

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5631

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## AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

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

1 That the following sums are appropriated, out of any  
2 money in the Treasury not otherwise appropriated, for the  
3 fiscal year ending September 30, 2007, for military func-  
4 tions administered by the Department of Defense and for  
5 other purposes, namely:

6 TITLE I

7 MILITARY PERSONNEL

8 MILITARY PERSONNEL, ARMY

9 For pay, allowances, individual clothing, subsistence,  
10 interest on deposits, gratuities, permanent change of sta-  
11 tion travel (including all expenses thereof for organiza-  
12 tional movements), and expenses of temporary duty travel  
13 between permanent duty stations, for members of the  
14 Army on active duty, (except members of reserve compo-  
15 nents provided for elsewhere), cadets, and aviation cadets;  
16 for members of the Reserve Officers' Training Corps; and  
17 for payments pursuant to section 156 of Public Law 97-  
18 377, as amended (42 U.S.C. 402 note), and to the Depart-  
19 ment of Defense Military Retirement Fund,  
20 \$25,259,649,000.

21 MILITARY PERSONNEL, NAVY

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  
2 Navy on active duty (except members of the Reserve pro-  
3 vided for elsewhere), midshipmen, and aviation cadets; for  
4 members of the Reserve Officers' Training Corps; and for  
5 payments pursuant to section 156 of Public Law 97-377,  
6 as amended (42 U.S.C. 402 note), and to the Department  
7 of Defense Military Retirement Fund, \$19,049,454,000.

8                   MILITARY PERSONNEL, MARINE CORPS

9           For pay, allowances, individual clothing, subsistence,  
10 interest on deposits, gratuities, permanent change of sta-  
11 tion travel (including all expenses thereof for organiza-  
12 tional movements), and expenses of temporary duty travel  
13 between permanent duty stations, for members of the Ma-  
14 rine Corps on active duty (except members of the Reserve  
15 provided for elsewhere); and for payments pursuant to sec-  
16 tion 156 of Public Law 97-377, as amended (42 U.S.C.  
17 402 note), and to the Department of Defense Military Re-  
18 tirement Fund, \$7,932,749,000.

19                   MILITARY PERSONNEL, AIR FORCE

20           For pay, allowances, individual clothing, subsistence,  
21 interest on deposits, gratuities, permanent change of sta-  
22 tion travel (including all expenses thereof for organiza-  
23 tional movements), and expenses of temporary duty travel  
24 between permanent duty stations, for members of the Air  
25 Force on active duty (except members of reserve compo-

1 nents provided for elsewhere), cadets, and aviation cadets;  
2 for members of the Reserve Officers' Training Corps; and  
3 for payments pursuant to section 156 of Public Law 97–  
4 377, as amended (42 U.S.C. 402 note), and to the Depart-  
5 ment of Defense Military Retirement Fund,  
6 \$19,676,481,000.

7                                   RESERVE PERSONNEL, ARMY

8           For pay, allowances, clothing, subsistence, gratuities,  
9 travel, and related expenses for personnel of the Army Re-  
10 serve on active duty under sections 10211, 10302, and  
11 3038 of title 10, United States Code, or while serving on  
12 active duty under section 12301(d) of title 10, United  
13 States Code, in connection with performing duty specified  
14 in section 12310(a) of title 10, United States Code, or  
15 while undergoing reserve training, or while performing  
16 drills or equivalent duty or other duty, and expenses au-  
17 thorized by section 16131 of title 10, United States Code;  
18 and for payments to the Department of Defense Military  
19 Retirement Fund, \$3,034,500,000.

20                                   RESERVE PERSONNEL, NAVY

21           For pay, allowances, clothing, subsistence, gratuities,  
22 travel, and related expenses for personnel of the Navy Re-  
23 serve on active duty under section 10211 of title 10,  
24 United States Code, or while serving on active duty under  
25 section 12301(d) of title 10, United States Code, in con-

1 nection with performing duty specified in section 12310(a)  
2 of title 10, United States Code, or while undergoing re-  
3 serve training, or while performing drills or equivalent  
4 duty, and expenses authorized by section 16131 of title  
5 10, United States Code; and for payments to the Depart-  
6 ment of Defense Military Retirement Fund,  
7 \$1,485,548,000.

8           RESERVE PERSONNEL, MARINE CORPS

9       For pay, allowances, clothing, subsistence, gratuities,  
10 travel, and related expenses for personnel of the Marine  
11 Corps Reserve on active duty under section 10211 of title  
12 10, United States Code, or while serving on active duty  
13 under section 12301(d) of title 10, United States Code,  
14 in connection with performing duty specified in section  
15 12310(a) of title 10, United States Code, or while under-  
16 going reserve training, or while performing drills or equiv-  
17 alent duty, and for members of the Marine Corps platoon  
18 leaders class, and expenses authorized by section 16131  
19 of title 10, United States Code; and for payments to the  
20 Department of Defense Military Retirement Fund,  
21 \$498,556,000.

22           RESERVE PERSONNEL, AIR FORCE

23       For pay, allowances, clothing, subsistence, gratuities,  
24 travel, and related expenses for personnel of the Air Force  
25 Reserve on active duty under sections 10211, 10305, and

1 8038 of title 10, United States Code, or while serving on  
2 active duty under section 12301(d) of title 10, United  
3 States Code, in connection with performing duty specified  
4 in section 12310(a) of title 10, United States Code, or  
5 while undergoing reserve training, or while performing  
6 drills or equivalent duty or other duty, and expenses au-  
7 thorized by section 16131 of title 10, United States Code;  
8 and for payments to the Department of Defense Military  
9 Retirement Fund, \$1,246,320,000.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For pay, allowances, clothing, subsistence, gratuities,  
12 travel, and related expenses for personnel of the Army Na-  
13 tional Guard while on duty under section 10211, 10302,  
14 or 12402 of title 10 or section 708 of title 32, United  
15 States Code, or while serving on duty under section  
16 12301(d) of title 10 or section 502(f) of title 32, United  
17 States Code, in connection with performing duty specified  
18 in section 12310(a) of title 10, United States Code, or  
19 while undergoing training, or while performing drills or  
20 equivalent duty or other duty, and expenses authorized by  
21 section 16131 of title 10, United States Code; and for pay-  
22 ments to the Department of Defense Military Retirement  
23 Fund, \$4,693,595,000.

## 1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,  
3 travel, and related expenses for personnel of the Air Na-  
4 tional Guard on duty under section 10211, 10305, or  
5 12402 of title 10 or section 708 of title 32, United States  
6 Code, or while serving on duty under section 12301(d) of  
7 title 10 or section 502(f) of title 32, United States Code,  
8 in connection with performing duty specified in section  
9 12310(a) of title 10, United States Code, or while under-  
10 going training, or while performing drills or equivalent  
11 duty or other duty, and expenses authorized by section  
12 16131 of title 10, United States Code; and for payments  
13 to the Department of Defense Military Retirement Fund,  
14 \$2,038,097,000.

## 15 TITLE II

## 16 OPERATION AND MAINTENANCE

## 17 OPERATION AND MAINTENANCE, ARMY

18 For expenses, not otherwise provided for, necessary  
19 for the operation and maintenance of the Army, as author-  
20 ized by law; and not to exceed \$11,478,000 can be used  
21 for emergencies and extraordinary expenses, to be ex-  
22 pended on the approval or authority of the Secretary of  
23 the Army, and payments may be made on his certificate  
24 of necessity for confidential military purposes,  
25 \$22,292,965,000: *Provided*, That of funds made available

1 under this heading, \$2,499,000 shall be available for Fort  
2 Baker, in accordance with the terms and conditions as  
3 provided under the heading “Operation and Maintenance,  
4 Army”, in Public Law 107–117.

5 OPERATION AND MAINTENANCE, NAVY

6 For expenses, not otherwise provided for, necessary  
7 for the operation and maintenance of the Navy and the  
8 Marine Corps, as authorized by law; and not to exceed  
9 \$6,129,000 can be used for emergencies and extraordinary  
10 expenses, to be expended on the approval or authority of  
11 the Secretary of the Navy, and payments may be made  
12 on his certificate of necessity for confidential military pur-  
13 poses, \$29,853,676,000.

14 OPERATION AND MAINTENANCE, MARINE CORPS

15 For expenses, not otherwise provided for, necessary  
16 for the operation and maintenance of the Marine Corps,  
17 as authorized by law, \$3,351,121,000.

18 OPERATION AND MAINTENANCE, AIR FORCE

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

1 cate of necessity for confidential military purposes,  
2 \$29,089,688,000.

3 OPERATION AND MAINTENANCE, DEFENSE-WIDE  
4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses, not otherwise provided for, necessary  
6 for the operation and maintenance of activities and agen-  
7 cies of the Department of Defense (other than the military  
8 departments), as authorized by law, \$19,883,790,000:  
9 *Provided*, That not more than \$25,000,000 may be used  
10 for the Combatant Commander Initiative Fund authorized  
11 under section 166a of title 10, United States Code: *Pro-*  
12 *vided further*, That not to exceed \$40,000,000 can be used  
13 for emergencies and extraordinary expenses, to be ex-  
14 pended on the approval or authority of the Secretary of  
15 Defense, and payments may be made on his certificate of  
16 necessity for confidential military purposes: *Provided fur-*  
17 *ther*, That of the funds made available under this heading,  
18 \$6,300,000 is available for contractor support to coordi-  
19 nate a wind test demonstration project on an Air Force  
20 installation using wind turbines manufactured in the  
21 United States that are new to the United States market  
22 and to execute the renewable energy purchasing plan: *Pro-*  
23 *vided further*, That none of the funds appropriated or oth-  
24 erwise made available by this Act may be used to plan  
25 or implement the consolidation of a budget or appropria-

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

19 OPERATION AND MAINTENANCE, ARMY RESERVE

20 For expenses, not otherwise provided for, necessary  
21 for the operation and maintenance, including training, or-  
22 ganization, and administration, of the Army Reserve; re-  
23 pair of facilities and equipment; hire of passenger motor  
24 vehicles; travel and transportation; care of the dead; re-

1 recruiting; procurement of services, supplies, and equip-  
2 ment; and communications, \$2,064,512,000.

3 OPERATION AND MAINTENANCE, NAVY RESERVE

4 For expenses, not otherwise provided for, necessary  
5 for the operation and maintenance, including training, or-  
6 ganization, and administration, of the Navy Reserve; re-  
7 pair of facilities and equipment; hire of passenger motor  
8 vehicles; travel and transportation; care of the dead; re-  
9 cruiting; procurement of services, supplies, and equip-  
10 ment; and communications, \$1,223,628,000.

11 OPERATION AND MAINTENANCE, MARINE CORPS

12 RESERVE

13 For expenses, not otherwise provided for, necessary  
14 for the operation and maintenance, including training, or-  
15 ganization, and administration, of the Marine Corps Re-  
16 serve; repair of facilities and equipment; hire of passenger  
17 motor vehicles; travel and transportation; care of the dead;  
18 recruiting; procurement of services, supplies, and equip-  
19 ment; and communications, \$202,732,000.

20 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

21 For expenses, not otherwise provided for, necessary  
22 for the operation and maintenance, including training, or-  
23 ganization, and administration, of the Air Force Reserve;  
24 repair of facilities and equipment; hire of passenger motor  
25 vehicles; travel and transportation; care of the dead; re-



1 senger motor vehicles; supplying and equipping the Air  
2 National Guard, as authorized by law; expenses for repair,  
3 modification, maintenance, and issue of supplies and  
4 equipment, including those furnished from stocks under  
5 the control of agencies of the Department of Defense;  
6 travel expenses (other than mileage) on the same basis as  
7 authorized by law for Air National Guard personnel on  
8 active Federal duty, for Air National Guard commanders  
9 while inspecting units in compliance with National Guard  
10 Bureau regulations when specifically authorized by the  
11 Chief, National Guard Bureau, \$5,035,310,000.

12 UNITED STATES COURT OF APPEALS FOR THE ARMED  
13 FORCES

14 For salaries and expenses necessary for the United  
15 States Court of Appeals for the Armed Forces,  
16 \$11,721,000, of which not to exceed \$5,000 may be used  
17 for official representation purposes.

18 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

19 For expenses relating to the Overseas Humanitarian,  
20 Disaster, and Civic Aid programs of the Department of  
21 Defense (consisting of the programs provided under sec-  
22 tions 401, 402, 404, 2557, and 2561 of title 10, United  
23 States Code), \$63,204,000, to remain available until Sep-  
24 tember 30, 2008.

## 1 FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

2 For assistance to the republics of the former Soviet  
3 Union, including assistance provided by contract or by  
4 grants, for facilitating the elimination and the safe and  
5 secure transportation and storage of nuclear, chemical and  
6 other weapons; for establishing programs to prevent the  
7 proliferation of weapons, weapons components, and weap-  
8 on-related technology and expertise; for programs relating  
9 to the training and support of defense and military per-  
10 sonnel for demilitarization and protection of weapons,  
11 weapons components and weapons technology and exper-  
12 tise, and for defense and military contacts, \$372,128,000,  
13 to remain available until September 30, 2009.

## 14 TITLE III

## 15 PROCUREMENT

## 16 AIRCRAFT PROCUREMENT, ARMY

17 For construction, procurement, production, modifica-  
18 tion, and modernization of aircraft, equipment, including  
19 ordnance, ground handling equipment, spare parts, and  
20 accessories therefor; specialized equipment and training  
21 devices; expansion of public and private plants, including  
22 the land necessary therefor, for the foregoing purposes,  
23 and such lands and interests therein, may be acquired,  
24 and construction prosecuted thereon prior to approval of  
25 title; and procurement and installation of equipment, ap-

1 pliances, and machine tools in public and private plants;  
2 reserve plant and Government and contractor-owned  
3 equipment layaway; and other expenses necessary for the  
4 foregoing purposes, \$3,529,983,000, to remain available  
5 for obligation until September 30, 2009, of which  
6 \$27,375,000 shall be available for the Army National  
7 Guard and Army Reserve: *Provided*, That \$19,200,000 of  
8 the funds provided in this paragraph are available only  
9 for the purpose of acquiring one (1) HH-60L medical  
10 evacuation Variant Blackhawk helicopter only for the  
11 Army Reserve.

12 MISSILE PROCUREMENT, ARMY

13 For construction, procurement, production, modifica-  
14 tion, and modernization of missiles, equipment, including  
15 ordnance, ground handling equipment, spare parts, and  
16 accessories therefor; specialized equipment and training  
17 devices; expansion of public and private plants, including  
18 the land necessary therefor, for the foregoing purposes,  
19 and such lands and interests therein, may be acquired,  
20 and construction prosecuted thereon prior to approval of  
21 title; and procurement and installation of equipment, ap-  
22 pliances, and machine tools in public and private plants;  
23 reserve plant and Government and contractor-owned  
24 equipment layaway; and other expenses necessary for the  
25 foregoing purposes, \$1,350,898,000, to remain available



1 lie and private plants, including ammunition facilities, au-  
2 thorized by section 2854 of title 10, United States Code,  
3 and the land necessary therefor, for the foregoing pur-  
4 poses, and such lands and interests therein, may be ac-  
5 quired, and construction prosecuted thereon prior to ap-  
6 proval of title; and procurement and installation of equip-  
7 ment, appliances, and machine tools in public and private  
8 plants; reserve plant and Government and contractor-  
9 owned equipment layaway; and other expenses necessary  
10 for the foregoing purposes, \$1,710,475,000, to remain  
11 available for obligation until September 30, 2009, of which  
12 \$197,181,000 shall be available for the Army National  
13 Guard and Army Reserve.

14                   OTHER PROCUREMENT, ARMY

15       For construction, procurement, production, and  
16 modification of vehicles, including tactical, support, and  
17 non-tracked combat vehicles; the purchase of passenger  
18 motor vehicles for replacement only; communications and  
19 electronic equipment; other support equipment; spare  
20 parts, ordnance, and accessories therefor; specialized  
21 equipment and training devices; expansion of public and  
22 private plants, including the land necessary therefor, for  
23 the foregoing purposes, and such lands and interests  
24 therein, may be acquired, and construction prosecuted  
25 thereon prior to approval of title; and procurement and

1 installation of equipment, appliances, and machine tools  
2 in public and private plants; reserve plant and Govern-  
3 ment and contractor-owned equipment layaway; and other  
4 expenses necessary for the foregoing purposes,  
5 \$7,005,338,000, to remain available for obligation until  
6 September 30, 2009, of which \$534,360,000 shall be  
7 available for the Army National Guard and Army Reserve.

8 AIRCRAFT PROCUREMENT, NAVY

9 For construction, procurement, production, modifica-  
10 tion, and modernization of aircraft, equipment, including  
11 ordnance, spare parts, and accessories therefor; specialized  
12 equipment; expansion of public and private plants, includ-  
13 ing the land necessary therefor, and such lands and inter-  
14 ests therein, may be acquired, and construction prosecuted  
15 thereon prior to approval of title; and procurement and  
16 installation of equipment, appliances, and machine tools  
17 in public and private plants; reserve plant and Govern-  
18 ment and contractor-owned equipment layaway,  
19 \$10,590,934,000, to remain available for obligation until  
20 September 30, 2009, of which \$154,800,000 shall be  
21 available for the Navy Reserve and Marine Corps Reserve.

22 WEAPONS PROCUREMENT, NAVY

23 For construction, procurement, production, modifica-  
24 tion, and modernization of missiles, torpedoes, other weap-  
25 ons, and related support equipment including spare parts,

1 and accessories therefor; expansion of public and private  
2 plants, including the land necessary therefor, and such  
3 lands and interests therein, may be acquired, and con-  
4 struction prosecuted thereon prior to approval of title; and  
5 procurement and installation of equipment, appliances,  
6 and machine tools in public and private plants; reserve  
7 plant and Government and contractor-owned equipment  
8 layaway, \$2,533,920,000, to remain available for obliga-  
9 tion until September 30, 2009.

10     PROCUREMENT OF AMMUNITION, NAVY AND MARINE  
11   CORPS

12     For construction, procurement, production, and  
13 modification of ammunition, and accessories therefor; spe-  
14 cialized equipment and training devices; expansion of pub-  
15 lic and private plants, including ammunition facilities, au-  
16 thorized by section 2854 of title 10, United States Code,  
17 and the land necessary therefor, for the foregoing pur-  
18 poses, and such lands and interests therein, may be ac-  
19 quired, and construction prosecuted thereon prior to ap-  
20 proval of title; and procurement and installation of equip-  
21 ment, appliances, and machine tools in public and private  
22 plants; reserve plant and Government and contractor-  
23 owned equipment layaway; and other expenses necessary  
24 for the foregoing purposes, \$775,893,000, to remain avail-  
25 able for obligation until September 30, 2009, of which

1 \$19,600,000 shall be available for the Navy Reserve and  
2 Marine Corps Reserve.

3 SHIPBUILDING AND CONVERSION, NAVY

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

16 Carrier Replacement Program (AP),

17 \$784,143,000;

18 NSSN, \$1,775,472,000;

19 NSSN (AP), \$676,582,000;

20 CVN Refuelings, \$954,495,000;

21 CVN Refuelings (AP), \$117,139,000;

22 SSN Engineered Refueling Overhauls (AP),

23 \$22,078,000;

24 SSBN Engineered Refueling Overhauls,

25 \$189,022,000;

1           SSBN Engineered Refueling Overhauls (AP),  
2       \$37,154,000;  
3           One DD(X) Destroyer, \$2,568,111,000;  
4           DDG-51 Destroyer, \$355,849,000;  
5           DDG-51        Destroyer        Modernization,  
6       \$50,000,000;  
7           Littoral Combat Ship, \$520,670,000;  
8           LPD-17 (AP), \$297,492,000;  
9           LHA-R, \$1,135,917,000;  
10          Special Purpose Craft, \$4,500,000;  
11          Service Craft, \$45,245,000;  
12          LCAC Service Life Extension Program,  
13       \$110,692,000;  
14          Prior year shipbuilding costs, \$436,449,000;  
15       and  
16          For outfitting, post delivery, conversions, and  
17       first destination transportation, \$410,643,000.  
18       In all: \$10,491,653,000, to remain available for obli-  
19       gation until September 30, 2011: *Provided*, That addi-  
20       tional obligations may be incurred after September 30,  
21       2011, for engineering services, tests, evaluations, and  
22       other such budgeted work that must be performed in the  
23       final stage of ship construction: *Provided further*, That  
24       none of the funds provided under this heading for the con-  
25       struction or conversion of any naval vessel to be con-

1 structed in shipyards in the United States shall be ex-  
2 pended in foreign facilities for the construction of major  
3 components of such vessel: *Provided further*, That none  
4 of the funds provided under this heading shall be used  
5 for the construction of any naval vessel in foreign ship-  
6 yards.

7                   OTHER PROCUREMENT, NAVY

8           For procurement, production, and modernization of  
9 support equipment and materials not otherwise provided  
10 for, Navy ordnance (except ordnance for new aircraft, new  
11 ships, and ships authorized for conversion); the purchase  
12 of passenger motor vehicles for replacement only; expan-  
13 sion of public and private plants, including the land nec-  
14 essary therefor, and such lands and interests therein, may  
15 be acquired, and construction prosecuted thereon prior to  
16 approval of title; and procurement and installation of  
17 equipment, appliances, and machine tools in public and  
18 private plants; reserve plant and Government and con-  
19 tractor-owned equipment layaway, \$5,022,005,000, to re-  
20 main available for obligation until September 30, 2009,  
21 of which \$23,000,000 shall be available for the Navy Re-  
22 serve and Marine Corps Reserve.

23                   PROCUREMENT, MARINE CORPS

24           For expenses necessary for the procurement, manu-  
25 facture, and modification of missiles, armament, military

1 equipment, spare parts, and accessories therefor; plant  
2 equipment, appliances, and machine tools, and installation  
3 thereof in public and private plants; reserve plant and  
4 Government and contractor-owned equipment layaway; ve-  
5 hicles for the Marine Corps, including the purchase of pas-  
6 senger motor vehicles for replacement only; and expansion  
7 of public and private plants, including land necessary  
8 therefor, and such lands and interests therein, may be ac-  
9 quired, and construction prosecuted thereon prior to ap-  
10 proval of title, \$1,191,113,000, to remain available for ob-  
11 ligation until September 30, 2009.

12 AIRCRAFT PROCUREMENT, AIR FORCE

13 For construction, procurement, and modification of  
14 aircraft and equipment, including armor and armament,  
15 specialized ground handling equipment, and training de-  
16 vices, spare parts, and accessories therefor; specialized  
17 equipment; expansion of public and private plants, Gov-  
18 ernment-owned equipment and installation thereof in such  
19 plants, erection of structures, and acquisition of land, for  
20 the foregoing purposes, and such lands and interests  
21 therein, may be acquired, and construction prosecuted  
22 thereon prior to approval of title; reserve plant and Gov-  
23 ernment and contractor-owned equipment layaway; and  
24 other expenses necessary for the foregoing purposes in-  
25 cluding rents and transportation of things,

1 \$11,852,467,000, to remain available for obligation until  
2 September 30, 2009, of which \$470,300,000 shall be  
3 available for the Air National Guard and Air Force Re-  
4 serve.

5 MISSILE PROCUREMENT, AIR FORCE

6 For construction, procurement, and modification of  
7 missiles, spacecraft, rockets, and related equipment, in-  
8 cluding spare parts and accessories therefor, ground han-  
9 dling equipment, and training devices; expansion of public  
10 and private plants, Government-owned equipment and in-  
11 stallation thereof in such plants, erection of structures,  
12 and acquisition of land, for the foregoing purposes, and  
13 such lands and interests therein, may be acquired, and  
14 construction prosecuted thereon prior to approval of title;  
15 reserve plant and Government and contractor-owned  
16 equipment layaway; and other expenses necessary for the  
17 foregoing purposes including rents and transportation of  
18 things, \$3,746,636,000, to remain available for obligation  
19 until September 30, 2009.

20 PROCUREMENT OF AMMUNITION, AIR FORCE

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

1 and the land necessary therefor, for the foregoing pur-  
2 poses, and such lands and interests therein, may be ac-  
3 quired, and construction prosecuted thereon prior to ap-  
4 proval of title; and procurement and installation of equip-  
5 ment, appliances, and machine tools in public and private  
6 plants; reserve plant and Government and contractor-  
7 owned equipment layaway; and other expenses necessary  
8 for the foregoing purposes, \$1,079,249,000, to remain  
9 available for obligation until September 30, 2009, of which  
10 \$163,800,000 shall be available for the Air National  
11 Guard and Air Force Reserve.

#### 12 OTHER PROCUREMENT, AIR FORCE

13 For procurement and modification of equipment (in-  
14 cluding ground guidance and electronic control equipment,  
15 and ground electronic and communication equipment),  
16 and supplies, materials, and spare parts therefor, not oth-  
17 erwise provided for; the purchase of passenger motor vehi-  
18 cles for replacement only; lease of passenger motor vehi-  
19 cles; and expansion of public and private plants, Govern-  
20 ment-owned equipment and installation thereof in such  
21 plants, erection of structures, and acquisition of land, for  
22 the foregoing purposes, and such lands and interests  
23 therein, may be acquired, and construction prosecuted  
24 thereon, prior to approval of title; reserve plant and Gov-  
25 ernment and contractor-owned equipment layaway,

1 \$15,423,536,000, to remain available for obligation until  
2 September 30, 2009, of which \$145,600,000 shall be  
3 available for the Air National Guard and Air Force Re-  
4 serve.

5                   PROCUREMENT, DEFENSE-WIDE

6           For expenses of activities and agencies of the Depart-  
7 ment of Defense (other than the military departments)  
8 necessary for procurement, production, and modification  
9 of equipment, supplies, materials, and spare parts there-  
10 for, not otherwise provided for; the purchase of passenger  
11 motor vehicles for replacement only; expansion of public  
12 and private plants, equipment, and installation thereof in  
13 such plants, erection of structures, and acquisition of land  
14 for the foregoing purposes, and such lands and interests  
15 therein, may be acquired, and construction prosecuted  
16 thereon prior to approval of title; reserve plant and Gov-  
17 ernment and contractor-owned equipment layaway,  
18 \$2,890,531,000, to remain available for obligation until  
19 September 30, 2009.

20                   NATIONAL GUARD AND RESERVE EQUIPMENT

21           For procurement of aircraft, missiles, tracked combat  
22 vehicles, ammunition, other weapons, and other procure-  
23 ment for the reserve components of the Armed Forces,  
24 \$500,000,000, to remain available for obligation until Sep-  
25 tember 30, 2009: *Provided*, That the Chiefs of the Reserve

1 and National Guard components shall, not later than 30  
2 days after the enactment of this Act, individually submit  
3 to the congressional defense committees the modernization  
4 priority assessment for their respective Reserve or Na-  
5 tional Guard component.

6           DEFENSE PRODUCTION ACT PURCHASES

7           For activities by the Department of Defense pursuant  
8 to sections 108, 301, 302, and 303 of the Defense Produc-  
9 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and  
10 2093), \$39,384,000, to remain available until expended.

11                           TITLE IV

12           RESEARCH, DEVELOPMENT, TEST AND

13                           EVALUATION

14   RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

15                           ARMY

16           For expenses necessary for basic and applied sci-  
17 entific research, development, test and evaluation, includ-  
18 ing maintenance, rehabilitation, lease, and operation of fa-  
19 cilities and equipment, \$11,834,882,000 (reduced by  
20 \$5,000,000) (increased by \$5,000,000), to remain avail-  
21 able for obligation until September 30, 2008.

22   RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

23                           NAVY

24           For expenses necessary for basic and applied sci-  
25 entific research, development, test and evaluation, includ-

1 ing maintenance, rehabilitation, lease, and operation of fa-  
2 cilities and equipment, \$17,654,518,000, to remain avail-  
3 able for obligation until September 30, 2008: *Provided*,  
4 That funds appropriated in this paragraph which are  
5 available for the V-22 may be used to meet unique oper-  
6 ational requirements of the Special Operations Forces:  
7 *Provided further*, That funds appropriated in this para-  
8 graph shall be available for the Cobra Judy program.

9 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

10 AIR FORCE

11 For expenses necessary for basic and applied sci-  
12 entific research, development, test and evaluation, includ-  
13 ing maintenance, rehabilitation, lease, and operation of fa-  
14 cilities and equipment, \$24,457,062,000, to remain avail-  
15 able for obligation until September 30, 2008.

16 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

17 DEFENSE-WIDE

18 For expenses of activities and agencies of the Depart-  
19 ment of Defense (other than the military departments),  
20 necessary for basic and applied scientific research, devel-  
21 opment, test and evaluation; advanced research projects  
22 as may be designated and determined by the Secretary  
23 of Defense, pursuant to law; maintenance, rehabilitation,  
24 lease, and operation of facilities and equipment,

1 \$21,208,264,000, to remain available for obligation until  
2 September 30, 2008.

3 OPERATIONAL TEST AND EVALUATION, DEFENSE

4 For expenses, not otherwise provided for, necessary  
5 for the independent activities of the Director, Operational  
6 Test and Evaluation, in the direction and supervision of  
7 operational test and evaluation, including initial oper-  
8 ational test and evaluation which is conducted prior to,  
9 and in support of, production decisions; joint operational  
10 testing and evaluation; and administrative expenses in  
11 connection therewith, \$181,520,000, to remain available  
12 for obligation until September 30, 2008.

13 TITLE V

14 REVOLVING AND MANAGEMENT FUNDS

15 DEFENSE WORKING CAPITAL FUNDS

16 For the Defense Working Capital Funds,  
17 \$1,345,998,000.

18 NATIONAL DEFENSE SEALIFT FUND

19 For National Defense Sealift Fund programs,  
20 projects, and activities, and for expenses of the National  
21 Defense Reserve Fleet, as established by section 11 of the  
22 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),  
23 and for the necessary expenses to maintain and preserve  
24 a U.S.-flag merchant fleet to serve the national security  
25 needs of the United States, \$1,071,932,000, to remain

1 available until expended: *Provided*, That none of the funds  
2 provided in this paragraph shall be used to award a new  
3 contract that provides for the acquisition of any of the  
4 following major components unless such components are  
5 manufactured in the United States: auxiliary equipment,  
6 including pumps, for all shipboard services; propulsion  
7 system components (that is; engines, reduction gears, and  
8 propellers); shipboard cranes; and spreaders for shipboard  
9 cranes: *Provided further*, That the exercise of an option  
10 in a contract awarded through the obligation of previously  
11 appropriated funds shall not be considered to be the award  
12 of a new contract: *Provided further*, That the Secretary  
13 of the military department responsible for such procure-  
14 ment may waive the restrictions in the first proviso on  
15 a case-by-case basis by certifying in writing to the Com-  
16 mittees on Appropriations of the House of Representatives  
17 and the Senate that adequate domestic supplies are not  
18 available to meet Department of Defense requirements on  
19 a timely basis and that such an acquisition must be made  
20 in order to acquire capability for national security pur-  
21 poses.

1 PENTAGON RESERVATION MAINTENANCE REVOLVING  
2 FUND

3 For the Pentagon Reservation Maintenance Revolv-  
4 ing Fund, \$18,500,000, to remain available until Sep-  
5 tember 30, 2011.

6 TITLE VI  
7 OTHER DEPARTMENT OF DEFENSE PROGRAMS  
8 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,  
9 ARMY

10 For expenses, not otherwise provided for, necessary  
11 for the destruction of the United States stockpile of lethal  
12 chemical agents and munitions, to include construction of  
13 facilities, in accordance with the provisions of section 1412  
14 of the Department of Defense Authorization Act, 1986  
15 (50 U.S.C. 1521), and for the destruction of other chem-  
16 ical warfare materials that are not in the chemical weapon  
17 stockpile, \$1,277,304,000, of which \$1,046,290,000 shall  
18 be for Operation and maintenance; \$231,014,000 shall be  
19 for Research, development, test and evaluation, of which  
20 \$215,944,000 shall only be for the Assembled Chemical  
21 Weapons Alternatives (ACWA) program, to remain avail-  
22 able until September 30, 2008; and no less than  
23 \$111,283,000 shall be for the Chemical Stockpile Emer-  
24 gency Preparedness Program to remain available until  
25 September 30, 2008.

1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,  
2 DEFENSE  
3 (INCLUDING TRANSFER OF FUNDS)

4 For drug interdiction and counter-drug activities of  
5 the Department of Defense, for transfer to appropriations  
6 available to the Department of Defense for military per-  
7 sonnel of the reserve components serving under the provi-  
8 sions of title 10 and title 32, United States Code; for Op-  
9 eration and maintenance; for Procurement; and for Re-  
10 search, development, test and evaluation, \$936,990,000:  
11 *Provided*, That the funds appropriated under this heading  
12 shall be available for obligation for the same time period  
13 and for the same purpose as the appropriation to which  
14 transferred: *Provided further*, That upon a determination  
15 that all or part of the funds transferred from this appro-  
16 priation are not necessary for the purposes provided here-  
17 in, such amounts may be transferred back to this appro-  
18 priation: *Provided further*, That the transfer authority pro-  
19 vided under this heading is in addition to any other trans-  
20 fer authority contained elsewhere in this Act.

21 OFFICE OF THE INSPECTOR GENERAL

22 For expenses and activities of the Office of the In-  
23 spector General in carrying out the provisions of the In-  
24 spector General Act of 1978, as amended, \$216,297,000,  
25 of which \$214,897,000 shall be for Operation and mainte-

1 nance, of which not to exceed \$700,000 is available for  
2 emergencies and extraordinary expenses to be expended on  
3 the approval or authority of the Inspector General, and  
4 payments may be made on the Inspector General's certifi-  
5 cate of necessity for confidential military purposes; and  
6 of which \$1,400,000, to remain available until September  
7 30, 2009, shall be for Procurement.

## 8 TITLE VII

### 9 RELATED AGENCIES

#### 10 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND 11 DISABILITY SYSTEM FUND

12 For payment to the Central Intelligence Agency Re-  
13 tirement and Disability System Fund, to maintain the  
14 proper funding level for continuing the operation of the  
15 Central Intelligence Agency Retirement and Disability  
16 System, \$256,400,000.

#### 17 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT 18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses of the Intelligence Commu-  
20 nity Management Account, \$597,111,000, of which  
21 \$27,454,000 for the Advanced Research and Development  
22 Committee shall remain available until September 30,  
23 2008: *Provided*, That of the funds appropriated under this  
24 heading, \$39,000,000 shall be transferred to the Depart-  
25 ment of Justice for the National Drug Intelligence Center

1 to support the Department of Defense's counter-drug in-  
2 telligence responsibilities, and of the said amount,  
3 \$1,500,000 for Procurement shall remain available until  
4 September 30, 2009 and \$1,000,000 for Research, devel-  
5 opment, test and evaluation shall remain available until  
6 September 30, 2008: *Provided further*, That the National  
7 Drug Intelligence Center shall maintain the personnel and  
8 technical resources to provide timely support to law en-  
9 forcement authorities and the intelligence community by  
10 conducting document and computer exploitation of mate-  
11 rials collected in Federal, State, and local law enforcement  
12 activity associated with counter-drug, counter-terrorism,  
13 and national security investigations and operations.

14 TITLE VIII

15 GENERAL PROVISIONS

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

19 SEC. 8002. During the current fiscal year, provisions  
20 of law prohibiting the payment of compensation to, or em-  
21 ployment of, any person not a citizen of the United States  
22 shall not apply to personnel of the Department of Defense:  
23 *Provided*, That salary increases granted to direct and indi-  
24 rect hire foreign national employees of the Department of  
25 Defense funded by this Act shall not be at a rate in excess

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

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

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

## (TRANSFER OF FUNDS)

1  
2 SEC. 8005. Upon determination by the Secretary of  
3 Defense that such action is necessary in the national inter-  
4 est, he may, with the approval of the Office of Manage-  
5 ment and Budget, transfer not to exceed \$4,750,000,000  
6 of working capital funds of the Department of Defense  
7 or funds made available in this Act to the Department  
8 of Defense for military functions (except military con-  
9 struction) between such appropriations or funds or any  
10 subdivision thereof, to be merged with and to be available  
11 for the same purposes, and for the same time period, as  
12 the appropriation or fund to which transferred: *Provided*,  
13 That such authority to transfer may not be used unless  
14 for higher priority items, based on unforeseen military re-  
15 quirements, than those for which originally appropriated  
16 and in no case where the item for which funds are re-  
17 quested has been denied by the Congress: *Provided further*,  
18 That the Secretary of Defense shall notify the Congress  
19 promptly of all transfers made pursuant to this authority  
20 or any other authority in this Act: *Provided further*, That  
21 no part of the funds in this Act shall be available to pre-  
22 pare or present a request to the Committees on Appropria-  
23 tions for reprogramming of funds, unless for higher pri-  
24 ority items, based on unforeseen military requirements,  
25 than those for which originally appropriated and in no

1 case where the item for which reprogramming is requested  
2 has been denied by the Congress: *Provided further*, That  
3 a request for multiple reprogrammings of funds using au-  
4 thority provided in this section must be made prior to  
5 June 30, 2007: *Provided further*, That transfers among  
6 military personnel appropriations shall not be taken into  
7 account for purposes of the limitation on the amount of  
8 funds that may be transferred under this section.

9 (TRANSFER OF FUNDS)

10 SEC. 8006. During the current fiscal year, cash bal-  
11 ances in working capital funds of the Department of De-  
12 fense established pursuant to section 2208 of title 10,  
13 United States Code, may be maintained in only such  
14 amounts as are necessary at any time for cash disburse-  
15 ments to be made from such funds: *Provided*, That trans-  
16 fers may be made between such funds: *Provided further*,  
17 That transfers may be made between working capital  
18 funds and the “Foreign Currency Fluctuations, Defense”  
19 appropriation and the “Operation and Maintenance” ap-  
20 propriation accounts in such amounts as may be deter-  
21 mined by the Secretary of Defense, with the approval of  
22 the Office of Management and Budget, except that such  
23 transfers may not be made unless the Secretary of Defense  
24 has notified the Congress of the proposed transfer. Except  
25 in amounts equal to the amounts appropriated to working

1 capital funds in this Act, no obligations may be made  
2 against a working capital fund to procure or increase the  
3 value of war reserve material inventory, unless the Sec-  
4 retary of Defense has notified the Congress prior to any  
5 such obligation.

6 SEC. 8007. Funds appropriated by this Act may not  
7 be used to initiate a special access program without prior  
8 notification 30 calendar days in advance to the congres-  
9 sional defense committees.

10 SEC. 8008. None of the funds provided in this Act  
11 shall be available to initiate: (1) a multiyear contract that  
12 employs economic order quantity procurement in excess of  
13 \$20,000,000 in any 1 year of the contract or that includes  
14 an unfunded contingent liability in excess of \$20,000,000;  
15 or (2) a contract for advance procurement leading to a  
16 multiyear contract that employs economic order quantity  
17 procurement in excess of \$20,000,000 in any 1 year, un-  
18 less the congressional defense committees have been noti-  
19 fied at least 30 days in advance of the proposed contract  
20 award: *Provided*, That no part of any appropriation con-  
21 tained in this Act shall be available to initiate a multiyear  
22 contract for which the economic order quantity advance  
23 procurement is not funded at least to the limits of the  
24 Government's liability: *Provided further*, That no part of  
25 any appropriation contained in this Act shall be available

1 to initiate multiyear procurement contracts for any sys-  
2 tems or component thereof if the value of the multiyear  
3 contract would exceed \$500,000,000 unless specifically  
4 provided in this Act: *Provided further*, That no multiyear  
5 procurement contract can be terminated without 10-day  
6 prior notification to the congressional defense committees:  
7 *Provided further*, That the execution of multiyear author-  
8 ity shall require the use of a present value analysis to de-  
9 termine lowest cost compared to an annual procurement:  
10 *Provided further*, That none of the funds provided in this  
11 Act may be used for a multiyear contract executed after  
12 the date of the enactment of this Act unless in the case  
13 of any such contract—

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

24           (2) cancellation provisions in the contract do  
25           not include consideration of recurring manufacturing

1 costs of the contractor associated with the produc-  
2 tion of unfunded units to be delivered under the con-  
3 tract;

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

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

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

12 C-17 Globemaster; MH-60R Helicopters; MH-60R  
13 Helicopter mission equipment; and V-22 Osprey.

14 SEC. 8009. 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. 8010. (a) During fiscal year 2007, 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 2008 budget request for the De-  
23 partment of Defense as well as all justification material  
24 and other documentation supporting the fiscal year 2008  
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 2007.

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

6 SEC. 8011. 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. 8012. 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. 8013. (a) LIMITATION ON CONVERSION TO  
22 CONTRACTOR PERFORMANCE.—None of the funds appro-  
23 priated by this Act shall be available to convert to con-  
24 tractor performance an activity or function of the Depart-  
25 ment of Defense that, on or after the date of the enact-

1 ment of this Act, is performed by more than 10 Depart-  
2 ment of Defense civilian employees 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) EXCEPTIONS.—

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

17 (A) is included on the procurement list es-  
18 tablished pursuant to section 2 of the Javits-  
19 Wagner-O'Day Act (41 U.S.C. 47);

20 (B) is planned to be converted to perform-  
21 ance by a qualified nonprofit agency for the  
22 blind or by a qualified nonprofit agency for  
23 other severely handicapped individuals in ac-  
24 cordance with that Act; or

1 (C) is planned to be converted to perform-  
2 ance by a qualified firm under at least 51 per-  
3 cent ownership by an Indian tribe, as defined in  
4 section 4(e) of the Indian Self-Determination  
5 and Education Assistance Act (25 U.S.C.  
6 450b(e)), or a Native Hawaiian Organization,  
7 as defined in section 8(a)(15) of the Small  
8 Business Act (15 U.S.C. 637(a)(15)).

9 (2) This section shall not apply to depot con-  
10 tracts or contracts for depot maintenance as pro-  
11 vided in sections 2469 and 2474 of title 10, United  
12 States Code.

13 (c) TREATMENT OF CONVERSION.—The conversion  
14 of any activity or function of the Department of Defense  
15 under the authority provided by this section shall be cred-  
16 ited toward any competitive or outsourcing goal, target,  
17 or measurement that may be established by statute, regu-  
18 lation, or policy and is deemed to be awarded under the  
19 authority of, and in compliance with, subsection (h) of sec-  
20 tion 2304 of title 10, United States Code, for the competi-  
21 tion or outsourcing of commercial activities.

22 (TRANSFER OF FUNDS)

23 SEC. 8014. Funds appropriated in title III of this Act  
24 for the Department of Defense Pilot Mentor-Protege Pro-  
25 gram may be transferred to any other appropriation con-

1 tained in this Act solely for the purpose of implementing  
2 a Mentor-Protege Program developmental assistance  
3 agreement pursuant to section 831 of the National De-  
4 fense Authorization Act for Fiscal Year 1991 (Public Law  
5 101-510; 10 U.S.C. 2302 note), as amended, under the  
6 authority of this provision or any other transfer authority  
7 contained in this Act.

8       SEC. 8015. None of the funds in this Act may be  
9 available for the purchase by the Department of Defense  
10 (and its departments and agencies) of welded shipboard  
11 anchor and mooring chain 4 inches in diameter and under  
12 unless the anchor and mooring chain are manufactured  
13 in the United States from components which are substan-  
14 tially manufactured in the United States: *Provided*, That  
15 for the purpose of this section manufactured will include  
16 cutting, heat treating, quality control, testing of chain and  
17 welding (including the forging and shot blasting process):  
18 *Provided further*, That for the purpose of this section sub-  
19 stantially all of the components of anchor and mooring  
20 chain shall be considered to be produced or manufactured  
21 in the United States if the aggregate cost of the compo-  
22 nents produced or manufactured in the United States ex-  
23 ceeds the aggregate cost of the components produced or  
24 manufactured outside the United States: *Provided further*,  
25 That when adequate domestic supplies are not available

1 to meet Department of Defense requirements on a timely  
2 basis, the Secretary of the service responsible for the pro-  
3 curement may waive this restriction on a case-by-case  
4 basis by certifying in writing to the Committees on Appro-  
5 priations that such an acquisition must be made in order  
6 to acquire capability for national security purposes.

7       SEC. 8016. None of the funds available to the De-  
8 partment of Defense may be used to demilitarize or dis-  
9 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,  
10 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

11       SEC. 8017. No more than \$500,000 of the funds ap-  
12 propriated or made available in this Act shall be used dur-  
13 ing a single fiscal year for any single relocation of an orga-  
14 nization, unit, activity or function of the Department of  
15 Defense into or within the National Capital Region: *Pro-*  
16 *vided*, That the Secretary of Defense may waive this re-  
17 striction on a case-by-case basis by certifying in writing  
18 to the congressional defense committees that such a relo-  
19 cation is required in the best interest of the Government.

20       SEC. 8018. In addition to the funds provided else-  
21 where in this Act, \$8,000,000 is appropriated only for in-  
22 centive payments authorized by section 504 of the Indian  
23 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That  
24 a prime contractor or a subcontractor at any tier that  
25 makes a subcontract award to any subcontractor or sup-

1 plier as defined in section 1544 of title 25, United States  
2 Code or a small business owned and controlled by an indi-  
3 vidual or individuals defined under section 4221(9) of title  
4 25, United States Code shall be considered a contractor  
5 for the purposes of being allowed additional compensation  
6 under section 504 of the Indian Financing Act of 1974  
7 (25 U.S.C. 1544) whenever the prime contract or sub-  
8 contract amount is over \$500,000 and involves the ex-  
9 penditure of funds appropriated by an Act making Appro-  
10 priations for the Department of Defense with respect to  
11 any fiscal year: *Provided further*, That notwithstanding  
12 section 430 of title 41, United States Code, this section  
13 shall be applicable to any Department of Defense acquisi-  
14 tion of supplies or services, including any contract and any  
15 subcontract at any tier for acquisition of commercial items  
16 produced or manufactured, in whole or in part by any sub-  
17 contractor or supplier defined in section 1544 of title 25,  
18 United States Code or a small business owned and con-  
19 trolled by an individual or individuals defined under sec-  
20 tion 4221(9) of title 25, United States Code: *Provided fur-*  
21 *ther*, That, during the current fiscal year and hereafter,  
22 businesses certified as 8(a) by the Small Business Admin-  
23 istration pursuant to section 8(a)(15) of Public Law 85-  
24 536, as amended, shall have the same status as other pro-  
25 gram participants under section 602 of Public Law 100-

1 656, 102 Stat. 3825 (Business Opportunity Development  
2 Reform Act of 1988) for purposes of contracting with  
3 agencies of the Department of Defense.

4 SEC. 8019. None of the funds appropriated by this  
5 Act shall be available to perform any cost study pursuant  
6 to the provisions of OMB Circular A-76 if the study being  
7 performed exceeds a period of 24 months after initiation  
8 of such study with respect to a single function activity or  
9 30 months after initiation of such study for a multi-func-  
10 tion activity.

11 SEC. 8020. Funds appropriated by this Act for the  
12 American Forces Information Service shall not be used for  
13 any national or international political or psychological ac-  
14 tivities.

15 SEC. 8021. During the current fiscal year, the De-  
16 partment of Defense is authorized to incur obligations of  
17 not to exceed \$350,000,000 for purposes specified in sec-  
18 tion 2350j(c) of title 10, United States Code, in anticipa-  
19 tion of receipt of contributions, only from the Government  
20 of Kuwait, under that section: *Provided*, That upon re-  
21 ceipt, such contributions from the Government of Kuwait  
22 shall be credited to the appropriations or fund which in-  
23 curred such obligations.

1       SEC. 8022. (a) Of the funds made available in this  
2 Act, not less than \$36,188,000 shall be available for the  
3 Civil Air Patrol Corporation, of which—

4           (1) \$25,087,000 shall be available from “Oper-  
5 ation and Maintenance, Air Force” to support Civil  
6 Air Patrol Corporation operation and maintenance,  
7 readiness, counterdrug activities, and drug demand  
8 reduction activities involving youth programs;

9           (2) \$10,193,000 shall be available from “Air-  
10 craft Procurement, Air Force”; and

11          (3) \$908,000 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. 8023. (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 non-profit 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 2007 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 2007, not more than 5,417 staff years of technical effort  
25 (staff years) may be funded for defense FFRDCs: *Pro-*

1 *vided*, That this subsection shall not apply to staff years  
2 funded in the National Intelligence Program (NIP) and  
3 the Military Intelligence Program (MIP).

4 (e) The Secretary of Defense shall, with the submis-  
5 sion of the department's fiscal year 2008 budget request,  
6 submit a report presenting the specific amounts of staff  
7 years of technical effort to be allocated for each defense  
8 FFRDC during that fiscal year.

9 (f) Notwithstanding any other provision of this Act,  
10 the total amount appropriated in this Act for FFRDCs  
11 is hereby reduced by \$25,000,000.

12 SEC. 8024. None of the funds appropriated or made  
13 available in this Act shall be used to procure carbon, alloy  
14 or armor steel plate for use in any Government-owned fa-  
15 cility or property under the control of the Department of  
16 Defense which were not melted and rolled in the United  
17 States or Canada: *Provided*, That these procurement re-  
18 strictions shall apply to any and all Federal Supply Class  
19 9515, American Society of Testing and Materials (ASTM)  
20 or American Iron and Steel Institute (AISI) specifications  
21 of carbon, alloy or armor steel plate: *Provided further*,  
22 That the Secretary of the military department responsible  
23 for the procurement may waive this restriction on a case-  
24 by-case basis by certifying in writing to the Committees  
25 on Appropriations of the House of Representatives and the

1 Senate that adequate domestic supplies are not available  
2 to meet Department of Defense requirements on a timely  
3 basis and that such an acquisition must be made in order  
4 to acquire capability for national security purposes: *Pro-*  
5 *vided further*, That these restrictions shall not apply to  
6 contracts which are in being as of the date of the enact-  
7 ment of this Act.

8       SEC. 8025. For the purposes of this Act, the term  
9 “congressional defense committees” means the Armed  
10 Services Committee of the House of Representatives, the  
11 Armed Services Committee of the Senate, the Sub-  
12 committee on Defense of the Committee on Appropriations  
13 of the Senate, and the Subcommittee on Defense of the  
14 Committee on Appropriations of the House of Representa-  
15 tives.

16       SEC. 8026. During the current fiscal year, the De-  
17 partment of Defense may acquire the modification, depot  
18 maintenance and repair of aircraft, vehicles and vessels  
19 as well as the production of components and other De-  
20 fense-related articles, through competition between De-  
21 partment of Defense depot maintenance activities and pri-  
22 vate firms: *Provided*, That the Senior Acquisition Execu-  
23 tive of the military department or Defense Agency con-  
24 cerned, with power of delegation, shall certify that success-  
25 ful bids include comparable estimates of all direct and in-

1 direct costs for both public and private bids: *Provided fur-*  
2 *ther*, That Office of Management and Budget Circular A–  
3 76 shall not apply to competitions conducted under this  
4 section.

5       SEC. 8027. (a)(1) If the Secretary of Defense, after  
6 consultation with the United States Trade Representative,  
7 determines that a foreign country which is party to an  
8 agreement described in paragraph (2) has violated the  
9 terms of the agreement by discriminating against certain  
10 types of products produced in the United States that are  
11 covered by the agreement, the Secretary of Defense shall  
12 rescind the Secretary's blanket waiver of the Buy Amer-  
13 ican Act with respect to such types of products produced  
14 in that foreign country.

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

21       (b) The Secretary of Defense shall submit to the Con-  
22 gress a report on the amount of Department of Defense  
23 purchases from foreign entities in fiscal year 2007. Such  
24 report shall separately indicate the dollar value of items  
25 for which the Buy American Act was waived pursuant to

1 any agreement described in subsection (a)(2), the Trade  
2 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any  
3 international agreement to which the United States is a  
4 party.

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

11 SEC. 8028. Notwithstanding any other provision of  
12 law, funds available during the current fiscal year and  
13 hereafter for “Drug Interdiction and Counter-Drug Activi-  
14 ties, Defense” may be obligated for the Young Marines  
15 program.

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

23 SEC. 8030. (a) IN GENERAL.—Notwithstanding any  
24 other provision of law, the Secretary of the Air Force may  
25 convey at no cost to the Air Force, without consideration,

1 to Indian tribes located in the States of North Dakota,  
2 South Dakota, Montana, and Minnesota relocatable mili-  
3 tary housing units located at Grand Forks Air Force Base  
4 and Minot Air Force Base that are excess to the needs  
5 of the Air Force.

6 (b) PROCESSING OF REQUESTS.—The Secretary of  
7 the Air Force shall convey, at no cost to the Air Force,  
8 military housing units under subsection (a) in accordance  
9 with the request for such units that are submitted to the  
10 Secretary by the Operation Walking Shield Program on  
11 behalf of Indian tribes located in the States of North Da-  
12 kota, South Dakota, Montana, and Minnesota.

13 (c) RESOLUTION OF HOUSING UNIT CONFLICTS.—  
14 The Operation Walking Shield Program shall resolve any  
15 conflicts among requests of Indian tribes for housing units  
16 under subsection (a) before submitting requests to the  
17 Secretary of the Air Force under subsection (b).

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

24 SEC. 8031. During the current fiscal year, appropria-  
25 tions which are available to the Department of Defense

1 for operation and maintenance may be used to purchase  
2 items having an investment item unit cost of not more  
3 than \$250,000.

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

17       (b) The fiscal year 2008 budget request for the De-  
18 partment of Defense as well as all justification material  
19 and other documentation supporting the fiscal year 2008  
20 Department of Defense budget shall be prepared and sub-  
21 mitted to the Congress on the basis that any equipment  
22 which was classified as an end item and funded in a pro-  
23 curement appropriation contained in this Act shall be  
24 budgeted for in a proposed fiscal year 2008 procurement  
25 appropriation and not in the supply management business

1 area or any other area or category of the Department of  
2 Defense Working Capital Funds.

3       SEC. 8033. None of the funds appropriated by this  
4 Act for programs of the Central Intelligence Agency shall  
5 remain available for obligation beyond the current fiscal  
6 year, except for funds appropriated for the Reserve for  
7 Contingencies, which shall remain available until Sep-  
8 tember 30, 2008: *Provided*, That funds appropriated,  
9 transferred, or otherwise credited to the Central Intel-  
10 ligence Agency Central Services Working Capital Fund  
11 during this or any prior or subsequent fiscal year shall  
12 remain available until expended: *Provided further*, That  
13 any funds appropriated or transferred to the Central Intel-  
14 ligence Agency for advanced research and development ac-  
15 quisition, for agent operations, and for covert action pro-  
16 grams authorized by the President under section 503 of  
17 the National Security Act of 1947, as amended, shall re-  
18 main available until September 30, 2008.

19       SEC. 8034. Notwithstanding any other provision of  
20 law, funds made available in this Act for the Defense In-  
21 telligence Agency may be used for the design, develop-  
22 ment, and deployment of General Defense Intelligence  
23 Program intelligence communications and intelligence in-  
24 formation systems for the Services, the Unified and Speci-  
25 fied Commands, and the component commands.

1        SEC. 8035. (a) None of the funds appropriated in this  
2 Act may be expended by an entity of the Department of  
3 Defense unless the entity, in expending the funds, com-  
4 plies with the Buy American Act. For purposes of this  
5 subsection, the term “Buy American Act” means title III  
6 of the Act entitled “An Act making appropriations for the  
7 Treasury and Post Office Departments for the fiscal year  
8 ending June 30, 1934, and for other purposes”, approved  
9 March 3, 1933 (41 U.S.C. 10a et seq.).

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

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

1        SEC. 8036. None of the funds appropriated by this  
2 Act shall be available for a contract for studies, analysis,  
3 or consulting services entered into without competition on  
4 the basis of an unsolicited proposal unless the head of the  
5 activity responsible for the procurement determines—

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

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

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

1       SEC. 8037. (a) Except as provided in subsection (b)  
2 and (c), none of the funds made available by this Act may  
3 be used—

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

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

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

17       (c) This section does not apply to—

18           (1) field operating agencies funded within the  
19 National Intelligence Program; or

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

24       SEC. 8038. The Secretary of Defense, acting through  
25 the Office of Economic Adjustment of the Department of

1 Defense, notwithstanding any other provision of law, may  
2 use funds made available in this Act under the heading  
3 “Operation and Maintenance, Defense-Wide” to make  
4 grants and supplement other Federal funds in accordance  
5 with the guidance provided in the House report accom-  
6 panying this Act, and the projects specified in such guid-  
7 ance shall be considered to be authorized by law.

8 (RESCISSIONS)

9 SEC. 8039. Of the funds appropriated in Department  
10 of Defense Appropriations Acts, the following funds are  
11 hereby rescinded from the following accounts and pro-  
12 grams in the specified amounts:

13 “Other Procurement, Army, 2006/2008”,  
14 \$100,200,000;

15 “Aircraft Procurement, Navy, 2006/2008”,  
16 \$76,200,000;

17 “Shipbuilding and Conversion, Navy, 2003/2007”,  
18 \$15,000,000;

19 “Shipbuilding and Conversion, Navy, 2005/2009”,  
20 \$11,245,000;

21 “Aircraft Procurement, Air Force, 2005/2007”,  
22 \$108,000,000;

23 “Aircraft Procurement, Air Force, 2006/2008”,  
24 \$64,000,000;

25 “Missile Procurement, Air Force, 2005/2007”,  
26 \$29,600,000;

1 “Missile Procurement, Air Force, 2006/2008”,  
2 \$138,000,000;

3 “Research, Development, Test and Evaluation,  
4 Army, 2006/2007”, \$21,600,000;

5 “Research, Development, Test and Evaluation, Navy,  
6 2006/2007”, \$42,577,000;

7 “Research, Development, Test and Evaluation, Air  
8 Force, 2006/2007”, \$92,800,000; and

9 “Research, Development, Test and Evaluation, De-  
10 fense-Wide, 2006/2007”, \$123,900,000.

11 SEC. 8040. None of the funds available in this Act  
12 may be used to reduce the authorized positions for mili-  
13 tary (civilian) technicians of the Army National Guard,  
14 the Air National Guard, Army Reserve and Air Force Re-  
15 serve for the purpose of applying any administratively im-  
16 posed civilian personnel ceiling, freeze, or reduction on  
17 military (civilian) technicians, unless such reductions are  
18 a direct result of a reduction in military force structure.

19 SEC. 8041. None of the funds appropriated or other-  
20 wise made available in this Act may be obligated or ex-  
21 pended for assistance to the Democratic People’s Republic  
22 of North Korea unless specifically appropriated for that  
23 purpose.

24 SEC. 8042. Funds appropriated in this Act for oper-  
25 ation and maintenance of the Military Departments, Com-

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

13 SEC. 8043. During the current fiscal year, none of  
14 the funds appropriated in this Act may be used to reduce  
15 the civilian medical and medical support personnel as-  
16 signed to military treatment facilities below the September  
17 30, 2003, level: *Provided*, That the Service Surgeons Gen-  
18 eral may waive this section by certifying to the congres-  
19 sional defense committees that the beneficiary population  
20 is declining in some catchment areas and civilian strength  
21 reductions may be consistent with responsible resource  
22 stewardship and capitation-based budgeting.

23 SEC. 8044. (a) None of the funds available to the  
24 Department of Defense for any fiscal year for drug inter-  
25 diction or counter-drug activities may be transferred to

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

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

8 SEC. 8045. None of the funds appropriated by this  
9 Act may be used for the procurement of ball and roller  
10 bearings other than those produced by a domestic source  
11 and of domestic origin: *Provided*, That the Secretary of  
12 the military department responsible for such procurement  
13 may waive this restriction on a case-by-case basis by certi-  
14 fying in writing to the Committees on Appropriations of  
15 the House of Representatives and the Senate, that ade-  
16 quate domestic supplies are not available to meet Depart-  
17 ment of Defense requirements on a timely basis and that  
18 such an acquisition must be made in order to acquire ca-  
19 pability for national security purposes: *Provided further*,  
20 That this restriction shall not apply to the purchase of  
21 “commercial items”, as defined by section 4(12) of the  
22 Office of Federal Procurement Policy Act, except that the  
23 restriction shall apply to ball or roller bearings purchased  
24 as end items.

1        SEC. 8046. None of the funds in this Act may be  
2 used to purchase any supercomputer which is not manu-  
3 factured in the United States, unless the Secretary of De-  
4 fense certifies to the congressional defense committees  
5 that such an acquisition must be made in order to acquire  
6 capability for national security purposes that is not avail-  
7 able from United States manufacturers.

8        SEC. 8047. Notwithstanding any other provision of  
9 law, each contract awarded by the Department of Defense  
10 during the current fiscal year for construction or service  
11 performed in whole or in part in a State (as defined in  
12 section 381(d) of title 10, United States Code) which is  
13 not contiguous with another State and has an unemploy-  
14 ment rate in excess of the national average rate of unem-  
15 ployment as determined by the Secretary of Labor, shall  
16 include a provision requiring the contractor to employ, for  
17 the purpose of performing that portion of the contract in  
18 such State that is not contiguous with another State, indi-  
19 viduals who are residents of such State and who, in the  
20 case of any craft or trade, possess or would be able to  
21 acquire promptly the necessary skills: *Provided*, That the  
22 Secretary of Defense may waive the requirements of this  
23 section, on a case-by-case basis, in the interest of national  
24 security.

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

13        SEC. 8049. (a) LIMITATION ON TRANSFER OF DE-  
14 FENSE ARTICLES AND SERVICES.—Notwithstanding any  
15 other provision of law, none of the funds available to the  
16 Department of Defense for the current fiscal year may be  
17 obligated or expended to transfer to another nation or an  
18 international organization any defense articles or services  
19 (other than intelligence services) for use in the activities  
20 described in subsection (b) unless the congressional de-  
21 fense committees, the Committee on International Rela-  
22 tions of the House of Representatives, and the Committee  
23 on Foreign Relations of the Senate are notified 15 days  
24 in advance of such transfer.

25        (b) COVERED ACTIVITIES.—This section applies to—

1           (1) any international peacekeeping or peace-en-  
2           forcement operation under the authority of chapter  
3           VI or chapter VII of the United Nations Charter  
4           under the authority of a United Nations Security  
5           Council resolution; and

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

8           (c) REQUIRED NOTICE.—A notice under subsection  
9 (a) shall include the following:

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

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

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

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

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

1       SEC. 8050. None of the funds available to the De-  
2   partment of Defense under this Act shall be obligated or  
3   expended to pay a contractor under a contract with the  
4   Department of Defense for costs of any amount paid by  
5   the contractor to an employee when—

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

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

11           (INCLUDING TRANSFER OF FUNDS)

12       SEC. 8051. During the current fiscal year, no more  
13   than \$30,000,000 of appropriations made in this Act  
14   under the heading “Operation and Maintenance, Defense-  
15   Wide” may be transferred to appropriations available for  
16   the pay of military personnel, to be merged with, and to  
17   be available for the same time period as the appropriations  
18   to which transferred, to be used in support of such per-  
19   sonnel in connection with support and services for eligible  
20   organizations and activities outside the Department of De-  
21   fense pursuant to section 2012 of title 10, United States  
22   Code.

23       SEC. 8052. During the current fiscal year, in the case  
24   of an appropriation account of the Department of Defense  
25   for which the period of availability for obligation has ex-

1   pired or which has closed under the provisions of section  
2   1552 of title 31, United States Code, and which has a  
3   negative unliquidated or unexpended balance, an obliga-  
4   tion or an adjustment of an obligation may be charged  
5   to any current appropriation account for the same purpose  
6   as the expired or closed account if—

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

11          (2) the obligation is not otherwise properly  
12          chargeable to any current appropriation account of  
13          the Department of Defense; and

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

1 count: *Provided further*, That the total amount  
2 charged to a current appropriation under this sec-  
3 tion may not exceed an amount equal to 1 percent  
4 of the total appropriation for that account.

5 SEC. 8053. (a) Notwithstanding any other provision  
6 of law, the Chief of the National Guard Bureau may per-  
7 mit the use of equipment of the National Guard Distance  
8 Learning Project by any person or entity on a space-avail-  
9 able, reimbursable basis. The Chief of the National Guard  
10 Bureau shall establish the amount of reimbursement for  
11 such use on a case-by-case basis.

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

18 SEC. 8054. Using funds available by this Act or any  
19 other Act, the Secretary of the Air Force, pursuant to a  
20 determination under section 2690 of title 10, United  
21 States Code, may implement cost-effective agreements for  
22 required heating facility modernization in the  
23 Kaiserslautern Military Community in the Federal Repub-  
24 lic of Germany: *Provided*, That in the City of  
25 Kaiserslautern such agreements will include the use of

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

8       SEC. 8055. None of the funds appropriated in title  
9 IV of this Act may be used to procure end-items for deliv-  
10 ery to military forces for operational training, operational  
11 use or inventory requirements: *Provided*, That this restric-  
12 tion does not apply to end-items used in development,  
13 prototyping, and test activities preceding and leading to  
14 acceptance for operational use: *Provided further*, That this  
15 restriction does not apply to programs funded within the  
16 National Intelligence Program: *Provided further*, That the  
17 Secretary of Defense may waive this restriction on a case-  
18 by-case basis by certifying in writing to the Committees  
19 on Appropriations of the House of Representatives and the  
20 Senate that it is in the national security interest to do  
21 so.

22       SEC. 8056. Notwithstanding any other provision of  
23 law, funds available to the Department of Defense shall  
24 be made available to provide transportation of medical  
25 supplies and equipment, on a nonreimbursable basis, to

1 American Samoa, and funds available to the Department  
2 of Defense shall be made available to provide transpor-  
3 tation of medical supplies and equipment, on a non-  
4 reimbursable basis, to the Indian Health Service when it  
5 is in conjunction with a civil-military project.

6       SEC. 8057. (a) The Secretary of Defense may, on a  
7 case-by-case basis, waive with respect to a foreign country  
8 each limitation on the procurement of defense items from  
9 foreign sources provided in law if the Secretary determines  
10 that the application of the limitation with respect to that  
11 country would invalidate cooperative programs entered  
12 into between the Department of Defense and the foreign  
13 country, or would invalidate reciprocal trade agreements  
14 for the procurement of defense items entered into under  
15 section 2531 of title 10, United States Code, and the  
16 country does not discriminate against the same or similar  
17 defense items produced in the United States for that coun-  
18 try.

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

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

22           (2) options for the procurement of items that  
23           are exercised after such date under contracts that  
24           are entered into before such date if the option prices

1 are adjusted for any reason other than the applica-  
2 tion of a waiver granted under subsection (a).

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

11 SEC. 8058. (a) PROHIBITION.—None of the funds  
12 made available by this Act may be used to support any  
13 training program involving a unit of the security forces  
14 of a foreign country if the Secretary of Defense has re-  
15 ceived credible information from the Department of State  
16 that the unit has committed a gross violation of human  
17 rights, unless all necessary corrective steps have been  
18 taken.

19 (b) MONITORING.—The Secretary of Defense, in con-  
20 sultation with the Secretary of State, shall ensure that  
21 prior to a decision to conduct any training program re-  
22 ferred to in subsection (a), full consideration is given to  
23 all credible information available to the Department of  
24 State relating to human rights violations by foreign secu-  
25 rity forces.

1           (c) WAIVER.—The Secretary of Defense, after con-  
2 sultation with the Secretary of State, may waive the prohi-  
3 bition in subsection (a) if he determines that such waiver  
4 is required by extraordinary circumstances.

5           (d) REPORT.—Not more than 15 days after the exer-  
6 cise of any waiver under subsection (c), the Secretary of  
7 Defense shall submit a report to the congressional defense  
8 committees describing the extraordinary circumstances,  
9 the purpose and duration of the training program, the  
10 United States forces and the foreign security forces in-  
11 volved in the training program, and the information relat-  
12 ing to human rights violations that necessitates the waiv-  
13 er.

14           SEC. 8059. None of the funds appropriated or made  
15 available in this Act to the Department of the Navy shall  
16 be used to develop, lease or procure the T-AKE class of  
17 ships unless the main propulsion diesel engines and  
18 propulsors are manufactured in the United States by a  
19 domestically operated entity: *Provided*, That the Secretary  
20 of Defense may waive this restriction on a case-by-case  
21 basis by certifying in writing to the Committees on Appro-  
22 priations of the House of Representatives and the Senate  
23 that adequate domestic supplies are not available to meet  
24 Department of Defense requirements on a timely basis  
25 and that such an acquisition must be made in order to

1 acquire capability for national security purposes or there  
2 exists a significant cost or quality difference.

3 SEC. 8060. None of the funds appropriated or other-  
4 wise made available by this or other Department of De-  
5 fense Appropriations Acts may be obligated or expended  
6 for the purpose of performing repairs or maintenance to  
7 military family housing units of the Department of De-  
8 fense, including areas in such military family housing  
9 units that may be used for the purpose of conducting offi-  
10 cial Department of Defense business.

11 SEC. 8061. Notwithstanding any other provision of  
12 law, funds appropriated in this Act under the heading  
13 “Research, Development, Test and Evaluation, Defense-  
14 Wide” for any new start advanced concept technology  
15 demonstration project may only be obligated 30 days after  
16 a report, including a description of the project, the  
17 planned acquisition and transition strategy and its esti-  
18 mated annual and total cost, has been provided in writing  
19 to the congressional defense committees: *Provided*, That  
20 the Secretary of Defense may waive this restriction on a  
21 case-by-case basis by certifying to the congressional de-  
22 fense committees that it is in the national interest to do  
23 so.

24 SEC. 8062. The Secretary of Defense shall provide  
25 a classified quarterly report beginning 30 days after enact-

1 ment of this Act, to the House and Senate Appropriations  
2 Committees, Subcommittees on Defense on certain mat-  
3 ters as directed in the classified annex accompanying this  
4 Act.

5       SEC. 8063. During the current fiscal year, refunds  
6 attributable to the use of the Government travel card, re-  
7 funds attributable to the use of the Government Purchase  
8 Card and refunds attributable to official Government trav-  
9 el arranged by Government Contracted Travel Manage-  
10 ment Centers may be credited to operation and mainte-  
11 nance, and research, development, test and evaluation ac-  
12 counts of the Department of Defense which are current  
13 when the refunds are received.

14       SEC. 8064. (a) REGISTERING FINANCIAL MANAGE-  
15 MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD  
16 CHIEF INFORMATION OFFICER.—None of the funds ap-  
17 propriated in this Act may be used for a mission critical  
18 or mission essential financial management information  
19 technology system (including a system funded by the de-  
20 fense working capital fund) that is not registered with the  
21 Chief Information Officer of the Department of Defense.  
22 A system shall be considered to be registered with that  
23 officer upon the furnishing to that officer of notice of the  
24 system, together with such information concerning the  
25 system as the Secretary of Defense may prescribe. A fi-

1 nancial management information technology system shall  
2 be considered a mission critical or mission essential infor-  
3 mation technology system as defined by the Under Sec-  
4 retary of Defense (Comptroller).

5 (b) CERTIFICATIONS AS TO COMPLIANCE WITH FI-  
6 NANCIAL MANAGEMENT MODERNIZATION PLAN.—

7 (1) During the current fiscal year, a financial  
8 management automated information system, a mixed  
9 information system supporting financial and non-fi-  
10 nancial systems, or a system improvement of more  
11 than \$1,000,000 may not receive Milestone A ap-  
12 proval, Milestone B approval, or full rate production,  
13 or their equivalent, within the Department of De-  
14 fense until the Under Secretary of Defense (Comp-  
15 troller) certifies, with respect to that milestone, that  
16 the system is being developed and managed in ac-  
17 cordance with the Department's Financial Manage-  
18 ment Modernization Plan. The Under Secretary of  
19 Defense (Comptroller) may require additional certifi-  
20 cations, as appropriate, with respect to any such sys-  
21 tem.

22 (2) The Chief Information Officer shall provide  
23 the congressional defense committees timely notifica-  
24 tion of certifications under paragraph (1).

1           (c) CERTIFICATIONS AS TO COMPLIANCE WITH  
2 CLINGER-COHEN ACT.—

3           (1) During the current fiscal year, a major  
4 automated information system may not receive Mile-  
5 stone A approval, Milestone B approval, or full rate  
6 production approval, or their equivalent, within the  
7 Department of Defense until the Chief Information  
8 Officer certifies, with respect to that milestone, that  
9 the system is being developed in accordance with the  
10 Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.).  
11 The Chief Information Officer may require addi-  
12 tional certifications, as appropriate, with respect to  
13 any such system.

14           (2) The Chief Information Officer shall provide  
15 the congressional defense committees timely notifica-  
16 tion of certifications under paragraph (1). Each  
17 such notification shall include, at a minimum, the  
18 funding baseline and milestone schedule for each  
19 system covered by such a certification and confirma-  
20 tion that the following steps have been taken with  
21 respect to the system:

22                   (A) Business process reengineering.

23                   (B) An analysis of alternatives.

24                   (C) An economic analysis that includes a  
25 calculation of the return on investment.

1 (D) Performance measures.

2 (E) An information assurance strategy  
3 consistent with the Department's Global Infor-  
4 mation Grid.

5 (d) DEFINITIONS.—For purposes of this section:

6 (1) The term “Chief Information Officer”  
7 means the senior official of the Department of De-  
8 fense designated by the Secretary of Defense pursu-  
9 ant to section 3506 of title 44, United States Code.

10 (2) The term “information technology system”  
11 has the meaning given the term “information tech-  
12 nology” in section 5002 of the Clinger-Cohen Act of  
13 1996 (40 U.S.C. 1401).

14 SEC. 8065. During the current fiscal year, none of  
15 the funds available to the Department of Defense may be  
16 used to provide support to another department or agency  
17 of the United States if such department or agency is more  
18 than 90 days in arrears in making payment to the Depart-  
19 ment of Defense for goods or services previously provided  
20 to such department or agency on a reimbursable basis:  
21 *Provided*, That this restriction shall not apply if the de-  
22 partment is authorized by law to provide support to such  
23 department or agency on a nonreimbursable basis, and is  
24 providing the requested support pursuant to such author-  
25 ity: *Provided further*, That the Secretary of Defense may

1 waive this restriction on a case-by-case basis by certifying  
2 in writing to the Committees on Appropriations of the  
3 House of Representatives and the Senate that it is in the  
4 national security interest to do so.

5       SEC. 8066. Notwithstanding section 12310(b) of title  
6 10, United States Code, a Reservist who is a member of  
7 the National Guard serving on full-time National Guard  
8 duty under section 502(f) of title 32 may perform duties  
9 in support of the ground-based elements of the National  
10 Ballistic Missile Defense System.

11       SEC. 8067. None of the funds provided in this Act  
12 may be used to transfer to any nongovernmental entity  
13 ammunition held by the Department of Defense that has  
14 a center-fire cartridge and a United States military no-  
15 menclature designation of “armor penetrator”, “armor  
16 piercing (AP)”, “armor piercing incendiary (API)”, or  
17 “armor-piercing incendiary-tracer (API-T)”, except to an  
18 entity performing demilitarization services for the Depart-  
19 ment of Defense under a contract that requires the entity  
20 to demonstrate to the satisfaction of the Department of  
21 Defense that armor piercing projectiles are either: (1) ren-  
22 dered incapable of reuse by the demilitarization process;  
23 or (2) used to manufacture ammunition pursuant to a con-  
24 tract with the Department of Defense or the manufacture  
25 of ammunition for export pursuant to a License for Per-

1 manent Export of Unclassified Military Articles issued by  
2 the Department of State.

3       SEC. 8068. Notwithstanding any other provision of  
4 law, the Chief of the National Guard Bureau, or his des-  
5 ignee, may waive payment of all or part of the consider-  
6 ation that otherwise would be required under section 2667  
7 of title 10, United States Code, in the case of a lease of  
8 personal property for a period not in excess of 1 year to  
9 any organization specified in section 508(d) of title 32,  
10 United States Code, or any other youth, social, or fra-  
11 ternal non-profit organization as may be approved by the  
12 Chief of the National Guard Bureau, or his designee, on  
13 a case-by-case basis.

14       SEC. 8069. None of the funds appropriated by this  
15 Act shall be used for the support of any nonappropriated  
16 funds activity of the Department of Defense that procures  
17 malt beverages and wine with nonappropriated funds for  
18 resale (including such alcoholic beverages sold by the  
19 drink) on a military installation located in the United  
20 States unless such malt beverages and wine are procured  
21 within that State, or in the case of the District of Colum-  
22 bia, within the District of Columbia, in which the military  
23 installation is located: *Provided*, That in a case in which  
24 the military installation is located in more than one State,  
25 purchases may be made in any State in which the installa-

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

9       SEC. 8070. Funds available to the Department of De-  
10 fense for the Global Positioning System during the current  
11 fiscal year may be used to fund civil requirements associ-  
12 ated with the satellite and ground control segments of  
13 such system's modernization program.

14                   (INCLUDING TRANSFER OF FUNDS)

15       SEC. 8071. Of the amounts appropriated in this Act  
16 under the heading "Operation and Maintenance, Army",  
17 \$78,300,000 shall remain available until expended: *Pro-*  
18 *vided*, That notwithstanding any other provision of law,  
19 the Secretary of Defense is authorized to transfer such  
20 funds to other activities of the Federal Government: *Pro-*  
21 *vided further*, That the Secretary of Defense is authorized  
22 to enter into and carry out contracts for the acquisition  
23 of real property, construction, personal services, and oper-  
24 ations related to projects carrying out the purposes of this  
25 section: *Provided further*, That contracts entered into

1 under the authority of this section may provide for such  
2 indemnification as the Secretary determines to be nec-  
3 essary: *Provided further*, That projects authorized by this  
4 section shall comply with applicable Federal, State, and  
5 local law to the maximum extent consistent with the na-  
6 tional security, as determined by the Secretary of Defense.

7       SEC. 8072. Section 8106 of the Department of De-  
8 fense Appropriations Act, 1997 (titles I through VIII of  
9 the matter under subsection 101(b) of Public Law 104-  
10 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-  
11 tinue in effect to apply to disbursements that are made  
12 by the Department of Defense in fiscal year 2007.

13       SEC. 8073. In addition to amounts provided else-  
14 where in this Act, \$2,500,000 is hereby appropriated to  
15 the Department of Defense, to remain available for obliga-  
16 tion until expended: *Provided*, That notwithstanding any  
17 other provision of law, these funds shall be available only  
18 for a grant to the Fisher House Foundation, Inc., only  
19 for the construction and furnishing of additional Fisher  
20 Houses to meet the needs of military family members  
21 when confronted with the illness or hospitalization of an  
22 eligible military beneficiary.

23       SEC. 8074. Amounts appropriated in title II of this  
24 Act are hereby reduced by \$71,100,000 to reflect savings  
25 attributable to efficiencies and management improvements

1 in the funding of miscellaneous or other contracts in the  
2 military departments, as follows:

3 (1) From “Operation and Maintenance, Army”,  
4 \$31,100,000.

5 (2) From “Operation and Maintenance, Navy”,  
6 \$35,000,000.

7 (3) From “Operation and Maintenance, Marine  
8 Corps”, \$5,000,000.

9 SEC. 8075. The total amount appropriated or other-  
10 wise made available in this Act is hereby reduced by  
11 \$22,000,000 to limit excessive growth in the procurement  
12 of advisory and assistance services, to be distributed as  
13 follows:

14 “Operation and Maintenance, Army”, \$20,000,000.

15 “Operation and Maintenance, Marine Corps”,  
16 \$2,000,000.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8076. Of the amounts appropriated in this Act  
19 under the heading “Research, Development, Test and  
20 Evaluation, Defense-Wide”, \$77,175,000 shall be made  
21 available for the Arrow missile defense program: *Provided*,  
22 That of this amount, \$13,000,000 shall be available for  
23 the purpose of producing Arrow missile components in the  
24 United States and Arrow missile components and missiles  
25 in Israel to meet Israel’s defense requirements, consistent

1 with each nation's laws, regulations and procedures: *Pro-*  
2 *vided further*, That funds made available under this provi-  
3 sion for production of missiles and missile components  
4 may be transferred to appropriations available for the pro-  
5 curement of weapons and equipment, to be merged with  
6 and to be available for the same time period and the same  
7 purposes as the appropriation to which transferred: *Pro-*  
8 *vided further*, That the transfer authority provided under  
9 this provision is in addition to any other transfer authority  
10 contained in this Act.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8077. Of the amounts appropriated in this Act  
13 under the heading "Shipbuilding and Conversion, Navy",  
14 \$436,449,000 shall be available until September 30, 2007,  
15 to fund prior year shipbuilding cost increases: *Provided*,  
16 That upon enactment of this Act, the Secretary of the  
17 Navy shall transfer such funds to the following appropria-  
18 tions in the amounts specified: *Provided further*, That the  
19 amounts transferred shall be merged with and be available  
20 for the same purposes as the appropriations to which  
21 transferred:

22 To:

23 Under the heading "Shipbuilding and Conversion,  
24 Navy, 1999/2007":

25 New SSN, \$15,000,000;

1 Under the heading “Shipbuilding and Conversion,  
2 Navy, 2000/2007”:

3 LPD–17 Amphibious Transport Dock Ship  
4 Program, \$39,049,000;

5 Under the heading “Shipbuilding and Conversion,  
6 Navy, 2001/2007”:

7 New SSN, \$31,000,000;

8 Carrier Replacement Program, \$318,400,000;

9 Under the heading “Shipbuilding and Conversion,  
10 Navy, 2003/2007”:

11 New SSN, \$22,000,000;

12 Under the heading “Shipbuilding and Conversion,  
13 Navy, 2005/2009”; and

14 LPD–17 Amphibious Transport Dock Ship  
15 Program, \$11,000,000.

16 SEC. 8078. The Secretary of the Navy may settle,  
17 or compromise, and pay any and all admiralty claims  
18 under section 7622 of title 10, United States Code arising  
19 out of the collision involving the U.S.S. GREENEVILLE  
20 and the EHIME MARU, in any amount and without re-  
21 gard to the monetary limitations in subsections (a) and  
22 (b) of that section: *Provided*, That such payments shall  
23 be made from funds available to the Department of the  
24 Navy for operation and maintenance.

1        SEC. 8079. Funds appropriated by this Act, or made  
2 available by the transfer of funds in this Act, for intel-  
3 ligence activities are deemed to be specifically authorized  
4 by the Congress for purposes of section 504 of the Na-  
5 tional Security Act of 1947 (50 U.S.C. 414) during fiscal  
6 year 2007 until the enactment of the Intelligence Author-  
7 ization Act for fiscal year 2007.

8        SEC. 8080. None of the funds in this Act may be  
9 used to initiate a new start program without prior written  
10 notification to the Office of Secretary of Defense and the  
11 congressional defense committees.

12        SEC. 8081. (a) In addition to the amounts provided  
13 elsewhere in this Act, the amount of \$5,400,000 is hereby  
14 appropriated to the Department of Defense for “Oper-  
15 ation and Maintenance, Army National Guard”. Such  
16 amount shall be made available to the Secretary of the  
17 Army only to make a grant in the amount of \$5,400,000  
18 to the entity specified in subsection (b) to facilitate access  
19 by veterans to opportunities for skilled employment in the  
20 construction industry.

21        (b) The entity referred to in subsection (a) is the  
22 Center for Military Recruitment, Assessment and Vet-  
23 erans Employment, a nonprofit labor-management co-op-  
24 eration committee provided for by section 302(c)(9) of the  
25 Labor-Management Relations Act, 1947 (29 U.S.C.

1 186(c)(9)), for the purposes set forth in section 6(b) of  
2 the Labor Management Cooperation Act of 1978 (29  
3 U.S.C. 175a note).

4       SEC. 8082. FINANCING AND FIELDING OF KEY ARMY  
5 CAPABILITIES.—The Department of Defense and the De-  
6 partment of the Army shall make future budgetary and  
7 programming plans to fully finance the Non-Line of Sight  
8 Future Force cannon (NLOS–C) and a compatible large  
9 caliber ammunition resupply capability for this system  
10 supported by the Future Combat Systems (FCS) Brigade  
11 Combat Team (BCT) in order to field this system in fiscal  
12 year 2010: *Provided*, That the Army shall develop the  
13 NLOS–C independent of the broader FCS development  
14 timeline to achieve fielding by fiscal year 2010. In addition  
15 the Army will deliver eight (8) combat operational pre-  
16 production NLOS–C systems by the end of calendar year  
17 2008. These systems shall be in addition to those systems  
18 necessary for developmental and operational testing: *Pro-*  
19 *vided further*, That the Army shall ensure that budgetary  
20 and programmatic plans will provide for no fewer than  
21 seven (7) Stryker Brigade Combat Teams.

22       SEC. 8083. In addition to the amounts appropriated  
23 or otherwise made available elsewhere in this Act,  
24 \$13,000,000 is hereby appropriated to the Department of  
25 Defense, to remain available until September 30, 2007:

1 *Provided*, That the Secretary of Defense shall make grants  
2 in the amounts specified as follows: \$4,500,000 to the In-  
3 trepid Sea-Air-Space Foundation; \$4,000,000 to the Cen-  
4 ter for Applied Science and Technologies at Jordan Valley  
5 Innovation Center; \$1,000,000 to the Women in Military  
6 Service for America Memorial Foundation; \$2,000,000 to  
7 The Presidio Trust; and, \$1,500,000 to the Red Cross  
8 Consolidated Blood Services Facility.

9       SEC. 8084. The budget of the President for fiscal  
10 year 2008 submitted to the Congress pursuant to section  
11 1105 of title 31, United States Code shall include separate  
12 budget justification documents for costs of United States  
13 Armed Forces' participation in contingency operations for  
14 the Military Personnel accounts, the Operation and Main-  
15 tenance accounts, and the Procurement accounts: *Pro-*  
16 *vided*, That these documents shall include a description  
17 of the funding requested for each contingency operation,  
18 for each military service, to include all Active and Reserve  
19 components, and for each appropriations account: *Pro-*  
20 *vided further*, That these documents shall include esti-  
21 mated costs for each element of expense or object class,  
22 a reconciliation of increases and decreases for each contin-  
23 gency operation, and programmatic data including, but  
24 not limited to, troop strength for each Active and Reserve  
25 component, and estimates of the major weapons systems

1 deployed in support of each contingency: *Provided further*,  
2 That these documents shall include budget exhibits OP-  
3 5 and OP-32 (as defined in the Department of Defense  
4 Financial Management Regulation) for all contingency op-  
5 erations for the budget year and the two preceding fiscal  
6 years.

7 SEC. 8085. None of the funds in this Act may be  
8 used for research, development, test, evaluation, procure-  
9 ment or deployment of nuclear armed interceptors of a  
10 missile defense system.

11 SEC. 8086. Of the amounts provided in title II of this  
12 Act under the heading “Operation and Maintenance, De-  
13 fense-Wide”, up to \$20,000,000 is available for the Re-  
14 gional Defense Counter-terrorism Fellowship Program, to  
15 fund the education and training of foreign military offi-  
16 cers, ministry of defense civilians, and other foreign secu-  
17 rity officials, to include United States military officers and  
18 civilian officials whose participation directly contributes to  
19 the education and training of these foreign students.

20 SEC. 8087. None of the funds appropriated or made  
21 available in this Act shall be used to reduce or disestablish  
22 the operation of the 53rd Weather Reconnaissance Squad-  
23 ron of the Air Force Reserve, if such action would reduce  
24 the WC-130 Weather Reconnaissance mission below the  
25 levels funded in this Act: *Provided*, That the Air Force

1 shall allow the 53rd Weather Reconnaissance Squadron to  
2 perform other missions in support of national defense re-  
3 quirements during the non-hurricane season.

4       SEC. 8088. None of the funds provided in this Act  
5 shall be available for integration of foreign intelligence in-  
6 formation unless the information has been lawfully col-  
7 lected and processed during the conduct of authorized for-  
8 eign intelligence activities: *Provided*, That information  
9 pertaining to United States persons shall only be handled  
10 in accordance with protections provided in the Fourth  
11 Amendment of the United States Constitution as imple-  
12 mented through Executive Order No. 12333.

13       SEC. 8089. (a) At the time members of reserve com-  
14 ponents of the Armed Forces are called or ordered to ac-  
15 tive duty under section 12302(a) of title 10, United States  
16 Code, each member shall be notified in writing of the ex-  
17 pected period during which the member will be mobilized.

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

23                                   (INCLUDING TRANSFER OF FUNDS)

24       SEC. 8090. The Secretary of Defense may transfer  
25 funds from any available Department of the Navy appro-

1 priation to any available Navy ship construction appro-  
2 priation for the purpose of liquidating necessary changes  
3 resulting from inflation, market fluctuations, or rate ad-  
4 justments for any ship construction program appropriated  
5 in law: *Provided*, That the Secretary may transfer not to  
6 exceed \$100,000,000 under the authority provided by this  
7 section: *Provided further*, That the funding transferred  
8 shall be available for the same time period as the appro-  
9 priation to which transferred: *Provided further*, That the  
10 Secretary may not transfer any funds until 30 days after  
11 the proposed transfer has been reported to the Committees  
12 on Appropriations of the Senate and the House of Rep-  
13 resentatives, unless sooner notified by the Committees  
14 that there is no objection to the proposed transfer: *Pro-*  
15 *vided further*, That the transfer authority provided by this  
16 section is in addition to any other transfer authority con-  
17 tained elsewhere in this Act.

18       SEC. 8091. (a) The total amount appropriated or oth-  
19 erwise made available in title II of this Act is hereby re-  
20 duced by \$45,000,000 to limit excessive growth in the  
21 travel and transportation of persons.

22       (b) The Secretary of Defense shall allocate this re-  
23 duction proportionately to each budget activity, activity  
24 group, subactivity group, and each program, project, and  
25 activity within each applicable appropriation account.

1       SEC. 8092. For purposes of section 612 of title 41,  
2 United States Code, any subdivision of appropriations  
3 made under the heading “Shipbuilding and Conversion,  
4 Navy” that is not closed at the time reimbursement is  
5 made shall be available to reimburse the Judgment Fund  
6 and shall be considered for the same purposes as any sub-  
7 division under the heading “Shipbuilding and Conversion,  
8 Navy” appropriations in the current fiscal year or any  
9 prior fiscal year.

10       SEC. 8093. The Secretary of Defense may present  
11 promotional materials, including a United States flag, to  
12 any member of an Active or Reserve component under the  
13 Secretary’s jurisdiction who, as determined by the Sec-  
14 retary, participates in Operation Enduring Freedom or  
15 Operation Iraqi Freedom, along with other recognition  
16 items in conjunction with any week-long national observa-  
17 tion and day of national celebration, if established by  
18 Presidential proclamation, for any such members return-  
19 ing from such operations.

20       SEC. 8094. Notwithstanding any other provision of  
21 this Act, to reflect savings from revised economic assump-  
22 tions the total amount appropriated in title II of this Act  
23 is hereby reduced by \$514,800,000, the total amount ap-  
24 propriated in title III of this Act is hereby reduced by  
25 \$93,900,000, the total amount appropriated in title IV of

1 this Act is hereby reduced by \$315,900,000, the total  
2 amount appropriated in title V of this Act is hereby re-  
3 duced by \$10,400,000, the total amount appropriated in  
4 title VI of this Act is hereby reduced by \$10,350,000, and  
5 the total amount appropriated in title VII of this Act is  
6 hereby reduced by \$3,650,000: *Provided*, That the Sec-  
7 retary of Defense shall allocate this reduction proportion-  
8 ally to each budget activity, activity group, subactivity  
9 group, and each program, project, and activity, within  
10 each appropriation account: *Provided further*, That this re-  
11 duction shall not apply to “Central Intelligence Agency  
12 Retirement and Disability System Fund”.

13       SEC. 8095. Notwithstanding any other provision in  
14 this Act, to reflect savings from favorable foreign currency  
15 fluctuations, the total amount appropriated in title I of  
16 this Act is hereby reduced by \$23,200,000, the total  
17 amount appropriated in title II of this Act is hereby re-  
18 duced by \$32,800,000, the total amount appropriated in  
19 title III of this Act is hereby reduced by \$22,100,000, the  
20 total amount appropriated in title IV of this Act is hereby  
21 reduced by \$20,200,000, the total amount appropriated  
22 in title V of this Act is hereby reduced by \$700,000, the  
23 total amount appropriated in title VI of this Act is hereby  
24 reduced by \$700,000, and the total amount appropriated  
25 in title VII of this Act is hereby reduced by \$300,000:

1 *Provided*, That the Secretary of Defense shall allocate this  
2 reduction proportionally to each budget activity, activity  
3 group, subactivity group, and each program, project, and  
4 activity, within each appropriation account.

5 SEC. 8096. The Secretary of Defense shall, not later  
6 than 90 days after the enactment of this Act, submit to  
7 the congressional defense committees a report detailing  
8 the efforts by the Department of Defense Education Activ-  
9 ity (DoDEA) to address dyslexia in students at DoDEA  
10 schools: *Provided*, That this report shall include a descrip-  
11 tion of funding provided in this and other Department of  
12 Defense Appropriations Acts used by DoDEA schools to  
13 address dyslexia.

14 SEC. 8097. Appropriations available to the Depart-  
15 ment of Defense may be used for the purchase of heavy  
16 and light armored vehicles for force protection purposes,  
17 notwithstanding price or other limitations applicable to the  
18 purchase of passenger carrying vehicles.

## 19 TITLE IX

### 20 ADDITIONAL APPROPRIATIONS

#### 21 MILITARY PERSONNEL

##### 22 MILITARY PERSONNEL, ARMY

23 For an additional amount for “Military Personnel,  
24 Army”, \$4,346,710,000: *Provided*, That the amount pro-  
25 vided under this heading is designated as making appro-

1 priations for contingency operations directly related to the  
2 global war on terrorism, and other unanticipated defense-  
3 related operations, pursuant to section 402 of H. Con.  
4 Res. 376 (109th Congress), as made applicable to the  
5 House of Representatives by H. Res. 818 (109th Con-  
6 gress).

7                                   MILITARY PERSONNEL, NAVY

8           For an additional amount for “Military Personnel,  
9 Navy”, \$229,096,000: *Provided*, That the amount pro-  
10 vided under this heading is designated as making appro-  
11 priations for contingency operations directly related to the  
12 global war on terrorism, and other unanticipated defense-  
13 related operations, pursuant to section 402 of H. Con.  
14 Res. 376 (109th Congress), as made applicable to the  
15 House of Representatives by H. Res. 818 (109th Con-  
16 gress).

17                                   MILITARY PERSONNEL, MARINE CORPS

18           For an additional amount for “Military Personnel,  
19 Marine Corps”, \$495,456,000: *Provided*, That the amount  
20 provided under this heading is designated as making ap-  
21 propriations for contingency operations directly related to  
22 the global war on terrorism, and other unanticipated de-  
23 fense-related operations, pursuant to section 402 of H.  
24 Con. Res. 376 (109th Congress), as made applicable to

1 the House of Representatives by H. Res. 818 (109th Con-  
2 gress).

3                   MILITARY PERSONNEL, AIR FORCE

4       For an additional amount for “Military Personnel,  
5 Air Force”, \$659,788,000: *Provided*, That the amount  
6 provided under this heading is designated as making ap-  
7 propriations for contingency operations directly related to  
8 the global war on terrorism, and other unanticipated de-  
9 fense-related operations, pursuant to section 402 of H.  
10 Con. Res. 376 (109th Congress), as made applicable to  
11 the House of Representatives by H. Res. 818 (109th Con-  
12 gress).

13                   RESERVE PERSONNEL, NAVY

14       For an additional amount for “Reserve Personnel,  
15 Navy”, \$10,000,000: *Provided*, That the amount provided  
16 under this heading is designated as making appropriations  
17 for contingency operations directly related to the global  
18 war on terrorism, and other unanticipated defense-related  
19 operations, pursuant to section 402 of H. Con. Res. 376  
20 (109th Congress), as made applicable to the House of  
21 Representatives by H. Res. 818 (109th Congress).

22                   NATIONAL GUARD PERSONNEL, ARMY

23       For an additional amount for “National Guard Per-  
24 sonnel, Army”, \$251,000,000: *Provided*, That the amount  
25 provided under this heading is designated as making ap-

1 appropriations for contingency operations directly related to  
2 the global war on terrorism, and other unanticipated de-  
3 fense-related operations, pursuant to section 402 of H.  
4 Con. Res. 376 (109th Congress), as made applicable to  
5 the House of Representatives by H. Res. 818 (109th Con-  
6 gress).

#### 7 OPERATION AND MAINTENANCE

#### 8 OPERATION AND MAINTENANCE, ARMY

9 For an additional amount for “Operation and Main-  
10 tenance, Army”, \$24,280,000,000: *Provided*, That the  
11 amount provided under this heading is designated as mak-  
12 ing appropriations for contingency operations directly re-  
13 lated to the global war on terrorism, and other unantici-  
14 pated defense-related operations, pursuant to section 402  
15 of H. Con. Res. 376 (109th Congress), as made applicable  
16 to the House of Representatives by H. Res. 818 (109th  
17 Congress).

#### 18 OPERATION AND MAINTENANCE, NAVY

19 For an additional amount for “Operation and Main-  
20 tenance, Navy”, \$1,954,145,000: *Provided*, That the  
21 amount provided under this heading is designated as mak-  
22 ing appropriations for contingency operations directly re-  
23 lated to the global war on terrorism, and other unantici-  
24 pated defense-related operations, pursuant to section 402  
25 of H. Con. Res. 376 (109th Congress), as made applicable

1 to the House of Representatives by H. Res. 818 (109th  
2 Congress).

3 OPERATION AND MAINTENANCE, MARINE CORPS

4 For an additional amount for “Operation and Main-  
5 tenance, Marine Corps”, \$1,781,500,000: *Provided*, That  
6 the amount provided under this heading is designated as  
7 making appropriations for contingency operations directly  
8 related to the global war on terrorism, and other unantici-  
9 pated defense-related operations, pursuant to section 402  
10 of H. Con. Res. 376 (109th Congress), as made applicable  
11 to the House of Representatives by H. Res. 818 (109th  
12 Congress).

13 OPERATION AND MAINTENANCE, AIR FORCE

14 For an additional amount for “Operation and Main-  
15 tenance, Air Force”, \$2,987,108,000: *Provided*, That the  
16 amount provided under this heading is designated as mak-  
17 ing appropriations for contingency operations directly re-  
18 lated to the global war on terrorism, and other unantici-  
19 pated defense-related operations, pursuant to section 402  
20 of H. Con. Res. 376 (109th Congress), as made applicable  
21 to the House of Representatives by H. Res. 818 (109th  
22 Congress).

23 OPERATION AND MAINTENANCE, DEFENSE-WIDE

24 For an additional amount for “Operation and Main-  
25 tenance, Defense-Wide”, \$2,186,673,000, of which up to

1 \$300,000,000, to remain available until expended, may be  
2 used for payments to reimburse Pakistan, Jordan, and  
3 other key cooperating nations, for logistical, military, and  
4 other support provided, or to be provided, to United States  
5 military operations, notwithstanding any other provision  
6 of law: *Provided*, That such payments may be made in  
7 such amounts as the Secretary of Defense, with the con-  
8 currence of the Secretary of State, and in consultation  
9 with the Director of the Office of Management and Budg-  
10 et, may determine, in his discretion, based on documenta-  
11 tion determined by the Secretary of Defense to adequately  
12 account for the support provided, and such determination  
13 is final and conclusive upon the accounting officers of the  
14 United States, and 15 days following notification to the  
15 appropriate congressional committees: *Provided further*,  
16 That the Secretary of Defense shall provide quarterly re-  
17 ports to the congressional defense committees on the use  
18 of funds provided in this paragraph: *Provided further*,  
19 That the amount provided under this heading is des-  
20 ignated as making appropriations for contingency oper-  
21 ations directly related to the global war on terrorism, and  
22 other unanticipated defense-related operations, pursuant  
23 to section 402 of H. Con. Res. 376 (109th Congress), as  
24 made applicable to the House of Representatives by H.  
25 Res. 818 (109th Congress).



1 panying this Act: *Provided further*, That not less than  
2 \$1,500,000,000 shall be available for the Joint IED De-  
3 feat Organization: *Provided further*, That funds trans-  
4 ferred shall be merged with and be available for the same  
5 purposes and for the same time period as the appropria-  
6 tion or fund to which transferred: *Provided further*, That  
7 this transfer authority is in addition to any other transfer  
8 authority available to the Department of Defense: *Pro-*  
9 *vided further*, That upon a determination that all or part  
10 of the funds transferred from this appropriation are not  
11 necessary for the purposes provided herein, such amounts  
12 may be transferred back to this appropriation: *Provided*  
13 *further*, That the Secretary of Defense shall, not fewer  
14 than 5 days prior to making transfers from this appropria-  
15 tion, notify the congressional defense committees in writ-  
16 ing of the details of any such transfer: *Provided further*,  
17 That the Secretary shall submit a report no later than  
18 30 days after the end of each fiscal quarter to the congres-  
19 sional defense committees summarizing the details of the  
20 transfer of funds from this appropriation: *Provided fur-*  
21 *ther*, That the amount provided under this heading is des-  
22 ignated as making appropriations for contingency oper-  
23 ations directly related to the global war on terrorism, and  
24 other unanticipated defense-related operations, pursuant  
25 to section 402 of H. Con. Res. 376 (109th Congress), as

1 made applicable to the House of Representatives by H.  
2 Res. 818 (109th Congress).

### 3 PROCUREMENT

#### 4 AIRCRAFT PROCUREMENT, ARMY

5 For an additional amount for “Aircraft Procurement,  
6 Army”, \$132,400,000, to remain available for obligation  
7 until September 30, 2009: *Provided*, That the amount pro-  
8 vided under this heading is designated as making appro-  
9 priations for contingency operations directly related to the  
10 global war on terrorism, and other unanticipated defense-  
11 related operations, pursuant to section 402 of H. Con.  
12 Res. 376 (109th Congress), as made applicable to the  
13 House of Representatives by H. Res. 818 (109th Con-  
14 gress).

#### 15 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

#### 16 VEHICLES, ARMY

17 For an additional amount for “Procurement of Weap-  
18 ons and Tracked Combat Vehicles, Army”,  
19 \$1,214,672,000, to remain available for obligation until  
20 September 30, 2009: *Provided*, That the amount provided  
21 under this heading is designated as making appropriations  
22 for contingency operations directly related to the global  
23 war on terrorism, and other unanticipated defense-related  
24 operations, pursuant to section 402 of H. Con. Res. 376

1 (109th Congress), as made applicable to the House of  
2 Representatives by H. Res. 818 (109th Congress).

3           PROCUREMENT OF AMMUNITION, ARMY

4           For an additional amount for “Procurement of Am-  
5 munition, Army”, \$275,241,000, to remain available for  
6 obligation until September 30, 2009: *Provided*, That the  
7 amount provided under this heading is designated as mak-  
8 ing appropriations for contingency operations directly re-  
9 lated to the global war on terrorism, and other unantici-  
10 pated defense-related operations, pursuant to section 402  
11 of H. Con. Res. 376 (109th Congress), as made applicable  
12 to the House of Representatives by H. Res. 818 (109th  
13 Congress).

14           OTHER PROCUREMENT, ARMY

15           For an additional amount for “Other Procurement,  
16 Army”, \$1,939,830,000, to remain available for obligation  
17 until September 30, 2009: *Provided*, That the amount pro-  
18 vided under this heading is designated as making appro-  
19 priations for contingency operations directly related to the  
20 global war on terrorism, and other unanticipated defense-  
21 related operations, pursuant to section 402 of H. Con.  
22 Res. 376 (109th Congress), as made applicable to the  
23 House of Representatives by H. Res. 818 (109th Con-  
24 gress).

## 1 AIRCRAFT PROCUREMENT, NAVY

2 For an additional amount for “Aircraft Procurement,  
3 Navy”, \$34,916,000, to remain available for obligation  
4 until September 30, 2009: *Provided*, That the amount pro-  
5 vided under this heading is designated as making appro-  
6 priations for contingency operations directly related to the  
7 global war on terrorism, and other unanticipated defense-  
8 related operations, pursuant to section 402 of H. Con.  
9 Res. 376 (109th Congress), as made applicable to the  
10 House of Representatives by H. Res. 818 (109th Con-  
11 gress).

## 12 WEAPONS PROCUREMENT, NAVY

13 For an additional amount for “Weapons Procure-  
14 ment, Navy”, \$131,400,000, to remain available for obli-  
15 gation until September 30, 2009: *Provided*, That the  
16 amount provided under this heading is designated as mak-  
17 ing appropriations for contingency operations directly re-  
18 lated to the global war on terrorism, and other unantici-  
19 pated defense-related operations, pursuant to section 402  
20 of H. Con. Res. 376 (109th Congress), as made applicable  
21 to the House of Representatives by H. Res. 818 (109th  
22 Congress).



## 1                   PROCUREMENT, MARINE CORPS

2           For an additional amount for “Procurement, Marine  
3 Corps”, \$621,450,000, to remain available for obligation  
4 until September 30, 2009: *Provided*, That the amount pro-  
5 vided under this heading is designated as making appro-  
6 priations for contingency operations directly related to the  
7 global war on terrorism, and other unanticipated defense-  
8 related operations, pursuant to section 402 of H. Con.  
9 Res. 376 (109th Congress), as made applicable to the  
10 House of Representatives by H. Res. 818 (109th Con-  
11 gress).

## 12                   AIRCRAFT PROCUREMENT, AIR FORCE

13           For an additional amount for “Aircraft Procurement,  
14 Air Force”, \$912,500,000, to remain available for obliga-  
15 tion until September 30, 2009: *Provided*, That the amount  
16 provided under this heading is designated as making ap-  
17 propriations for contingency operations directly related to  
18 the global war on terrorism, and other unanticipated de-  
19 fense-related operations, pursuant to section 402 of H.  
20 Con. Res. 376 (109th Congress), as made applicable to  
21 the House of Representatives by H. Res. 818 (109th Con-  
22 gress).

## 23                   MISSILE PROCUREMENT, AIR FORCE

24           For an additional amount for “Missile Procurement,  
25 Air Force”, \$32,650,000, to remain available for obliga-

1 tion until September 30, 2009: *Provided*, That the amount  
2 provided under this heading is designated as making ap-  
3 propriations for contingency operations directly related to  
4 the global war on terrorism, and other unanticipated de-  
5 fense-related operations, pursuant to section 402 of H.  
6 Con. Res. 376 (109th Congress), as made applicable to  
7 the House of Representatives by H. Res. 818 (109th Con-  
8 gress).

#### 9 OTHER PROCUREMENT, AIR FORCE

10 For an additional amount for “Other Procurement,  
11 Air Force”, \$9,850,000, to remain available for obligation  
12 until September 30, 2009: *Provided*, That the amount pro-  
13 vided under this heading is designated as making appro-  
14 priations for contingency operations directly related to the  
15 global war on terrorism, and other unanticipated defense-  
16 related operations, pursuant to section 402 of H. Con.  
17 Res. 376 (109th Congress), as made applicable to the  
18 House of Representatives by H. Res. 818 (109th Con-  
19 gress).

#### 20 PROCUREMENT, DEFENSE-WIDE

21 For an additional amount for “Procurement, De-  
22 fense-Wide”, \$121,600,000, to remain available for obliga-  
23 tion until September 30, 2009: *Provided*, That the amount  
24 provided under this heading is designated as making ap-  
25 propriations for contingency operations directly related to

1 the global war on terrorism, and other unanticipated de-  
2 fense-related operations, pursuant to section 402 of H.  
3 Con. Res. 376 (109th Congress), as made applicable to  
4 the House of Representatives by H. Res. 818 (109th Con-  
5 gress).

## 6 REVOLVING AND MANAGEMENT FUNDS

### 7 DEFENSE WORKING CAPITAL FUNDS

8 For an additional amount for “Defense Working  
9 Capital Funds”, \$1,000,000,000: *Provided*, That the  
10 amount provided under this heading is designated as mak-  
11 ing appropriations for contingency operations directly re-  
12 lated to the global war on terrorism, and other unantici-  
13 pated defense-related operations, pursuant to section 402  
14 of H. Con. Res. 376 (109th Congress), as made applicable  
15 to the House of Representatives by H. Res. 818 (109th  
16 Congress).

### 17 GENERAL PROVISIONS

18 SEC. 9001. Appropriations provided in this title are  
19 available for obligation until September 30, 2007, unless  
20 otherwise so provided in this title.

21 SEC. 9002. Notwithstanding any other provision of  
22 law or of this Act, funds made available in this title are  
23 in addition to amounts provided elsewhere in this Act.

## (TRANSFER OF FUNDS)

1  
2       SEC. 9003. Upon his determination that such action  
3 is necessary in the national interest, the Secretary of De-  
4 fense may transfer between appropriations up to  
5 \$2,500,000,000 of the funds made available to the De-  
6 partment of Defense in this title: *Provided*, That the Sec-  
7 retary shall notify the Congress promptly of each transfer  
8 made pursuant to the authority in this section: *Provided*  
9 *further*, That the authority provided in this section is in  
10 addition to any other transfer authority available to the  
11 Department of Defense and is subject to the same terms  
12 and conditions as the authority provided in section 8005  
13 of this Act.

14       SEC. 9004. Funds appropriated in this title, or made  
15 available by the transfer of funds in or pursuant to this  
16 title, for intelligence activities are deemed to be specifically  
17 authorized by the Congress for purposes of section 504  
18 of the National Security Act of 1947 (50 U.S.C. 414).

19       SEC. 9005. None of the funds provided in this title  
20 may be used to finance programs or activities denied by  
21 Congress in fiscal years 2006 or 2007 appropriations to  
22 the Department of Defense or to initiate a procurement  
23 or research, development, test and evaluation new start  
24 program without prior written notification to the congres-  
25 sional defense committees.

1        SEC. 9006. Notwithstanding any other provision of  
2 law, of the funds made available in this title to the Depart-  
3 ment of Defense for operation and maintenance, not to  
4 exceed \$1,000,000,000 may be used by the Secretary of  
5 Defense, with the concurrence of the Secretary of State,  
6 to train, equip and provide related assistance only to mili-  
7 tary or security forces of Iraq and Afghanistan to enhance  
8 their capability to combat terrorism and to support United  
9 States military operations in Iraq and Afghanistan: *Pro-*  
10 *vided*, That such assistance may include the provision of  
11 equipment, supplies, services, training, infrastructure and  
12 funding: *Provided further*, That the authority to provide  
13 assistance under this section is in addition to any other  
14 authority to provide assistance to foreign nations: *Pro-*  
15 *vided further*, That the Secretary of Defense shall notify  
16 the congressional defense committees, the Committee on  
17 International Relations of the House of Representatives,  
18 and the Committee on Foreign Relations of the Senate  
19 not less than 15 days before providing assistance under  
20 the authority of this section.

21        SEC. 9007. (a) From funds made available in this  
22 title to the Department of Defense, not to exceed  
23 \$500,000,000 may be used, notwithstanding any other  
24 provision of law, to fund the Commander's Emergency Re-  
25 sponse Program, for the purpose of enabling military com-

1 manders in Iraq to respond to urgent humanitarian relief  
2 and reconstruction requirements within their areas of re-  
3 sponsibility by carrying out programs that will imme-  
4 diately assist the Iraqi people, and to fund a similar pro-  
5 gram to assist the people of Afghanistan.

6 (b) QUARTERLY REPORTS.—Not later than 15 days  
7 after the end of each fiscal year quarter (beginning with  
8 the first quarter of fiscal year 2007), the Secretary of De-  
9 fense shall submit to the congressional defense committees  
10 a report regarding the source of funds and the allocation  
11 and use of funds during that quarter that were made  
12 available pursuant to the authority provided in this section  
13 or under any other provision of law for the purposes of  
14 the programs under subsection (a).

15 SEC. 9008. During the current fiscal year, funds  
16 available to the Department of Defense for operation and  
17 maintenance may be used, notwithstanding any other pro-  
18 vision of law, to provide supplies, services, transportation,  
19 including airlift and sealift, and other logistical support  
20 to coalition forces supporting military and stability oper-  
21 ations in Iraq and Afghanistan: *Provided*, That the Sec-  
22 retary of Defense shall provide quarterly reports to the  
23 congressional defense committees regarding support pro-  
24 vided under this section.

1       SEC. 9009. Supervision and administration costs as-  
2 sociated with a construction project funded with appro-  
3 priations available for operation and maintenance, and ex-  
4 ecuted in direct support of the Global War on Terrorism  
5 only in Iraq and Afghanistan, may be obligated at the time  
6 a construction contract is awarded: *Provided*, That for the  
7 purpose of this section, supervision and administration  
8 costs include all in-house Government costs.

9       SEC. 9010. The reporting requirements of section  
10 9010 of Public Law 109–148 shall apply to the funds ap-  
11 propriated in this title.

12       SEC. 9011. Amounts provided in chapter 1 of title  
13 V of the Emergency Supplemental Appropriations Act for  
14 Defense, the Global War on Terror, and Hurricane Recov-  
15 ery, 2006 are hereby designated as emergency require-  
16 ments pursuant to section 402 of H. Con. Res. 95 (109th  
17 Congress), the concurrent resolution on the budget for fis-  
18 cal year 2006.

19       SEC. 9012. None of the funds made available in this  
20 Act may be used by the Government of the United States  
21 to enter into a basing rights agreement between the  
22 United States and Iraq.

## 23   TITLE X—ADDITIONAL GENERAL PROVISIONS

24       SEC. 10001. None of the funds made available in this  
25 Act may be obligated or expended to provide award fees

1 to any defense contractor for performance that does not  
2 meet the requirements of the contract concerned.

3 SEC. 10002. None of the funds made available in this  
4 Act may be used in contravention of the following laws  
5 enacted or regulations promulgated to implement the  
6 United Nations Convention Against Torture and Other  
7 Cruel, Inhuman or Degrading Treatment or Punishment  
8 (done at New York on December 10, 1984):

9 (1) Section 2340A of title 18, United States  
10 Code.

11 (2) Section 2242 of the Foreign Affairs Reform  
12 and Restructuring Act of 1998 (division G of Public  
13 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231  
14 note) and any regulations prescribed thereto, includ-  
15 ing regulations under part 208 of title 8, Code of  
16 Federal Regulations, and part 95 of title 22, Code  
17 of Federal Regulations.

18 (3) Sections 1002 and 1003 of the Department  
19 of Defense, Emergency Supplemental Appropriations  
20 to Address Hurricanes in the Gulf of Mexico, and  
21 Pandemic Influenza Act, 2006 (Public Law 109–  
22 148).

23 SEC. 10003. None of the funds appropriated by this  
24 Act may be used to waive or modify regulations promul-

1 gated under chapter 43, 71, 75, or 77 of title 5, United  
2 States Code.

3 SEC. 10004. None of the funds made available in this  
4 Act may be used to enter into or carry out a contract for  
5 the performance by a contractor of any base operation  
6 support service at Walter Reed Army Medical Hospital  
7 pursuant to the public-private competition conducted  
8 under Office of Management and Budget Circular A-76  
9 that was initiated on June 13, 2000, and that has the  
10 solicitation number DADA 10-03-R-0001.

11 This Act may be cited as the “Department of Defense  
12 Appropriations Act, 2007”.

Passed the House of Representatives June 20, 2006.

Attest:

*Clerk.*

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 5631**

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**AN ACT**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.