

110TH CONGRESS
1ST SESSION

H. R. 3222

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, 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, 2008, 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 \$31,346,005,000.

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, \$23,300,801,000.

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, \$10,269,914,000.

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 \$24,379,214,000.

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, \$3,629,620,000.

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 \$1,776,885,000.

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 \$513,472,000.

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, \$1,365,679,000.

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, \$5,815,017,000.

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 \$2,621,169,000.

15 TITLE II

16 OPERATION AND MAINTENANCE

17 OPERATION AND MAINTENANCE, ARMY

18 (INCLUDING TRANSFER OF FUNDS)

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

1 \$26,404,495,000: *Provided*, That, notwithstanding any
2 other provision of law, up to \$12,500,000 shall be trans-
3 ferred to “U.S. Army Corps of Engineers, Operation and
4 Maintenance” for expenses related to the dredging of the
5 Hudson River Channel and its adjacent areas, to be
6 merged with and to be available for the same time period
7 as the appropriations to which transferred: *Provided fur-*
8 *ther*, That the transfer authority provided in this para-
9 graph shall be in addition to any other transfer authority
10 elsewhere provided in this Act.

11 OPERATION AND MAINTENANCE, NAVY

12 For expenses, not otherwise provided for, necessary
13 for the operation and maintenance of the Navy and the
14 Marine Corps, as authorized by law; and not to exceed
15 \$6,257,000 can be used for emergencies and extraordinary
16 expenses, to be expended on the approval or authority of
17 the Secretary of the Navy, and payments may be made
18 on his certificate of necessity for confidential military pur-
19 poses, \$32,851,468,000.

20 OPERATION AND MAINTENANCE, MARINE CORPS

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance of the Marine Corps,
23 as authorized by law, \$4,471,858,000.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Air Force, as
4 authorized by law; and not to exceed \$7,699,000 can be
5 used for emergencies and extraordinary expenses, to be ex-
6 pended on the approval or authority of the Secretary of
7 the Air Force, and payments may be made on his certifi-
8 cate of necessity for confidential military purposes,
9 \$31,613,981,000.

10 OPERATION AND MAINTENANCE, DEFENSE-WIDE

11 (INCLUDING TRANSFER OF FUNDS)

12 For expenses, not otherwise provided for, necessary
13 for the operation and maintenance of activities and agen-
14 cies of the Department of Defense (other than the military
15 departments), as authorized by law, \$22,343,180,000:
16 *Provided*, That not more than \$25,000,000 may be used
17 for the Combatant Commander Initiative Fund authorized
18 under section 166a of title 10, United States Code: *Pro-*
19 *vided further*, That not to exceed \$36,000,000 can be used
20 for emergencies and extraordinary expenses, to be ex-
21 pended on the approval or authority of the Secretary of
22 Defense, and payments may be made on his certificate of
23 necessity for confidential military purposes: *Provided fur-*
24 *ther*, That of the funds provided under this heading, not
25 less than \$27,380,000 shall be made available for the Pro-

1 curement Technical Assistance Cooperative Agreement
2 Program, of which not less than \$7,000,000 shall be avail-
3 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
4 *vided further*, That of the funds provided under this head-
5 ing, not less than \$245,075,000 shall be available only for
6 the Combatant Commander's Exercise Engagement and
7 Training Transformation program: *Provided further*, That
8 none of the funds appropriated or otherwise made avail-
9 able by this Act may be used to plan or implement the
10 consolidation of a budget or appropriations liaison office
11 of the Office of the Secretary of Defense, the office of the
12 Secretary of a military department, or the service head-
13 quarters of one of the Armed Forces into a legislative af-
14 fairs or legislative liaison office: *Provided further*, That no
15 more than \$1,900,000 shall be available for the Office of
16 Legislative Affairs within the Office of the Secretary of
17 Defense: *Provided further*, That, notwithstanding section
18 130(a) of title 10, United States Code, not less than
19 \$41,293,000 shall be available for the Office of the Under-
20 secretary of Defense, Comptroller and Chief Financial Of-
21 ficer: *Provided further*, That, notwithstanding any other
22 provision of law, funds provided under this heading for
23 personnel security investigations of the Defense Security
24 Service shall be paid at rates not in excess of those rates
25 in effect as of August 1, 2006: *Provided further*, That

1 \$4,000,000, to remain available until expended, is avail-
2 able only for expenses relating to certain classified activi-
3 ties, and may be transferred as necessary by the Secretary
4 to operation and maintenance appropriations or research,
5 development, test and evaluation appropriations, to be
6 merged with and to be available for the same time period
7 as the appropriations to which transferred: *Provided fur-*
8 *ther*, That any ceiling on the investment item unit cost
9 of items that may be purchased with operation and main-
10 tenance funds shall not apply to the funds described in
11 the preceding proviso: *Provided further*, That the transfer
12 authority provided under this heading is in addition to any
13 other transfer authority provided elsewhere in this Act.

14 OPERATION AND MAINTENANCE, ARMY RESERVE

15 For expenses, not otherwise provided for, necessary
16 for the operation and maintenance, including training, or-
17 ganization, and administration, of the Army Reserve; re-
18 pair of facilities and equipment; hire of passenger motor
19 vehicles; travel and transportation; care of the dead; re-
20 cruiting; procurement of services, supplies, and equip-
21 ment; and communications, \$2,510,890,000.

22 OPERATION AND MAINTENANCE, NAVY RESERVE

23 For expenses, not otherwise provided for, necessary
24 for the operation and maintenance, including training, or-
25 ganization, and administration, of the Navy Reserve; re-

1 pair of facilities and equipment; hire of passenger motor
2 vehicles; travel and transportation; care of the dead; re-
3 cruiting; procurement of services, supplies, and equip-
4 ment; and communications, \$1,144,454,000.

5 OPERATION AND MAINTENANCE, MARINE CORPS

6 RESERVE

7 For expenses, not otherwise provided for, necessary
8 for the operation and maintenance, including training, or-
9 ganization, and administration, of the Marine Corps Re-
10 serve; repair of facilities and equipment; hire of passenger
11 motor vehicles; travel and transportation; care of the dead;
12 recruiting; procurement of services, supplies, and equip-
13 ment; and communications, \$207,087,000.

14 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

15 For expenses, not otherwise provided for, necessary
16 for the operation and maintenance, including training, or-
17 ganization, and administration, of the Air Force Reserve;
18 repair of facilities and equipment; hire of passenger motor
19 vehicles; travel and transportation; care of the dead; re-
20 cruiting; procurement of services, supplies, and equip-
21 ment; and communications, \$2,684,577,000.

22 OPERATION AND MAINTENANCE, ARMY NATIONAL

23 GUARD

24 For expenses of training, organizing, and admin-
25 istering the Army National Guard, including medical and

1 hospital treatment and related expenses in non-Federal
2 hospitals; maintenance, operation, and repairs to struc-
3 tures and facilities; hire of passenger motor vehicles; per-
4 sonnel services in the National Guard Bureau; travel ex-
5 penses (other than mileage), as authorized by law for
6 Army personnel on active duty, for Army National Guard
7 division, regimental, and battalion commanders while in-
8 specting units in compliance with National Guard Bureau
9 regulations when specifically authorized by the Chief, Na-
10 tional Guard Bureau; supplying and equipping the Army
11 National Guard as authorized by law; and expenses of re-
12 pair, modification, maintenance, and issue of supplies and
13 equipment (including aircraft), \$5,893,843,000.

14 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

15 For expenses of training, organizing, and admin-
16 istering the Air National Guard, including medical and
17 hospital treatment and related expenses in non-Federal
18 hospitals; maintenance, operation, and repairs to struc-
19 tures and facilities; transportation of things, hire of pas-
20 senger motor vehicles; supplying and equipping the Air
21 National Guard, as authorized by law; expenses for repair,
22 modification, maintenance, and issue of supplies and
23 equipment, including those furnished from stocks under
24 the control of agencies of the Department of Defense;
25 travel expenses (other than mileage) on the same basis as

1 authorized by law for Air National Guard personnel on
2 active Federal duty, for Air National Guard commanders
3 while inspecting units in compliance with National Guard
4 Bureau regulations when specifically authorized by the
5 Chief, National Guard Bureau, \$5,021,077,000.

6 UNITED STATES COURT OF APPEALS FOR THE ARMED
7 FORCES

8 For salaries and expenses necessary for the United
9 States Court of Appeals for the Armed Forces,
10 \$11,971,000, of which not to exceed \$5,000 may be used
11 for official representation purposes.

12 ENVIRONMENTAL RESTORATION, ARMY
13 (INCLUDING TRANSFER OF FUNDS)

14 For the Department of the Army, \$434,879,000, to
15 remain available until transferred: *Provided*, That the Sec-
16 retary of the Army shall, upon determining that such
17 funds are required for environmental restoration, reduc-
18 tion and recycling of hazardous waste, removal of unsafe
19 buildings and debris of the Department of the Army, or
20 for similar purposes, transfer the funds made available by
21 this appropriation to other appropriations made available
22 to the Department of the Army, to be merged with and
23 to be available for the same purposes and for the same
24 time period as the appropriations to which transferred:
25 *Provided further*, That upon a determination that all or

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

7 ENVIRONMENTAL RESTORATION, NAVY

8 (INCLUDING TRANSFER OF FUNDS)

9 For the Department of the Navy, \$300,591,000, to
10 remain available until transferred: *Provided*, That the Sec-
11 retary of the Navy shall, upon determining that such
12 funds are required for environmental restoration, reduc-
13 tion and recycling of hazardous waste, removal of unsafe
14 buildings and debris of the Department of the Navy, or
15 for similar purposes, transfer the funds made available by
16 this appropriation to other appropriations made available
17 to the Department of the Navy, to be merged with and
18 to be available for the same purposes and for the same
19 time period as the appropriations to which transferred:
20 *Provided further*, That upon a determination that all or
21 part of the funds transferred from this appropriation are
22 not necessary for the purposes provided herein, such
23 amounts may be transferred back to this appropriation:
24 *Provided further*, That the transfer authority provided

1 under this heading is in addition to any other transfer au-
2 thority provided elsewhere in this Act.

3 ENVIRONMENTAL RESTORATION, AIR FORCE

4 (INCLUDING TRANSFER OF FUNDS)

5 For the Department of the Air Force, \$458,428,000,
6 to remain available until transferred: *Provided*, That the
7 Secretary of the Air Force shall, upon determining that
8 such funds are required for environmental restoration, re-
9 duction and recycling of hazardous waste, removal of un-
10 safe buildings and debris of the Department of the Air
11 Force, or for similar purposes, transfer the funds made
12 available by this appropriation to other appropriations
13 made available to the Department of the Air Force, to be
14 merged with and to be available for the same purposes
15 and for the same time period as the appropriations to
16 which transferred: *Provided further*, That upon a deter-
17 mination that all or part of the funds transferred from
18 this appropriation are not necessary for the purposes pro-
19 vided herein, such amounts may be transferred back to
20 this appropriation: *Provided further*, That the transfer au-
21 thority provided under this heading is in addition to any
22 other transfer authority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of Defense, \$12,751,000, to re-
4 main available until transferred: *Provided*, That the Sec-
5 retary of Defense shall, upon determining that such funds
6 are required for environmental restoration, reduction and
7 recycling of hazardous waste, removal of unsafe buildings
8 and debris of the Department of Defense, or for similar
9 purposes, transfer the funds made available by this appro-
10 priation to other appropriations made available to the De-
11 partment of Defense, to be merged with and to be avail-
12 able for the same purposes and for the same time period
13 as the appropriations to which transferred: *Provided fur-*
14 *ther*, That upon a determination that all or part of the
15 funds transferred from this appropriation are not nec-
16 essary for the purposes provided herein, such amounts
17 may be transferred back to this appropriation: *Provided*
18 *further*, That the transfer authority provided under this
19 heading is in addition to any other transfer authority pro-
20 vided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, FORMERLY USED
22 DEFENSE SITES
23 (INCLUDING TRANSFER OF FUNDS)

24 For the Department of the Army, \$268,249,000, to
25 remain available until transferred: *Provided*, That the Sec-

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

17 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

18 For expenses relating to the Overseas Humanitarian,
19 Disaster, and Civic Aid programs of the Department of
20 Defense (consisting of the programs provided under sec-
21 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
22 United States Code), \$103,300,000, of which \$63,300,000
23 shall remain available until September 30, 2009, and of
24 which \$40,000,000 shall be available solely for foreign dis-

1 aster relief and response activities and shall remain avail-
2 able until expended.

3 FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

4 For assistance to the republics of the former Soviet
5 Union, including assistance provided by contract or by
6 grants, for facilitating the elimination and the safe and
7 secure transportation and storage of nuclear, chemical and
8 other weapons; for establishing programs to prevent the
9 proliferation of weapons, weapons components, and weap-
10 on-related technology and expertise; for programs relating
11 to the training and support of defense and military per-
12 sonnel for demilitarization and protection of weapons,
13 weapons components and weapons technology and exper-
14 tise, and for defense and military contacts, \$398,048,000,
15 to remain available until September 30, 2010.

16 TITLE III

17 PROCUREMENT

18 AIRCRAFT PROCUREMENT, ARMY

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

1 and construction prosecuted thereon prior to approval of
2 title; and procurement and installation of equipment, ap-
3 pliances, and machine tools in public and private plants;
4 reserve plant and Government and contractor-owned
5 equipment layaway; and other expenses necessary for the
6 foregoing purposes, \$3,891,539,000, to remain available
7 for obligation until September 30, 2010.

8 MISSILE PROCUREMENT, ARMY

9 For construction, procurement, production, modifica-
10 tion, and modernization of missiles, equipment, including
11 ordnance, ground handling equipment, spare parts, and
12 accessories therefor; specialized equipment and training
13 devices; expansion of public and private plants, including
14 the land necessary therefor, for the foregoing purposes,
15 and such lands and interests therein, may be acquired,
16 and construction prosecuted thereon prior to approval of
17 title; and procurement and installation of equipment, ap-
18 pliances, and machine tools in public and private plants;
19 reserve plant and Government and contractor-owned
20 equipment layaway; and other expenses necessary for the
21 foregoing purposes, \$2,103,102,000, to remain available
22 for obligation until September 30, 2010.

1 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
2 VEHICLES, ARMY

3 For construction, procurement, production, and
4 modification of weapons and tracked combat vehicles,
5 equipment, including ordnance, spare parts, and acces-
6 sories therefor; specialized equipment and training devices;
7 expansion of public and private plants, including the land
8 necessary therefor, for the foregoing purposes, and such
9 lands and interests therein, may be acquired, and con-
10 struction prosecuted thereon prior to approval of title; and
11 procurement and installation of equipment, appliances,
12 and machine tools in public and private plants; reserve
13 plant and Government and contractor-owned equipment
14 layaway; and other expenses necessary for the foregoing
15 purposes, \$4,077,189,000, to remain available for obliga-
16 tion until September 30, 2010.

17 PROCUREMENT OF AMMUNITION, ARMY

18 For construction, procurement, production, and
19 modification of ammunition, and accessories therefor; spe-
20 cialized equipment and training devices; expansion of pub-
21 lic and private plants, including ammunition facilities, au-
22 thorized by section 2854 of title 10, United States Code,
23 and the land necessary therefor, for the foregoing pur-
24 poses, and such lands and interests therein, may be ac-
25 quired, and construction prosecuted thereon prior to ap-

1 proval of title; and procurement and installation of equip-
2 ment, appliances, and machine tools in public and private
3 plants; reserve plant and Government and contractor-
4 owned equipment layaway; and other expenses necessary
5 for the foregoing purposes, \$2,215,976,000, to remain
6 available for obligation until September 30, 2010.

7 OTHER PROCUREMENT, ARMY

8 For construction, procurement, production, and
9 modification of vehicles, including tactical, support, and
10 non-tracked combat vehicles; the purchase of passenger
11 motor vehicles for replacement only; communications and
12 electronic equipment; other support equipment; spare
13 parts, ordnance, and accessories therefor; specialized
14 equipment and training devices; expansion of public and
15 private plants, including the land necessary therefor, for
16 the foregoing purposes, and such lands and interests
17 therein, may be acquired, and construction prosecuted
18 thereon prior to approval of title; and procurement and
19 installation of equipment, appliances, and machine tools
20 in public and private plants; reserve plant and Govern-
21 ment and contractor-owned equipment layaway; and other
22 expenses necessary for the foregoing purposes,
23 \$11,217,945,000, to remain available for obligation until
24 September 30, 2010.

1 AIRCRAFT PROCUREMENT, NAVY

2 For construction, procurement, production, modifica-
3 tion, and modernization of aircraft, equipment, including
4 ordnance, spare parts, and accessories therefor; specialized
5 equipment; expansion of public and private plants, includ-
6 ing the land necessary therefor, and such lands and inter-
7 ests therein, may be acquired, and construction prosecuted
8 thereon prior to approval of title; and procurement and
9 installation of equipment, appliances, and machine tools
10 in public and private plants; reserve plant and Govern-
11 ment and contractor-owned equipment layaway,
12 \$12,470,280,000, to remain available for obligation until
13 September 30, 2010.

14 WEAPONS PROCUREMENT, NAVY

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

1 layaway, \$2,928,126,000, to remain available for obliga-
2 tion until September 30, 2010.

3 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
4 CORPS

5 For construction, procurement, production, and
6 modification of ammunition, and accessories therefor; spe-
7 cialized equipment and training devices; expansion of pub-
8 lic and private plants, including ammunition facilities, au-
9 thorized by section 2854 of title 10, United States Code,
10 and the land necessary therefor, for the foregoing pur-
11 poses, and such lands and interests therein, may be ac-
12 quired, and construction prosecuted thereon prior to ap-
13 proval of title; and procurement and installation of equip-
14 ment, appliances, and machine tools in public and private
15 plants; reserve plant and Government and contractor-
16 owned equipment layaway; and other expenses necessary
17 for the foregoing purposes, \$1,067,484,000, to remain
18 available for obligation until September 30, 2010.

19 SHIPBUILDING AND CONVERSION, NAVY

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

1 long leadtime components and designs for vessels to be
2 constructed or converted in the future; and expansion of
3 public and private plants, including land necessary there-
4 for, and such lands and interests therein, may be acquired,
5 and construction prosecuted thereon prior to approval of
6 title, as follows:

7 Carrier Replacement Program, \$2,703,953,000;
8 Carrier Replacement Program (AP),
9 \$124,401,000;
10 NSSN, \$1,796,191,000;
11 NSSN (AP), \$1,290,710,000;
12 CVN Refuelings (AP), \$297,344,000;
13 SSBN Submarine Refuelings, \$187,652,000;
14 SSBN Submarine Refuelings (AP),
15 \$42,744,000;
16 DDG-1000 Program, \$2,772,637,000;
17 DDG-1000 Program (AP), \$150,886,000;
18 DDG-51 Destroyer, \$78,078,000;
19 Littoral Combat Ship, \$339,482,000;
20 LPD-17, \$3,091,922,000;
21 LHA-R, \$1,375,414,000;
22 Special Purpose Craft, \$4,500,000;
23 LCAC Service Life Extension Program,
24 \$98,518,000;
25 Prior year shipbuilding costs, \$511,474,000;

1 Service Craft, \$32,903,000; and

2 For outfitting, post delivery, conversions, and
3 first destination transportation, \$405,011,000.

4 In all: \$15,303,820,000, to remain available for obli-
5 gation until September 30, 2012: *Provided*, That addi-
6 tional obligations may be incurred after September 30,
7 2012, for engineering services, tests, evaluations, and
8 other such budgeted work that must be performed in the
9 final stage of ship construction: *Provided further*, That
10 none of the funds provided under this heading for the con-
11 struction or conversion of any naval vessel to be con-
12 structed in shipyards in the United States shall be ex-
13 pended in foreign facilities for the construction of major
14 components of such vessel: *Provided further*, That none of
15 the funds provided under this heading shall be used for
16 the construction of any naval vessel in foreign shipyards.

17 OTHER PROCUREMENT, NAVY

18 For procurement, production, and modernization of
19 support equipment and materials not otherwise provided
20 for, Navy ordnance (except ordnance for new aircraft, new
21 ships, and ships authorized for conversion); expansion of
22 public and private plants, including the land necessary
23 therefor, and such lands and interests therein, may be ac-
24 quired, and construction prosecuted thereon prior to ap-
25 proval of title; and procurement and installation of equip-

1 ment, appliances, and machine tools in public and private
2 plants; reserve plant and Government and contractor-
3 owned equipment layaway, \$5,298,238,000, to remain
4 available for obligation until September 30, 2010.

5 PROCUREMENT, MARINE CORPS

6 For expenses necessary for the procurement, manu-
7 facture, and modification of missiles, armament, military
8 equipment, spare parts, and accessories therefor; plant
9 equipment, appliances, and machine tools, and installation
10 thereof in public and private plants; reserve plant and
11 Government and contractor-owned equipment layaway; ve-
12 hicles for the Marine Corps, including the purchase of pas-
13 senger motor vehicles for replacement only; and expansion
14 of public and private plants, including land necessary
15 therefor, and such lands and interests therein, may be ac-
16 quired, and construction prosecuted thereon prior to ap-
17 proval of title, \$2,500,882,000, to remain available for ob-
18 ligation until September 30, 2010.

19 AIRCRAFT PROCUREMENT, AIR FORCE

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

1 plants, erection of structures, and acquisition of land, for
2 the foregoing purposes, and such lands and interests
3 therein, may be acquired, and construction prosecuted
4 thereon prior to approval of title; reserve plant and Gov-
5 ernment and contractor-owned equipment layaway; and
6 other expenses necessary for the foregoing purposes in-
7 cluding rents and transportation of things,
8 \$11,690,220,000, to remain available for obligation until
9 September 30, 2010.

10 MISSILE PROCUREMENT, AIR FORCE

11 For construction, procurement, and modification of
12 missiles, spacecraft, rockets, and related equipment, in-
13 cluding spare parts and accessories therefor, ground han-
14 dling equipment, and training devices; expansion of public
15 and private plants, Government-owned equipment and in-
16 stallation thereof in such plants, erection of structures,
17 and acquisition of land, for the foregoing purposes, and
18 such lands and interests therein, may be acquired, and
19 construction prosecuted thereon prior to approval of title;
20 reserve plant and Government and contractor-owned
21 equipment layaway; and other expenses necessary for the
22 foregoing purposes including rents and transportation of
23 things, \$4,920,959,000, to remain available for obligation
24 until September 30, 2010.

1 PROCUREMENT OF AMMUNITION, AIR FORCE

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$342,494,000, to remain avail-
15 able for obligation until September 30, 2010.

16 OTHER PROCUREMENT, AIR FORCE

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

1 the foregoing purposes, and such lands and interests
2 therein, may be acquired, and construction prosecuted
3 thereon, prior to approval of title; reserve plant and Gov-
4 ernment and contractor-owned equipment layaway,
5 \$15,255,186,000, to remain available for obligation until
6 September 30, 2010.

7 PROCUREMENT, DEFENSE-WIDE

8 For expenses of activities and agencies of the Depart-
9 ment of Defense (other than the military departments)
10 necessary for procurement, production, and modification
11 of equipment, supplies, materials, and spare parts there-
12 for, not otherwise provided for; expansion of public and
13 private plants, equipment, and installation thereof in such
14 plants, erection of structures, and acquisition of land for
15 the foregoing purposes, and such lands and interests
16 therein, may be acquired, and construction prosecuted
17 thereon prior to approval of title; reserve plant and Gov-
18 ernment and contractor-owned equipment layaway,
19 \$3,335,637,000, to remain available for obligation until
20 September 30, 2010.

21 NATIONAL GUARD AND RESERVE EQUIPMENT

22 For procurement of aircraft, missiles, tracked combat
23 vehicles, ammunition, other weapons, and other procure-
24 ment for the reserve components of the Armed Forces,
25 \$925,000,000, to remain available for obligation until Sep-

1 tember 30, 2010, of which \$700,000,000 shall be available
2 only for the Army National Guard: *Provided*, That the
3 Chiefs of the Reserve and National Guard components
4 shall, not later than 30 days after the enactment of this
5 Act, individually submit to the congressional defense com-
6 mittees the modernization priority assessment for their re-
7 spective Reserve or National Guard component.

8 DEFENSE PRODUCTION ACT PURCHASES

9 For activities by the Department of Defense pursuant
10 to sections 108, 301, 302, and 303 of the Defense Produc-
11 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
12 2093), \$64,092,000, to remain available until expended.

13 TITLE IV

14 RESEARCH, DEVELOPMENT, TEST AND

15 EVALUATION

16 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

17 ARMY

18 For expenses necessary for basic and applied sci-
19 entific research, development, test and evaluation, includ-
20 ing maintenance, rehabilitation, lease, and operation of fa-
21 cilities and equipment, \$11,509,540,000, to remain avail-
22 able for obligation until September 30, 2009.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment, \$17,718,624,000, to remain avail-
7 able for obligation until September 30, 2009: *Provided*,
8 That funds appropriated in this paragraph which are
9 available for the V-22 may be used to meet unique oper-
10 ational requirements of the Special Operations Forces:
11 *Provided further*, That funds appropriated in this para-
12 graph shall be available for the Cobra Judy program.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
14 AIR FORCE

15 For expenses necessary for basic and applied sci-
16 entific research, development, test and evaluation, includ-
17 ing maintenance, rehabilitation, lease, and operation of fa-
18 cilities and equipment, \$26,163,917,000, to remain avail-
19 able for obligation until September 30, 2009.

20 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
21 DEFENSE-WIDE

22 For expenses of activities and agencies of the Depart-
23 ment of Defense (other than the military departments),
24 necessary for basic and applied scientific research, devel-
25 opment, test and evaluation; advanced research projects

1 as may be designated and determined by the Secretary
2 of Defense, pursuant to law; maintenance, rehabilitation,
3 lease, and operation of facilities and equipment,
4 \$20,659,095,000, to remain available for obligation until
5 September 30, 2009.

6 OPERATIONAL TEST AND EVALUATION, DEFENSE

7 For expenses, not otherwise provided for, necessary
8 for the independent activities of the Director, Operational
9 Test and Evaluation, in the direction and supervision of
10 operational test and evaluation, including initial oper-
11 ational test and evaluation which is conducted prior to,
12 and in support of, production decisions; joint operational
13 testing and evaluation; and administrative expenses in
14 connection therewith, \$180,264,000, to remain available
15 for obligation until September 30, 2009.

16 TITLE V

17 REVOLVING AND MANAGEMENT FUNDS

18 DEFENSE WORKING CAPITAL FUNDS

19 For the Defense Working Capital Funds,
20 \$1,352,746,000.

21 NATIONAL DEFENSE SEALIFT FUND

22 For National Defense Sealift Fund programs,
23 projects, and activities, and for expenses of the National
24 Defense Reserve Fleet, as established by section 11 of the
25 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),

1 and for the necessary expenses to maintain and preserve
2 a U.S.-flag merchant fleet to serve the national security
3 needs of the United States, \$2,489,094,000, to remain
4 available until expended: *Provided*, That none of the funds
5 provided in this paragraph shall be used to award a new
6 contract that provides for the acquisition of any of the
7 following major components unless such components are
8 manufactured in the United States: auxiliary equipment,
9 including pumps, for all shipboard services; propulsion
10 system components (that is; engines, reduction gears, and
11 propellers); shipboard cranes; and spreaders for shipboard
12 cranes: *Provided further*, That the exercise of an option
13 in a contract awarded through the obligation of previously
14 appropriated funds shall not be considered to be the award
15 of a new contract: *Provided further*, That the Secretary
16 of the military department responsible for such procure-
17 ment may waive the restrictions in the first proviso on
18 a case-by-case basis by certifying in writing to the Com-
19 mittees on Appropriations of the House of Representatives
20 and the Senate that adequate domestic supplies are not
21 available to meet Department of Defense requirements on
22 a timely basis and that such an acquisition must be made
23 in order to acquire capability for national security pur-
24 poses.

1 TITLE VI
2 OTHER DEPARTMENT OF DEFENSE PROGRAMS
3 DEFENSE HEALTH PROGRAM

4 For expenses, not otherwise provided for, for medical
5 and health care programs of the Department of Defense,
6 as authorized by law, \$22,957,184,000, of which
7 \$22,140,381,000 shall be for operation and maintenance,
8 of which not to exceed one percent shall remain available
9 until September 30, 2009; of which \$363,011,000, to re-
10 main available for obligation until September 30, 2010,
11 shall be for procurement; and of which \$453,792,000, to
12 remain available for obligation until September 30, 2009,
13 shall be for research, development, test and evaluation:
14 *Provided*, That, notwithstanding any other provision of
15 law, of the amount made available under this heading for
16 research, development, test and evaluation, not less than
17 \$10,000,000 shall be available for HIV prevention edu-
18 cational activities undertaken in connection with U.S. mili-
19 tary training, exercises, and humanitarian assistance ac-
20 tivities conducted primarily in African nations.

21 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
22 ARMY

23 For expenses, not otherwise provided for, necessary
24 for the destruction of the United States stockpile of lethal
25 chemical agents and munitions, to include construction of

1 facilities, in accordance with the provisions of section 1412
2 of the Department of Defense Authorization Act, 1986
3 (50 U.S.C. 1521), and for the destruction of other chem-
4 ical warfare materials that are not in the chemical weapon
5 stockpile, \$1,455,724,000, of which \$1,198,086,000 shall
6 be for operation and maintenance; \$36,426,000 shall be
7 for procurement, to remain available until September 30,
8 2010; \$221,212,000 shall be for research, development,
9 test and evaluation, of which \$211,190,000 shall only be
10 for the Assembled Chemical Weapons Alternatives
11 (ACWA) program, to remain available until September 30,
12 2009; and no less than \$124,618,000 shall be for the
13 Chemical Stockpile Emergency Preparedness Program, of
14 which \$36,373,000 shall be for activities on military in-
15 stallations and of which \$88,245,000, to remain available
16 until September 30, 2009, shall be to assist State and
17 local governments.

18 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

19 DEFENSE

20 (INCLUDING TRANSFER OF FUNDS)

21 For drug interdiction and counter-drug activities of
22 the Department of Defense, for transfer to appropriations
23 available to the Department of Defense for military per-
24 sonnel of the reserve components serving under the provi-
25 sions of title 10 and title 32, United States Code; for oper-

1 ation and maintenance; for procurement; and for research,
2 development, test and evaluation, \$945,772,000: *Provided*,
3 That the funds appropriated under this heading shall be
4 available for obligation for the same time period and for
5 the same purpose as the appropriation to which trans-
6 ferred: *Provided further*, That upon a determination that
7 all or part of the funds transferred from this appropriation
8 are not necessary for the purposes provided herein, such
9 amounts may be transferred back to this appropriation:
10 *Provided further*, That the transfer authority provided
11 under this heading is in addition to any other transfer au-
12 thority contained elsewhere in this Act.

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

15 For the “Joint Improvised Explosive Device Defeat
16 Fund”, \$500,000,000, to remain available until Sep-
17 tember 30, 2010: *Provided*, That of the amounts provided
18 under this heading, not more than \$110,000,000 shall be
19 available for operating and administrative expenses: *Pro-*
20 *vided further*, That such funds shall be available to the
21 Secretary of Defense, notwithstanding any other provision
22 of law, for the purpose of allowing the Director of the
23 Joint Improvised Explosive Device Defeat Organization to
24 investigate, develop and provide equipment, supplies, serv-
25 ices, training, facilities, personnel and funds to assist

1 United States forces in the defeat of improvised explosive
2 devices: *Provided further*, That within 60 days of the en-
3 actment of this Act, a plan for the intended management
4 and use of the amounts provided under this heading shall
5 be submitted to the congressional defense committees:
6 *Provided further*, That the Secretary of Defense shall sub-
7 mit a report not later than 30 days after the end of each
8 fiscal quarter to the congressional defense committees pro-
9 viding assessments of the evolving threats, individual serv-
10 ice requirements to counter the threats, the current strat-
11 egy for predeployment training of members of the Armed
12 Forces on improvised explosive devices, and details on the
13 execution of this Fund: *Provided further*, That the Sec-
14 retary of Defense may transfer funds provided herein to
15 appropriations for military personnel; operation and main-
16 tenance; procurement; research, development, test and
17 evaluation; and defense working capital funds to accom-
18 plish the purpose provided herein: *Provided further*, That
19 this transfer authority is in addition to any other transfer
20 authority available to the Department of Defense: *Pro-*
21 *vided further*, That upon determination that all or part
22 of the funds so transferred from this appropriation are
23 not necessary for the purpose provided herein, such
24 amounts may be transferred back to this appropriation:
25 *Provided further*, That the Secretary of Defense shall, not

1 fewer than 5 days prior to making transfers from this ap-
2 propriation, notify the congressional defense committees
3 in writing of the details of any such transfer.

4 OFFICE OF THE INSPECTOR GENERAL

5 For expenses and activities of the Office of the In-
6 spector General in carrying out the provisions of the In-
7 spector General Act of 1978, as amended, \$239,995,000,
8 of which \$238,995,000 shall be for operation and mainte-
9 nance, of which not to exceed \$1,000,000 is available for
10 emergencies and extraordinary expenses to be expended on
11 the approval or authority of the Inspector General, and
12 payments may be made on the Inspector General's certifi-
13 cate of necessity for confidential military purposes; and
14 of which \$1,000,000, to remain available until September
15 30, 2010, shall be for procurement.

16 TITLE VII

17 RELATED AGENCIES

18 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

19 DISABILITY SYSTEM FUND

20 For payment to the Central Intelligence Agency Re-
21 tirement and Disability System Fund, to maintain the
22 proper funding level for continuing the operation of the
23 Central Intelligence Agency Retirement and Disability
24 System, \$262,500,000.

1 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Intelligence Commu-
4 nity Management Account, \$683,276,000: *Provided*, That
5 of the funds appropriated under this heading,
6 \$39,000,000 shall be transferred to the Department of
7 Justice for the National Drug Intelligence Center to sup-
8 port the Department of Defense's counter-drug intel-
9 ligence responsibilities, and of the said amount,
10 \$1,500,000 for procurement shall remain available until
11 September 30, 2010 and \$1,000,000 for research, develop-
12 ment, test and evaluation shall remain available until Sep-
13 tember 30, 2009: *Provided further*, That the National
14 Drug Intelligence Center shall maintain the personnel and
15 technical resources to provide timely support to law en-
16 forcement authorities and the intelligence community by
17 conducting document and computer exploitation of mate-
18 rials collected in Federal, State, and local law enforcement
19 activity associated with counter-drug, counter-terrorism,
20 and national security investigations and operations.

21 TITLE VIII

22 GENERAL PROVISIONS

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

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

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

24 SEC. 8004. No more than 20 percent of the appro-
25 priations in this Act which are limited for obligation dur-

1 ing the current fiscal year shall be obligated during the
2 last 2 months of the fiscal year: *Provided*, That this sec-
3 tion shall not apply to obligations for support of active
4 duty training of reserve components or summer camp
5 training of the Reserve Officers' Training Corps.

6 (TRANSFER OF FUNDS)

7 SEC. 8005. Upon determination by the Secretary of
8 Defense that such action is necessary in the national inter-
9 est, he may, with the approval of the Office of Manage-
10 ment and Budget, transfer not to exceed \$3,200,000,000
11 of working capital funds of the Department of Defense
12 or funds made available in this Act to the Department
13 of Defense for military functions (except military con-
14 struction) between such appropriations or funds or any
15 subdivision thereof, to be merged with and to be available
16 for the same purposes, and for the same time period, as
17 the appropriation or fund to which transferred: *Provided*,
18 That such authority to transfer may not be used unless
19 for higher priority items, based on unforeseen military re-
20 quirements, than those for which originally appropriated
21 and in no case where the item for which funds are re-
22 quested has been denied by the Congress: *Provided further*,
23 That the Secretary of Defense shall notify the Congress
24 promptly of all transfers made pursuant to this authority
25 or any other authority in this Act: *Provided further*, That
26 no part of the funds in this Act shall be available to pre-

1 pare or present a request to the Committees on Appropria-
2 tions for reprogramming of funds, unless for higher pri-
3 ority items, based on unforeseen military requirements,
4 than those for which originally appropriated and in no
5 case where the item for which reprogramming is requested
6 has been denied by the Congress: *Provided further*, That
7 a request for multiple reprogrammings of funds using au-
8 thority provided in this section must be made prior to
9 June 30, 2008: *Provided further*, That transfers among
10 military personnel appropriations shall not be taken into
11 account for purposes of the limitation on the amount of
12 funds that may be transferred under this section: *Provided*
13 *further*, That no obligation of funds may be made pursu-
14 ant to section 1206 of Public Law 109–163 (or any suc-
15 cessor provision) unless the Secretary of Defense has noti-
16 fied the congressional defense committees prior to any
17 such obligation.

18 SEC. 8006. (a) Not later than 60 days after enact-
19 ment of this Act, the Department of Defense shall submit
20 a report to the congressional defense committees to estab-
21 lish the baseline for application of reprogramming and
22 transfer authorities for fiscal year 2008: *Provided*, That
23 the report shall include—

24 (1) a table for each appropriation with a sepa-
25 rate column to display the President’s budget re-

1 quest, adjustments made by Congress, adjustments
2 due to enacted rescissions, if appropriate, and the
3 fiscal year enacted level;

4 (2) a delineation in the table for each appro-
5 priation both by budget activity and program,
6 project, and activity as detailed in the Budget Ap-
7 pendix and the supporting justification materials
8 submitted to the Committees on Appropriations of
9 the Senate and the House of Representatives for the
10 respective appropriations; and

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

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

21 (TRANSFER OF FUNDS)

22 SEC. 8007. During the current fiscal year, cash bal-
23 ances in working capital funds of the Department of De-
24 fense established pursuant to section 2208 of title 10,
25 United States Code, may be maintained in only such
26 amounts as are necessary at any time for cash disburse-

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

17 SEC. 8008. Funds appropriated by this Act may not
18 be used to initiate a special access program without prior
19 notification 30 calendar days in advance to the congres-
20 sional defense committees.

21 SEC. 8009. None of the funds provided in this Act
22 shall be available to initiate: (1) a multiyear contract that
23 employs economic order quantity procurement in excess of
24 \$20,000,000 in any 1 year of the contract or that includes
25 an unfunded contingent liability in excess of \$20,000,000;

1 or (2) a contract for advance procurement leading to a
2 multiyear contract that employs economic order quantity
3 procurement in excess of \$20,000,000 in any 1 year, un-
4 less the congressional defense committees have been noti-
5 fied at least 30 days in advance of the proposed contract
6 award: *Provided*, That no part of any appropriation con-
7 tained in this Act shall be available to initiate a multiyear
8 contract for which the economic order quantity advance
9 procurement is not funded at least to the limits of the
10 Government's liability: *Provided further*, That no part of
11 any appropriation contained in this Act shall be available
12 to initiate multiyear procurement contracts for any sys-
13 tems or component thereof if the value of the multiyear
14 contract would exceed \$500,000,000 unless specifically
15 provided in this Act: *Provided further*, That no multiyear
16 procurement contract can be terminated without 10-day
17 prior notification to the congressional defense committees:
18 *Provided further*, That the execution of multiyear author-
19 ity shall require the use of a present value analysis to de-
20 termine lowest cost compared to an annual procurement:
21 *Provided further*, That none of the funds provided in this
22 Act may be used for a multiyear contract executed after
23 the date of the enactment of this Act unless in the case
24 of any such contract—

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

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

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

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

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

1 Army CH-47 Chinook Helicopter; M1A2 Abrams
2 System Enhancement Package upgrades; M2A3/M3A3
3 Bradley upgrades; and SSN Virginia Class Submarine.

4 SEC. 8010. Within the funds appropriated for the op-
5 eration and maintenance of the Armed Forces, funds are
6 hereby appropriated pursuant to section 401 of title 10,
7 United States Code, for humanitarian and civic assistance
8 costs under chapter 20 of title 10, United States Code.
9 Such funds may also be obligated for humanitarian and
10 civic assistance costs incidental to authorized operations
11 and pursuant to authority granted in section 401 of chap-
12 ter 20 of title 10, United States Code, and these obliga-
13 tions shall be reported as required by section 401(d) of
14 title 10, United States Code: *Provided*, That funds avail-
15 able for operation and maintenance shall be available for
16 providing humanitarian and similar assistance by using
17 Civic Action Teams in the Trust Territories of the Pacific
18 Islands and freely associated states of Micronesia, pursu-
19 ant to the Compact of Free Association as authorized by
20 Public Law 99-239: *Provided further*, That upon a deter-
21 mination by the Secretary of the Army that such action
22 is beneficial for graduate medical education programs con-
23 ducted at Army medical facilities located in Hawaii, the
24 Secretary of the Army may authorize the provision of med-
25 ical services at such facilities and transportation to such

1 facilities, on a nonreimbursable basis, for civilian patients
2 from American Samoa, the Commonwealth of the North-
3 ern Mariana Islands, the Marshall Islands, the Federated
4 States of Micronesia, Palau, and Guam.

5 SEC. 8011. (a) During fiscal year 2008, the civilian
6 personnel of the Department of Defense may not be man-
7 aged on the basis of any end-strength, and the manage-
8 ment of such personnel during that fiscal year shall not
9 be subject to any constraint or limitation (known as an
10 end-strength) on the number of such personnel who may
11 be employed on the last day of such fiscal year.

12 (b) The fiscal year 2009 budget request for the De-
13 partment of Defense as well as all justification material
14 and other documentation supporting the fiscal year 2009
15 Department of Defense budget request shall be prepared
16 and submitted to the Congress as if subsections (a) and
17 (b) of this provision were effective with regard to fiscal
18 year 2009.

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

21 SEC. 8012. None of the funds made available by this
22 Act shall be used in any way, directly or indirectly, to in-
23 fluence congressional action on any legislation or appro-
24 priation matters pending before the Congress.

1 SEC. 8013. None of the funds appropriated by this
2 Act shall be available for the basic pay and allowances of
3 any member of the Army participating as a full-time stu-
4 dent and receiving benefits paid by the Secretary of Vet-
5 erans Affairs from the Department of Defense Education
6 Benefits Fund when time spent as a full-time student is
7 credited toward completion of a service commitment: *Pro-*
8 *vided*, That this section shall not apply to those members
9 who have reenlisted with this option prior to October 1,
10 1987: *Provided further*, That this section applies only to
11 active components of the Army.

12 SEC. 8014. (a) LIMITATION ON CONVERSION TO
13 CONTRACTOR PERFORMANCE.—None of the funds appro-
14 priated by this Act shall be available to convert to con-
15 tractor performance an activity or function of the Depart-
16 ment of Defense that, on or after the date of the enact-
17 ment of this Act, is performed by more than 10 Depart-
18 ment of Defense civilian employees unless—

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

23 (2) the Competitive Sourcing Official deter-
24 mines that, over all performance periods stated in
25 the solicitation of offers for performance of the ac-

1 activity or function, the cost of performance of the ac-
2 tivity or function by a contractor would be less costly
3 to the Department of Defense by an amount that
4 equals or exceeds the lesser of—

5 (A) 10 percent of the most efficient organi-
6 zation's personnel-related costs for performance
7 of that activity or function by Federal employ-
8 ees; or

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

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

13 (A) not making an employer-sponsored
14 health insurance plan available to the workers
15 who are to be employed in the performance of
16 that activity or function under the contract; or

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

24 (b) EXCEPTIONS.—

1 (1) The Department of Defense, without regard
2 to subsection (a) of this section or subsection (a),
3 (b), or (c) of section 2461 of title 10, United States
4 Code, and notwithstanding any administrative regu-
5 lation, requirement, or policy to the contrary shall
6 have full authority to enter into a contract for the
7 performance of any commercial or industrial type
8 function of the Department of Defense that—

9 (A) is included on the procurement list es-
10 tablished pursuant to section 2 of the Javits-
11 Wagner-O’Day Act (41 U.S.C. 47);

12 (B) is planned to be converted to perform-
13 ance by a qualified nonprofit agency for the
14 blind or by a qualified nonprofit agency for
15 other severely handicapped individuals in ac-
16 cordance with that Act; or

17 (C) is planned to be converted to perform-
18 ance by a qualified firm under at least 51 per-
19 cent ownership by an Indian tribe, as defined in
20 section 4(e) of the Indian Self-Determination
21 and Education Assistance Act (25 U.S.C.
22 450b(e)), or a Native Hawaiian Organization,
23 as defined in section 8(a)(15) of the Small
24 Business Act (15 U.S.C. 637(a)(15)).

1 (and its departments and agencies) of welded shipboard
2 anchor and mooring chain 4 inches in diameter and under
3 unless the anchor and mooring chain are manufactured
4 in the United States from components which are substan-
5 tially manufactured in the United States: *Provided*, That
6 for the purpose of this section manufactured will include
7 cutting, heat treating, quality control, testing of chain and
8 welding (including the forging and shot blasting process):
9 *Provided further*, That for the purpose of this section sub-
10 stantially all of the components of anchor and mooring
11 chain shall be considered to be produced or manufactured
12 in the United States if the aggregate cost of the compo-
13 nents produced or manufactured in the United States ex-
14 ceeds the aggregate cost of the components produced or
15 manufactured outside the United States: *Provided further*,
16 That when adequate domestic supplies are not available
17 to meet Department of Defense requirements on a timely
18 basis, the Secretary of the service responsible for the pro-
19 curement may waive this restriction on a case-by-case
20 basis by certifying in writing to the Committees on Appro-
21 priations that such an acquisition must be made in order
22 to acquire capability for national security purposes.

23 SEC. 8017. None of the funds available to the De-
24 partment of Defense may be used to demilitarize or dis-

1 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
2 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

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

12 SEC. 8019. In addition to the funds provided else-
13 where in this Act, \$8,000,000 is appropriated only for in-
14 centive payments authorized by section 504 of the Indian
15 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That
16 a prime contractor or a subcontractor at any tier that
17 makes a subcontract award to any subcontractor or sup-
18 plier as defined in section 1544 of title 25, United States
19 Code, or a small business owned and controlled by an indi-
20 vidual or individuals defined under section 4221(9) of title
21 25, United States Code, shall be considered a contractor
22 for the purposes of being allowed additional compensation
23 under section 504 of the Indian Financing Act of 1974
24 (25 U.S.C. 1544) whenever the prime contract or sub-
25 contract amount is over \$500,000 and involves the ex-

1 penditure of funds appropriated by an Act making Appro-
2 priations for the Department of Defense with respect to
3 any fiscal year: *Provided further*, That notwithstanding
4 section 430 of title 41, United States Code, this section
5 shall be applicable to any Department of Defense acquisi-
6 tion of supplies or services, including any contract and any
7 subcontract at any tier for acquisition of commercial items
8 produced or manufactured, in whole or in part by any sub-
9 contractor or supplier defined in section 1544 of title 25,
10 United States Code, or a small business owned and con-
11 trolled by an individual or individuals defined under sec-
12 tion 4221(9) of title 25, United States Code.

13 SEC. 8020. None of the funds appropriated by this
14 Act shall be available to perform any cost study pursuant
15 to the provisions of OMB Circular A-76 if the study being
16 performed exceeds a period of 24 months after initiation
17 of such study with respect to a single function activity or
18 30 months after initiation of such study for a multi-func-
19 tion activity.

20 SEC. 8021. Funds appropriated by this Act for the
21 American Forces Information Service shall not be used for
22 any national or international political or psychological ac-
23 tivities.

24 SEC. 8022. During the current fiscal year, the De-
25 partment of Defense is authorized to incur obligations of

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

8 SEC. 8023. (a) Of the funds made available in this
9 Act, not less than \$31,355,000 shall be available for the
10 Civil Air Patrol Corporation, of which—

11 (1) \$23,753,000 shall be available from “Oper-
12 ation and Maintenance, Air Force” to support Civil
13 Air Patrol Corporation operation and maintenance,
14 readiness, counterdrug activities, and drug demand
15 reduction activities involving youth programs;

16 (2) \$6,727,000 shall be available from “Aircraft
17 Procurement, Air Force”; and

18 (3) \$875,000 shall be available from “Other
19 Procurement, Air Force” for vehicle procurement.

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

24 SEC. 8024. (a) None of the funds appropriated in this
25 Act are available to establish a new Department of De-

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

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

19 (c) Notwithstanding any other provision of law, none
20 of the funds available to the department from any source
21 during fiscal year 2008 may be used by a defense FFRDC,
22 through a fee or other payment mechanism, for construc-
23 tion of new buildings, for payment of cost sharing for
24 projects funded by Government grants, for absorption of
25 contract overruns, or for certain charitable contributions,

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

3 (d) Notwithstanding any other provision of law, of
4 the funds available to the department during fiscal year
5 2008, not more than 5,517 staff years of technical effort
6 (staff years) may be funded for defense FFRDCs: *Pro-*
7 *vided*, That this subsection shall not apply to staff years
8 funded in the National Intelligence Program (NIP) and
9 the Military Intelligence Program (MIP).

10 (e) The Secretary of Defense shall, with the submis-
11 sion of the department's fiscal year 2009 budget request,
12 submit a report presenting the specific amounts of staff
13 years of technical effort to be allocated for each defense
14 FFRDC during that fiscal year.

15 (f) Notwithstanding any other provision of this Act,
16 the total amount appropriated in this Act for FFRDCs
17 is hereby reduced by \$57,725,000.

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

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

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

22 SEC. 8027. During the current fiscal year, the De-
23 partment of Defense may acquire the modification, depot
24 maintenance and repair of aircraft, vehicles and vessels
25 as well as the production of components and other De-

1 fense-related articles, through competition between De-
2 partment of Defense depot maintenance activities and pri-
3 vate firms: *Provided*, That the Senior Acquisition Execu-
4 tive of the military department or Defense Agency con-
5 cerned, with power of delegation, shall certify that success-
6 ful bids include comparable estimates of all direct and in-
7 direct costs for both public and private bids: *Provided fur-*
8 *ther*, That Office of Management and Budget Circular A-
9 76 shall not apply to competitions conducted under this
10 section.

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

21 (2) An agreement referred to in paragraph (1) is any
22 reciprocal defense procurement memorandum of under-
23 standing, between the United States and a foreign country
24 pursuant to which the Secretary of Defense has prospec-

1 tively waived the Buy American Act for certain products
2 in that country.

3 (b) The Secretary of Defense shall submit to the Con-
4 gress a report on the amount of Department of Defense
5 purchases from foreign entities in fiscal year 2008. Such
6 report shall separately indicate the dollar value of items
7 for which the Buy American Act was waived pursuant to
8 any agreement described in subsection (a)(2), the Trade
9 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
10 international agreement to which the United States is a
11 party.

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

18 SEC. 8029. Notwithstanding any other provision of
19 law, funds available during the current fiscal year and
20 hereafter for “Drug Interdiction and Counter-Drug Activi-
21 ties, Defense” may be obligated for the Young Marines
22 program.

23 SEC. 8030. During the current fiscal year, amounts
24 contained in the Department of Defense Overseas Military
25 Facility Investment Recovery Account established by sec-

1 tion 2921(c)(1) of the National Defense Authorization Act
2 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
3 be available until expended for the payments specified by
4 section 2921(c)(2) of that Act.

5 SEC. 8031. (a) Notwithstanding any other provision
6 of law, the Secretary of the Air Force may convey at no
7 cost to the Air Force, without consideration, to Indian
8 tribes located in the States of North Dakota, South Da-
9 kota, Montana, and Minnesota relocatable military hous-
10 ing units located at Grand Forks Air Force Base and
11 Minot Air Force Base that are excess to the needs of the
12 Air Force.

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

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

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

7 SEC. 8032. During the current fiscal year, appropria-
8 tions which are available to the Department of Defense
9 for operation and maintenance may be used to purchase
10 items having an investment item unit cost of not more
11 than \$250,000: *Provided*, That upon determination by the
12 Secretary of Defense that such action is necessary to meet
13 the operational requirements of a Commander of a Com-
14 batant Command engaged in contingency operations over-
15 seas, such funds may be used to purchase items having
16 an investment item unit cost of not more than \$500,000.

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

1 during fiscal year 1994 and if the purchase of such an
2 investment item would be chargeable during the current
3 fiscal year to appropriations made to the Department of
4 Defense for procurement.

5 (b) The fiscal year 2009 budget request for the De-
6 partment of Defense as well as all justification material
7 and other documentation supporting the fiscal year 2009
8 Department of Defense budget shall be prepared and sub-
9 mitted to the Congress on the basis that any equipment
10 which was classified as an end item and funded in a pro-
11 curement appropriation contained in this Act shall be
12 budgeted for in a proposed fiscal year 2009 procurement
13 appropriation and not in the supply management business
14 area or any other area or category of the Department of
15 Defense Working Capital Funds.

16 SEC. 8034. None of the funds appropriated by this
17 Act for programs of the Central Intelligence Agency shall
18 remain available for obligation beyond the current fiscal
19 year, except for funds appropriated for the Reserve for
20 Contingencies, which shall remain available until Sep-
21 tember 30, 2009: *Provided*, That funds appropriated,
22 transferred, or otherwise credited to the Central Intel-
23 ligence Agency Central Services Working Capital Fund
24 during this or any prior or subsequent fiscal year shall
25 remain available until expended: *Provided further*, That

1 any funds appropriated or transferred to the Central Intel-
2 ligence Agency for advanced research and development ac-
3 quisition, for agent operations, and for covert action pro-
4 grams authorized by the President under section 503 of
5 the National Security Act of 1947, as amended, shall re-
6 main available until September 30, 2009.

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

14 SEC. 8036. Of the funds made available in this Act
15 under the heading “Defense Production Act Purchases”,
16 not less than \$23,000,000 shall be made available for the
17 competitive, domestic expansion of essential vacuum in-
18 duction melting furnace capacity and vacuum arc re-
19 melting furnace capacity for military aerospace and other
20 defense applications: *Provided*, That the operator must be
21 experienced and qualified in the production of iron-based
22 vacuum induction melting steel and vacuum arc remelting
23 steel: *Provided further*, That the facility must be owned
24 and operated by an approved supplier to the military de-

1 partments and to defense industry original equipment
2 manufacturers.

3 SEC. 8037. (a) None of the funds appropriated in this
4 Act may be expended by an entity of the Department of
5 Defense unless the entity, in expending the funds, com-
6 plies with the Buy American Act. For purposes of this
7 subsection, the term “Buy American Act” means title III
8 of the Act entitled “An Act making appropriations for the
9 Treasury and Post Office Departments for the fiscal year
10 ending June 30, 1934, and for other purposes”, approved
11 March 3, 1933 (41 U.S.C. 10a et seq.).

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

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

1 competitive, quality-competitive, and available in a timely
2 fashion.

3 SEC. 8038. None of the funds appropriated by this
4 Act shall be available for a contract for studies, analysis,
5 or consulting services entered into without competition on
6 the basis of an unsolicited proposal unless the head of the
7 activity responsible for the procurement determines—

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

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

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

1 Senate, determines that the award of such contract
2 is in the interest of the national defense.

3 SEC. 8039. (a) Except as provided in subsection (b)
4 and (c), none of the funds made available by this Act may
5 be used—

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

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

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

19 (c) This section does not apply to—

20 (1) field operating agencies funded within the
21 National Intelligence Program; or

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

1 tary (civilian) technicians of the Army National Guard,
2 Air National Guard, Army Reserve and Air Force Reserve
3 for the purpose of applying any administratively imposed
4 civilian personnel ceiling, freeze, or reduction on military
5 (civilian) technicians, unless such reductions are a direct
6 result of a reduction in military force structure.

7 SEC. 8043. None of the funds appropriated or other-
8 wise made available in this Act may be obligated or ex-
9 pended for assistance to the Democratic People's Republic
10 of Korea unless specifically appropriated for that purpose.

11 SEC. 8044. Funds appropriated in this Act for oper-
12 ation and maintenance of the Military Departments, Com-
13 batant Commands and Defense Agencies shall be available
14 for reimbursement of pay, allowances and other expenses
15 which would otherwise be incurred against appropriations
16 for the National Guard and Reserve when members of the
17 National Guard and Reserve provide intelligence or coun-
18 terintelligence support to Combatant Commands, Defense
19 Agencies and Joint Intelligence Activities, including the
20 activities and programs included within the National Intel-
21 ligence Program and the Military Intelligence Program:
22 *Provided*, That nothing in this section authorizes deviation
23 from established Reserve and National Guard personnel
24 and training procedures.

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

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

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

21 SEC. 8047. None of the funds appropriated by this
22 Act may be used for the procurement of ball and roller
23 bearings other than those produced by a domestic source
24 and of domestic origin: *Provided*, That the Secretary of
25 the military department responsible for such procurement

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

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

20 SEC. 8049. None of the funds made available in this
21 or any other Act may be used to pay the salary of any
22 officer or employee of the Department of Defense who ap-
23 proves or implements the transfer of administrative re-
24 sponsibilities or budgetary resources of any program,
25 project, or activity financed by this Act to the jurisdiction

1 of another Federal agency not financed by this Act with-
2 out the express authorization of the Congress: *Provided*,
3 That this limitation shall not apply to transfers of funds
4 expressly provided for in Defense Appropriations Acts, or
5 provisions of Acts providing supplemental appropriations
6 for the Department of Defense.

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

18 (b) This section applies to—

19 (1) any international peacekeeping or peace-en-
20 forcement operation under the authority of chapter
21 VI or chapter VII of the United Nations Charter
22 under the authority of a United Nations Security
23 Council resolution; and

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

1 (c) A notice under subsection (a) shall include the
2 following:

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

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

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

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

14 (B) a statement of whether the items pro-
15 posed to be transferred will have to be replaced
16 and, if so, how the President proposes to pro-
17 vide funds for such replacement.

18 SEC. 8051. None of the funds available to the De-
19 partment of Defense under this Act shall be obligated or
20 expended to pay a contractor under a contract with the
21 Department of Defense for costs of any amount paid by
22 the contractor to an employee when—

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

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

3 (INCLUDING TRANSFER OF FUNDS)

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

15 SEC. 8053. During the current fiscal year, in the case
16 of an appropriation account of the Department of Defense
17 for which the period of availability for obligation has ex-
18 pired or which has closed under the provisions of section
19 1552 of title 31, United States Code, and which has a
20 negative unliquidated or unexpended balance, an obliga-
21 tion or an adjustment of an obligation may be charged
22 to any current appropriation account for the same purpose
23 as the expired or closed account if—

24 (1) the obligation would have been properly
25 chargeable (except as to amount) to the expired or

1 closed account before the end of the period of avail-
2 ability or closing of that account;

3 (2) the obligation is not otherwise properly
4 chargeable to any current appropriation account of
5 the Department of Defense; and

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

22 SEC. 8054. (a) Notwithstanding any other provision
23 of law, the Chief of the National Guard Bureau may per-
24 mit the use of equipment of the National Guard Distance
25 Learning Project by any person or entity on a space-avail-

1 able, reimbursable basis. The Chief of the National Guard
2 Bureau shall establish the amount of reimbursement for
3 such use on a case-by-case basis.

4 (b) Amounts collected under subsection (a) shall be
5 credited to funds available for the National Guard Dis-
6 tance Learning Project and be available to defray the costs
7 associated with the use of equipment of the project under
8 that subsection. Such funds shall be available for such
9 purposes without fiscal year limitation.

10 SEC. 8055. Using funds available by this Act or any
11 other Act, the Secretary of the Air Force, pursuant to a
12 determination under section 2690 of title 10, United
13 States Code, may implement cost-effective agreements for
14 required heating facility modernization in the
15 Kaiserslautern Military Community in the Federal Repub-
16 lic of Germany: *Provided*, That in the City of
17 Kaiserslautern such agreements will include the use of
18 United States anthracite as the base load energy for mu-
19 nicipal district heat to the United States Defense installa-
20 tions: *Provided further*, That at Landstuhl Army Regional
21 Medical Center and Ramstein Air Base, furnished heat
22 may be obtained from private, regional or municipal serv-
23 ices, if provisions are included for the consideration of
24 United States coal as an energy source.

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

15 SEC. 8057. Notwithstanding any other provision of
16 law, funds available to the Department of Defense in this
17 Act shall be made available to provide transportation of
18 medical supplies and equipment, on a nonreimbursable
19 basis, to American Samoa, and funds available to the De-
20 partment of Defense shall be made available to provide
21 transportation of medical supplies and equipment, on a
22 nonreimbursable basis, to the Indian Health Service when
23 it is in conjunction with a civil-military project.

1 SEC. 8058. None of the funds made available in this
2 Act may be used to approve or license the sale of the F–
3 22A advanced tactical fighter to any foreign government.

4 SEC. 8059. (a) The Secretary of Defense may, on a
5 case-by-case basis, waive with respect to a foreign country
6 each limitation on the procurement of defense items from
7 foreign sources provided in law if the Secretary determines
8 that the application of the limitation with respect to that
9 country would invalidate cooperative programs entered
10 into between the Department of Defense and the foreign
11 country, or would invalidate reciprocal trade agreements
12 for the procurement of defense items entered into under
13 section 2531 of title 10, United States Code, and the
14 country does not discriminate against the same or similar
15 defense items produced in the United States for that coun-
16 try.

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

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

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

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

9 SEC. 8060. (a) None of the funds made available by
10 this Act may be used to support any training program in-
11 volving a unit of the security forces of a foreign country
12 if the Secretary of Defense has received credible informa-
13 tion from the Department of State that the unit has com-
14 mitted a gross violation of human rights, unless all nec-
15 essary corrective steps have been taken.

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

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

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

9 SEC. 8061. None of the funds appropriated or made
10 available in this Act to the Department of the Navy shall
11 be used to develop, lease or procure the T-AKE class of
12 ships unless the main propulsion diesel engines and
13 propulsors are manufactured in the United States by a
14 domestically operated entity: *Provided*, That the Secretary
15 of Defense may waive this restriction on a case-by-case
16 basis by certifying in writing to the Committees on Appro-
17 priations of the House of Representatives and the Senate
18 that adequate domestic supplies are not available to meet
19 Department of Defense requirements on a timely basis
20 and that such an acquisition must be made in order to
21 acquire capability for national security purposes or there
22 exists a significant cost or quality difference.

23 SEC. 8062. None of the funds appropriated or other-
24 wise made available by this or other Department of De-
25 fense Appropriations Acts may be obligated or expended

1 for the purpose of performing repairs or maintenance to
2 military family housing units of the Department of De-
3 fense, including areas in such military family housing
4 units that may be used for the purpose of conducting offi-
5 cial Department of Defense business.

6 SEC. 8063. Notwithstanding any other provision of
7 law or this Act, funds appropriated in this Act under the
8 heading “Research, Development, Test and Evaluation,
9 Defense-Wide” for any new start joint concept technology
10 demonstration project may only be obligated 30 days after
11 a report, including a description of the project, the
12 planned acquisition and transition strategy and its esti-
13 mated annual and total cost, has been provided in writing
14 to the congressional defense committees: *Provided*, That
15 the Secretary of Defense may waive this restriction on a
16 case-by-case basis by certifying to the congressional de-
17 fense committees that it is in the national interest to do
18 so.

19 SEC. 8064. The Secretary of Defense shall provide
20 a classified quarterly report beginning 30 days after enact-
21 ment of this Act, to the House and Senate Appropriations
22 Committees, Subcommittees on Defense on certain mat-
23 ters as directed in the classified annex accompanying this
24 Act.

1 SEC. 8065. Beginning in the current fiscal year and
2 thereafter, refunds attributable to the use of the Govern-
3 ment travel card, refunds attributable to the use of the
4 Government Purchase Card and refunds attributable to
5 official Government travel arranged by Government Con-
6 tracted Travel Management Centers may be credited to
7 operation and maintenance, and research, development,
8 test and evaluation accounts of the Department of Defense
9 which are current when the refunds are received.

10 SEC. 8066. (a) REGISTERING FINANCIAL MANAGE-
11 MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD
12 CHIEF INFORMATION OFFICER.—None of the funds ap-
13 propriated in this Act may be used for a mission critical
14 or mission essential financial management information
15 technology system (including a system funded by the de-
16 fense working capital fund) that is not registered with the
17 Chief Information Officer of the Department of Defense.
18 A system shall be considered to be registered with that
19 officer upon the furnishing to that officer of notice of the
20 system, together with such information concerning the
21 system as the Secretary of Defense may prescribe. A fi-
22 nancial management information technology system shall
23 be considered a mission critical or mission essential infor-
24 mation technology system as defined by the Under Sec-
25 retary of Defense (Comptroller).

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

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

18 (2) The Chief Information Officer shall provide
19 the congressional defense committees timely notifica-
20 tion of certifications under paragraph (1).

21 (c) CERTIFICATIONS AS TO COMPLIANCE WITH
22 CLINGER-COHEN ACT.—

23 (1) During the current fiscal year, a major
24 automated information system may not receive Mile-
25 stone A approval, Milestone B approval, or full rate

1 production approval, or their equivalent, within the
2 Department of Defense until the Chief Information
3 Officer certifies, with respect to that milestone, that
4 the system is being developed in accordance with the
5 Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.).
6 The Chief Information Officer may require addi-
7 tional certifications, as appropriate, with respect to
8 any such system.

9 (2) The Chief Information Officer shall provide
10 the congressional defense committees timely notifica-
11 tion of certifications under paragraph (1). Each
12 such notification shall include a statement con-
13 firming that the following steps have been taken
14 with respect to the system:

15 (A) Business process reengineering.

16 (B) An analysis of alternatives.

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

19 (D) Performance measures.

20 (E) An information assurance strategy
21 consistent with the Department's Global Infor-
22 mation Grid.

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

24 (1) The term “Chief Information Officer”
25 means the senior official of the Department of De-

1 fense designated by the Secretary of Defense pursu-
2 ant to section 3506 of title 44, United States Code.

3 (2) The term “information technology system”
4 has the meaning given the term “information tech-
5 nology” in section 5002 of the Clinger-Cohen Act of
6 1996 (40 U.S.C. 1401).

7 SEC. 8067. During the current fiscal year, none of
8 the funds available to the Department of Defense may be
9 used to provide support to another department or agency
10 of the United States if such department or agency is more
11 than 90 days in arrears in making payment to the Depart-
12 ment of Defense for goods or services previously provided
13 to such department or agency on a reimbursable basis:
14 *Provided*, That this restriction shall not apply if the de-
15 partment is authorized by law to provide support to such
16 department or agency on a nonreimbursable basis, and is
17 providing the requested support pursuant to such author-
18 ity: *Provided further*, That the Secretary of Defense may
19 waive this restriction on a case-by-case basis by certifying
20 in writing to the Committees on Appropriations of the
21 House of Representatives and the Senate that it is in the
22 national security interest to do so.

23 SEC. 8068. Notwithstanding section 12310(b) of title
24 10, United States Code, a Reserve who is a member of
25 the National Guard serving on full-time National Guard

1 duty under section 502(f) of title 32, United States Code,
2 may perform duties in support of the ground-based ele-
3 ments of the National Ballistic Missile Defense System.

4 SEC. 8069. None of the funds provided in this Act
5 may be used to transfer to any nongovernmental entity
6 ammunition held by the Department of Defense that has
7 a center-fire cartridge and a United States military no-
8 menclature designation of “armor penetrator”, “armor
9 piercing (AP)”, “armor piercing incendiary (API)”, or
10 “armor-piercing incendiary-tracer (API-T)”, except to an
11 entity performing demilitarization services for the Depart-
12 ment of Defense under a contract that requires the entity
13 to demonstrate to the satisfaction of the Department of
14 Defense that armor piercing projectiles are either: (1) ren-
15 dered incapable of reuse by the demilitarization process;
16 or (2) used to manufacture ammunition pursuant to a con-
17 tract with the Department of Defense or the manufacture
18 of ammunition for export pursuant to a License for Per-
19 manent Export of Unclassified Military Articles issued by
20 the Department of State.

21 SEC. 8070. Notwithstanding any other provision of
22 law, the Chief of the National Guard Bureau, or his des-
23 ignee, may waive payment of all or part of the consider-
24 ation that otherwise would be required under section 2667
25 of title 10, United States Code, in the case of a lease of

1 personal property for a period not in excess of one year
2 to any organization specified in section 508(d) of title 32,
3 United States Code, or any other youth, social, or fra-
4 ternal non-profit organization as may be approved by the
5 Chief of the National Guard Bureau, or his designee, on
6 a case-by-case basis.

7 SEC. 8071. None of the funds appropriated by this
8 Act shall be used for the support of any nonappropriated
9 funds activity of the Department of Defense that procures
10 malt beverages and wine with nonappropriated funds for
11 resale (including such alcoholic beverages sold by the
12 drink) on a military installation located in the United
13 States unless such malt beverages and wine are procured
14 within that State, or in the case of the District of Colum-
15 bia, within the District of Columbia, in which the military
16 installation is located: *Provided*, That in a case in which
17 the military installation is located in more than one State,
18 purchases may be made in any State in which the installa-
19 tion is located: *Provided further*, That such local procure-
20 ment requirements for malt beverages and wine shall
21 apply to all alcoholic beverages only for military installa-
22 tions in States which are not contiguous with another
23 State: *Provided further*, That alcoholic beverages other
24 than wine and malt beverages, in contiguous States and

1 the District of Columbia shall be procured from the most
2 competitive source, price and other factors considered.

3 SEC. 8072. Funds available to the Department of De-
4 fense for the Global Positioning System during the current
5 fiscal year may be used to fund civil requirements associ-
6 ated with the satellite and ground control segments of
7 such system's modernization program.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8073. Of the amounts appropriated in this Act
10 under the heading "Operation and Maintenance, Army",
11 \$34,500,000 shall remain available until expended: *Pro-*
12 *vided*, That notwithstanding any other provision of law,
13 the Secretary of Defense is authorized to transfer such
14 funds to other activities of the Federal Government: *Pro-*
15 *vided further*, That the Secretary of Defense is authorized
16 to enter into and carry out contracts for the acquisition
17 of real property, construction, personal services, and oper-
18 ations related to projects carrying out the purposes of this
19 section: *Provided further*, That contracts entered into
20 under the authority of this section may provide for such
21 indemnification as the Secretary determines to be nec-
22 essary: *Provided further*, That projects authorized by this
23 section shall comply with applicable Federal, State, and
24 local law to the maximum extent consistent with the na-
25 tional security, as determined by the Secretary of Defense.

1 SEC. 8074. Section 8106 of the Department of De-
2 fense Appropriations Act, 1997 (titles I through VIII of
3 the matter under subsection 101(b) of Public Law 104-
4 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-
5 tinue in effect to apply to disbursements that are made
6 by the Department of Defense in fiscal year 2008.

7 SEC. 8075. In addition to amounts provided else-
8 where in this Act, \$15,000,000 is hereby appropriated to
9 the Department of Defense, to remain available for obliga-
10 tion until expended: *Provided*, That notwithstanding any
11 other provision of law, these funds shall be available only
12 for a grant to the Fisher House Foundation, Inc., only
13 for the construction and furnishing of additional Fisher
14 Houses to meet the needs of military family members
15 when confronted with the illness or hospitalization of an
16 eligible military beneficiary.

17 SEC. 8076. (a) The Secretary of Defense, in coordi-
18 nation with the Secretary of Health and Human Services,
19 may carry out a program to distribute surplus dental and
20 medical equipment of the Department of Defense, at no
21 cost to the Department of Defense, to Indian Health Serv-
22 ice facilities and to federally-qualified health centers (with-
23 in the meaning of section 1905(l)(2)(B) of the Social Se-
24 curity Act (42 U.S.C. 1396d(l)(2)(B))).

1 (b) In carrying out this provision, the Secretary of
2 Defense shall give the Indian Health Service a property
3 disposal priority equal to the priority given to the Depart-
4 ment of Defense and its twelve special screening programs
5 in distribution of surplus dental and medical supplies and
6 equipment.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 8077. Of the amounts appropriated in this Act
9 under the heading “Research, Development, Test and
10 Evaluation, Defense-Wide”, \$150,572,000 shall be for the
11 Arrow missile defense program: *Provided*, That of this
12 amount, \$37,383,000 shall be for the purpose of pro-
13 ducing Arrow missile components in the United States and
14 Arrow missile components and missiles in Israel to meet
15 Israel’s defense requirements, consistent with each na-
16 tion’s laws, regulations and procedures; \$26,000,000 shall
17 be available for the Short Range Ballistic Missile Defense
18 (SRBMD) program; and, \$26,000,000 shall be available
19 only for risk mitigation and preliminary design activities
20 for an upper-tier component to the Israeli Missile Defense
21 Architecture: *Provided further*, That funds made available
22 under this provision for production of missiles and missile
23 components may be transferred to appropriations available
24 for the procurement of weapons and equipment, to be
25 merged with and to be available for the same time period
26 and the same purposes as the appropriation to which

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

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8078. Of the amounts appropriated in this Act
6 under the heading “Shipbuilding and Conversion, Navy”,
7 \$511,474,000 shall be available until September 30, 2008,
8 to fund prior year shipbuilding cost increases: *Provided*,
9 That upon enactment of this Act, the Secretary of the
10 Navy shall transfer such funds to the following appropria-
11 tions in the amounts specified: *Provided further*, That the
12 amounts transferred shall be merged with and be available
13 for the same purposes as the appropriations to which
14 transferred:

15 To:

16 Under the heading “Shipbuilding and Conversion,
17 Navy, 2001/2008”:

18 Carrier Replacement Program, \$336,475,000;

19 Under the heading “Shipbuilding and Conversion,
20 Navy, 2002/2008”:

21 New SSN, \$45,000,000;

22 Under the heading “Shipbuilding and Conversion,
23 Navy, 2003/2008”:

24 New SSN, \$40,000,000;

25 Under the heading “Shipbuilding and Conversion,
26 Navy, 2004/2008”:

1 New SSN, \$24,000,000; and

2 Under the heading “Shipbuilding and Conversion,
3 Navy, 2005/2009”:

4 LPD–17 Amphibious Transport Dock Ship
5 Program, \$65,999,000.

6 SEC. 8079. Notwithstanding any other provision of
7 law or regulation, the Secretary of Defense may exercise
8 the provisions of section 7403(g) of title 38, United States
9 Code, for occupations listed in section 7403(a)(2) of title
10 38, United States Code, as well as the following:

11 Pharmacists, Audiologists, Psychologists, Psychology
12 Aides and Technicians, Social Workers, Social Services
13 Assistants and Dental Hygienists:

14 (A) The requirements of section 7403(g)(1)(A)
15 of title 38, United States Code, shall apply.

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

18 SEC. 8080. Funds appropriated by this Act, or made
19 available by the transfer of funds in this Act, for intel-
20 ligence activities are deemed to be specifically authorized
21 by the Congress for purposes of section 504 of the Na-
22 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
23 year 2008 until the enactment of the Intelligence Author-
24 ization Act for fiscal year 2008.

1 SEC. 8081. None of the funds provided in this Act
2 shall be available for obligation or expenditure through a
3 reprogramming of funds that creates or initiates a new
4 program, project, or activity unless such program, project,
5 or activity must be undertaken immediately in the interest
6 of national security and only after written prior notifica-
7 tion to the congressional defense committees.

8 SEC. 8082. (a) In addition to the amounts provided
9 elsewhere in this Act, the amount of \$990,000 is hereby
10 appropriated to the Department of Defense for “Oper-
11 ation and Maintenance, Army National Guard”. Such
12 amount shall be made available to the Secretary of the
13 Army only to make a grant in the amount of \$990,000
14 to the entity specified in subsection (b) to facilitate access
15 by veterans to opportunities for skilled employment in the
16 construction industry.

17 (b) The entity referred to in subsection (a) is the
18 Center for Military Recruitment, Assessment and Vet-
19 erans Employment, a nonprofit labor-management co-op-
20 eration committee provided for by section 302(c)(9) of the
21 Labor-Management Relations Act, 1947 (29 U.S.C.
22 186(c)(9)), for the purposes set forth in section 6(b) of
23 the Labor Management Cooperation Act of 1978 (29
24 U.S.C. 175a note).

1 SEC. 8083. The Department of Defense and the De-
2 partment of the Army shall make future budgetary and
3 programming plans to fully finance the Non-Line of Sight
4 Future Force cannon (NLOS-C) and a compatible large
5 caliber ammunition resupply capability for this system
6 supported by the Future Combat Systems (FCS) Brigade
7 Combat Team (BCT) in order to field this system in fiscal
8 year 2010: *Provided*, That the Army shall develop the
9 NLOS-C independent of the broader FCS development
10 timeline to achieve fielding by fiscal year 2010. In addition
11 the Army will deliver eight combat operational pre-produc-
12 tion NLOS-C systems by the end of calendar year 2008.
13 These systems shall be in addition to those systems nec-
14 essary for developmental and operational testing: *Provided*
15 *further*, That the Army shall ensure that budgetary and
16 programmatic plans will provide for no fewer than eight
17 Stryker Brigade Combat Teams.

18 SEC. 8084. In addition to the amounts appropriated
19 or otherwise made available elsewhere in this Act,
20 \$70,000,000 is hereby appropriated to the Department of
21 Defense: *Provided*, That the Secretary of Defense shall
22 make grants in the amounts specified as follows:
23 \$25,000,000 to the United Service Organizations;
24 \$25,000,000 to the Red Cross; \$5,000,000 for the SOAR
25 Virtual School District; \$3,500,000 for Harnett County/

1 Fort Bragg, North Carolina infrastructure improvements;
2 \$2,500,000 to The Presidio Trust; \$1,500,000 to the Na-
3 tional Bureau of Asian Research; \$6,000,000 to the Ja-
4 maica Bay Unit of Gateway National Recreation Area;
5 and, \$1,500,000 to the Red Cross Consolidated Blood
6 Services Facility.

7 SEC. 8085. The budget of the President for fiscal
8 year 2009 submitted to the Congress pursuant to section
9 1105 of title 31, United States Code, shall include sepa-
10 rate budget justification documents for the costs of United
11 States Armed Forces' named operations exceeding an esti-
12 mated cost of \$100,000,000 for the Military Personnel ac-
13 counts, the Operation and Maintenance accounts, and the
14 Procurement accounts: *Provided*, That these documents
15 shall include a description of the funding requested for
16 each named operation, for each military service, to include
17 all Active and Reserve components, and for each appro-
18 priations account: *Provided further*, That these documents
19 shall include estimated costs for each element of expense
20 or object class, a reconciliation of increases and decreases
21 for each named operation, and programmatic data includ-
22 ing, but not limited to, troop strength for each Active and
23 Reserve component, and estimates of the major weapons
24 systems deployed in support of each named operation: *Pro-*
25 *vided further*, That these documents shall include budget

1 exhibits OP-5 and OP-32 (as defined in the Department
2 of Defense Financial Management Regulation) for all
3 named operations for the budget year and the two pre-
4 ceding fiscal years.

5 SEC. 8086. None of the funds in this Act may be
6 used for research, development, test, evaluation, procure-
7 ment or deployment of nuclear armed interceptors of a
8 missile defense system.

9 SEC. 8087. None of the funds appropriated or made
10 available in this Act shall be used to reduce or disestablish
11 the operation of the 53rd Weather Reconnaissance Squad-
12 ron of the Air Force Reserve, if such action would reduce
13 the WC-130 Weather Reconnaissance mission below the
14 levels funded in this Act: *Provided*, That the Air Force
15 shall allow the 53rd Weather Reconnaissance Squadron to
16 perform other missions in support of national defense re-
17 quirements during the non-hurricane season.

18 SEC. 8088. None of the funds provided in this Act
19 shall be available for integration of foreign intelligence in-
20 formation unless the information has been lawfully col-
21 lected and processed during the conduct of authorized for-
22 eign intelligence activities: *Provided*, That information
23 pertaining to United States persons shall only be handled
24 in accordance with protections provided in the Fourth

1 Amendment of the United States Constitution as imple-
2 mented through Executive Order No. 12333.

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

8 (b) The Secretary of Defense may waive the require-
9 ments of subsection (a) in any case in which the Secretary
10 determines that it is necessary to do so to respond to a
11 national security emergency or to meet dire operational
12 requirements of the Armed Forces.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8090. The Secretary of Defense may transfer
15 funds from any available Department of the Navy appro-
16 priation to any available Navy ship construction appro-
17 priation for the purpose of liquidating necessary changes
18 resulting from inflation, market fluctuations, or rate ad-
19 justments for any ship construction program appropriated
20 in law: *Provided*, That the Secretary may transfer not to
21 exceed \$100,000,000 under the authority provided by this
22 section: *Provided further*, That the Secretary may not
23 transfer any funds until 30 days after the proposed trans-
24 fer has been reported to the Committees on Appropria-
25 tions of the House of Representatives and the Senate, un-
26 less a response from the Committees is received sooner:

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

4 SEC. 8091. For purposes of section 612 of title 41,
5 United States Code, any subdivision of appropriations
6 made under the heading “Shipbuilding and Conversion,
7 Navy” that is not closed at the time reimbursement is
8 made shall be available to reimburse the Judgment Fund
9 and shall be considered for the same purposes as any sub-
10 division under the heading “Shipbuilding and Conversion,
11 Navy” appropriations in the current fiscal year or any
12 prior fiscal year.

13 SEC. 8092. Hereafter, the Secretary of Defense may
14 present promotional materials, including a United States
15 flag, to any member of an Active or Reserve component
16 under the Secretary’s jurisdiction who, as determined by
17 the Secretary, participates in Operation Enduring Free-
18 dom or Operation Iraqi Freedom, along with other rec-
19 ognition items in conjunction with any week-long national
20 observation and day of national celebration, if established
21 by Presidential proclamation, for any such members re-
22 turning from such operations.

23 SEC. 8093. Notwithstanding any other provision of
24 this Act, to reflect savings from revised economic assump-
25 tions, the total amount appropriated in title II of this Act

1 is hereby reduced by \$126,787,000: *Provided*, That the
2 Secretary of Defense shall allocate this reduction propor-
3 tionally to each budget activity, activity group, subactivity
4 group, and each program, project, and activity, within
5 each appropriation account.

6 SEC. 8094. None of the funds appropriated by this
7 Act available for the Civilian Health and Medical Program
8 of the Uniformed Services (CHAMPUS) or TRICARE
9 shall be available for the reimbursement of any health care
10 provider for inpatient mental health service for care re-
11 ceived when a patient is referred to a provider of inpatient
12 mental health care or residential treatment care by a med-
13 ical or health care professional having an economic inter-
14 est in the facility to which the patient is referred: *Pro-*
15 *vided*, That this limitation does not apply in the case of
16 inpatient mental health services provided under the pro-
17 gram for persons with disabilities under subsection (d) of
18 section 1079 of title 10, United States Code, provided as
19 partial hospital care, or provided pursuant to a waiver au-
20 thorized by the Secretary of Defense because of medical
21 or psychological circumstances of the patient that are con-
22 firmed by a health professional who is not a Federal em-
23 ployee after a review, pursuant to rules prescribed by the
24 Secretary, which takes into account the appropriate level

1 of care for the patient, the intensity of services required
2 by the patient, and the availability of that care.

3 SEC. 8095. Notwithstanding any other provision of
4 law or regulation, the Secretary of Defense may adjust
5 wage rates for civilian employees hired for certain health
6 care occupations as authorized for the Secretary of Vet-
7 erans Affairs by section 7455 of title 38, United States
8 Code.

9 SEC. 8096. Appropriations available to the Depart-
10 ment of Defense for the purchase of heavy and light ar-
11 mored vehicles for force protection purposes may be used
12 for such purchase, up to a limit of \$250,000 per vehicle,
13 notwithstanding other limitations applicable to the pur-
14 chase of passenger carrying vehicles.

15 SEC. 8097. Supervision and administration costs as-
16 sociated with construction projects outside the United
17 States funded with appropriations available for operation
18 and maintenance, may be obligated at the time a construc-
19 tion contract is awarded: *Provided*, That for the purpose
20 of this section, supervision and administration costs in-
21 clude all in-house Government costs.

22 SEC. 8098. None of the funds appropriated by this
23 Act for programs of the Office of the Director of National
24 Intelligence shall remain available for obligation beyond
25 the current fiscal year, except for funds appropriated for

1 research and technology, which shall remain available until
2 September 30, 2009.

3 SEC. 8099. For purposes of section 1553(b) of title
4 31, United States Code, any subdivision of appropriations
5 made in this Act under the heading “Shipbuilding and
6 Conversion, Navy” shall be considered to be for the same
7 purpose as any subdivision under the heading “Ship-
8 building and Conversion, Navy” appropriations in any
9 prior fiscal year, and the one percent limitation shall apply
10 to the total amount of the appropriation.

11 SEC. 8100. Notwithstanding any other provision of
12 law, that not more than 35 percent of funds provided in
13 this Act for environmental remediation may be obligated
14 under indefinite delivery/indefinite quantity contracts with
15 a total contract value of \$130,000,000 or higher.

16 SEC. 8101. The Secretary of Defense shall create a
17 major force program category for space for the Future
18 Years Defense Program of the Department of Defense.
19 The Secretary of Defense shall designate an official in the
20 Office of the Secretary of Defense to provide overall super-
21 vision of the preparation and justification of program rec-
22 ommendations and budget proposals to be included in such
23 major force program category.

24 (INCLUDING TRANSFER OF FUNDS)

25 SEC. 8102. In addition to funds made available else-
26 where in this Act, there is hereby appropriated

1 \$200,000,000, to remain available until transferred: *Pro-*
2 *vided*, That these funds are appropriated to the “Tanker
3 Replacement Transfer Fund” (referred to as “the Fund”
4 elsewhere in this section): *Provided further*, That the Sec-
5 retary of the Air Force may transfer amounts in the Fund
6 to “Operation and Maintenance, Air Force”, “Aircraft
7 Procurement, Air Force”, and “Research, Development,
8 Test and Evaluation, Air Force”, only for the purposes
9 of proceeding with a tanker acquisition program: *Provided*
10 *further*, That funds transferred shall be merged with and
11 be available for the same purposes and for the same time
12 period as the appropriation or fund to which transferred:
13 *Provided further*, That this transfer authority is in addi-
14 tion to any other transfer authority available to the De-
15 partment of Defense: *Provided further*, That the Secretary
16 of the Air Force shall, not fewer than 15 days prior to
17 making transfers using funds provided in this section, no-
18 tify the congressional defense committees in writing of the
19 details of any such transfer: *Provided further*, That the
20 Secretary shall submit a report no later than 30 days after
21 the end of each fiscal quarter to the congressional defense
22 committees summarizing the details of the transfer of
23 funds from this appropriation.

24 SEC. 8103. None of the funds appropriated or other-
25 wise made available by this or any other Act shall be obli-

1 gated or expended by the United States Government for
2 a purpose as follows:

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

6 (2) To exercise United States control over any
7 oil resource of Iraq.

8 SEC. 8104. None of the funds made available in this
9 Act may be used in contravention of the following laws
10 enacted or regulations promulgated to implement the
11 United Nations Convention Against Torture and Other
12 Cruel, Inhuman or Degrading Treatment or Punishment
13 (done at New York on December 10, 1984):

14 (1) Section 2340A of title 18, United States
15 Code.

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

23 (3) Sections 1002 and 1003 of the Department
24 of Defense, Emergency Supplemental Appropriations
25 to Address Hurricanes in the Gulf of Mexico, and

1 Pandemic Influenza Act, 2006 (Public Law 109–
2 148).

3 SEC. 8105. Notwithstanding any other provision of
4 law, none of the funds made available in this Act may be
5 used to pay negotiated indirect cost rates on a contract,
6 grant, or cooperative agreement (or similar arrangement)
7 entered into by the Department of Defense and an entity
8 in excess of 20 percent of the total direct cost of the con-
9 tract, grant, or agreement (or similar arrangement) if the
10 purpose of such contract, grant, or agreement (or similar
11 arrangement) is to carry out a program or programs of
12 mutual interest between the two parties: *Provided*, That
13 this limitation shall apply only to funds made available
14 in this Act for basic research.

15 SEC. 8106. Any request for funds for a fiscal year
16 after fiscal year 2008 for an ongoing military operation
17 overseas, including operations in Afghanistan and Iraq,
18 shall be included in the annual budget of the President
19 for such fiscal year as submitted to Congress under section
20 1105(a) of title 31, United States Code.

21 SEC. 8107. None of the funds appropriated or other-
22 wise made available by this Act may be obligated or ex-
23 pended to provide award fees to any defense contractor
24 contrary to the provisions of section 814 of the National

1 Defense Authorization Act, Fiscal Year 2007 (Public Law
2 109–364).

3 SEC. 8108. Not more than 90 percent of the funds
4 appropriated to the Department of Defense for contracted
5 services under title II of this Act shall be available for
6 obligation unless and until the Secretary of Defense sub-
7 mits to the congressional defense committees the report
8 required by section 3305 of title III of Public Law 110–
9 28 (121 Stat. 136).

10 SEC. 8109. Of the funds made available under the
11 heading “Operation and Maintenance, Defense-Wide”, up
12 to \$30,000,000 may be available for financial assistance
13 to eligible local education agencies pursuant to section 386
14 of Public Law 102–484.

15 SEC. 8110. None of the funds made available in this
16 Act may be used to disclose to the public the aggregate
17 amount of funds appropriated by Congress for the Na-
18 tional Intelligence Program (as defined in section 3(6) of
19 the National Security Act of 1947 (50 U.S.C. 401a(6)))
20 for a fiscal year.

21 SEC. 8111. None of the funds appropriated by this
22 Act may be used to waive or modify regulations promul-
23 gated under chapter 43, 71, 75, or 77 of title 5, United
24 States Code.

1 This Act may be cited as the “Department of Defense
2 Appropriations Act, 2008”.

 Passed the House of Representatives August 5 (leg-
islative day, August 4), 2007.

Attest:

Clerk.

110TH CONGRESS
1ST SESSION

H. R. 3222

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.