administrative
3 remedies have been exhausted or have lapsed, and that
4 is not being paid in a timely manner pursuant to an agree-
5 ment with the authority responsible for collecting the tax
6 liability, where the awarding agency is aware of the unpaid
7 tax liability, unless the agency has considered suspension
8 or debarment of the corporation and made a determination
9 that this further action is not necessary to protect the in-
10 terests of the Government.

11 SEC. 8112. None of the funds made available by this
12 Act may be used to enter into a contract, memorandum
13 of understanding, or cooperative agreement with, make a
14 grant to, or provide a loan or loan guarantee to, any cor-
15 poration that was convicted of a felony criminal violation
16 under any Federal law within the preceding 24 months,
17 where the awarding agency is aware of the conviction, un-
18 less the agency has considered suspension or debarment
19 of the corporation and made a determination that this fur-
20 ther action is not necessary to protect the interests of the
21 Government.

22 SEC. 8113. None of the funds made available by this
23 Act may be used in contravention of section 1590 or 1591
24 of title 18, United States Code, or in contravention of the
25 requirements of section 106(g) or (h) of the Trafficking

1 Victims Protection Act of 2000 (22 U.S.C. 7104(g) or
2 (h)).

3 SEC. 8114. None of the funds made available by this
4 Act for International Military education and training, for-
5 eign military financing, excess defense article, assistance
6 under section 1206 of the National Defense Authorization
7 Act for Fiscal year 2006 (Public Law 109–163; 119 Stat.
8 3456) issuance for direct commercial sales of military
9 equipment, or peacekeeping operations for the countries
10 of Chad, Yemen, Somalia, Sudan, the Democratic Repub-
11 lic of the Congo, and Burma may be used to support any
12 military training or operation that include child soldiers,
13 as defined by the Child Soldiers Prevention Act of 2008,
14 and except if such assistance is otherwise permitted under
15 section 404 of the Child Soldiers Prevention Act of 2008
16 (Public Law 110–457; 22 U.S.C. 2370c-1).

17 SEC. 8115. None of the funds made available by this
18 Act may be used in contravention of the War Powers Res-
19 olution (50 U.S.C. 1541 et seq.).

20 SEC. 8116. None of the funds made available by this
21 Act may be used to retire, divest, realign, or transfer Air
22 Force aircraft, to disestablish or convert units associated
23 with such aircraft, or to disestablish or convert any other
24 unit of the Air National Guard or Air Force Reserve.

1 SEC. 8117. The Secretary of the Air Force shall obli-
2 gate and expend funds previously appropriated for the
3 procurement of RQ-4B Global Hawk and C-27J Spartan
4 aircraft for the purposes for which such funds were origi-
5 nally appropriated.

6 SEC. 8118. None of the funds made available by this
7 Act shall be used to retire C-23 Sherpa aircraft.

8 SEC. 8119. The total amount available in the Act for
9 pay for civilian personnel of the Department of Defense
10 for fiscal year 2013 shall be the amount otherwise appro-
11 priated or made available by this Act for such pay reduced
12 by \$258,524,000.

13 SEC. 8120. None of the funds appropriated, or other-
14 wise made available in this Act may be used to transfer
15 a veterans memorial object to a foreign country or an enti-
16 ty controlled by a foreign government, or otherwise trans-
17 fer or convey such an object to any person or entity for
18 purposes of the ultimate transfer or conveyance of the ob-
19 ject to a foreign country or entity controlled by a foreign
20 government, unless such transfer is specifically authorized
21 by law.

22 SEC. 8121. (a) Except as provided in subsection (b),
23 none of the funds made available in this Act may be used
24 to sponsor professional or semi-professional motorsports,

1 fishing, mixed martial arts, wrestling, or other sporting
2 events or competitors.

3 (b) The prohibition in subsection (a) shall not apply
4 in the case of sponsorship of amateur or high school sport-
5 ing events or competitors.

6 TITLE IX

7 OVERSEAS DEPLOYMENTS AND OTHER

8 ACTIVITIES

9 MILITARY PERSONNEL

10 MILITARY PERSONNEL, ARMY

11 For an additional amount for “Military Personnel,
12 Army”, \$9,165,082,000: *Provided*, That such amount is
13 designated by the Congress for Overseas Contingency Op-
14 erations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 MILITARY PERSONNEL, NAVY

18 For an additional amount for “Military Personnel,
19 Navy”, \$870,425,000: *Provided*, That such amount is des-
20 ignated by the Congress for Overseas Contingency Oper-
21 ations/Global War on Terrorism pursuant to section
22 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

1 MILITARY PERSONNEL, MARINE CORPS

2 For an additional amount for “Military Personnel,
3 Marine Corps”, \$1,623,356,000: *Provided*, That such
4 amount is designated by the Congress for Overseas Con-
5 tingency Operations/Global War on Terrorism pursuant to
6 section 251(b)(2)(A)(ii) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 MILITARY PERSONNEL, AIR FORCE

9 For an additional amount for “Military Personnel,
10 Air Force”, \$1,286,783,000: *Provided*, That such amount
11 is designated by the Congress for Overseas Contingency
12 Operations/Global War on Terrorism pursuant to section
13 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 RESERVE PERSONNEL, ARMY

16 For an additional amount for “Reserve Personnel,
17 Army”, \$156,893,000: *Provided*, That such amount is
18 designated by the Congress for Overseas Contingency Op-
19 erations/Global War on Terrorism pursuant to section
20 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 RESERVE PERSONNEL, NAVY

23 For an additional amount for “Reserve Personnel,
24 Navy”, \$39,335,000: *Provided*, That such amount is des-
25 ignated by the Congress for Overseas Contingency Oper-

1 ations/Global War on Terrorism pursuant to section
2 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 RESERVE PERSONNEL, MARINE CORPS

5 For an additional amount for “Reserve Personnel,
6 Marine Corps”, \$24,722,000: *Provided*, That such amount
7 is designated by the Congress for Overseas Contingency
8 Operations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 RESERVE PERSONNEL, AIR FORCE

12 For an additional amount for “Reserve Personnel,
13 Air Force”, \$25,348,000: *Provided*, That such amount is
14 designated by the Congress for Overseas Contingency Op-
15 erations/Global War on Terrorism pursuant to section
16 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 NATIONAL GUARD PERSONNEL, ARMY

19 For an additional amount for “National Guard Per-
20 sonnel, Army”, \$583,804,000: *Provided*, That such
21 amount is designated by the Congress for Overseas Con-
22 tingency Operations/Global War on Terrorism pursuant to
23 section 251(b)(2)(A)(ii) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For an additional amount for “National Guard Per-
3 sonnel, Air Force”, \$10,473,000: *Provided*, That such
4 amount is designated by the Congress for Overseas Con-
5 tingency Operations/Global War on Terrorism pursuant to
6 section 251(b)(2)(A)(ii) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 OPERATION AND MAINTENANCE

9 OPERATION AND MAINTENANCE, ARMY

10 For an additional amount for “Operation and Main-
11 tenance, Army”, \$26,682,437,000: *Provided*, That such
12 amount is designated by the Congress for Overseas Con-
13 tingency Operations/Global War on Terrorism pursuant to
14 section 251(b)(2)(A)(ii) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, NAVY

17 (INCLUDING TRANSFER OF FUNDS)

18 For an additional amount for “Operation and Main-
19 tenance, Navy”, \$5,880,395,000, of which up to
20 \$254,461,000 may be transferred to the Coast Guard
21 “Operating Expenses” account: *Provided*, That such
22 amount is designated by the Congress for Overseas Con-
23 tingency Operations/Global War on Terrorism pursuant to
24 section 251(b)(2)(A)(ii) of the Balanced Budget and
25 Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 For an additional amount for “Operation and Main-
3 tenance, Marine Corps”, \$4,566,340,000: *Provided*, That
4 such amount is designated by the Congress for Overseas
5 Contingency Operations/Global War on Terrorism pursu-
6 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 OPERATION AND MAINTENANCE, AIR FORCE

9 For an additional amount for “Operation and Main-
10 tenance, Air Force”, \$9,136,236,000: *Provided*, That such
11 amount is designated by the Congress for Overseas Con-
12 tingency Operations/Global War on Terrorism pursuant to
13 section 251(b)(2)(A)(ii) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985.

15 OPERATION AND MAINTENANCE, DEFENSE-WIDE

16 For an additional amount for “Operation and Main-
17 tenance, Defense-Wide”, \$7,790,579,000: *Provided*, That
18 of the funds provided under this heading, not to exceed
19 \$1,750,000,000, to remain available until September 30,
20 2014, shall be for payments to reimburse key cooperating
21 nations for logistical, military, and other support, includ-
22 ing access, provided to United States military operations
23 in support of Operation Enduring Freedom, notwith-
24 standing any other provision of law: *Provided further*, That
25 such reimbursement payments may be made in such

1 amounts as the Secretary of Defense, with the concurrence
2 of the Secretary of State, and in consultation with the Di-
3 rector of the Office of Management and Budget, may de-
4 termine, in his discretion, based on documentation deter-
5 mined by the Secretary of Defense to adequately account
6 for the support provided, and such determination is final
7 and conclusive upon the accounting officers of the United
8 States, and 15 days following notification to the appro-
9 priate congressional committees: *Provided further*, That
10 the requirement under this heading to provide notification
11 shall not apply with respect to a reimbursement for access
12 based on an international agreement: *Provided further*,
13 That these funds may be used for the purpose of providing
14 specialized training and procuring supplies and specialized
15 equipment and providing such supplies and loaning such
16 equipment on a non-reimbursable basis to coalition forces
17 supporting United States military operations in Afghani-
18 stan, and 15 days following notification to the appropriate
19 congressional committees: *Provided further*, That the Sec-
20 retary of Defense shall provide quarterly reports to the
21 congressional defense committees on the use of funds pro-
22 vided in this paragraph: *Provided further*, That such
23 amount is designated by the Congress for Overseas Con-
24 tingency Operations/Global War on Terrorism pursuant to

1 section 251(b)(2)(A)(ii) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 OPERATION AND MAINTENANCE, ARMY RESERVE

4 For an additional amount for “Operation and Main-
5 tenance, Army Reserve”, \$152,387,000: *Provided*, That
6 such amount is designated by the Congress for Overseas
7 Contingency Operations/Global War on Terrorism pursu-
8 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
9 and Emergency Deficit Control Act of 1985.

10 OPERATION AND MAINTENANCE, NAVY RESERVE

11 For an additional amount for “Operation and Main-
12 tenance, Navy Reserve”, \$55,924,000: *Provided*, That
13 such amount is designated by the Congress for Overseas
14 Contingency Operations/Global War on Terrorism pursu-
15 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
16 and Emergency Deficit Control Act of 1985.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 RESERVE

19 For an additional amount for “Operation and Main-
20 tenance, Marine Corps Reserve”, \$25,477,000: *Provided*,
21 That such amount is designated by the Congress for Over-
22 seas Contingency Operations/Global War on Terrorism
23 pursuant to section 251(b)(2)(A)(ii) of the Balanced
24 Budget and Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For an additional amount for “Operation and Main-
3 tenance, Air Force Reserve”, \$120,618,000: *Provided*,
4 That such amount is designated by the Congress for Over-
5 seas Contingency Operations/Global War on Terrorism
6 pursuant to section 251(b)(2)(A)(ii) of the Balanced
7 Budget and Emergency Deficit Control Act of 1985.

8 OPERATION AND MAINTENANCE, ARMY NATIONAL
9 GUARD

10 For an additional amount for “Operation and Main-
11 tenance, Army National Guard”, \$382,448,000: *Provided*,
12 That such amount is designated by the Congress for Over-
13 seas Contingency Operations/Global War on Terrorism
14 pursuant to section 251(b)(2)(A)(ii) of the Balanced
15 Budget and Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

17 For an additional amount for “Operation and Main-
18 tenance, Air National Guard”, \$34,500,000: *Provided*,
19 That such amount is designated by the Congress for Over-
20 seas Contingency Operations/Global War on Terrorism
21 pursuant to section 251(b)(2)(A)(ii) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985.

1 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 In addition to amounts provided elsewhere in this
4 Act, there is appropriated \$3,250,000,000 for the “Over-
5 seas Contingency Operations Transfer Fund” for expenses
6 directly relating to overseas contingency operations by
7 United States military forces, to be available until ex-
8 pended: *Provided*, That of the funds made available in this
9 section, the Secretary of Defense may transfer these funds
10 only to military personnel accounts, operation and mainte-
11 nance accounts, procurement accounts, and working cap-
12 ital fund accounts: *Provided further*, That the funds made
13 available in this paragraph may only be used for pro-
14 grams, projects, or activities categorized as Overseas Con-
15 tingency Operations in the fiscal year 2013 budget request
16 for the Department of Defense and the justification mate-
17 rial and other documentation supporting such request:
18 *Provided further*, That the funds transferred shall be
19 merged with and shall be available for the same purposes
20 and for the same time period, as the appropriation to
21 which transferred: *Provided further*, that the Secretary
22 shall notify the congressional defense committees 15 days
23 prior to such transfer: *Provided further*, That the transfer
24 authority provided under this heading is in addition to any
25 other transfer authority available to the Department of

1 Defense: *Provided further*, That upon a determination that
2 all or part of the funds transferred from this appropriation
3 are not necessary for the purposes provided herein, such
4 amounts may be transferred back to this appropriation
5 and shall be available for the same purposes and for the
6 same time period as originally appropriated: *Provided fur-*
7 *ther*, That such amount is designated by the Congress for
8 Overseas Contingency Operations/Global War on Ter-
9 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985.

11 AFGHANISTAN INFRASTRUCTURE FUND

12 (INCLUDING TRANSFER OF FUNDS)

13 For the “Afghanistan Infrastructure Fund”,
14 \$375,000,000, to remain available until September 30,
15 2014: *Provided*, That such funds shall be available to the
16 Secretary of Defense for infrastructure projects in Af-
17 ghanistan, notwithstanding any other provision of law,
18 which shall be undertaken by the Secretary of State, un-
19 less the Secretary of State and the Secretary of Defense
20 jointly decide that a specific project will be undertaken
21 by the Department of Defense: *Provided further*, That the
22 infrastructure referred to in the preceding proviso is in
23 support of the counterinsurgency strategy, which may re-
24 quire funding for facility and infrastructure projects, in-
25 cluding, but not limited to, water, power, and transpor-

1 tation projects and related maintenance and sustainment
2 costs: *Provided further*, That the authority to undertake
3 such infrastructure projects is in addition to any other au-
4 thority to provide assistance to foreign nations: *Provided*
5 *further*, That any projects funded under this heading shall
6 be jointly formulated and concurred in by the Secretary
7 of State and Secretary of Defense: *Provided further*, That
8 funds may be transferred to the Department of State for
9 purposes of undertaking projects, which funds shall be
10 considered to be economic assistance under the Foreign
11 Assistance Act of 1961 for purposes of making available
12 the administrative authorities contained in that Act: *Pro-*
13 *vided further*, That the transfer authority in the preceding
14 proviso is in addition to any other authority available to
15 the Department of Defense to transfer funds: *Provided*
16 *further*, That any unexpended funds transferred to the
17 Secretary of State under this authority shall be returned
18 to the Afghanistan Infrastructure Fund if the Secretary
19 of State, in coordination with the Secretary of Defense,
20 determines that the project cannot be implemented for any
21 reason, or that the project no longer supports the counter-
22 insurgency strategy in Afghanistan: *Provided further*,
23 That any funds returned to the Secretary of Defense
24 under the previous proviso shall be available for use under
25 this appropriation and shall be treated in the same man-

1 ner as funds not transferred to the Secretary of State:
2 *Provided further*, That contributions of funds for the pur-
3 poses provided herein to the Secretary of State in accord-
4 ance with section 635(d) of the Foreign Assistance Act
5 from any person, foreign government, or international or-
6 ganization may be credited to this Fund, to remain avail-
7 able until expended, and used for such purposes: *Provided*
8 *further*, That the Secretary of Defense shall, not fewer
9 than 15 days prior to making transfers to or from, or obli-
10 gations from the Fund, notify the appropriate committees
11 of Congress in writing of the details of any such transfer:
12 *Provided further*, That the “appropriate committees of
13 Congress” are the Committees on Armed Services, For-
14 eign Relations and Appropriations of the Senate and the
15 Committees on Armed Services, Foreign Affairs and Ap-
16 propriations of the House of Representatives: *Provided*
17 *further*, That such amount is designated by the Congress
18 for Overseas Contingency Operations/Global War on Ter-
19 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
20 anced Budget and Emergency Deficit Control Act of 1985.

21 AFGHANISTAN SECURITY FORCES FUND

22 For the “Afghanistan Security Forces Fund”,
23 \$5,026,500,000, to remain available until September 30,
24 2014: *Provided*, That such funds shall be available to the
25 Secretary of Defense, notwithstanding any other provision

1 of law, for the purpose of allowing the Commander, Com-
2 bined Security Transition Command-Afghanistan, or the
3 Secretary's designee, to provide assistance, with the con-
4 currence of the Secretary of State, to the security forces
5 of Afghanistan, including the provision of equipment, sup-
6 plies, services, training, facility and infrastructure repair,
7 renovation, and construction, and funding: *Provided fur-*
8 *ther*, That the authority to provide assistance under this
9 heading is in addition to any other authority to provide
10 assistance to foreign nations: *Provided further*, That con-
11 tributions of funds for the purposes provided herein from
12 any person, foreign government, or international organiza-
13 tion may be credited to this Fund, to remain available
14 until expended, and used for such purposes: *Provided fur-*
15 *ther*, That the Secretary of Defense shall notify the con-
16 gressional defense committees in writing upon the receipt
17 and upon the obligation of any contribution, delineating
18 the sources and amounts of the funds received and the
19 specific use of such contributions: *Provided further*, That
20 the Secretary of Defense shall, not fewer than 15 days
21 prior to obligating from this appropriation account, notify
22 the congressional defense committees in writing of the de-
23 tails of any such obligation: *Provided further*, That the
24 Secretary of Defense shall notify the congressional defense
25 committees of any proposed new projects or transfer of

1 funds between budget sub-activity groups in excess of
2 \$20,000,000: *Provided further*, That such amount is des-
3 ignated by the Congress for Overseas Contingency Oper-
4 ations/Global War on Terrorism pursuant to section
5 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7
8 **PROCUREMENT**

9 **AIRCRAFT PROCUREMENT, ARMY**

10 For an additional amount for “Aircraft Procurement,
11 Army”, \$541,600,000, to remain available until Sep-
12 tember 30, 2015: *Provided*, That such amount is des-
13 ignated by the Congress for Overseas Contingency Oper-
14 ations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 **MISSILE PROCUREMENT, ARMY**

18 For an additional amount for “Missile Procurement,
19 Army”, \$49,653,000, to remain available until September
20 30, 2015: *Provided*, That such amount is designated by
21 the Congress for Overseas Contingency Operations/Global
22 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
23 the Balanced Budget and Emergency Deficit Control Act
of 1985.

1 AIRCRAFT PROCUREMENT, NAVY

2 For an additional amount for “Aircraft Procurement,
3 Navy”, \$146,277,000, to remain available until September
4 30, 2015: *Provided*, That such amount is designated by
5 the Congress for Overseas Contingency Operations/Global
6 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
7 the Balanced Budget and Emergency Deficit Control Act
8 of 1985.

9 WEAPONS PROCUREMENT, NAVY

10 For an additional amount for “Weapons Procure-
11 ment, Navy”, \$22,500,000, to remain available until Sep-
12 tember 30, 2015: *Provided*, That such amount is des-
13 ignated by the Congress for Overseas Contingency Oper-
14 ations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
18 CORPS

19 For an additional amount for “Procurement of Am-
20 muniton, Navy and Marine Corps”, \$284,450,000, to re-
21 main available until September 30, 2015: *Provided*, That
22 such amount is designated by the Congress for Overseas
23 Contingency Operations/Global War on Terrorism pursu-
24 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
25 and Emergency Deficit Control Act of 1985.

1 OTHER PROCUREMENT, NAVY

2 For an additional amount for “Other Procurement,
3 Navy”, \$98,882,000, to remain available until September
4 30, 2015: *Provided*, That such amount is designated by
5 the Congress for Overseas Contingency Operations/Global
6 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
7 the Balanced Budget and Emergency Deficit Control Act
8 of 1985.

9 PROCUREMENT, MARINE CORPS

10 For an additional amount for “Procurement, Marine
11 Corps”, \$943,683,000, to remain available until Sep-
12 tember 30, 2015: *Provided*, That such amount is des-
13 ignated by the Congress for Overseas Contingency Oper-
14 ations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 AIRCRAFT PROCUREMENT, AIR FORCE

18 For an additional amount for “Aircraft Procurement,
19 Air Force”, \$305,600,000, to remain available until Sep-
20 tember 30, 2015: *Provided*, That such amount is des-
21 ignated by the Congress for Overseas Contingency Oper-
22 ations/Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 MISSILE PROCUREMENT, AIR FORCE

2 For an additional amount for “Missile Procurement,
3 Air Force”, \$34,350,000, to remain available until Sep-
4 tember 30, 2015: *Provided*, That such amount is des-
5 ignated by the Congress for Overseas Contingency Oper-
6 ations/Global War on Terrorism pursuant to section
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 PROCUREMENT OF AMMUNITION, AIR FORCE

10 For an additional amount for “Procurement of Am-
11 munition, Air Force”, \$116,203,000, to remain available
12 until September 30, 2015: *Provided*, That such amount
13 is designated by the Congress for Overseas Contingency
14 Operations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 OTHER PROCUREMENT, AIR FORCE

18 For an additional amount for “Other Procurement,
19 Air Force”, \$2,785,170,000, to remain available until
20 September 30, 2015: *Provided*, That such amount is des-
21 ignated by the Congress for Overseas Contingency Oper-
22 ations/Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 PROCUREMENT, DEFENSE-WIDE

2 For an additional amount for “Procurement, De-
3 fense-Wide”, \$217,849,000, to remain available until Sep-
4 tember 30, 2015: *Provided*, That such amount is des-
5 ignated by the Congress for Overseas Contingency Oper-
6 ations/Global War on Terrorism pursuant to section
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 RESEARCH, DEVELOPMENT, TEST, AND
10 EVALUATION11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 ARMY

13 For an additional amount for “Research, Develop-
14 ment, Test and Evaluation, Army”, \$14,860,000, to re-
15 main available until September 30, 2014: *Provided*, That
16 such amount is designated by the Congress for Overseas
17 Contingency Operations/Global War on Terrorism pursu-
18 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
21 NAVY

22 For an additional amount for “Research, Develop-
23 ment, Test and Evaluation, Navy”, \$60,119,000, to re-
24 main available until September 30, 2014: *Provided*, That
25 such amount is designated by the Congress for Overseas

1 Contingency Operations/Global War on Terrorism pursu-
2 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
3 and Emergency Deficit Control Act of 1985.

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

6 For an additional amount for “Research, Develop-
7 ment, Test and Evaluation, Air Force”, \$53,150,000, to
8 remain available until September 30, 2014: *Provided*,
9 That such amount is designated by the Congress for Over-
10 seas Contingency Operations/Global War on Terrorism
11 pursuant to section 251(b)(2)(A)(ii) of the Balanced
12 Budget and Emergency Deficit Control Act of 1985.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
14 DEFENSE-WIDE

15 For an additional amount for “Research, Develop-
16 ment, Test and Evaluation, Defense-Wide”,
17 \$107,387,000, to remain available until September 30,
18 2014: *Provided*, That such amount is designated by the
19 Congress for Overseas Contingency Operations/Global
20 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
21 the Balanced Budget and Emergency Deficit Control Act
22 of 1985.

1 REVOLVING AND MANAGEMENT FUNDS

2 DEFENSE WORKING CAPITAL FUNDS

3 For an additional amount for “Defense Working
4 Capital Funds”, \$293,600,000: *Provided*, That such
5 amount is designated by the Congress for Overseas Con-
6 tingency Operations/Global War on Terrorism pursuant to
7 section 251(b)(2)(A)(ii) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 OTHER DEPARTMENT OF DEFENSE PROGRAMS

10 DEFENSE HEALTH PROGRAM

11 For an additional amount for “Defense Health Pro-
12 gram”, \$993,898,000, which shall be for operation and
13 maintenance, to remain available until September 30,
14 2014: *Provided*, That such amount is designated by the
15 Congress for Overseas Contingency Operations/Global
16 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
17 the Balanced Budget and Emergency Deficit Control Act
18 of 1985.

19 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
20 DEFENSE

21 For an additional amount for “Drug Interdiction and
22 Counter-Drug Activities, Defense”, \$469,025,000, to re-
23 main available until September 30, 2014: *Provided*, That
24 such amount is designated by the Congress for Overseas
25 Contingency Operations/Global War on Terrorism pursu-

1 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
2 and Emergency Deficit Control Act of 1985.

3 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND
4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for the “Joint Improvised
6 Explosive Device Defeat Fund”, \$1,614,900,000, to re-
7 main available until September 30, 2015: *Provided*, That
8 such funds shall be available to the Secretary of Defense,
9 notwithstanding any other provision of law, for the pur-
10 pose of allowing the Director of the Joint Improvised Ex-
11 plosive Device Defeat Organization to investigate, develop
12 and provide equipment, supplies, services, training, facili-
13 ties, personnel and funds to assist United States forces
14 in the defeat of improvised explosive devices: *Provided fur-*
15 *ther*, That the Secretary of Defense may transfer funds
16 provided herein to appropriations for military personnel;
17 operation and maintenance; procurement; research, devel-
18 opment, test and evaluation; and defense working capital
19 funds to accomplish the purpose provided herein: *Provided*
20 *further*, That this transfer authority is in addition to any
21 other transfer authority available to the Department of
22 Defense: *Provided further*, That the Secretary of Defense
23 shall, not fewer than 15 days prior to making transfers
24 from this appropriation, notify the congressional defense
25 committees in writing of the details of any such transfer:

1 *Provided further*, That such amount is designated by the
2 Congress for Overseas Contingency Operations/Global
3 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
4 the Balanced Budget and Emergency Deficit Control Act
5 of 1985.

6 OFFICE OF THE INSPECTOR GENERAL

7 For an additional amount for the “Office of the In-
8 spector General”, \$10,766,000: *Provided*, That such
9 amount is designated by the Congress for Overseas Con-
10 tingency Operations/Global War on Terrorism pursuant to
11 section 251(b)(2)(A)(ii) of the Balanced Budget and
12 Emergency Deficit Control Act of 1985.

13 GENERAL PROVISIONS—THIS TITLE

14 SEC. 9001. Notwithstanding any other provision of
15 law, funds made available in this title are in addition to
16 amounts appropriated or otherwise made available for the
17 Department of Defense for fiscal year 2013.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 9002. Upon the determination of the Secretary
20 of Defense that such action is necessary in the national
21 interest, the Secretary may, with the approval of the Of-
22 fice of Management and Budget, transfer up to
23 \$3,000,000,000 between the appropriations or funds made
24 available to the Department of Defense in this title: *Pro-*
25 *vided*, That the Secretary shall notify the Congress

1 promptly of each transfer made pursuant to the authority
2 in this section: *Provided further*, That the authority pro-
3 vided in this section is in addition to any other transfer
4 authority available to the Department of Defense and is
5 subject to the same terms and conditions as the authority
6 provided in the Department of Defense Appropriations
7 Act, 2013.

8 SEC. 9003. Supervision and administration costs as-
9 sociated with a construction project funded with appro-
10 priations available for operation and maintenance, “Af-
11 ghanistan Infrastructure Fund”, or the “Afghanistan Se-
12 curity Forces Fund” provided in this Act and executed
13 in direct support of overseas contingency operations in Af-
14 ghanistan, may be obligated at the time a construction
15 contract is awarded: *Provided*, That for the purpose of this
16 section, supervision and administration costs include all
17 in-house Government costs.

18 SEC. 9004. From funds made available in this title,
19 the Secretary of Defense may purchase for use by military
20 and civilian employees of the Department of Defense in
21 the U.S. Central Command area of responsibility: (a) pas-
22 senger motor vehicles up to a limit of \$75,000 per vehicle;
23 and (b) heavy and light armored vehicles for the physical
24 security of personnel or for force protection purposes up
25 to a limit of \$250,000 per vehicle, notwithstanding price

1 or other limitations applicable to the purchase of pas-
2 senger carrying vehicles.

3 SEC. 9005. Not to exceed \$250,000,000 of the
4 amount appropriated in this title under the heading “Op-
5 eration and Maintenance, Army” may be used, notwith-
6 standing any other provision of law, to fund the Com-
7 mander’s Emergency Response Program (CERP), for the
8 purpose of enabling military commanders in Afghanistan
9 to respond to urgent, small-scale, humanitarian relief and
10 reconstruction requirements within their areas of responsi-
11 bility: *Provided*, That each project (including any ancillary
12 or related elements in connection with such project) exe-
13 cuted under this authority shall not exceed \$20,000,000:
14 *Provided further*, That not later than 45 days after the
15 end of each fiscal year quarter, the Secretary of Defense
16 shall submit to the congressional defense committees a re-
17 port regarding the source of funds and the allocation and
18 use of funds during that quarter that were made available
19 pursuant to the authority provided in this section or under
20 any other provision of law for the purposes described here-
21 in: *Provided further*, That, not later than 30 days after
22 the end of each month, the Army shall submit to the con-
23 gressional defense committees monthly commitment, obli-
24 gation, and expenditure data for the Commander’s Emer-
25 gency Response Program in Afghanistan: *Provided fur-*

1 *ther*, That not less than 15 days before making funds
2 available pursuant to the authority provided in this section
3 or under any other provision of law for the purposes de-
4 scribed herein for a project with a total anticipated cost
5 for completion of \$5,000,000 or more, the Secretary shall
6 submit to the congressional defense committees a written
7 notice containing each of the following:.

8 (1) The location, nature and purpose of the
9 proposed project, including how the project is in-
10 tended to advance the military campaign plan for
11 the country in which it is to be carried out.

12 (2) The budget, implementation timeline with
13 milestones, and completion date for the proposed
14 project, including any other CERP funding that has
15 been or is anticipated to be contributed to the com-
16 pletion of the project.

17 (3) A plan for the sustainment of the proposed
18 project, including the agreement with either the host
19 nation, a non-Department of Defense agency of the
20 United States Government or a third-party contrib-
21 utor to finance the sustainment of the activities and
22 maintenance of any equipment or facilities to be pro-
23 vided through the proposed project.

24 SEC. 9006. Funds available to the Department of De-
25 fense for operation and maintenance may be used, not-

1 withstanding any other provision of law, to provide sup-
2 plies, services, transportation, including airlift and sealift,
3 and other logistical support to coalition forces supporting
4 military and stability operations in Afghanistan: *Provided*,
5 That the Secretary of Defense shall provide quarterly re-
6 ports to the congressional defense committees regarding
7 support provided under this section.

8 SEC. 9007. None of the funds appropriated or other-
9 wise made available by this or any other Act shall be obli-
10 gated or expended by the United States Government for
11 a purpose as follows:

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

15 (2) To exercise United States control over any
16 oil resource of Iraq.

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

21 SEC. 9008. None of the funds made available in this
22 Act may be used in contravention of the following laws
23 enacted or regulations promulgated to implement the
24 United Nations Convention Against Torture and Other

1 Cruel, Inhuman or Degrading Treatment or Punishment
2 (done at New York on December 10, 1984):

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

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

12 (3) Sections 1002 and 1003 of the Department
13 of Defense, Emergency Supplemental Appropriations
14 to Address Hurricanes in the Gulf of Mexico, and
15 Pandemic Influenza Act, 2006 (Public Law 109–
16 148).

17 SEC. 9009. None of the funds provided for the “Af-
18 ghanistan Security Forces Fund” (ASFF) may be obli-
19 gated prior to the approval of a financial and activity plan
20 by the Afghanistan Resources Oversight Council (AROC)
21 of the Department of Defense: *Provided*, That the AROC
22 must approve the requirement and acquisition plan for any
23 service requirements in excess of \$50,000,000 annually
24 and any non-standard equipment requirements in excess
25 of \$100,000,000 using ASFF: *Provided further*, That the

1 AROC must approve all projects and the execution plan
2 under the “Afghanistan Infrastructure Fund” (AIF) and
3 any project in excess of \$5,000,000 from the Commanders
4 Emergency Response Program (CERP): *Provided further,*
5 That the Department of Defense must certify to the con-
6 gressional defense committees that the AROC has con-
7 vened and approved a process for ensuring compliance
8 with the requirements in the preceding provisos and ac-
9 companying report language for the ASFF, AIF, and
10 CERP.

11 SEC. 9010. Funds made available in this title to the
12 Department of Defense for operation and maintenance
13 may be used to purchase items having an investment unit
14 cost of not more than \$250,000: *Provided,* That, upon de-
15 termination by the Secretary of Defense that such action
16 is necessary to meet the operational requirements of a
17 Commander of a Combatant Command engaged in contin-
18 gency operations overseas, such funds may be used to pur-
19 chase items having an investment item unit cost of not
20 more than \$500,000.

21 SEC. 9011. Notwithstanding any other provision of
22 law, up to \$88,000,000 of funds made available in this
23 title under the heading “Operation and Maintenance,
24 Army” may be obligated and expended for purposes of the
25 Task Force for Business and Stability Operations, subject

1 to the direction and control of the Secretary of Defense,
2 with concurrence of the Secretary of State, to carry out
3 strategic business and economic assistance activities in Af-
4 ghanistan in support of Operation Enduring Freedom:
5 *Provided*, That not less than 15 days before making funds
6 available pursuant to the authority provided in this section
7 for any project with a total anticipated cost of \$5,000,000
8 or more, the Secretary shall submit to the congressional
9 defense committees a written notice containing a detailed
10 justification and timeline for each proposed project.

11 SEC. 9012. From funds made available to the De-
12 partment of Defense in this title under the heading “Oper-
13 ation and Maintenance, Air Force” up to \$508,000,000
14 may be used by the Secretary of Defense, notwithstanding
15 any other provision of law, to support United States Gov-
16 ernment transition activities in Iraq by funding the oper-
17 ations and activities of the Office of Security Cooperation
18 in Iraq and security assistance teams, including life sup-
19 port, transportation and personal security, and facilities
20 renovation and construction: *Provided*, That not less than
21 15 days before making funds available pursuant to the au-
22 thority provided in this section, the Secretary shall submit
23 to the congressional defense committees a written notice
24 containing a detailed justification and timeline for each
25 proposed site.

(AVAILABILITY OF FUNDS)

1
2 SEC. 9013. Each amount designated in this Act by
3 the Congress for Overseas Contingency Operations/Global
4 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
5 the Balanced Budget and Emergency Deficit Control Act
6 of 1985 shall be available (or rescinded, if applicable) only
7 if the President subsequently so designates all such
8 amounts and transmits such designations to the Congress.

(RESCISSIONS)

9
10 SEC. 9014. Of the funds appropriated in Department
11 of Defense Appropriations Acts, the following funds are
12 hereby rescinded from the following accounts and pro-
13 grams in the specified amounts: *Provided*, That such
14 amounts are designated by the Congress for Overseas
15 Contingency Operations/Global War on Terrorism pursu-
16 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
17 and Emergency Deficit Control Act of 1985:

18 “Retroactive Stop Loss Spe-
19 cial Pay Program, 2009/20XX”,
20 \$79,900,000; and

21 “Afghanistan Security
22 Forces Fund, 2012/20XX”,
23 \$500,000,000.

24 SEC. 9015. None of the funds appropriated or other-
25 wise made available by this Act under the heading “Oper-

1 ation and Maintenance, Defense-wide” for payments
2 under Section 1233 of Public Law 110–181 for reimburse-
3 ment to the Government of Pakistan may be made avail-
4 able unless the Secretary of Defense, in coordination with
5 the Secretary of State certifies to the Committees on Ap-
6 propriations that the Government of Pakistan is—

7 (1) cooperating with the United States in
8 counterterrorism efforts against the Haqqani Net-
9 work, the Quetta Shura Taliban, Lashkar e-Tayyiba,
10 Jaish-e-Mohammed, Al Qaeda, and other domestic
11 and foreign terrorist organizations, including taking
12 steps to end support for such groups and prevent
13 them from basing and operating in Pakistan and
14 carrying out cross border attacks into neighboring
15 countries;

16 (2) not supporting terrorist activities against
17 United States or coalition forces in Afghanistan, and
18 Pakistan’s military and intelligence agencies are not
19 intervening extra-judicially into political and judicial
20 processes in Pakistan;

21 (3) dismantling improvised explosive device
22 (IED) networks and interdicting precursor chemicals
23 used in the manufacture of IEDs;

24 (4) preventing the proliferation of nuclear-re-
25 lated material and expertise;

Union Calendar No. 346

112TH CONGRESS
2^D SESSION

H. R. 5856

[Report No. 112-493]

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes.

MAY 25, 2012

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed