

## Union Calendar No. 64

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

# H. R. 2219

[Report No. 112-110]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2011

Mr. YOUNG of Florida, 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

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## A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
 2       *tives of the United States of America in Congress assembled,*  
 3       That the following sums are appropriated, out of any  
 4       money in the Treasury not otherwise appropriated, for the  
 5       fiscal year ending September 30, 2012, for military func-  
 6       tions administered by the Department of Defense and for  
 7       other purposes, namely:

8                               TITLE I

9                               MILITARY PERSONNEL

10                            MILITARY PERSONNEL, ARMY

11       For pay, allowances, individual clothing, subsistence,  
 12       interest on deposits, gratuities, permanent change of sta-  
 13       tion travel (including all expenses thereof for organiza-  
 14       tional movements), and expenses of temporary duty travel  
 15       between permanent duty stations, for members of the  
 16       Army on active duty, (except members of reserve compo-  
 17       nents provided for elsewhere), cadets, and aviation cadets;  
 18       for members of the Reserve Officers' Training Corps; and  
 19       for payments pursuant to section 156 of Public Law 97–  
 20       377, as amended (42 U.S.C. 402 note), and to the Depart-  
 21       ment of Defense Military Retirement Fund,  
 22       \$43,859,709,000.

23                            MILITARY PERSONNEL, NAVY

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

1 tion travel (including all expenses thereof for organiza-  
2 tional movements), and expenses of temporary duty travel  
3 between permanent duty stations, for members of the  
4 Navy on active duty (except members of the Reserve pro-  
5 vided for elsewhere), midshipmen, and aviation cadets; for  
6 members of the Reserve Officers' Training Corps; and for  
7 payments pursuant to section 156 of Public Law 97-377,  
8 as amended (42 U.S.C. 402 note), and to the Department  
9 of Defense Military Retirement Fund, \$27,141,334,000.

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, \$13,480,436,000.

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 \$28,264,646,000.

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, \$4,333,507,000.

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 \$1,948,544,000.

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 \$645,422,000.

## 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, \$1,711,653,000.

## 14 NATIONAL GUARD PERSONNEL, ARMY

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

1 ments to the Department of Defense Military Retirement  
2 Fund, \$7,607,345,000.

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 \$3,099,629,000.

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 \$34,581,321,000.

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, \$39,385,685,000.

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, \$6,036,996,000.

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 \$36,065,107,000.



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, \$30,682,265,000:  
7 *Provided*, That not more than \$47,026,000 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 \$34,311,000 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 \$8,420,000, 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, \$3,047,033,000.

## 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, \$1,323,134,000.

## 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, \$271,443,000.

## 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, \$3,310,459,000.

1       OPERATION AND MAINTENANCE, ARMY NATIONAL  
2                                    GUARD

3       For expenses of training, organizing, and admin-  
4 istering the Army National Guard, including medical and  
5 hospital treatment and related expenses in non-Federal  
6 hospitals; maintenance, operation, and repairs to struc-  
7 tures and facilities; hire of passenger motor vehicles; per-  
8 sonnel services in the National Guard Bureau; travel ex-  
9 penses (other than mileage), as authorized by law for  
10 Army personnel on active duty, for Army National Guard  
11 division, regimental, and battalion commanders while in-  
12 specting units in compliance with National Guard Bureau  
13 regulations when specifically authorized by the Chief, Na-  
14 tional Guard Bureau; supplying and equipping the Army  
15 National Guard as authorized by law; and expenses of re-  
16 pair, modification, maintenance, and issue of supplies and  
17 equipment (including aircraft), \$6,979,232,000.

18       OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

19       For expenses of training, organizing, and admin-  
20 istering the Air National Guard, including medical and  
21 hospital treatment and related expenses in non-Federal  
22 hospitals; maintenance, operation, and repairs to struc-  
23 tures and facilities; transportation of things, hire of pas-  
24 senger motor vehicles; supplying and equipping the Air  
25 National Guard, as authorized by law; expenses for repair,

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, \$6,094,380,000.

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 \$13,861,000, 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, \$346,031,000, 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, \$308,668,000, 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, \$525,453,000,  
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, \$10,716,000, 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, \$276,495,000, to  
25 remain available until transferred: *Provided*, That the Sec-



1 retery 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), \$107,662,000, to remain available  
23 until September 30, 2013.

## 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, \$508,219,000, to remain available until  
16 September 30, 2014.

17 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE  
18 DEVELOPMENT FUND

19 For the Department of Defense Acquisition Work-  
20 force Development Fund, \$105,501,000.

## 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, \$6,487,481,000, to remain available  
12 for obligation until September 30, 2014.

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 foregoing purposes, \$1,464,223,000, to remain available  
2 for obligation until September 30, 2014.

3       PROCUREMENT OF WEAPONS AND TRACKED COMBAT  
4                               VEHICLES, ARMY

5       For construction, procurement, production, and  
6 modification of weapons and tracked combat vehicles,  
7 equipment, including ordnance, spare parts, and acces-  
8 sories therefor; specialized equipment and training devices;  
9 expansion of public and private plants, including the land  
10 necessary therefor, for the foregoing purposes, and such  
11 lands and interests therein, may be acquired, and con-  
12 struction prosecuted thereon prior to approval of title; and  
13 procurement and installation of equipment, appliances,  
14 and machine tools in public and private plants; reserve  
15 plant and Government and contractor-owned equipment  
16 layaway; and other expenses necessary for the foregoing  
17 purposes, \$2,178,886,000, to remain available for obliga-  
18 tion until September 30, 2014.

19               PROCUREMENT OF AMMUNITION, ARMY

20       For construction, procurement, production, and  
21 modification of ammunition, and accessories therefor; spe-  
22 cialized equipment and training devices; expansion of pub-  
23 lic and private plants, including ammunition facilities, au-  
24 thorized by section 2854 of title 10, United States Code,  
25 and the land necessary therefor, for the foregoing pur-

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, \$1,952,625,000, to remain  
8 available for obligation until September 30, 2014.

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 \$9,371,952,000, to remain available for obligation until  
2 September 30, 2014.

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 \$17,804,750,000, to remain available for obligation until  
15 September 30, 2014.

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 plant and Government and contractor-owned equipment  
2 layaway, \$2,975,749,000, to remain available for obliga-  
3 tion until September 30, 2014.

4 PROCUREMENT OF AMMUNITION, NAVY AND MARINE  
5 CORPS

6 For construction, procurement, production, and  
7 modification of ammunition, and accessories therefor; spe-  
8 cialized equipment and training devices; expansion of pub-  
9 lic and private plants, including ammunition facilities, au-  
10 thorized by section 2854 of title 10, United States Code,  
11 and the land necessary therefor, for the foregoing pur-  
12 poses, and such lands and interests therein, may be ac-  
13 quired, and construction prosecuted thereon prior to ap-  
14 proval of title; and procurement and installation of equip-  
15 ment, appliances, and machine tools in public and private  
16 plants; reserve plant and Government and contractor-  
17 owned equipment layaway; and other expenses necessary  
18 for the foregoing purposes, \$633,048,000, to remain avail-  
19 able for obligation until September 30, 2014.

20 SHIPBUILDING AND CONVERSION, NAVY

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

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, as follows:

8 Carrier Replacement Program (AP), \$554,798,000;  
9 Virginia Class Submarine, \$3,221,314,000;  
10 Virginia Class Submarine (AP), \$1,461,361,000;  
11 CVN Refueling (AP), \$529,652,000;  
12 DDG-1000, \$453,727,000;  
13 DDG-51, \$1,978,314,000;  
14 DDG-51 (AP), 100,723,000;  
15 Littoral Combat Ship, \$1,755,093,000;  
16 LHA Replacement, \$1,999,191,000;  
17 LPD-17, \$1,833,444,000;  
18 Joint High Speed Vessel, \$185,106,000;  
19 Oceanographic Ships, \$89,000,000;  
20 Moored Training Ship (AP), \$131,200,000;  
21 Service Craft, \$3,863,000;  
22 LCAC Service Life Extension Program, \$84,076,000;  
23 For outfitting, post delivery, conversions, and first  
24 destination transportation, \$270,639,000; and



1 Completion of Prior Year Shipbuilding Programs,  
2 \$73,992,000.

3 In all: \$14,725,493,000, to remain available for obli-  
4 gation until September 30, 2016: *Provided*, That addi-  
5 tional obligations may be incurred after September 30,  
6 2016, for engineering services, tests, evaluations, and  
7 other such budgeted work that must be performed in the  
8 final stage of ship construction: *Provided further*, That  
9 none of the funds provided under this heading for the con-  
10 struction or conversion of any naval vessel to be con-  
11 structed in shipyards in the United States shall be ex-  
12 pended in foreign facilities for the construction of major  
13 components of such vessel: *Provided further*, That none  
14 of the funds provided under this heading shall be used  
15 for the construction of any naval vessel in foreign ship-  
16 yards.

17 OTHER PROCUREMENT, NAVY

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

1 approval of title; and procurement and installation of  
2 equipment, appliances, and machine tools in public and  
3 private plants; reserve plant and Government and con-  
4 tractor-owned equipment layaway, \$5,996,459,000, to re-  
5 main available for obligation until September 30, 2014.

6                   PROCUREMENT, MARINE CORPS

7           For expenses necessary for the procurement, manu-  
8 facture, and modification of missiles, armament, military  
9 equipment, spare parts, and accessories therefor; plant  
10 equipment, appliances, and machine tools, and installation  
11 thereof in public and private plants; reserve plant and  
12 Government and contractor-owned equipment layaway; ve-  
13 hicles for the Marine Corps, including the purchase of pas-  
14 senger motor vehicles for replacement only; and expansion  
15 of public and private plants, including land necessary  
16 therefor, and such lands and interests therein, may be ac-  
17 quired, and construction prosecuted thereon prior to ap-  
18 proval of title, \$1,453,602,000, to remain available for ob-  
19 ligation until September 30, 2014.

20                   AIRCRAFT PROCUREMENT, AIR FORCE

21           For construction, procurement, and modification of  
22 aircraft and equipment, including armor and armament,  
23 specialized ground handling equipment, and training de-  
24 vices, spare parts, and accessories therefor; specialized  
25 equipment; expansion of public and private plants, Gov-

1 ernment-owned equipment and installation thereof in such  
2 plants, erection of structures, and acquisition of land, for  
3 the foregoing purposes, and such lands and interests  
4 therein, may be acquired, and construction prosecuted  
5 thereon prior to approval of title; reserve plant and Gov-  
6 ernment and contractor-owned equipment layaway; and  
7 other expenses necessary for the foregoing purposes in-  
8 cluding rents and transportation of things,  
9 \$13,987,613,000, to remain available for obligation until  
10 September 30, 2014.

11 MISSILE PROCUREMENT, AIR FORCE

12 For construction, procurement, and modification of  
13 missiles, spacecraft, rockets, and related equipment, in-  
14 cluding spare parts and accessories therefor, ground han-  
15 dling equipment, and training devices; expansion of public  
16 and private plants, Government-owned equipment and in-  
17 stallation thereof in such plants, erection of structures,  
18 and acquisition of land, for the foregoing purposes, and  
19 such lands and interests therein, may be acquired, and  
20 construction prosecuted thereon prior to approval of title;  
21 reserve plant and Government and contractor-owned  
22 equipment layaway; and other expenses necessary for the  
23 foregoing purposes including rents and transportation of  
24 things, \$5,689,998,000, to remain available for obligation  
25 until September 30, 2014.

## 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, \$522,565,000, to remain avail-  
15 able for obligation until September 30, 2014.

## 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 \$17,260,619,000, to remain available for obligation until  
6 September 30, 2014.

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 \$5,046,447,000, to remain available for obligation until  
21 September 30, 2014.

22                   DEFENSE PRODUCTION ACT PURCHASES

23           For activities by the Department of Defense pursuant  
24 to sections 108, 301, 302, and 303 of the Defense Produc-

1 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and  
2 2093), \$29,964,000, to remain available until expended.

3 TITLE IV

4 RESEARCH, DEVELOPMENT, TEST AND  
5 EVALUATION

6 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

7 ARMY

8 For expenses necessary for basic and applied sci-  
9 entific research, development, test and evaluation, includ-  
10 ing maintenance, rehabilitation, lease, and operation of fa-  
11 cilities and equipment, \$9,381,166,000, to remain avail-  
12 able for obligation until September 30, 2013.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

14 NAVY

15 For expenses necessary for basic and applied sci-  
16 entific research, development, test and evaluation, includ-  
17 ing maintenance, rehabilitation, lease, and operation of fa-  
18 cilities and equipment, \$17,798,950,000, to remain avail-  
19 able for obligation until September 30, 2013: *Provided*,  
20 That funds appropriated in this paragraph which are  
21 available for the V-22 may be used to meet unique oper-  
22 ational requirements of the Special Operations Forces:  
23 *Provided further*, That funds appropriated in this para-  
24 graph shall be available for the Cobra Judy program.

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

3 For expenses necessary for basic and applied sci-  
4 entific research, development, test and evaluation, includ-  
5 ing maintenance, rehabilitation, lease, and operation of fa-  
6 cilities and equipment, \$26,313,196,000, to remain avail-  
7 able for obligation until September 30, 2013.

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

10 For expenses of activities and agencies of the Depart-  
11 ment of Defense (other than the military departments),  
12 necessary for basic and applied scientific research, devel-  
13 opment, test and evaluation; advanced research projects  
14 as may be designated and determined by the Secretary  
15 of Defense, pursuant to law; maintenance, rehabilitation,  
16 lease, and operation of facilities and equipment,  
17 \$19,324,865,000, to remain available for obligation until  
18 September 30, 2013.

19 OPERATIONAL TEST AND EVALUATION, DEFENSE

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

1 testing and evaluation; and administrative expenses in  
2 connection therewith, \$191,292,000, to remain available  
3 for obligation until September 30, 2013.

4 TITLE V

5 REVOLVING AND MANAGEMENT FUNDS

6 DEFENSE WORKING CAPITAL FUNDS

7 For the Defense Working Capital Funds,  
8 \$1,575,010,000.

9 NATIONAL DEFENSE SEALIFT FUND

10 For National Defense Sealift Fund programs,  
11 projects, and activities, and for expenses of the National  
12 Defense Reserve Fleet, as established by section 11 of the  
13 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),  
14 and for the necessary expenses to maintain and preserve  
15 a U.S.-flag merchant fleet to serve the national security  
16 needs of the United States, \$1,100,519,000, to remain  
17 available until expended: *Provided*, That none of the funds  
18 provided in this paragraph shall be used to award a new  
19 contract that provides for the acquisition of any of the  
20 following major components unless such components are  
21 manufactured in the United States: auxiliary equipment,  
22 including pumps, for all shipboard services; propulsion  
23 system components (engines, reduction gears, and propel-  
24 lers); shipboard cranes; and spreaders for shipboard  
25 cranes: *Provided further*, That the exercise of an option



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

## 13 TITLE VI

### 14 OTHER DEPARTMENT OF DEFENSE PROGRAMS

#### 15 DEFENSE HEALTH PROGRAM

16 For expenses, not otherwise provided for, for medical  
17 and health care programs of the Department of Defense  
18 as authorized by law, \$32,317,459,000; of which  
19 \$30,497,735,000 shall be for operation and maintenance,  
20 of which not to exceed 1 percent shall remain available  
21 until September 30, 2013, and of which up to  
22 \$16,092,272,000 may be available for contracts entered  
23 into under the TRICARE program; of which  
24 \$632,518,000, to remain available for obligation until Sep-  
25 tember 30, 2014, shall be for procurement; and of which

1 \$1,187,206,000, to remain available for obligation until  
2 September 30, 2013, shall be for research, development,  
3 test and evaluation: *Provided*, That, notwithstanding any  
4 other provision of law, of the amount made available under  
5 this heading for research, development, test and evalua-  
6 tion, not less than \$8,000,000 shall be available for HIV  
7 prevention educational activities undertaken in connection  
8 with United States military training, exercises, and hu-  
9 manitarian assistance activities conducted primarily in Af-  
10 rican nations.

11 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,  
12 DEFENSE

13 For expenses, not otherwise provided for, necessary  
14 for the destruction of the United States stockpile of lethal  
15 chemical agents and munitions in accordance with the pro-  
16 visions of section 1412 of the Department of Defense Au-  
17 thorization Act, 1986 (50 U.S.C. 1521), and for the de-  
18 struction of other chemical warfare materials that are not  
19 in the chemical weapon stockpile, \$1,554,422,000, of  
20 which \$1,147,691,000 shall be for operation and mainte-  
21 nance, of which no less than \$103,097,000 shall be for  
22 the Chemical Stockpile Emergency Preparedness Pro-  
23 gram, consisting of \$30,615,000, for activities on military  
24 installations and \$72,482,000, to remain available until  
25 September 30, 2013, to assist state and local govern-

1 ments; and \$406,731,000 to remain available until Sep-  
2 tember 30, 2013, shall be for research, development, test  
3 and evaluation, of which \$401,768,000 shall be only for  
4 the Assembled Chemical Weapons Alternatives (ACWA)  
5 Program.

6 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,  
7 DEFENSE  
8 (INCLUDING TRANSFER OF FUNDS)

9 For drug interdiction and counter-drug activities of  
10 the Department of Defense, for transfer to appropriations  
11 available to the Department of Defense for military per-  
12 sonnel of the reserve components serving under the provi-  
13 sions of title 10 and title 32, United States Code; for oper-  
14 ation and maintenance; for procurement; and for research,  
15 development, test and evaluation, \$1,208,147,000: *Pro-*  
16 *vided*, That the funds appropriated under this heading  
17 shall be available for obligation for the same time period  
18 and for the same purpose as the appropriation to which  
19 transferred: *Provided further*, That upon a determination  
20 that all or part of the funds transferred from this appro-  
21 priation are not necessary for the purposes provided here-  
22 in, such amounts may be transferred back to this appro-  
23 priation: *Provided further*, That the transfer authority pro-  
24 vided under this heading is in addition to any other trans-  
25 fer authority contained elsewhere in this Act: *Provided fur-*

1 *ther*, That \$23,000,000 may not be obligated or expended  
2 until the Secretary of Defense submits an implementation  
3 plan for the expansion of prescription drug testing to the  
4 congressional defense committees.

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

7 For the “Joint Improvised Explosive Device Defeat  
8 Fund”, \$220,634,000, to remain available until Sep-  
9 tember 30, 2014, for Staff and Infrastructure: *Provided*,  
10 That such funds shall be available to the Secretary of De-  
11 fense, notwithstanding any other provision of law, for the  
12 purpose of allowing the Director of the Joint Improvised  
13 Explosive Device Defeat Organization to investigate, de-  
14 velop and provide equipment, supplies, services, training,  
15 facilities, personnel and funds to assist United States  
16 forces in the defeat of improvised explosive devices: *Pro-*  
17 *vided further*, That not later than 60 days of the enact-  
18 ment of this Act, the Secretary of Defense shall submit  
19 to the congressional defense committees a plan for the in-  
20 tended management and use of the amounts provided  
21 under this heading: *Provided further*, That the Secretary  
22 of Defense shall submit a report not later than 60 days  
23 after the end of each fiscal quarter to the congressional  
24 defense committees providing assessments of the evolving  
25 threats, individual service requirements to counter the

1 threats, the current strategy for predeployment training  
2 of members of the Armed Forces on improvised explosive  
3 devices, and details on the execution of the Fund: *Provided*  
4 *further*, That the Secretary of Defense may transfer funds  
5 provided herein to appropriations for operation and main-  
6 tenance; procurement; research, development, test and  
7 evaluation; and defense working capital funds to accom-  
8 plish the purpose provided herein: *Provided further*, That  
9 amounts transferred shall be merged with and available  
10 for the same purposes and time period as the appropria-  
11 tions to which transferred: *Provided further*, That this  
12 transfer authority is in addition to any other transfer au-  
13 thority available to the Department of Defense: *Provided*  
14 *further*, That the Secretary of Defense shall, not fewer  
15 than 15 days prior to making transfers from this approp-  
16 riation, notify the congressional defense committees in  
17 writing of the details of any such transfer.

18                   OFFICE OF THE INSPECTOR GENERAL

19           For expenses and activities of the Office of the In-  
20 spector General in carrying out the provisions of the In-  
21 spector General Act of 1978, as amended, \$346,919,000,  
22 of which \$286,919,000 shall be for operation and mainte-  
23 nance, of which not to exceed \$700,000 is available for  
24 emergencies and extraordinary expenses to be expended on  
25 the approval or authority of the Inspector General, and

1 payments may be made on the Inspector General's certifi-  
2 cate of necessity for confidential military purposes; of  
3 which \$1,000,000, to remain available until September 30,  
4 2014, shall be for procurement; and of which \$1,600,000,  
5 to remain available until September 30, 2013, shall be for  
6 research, development, testing, and evaluation.

## 7 TITLE VII

### 8 RELATED AGENCIES

#### 9 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

#### 10 DISABILITY SYSTEM FUND

11 For payment to the Central Intelligence Agency Re-  
12 tirement and Disability System Fund, to maintain the  
13 proper funding level for continuing the operation of the  
14 Central Intelligence Agency Retirement and Disability  
15 System, \$513,700,000.

#### 16 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

17 For necessary expenses of the Intelligence Commu-  
18 nity Management Account, \$458,225,000.

## 19 TITLE VIII

### 20 GENERAL PROVISIONS

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

24 SEC. 8002. During the current fiscal year, provisions  
25 of law prohibiting the payment of compensation to, or em-

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

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

22 SEC. 8004. No more than 20 percent of the appro-  
23 priations in this Act which are limited for obligation dur-  
24 ing the current fiscal year shall be obligated during the  
25 last 2 months of the fiscal year: *Provided*, That this sec-

1 tion shall not apply to obligations for support of active  
2 duty training of reserve components or summer camp  
3 training of the Reserve Officers' Training Corps.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8005. Upon determination by the Secretary of  
6 Defense that such action is necessary in the national inter-  
7 est, he may, with the approval of the Office of Manage-  
8 ment and Budget, transfer not to exceed \$4,000,000,000  
9 of working capital funds of the Department of Defense  
10 or funds made available in this Act to the Department  
11 of Defense for military functions (except military con-  
12 struction) between such appropriations or funds or any  
13 subdivision thereof, to be merged with and to be available  
14 for the same purposes, and for the same time period, as  
15 the appropriation or fund to which transferred: *Provided*,  
16 That such authority to transfer may not be used unless  
17 for higher priority items, based on unforeseen military re-  
18 quirements, than those for which originally appropriated  
19 and in no case where the item for which funds are re-  
20 quested has been denied by the Congress: *Provided further*,  
21 That the Secretary of Defense shall notify the Congress  
22 promptly of all transfers made pursuant to this authority  
23 or any other authority in this Act: *Provided further*, That  
24 no part of the funds in this Act shall be available to pre-  
25 pare or present a request to the Committees on Appropria-



1 tions for reprogramming of funds, unless for higher pri-  
2 ority items, based on unforeseen military requirements,  
3 than those for which originally appropriated and in no  
4 case where the item for which reprogramming is requested  
5 has been denied by the Congress: *Provided further*, That  
6 a request for multiple reprogrammings of funds using au-  
7 thority provided in this section shall be made prior to June  
8 30, 2012: *Provided further*, That transfers among military  
9 personnel appropriations shall not be taken into account  
10 for purposes of the limitation on the amount of funds that  
11 may be transferred under this section.

12 SEC. 8006. (a) With regard to the list of specific pro-  
13 grams, projects, and activities (and the dollar amounts  
14 and adjustments to budget activities corresponding to  
15 such programs, projects, and activities) contained in the  
16 tables titled “Explanation of Project Level Adjustments”  
17 in the explanatory statement regarding this Act, the obli-  
18 gation and expenditure of amounts appropriated or other-  
19 wise made available in this Act for those programs,  
20 projects, and activities for which the amounts appro-  
21 priated exceed the amounts requested are hereby required  
22 by law to be carried out in the manner provided by such  
23 tables to the same extent as if the tables were included  
24 in the text of this Act.

1 (b) Amounts specified in the referenced tables de-  
2 scribed in subsection (a) shall not be treated as subdivi-  
3 sions of appropriations for purposes of section 8005 of this  
4 Act: *Provided*, That section 8005 shall apply when trans-  
5 fers of the amounts described in subsection (a) occur be-  
6 tween appropriation accounts.

7 SEC. 8007. (a) Not later than 60 days after enact-  
8 ment of this Act, the Department of Defense shall submit  
9 a report to the congressional defense committees to estab-  
10 lish the baseline for application of reprogramming and  
11 transfer authorities for fiscal year 2012: *Provided*, That  
12 the report shall include—

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

18 (2) a delineation in the table for each appro-  
19 priation both by budget activity and program,  
20 project, and activity as detailed in the Budget Ap-  
21 pendix; and

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

24 (b) Notwithstanding section 8005 of this Act, none  
25 of the funds provided in this Act shall be available for

1 reprogramming or transfer until the report identified in  
2 subsection (a) is submitted to the congressional defense  
3 committees, unless the Secretary of Defense certifies in  
4 writing to the congressional defense committees that such  
5 reprogramming or transfer is necessary as an emergency  
6 requirement.

7 (TRANSFER OF FUNDS)

8 SEC. 8008. During the current fiscal year, cash bal-  
9 ances in working capital funds of the Department of De-  
10 fense established pursuant to section 2208 of title 10,  
11 United States Code, may be maintained in only such  
12 amounts as are necessary at any time for cash disburse-  
13 ments to be made from such funds: *Provided*, That trans-  
14 fers may be made between such funds: *Provided further*,  
15 That transfers may be made between working capital  
16 funds and the “Foreign Currency Fluctuations, Defense”  
17 appropriation and the “Operation and Maintenance” ap-  
18 propriation accounts in such amounts as may be deter-  
19 mined by the Secretary of Defense, with the approval of  
20 the Office of Management and Budget, except that such  
21 transfers may not be made unless the Secretary of Defense  
22 has notified the Congress of the proposed transfer. Except  
23 in amounts equal to the amounts appropriated to working  
24 capital funds in this Act, no obligations may be made  
25 against a working capital fund to procure or increase the

1 value of war reserve material inventory, unless the Sec-  
2 retary of Defense has notified the Congress prior to any  
3 such obligation.

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

8 SEC. 8010. None of the funds provided in this Act  
9 shall be available to initiate: (1) a multiyear contract that  
10 employs economic order quantity procurement in excess of  
11 \$20,000,000 in any one year of the contract or that in-  
12 cludes an unfunded contingent liability in excess of  
13 \$20,000,000; or (2) a contract for advance procurement  
14 leading to a multiyear contract that employs economic  
15 order quantity procurement in excess of \$20,000,000 in  
16 any one year, unless the congressional defense committees  
17 have been notified at least 30 days in advance of the pro-  
18 posed contract award: *Provided*, That no part of any ap-  
19 propriation contained in this Act shall be available to ini-  
20 tiate a multiyear contract for which the economic order  
21 quantity advance procurement is not funded at least to  
22 the limits of the Government's liability: *Provided further*,  
23 That no part of any appropriation contained in this Act  
24 shall be available to initiate multiyear procurement con-  
25 tracts for any systems or component thereof if the value

1 of the multiyear contract would exceed \$500,000,000 un-  
2 less specifically provided in this Act: *Provided further*,  
3 That no multiyear procurement contract can be termi-  
4 nated without 10-day prior notification to the congres-  
5 sional defense committees: *Provided further*, That the exe-  
6 cution of multiyear authority shall require the use of a  
7 present value analysis to determine lowest cost compared  
8 to an annual procurement: *Provided further*, That none of  
9 the funds provided in this Act may be used for a multiyear  
10 contract executed after the date of the enactment of this  
11 Act unless in the case of any such contract—

12           (1) the Secretary of Defense has submitted to  
13 Congress a budget request for full funding of units  
14 to be procured through the contract and, in the case  
15 of a contract for procurement of aircraft, that in-  
16 cludes, for any aircraft unit to be procured through  
17 the contract for which procurement funds are re-  
18 quested in that budget request for production be-  
19 yond advanced procurement activities in the fiscal  
20 year covered by the budget, full funding of procure-  
21 ment of such unit in that fiscal year;

22           (2) cancellation provisions in the contract do  
23 not include consideration of recurring manufacturing  
24 costs of the contractor associated with the produc-

1       tion of unfunded units to be delivered under the con-  
2       tract;

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

6           (4) the contract does not provide for a price ad-  
7       justment based on a failure to award a follow-on  
8       contract.

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

11       UH-60M/HH-60M and MH-60R/MH-60S Helicopter  
12      Airframes; and MH-60R/S Mission Avionics and Common  
13      Cockpits.

14       SEC. 8011. Within the funds appropriated for the op-  
15      eration and maintenance of the Armed Forces, funds are  
16      hereby appropriated pursuant to section 401 of title 10,  
17      United States Code, for humanitarian and civic assistance  
18      costs under chapter 20 of title 10, United States Code.  
19      Such funds may also be obligated for humanitarian and  
20      civic assistance costs incidental to authorized operations  
21      and pursuant to authority granted in section 401 of chap-  
22      ter 20 of title 10, United States Code, and these obliga-  
23      tions shall be reported as required by section 401(d) of  
24      title 10, United States Code: *Provided*, That funds avail-  
25      able for operation and maintenance shall be available for

1 providing humanitarian and similar assistance by using  
2 Civic Action Teams in the Trust Territories of the Pacific  
3 Islands and freely associated states of Micronesia, pursu-  
4 ant to the Compact of Free Association as authorized by  
5 Public Law 99–239: *Provided further*, That upon a deter-  
6 mination by the Secretary of the Army that such action  
7 is beneficial for graduate medical education programs con-  
8 ducted at Army medical facilities located in Hawaii, the  
9 Secretary of the Army may authorize the provision of med-  
10 ical services at such facilities and transportation to such  
11 facilities, on a nonreimbursable basis, for civilian patients  
12 from American Samoa, the Commonwealth of the North-  
13 ern Mariana Islands, the Marshall Islands, the Federated  
14 States of Micronesia, Palau, and Guam.

15       SEC. 8012. (a) During fiscal year 2012, the civilian  
16 personnel of the Department of Defense may not be man-  
17 aged on the basis of any end-strength, and the manage-  
18 ment of such personnel during that fiscal year shall not  
19 be subject to any constraint or limitation (known as an  
20 end-strength) on the number of such personnel who may  
21 be employed on the last day of such fiscal year.

22       (b) The fiscal year 2013 budget request for the De-  
23 partment of Defense as well as all justification material  
24 and other documentation supporting the fiscal year 2013  
25 Department of Defense budget request shall be prepared

1 and submitted to the Congress as if subsections (a) and  
2 (b) of this provision were effective with regard to fiscal  
3 year 2013.

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

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

10 SEC. 8014. None of the funds appropriated by this  
11 Act shall be available for the basic pay and allowances of  
12 any member of the Army participating as a full-time stu-  
13 dent and receiving benefits paid by the Secretary of Vet-  
14 erans Affairs from the Department of Defense Education  
15 Benefits Fund when time spent as a full-time student is  
16 credited toward completion of a service commitment: *Pro-*  
17 *vided*, That this section shall not apply to those members  
18 who have reenlisted with this option prior to October 1,  
19 1987: *Provided further*, That this section applies only to  
20 active components of the Army.

21 SEC. 8015. (a) None of the funds appropriated by  
22 this Act shall be available to convert to contractor per-  
23 formance an activity or function of the Department of De-  
24 fense that, on or after the date of the enactment of this



1 Act, is performed by Department of Defense civilian em-  
2 ployees unless—

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

7 (2) the Competitive Sourcing Official deter-  
8 mines that, over all performance periods stated in  
9 the solicitation of offers for performance of the ac-  
10 tivity or function, the cost of performance of the ac-  
11 tivity or function by a contractor would be less costly  
12 to the Department of Defense by an amount that  
13 equals or exceeds the lesser of—

14 (A) 10 percent of the most efficient organi-  
15 zation's personnel-related costs for performance  
16 of that activity or function by Federal employ-  
17 ees; or

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

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

22 (A) not making an employer-sponsored  
23 health insurance plan available to the workers  
24 who are to be employed in the performance of  
25 that activity or function under the contract; or

1           (B) offering to such workers an employer-  
2 sponsored health benefits plan that requires the  
3 employer to contribute less towards the pre-  
4 mium or subscription share than the amount  
5 that is paid by the Department of Defense for  
6 health benefits for civilian employees under  
7 chapter 89 of title 5, United States Code.

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

16           (A) is included on the procurement list established  
17 pursuant to section 2 of the Javits-Wagner-O'Day Act  
18 (section 8503 of title 41, United States Code);

19           (B) is planned to be converted to performance by a  
20 qualified nonprofit agency for the blind or by a qualified  
21 nonprofit agency for other severely handicapped individ-  
22 uals in accordance with that Act; or

23           (C) is planned to be converted to performance by a  
24 qualified firm under at least 51 percent ownership by an  
25 Indian tribe, as defined in section 4(e) of the Indian Self-

1 Determination and Education Assistance Act (25 U.S.C.  
2 450b(e)), or a Native Hawaiian Organization, as defined  
3 in section 8(a)(15) of the Small Business Act (15 U.S.C.  
4 637(a)(15)).

5 (2) This section shall not apply to depot contracts  
6 or contracts for depot maintenance as provided in sections  
7 2469 and 2474 of title 10, United States Code.

8 (TRANSFER OF FUNDS)

9 SEC. 8016. Funds appropriated in title III of this Act  
10 for the Department of Defense Pilot Mentor-Protege Pro-  
11 gram may be transferred to any other appropriation con-  
12 tained in this Act solely for the purpose of implementing  
13 a Mentor-Protege Program developmental assistance  
14 agreement pursuant to section 831 of the National De-  
15 fense Authorization Act for Fiscal Year 1991 (Public Law  
16 101–510; 10 U.S.C. 2302 note), as amended, under the  
17 authority of this provision or any other transfer authority  
18 contained in this Act.

19 SEC. 8017. None of the funds in this Act may be  
20 available for the purchase by the Department of Defense  
21 (and its departments and agencies) of welded shipboard  
22 anchor and mooring chain 4 inches in diameter and under  
23 unless the anchor and mooring chain are manufactured  
24 in the United States from components which are substan-  
25 tially manufactured in the United States: *Provided*, That

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

19       SEC. 8018. None of the funds available to the De-  
20 partment of Defense, herein and hereafter, may be used  
21 to demilitarize or dispose of M-1 Carbines, M-1 Garand  
22 rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or  
23 M-1911 pistols, or to demilitarize or destroy small arms  
24 ammunition or ammunition components that are not oth-  
25 erwise prohibited from commercial sale under Federal law,

1 unless the small arms ammunition or ammunition compo-  
2 nents are certified by the Secretary of the Army or des-  
3 ignee as unserviceable or unsafe for further use.

4       SEC. 8019. No more than \$500,000 of the funds ap-  
5 propriated or made available in this Act shall be used dur-  
6 ing a single fiscal year for any single relocation of an orga-  
7 nization, unit, activity or function of the Department of  
8 Defense into or within the National Capital Region: *Pro-*  
9 *vided*, That the Secretary of Defense may waive this re-  
10 striction on a case-by-case basis by certifying in writing  
11 to the congressional defense committees that such a relo-  
12 cation is required in the best interest of the Government.

13       SEC. 8020. In addition to the funds provided else-  
14 where in this Act, \$15,000,000 is appropriated only for  
15 incentive payments authorized by section 504 of the In-  
16 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,  
17 That a prime contractor or a subcontractor at any tier  
18 that makes a subcontract award to any subcontractor or  
19 supplier as defined in section 1544 of title 25, United  
20 States Code, or a small business owned and controlled by  
21 an individual or individuals defined under section 4221(9)  
22 of title 25, United States Code, shall be considered a con-  
23 tractor for the purposes of being allowed additional com-  
24 pensation under section 504 of the Indian Financing Act  
25 of 1974 (25 U.S.C. 1544) whenever the prime contract

1 or subcontract amount is over \$500,000 and involves the  
2 expenditure of funds appropriated by an Act making Ap-  
3 propriations for the Department of Defense with respect  
4 to any fiscal year: *Provided further*, That notwithstanding  
5 section 1906 of title 41, United States Code, this section  
6 shall be applicable to any Department of Defense acquisi-  
7 tion of supplies or services, including any contract and any  
8 subcontract at any tier for acquisition of commercial items  
9 produced or manufactured, in whole or in part, by any  
10 subcontractor or supplier defined in section 1544 of title  
11 25, United States Code, or a small business owned and  
12 controlled by an individual or individuals defined under  
13 section 4221(9) of title 25, United States Code.

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

17 SEC. 8022. During the current fiscal year, the De-  
18 partment of Defense is authorized to incur obligations of  
19 not to exceed \$350,000,000 for purposes specified in sec-  
20 tion 2350j(c) of title 10, United States Code, in anticipa-  
21 tion of receipt of contributions, only from the Government  
22 of Kuwait, under that section: *Provided*, That upon re-  
23 ceipt, such contributions from the Government of Kuwait  
24 shall be credited to the appropriations or fund which in-  
25 curred such obligations.

1       SEC. 8023. (a) Of the funds made available in this  
2 Act, not less than \$30,945,000 shall be available for the  
3 Civil Air Patrol Corporation, of which—

4           (1) \$27,838,000 shall be available from “Oper-  
5 ation and Maintenance, Air Force” to support Civil  
6 Air Patrol Corporation operation and maintenance,  
7 readiness, counter-drug activities, and drug demand  
8 reduction activities involving youth programs;

9           (2) \$2,190,000 shall be available from “Aircraft  
10 Procurement, Air Force”; and

11          (3) \$917,000 shall be available from “Other  
12 Procurement, Air Force” for vehicle procurement.

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

17       SEC. 8024. (a) None of the funds appropriated in this  
18 Act are available to establish a new Department of De-  
19 fense (department) federally funded research and develop-  
20 ment center (FFRDC), either as a new entity, or as a  
21 separate entity administrated by an organization man-  
22 aging another FFRDC, or as a nonprofit membership cor-  
23 poration consisting of a consortium of other FFRDCs and  
24 other nonprofit entities.

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

13 (c) Notwithstanding any other provision of law, none  
14 of the funds available to the department from any source  
15 during fiscal year 2012 may be used by a defense FFRDC,  
16 through a fee or other payment mechanism, for construc-  
17 tion of new buildings, for payment of cost sharing for  
18 projects funded by Government grants, for absorption of  
19 contract overruns, or for certain charitable contributions,  
20 not to include employee participation in community service  
21 and/or development.

22 (d) Notwithstanding any other provision of law, of  
23 the funds available to the department during fiscal year  
24 2012, not more than 5,750 staff years of technical effort  
25 (staff years) may be funded for defense FFRDCs: *Pro-*



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

7 (e) The Secretary of Defense shall, with the submis-  
8 sion of the department's fiscal year 2013 budget request,  
9 submit a report presenting the specific amounts of staff  
10 years of technical effort to be allocated for each defense  
11 FFRDC during that fiscal year and the associated budget  
12 estimates.

13 (f) Notwithstanding any other provision of this Act,  
14 the total amount appropriated in this Act for FFRDCs  
15 is hereby reduced by \$125,000,000.

16 SEC. 8025. None of the funds appropriated or made  
17 available in this Act shall be used to procure carbon, alloy  
18 or armor steel plate for use in any Government-owned fa-  
19 cility or property under the control of the Department of  
20 Defense which were not melted and rolled in the United  
21 States or Canada: *Provided*, That these procurement re-  
22 strictions shall apply to any and all Federal Supply Class  
23 9515, American Society of Testing and Materials (ASTM)  
24 or American Iron and Steel Institute (AISI) specifications  
25 of carbon, alloy or armor steel plate: *Provided further*,

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

12 SEC. 8026. For the purposes of this Act, the term  
13 “congressional defense committees” means the Armed  
14 Services Committee of the House of Representatives, the  
15 Armed Services Committee of the Senate, the Sub-  
16 committee on Defense of the Committee on Appropriations  
17 of the Senate, and the Subcommittee on Defense of the  
18 Committee on Appropriations of the House of Representa-  
19 tives.

20 SEC. 8027. During the current fiscal year, the De-  
21 partment of Defense may acquire the modification, depot  
22 maintenance and repair of aircraft, vehicles and vessels  
23 as well as the production of components and other De-  
24 fense-related articles, through competition between De-  
25 partment of Defense depot maintenance activities and pri-

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

9       SEC. 8028. (a)(1) If the Secretary of Defense, after  
10 consultation with the United States Trade Representative,  
11 determines that a foreign country which is party to an  
12 agreement described in paragraph (2) has violated the  
13 terms of the agreement by discriminating against certain  
14 types of products produced in the United States that are  
15 covered by the agreement, the Secretary of Defense shall  
16 rescind the Secretary's blanket waiver of the Buy Amer-  
17 ican Act with respect to such types of products produced  
18 in that foreign country.

19           (2) An agreement referred to in paragraph (1)  
20 is any reciprocal defense procurement memorandum  
21 of understanding, between the United States and a  
22 foreign country pursuant to which the Secretary of  
23 Defense has prospectively waived the Buy American  
24 Act for certain products in that country.

1 (b) The Secretary of Defense shall submit to the Con-  
2 gress a report on the amount of Department of Defense  
3 purchases from foreign entities in fiscal year 2012. Such  
4 report shall separately indicate the dollar value of items  
5 for which the Buy American Act was waived pursuant to  
6 any agreement described in subsection (a)(2), the Trade  
7 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any  
8 international agreement to which the United States is a  
9 party.

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

13 SEC. 8029. During the current fiscal year, amounts  
14 contained in the Department of Defense Overseas Military  
15 Facility Investment Recovery Account established by sec-  
16 tion 2921(c)(1) of the National Defense Authorization Act  
17 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall  
18 be available until expended for the payments specified by  
19 section 2921(c)(2) of that Act.

20 SEC. 8030. (a) Notwithstanding any other provision  
21 of law, the Secretary of the Air Force may convey at no  
22 cost to the Air Force, without consideration, to Indian  
23 tribes located in the States of Nevada, Idaho, North Da-  
24 kota, South Dakota, Montana, Oregon, Minnesota, and  
25 Washington relocatable military housing units located at

1 Grand Forks Air Force Base, Malmstrom Air Force Base,  
2 Mountain Home Air Force Base, Ellsworth Air Force  
3 Base, and Minot Air Force Base that are excess to the  
4 needs of the Air Force.

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

15 (c) The Operation Walking Shield Program shall re-  
16 solve any conflicts among requests of Indian tribes for  
17 housing units under subsection (a) before submitting re-  
18 quests to the Secretary of the Air Force under subsection  
19 (b).

20 (d) In this section, the term “Indian tribe” means  
21 any recognized Indian tribe included on the current list  
22 published by the Secretary of the Interior under section  
23 104 of the Federally Recognized Indian Tribe Act of 1994  
24 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a-  
25 1).

1        SEC. 8031. During the current fiscal year, appropria-  
2 tions which are available to the Department of Defense  
3 for operation and maintenance may be used to purchase  
4 items having an investment item unit cost of not more  
5 than \$250,000.

6        SEC. 8032. (a) During the current fiscal year, none  
7 of the appropriations or funds available to the Department  
8 of Defense Working Capital Funds shall be used for the  
9 purchase of an investment item for the purpose of acquir-  
10 ing a new inventory item for sale or anticipated sale dur-  
11 ing the current fiscal year or a subsequent fiscal year to  
12 customers of the Department of Defense Working Capital  
13 Funds if such an item would not have been chargeable  
14 to the Department of Defense Business Operations Fund  
15 during fiscal year 1994 and if the purchase of such an  
16 investment item would be chargeable during the current  
17 fiscal year to appropriations made to the Department of  
18 Defense for procurement.

19        (b) The fiscal year 2013 budget request for the De-  
20 partment of Defense as well as all justification material  
21 and other documentation supporting the fiscal year 2013  
22 Department of Defense budget shall be prepared and sub-  
23 mitted to the Congress on the basis that any equipment  
24 which was classified as an end item and funded in a pro-  
25 curement appropriation contained in this Act shall be

1 budgeted for in a proposed fiscal year 2013 procurement  
2 appropriation and not in the supply management business  
3 area or any other area or category of the Department of  
4 Defense Working Capital Funds.

5       SEC. 8033. None of the funds appropriated by this  
6 Act for programs of the Central Intelligence Agency shall  
7 remain available for obligation beyond the current fiscal  
8 year, except for funds appropriated for the Reserve for  
9 Contingencies, which shall remain available until Sep-  
10 tember 30, 2013: *Provided*, That funds appropriated,  
11 transferred, or otherwise credited to the Central Intel-  
12 ligence Agency Central Services Working Capital Fund  
13 during this or any prior or subsequent fiscal year shall  
14 remain available until expended: *Provided further*, That  
15 any funds appropriated or transferred to the Central Intel-  
16 ligence Agency for advanced research and development ac-  
17 quisition, for agent operations, and for covert action pro-  
18 grams authorized by the President under section 503 of  
19 the National Security Act of 1947, as amended, shall re-  
20 main available until September 30, 2013.

21       SEC. 8034. Notwithstanding any other provision of  
22 law, funds made available in this Act for the Defense In-  
23 telligence Agency may be used for the design, develop-  
24 ment, and deployment of General Defense Intelligence  
25 Program intelligence communications and intelligence in-

1 formation systems for the Services, the Unified and Speci-  
2 fied Commands, and the component commands.

3 SEC. 8035. Of the funds appropriated to the Depart-  
4 ment of Defense under the heading “Operation and Main-  
5 tenance, Defense-Wide”, not less than \$12,000,000 shall  
6 be made available only for the mitigation of environmental  
7 impacts, including training and technical assistance to  
8 tribes, related administrative support, the gathering of in-  
9 formation, documenting of environmental damage, and de-  
10 veloping a system for prioritization of mitigation and cost  
11 to complete estimates for mitigation, on Indian lands re-  
12 sulting from Department of Defense activities.

13 SEC. 8036. (a) None of the funds appropriated in this  
14 Act may be expended by an entity of the Department of  
15 Defense unless the entity, in expending the funds, com-  
16 plies with the Buy American Act. For purposes of this  
17 subsection, the term “Buy American Act” means chapter  
18 83 of title 41, United States Code.

19 (b) If the Secretary of Defense determines that a per-  
20 son has been convicted of intentionally affixing a label  
21 bearing a “Made in America” inscription to any product  
22 sold in or shipped to the United States that is not made  
23 in America, the Secretary shall determine, in accordance  
24 with section 2410f of title 10, United States Code, wheth-



1 er the person should be debarred from contracting with  
2 the Department of Defense.

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

11 SEC. 8037. None of the funds appropriated by this  
12 Act shall be available for a contract for studies, analysis,  
13 or consulting services entered into without competition on  
14 the basis of an unsolicited proposal unless the head of the  
15 activity responsible for the procurement determines—

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

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

24 (3) the purpose of the contract is to take ad-  
25 vantage of unique and significant industrial accom-

1       plishment by a specific concern, or to ensure that a  
2       new product or idea of a specific concern is given fi-  
3       nancial support: *Provided*, That this limitation shall  
4       not apply to contracts in an amount of less than  
5       \$25,000, contracts related to improvements of equip-  
6       ment that is in development or production, or con-  
7       tracts as to which a civilian official of the Depart-  
8       ment of Defense, who has been confirmed by the  
9       Senate, determines that the award of such contract  
10      is in the interest of the national defense.

11      SEC. 8038. (a) Except as provided in subsections (b)  
12      and (c), none of the funds made available by this Act may  
13      be used—

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

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

20      (b) The Secretary of Defense or Secretary of a mili-  
21      tary department may waive the limitations in subsection  
22      (a), on a case-by-case basis, if the Secretary determines,  
23      and certifies to the Committees on Appropriations of the  
24      House of Representatives and Senate that the granting

1 of the waiver will reduce the personnel requirements or  
2 the financial requirements of the department.

3 (c) This section does not apply to—

4 (1) field operating agencies funded within the  
5 National Intelligence Program; or

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

10 (3) an Army field operating agency established  
11 to improve the effectiveness and efficiencies of bio-  
12 metric activities and to integrate common biometric  
13 technologies throughout the Department of Defense.

14 SEC. 8039. The Secretary of Defense, notwith-  
15 standing any other provision of law, acting through the  
16 Office of Economic Adjustment of the Department of De-  
17 fense, may use funds made available in this Act under the  
18 heading “Operation and Maintenance, Defense-Wide” to  
19 make grants and supplement other Federal funds in ac-  
20 cordance with the guidance provided in the explanatory  
21 statement regarding this Act.

22 (RESCISSIONS)

23 SEC. 8040. Of the funds appropriated in Department  
24 of Defense Appropriations Acts, the following funds are

1 hereby rescinded from the following accounts and pro-  
2 grams in the specified amounts:

3 “National Defense Sealift Fund”, 2002/XXXX,  
4 \$20,444,000;

5 “National Defense Sealift Fund”, 2003/XXXX,  
6 \$8,500,000;

7 “National Defense Sealift Fund”, 2004/XXXX,  
8 \$6,500,000;

9 “Aircraft Procurement, Navy”, 2010/2012,  
10 \$90,000,000;

11 “Aircraft Procurement, Navy”, 2011/2013,  
12 \$55,000,000;

13 “Weapons Procurement, Navy”, 2011/2013,  
14 \$35,427,000;

15 “Procurement of Ammunition, Navy and Marine  
16 Corps”, 2011/2013, \$8,612,000;

17 “Shipbuilding and Conversion, Navy”, 2011/2015,  
18 \$110,351,000;

19 “Aircraft Procurement, Air Force”, 2011/2013,  
20 \$30,000,000;

21 “Missile Procurement, Air Force”, 2011/2013,  
22 \$122,500,000;

23 “Other Procurement, Air Force”, 2011/2013,  
24 \$90,000,000;

1 “Procurement, Defense-Wide”, 2011/2013,  
2 \$45,000,000;

3 “Research, Development, Test and Evaluation,  
4 Navy”, 2011/2012, \$34,771,000;

5 “Research, Development, Test and Evaluation, Air  
6 Force”, 2011/2012, \$105,000,000;

7 “Research, Development, Test and Evaluation, De-  
8 fense-Wide” , 2011/2012, \$318,000,000.

9 Notwithstanding any other provision of law, none of the  
10 funds provided may be used for the construction of addi-  
11 tional sealift capacity, as described under the heading  
12 “National Defense Sealift Fund” in Public Law 107–117,  
13 Public Law 107–248, and Public Law 108–87, or for the  
14 purposes described in section 115 of division H of Public  
15 Law 108–199, as amended by section 1017 of division A  
16 of Public Law 109–13.

17 SEC. 8041. None of the funds available in this Act  
18 may be used to reduce the authorized positions for mili-  
19 tary (civilian) technicians of the Army National Guard,  
20 Air National Guard, Army Reserve and Air Force Reserve  
21 for the purpose of applying any administratively imposed  
22 civilian personnel ceiling, freeze, or reduction on military  
23 (civilian) technicians, unless such reductions are a direct  
24 result of a reduction in military force structure.

1        SEC. 8042. None of the funds appropriated or other-  
2 wise made available in this Act may be obligated or ex-  
3 pended for assistance to the Democratic People's Republic  
4 of Korea unless specifically appropriated for that purpose.

5        SEC. 8043. Funds appropriated in this Act for oper-  
6 ation and maintenance of the Military Departments, Com-  
7 batant Commands and Defense Agencies shall be available  
8 for reimbursement of pay, allowances and other expenses  
9 which would otherwise be incurred against appropriations  
10 for the National Guard and Reserve when members of the  
11 National Guard and Reserve provide intelligence or coun-  
12 terintelligence support to Combatant Commands, Defense  
13 Agencies and Joint Intelligence Activities, including the  
14 activities and programs included within the National Intel-  
15 ligence Program and the Military Intelligence Program:  
16 *Provided*, That nothing in this section authorizes deviation  
17 from established Reserve and National Guard personnel  
18 and training procedures.

19        SEC. 8044. During the current fiscal year, none of  
20 the funds appropriated in this Act may be used to reduce  
21 the civilian medical and medical support personnel as-  
22 signed to military treatment facilities below the September  
23 30, 2003, level: *Provided*, That the Service Surgeons Gen-  
24 eral may waive this section by certifying to the congres-  
25 sional defense committees that the beneficiary population

1 is declining in some catchment areas and civilian strength  
2 reductions may be consistent with responsible resource  
3 stewardship and capitation-based budgeting.

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

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

14       SEC. 8046. None of the funds appropriated by this  
15 Act may be used for the procurement of ball and roller  
16 bearings other than those produced by a domestic source  
17 and of domestic origin: *Provided*, That the Secretary of  
18 the military department responsible for such procurement  
19 may waive this restriction on a case-by-case basis by certi-  
20 fying in writing to the Committees on Appropriations of  
21 the House of Representatives and the Senate, that ade-  
22 quate domestic supplies are not available to meet Depart-  
23 ment of Defense requirements on a timely basis and that  
24 such an acquisition must be made in order to acquire ca-  
25 pability for national security purposes: *Provided further*,

1 That this restriction shall not apply to the purchase of  
2 “commercial items”, as defined by section 103 of title 41,  
3 United States Code, except that the restriction shall apply  
4 to ball or roller bearings purchased as end items.

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

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

24 SEC. 8049. (a) Notwithstanding any other provision  
25 of law, none of the funds available to the Department of



1 Defense for the current fiscal year may be obligated or  
2 expended to transfer to another nation or an international  
3 organization any defense articles or services (other than  
4 intelligence services) for use in the activities described in  
5 subsection (b) unless the congressional defense commit-  
6 tees, the Committee on Foreign Affairs of the House of  
7 Representatives, and the Committee on Foreign Relations  
8 of the Senate are notified 15 days in advance of such  
9 transfer.

10 (b) This section applies to—

11 (1) any international peacekeeping or peace-en-  
12 forcement operation under the authority of chapter  
13 VI or chapter VII of the United Nations Charter  
14 under the authority of a United Nations Security  
15 Council resolution; and

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

18 (c) A notice under subsection (a) shall include the  
19 following—

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

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

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

1 (A) a statement of whether the inventory  
2 requirements of all elements of the Armed  
3 Forces (including the reserve components) for  
4 the type of equipment or supplies to be trans-  
5 ferred have been met; and

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

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

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

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

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8051. During the current fiscal year, no more  
22 than \$30,000,000 of appropriations made in this Act  
23 under the heading “Operation and Maintenance, Defense-  
24 Wide” may be transferred to appropriations available for  
25 the pay of military personnel, to be merged with, and to

1 be available for the same time period as the appropriations  
2 to which transferred, to be used in support of such per-  
3 sonnel in connection with support and services for eligible  
4 organizations and activities outside the Department of De-  
5 fense pursuant to section 2012 of title 10, United States  
6 Code.

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

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

20           (2) the obligation is not otherwise properly  
21 chargeable to any current appropriation account of  
22 the Department of Defense; and

23           (3) in the case of an expired account, the obli-  
24 gation is not chargeable to a current appropriation  
25 of the Department of Defense under the provisions

1 of section 1405(b)(8) of the National Defense Au-  
2 thorization Act for Fiscal Year 1991, Public Law  
3 101–510, as amended (31 U.S.C. 1551 note): *Pro-*  
4 *vided*, That in the case of an expired account, if sub-  
5 sequent review or investigation discloses that there  
6 was not in fact a negative unliquidated or unex-  
7 pended balance in the account, any charge to a cur-  
8 rent account under the authority of this section shall  
9 be reversed and recorded against the expired ac-  
10 count: *Provided further*, That the total amount  
11 charged to a current appropriation under this sec-  
12 tion may not exceed an amount equal to 1 percent  
13 of the total appropriation for that account.

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

21 (b) Amounts collected under subsection (a) shall be  
22 credited to funds available for the National Guard Dis-  
23 tance Learning Project and be available to defray the costs  
24 associated with the use of equipment of the project under

1 that subsection. Such funds shall be available for such  
2 purposes without fiscal year limitation.

3       SEC. 8054. Using funds available by this Act or any  
4 other Act, the Secretary of the Air Force, pursuant to a  
5 determination under section 2690 of title 10, United  
6 States Code, may implement cost-effective agreements for  
7 required heating facility modernization in the  
8 Kaiserslautern Military Community in the Federal Repub-  
9 lic of Germany: *Provided*, That in the City of  
10 Kaiserslautern and at the Rhine Ordnance Barracks area,  
11 such agreements will include the use of United States an-  
12 thracite as the base load energy for municipal district heat  
13 to the United States Defense installations: *Provided fur-*  
14 *ther*, That at Landstuhl Army Regional Medical Center  
15 and Ramstein Air Base, furnished heat may be obtained  
16 from private, regional or municipal services, if provisions  
17 are included for the consideration of United States coal  
18 as an energy source.

19       SEC. 8055. None of the funds appropriated in title  
20 IV of this Act may be used to procure end-items for deliv-  
21 ery to military forces for operational training, operational  
22 use or inventory requirements: *Provided*, That this restric-  
23 tion does not apply to end-items used in development,  
24 prototyping, and test activities preceding and leading to  
25 acceptance for operational use: *Provided further*, That this

1 restriction does not apply to programs funded within the  
2 National Intelligence Program: *Provided further*, That the  
3 Secretary of Defense may waive this restriction on a case-  
4 by-case basis by certifying in writing to the Committees  
5 on Appropriations of the House of Representatives and the  
6 Senate that it is in the national security interest to do  
7 so.

8       SEC. 8056. None of the funds made available in this  
9 Act may be used to approve or license the sale of the F-  
10 22A advanced tactical fighter to any foreign government:  
11 *Provided*, That the Department of Defense may conduct  
12 or participate in studies, research, design and other activi-  
13 ties to define and develop a future export version of the  
14 F-22A that protects classified and sensitive information,  
15 technologies and U.S. warfighting capabilities.

16       SEC. 8057. (a) The Secretary of Defense may, on a  
17 case-by-case basis, waive with respect to a foreign country  
18 each limitation on the procurement of defense items from  
19 foreign sources provided in law if the Secretary determines  
20 that the application of the limitation with respect to that  
21 country would invalidate cooperative programs entered  
22 into between the Department of Defense and the foreign  
23 country, or would invalidate reciprocal trade agreements  
24 for the procurement of defense items entered into under  
25 section 2531 of title 10, United States Code, and the

1 country does not discriminate against the same or similar  
2 defense items produced in the United States for that coun-  
3 try.

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

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

7 (2) options for the procurement of items that  
8 are exercised after such date under contracts that  
9 are entered into before such date if the option prices  
10 are adjusted for any reason other than the applica-  
11 tion of a waiver granted under subsection (a).

12 (c) Subsection (a) does not apply to a limitation re-  
13 garding construction of public vessels, ball and roller bear-  
14 ings, food, and clothing or textile materials as defined by  
15 section 11 (chapters 50–65) of the Harmonized Tariff  
16 Schedule and products classified under headings 4010,  
17 4202, 4203, 6401 through 6406, 6505, 7019, 7218  
18 through 7229, 7304.41 through 7304.49, 7306.40, 7502  
19 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

20 SEC. 8058. (a) None of the funds made available by  
21 this Act may be used to support any training program in-  
22 volving a unit of the security forces or police of a foreign  
23 country if the Secretary of Defense has received credible  
24 information from the Department of State that the unit

1 has committed a gross violation of human rights, unless  
2 all necessary corrective steps have been taken.

3 (b) The Secretary of Defense, in consultation with the  
4 Secretary of State, shall ensure that prior to a decision  
5 to conduct any training program referred to in subsection  
6 (a), full consideration is given to all credible information  
7 available to the Department of State relating to human  
8 rights violations by foreign security forces.

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

13 (d) Not more than 15 days after the exercise of any  
14 waiver under subsection (c), the Secretary of Defense shall  
15 submit a report to the congressional defense committees  
16 describing the extraordinary circumstances, the purpose  
17 and duration of the training program, the United States  
18 forces and the foreign security forces involved in the train-  
19 ing program, and the information relating to human rights  
20 violations that necessitates the waiver.

21 SEC. 8059. None of the funds appropriated or other-  
22 wise made available by this or other Department of De-  
23 fense Appropriations Acts may be obligated or expended  
24 for the purpose of performing repairs or maintenance to  
25 military family housing units of the Department of De-



1 fense, including areas in such military family housing  
2 units that may be used for the purpose of conducting offi-  
3 cial Department of Defense business.

4       SEC. 8060. Notwithstanding any other provision of  
5 law, funds appropriated in this Act under the heading  
6 “Research, Development, Test and Evaluation, Defense-  
7 Wide” for any new start advanced concept technology  
8 demonstration project or joint capability demonstration  
9 project may only be obligated 30 days after a report, in-  
10 cluding a description of the project, the planned acquisi-  
11 tion and transition strategy, and its estimated annual and  
12 total cost, has been provided in writing to the congres-  
13 sional defense committees: *Provided*, That the Secretary  
14 of Defense may waive this restriction on a case-by-case  
15 basis by certifying to the congressional defense committees  
16 that it is in the national interest to do so.

17       SEC. 8061. The Secretary of Defense shall provide  
18 a classified quarterly report beginning 30 days after enact-  
19 ment of this Act, to the House and Senate Appropriations  
20 Committees, Subcommittees on Defense on certain mat-  
21 ters as directed in the classified annex accompanying this  
22 Act.

23       SEC. 8062. During the current fiscal year, none of  
24 the funds available to the Department of Defense may be  
25 used to provide support to another department or agency

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

14 SEC. 8063. Notwithstanding section 12310(b) of title  
15 10, United States Code, a Reserve who is a member of  
16 the National Guard serving on full-time National Guard  
17 duty under section 502(f) of title 32, United States Code,  
18 may perform duties in support of the ground-based ele-  
19 ments of the National Ballistic Missile Defense System.

20 SEC. 8064. None of the funds provided in this Act  
21 may be used to transfer to any nongovernmental entity  
22 ammunition held by the Department of Defense that has  
23 a center-fire cartridge and a United States military no-  
24 menclature designation of “armor penetrator”, “armor  
25 piercing (AP)”, “armor piercing incendiary (API)”, or

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

12 SEC. 8065. Notwithstanding any other provision of  
13 law, the Chief of the National Guard Bureau, or his des-  
14 ignee, may waive payment of all or part of the consider-  
15 ation that otherwise would be required under section 2667  
16 of title 10, United States Code, in the case of a lease of  
17 personal property for a period not in excess of 1 year to  
18 any organization specified in section 508(d) of title 32,  
19 United States Code, or any other youth, social, or fra-  
20 ternal nonprofit organization as may be approved by the  
21 Chief of the National Guard Bureau, or his designee, on  
22 a case-by-case basis.

23 SEC. 8066. None of the funds appropriated by this  
24 Act shall be used for the support of any nonappropriated  
25 funds activity of the Department of Defense that procures

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

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 8067. Of the amounts appropriated in this Act  
20 under the heading "Operation and Maintenance, Army",  
21 \$124,493,000 shall remain available until expended: *Pro-*  
22 *vided*, That notwithstanding any other provision of law,  
23 the Secretary of Defense is authorized to transfer such  
24 funds to other activities of the Federal Government: *Pro-*  
25 *vided further*, That the Secretary of Defense is authorized

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

11 SEC. 8068. Section 8106 of the Department of De-  
12 fense Appropriations Act, 1997 (titles I through VIII of  
13 the matter under subsection 101(b) of Public Law 104-  
14 208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall con-  
15 tinue in effect to apply to disbursements that are made  
16 by the Department of Defense in fiscal year 2012.

17 SEC. 8069. In addition to amounts provided else-  
18 where in this Act, \$4,000,000 is hereby appropriated to  
19 the Department of Defense, to remain available for obliga-  
20 tion until expended: *Provided*, That notwithstanding any  
21 other provision of law, that upon the determination of the  
22 Secretary of Defense that it shall serve the national inter-  
23 est, these funds shall be available only for a grant to the  
24 Fisher House Foundation, Inc., only for the construction  
25 and furnishing of additional Fisher Houses to meet the

1 needs of military family members when confronted with  
2 the illness or hospitalization of an eligible military bene-  
3 ficiary.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8070. Of the amounts appropriated in this Act  
6 under the headings “Procurement, Defense-Wide” and  
7 “Research, Development, Test and Evaluation, Defense-  
8 Wide”, \$235,700,000 shall be for the Israeli Cooperative  
9 Programs: *Provided*, That of this amount, \$110,500,000  
10 shall be for the Short Range Ballistic Missile Defense  
11 (SRBMD) program, including cruise missile defense re-  
12 search and development under the SRBMD program, of  
13 which \$15,000,000 shall be for production activities of  
14 David Sling Weapon System missiles in the United States  
15 and in Israel to meet Israel’s defense requirements, con-  
16 sistent with each nation’s laws, regulations, and proce-  
17 dures, \$66,200,000 shall be available for an upper-tier  
18 component to the Israeli Missile Defense architecture, and  
19 \$59,000,000 shall be for the Arrow System Improvement  
20 Program including development of a long range, ground  
21 and airborne, detection suite: *Provided further*, That funds  
22 made available under this provision for production of mis-  
23 siles and missile components may be transferred to appro-  
24 priations available for the procurement of weapons and  
25 equipment, to be merged with and to be available for the

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

5 SEC. 8071. None of the funds available to the De-  
6 partment of Defense may be obligated to modify command  
7 and control relationships to give Fleet Forces Command  
8 administrative and operational control of U.S. Navy forces  
9 assigned to the Pacific fleet: *Provided*, That the command  
10 and control relationships which existed on October 1,  
11 2004, shall remain in force unless changes are specifically  
12 authorized in a subsequent Act.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8072. Of the amounts appropriated in this Act  
15 under the heading “Shipbuilding and Conversion, Navy”,  
16 \$73,992,000 shall be available until September 30, 2012,  
17 to fund prior year shipbuilding cost increases: *Provided*,  
18 That upon enactment of this Act, the Secretary of the  
19 Navy shall transfer funds to the following appropriations  
20 in the amounts specified: *Provided further*, That the  
21 amounts transferred shall be merged with and be available  
22 for the same purposes as the appropriations to which  
23 transferred:

24 To:

1 Under the heading “Shipbuilding and Conver-  
2 sion, Navy, 2005/2012”: LPD-17 Amphibious  
3 Transport Dock Program \$18,627,000.

4 Under the heading “Shipbuilding and Conver-  
5 sion, Navy, 2006/2012”: LPD-17 Amphibious  
6 Transport Dock Program \$23,437,000.

7 Under the heading “Shipbuilding and Conver-  
8 sion, Navy, 2008/2012”: LPD-17 Amphibious  
9 Transport Dock Program \$31,928,000.

10 SEC. 8073. Notwithstanding any other provision of  
11 law or regulation, the Secretary of Defense may exercise  
12 the provisions of section 7403(g) of title 38, United States  
13 Code, for occupations listed in section 7403(a)(2) of title  
14 38, United States Code, as well as the following:

15 Pharmacists, Audiologists, Psychologists, Social  
16 Workers, Othotists/Prosthetists, Occupational  
17 Therapists, Physical Therapists, Rehabilitation  
18 Therapists, Respiratory Therapists, Speech Patholo-  
19 gists, Dietitian/Nutritionists, Industrial Hygienists,  
20 Psychology Technicians, Social Service Assistants,  
21 Practical Nurses, Nursing Assistants, and Dental  
22 Hygienists:

23 (1) The requirements of section  
24 7403(g)(1)(A) of title 38, United States  
25 Code, shall apply.



1                   (2) The limitations of section  
2                   7403(g)(1)(B) of title 38, United States  
3                   Code, shall not apply.

4           SEC. 8074. Funds appropriated by this Act, or made  
5 available by the transfer of funds in this Act, for intel-  
6 ligence activities are deemed to be specifically authorized  
7 by the Congress for purposes of section 504 of the Na-  
8 tional Security Act of 1947 (50 U.S.C. 414) during fiscal  
9 year 2012 until the enactment of the Intelligence Author-  
10 ization Act for Fiscal Year 2012.

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

18          SEC. 8076. The budget of the President for fiscal  
19 year 2013 submitted to the Congress pursuant to section  
20 1105 of title 31, United States Code, shall include sepa-  
21 rate budget justification documents for costs of United  
22 States Armed Forces' participation in contingency oper-  
23 ations for the Military Personnel accounts, the Operation  
24 and Maintenance accounts, and the Procurement ac-  
25 counts: *Provided*, That these documents shall include a de-

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

16 SEC. 8077. None of the funds in this Act may be  
17 used for research, development, test, evaluation, procure-  
18 ment or deployment of nuclear armed interceptors of a  
19 missile defense system.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8078. In addition to the amounts appropriated  
22 or otherwise made available elsewhere in this Act,  
23 \$44,000,000 is hereby appropriated to the Department of  
24 Defense: *Provided*, That upon the determination of the  
25 Secretary of Defense that it shall serve the national inter-

1 est, he shall make grants in the amounts specified as fol-  
2 lows: \$20,000,000 to the United Service Organizations  
3 and \$24,000,000 to the Red Cross.

4 SEC. 8079. None of the funds appropriated or made  
5 available in this Act shall be used to reduce or disestablish  
6 the operation of the 53rd Weather Reconnaissance Squad-  
7 ron of the Air Force Reserve, if such action would reduce  
8 the WC-130 Weather Reconnaissance mission below the  
9 levels funded in this Act: *Provided*, That the Air Force  
10 shall allow the 53rd Weather Reconnaissance Squadron to  
11 perform other missions in support of national defense re-  
12 quirements during the non-hurricane season.

13 SEC. 8080. None of the funds provided in this Act  
14 shall be available for integration of foreign intelligence in-  
15 formation unless the information has been lawfully col-  
16 lected and processed during the conduct of authorized for-  
17 eign intelligence activities: *Provided*, That information  
18 pertaining to United States persons shall only be handled  
19 in accordance with protections provided in the Fourth  
20 Amendment of the United States Constitution as imple-  
21 mented through Executive Order No. 12333.

22 SEC. 8081. (a) At the time members of reserve com-  
23 ponents of the Armed Forces are called or ordered to ac-  
24 tive duty under section 12302(a) of title 10, United States

1 Code, each member shall be notified in writing of the ex-  
2 pected period during which the member will be mobilized.

3 (b) The Secretary of Defense may waive the require-  
4 ments of subsection (a) in any case in which the Secretary  
5 determines that it is necessary to do so to respond to a  
6 national security emergency or to meet dire operational  
7 requirements of the Armed Forces.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8082. The Secretary of Defense may transfer  
10 funds from any available Department of the Navy appro-  
11 priation to any available Navy ship construction appro-  
12 priation for the purpose of liquidating necessary changes  
13 resulting from inflation, market fluctuations, or rate ad-  
14 justments for any ship construction program appropriated  
15 in law: *Provided*, That the Secretary may transfer not to  
16 exceed \$100,000,000 under the authority provided by this  
17 section: *Provided further*, That the Secretary may not  
18 transfer any funds until 30 days after the proposed trans-  
19 fer has been reported to the Committees on Appropria-  
20 tions of the House of Representatives and the Senate un-  
21 less a response from the Committees is received sooner:  
22 *Provided further*, That any funds transferred pursuant to  
23 this section shall retain the same period of availability as  
24 when originally appropriated: *Provided further*, That the  
25 transfer authority provided by this section is in addition

1 to any other transfer authority contained elsewhere in this  
2 Act.

3 SEC. 8083. For purposes of section 7108 of title 41,  
4 United States Code, any subdivision of appropriations  
5 made under the heading “Shipbuilding and Conversion,  
6 Navy” that is not closed at the time reimbursement is  
7 made shall be available to reimburse the Judgment Fund  
8 and shall be considered for the same purposes as any sub-  
9 division under the heading “Shipbuilding and Conversion,  
10 Navy” appropriations in the current fiscal year or any  
11 prior fiscal year.

12 SEC. 8084. (a) None of the funds appropriated by  
13 this Act may be used to transfer research and develop-  
14 ment, acquisition, or other program authority relating to  
15 current tactical unmanned aerial vehicles (TUAVs) from  
16 the Army.

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

22 SEC. 8085. Up to \$15,000,000 of the funds appro-  
23 priated under the heading “Operation and Maintenance,  
24 Navy” may be made available for the Asia Pacific Re-  
25 gional Initiative Program for the purpose of enabling the

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

12 SEC. 8086. None of the funds appropriated by this  
13 Act for programs of the Office of the Director of National  
14 Intelligence shall remain available for obligation beyond  
15 the current fiscal year, except for funds appropriated for  
16 research and technology, which shall remain available until  
17 September 30, 2013.

18 SEC. 8087. For purposes of section 1553(b) of title  
19 31, United States Code, any subdivision of appropriations  
20 made in this Act under the heading “Shipbuilding and  
21 Conversion, Navy” shall be considered to be for the same  
22 purpose as any subdivision under the heading “Ship-  
23 building and Conversion, Navy” appropriations in any  
24 prior fiscal year, and the 1 percent limitation shall apply  
25 to the total amount of the appropriation.

1        SEC. 8088. Notwithstanding any other provision of  
2 law, not more than 35 percent of funds provided in this  
3 Act for environmental remediation may be obligated under  
4 indefinite delivery/indefinite quantity contracts with a  
5 total contract value of \$130,000,000 or higher.

6        SEC. 8089. The Director of National Intelligence  
7 shall include the budget exhibits identified in paragraphs  
8 (1) and (2) as described in the Department of Defense  
9 Financial Management Regulation with the congressional  
10 budget justification books.

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

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

22        SEC. 8090. The Secretary of Defense shall create a  
23 major force program category for space for each future-  
24 years defense program of the Department of Defense sub-  
25 mitted to Congress under section 221 of title 10, United

1 States Code, during fiscal year 2012. The Secretary of De-  
2 fense shall designate an official in the Office of the Sec-  
3 retary of Defense to provide overall supervision of the  
4 preparation and justification of program recommendations  
5 and budget proposals to be included in such major force  
6 program category.

7 SEC. 8091. (a) Not later than 60 days after enact-  
8 ment of this Act, the Director of National Intelligence  
9 shall submit a report to the congressional intelligence com-  
10 mittees to establish the baseline for application of re-  
11 programming and transfer authorities pursuant to section  
12 8092 of this Act for fiscal year 2012: *Provided*, That the  
13 report shall include—

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

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

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

24 (b) None of the funds provided for the National Intel-  
25 ligence Program in this Act shall be available for re-



1 programming or transfer pursuant to section 8092 of this  
2 Act until the report identified in subsection (a) is sub-  
3 mitted to the congressional intelligence committees, unless  
4 the Director of National Intelligence certifies in writing  
5 15 days in advance to the congressional intelligence com-  
6 mittees that such reprogramming or transfer is necessary  
7 as an emergency requirement.

8 SEC. 8092. (a) None of the funds provided for the  
9 National Intelligence Program in this or any prior appro-  
10 priations Act shall be available for obligation or expendi-  
11 ture through a reprogramming or transfer of funds in ac-  
12 cordance with section 102A(d) of the National Security  
13 Act of 1947 (50 U.S.C. 403-1(d)) that —

14 (1) creates a new program, project, or sub-  
15 project,

16 (2) eliminates a program, project, or subproject,

17 (3) increases funds or personnel by any means  
18 for any program, project, or subproject,

19 (4) for which funds have been denied or re-  
20 stricted,

21 (5) relocates an office or employees, or

22 (6) reorganizes or renames an office;

23 unless the Committees on Appropriations of the House of  
24 Representatives and the Senate are notified 15 days in  
25 advance of such reprogramming of funds.

1 (b) None of the funds provided for the National Intel-  
2 ligence Program in this or any prior appropriations Act  
3 shall be available for obligation or expenditure through a  
4 reprogramming or transfer of funds in accordance with  
5 section 102A(d) of the National Security Act of 1947 (50  
6 U.S.C. 403-1(d)) in excess of \$1,000,000 or 10 percent,  
7 whichever is less, that —

8 (1) augments existing programs, projects, or  
9 subprojects,

10 (2) reduces by 10 percent funding for any exist-  
11 ing program, project, or subproject or the number of  
12 personnel by 10 percent as approved by Congress, or

13 (3) results from any general savings, including  
14 savings from a reduction in personnel costs, which  
15 would result in a change in existing programs,  
16 projects, or subprojects as approved by Congress;

17 unless the Appropriations Committees of both Houses of  
18 Congress are notified 15 days in advance of such re-  
19 programming of funds.

20 SEC. 8093. The Director of National Intelligence  
21 shall submit to Congress each year, at or about the time  
22 that the President's budget is submitted to Congress that  
23 year under section 1105(a) of title 31, United States  
24 Code, a future-years intelligence program (including asso-  
25 ciated annexes) reflecting the estimated expenditures and

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

5       SEC. 8094. For the purposes of this Act, the term  
6 “congressional intelligence committees” means the Perma-  
7 nent Select Committee on Intelligence of the House of  
8 Representatives, the Select Committee on Intelligence of  
9 the Senate, the Subcommittee on Defense of the Com-  
10 mittee on Appropriations of the House of Representatives,  
11 and the Subcommittee on Defense of the Committee on  
12 Appropriations of the Senate.

13       SEC. 8095. The Department of Defense shall con-  
14 tinue to report incremental contingency operations costs  
15 for Operation New Dawn and Operation Enduring Free-  
16 dom on a monthly basis in the Cost of War Execution  
17 Report as prescribed in the Department of Defense Finan-  
18 cial Management Regulation Department of Defense In-  
19 struction 7000.14, Volume 12, Chapter 23 “Contingency  
20 Operations”, Annex 1, dated September 2005.

21                               (INCLUDING TRANSFER OF FUNDS)

22       SEC. 8096. During the current fiscal year, not to ex-  
23 ceed \$11,000,000 from each of the appropriations made  
24 in title II of this Act for “Operation and Maintenance,  
25 Army”, “Operation and Maintenance, Navy”, and “Oper-

1 ation and Maintenance, Air Force” may be transferred by  
2 the military department concerned to its central fund es-  
3 tablished for Fisher Houses and Suites pursuant to sec-  
4 tion 2493(d) of title 10, United States Code.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 8097. Of the funds appropriated in the Intel-  
7 ligence Community Management Account for the Program  
8 Manager for the Information Sharing Environment,  
9 \$22,000,000 is available for transfer by the Director of  
10 National Intelligence to other departments and agencies  
11 for purposes of Government-wide information sharing ac-  
12 tivities: *Provided*, That funds transferred under this provi-  
13 sion are to be merged with and available for the same pur-  
14 poses and time period as the appropriation to which trans-  
15 ferred: *Provided further*, That the Office of Management  
16 and Budget must approve any transfers made under this  
17 section: *Provided further*, That the Director of National  
18 Intelligence shall notify the Committees on Appropriations  
19 of the House of Representatives and the Senate of such  
20 transfers pursuant to section pursuant to the reprogram-  
21 ming procedures established in sections 8091 and 8092.

22 SEC. 8098. Funds appropriated by this Act for oper-  
23 ation and maintenance may be available for the purpose  
24 of making remittances to the Defense Acquisition Work-

1 force Development Fund in accordance with the require-  
2 ments of section 1705 of title 10, United States Code.

3 SEC. 8099. (a) Any agency receiving funds made  
4 available in this Act, shall, subject to subsections (b) and  
5 (c), post on the public website of that agency any report  
6 required to be submitted by the Congress in this or any  
7 other Act, upon the determination by the head of the agen-  
8 cy that it shall serve the national interest.

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

10 (1) the public posting of the report com-  
11 promises national security; or

12 (2) the report contains proprietary information.

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

17 SEC. 8100. (a) None of the funds appropriated or  
18 otherwise made available by this Act may be expended for  
19 any Federal contract for an amount in excess of  
20 \$1,000,000, unless the contractor agrees not to:

21 (1) enter into any agreement with any of its  
22 employees or independent contractors that requires,  
23 as a condition of employment, that the employee or  
24 independent contractor agree to resolve through ar-  
25 bitration any claim under title VII of the Civil

1 Rights Act of 1964 or any tort related to or arising  
2 out of sexual assault or harassment, including as-  
3 sault and battery, intentional infliction of emotional  
4 distress, false imprisonment, or negligent hiring, su-  
5 pervision, or retention; or

6 (2) take any action to enforce any provision of  
7 an existing agreement with an employee or inde-  
8 pendent contractor that mandates that the employee  
9 or independent contractor resolve through arbitra-  
10 tion any claim under title VII of the Civil Rights Act  
11 of 1964 or any tort related to or arising out of sex-  
12 ual assault or harassment, including assault and  
13 battery, intentional infliction of emotional distress,  
14 false imprisonment, or negligent hiring, supervision,  
15 or retention.

16 (b) None of the funds appropriated or otherwise  
17 made available by this Act may be expended for any Fed-  
18 eral contract unless the contractor certifies that it requires  
19 each covered subcontractor to agree not to enter into, and  
20 not to take any action to enforce any provision of, any  
21 agreement as described in paragraphs (1) and (2) of sub-  
22 section (a), with respect to any employee or independent  
23 contractor performing work related to such subcontract.  
24 For purposes of this subsection, a “covered subcon-

1 tractor” is an entity that has a subcontract in excess of  
2 \$1,000,000 on a contract subject to subsection (a).

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

7 (d) The Secretary of Defense may waive the applica-  
8 tion of subsection (a) or (b) to a particular contractor or  
9 subcontractor for the purposes of a particular contract or  
10 subcontract if the Secretary or the Deputy Secretary per-  
11 sonally determines that the waiver is necessary to avoid  
12 harm to national security interests of the United States,  
13 and that the term of the contract or subcontract is not  
14 longer than necessary to avoid such harm. The determina-  
15 tion shall set forth with specificity the grounds for the  
16 waiver and for the contract or subcontract term selected,  
17 and shall state any alternatives considered in lieu of a  
18 waiver and the reasons each such alternative would not  
19 avoid harm to national security interests of the United  
20 States. The Secretary of Defense shall transmit to Con-  
21 gress, and simultaneously make public, any determination  
22 under this subsection not less than 15 business days be-  
23 fore the contract or subcontract addressed in the deter-  
24 mination may be awarded.

1        SEC. 8101. (a) PROHIBITION ON CONVERSION OF  
2 FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO  
3 CONTRACTOR PERFORMANCE.—None of the funds appro-  
4 priated by this Act or otherwise made available to the De-  
5 partment of Defense may be used to begin or announce  
6 the competition to award to a contractor or convert to per-  
7 formance by a contractor any functions performed by Fed-  
8 eral employees pursuant to a study conducted under Office  
9 of Management and Budget (OMB) Circular A-76.

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

18        SEC. 8102. (a)(1) No National Intelligence Program  
19 funds appropriated in this Act may be used for a mission  
20 critical or mission essential business management infor-  
21 mation technology system that is not registered with the  
22 Director of National Intelligence. A system shall be con-  
23 sidered to be registered with that officer upon the fur-  
24 nishing notice of the system, together with such informa-



1 tion concerning the system as the Director of the Business  
2 Transformation Office may prescribe.

3 (2) During the fiscal year 2012 no funds may  
4 be obligated or expended for a financial management  
5 automated information system, a mixed information  
6 system supporting financial and non-financial sys-  
7 tems, or a business system improvement of more  
8 than \$3,000,000, within the intelligence community  
9 without the approval of the Business Trans-  
10 formation Investment Review Board.

11 (b) This section shall not apply to any programmatic  
12 or analytic systems or programmatic or analytic system  
13 improvements.

14 SEC. 8103. None of the funds made available under  
15 this Act may be distributed to the Association of Commu-  
16 nity Organizations for Reform Now (ACORN) or its sub-  
17 sidiaries.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 8104. Within the funds appropriated for oper-  
20 ation and maintenance for the Defense Health Program  
21 in this Act, up to \$132,200,000, shall be available for  
22 transfer to the Joint Department of Defense—Depart-  
23 ment of Veterans Affairs Medical Facility Demonstration  
24 Fund in accordance with the provisions of section 1704  
25 of the National Defense Authorization Act for Fiscal Year

1 2010, Public Law 111–84: *Provided*, That for purposes  
2 of section 1704(b), the facility operations funded are oper-  
3 ations of the integrated Captain James A. Lovell Federal  
4 Health Care Center, consisting of the North Chicago Vet-  
5 erans Affairs Medical Center, the Navy Ambulatory Care  
6 Center, and supporting facilities designated as a combined  
7 Federal medical facility as described by section 706 of  
8 Public Law 110–417: *Provided further*, That additional  
9 funds may be transferred from funds appropriated for op-  
10 eration and maintenance for the Defense Health Program  
11 to the Joint Department of Defense-Department of Vet-  
12 erans Affairs Medical Facility Demonstration Fund upon  
13 written notification by the Secretary of Defense to the  
14 Committees on Appropriations of the House of Represent-  
15 atives and the Senate.

16 SEC. 8105. The Secretaries of the Army, Navy, Air  
17 Force, and the Directors of the Defense Agencies and  
18 Field Activities (in coordination with the appropriate Prin-  
19 cipal Staff Assistant), in coordination with the Under Sec-  
20 retary of Defense for Personnel and Readiness, shall re-  
21 port to the congressional defense committees within 60  
22 days of enactment of this Act their plan for documenting  
23 the number of full-time contractor employees (or its equiv-  
24 alent), as required by United States Code title 10, section  
25 2330a.

1        SEC. 8106. Section 310(b) of the Supplemental Ap-  
2 propriations Act, 2009 (Public Law 111-32; 124 Stat.  
3 1871), as amended by Public Law 112-10, is amended by  
4 striking “2 years” both places it appears and inserting  
5 “3 years”.

6        SEC. 8107. The Office of the Director of National  
7 Intelligence shall not employ more Senior Executive and  
8 General Schedule 15 equivalent employees than are speci-  
9 fied in the classified annex: *Provided*, That, notwith-  
10 standing any other provision of law, the Office of the Di-  
11 rector of National Intelligence shall select individuals for  
12 Senior Executive positions in a manner consistent with all  
13 requirements established in statute and all Office of Per-  
14 sonnel Management regulations, guidance and procedures  
15 governing the appointment of individuals to the Senior Ex-  
16 ecutive Service for other Federal agencies: *Provided fur-*  
17 *ther*, That the Director of National Intelligence shall cer-  
18 tify within 90 days of enactment of this Act to the Com-  
19 mittees on Appropriations of the House of Representatives  
20 and the Senate that the Office of the Director of National  
21 Intelligence, in consultation with the Director of the Office  
22 of Personnel Management, has revised its selection process  
23 for Senior Executive positions to conform with Office of  
24 Personnel Management regulations, requirements, and  
25 procedures: *Provided further*, That during fiscal year

1 2012, the Office of the Director of National Intelligence  
2 shall not appoint any individual to a Senior Executive po-  
3 sition if that person was not serving in a Senior Executive  
4 position in fiscal year 2011 until the Director of National  
5 Intelligence has submitted its new policies and procedures  
6 to the Committees on Appropriations of the House of Rep-  
7 resentatives and the Senate.

8       SEC. 8108. None of the funds appropriated or other-  
9 wise made available by this Act may be obligated or ex-  
10 pended to pay a retired general or flag officer to serve  
11 as a senior mentor advising the Department of Defense  
12 unless such retired officer files a Standard Form 278 (or  
13 successor form concerning public financial disclosure  
14 under part 2634 of title 5, Code of Federal Regulations)  
15 to the Office of Government Ethics.

16       SEC. 8109. Appropriations available to the Depart-  
17 ment of Defense may be used for the purchase of heavy  
18 and light armored vehicles for the physical security of per-  
19 sonnel or for force protection purposes up to a limit of  
20 \$250,000 per vehicle, notwithstanding price or other limi-  
21 tations applicable to the purchase of passenger carrying  
22 vehicles.

23       SEC. 8110. Of the amounts appropriated for Military  
24 Personnel under title I of the Act, not to exceed 1 percent

1 of each appropriation shall remain available until Sep-  
2 tember 30, 2013.

3       SEC. 8111. Of the amounts appropriated for “Oper-  
4 ation and Maintenance, Defense-Wide”, \$33,000,000 shall  
5 be available to the Secretary of Defense, notwithstanding  
6 any other provision of law, acting through the Office of  
7 Economic Adjustment of the Department of Defense, to  
8 make grants, conclude cooperative agreements, and sup-  
9 plement other Federal funds, to remain available until ex-  
10 pended, to assist the civilian population of Guam in re-  
11 sponse to the military buildup of Guam, to include ad-  
12 dressing the need for vehicles and supplies for civilian stu-  
13 dent transportation, preservation and repository of arti-  
14 facts unearthed during military construction, and con-  
15 struction of a mental health and substance abuse facility.

16       SEC. 8112. None of the funds made available by this  
17 Act may be used by the Secretary of Defense to operate  
18 more than 1,000 parking spaces provided by the combina-  
19 tion spaces provided by the BRAC 133 project and the  
20 lease of spaces in the immediate vicinity of the BRAC 133  
21 project.

22       SEC. 8113. (a) None of the funds provided in this  
23 title for Operation and Maintenance may be available for  
24 obligation or expenditure to relocate Air Force program  
25 offices, or acquisition management functions of major

1 weapons systems, to a central location, or to any location  
2 other than the Air Force Material Command site where  
3 they are currently located until 30 days after the Sec-  
4 retary of the Air Force submits the initial report under  
5 subsection (b).

6 (b) The Secretary of the Air Force shall submit to  
7 the congressional defense committees a report which in-  
8 cludes the following: a listing of all Air Force Material  
9 Command functions to be transferred and an identifica-  
10 tion of the locations where these functions will be trans-  
11 ferred from and to; a listing of all Air Force Material  
12 Command personnel positions to be transferred and an  
13 identification of the locations these positions will be trans-  
14 ferred from and to; and the cost benefit analysis and the  
15 life-cycle cost analysis underpinning the Secretary of the  
16 Air Forces decisions to relocate Air Force Material Com-  
17 mand functions and personnel.

18 SEC. 8114. Not later than 120 days after the date  
19 of the enactment of this Act, the Secretary of Defense  
20 shall resume monthly reporting of the numbers of civilian  
21 personnel end strength by appropriation account for each  
22 and every appropriation account used to finance federal  
23 civilian personnel salaries to the congressional defense  
24 committees.

1       SEC. 8115. In addition to amounts provided else-  
2 where in this Act, \$10,000,000 is hereby appropriated, for  
3 an additional amount for “Research, Development, Test  
4 and Evaluation, Army”, to remain available until Sep-  
5 tember 30, 2013. Such funds may be available for the Sec-  
6 retary of the Army to conduct research on alternative en-  
7 ergy resources for deployed forces.

8       SEC. 8116. (a) None of the funds appropriated in this  
9 Act for the National Intelligence Program or the Military  
10 Intelligence Program are available to establish a new fed-  
11 erally funded research and development center (FFRDC),  
12 either as a new entity, or as a separate entity adminis-  
13 trated by an organization managing another FFRDC, or  
14 as a nonprofit membership corporation consisting of a con-  
15 sortium of other FFRDCs and other nonprofit entities.

16       (b) No member of a Board of Directors, Trustees,  
17 Overseers, Advisory Group, Special Issues Panel, Visiting  
18 Committee, or any similar entity of a defense or intel-  
19 ligence FFRDC, and no paid consultant to any defense  
20 or intelligence FFRDC, except when acting in a technical  
21 advisory capacity, may be compensated for his or her serv-  
22 ices as a member of such entity, or as a paid consultant  
23 by more than one FFRDC in a fiscal year: *Provided*, That  
24 a member of any such entity referred to previously in this  
25 subsection shall be allowed travel expenses and per diem

1 as authorized under the Federal Joint Travel Regulations,  
2 when engaged in the performance of membership duties.

3 (c) Notwithstanding any other provision of law, none  
4 of the funds available to a National Intelligence Program  
5 or Military Intelligence Program from any source during  
6 fiscal year 2012 may be used by a defense or intelligence  
7 FFRDC, through a fee or other payment mechanism, for  
8 construction of new buildings, for payment of cost sharing  
9 for projects funded by Government grants, for absorption  
10 of contract overruns, or for certain charitable contribu-  
11 tions, not to include employee participation in community  
12 service and/or development.

13 (d) Notwithstanding any other provision of law, of  
14 the funds available to the National Intelligence Program  
15 or Military Intelligence Program during fiscal year 2012,  
16 the total level of funding and staff years of technical effort  
17 (staff years) for FFRDCs shall not exceed the allocation  
18 included in the classified annex accompanying this Act.

19 (e) The Secretary of Defense and the Director of Na-  
20 tional Intelligence shall, with the submission of the fiscal  
21 year 2013 budget request, submit a report presenting the  
22 specific amounts of staff years of technical effort to be  
23 allocated for each FFRDC during that fiscal year and the  
24 associated budget estimates for the National Intelligence  
25 Programs and Military Intelligence Programs: *Provided,*



1 That such information shall be provided in a classified  
2 manner.

3 (f) Notwithstanding any other provision of this Act,  
4 the total amount appropriated in this Act for National In-  
5 telligence Program and Military Intelligence Program  
6 FFRDCs is hereby reduced by the amount specified in the  
7 classified annex.

8 SEC. 8117. The Secretary of Defense shall study and  
9 report to the Congressional Defense Committees the feasi-  
10 bility of using commercially available telecommunications  
11 expense management solutions across the Department of  
12 Defense by March 1, 2012.

13 SEC. 8118. None of the funds appropriated in this  
14 or any other Act may be used to plan, prepare for, or oth-  
15 erwise take any action to undertake or implement the sep-  
16 aration of the National Intelligence Program budget from  
17 the Department of Defense budget.

18 SEC. 8119. None of the funds appropriated in title  
19 II in this Act for “Operation and Maintenance” may be  
20 used for Information Operations/Military Information  
21 Support Operations activities.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 8120. Upon a determination by the Director of  
24 National Intelligence that such action is necessary and in  
25 the national interest, the Director may, with the approval

1 of the Office of Management and Budget, transfer not to  
2 exceed \$1,000,000,000 of the funds made available in this  
3 Act to the intelligence community and the associated  
4 Agencies for intelligence functions (except military con-  
5 struction) between such appropriations or funds or any  
6 subdivision thereof, to be merged with and to be available  
7 for the same purposes, and for the same time period, as  
8 the appropriation or fund to which transferred: *Provided*,  
9 That such authority to transfer may not be used unless  
10 for higher priority items, based on unforeseen intelligence  
11 requirements, than those for which originally appropriated  
12 and in no case where the item for which funds are re-  
13 quested has been denied by the Congress: *Provided further*,  
14 That such transfers shall be made only in accordance with  
15 sections 8091 and 8092 of the Act: *Provided further*, That  
16 no part of the funds in this Act shall be available to pre-  
17 pare or present a request to the Committees on Appropria-  
18 tions of the House of Representatives and Senate for re-  
19 programming of funds, unless for higher priority items,  
20 based on unforeseen military requirements, than those for  
21 which originally appropriated and in no case where the  
22 item for which reprogramming is requested has been de-  
23 nied by the Congress: *Provided further*, That a request for  
24 multiple reprogrammings of funds using authority pro-  
25 vided in this section shall be made prior to June 30, 2012.

1        SEC. 8121. Notwithstanding any other provision of  
2 this Act, to reflect savings from revised economic assump-  
3 tions, the total amount appropriated in title II of this Act  
4 is hereby reduced by \$501,800,000, the total amount ap-  
5 propriated in title III of this Act is hereby reduced by  
6 \$484,800,000, and the total amount appropriated in title  
7 IV of this Act is hereby reduced by \$323,500,000: Pro-  
8 vided, That the Secretary of Defense shall allocate this  
9 reduction proportionally to each budget activity, activity  
10 group, subactivity group, and each program, project, and  
11 activity, within each appropriation account.

12                                    (INCLUDING TRANSFER OF FUNDS)

13        SEC. 8122. In addition to amounts provided else-  
14 where in this Act, there is appropriated \$250,000,000, for  
15 an additional amount for “Operation and Maintenance,  
16 Defense-Wide”, to be available until expended: *Provided*,  
17 That such funds shall only be available to the Secretary  
18 of Defense, acting through the Office of Economic Adjust-  
19 ment of the Department of Defense, or for transfer to the  
20 Secretary of Education, notwithstanding any other provi-  
21 sion of law, to make grants, conclude cooperative agree-  
22 ments, or supplement other Federal funds to construct,  
23 renovate, repair, or expand elementary and secondary pub-  
24 lic schools on military installations in order to address ca-  
25 pacity or facility condition deficiencies at such schools:

1 *Provided further*, That in making such funds available, the  
2 Office of Economic Adjustment or the Secretary of Edu-  
3 cation shall give priority consideration to those military  
4 installations with schools having the most serious capacity  
5 or facility condition deficiencies as determined by the Sec-  
6 retary of Defense.

7       SEC. 8123. None of the funds appropriated or other-  
8 wise made available in this or any other Act may be used  
9 to transfer, release, or assist in the transfer or release to  
10 or within the United States, its territories, or possessions  
11 Khalid Sheikh Mohammed or any other detainee who—

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

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

17       SEC. 8124. (a)(1) Except as provided in paragraph  
18 (2), none of the funds appropriated or otherwise made  
19 available in this or any other Act may be used to transfer  
20 any individual detained at Guantanamo to the custody or  
21 effective control of the individual's country of origin, any  
22 other foreign country, or any other foreign entity unless  
23 the Secretary of Defense submits to Congress the certifi-  
24 cation described in subsection (b) by not later than 30  
25 days before the transfer of the individual.

1           (2) Paragraph (1) shall not apply to any action taken  
2 by the Secretary of Defense to transfer any individual de-  
3 tained at Guantanamo to effectuate an order affecting the  
4 disposition of the individual that is issued by a court or  
5 competent tribunal of the United States having lawful ju-  
6 risdiction. The Secretary of Defense shall notify Congress  
7 promptly upon issuance of any such order.

8           (b) The certification described in this subsection is  
9 a written certification made by the Secretary of Defense,  
10 with the concurrence of the Secretary of State, that the  
11 government of the foreign country or the recognized lead-  
12 ership of the foreign entity to which the individual de-  
13 tained at Guantanamo is to be transferred—

14           (1) is not a designated state sponsor of terrorism or  
15 a designated foreign terrorist organization;

16           (2) maintains effective control over each detention fa-  
17 cility in which an individual is to be detained if the indi-  
18 vidual is to be housed in a detention facility;

19           (3) is not, as of the date of the certification, facing  
20 a threat that is likely to substantially affect its ability to  
21 exercise control over the individual;

22           (4) has agreed to take effective steps to ensure that  
23 the individual cannot take action to threaten the United  
24 States, its citizens, or its allies in the future;

1           (5) has taken such steps as the Secretary determines  
2 are necessary to ensure that the individual cannot engage  
3 or reengage in any terrorist activity; and

4           (6) has agreed to share any information with the  
5 United States that—

6                 (A) is related to the individual or any associates  
7 of the individual; and

8                 (B) could affect the security of the United  
9 States, its citizens, or its allies.

10          (7) has agreed to allow appropriate agencies of the  
11 United States to have access to the individual, if re-  
12 quested.

13          (c)(1) Except as provided in paragraph (3), none of  
14 the funds appropriated or otherwise made available in this  
15 or any other Act may be used to transfer any individual  
16 detained at Guantanamo to the custody or effective control  
17 of the individual's country of origin, any other foreign  
18 country, or any other foreign entity if there is a confirmed  
19 case of any individual who was detained at United States  
20 Naval Station, Guantanamo Bay, Cuba, at any time after  
21 September 11, 2001, who was transferred to the foreign  
22 country or entity and subsequently engaged in any ter-  
23 rorist activity.

24          (2) The Secretary of Defense may waive the prohibi-  
25 tion in paragraph (1) if the Secretary determines that

1 such a transfer is in the national security interests of the  
2 United States and includes, as part of the certification de-  
3 scribed in subsection (b) relating to such transfer, the de-  
4 termination of the Secretary under this paragraph.

5 (3) Paragraph (1) shall not apply to any action taken  
6 by the Secretary to transfer any individual detained at  
7 Guantanamo to effectuate an order affecting the disposi-  
8 tion of the individual that is issued by a court or com-  
9 petent tribunal of the United States having lawful jurisdic-  
10 tion. The Secretary shall notify Congress promptly upon  
11 issuance of any such order.

12 (d) For the purposes of this section:

13 (1) The term “individual detained at Guanta-  
14 namo” means any individual who is located at  
15 United States Naval Station, Guantanamo Bay,  
16 Cuba, as of October 1, 2009, who—

17 (A) is not a citizen of the United States or  
18 a member of the Armed Forces of the United  
19 States; and

20 (B) is—

21 (i) in the custody or under the effec-  
22 tive control of the Department of Defense;  
23 or

1                   (ii) otherwise under detention at  
2                   United States Naval Station, Guantanamo  
3                   Bay, Cuba.

4                   (2) The term “foreign terrorist organization”  
5                   means any organization so designated by the Sec-  
6                   retary of State under section 219 of the Immigra-  
7                   tion and Nationality Act (8 U.S.C.1189).

8                   SEC. 8125. (a) None of the funds appropriated or  
9                   otherwise made available by this or any other Act may  
10                  be used to modify any facility in the United States, its  
11                  territories, or possessions to house any individual de-  
12                  scribed in subsection (c) for the purposes of detention or  
13                  imprisonment in the custody or under the effective control  
14                  of the Department of Defense.

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

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

21                         (1) is not a citizen of the United States or a  
22                         member of the Armed Forces of the United States;  
23                         and

24                         (2) is—



1 (A) in the custody or under the effective  
2 control of the Department of Defense; or

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

5 SEC. 8126. (a) IN GENERAL.—Of the funds made  
6 available to the Department of Defense under “Operation  
7 and Maintenance, Defense-Wide” in title II, \$1,000,000  
8 shall be available to the Department to commission  
9 through a competitive, independent, private sector entity  
10 that is an organization described in section 501(c)(3) of  
11 the Internal Revenue Code of 1986 and exempt from tax  
12 under section 501(a) of such Code, and has recognized  
13 credentials and expertise in military affairs, to conduct a  
14 forward-looking, independent assessment of the current  
15 and prospective situation on the ground in Afghanistan  
16 and Pakistan, its impact on the surrounding region, and  
17 its consequences for United States interests. The entity  
18 shall examine 4 broad topic areas to include the strategic  
19 environment in and around Afghanistan and Pakistan, as  
20 well as security, political, and economic and reconstruction  
21 developments in those 2 countries.

22 (b) REPORT.—Not later than 120 days after the date  
23 of the enactment of this Act, the entity described in sub-  
24 section (a) shall submit to the President and the Congress  
25 a report on the assessment conducted under subsection

1 (a), including relevant policy recommendations relating  
2 thereto.

3 (c) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that the entity described in subsection (a) should  
5 be modeled on the Iraq Study Group.

6 SEC. 8127. Not more than \$200,000,000 of the funds  
7 made available by this Act may be expended for military  
8 musical units (as defined in section 974 of title 10, United  
9 States Code).

10 SEC. 8128. Not later than 90 days after the date of  
11 the enactment of this Act, the Secretary of Defense shall  
12 submit to the congressional defense committees a report  
13 on the approximately \$100,000,000,000 in efficiency sav-  
14 ings identified by the military departments in the defense  
15 budget covering fiscal years 2012 through 2016 that are  
16 to be reinvested in the priorities of the military depart-  
17 ments. Such report shall include an analysis of—

18 (1) each savings identified by the military de-  
19 partments, including—

20 (A) the budget account from which such  
21 savings will be derived;

22 (B) the number of military personnel and  
23 full-time civilian employees of the Federal Gov-  
24 ernment affected by such savings;

1 (C) the estimated reductions in the number  
2 and funding of contractor personnel caused by  
3 such savings; and

4 (D) a specific description of activities or  
5 services that will be affected by such savings,  
6 including the locations of such activities or serv-  
7 ices; and

8 (2) each reinvestment planned to be funded  
9 with such savings, including—

10 (A) with respect to such reinvestment in  
11 procurement and research, development, test  
12 and evaluation accounts, the budget account to  
13 which such savings will be reinvested, including,  
14 by line item, the number of items to be pro-  
15 cured, as shown in annual P–1 and R–1 docu-  
16 ments;

17 (B) with respect to such reinvestment in  
18 military personnel and operation and mainte-  
19 nance accounts, the budget account and the  
20 subactivity (as shown in annual—1 and O–1  
21 budget documents) to which such savings will  
22 be reinvested;

23 (C) the number of military personnel and  
24 full-time civilian employees of the Federal Gov-  
25 ernment affected by such reinvestment;

1           (D) the estimated number and funding of  
2 contractor personnel affected by such reinvest-  
3 ment; and

4           (E) a specific description of activities or  
5 services that will be affected by such reinvest-  
6 ment, including the locations of such activities  
7 or services.

8       SEC. 8129. None of the funds made available by this  
9 Act may be used to enter into a contract, memorandum  
10 of understanding, or cooperative agreement with, make a  
11 grant to, or provide a loan or loan guarantee to, any cor-  
12 poration that any unpaid Federal tax liability that has  
13 been assessed, for which all judicial and administrative  
14 remedies have been exhausted or have lapsed, and that  
15 is not being paid in a timely manner pursuant to an agree-  
16 ment with the authority responsible for collecting the tax  
17 liability.

18       SEC. 8130. None of the funds made available by this  
19 Act may be used to enter into a contract, memorandum  
20 of understanding, or cooperative agreement with, make a  
21 grant to, or provide a loan or loan guarantee to, any cor-  
22 poration that was convicted of a felony criminal violation  
23 under any Federal law within the preceding 24 months.

1 TITLE IX  
2 OVERSEAS CONTINGENCY OPERATIONS  
3 MILITARY PERSONNEL

4 MILITARY PERSONNEL, ARMY

5 For an additional amount for “Military Personnel,  
6 Army”, \$6,822,635,000: *Provided*, That each amount in  
7 this paragraph is designated as being for the global war  
8 on terrorism pursuant to section 301 of H. Con. Res. 34  
9 (112th Congress).

10 MILITARY PERSONNEL, NAVY

11 For an additional amount for “Military Personnel,  
12 Navy”, \$919,034,000: *Provided*, That each amount in this  
13 paragraph is designated as being for the global war on  
14 terrorism pursuant to section 301 of H. Con. Res. 34  
15 (112th Congress).

16 MILITARY PERSONNEL, MARINE CORPS

17 For an additional amount for “Military Personnel,  
18 Marine Corps”, \$675,360,000: *Provided*, That each  
19 amount in this paragraph is designated as being for the  
20 global war on terrorism pursuant to section 301 of H.  
21 Con. Res. 34 (112th Congress).

22 MILITARY PERSONNEL, AIR FORCE

23 For an additional amount for “Military Personnel,  
24 Air Force”, \$1,436,353,000: *Provided*, That each amount  
25 in this paragraph is designated as being for the global war

1 on terrorism pursuant to section 301 of H. Con. Res. 34  
2 (112th Congress).

3 RESERVE PERSONNEL, ARMY

4 For an additional amount for “Reserve Personnel,  
5 Army”, \$207,162,000: *Provided*, That each amount in this  
6 paragraph is designated as being for the global war on  
7 terrorism pursuant to section 301 of H. Con. Res. 34  
8 (112th Congress).

9 RESERVE PERSONNEL, NAVY

10 For an additional amount for “Reserve Personnel,  
11 Navy”, \$44,530,000: *Provided*, That each amount in this  
12 paragraph is designated as being for the global war on  
13 terrorism pursuant to section 301 of H. Con. Res. 34  
14 (112th Congress).

15 RESERVE PERSONNEL, MARINE CORPS

16 For an additional amount for “Reserve Personnel,  
17 Marine Corps”, \$25,421,000: *Provided*, That each amount  
18 in this paragraph is designated as being for the global war  
19 on terrorism pursuant to section 301 of H. Con. Res. 34  
20 (112th Congress).

21 RESERVE PERSONNEL, AIR FORCE

22 For an additional amount for “Reserve Personnel,  
23 Air Force”, \$26,815,000: *Provided*, That each amount in  
24 this paragraph is designated as being for the global war

1 on terrorism pursuant to section 301 of H. Con. Res. 34  
2 (112th Congress).

3 NATIONAL GUARD PERSONNEL, ARMY

4 For an additional amount for “National Guard Per-  
5 sonnel, Army”, \$646,879,000: *Provided*, That each  
6 amount in this paragraph is designated as being for the  
7 global war on terrorism pursuant to section 301 of H.  
8 Con. Res. 34 (112th Congress).

9 NATIONAL GUARD PERSONNEL, AIR FORCE

10 For an additional amount for “National Guard Per-  
11 sonnel, Air Force”, \$9,435,000: *Provided*, That each  
12 amount in this paragraph is designated as being for the  
13 global war on terrorism pursuant to section 301 of H.  
14 Con. Res. 34 (112th Congress).

15 OPERATION AND MAINTENANCE

16 OPERATION AND MAINTENANCE, ARMY

17 For an additional amount for “Operation and Main-  
18 tenance, Army”, \$39,175,755,000: *Provided*, That each  
19 amount in this paragraph is designated as being for the  
20 global war on terrorism pursuant to section 301 of H.  
21 Con. Res. 34 (112th Congress).

22 OPERATION AND MAINTENANCE, NAVY

23 For an additional amount for “Operation and Main-  
24 tenance, Navy”, \$6,749,489,000: *Provided*, That each  
25 amount in this paragraph is designated as being for the

1 global war on terrorism pursuant to section 301 of H.  
2 Con. Res. 34 (112th Congress).

3 OPERATION AND MAINTENANCE, MARINE CORPS

4 For an additional amount for “Operation and Main-  
5 tenance, Marine Corps”, \$3,571,210,000: *Provided*, That  
6 each amount in this paragraph is designated as being for  
7 the global war on terrorism pursuant to section 301 of  
8 H. Con. Res. 34 (112th Congress).

9 OPERATION AND MAINTENANCE, AIR FORCE

10 For an additional amount for “Operation and Main-  
11 tenance, Air Force”, \$10,739,587,000: *Provided*, That  
12 each amount in this paragraph is designated as being for  
13 the global war on terrorism pursuant to section 301 of  
14 H. Con. Res. 34 (112th Congress).

15 OPERATION AND MAINTENANCE, DEFENSE-WIDE

16 For an additional amount for “Operation and Main-  
17 tenance, Defense-Wide”, \$9,312,876,000: *Provided*, That  
18 each amount in this paragraph is designated as being for  
19 the global war on terrorism pursuant to section 301 of  
20 H. Con. Res. 34 (112th Congress): *Provided further*, That  
21 of the funds provided under this heading:

22 (1) Not to exceed \$12,500,000 for the Combat-  
23 ant Commander Initiative Fund, to be used in sup-  
24 port of Operation New Dawn and Operation Endur-  
25 ing Freedom.



1           (2) Not to exceed \$1,750,000,000, to remain  
2           available until expended, for payments to reimburse  
3           key cooperating nations for logistical, military, and  
4           other support, including access provided to United  
5           States military operations in support of Operation  
6           New Dawn and Operation Enduring Freedom, not-  
7           withstanding any other provision of law: *Provided*,  
8           That such reimbursement payments may be made in  
9           such amounts as the Secretary of Defense, with the  
10          concurrence of the Secretary of State, and in con-  
11          sultation with the Director of the Office of Manage-  
12          ment and Budget, may determine, in his discretion,  
13          based on documentation determined by the Secretary  
14          of Defense to adequately account for the support  
15          provided, and such determination is final and con-  
16          clusive upon the accounting officers of the United  
17          States, and 15 days following notification to the ap-  
18          propriate congressional committees: *Provided further*,  
19          That the requirement to provide notification shall  
20          not apply with respect to a reimbursement for access  
21          based on an international agreement: *Provided fur-*  
22          *ther*, That these funds may be used for the purpose  
23          of providing specialized training and procuring sup-  
24          plies and specialized equipment and providing such  
25          supplies and loaning such equipment on a non-reim-

1       bursable basis to coalition forces supporting United  
2       States military operations in Iraq and Afghanistan,  
3       and 15 days following notification to the appropriate  
4       congressional committees: *Provided further*, That the  
5       Secretary of Defense shall provide quarterly reports  
6       to the congressional defense committees on the use  
7       of funds provided in this paragraph.

8       OPERATION AND MAINTENANCE, ARMY RESERVE

9       For an additional amount for “Operation and Main-  
10      tenance, Army Reserve”, \$217,500,000: *Provided*, That  
11      each amount in this paragraph is designated as being for  
12      the global war on terrorism pursuant to section 301 of  
13      H. Con. Res. 34 (112th Congress).

14      OPERATION AND MAINTENANCE, NAVY RESERVE

15      For an additional amount for “Operation and Main-  
16      tenance, Navy Reserve”, \$74,148,000: *Provided*, That  
17      each amount in this paragraph is designated as being for  
18      the global war on terrorism pursuant to section 301 of  
19      H. Con. Res. 34 (112th Congress).

20      OPERATION AND MAINTENANCE, MARINE CORPS

21                               RESERVE

22      For an additional amount for “Operation and Main-  
23      tenance, Marine Corps Reserve”, \$36,084,000: *Provided*,  
24      That each amount in this paragraph is designated as

1 being for the global war on terrorism pursuant to section  
2 301 of H. Con. Res. 34 (112th Congress).

3 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

4 For an additional amount for “Operation and Main-  
5 tenance, Air Force Reserve”, \$142,050,000: *Provided*,  
6 That each amount in this paragraph is designated as  
7 being for the global war on terrorism pursuant to section  
8 301 of H. Con. Res. 34 (112th Congress).

9 OPERATION AND MAINTENANCE, ARMY NATIONAL

10 GUARD

11 For an additional amount for “Operation and Main-  
12 tenance, Army National Guard”, \$387,544,000: *Provided*,  
13 That each amount in this paragraph is designated as  
14 being for the global war on terrorism pursuant to section  
15 301 of H. Con. Res. 34 (112th Congress).

16 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

17 For an additional amount for “Operation and Main-  
18 tenance, Air National Guard”, \$34,050,000: *Provided*,  
19 That each amount in this paragraph is designated as  
20 being for the global war on terrorism pursuant to section  
21 301 of H. Con. Res. 34 (112th Congress).

22 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

23 (INCLUDING TRANSFER OF FUNDS)

24 In addition to amounts provided elsewhere in this  
25 Act, there is appropriated \$5,000,000,000 for the “Over-

1 seas Contingency Operations Transfer Fund” for expenses  
2 directly relating to overseas contingency operations by  
3 United States military forces, to be available until ex-  
4 pended: *Provided*, That each amount in this paragraph is  
5 designated as being for the global war on terrorism pursu-  
6 ant to section 301 of H. Con. Res. 34 (112th Congress):  
7 *Provided further*, That of the funds made available in this  
8 section, the Secretary of Defense may transfer these funds  
9 only to military personnel accounts, operation and mainte-  
10 nance accounts, procurement accounts, and working cap-  
11 ital fund accounts: *Provided further*, That the funds trans-  
12 ferred shall be merged with and shall be available for the  
13 same purposes and for the same time period, as the appro-  
14 priation to which transferred: *Provided further*, that the  
15 Secretary shall notify the congressional defense commit-  
16 tees 15 days prior to such transfer: *Provided further*, That  
17 the transfer authority provided under this heading is in  
18 addition to any other transfer authority available to the  
19 Department of Defense: *Provided further*, That upon a de-  
20 termination 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 and shall be available for the same pur-  
24 poses and for the same time period as originally appro-  
25 priated.

## 1 AFGHANISTAN INFRASTRUCTURE FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 There is hereby established in the Treasury of the  
4 United States the “Afghanistan Infrastructure Fund”.  
5 For the “Afghanistan Infrastructure Fund”,  
6 \$475,000,000, to remain available until September 30,  
7 2013: *Provided*, That such sums shall be available for in-  
8 frastructure projects in Afghanistan, notwithstanding any  
9 other provision of law, which shall be undertaken by the  
10 Secretary of State, unless the Secretary of State and the  
11 Secretary of Defense jointly decide that a specific project  
12 will be undertaken by the Department of Defense: *Pro-*  
13 *vided further*, That the infrastructure referred to in the  
14 preceding proviso is in support of the counterinsurgency  
15 strategy, requiring funding for facility and infrastructure  
16 projects, including, but not limited to, water, power, and  
17 transportation projects and related maintenance and  
18 sustainment costs: *Provided further*, That the authority to  
19 undertake such infrastructure projects is in addition to  
20 any other authority to provide assistance to foreign na-  
21 tions: *Provided further*, That any projects funded by this  
22 appropriation shall be jointly formulated and concurred in  
23 by the Secretary of State and Secretary of Defense: *Pro-*  
24 *vided further*, That funds may be transferred to the De-  
25 partment of State for purposes of undertaking projects,

1 which funds shall be considered to be economic assistance  
2 under the Foreign Assistance Act of 1961 for purposes  
3 of making available the administrative authorities con-  
4 tained in that Act: *Provided further*, That the transfer au-  
5 thority in the preceding proviso is in addition to any other  
6 authority available to the Department of Defense to trans-  
7 fer funds: *Provided further*, That any unexpended funds  
8 transferred to the Secretary of State under this authority  
9 shall be returned to the Afghanistan Infrastructure Fund  
10 if the Secretary of State, in coordination with the Sec-  
11 retary of Defense, determines that the project cannot be  
12 implemented for any reason, or that the project no longer  
13 supports the counterinsurgency strategy in Afghanistan:  
14 *Provided further*, That any funds returned to the Sec-  
15 retary of Defense under the previous proviso shall be avail-  
16 able for use under this appropriation and shall be treated  
17 in the same manner as funds not transferred to the Sec-  
18 retary of State: *Provided further*, That contributions of  
19 funds for the purposes provided herein to the Secretary  
20 of State in accordance with section 635(d) of the Foreign  
21 Assistance Act from any person, foreign government, or  
22 international organization may be credited to this Fund,  
23 to remain available until expended, and used for such pur-  
24 poses: *Provided further*, That the Secretary of Defense  
25 shall, not fewer than 15 days prior to making transfers

1 to or from, or obligations from the Fund, notify the appro-  
2 priate committees of Congress in writing of the details of  
3 any such transfer: *Provided further*, That for the purpose  
4 of the section the “appropriate committees of Congress”  
5 are the Committees on Armed Services, Foreign Relations  
6 and Appropriations of the Senate and the Committees on  
7 Armed Services, Foreign Affairs and Appropriations of the  
8 House of Representatives: *Provided further*, That each  
9 amount in this paragraph is designated as being for the  
10 global war on terrorism pursuant to section 301 of H.  
11 Con. Res. 34 (112th Congress).

12           AFGHANISTAN SECURITY FORCES FUND

13                   (INCLUDING TRANSFER OF FUNDS)

14       For the “Afghanistan Security Forces Fund”,  
15 \$12,800,000,000, to remain available until September 30,  
16 2013: *Provided*, That such funds shall be available to the  
17 Secretary of Defense, notwithstanding any other provision  
18 of law, for the purpose of allowing the Commander, Com-  
19 bined Security Transition Command—Afghanistan, or the  
20 Secretary’s designee, to provide assistance, with the con-  
21 currence of the Secretary of State, to the security forces  
22 of Afghanistan, including the provision of equipment, sup-  
23 plies, services, training, facility and infrastructure repair,  
24 renovation, and construction, and funding: *Provided fur-*  
25 *ther*, That the authority to provide assistance under this

1 heading is in addition to any other authority to provide  
2 assistance to foreign nations: *Provided further*, That up  
3 to \$15,000,000 of these funds may be available for coal-  
4 tion police trainer life support costs: *Provided further*,  
5 That contributions of funds for the purposes provided  
6 herein from any person, foreign government, or inter-  
7 national organization may be credited to this Fund and  
8 used for such purposes: *Provided further*, That the Sec-  
9 retary of Defense shall notify the congressional defense  
10 committees in writing upon the receipt and upon the obli-  
11 gation of any contribution, delineating the sources and  
12 amounts of the funds received and the specific use of such  
13 contributions: *Provided further*, That the Secretary of De-  
14 fense shall, not fewer than 15 days prior to obligating  
15 from this appropriation account, notify the congressional  
16 defense committees in writing of the details of any such  
17 obligation: *Provided further*, That the Secretary of Defense  
18 shall notify the congressional defense committees of any  
19 proposed new projects or transfer of funds between budget  
20 sub-activity groups in excess of \$20,000,000: *Provided fur-*  
21 *ther*, That each amount in this paragraph is designated  
22 as being for the global war on terrorism pursuant to sec-  
23 tion 301 of H. Con. Res. 34 (112th Congress).



1           PAKISTAN COUNTERINSURGENCY FUND  
2                   (INCLUDING TRANSFER OF FUNDS)

3       For the “Pakistan Counterinsurgency Fund”,  
4 \$1,100,000,000, to remain available until September 30,  
5 2013: *Provided*, That such funds shall be available to the  
6 Secretary of Defense, with the concurrence of the Sec-  
7 retary of State, notwithstanding any other provision of  
8 law, for the purpose of allowing the Secretary of Defense,  
9 or the Secretary’s designee, to provide assistance to Paki-  
10 stan’s security forces; including program management and  
11 the provision of equipment, supplies, services, training,  
12 and funds; and facility and infrastructure repair, renova-  
13 tion, and construction to build the counterinsurgency ca-  
14 pability of Pakistan’s military and Frontier Corps: *Pro-*  
15 *vided further*, That the authority to provide assistance  
16 under this provision is in addition to any other authority  
17 to provide assistance to foreign nations: *Provided further*,  
18 That the Secretary of Defense may transfer funds pro-  
19 vided herein to appropriations for operation and mainte-  
20 nance; procurement; research, development, test and eval-  
21 uation; defense working capital funds; and to the Depart-  
22 ment of State, Pakistan Counterinsurgency Capability  
23 Fund to accomplish the purpose provided herein: *Provided*  
24 *further*, That the transfer authority in the preceding pro-  
25 viso is in addition to any other authority available to the

1 Department of Defense to transfer funds: *Provided fur-*  
2 *ther*, That funds so transferred shall be merged with and  
3 be available for the same purposes and for the same time  
4 period as the appropriation or fund to which transferred:  
5 *Provided further*, That the Secretary of Defense shall, not  
6 fewer than 15 days prior to making transfers from this  
7 appropriation account, notify the Committees on Appro-  
8 priations in writing of the details of any such transfer:  
9 *Provided further*, That each amount in this paragraph is  
10 designated as being for the global war on terrorism pursu-  
11 ant to section 301 of H. Con. Res. 34 (112th Congress).

## 12 PROCUREMENT

### 13 AIRCRAFT PROCUREMENT, ARMY

14 For an additional amount for “Aircraft Procurement,  
15 Army”, \$387,900,000, to remain available until Sep-  
16 tember 30, 2014: *Provided*, That each amount in this  
17 paragraph is designated as being for the global war on  
18 terrorism pursuant to section 301 of H. Con. Res. 34  
19 (112th Congress).

### 20 MISSILE PROCUREMENT, ARMY

21 For an additional amount for “Missile Procurement,  
22 Army”, \$118,412,000, to remain available until Sep-  
23 tember 30, 2014: *Provided*, That each amount in this  
24 paragraph is designated as being for the global war on

1 terrorism pursuant to section 301 of H. Con. Res. 34  
2 (112th Congress).

3       PROCUREMENT OF WEAPONS AND TRACKED COMBAT  
4                                               VEHICLES, ARMY

5       For an additional amount for “Procurement of Weap-  
6 ons and Tracked Combat Vehicles, Army”, \$37,117,000,  
7 to remain available until September 30, 2014: *Provided*,  
8 That each amount in this paragraph is designated as  
9 being for the global war on terrorism pursuant to section  
10 301 of H. Con. Res. 34 (112th Congress).

11                                               PROCUREMENT OF AMMUNITION, ARMY

12       For an additional amount for “Procurement of Am-  
13 muniton, Army”, \$208,381,000, to remain available until  
14 September 30, 2014: *Provided*, That each amount in this  
15 paragraph is designated as being for the global war on  
16 terrorism pursuant to section 301 of H. Con. Res. 34  
17 (112th Congress).

18                                               OTHER PROCUREMENT, ARMY

19       For an additional amount for “Other Procurement,  
20 Army”, \$1,398,195,000, to remain available until Sep-  
21 tember 30, 2014: *Provided*, That each amount in this  
22 paragraph is designated as being for the global war on  
23 terrorism pursuant to section 301 of H. Con. Res. 34  
24 (112th Congress).

## 1 AIRCRAFT PROCUREMENT, NAVY

2 For an additional amount for “Aircraft Procurement,  
3 Navy”, \$492,060,000, to remain available until September  
4 30, 2014: *Provided*, That each amount in this paragraph  
5 is designated as being for the global war on terrorism pur-  
6 suant to section 301 of H. Con. Res. 34 (112th Congress).

## 7 WEAPONS PROCUREMENT, NAVY

8 For an additional amount for “Weapons Procure-  
9 ment, Navy”, \$41,070,000, to remain available until Sep-  
10 tember 30, 2014: *Provided*, That each amount in this  
11 paragraph is designated as being for the global war on  
12 terrorism pursuant to section 301 of H. Con. Res. 34  
13 (112th Congress).

## 14 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

## 15 CORPS

16 For an additional amount for “Procurement of Am-  
17 munition, Navy and Marine Corps”, \$317,100,000, to re-  
18 main available until September 30, 2014: *Provided*, That  
19 each amount in this paragraph is designated as being for  
20 the global war on terrorism pursuant to section 301 of  
21 H. Con. Res. 34 (112th Congress).

## 22 OTHER PROCUREMENT, NAVY

23 For an additional amount for “Other Procurement,  
24 Navy”, \$249,514,000, to remain available until September  
25 30, 2014: *Provided*, That each amount in this paragraph

1 is designated as being for the global war on terrorism pur-  
2 suant to section 301 of H. Con. Res. 34 (112th Congress).

3                   PROCUREMENT, MARINE CORPS

4           For an additional amount for “Procurement, Marine  
5 Corps”, \$1,183,996,000, to remain available until Sep-  
6 tember 30, 2014: *Provided*, That each amount in this  
7 paragraph is designated as being for the global war on  
8 terrorism pursuant to section 301 of H. Con. Res. 34  
9 (112th Congress).

10                   AIRCRAFT PROCUREMENT, AIR FORCE

11           For an additional amount for “Aircraft Procurement,  
12 Air Force”, \$440,265,000, to remain available until Sep-  
13 tember 30, 2014: *Provided*, That each amount in this  
14 paragraph is designated as being for the global war on  
15 terrorism pursuant to section 301 of H. Con. Res. 34  
16 (112th Congress).

17                   MISSILE PROCUREMENT, AIR FORCE

18           For an additional amount for “Missile Procurement,  
19 Air Force”, \$46,920,000, to remain available until Sep-  
20 tember 30, 2014: *Provided*, That each amount in this  
21 paragraph is designated as being for the global war on  
22 terrorism pursuant to section 301 of H. Con. Res. 34  
23 (112th Congress).

## 1           PROCUREMENT OF AMMUNITION, AIR FORCE

2           For an additional amount for “Procurement of Am-  
3 muniton, Air Force”, \$139,510,000, to remain available  
4 until September 30, 2014: *Provided*, That each amount  
5 in this paragraph is designated as being for the global war  
6 on terrorism pursuant to section 301 of H. Con. Res. 34  
7 (112th Congress).

## 8           OTHER PROCUREMENT, AIR FORCE

9           For an additional amount for “Other Procurement,  
10 Air Force”, \$3,213,010,000, to remain available until  
11 September 30, 2014: *Provided*, That each amount in this  
12 paragraph is designated as being for the global war on  
13 terrorism pursuant to section 301 of H. Con. Res. 34  
14 (112th Congress).

## 15           PROCUREMENT, DEFENSE-WIDE

16           For an additional amount for “Procurement, De-  
17 fense-Wide”, \$406,668,000, to remain available until Sep-  
18 tember 30, 2014: *Provided*, That each amount in this  
19 paragraph is designated as being for the global war on  
20 terrorism pursuant to section 301 of H. Con. Res. 34  
21 (112th Congress).

## 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 \$1,500,000,000, to remain available for obligation until  
2 September 30, 2014, of which \$490,000,000 shall be  
3 available only for the Army National Guard: *Provided*,  
4 That the Chiefs of National Guard and Reserve compo-  
5 nents shall, not later than 30 days after the enactment  
6 of this Act, individually submit to the congressional de-  
7 fense committees the modernization priority assessment  
8 for their respective National Guard or Reserve component:  
9 *Provided further*, That each amount in this paragraph is  
10 designated as being for the global war on terrorism pursu-  
11 ant to section 301 of H. Con. Res. 34 (112th Congress).

12 MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND  
13 (INCLUDING TRANSFER OF FUNDS)

14 For the Mine Resistant Ambush Protected Vehicle  
15 Fund, \$3,195,170,000, to remain available until Sep-  
16 tember 30, 2013: *Provided*, That such funds shall be avail-  
17 able to the Secretary of Defense, notwithstanding any  
18 other provision of law, to procure, sustain, transport, and  
19 field Mine Resistant Ambush Protected vehicles: *Provided*  
20 *further*, That the Secretary shall transfer such funds only  
21 to appropriations made available in this or any other Act  
22 for operation and maintenance; procurement; research, de-  
23 velopment, test and evaluation; and defense working cap-  
24 ital funds to accomplish the purpose provided herein: *Pro-*  
25 *vided further*, That such funds transferred shall be merged

1 with and be available for the same purposes and the same  
2 time period as the appropriation to which transferred:  
3 *Provided further*, That this transfer authority is in addi-  
4 tion to any other transfer authority available to the De-  
5 partment of Defense: *Provided further*, That the Secretary  
6 shall, not fewer than 10 days prior to making transfers  
7 from this appropriation, notify the congressional defense  
8 committees in writing of the details of any such transfer:  
9 *Provided further*, That each amount in this paragraph is  
10 designated as being for the global war on terrorism pursu-  
11 ant to section 301 of H. Con. Res. 34 (112th Congress).

12 RESEARCH, DEVELOPMENT, TEST, AND  
13 EVALUATION

14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
15 ARMY

16 For an additional amount for “Research, Develop-  
17 ment, Test and Evaluation, Army”, \$8,513,000, to remain  
18 available until September 30, 2013: *Provided*, That each  
19 amount in this paragraph is designated as being for the  
20 global war on terrorism pursuant to section 301 of H.  
21 Con. Res. 34 (112th Congress).

22 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
23 NAVY

24 For an additional amount for “Research, Develop-  
25 ment, Test and Evaluation, Navy”, \$53,884,000, to re-



1 main available until September 30, 2013: *Provided*, That  
2 each amount in this paragraph is designated as being for  
3 the global war on terrorism pursuant to section 301 of  
4 H. Con. Res. 34 (112th Congress).

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

7 For an additional amount for “Research, Develop-  
8 ment, Test and Evaluation, Air Force”, \$182,000,000, to  
9 remain available until September 30, 2013: *Provided*,  
10 That each amount in this paragraph is designated as  
11 being for the global war on terrorism pursuant to section  
12 301 of H. Con. Res. 34 (112th Congress).

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 \$192,361,000, to remain available until September 30,  
18 2013: *Provided*, That each amount in this paragraph is  
19 designated as being for the global war on terrorism pursu-  
20 ant to section 301 of H. Con. Res. 34 (112th Congress).

21 REVOLVING AND MANAGEMENT FUNDS

22 DEFENSE WORKING CAPITAL FUNDS

23 For an additional amount for “Defense Working  
24 Capital Funds”, \$435,013,000: *Provided*, That each  
25 amount in this paragraph is designated as being for the

1 global war on terrorism pursuant to section 301 of H.  
2 Con. Res. 34 (112th Congress).

3 OTHER DEPARTMENT OF DEFENSE PROGRAMS

4 DEFENSE HEALTH PROGRAM

5 For an additional amount for “Defense Health Pro-  
6 gram”, \$1,228,288,000, which shall be for operation and  
7 maintenance: *Provided*, That each amount in this para-  
8 graph is designated as being for the global war on ter-  
9 rorism pursuant to section 301 of H. Con. Res. 34 (112th  
10 Congress).

11 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

12 For an additional amount for “Drug Interdiction and  
13 Counter-Drug Activities”, \$469,458,000, to remain avail-  
14 able until September 30, 2013: *Provided*, That each  
15 amount in this paragraph is designated as being for the  
16 global war on terrorism pursuant to section 301 of H.  
17 Con. Res. 34 (112th Congress).

18 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

19 (INCLUDING TRANSFER OF FUNDS)

20 For an additional amount for “Joint Improvised Ex-  
21 plosive Device Defeat Fund”, \$2,577,500,000, to remain  
22 available until September 30, 2014: *Provided*, That such  
23 funds shall be available to the Secretary of Defense, not-  
24 withstanding any other provision of law, for the purpose  
25 of allowing the Director of the Joint Improvised Explosive

1 Device Defeat Organization to investigate, develop and  
2 provide equipment, supplies, services, training, facilities,  
3 personnel and funds to assist United States forces in the  
4 defeat of improvised explosive devices: *Provided further*,  
5 That the Secretary of Defense may transfer funds pro-  
6 vided herein to appropriations for military personnel; oper-  
7 ation and maintenance; procurement; research, develop-  
8 ment, test and evaluation; and defense working capital  
9 funds to accomplish the purpose provided herein: *Provided*  
10 *further*, That this transfer authority is in addition to any  
11 other transfer authority available to the Department of  
12 Defense: *Provided further*, That the Secretary of Defense  
13 shall, not fewer than 15 days prior to making transfers  
14 from this appropriation, notify the congressional defense  
15 committees in writing of the details of any such transfer:  
16 *Provided further*, That each amount in this paragraph is  
17 designated as being for the global war on terrorism pursu-  
18 ant to section 301 of H. Con. Res. 34 (112th Congress).

19 OFFICE OF THE INSPECTOR GENERAL

20 For an additional amount for the “Office of the In-  
21 spector General”, \$11,055,000: *Provided*, That each  
22 amount in this paragraph is designated as being for the  
23 global war on terrorism pursuant to section 301 of H.  
24 Con. Res. 34 (112th Congress).

## 1           GENERAL PROVISIONS—THIS TITLE

2           SEC. 9001. Notwithstanding any other provision of  
3 law, funds made available in this title are in addition to  
4 amounts appropriated or otherwise made available for the  
5 Department of Defense for 2012.

6                           (INCLUDING TRANSFER OF FUNDS)

7           SEC. 9002. Upon the determination of the Secretary  
8 of Defense that such action is necessary in the national  
9 interest, the Secretary may, with the approval of the Of-  
10 fice of Management and Budget, transfer up to  
11 \$3,000,000,000 between the appropriations or funds made  
12 available to the Department of Defense in this title: *Pro-*  
13 *vided*, That the Secretary shall notify the Congress  
14 promptly of each transfer made pursuant to the authority  
15 in this section: *Provided further*, That the authority pro-  
16 vided in this section is in addition to any other transfer  
17 authority available to the Department of Defense and is  
18 subject to the same terms and conditions as the authority  
19 provided in the Department of Defense Appropriations  
20 Act, 2012.

21           SEC. 9003. Supervision and administration costs as-  
22 sociated with a construction project funded with appro-  
23 priations available for operation and maintenance, “Af-  
24 ghanistan Infrastructure Fund” or the “Afghanistan Se-  
25 curity Forces Fund” provided in this Act and executed

1 in direct support of overseas contingency operations in Af-  
2 ghanistan, may be obligated at the time a construction  
3 contract is awarded: *Provided*, That for the purpose of this  
4 section, supervision and administration costs include all  
5 in-house Government costs.

6 SEC. 9004. From funds made available in this title,  
7 the Secretary of Defense may purchase for use by military  
8 and civilian employees of the Department of Defense in  
9 the U. S. Central Command area of responsibility: (a) pas-  
10 senger motor vehicles up to a limit of \$75,000 per vehicle  
11 and (b) heavy and light armored vehicles for the physical  
12 security of personnel or for force protection purposes up  
13 to a limit of \$250,000 per vehicle, notwithstanding price  
14 or other limitations applicable to the purchase of pas-  
15 senger carrying vehicles.

16 SEC. 9005. Not to exceed \$400,000,000 of the  
17 amount appropriated in this title under the heading “Op-  
18 eration and Maintenance, Army” may be used, notwith-  
19 standing any other provision of law, to fund the Com-  
20 mander’s Emergency Response Program (CERP), for the  
21 purpose of enabling military commanders in Afghanistan  
22 to respond to urgent, small scale, humanitarian relief and  
23 reconstruction requirements within their areas of responsi-  
24 bility: *Provided*, That each project (including any ancillary  
25 or related elements in connection with such project) exe-

1 cuted under this authority shall not exceed \$20,000,000:  
2 *Provided further*, That not later than 45 days after the  
3 end of each fiscal year quarter, the Secretary of Defense  
4 shall submit to the congressional defense committees a re-  
5 port regarding the source of funds and the allocation and  
6 use of funds during that quarter that were made available  
7 pursuant to the authority provided in this section or under  
8 any other provision of law for the purposes described here-  
9 in: *Provided further*, That, not later than 30 days after  
10 the end of each month, the Army shall submit to the con-  
11 gressional defense committees monthly commitment, obli-  
12 gation, and expenditure data for the Commander's Emer-  
13 gency Response Program in Afghanistan: *Provided further*,  
14 That not less than 15 days before making funds available  
15 pursuant to the authority provided in this section or under  
16 any other provision of law for the purposes described here-  
17 in for a project with a total anticipated cost for completion  
18 of \$5,000,000 or more, the Secretary shall submit to the  
19 congressional defense committees a written notice con-  
20 taining each of the following:

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

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

6           (3) A plan for the sustainment of the proposed  
7           project, including the agreement with either the host  
8           nation, a non-Department of Defense agency of the  
9           United States Government or a third party contrib-  
10          utor to finance the sustainment of the activities and  
11          maintenance of any equipment or facilities to be pro-  
12          vided through the proposed project.

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

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

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

4           (2) To exercise United States control over any  
5 oil resource of Iraq.

6           (3) To establish any military installation or  
7 base for the purpose of providing for the permanent  
8 stationing of United States Armed Forces in Af-  
9 ghanistan.

10       SEC. 9008. None of the funds made available in this  
11 Act may be used in contravention of the following laws  
12 enacted or regulations promulgated to implement the  
13 United Nations Convention Against Torture and Other  
14 Cruel, Inhuman or Degrading Treatment or Punishment  
15 (done at New York on December 10, 1984):

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

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



1           (3) Sections 1002 and 1003 of the Department  
2 of Defense, Emergency Supplemental Appropriations  
3 to Address Hurricanes in the Gulf of Mexico, and  
4 Pandemic Influenza Act, 2006 (Public Law 109–  
5 148).

6           SEC. 9009. (a) The Secretary of Defense shall submit  
7 to the congressional defense committees not later than 45  
8 days after the end of each fiscal quarter a report on the  
9 proposed use of all funds appropriated by this or any prior  
10 Act under each of the headings Afghanistan Security  
11 Forces Fund, Afghanistan Infrastructure Fund, and Paki-  
12 stan Counterinsurgency Fund on a project-by-project  
13 basis, for which the obligation of funds is anticipated dur-  
14 ing the 3-month period from such date, including esti-  
15 mates for the accounts referred to in this section of the  
16 costs required to complete each such project.

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

19           (1) The use of all funds on a project-by-project  
20 basis for which funds appropriated under the head-  
21 ings referred to in subsection (a) were obligated  
22 prior to the submission of the report, including esti-  
23 mates for the accounts referred to in subsection (a)  
24 of the costs to complete each project.

1           (2) The use of all funds on a project-by-project  
2           basis for which funds were appropriated under the  
3           headings referred to in subsection (a) in prior appro-  
4           priations Acts, or for which funds were made avail-  
5           able by transfer, reprogramming, or allocation from  
6           other headings in prior appropriations Acts, includ-  
7           ing estimates for the accounts referred to in sub-  
8           section (a) of the costs to complete each project.

9           (3) An estimated total cost to train and equip  
10          the Afghanistan and Pakistan security forces,  
11          disaggregated by major program and sub-elements  
12          by force, arrayed by fiscal year.

13          SEC. 9010. (a) FUNDING FOR OUTREACH AND RE-  
14          INTEGRATION SERVICES UNDER YELLOW RIBBON RE-  
15          INTEGRATION PROGRAM.—Of the amounts appropriated  
16          or otherwise made available by title IX, up to \$20,000,000  
17          may be available for outreach and reintegration services  
18          under the Yellow Ribbon Reintegration Program under  
19          section 582(h) of the National Defense Authorization Act  
20          for Fiscal Year 2008 (Public Law 110–181; 122 Stat.  
21          125; 10 U.S.C. 10101 note).

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

1        SEC. 9011. Funds made available in this title to the  
2 Department of Defense for operation and maintenance  
3 may be used to purchase items having an investment unit  
4 cost of not more than \$250,000: *Provided*, That, upon de-  
5 termination by the Secretary of Defense that such action  
6 is necessary to meet the operational requirements of a  
7 Commander of a Combatant Command engaged in contin-  
8 gency operations overseas, such funds may be used to pur-  
9 chase items having an investment item unit cost of not  
10 more than \$500,000.

11        SEC. 9012. (a) The Task Force for Business and Sta-  
12 bility Operations in Afghanistan may, subject to the direc-  
13 tion and control of the Secretary of Defense and with the  
14 concurrence of the Secretary of State, carry out projects  
15 in fiscal year 2012 to assist the commander of the United  
16 States Central Command in developing a link between  
17 United States military operations in Afghanistan under  
18 Operation Enduring Freedom and the economic elements  
19 of United States national power in order to reduce vio-  
20 lence, enhance stability, and restore economic normalcy in  
21 Afghanistan through strategic business and economic op-  
22 portunities.

23        (b) The projects carried out under paragraph (a) may  
24 include projects that facilitate private investment, indus-  
25 trial development, banking and financial system develop-

1 ment, agricultural diversification and revitalization, and  
2 energy development in and with respect to Afghanistan.

3 (c) The Secretary may use up to \$150,000,000 of the  
4 funds available for overseas contingency operations in  
5 “Operation and Maintenance, Army” for additional activi-  
6 ties to carry out projects under paragraph (a).

7 SEC. 9013. From funds made available in this title  
8 to the Department of Defense for operation and mainte-  
9 nance, up to \$524,000,000 may be used by the Secretary  
10 of Defense, notwithstanding any other provision of law,  
11 to support the United States Government transition activi-  
12 ties in Iraq by undertaking facilities renovation and con-  
13 struction associated with establishing Office of Security  
14 Cooperation locations, at no more than ten sites, in Iraq:  
15 *Provided*, That not less than 15 days before making funds  
16 available pursuant to the authority provided in this sec-  
17 tion, the Secretary shall submit to the congressional de-  
18 fense committees a written notice containing a detailed  
19 justification and timeline for each proposed site and the  
20 source of funds.

21 SEC. 9014. (a) Not more than 85 percent of the  
22 funds provided in this title for operation and maintenance  
23 may be available for obligation or expenditure until the  
24 date on which the Secretary of Defense submits the report  
25 under subsection (b).

1 (b) Not later than 120 days after the date of the en-  
2 actment of this Act, the Secretary of Defense shall submit  
3 to the congressional defense committees a report on con-  
4 tractor employees in the United States Central Command,  
5 including—

6 (1) the number of employees of a contractor  
7 awarded a contract by the Department of Defense  
8 (including subcontractor employees) who are em-  
9 ployed at the time of the report in the area of oper-  
10 ations of the United States Central Command, in-  
11 cluding a list of the number of such employees in  
12 each of Iraq, Afghanistan, and all other areas of op-  
13 erations of the United States Central Command; and

14 (2) for each fiscal year quarter beginning on  
15 the date of the report and ending on September 30,  
16 2012—

17 (A) the number of such employees planned  
18 by the Secretary to be employed during each  
19 such period in each of Iraq, Afghanistan, and  
20 all other areas of operations of the United  
21 States Central Command; and

22 (B) an explanation of how the number of  
23 such employees listed under subparagraph (A)  
24 relates to the planned number of military per-  
25 sonnel in such locations.

1       SEC. 9015. Of the amounts appropriated or trans-  
2       ferred to the Pakistan Counterinsurgency Fund (hereafter  
3       in this subsection referred to as the ‘Fund’) for any fiscal  
4       year after fiscal year 2011—

5               (1) not more than 25 percent of such amounts  
6       may be obligated or expended until such time as the  
7       Secretary of Defense, with the concurrence of the  
8       Secretary of State—

9               (A) submits to the appropriate congress-  
10       sional committees a report on the strategy to  
11       utilize the Fund and the metrics used to deter-  
12       mine progress with respect to the Fund; and

13              (B) notifies the appropriate congressional  
14       committees of the intent of the Secretary to ob-  
15       ligate or expend amounts that are in excess of  
16       such 25 percent and a period of 30 days has  
17       elapsed following such notification.

18              (2) Notwithstanding any other provision of law,  
19       none of the amounts described in the matter pre-  
20       ceding paragraph (1) shall be available for re-  
21       programming.

22              (3) Such report shall include, at a minimum,  
23       the following:

24                   (A) A discussion of United States strategic  
25       objectives in Pakistan.

1           (B) A listing of the terrorist or extremist  
2 organizations in Pakistan opposing United  
3 States goals in the region and against which  
4 the United States encourages Pakistan to take  
5 action.

6           (C) A discussion of the gaps in capabilities  
7 of Pakistani security units that hamper the  
8 ability of the Government of Pakistan to take  
9 action against the organizations listed in sub-  
10 paragraph (B).

11          (D) A discussion of how assistance pro-  
12 vided utilizing the Fund will address the gaps  
13 in capabilities listed in subparagraph (C).

14          (E) A discussion of other efforts under-  
15 taken by other United States Government de-  
16 partments and agencies to address the gaps in  
17 capabilities listed in subparagraph (C) or com-  
18plementary activities of the Department of De-  
19fense and how those efforts are coordinated  
20with the activities undertaken to utilize the  
21Fund.

22          (F) Metrics that will be used to track  
23 progress in achieving the United States stra-  
24tegic objectives in Pakistan, to track progress  
25 of the Government of Pakistan in combating

1 the organizations listed in subparagraph (B),  
2 and to address the gaps in capabilities listed in  
3 subparagraph (C).

4 SEC. 9016. (a) Not to exceed \$176,575,000 from  
5 amounts made available to the Department of Defense in  
6 this Act or any other Act for fiscal year 2012 may be obli-  
7 gated for information operations or military information  
8 support operations: *Provided*, That such amount is to be  
9 derived from the amounts provided in title IX of this Act  
10 for the following accounts in this title as follows:

11 “Operations and Maintenance, Army”,  
12 \$104,675,000;

13 “Operations and Maintenance, Navy”,  
14 \$1,200,000;

15 “Operations and Maintenance, Air Force”,  
16 \$20,400,000; and

17 “Operations and Maintenance, Defense Wide”,  
18 \$50,300,000.

19 (b) Such amounts are to be allocated only in accord-  
20 ance with the direction and for the purposes specified in  
21 the classified annex accompanying this Act.

22 (RESCISSIONS)

23 SEC. 9017. Of the funds appropriated in Department  
24 of Defense Appropriations Acts, the following funds are



1 hereby rescinded from the following account in the speci-  
2 fied amount:

3 “Mine Resistant Ambush Protection Vehicle Fund”,  
4 2011/2013, \$595,000,000.

5 TITLE X—ADDITIONAL GENERAL PROVISIONS

6 SPENDING REDUCTION ACCOUNT

7 SEC. 10001. The amount by which the applicable al-  
8 location of new budget authority made by the Committee  
9 on Appropriations of the House of Representatives under  
10 section 302(b) of the Congressional Budget Act of 1974  
11 exceeds the amount of proposed new budget authority is  
12 \$0.

13 This Act may be cited as the “Department of Defense  
14 Appropriations Act, 2012”.

Union Calendar No. 64

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2219**

[Report No. 112-110]

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**A BILL**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes.

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JUNE 16, 2011

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