

Calendar No. 169

112TH CONGRESS
1ST SESSION**H. R. 2219****[Report No. 112-77]**

IN THE SENATE OF THE UNITED STATES

JULY 11, 2011

Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 15, 2011

Reported by Mr. INOUE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

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

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

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TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$43,859,709,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377,

1 as amended (42 U.S.C. 402 note), and to the Department
2 of Defense Military Retirement Fund, \$27,141,334,000.

3 ~~MILITARY PERSONNEL, MARINE CORPS~~

4 ~~For pay, allowances, individual clothing, subsistence,~~
5 ~~interest on deposits, gratuities, permanent change of sta-~~
6 ~~tion travel (including all expenses thereof for organiza-~~
7 ~~tional movements), and expenses of temporary duty travel~~
8 ~~between permanent duty stations, for members of the Ma-~~
9 ~~rine Corps on active duty (except members of the Reserve~~
10 ~~provided for elsewhere); and for payments pursuant to sec-~~
11 ~~tion 156 of Public Law 97-377, as amended (42 U.S.C.~~
12 ~~402 note), and to the Department of Defense Military Re-~~
13 ~~tirement Fund, \$13,480,436,000.~~

14 ~~MILITARY PERSONNEL, AIR FORCE~~

15 ~~For pay, allowances, individual clothing, subsistence,~~
16 ~~interest on deposits, gratuities, permanent change of sta-~~
17 ~~tion travel (including all expenses thereof for organiza-~~
18 ~~tional movements), and expenses of temporary duty travel~~
19 ~~between permanent duty stations, for members of the Air~~
20 ~~Force on active duty (except members of reserve compo-~~
21 ~~nents provided for elsewhere), cadets, and aviation cadets;~~
22 ~~for members of the Reserve Officers' Training Corps; and~~
23 ~~for payments pursuant to section 156 of Public Law 97-~~
24 ~~377, as amended (42 U.S.C. 402 note), and to the Depart-~~

1 ment of Defense Military Retirement Fund,
2 \$28,264,646,000.

3 ~~RESERVE PERSONNEL, ARMY~~

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Army Re-
6 serve on active duty under sections 10211, 10302, and
7 3038 of title 10, United States Code, or while serving on
8 active duty under section 12301(d) of title 10, United
9 States Code, in connection with performing duty specified
10 in section 12310(a) of title 10, United States Code, or
11 while undergoing reserve training, or while performing
12 drills or equivalent duty or other duty, and expenses au-
13 thorized by section 16131 of title 10, United States Code;
14 and for payments to the Department of Defense Military
15 Retirement Fund, \$4,333,507,000.

16 ~~RESERVE PERSONNEL, NAVY~~

17 For pay, allowances, clothing, subsistence, gratuities,
18 travel, and related expenses for personnel of the Navy Re-
19 serve on active duty under section 10211 of title 10,
20 United States Code, or while serving on active duty under
21 section 12301(d) of title 10, United States Code, in con-
22 nection with performing duty specified in section 12310(a)
23 of title 10, United States Code, or while undergoing re-
24 serve training, or while performing drills or equivalent
25 duty, and expenses authorized by section 16131 of title

1 10, United States Code; and for payments to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$1,948,544,000.

4 RESERVE PERSONNEL, MARINE CORPS

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Marine
7 Corps Reserve on active duty under section 10211 of title
8 10, United States Code, or while serving on active duty
9 under section 12301(d) of title 10, United States Code,
10 in connection with performing duty specified in section
11 12310(a) of title 10, United States Code, or while under-
12 going reserve training, or while performing drills or equiv-
13 alent duty, and for members of the Marine Corps platoon
14 leaders class, and expenses authorized by section 16131
15 of title 10, United States Code; and for payments to the
16 Department of Defense Military Retirement Fund,
17 \$645,422,000.

18 RESERVE PERSONNEL, AIR FORCE

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Air Force
21 Reserve on active duty under sections 10211, 10305, and
22 8038 of title 10, United States Code, or while serving on
23 active duty under section 12301(d) of title 10, United
24 States Code, in connection with performing duty specified
25 in section 12310(a) of title 10, United States Code, or

1 while undergoing reserve training, or while performing
2 drills or equivalent duty or other duty, and expenses au-
3 thorized by section 16131 of title 10, United States Code;
4 and for payments to the Department of Defense Military
5 Retirement Fund, \$1,711,653,000.

6 NATIONAL GUARD PERSONNEL, ARMY

7 For pay, allowances, clothing, subsistence, gratuities,
8 travel, and related expenses for personnel of the Army Na-
9 tional Guard while on duty under section 10211, 10302,
10 or 12402 of title 10 or section 708 of title 32, United
11 States Code, or while serving on duty under section
12 12301(d) of title 10 or section 502(f) of title 32, 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 training, or while performing drills or
16 equivalent duty or other duty, and expenses authorized by
17 section 16131 of title 10, United States Code; and for pay-
18 ments to the Department of Defense Military Retirement
19 Fund, \$7,607,345,000.

20 NATIONAL GUARD PERSONNEL, AIR FORCE

21 For pay, allowances, clothing, subsistence, gratuities,
22 travel, and related expenses for personnel of the Air Na-
23 tional Guard on duty under section 10211, 10305, or
24 12402 of title 10 or section 708 of title 32, United States
25 Code, or while serving on duty under section 12301(d) of

1 title 10 or section 502(f) of title 32, United States Code,
2 in connection with performing duty specified in section
3 12310(a) of title 10, United States Code, or while under-
4 going training, or while performing drills or equivalent
5 duty or other duty, and expenses authorized by section
6 16131 of title 10, United States Code; and for payments
7 to the Department of Defense Military Retirement Fund,
8 \$3,099,629,000.

9 TITLE II

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

12 For expenses, not otherwise provided for, necessary
13 for the operation and maintenance of the Army, as author-
14 ized by law; and not to exceed \$12,478,000 can be used
15 for emergencies and extraordinary expenses, to be ex-
16 pended on the approval or authority of the Secretary of
17 the Army, and payments may be made on his certificate
18 of necessity for confidential military purposes,
19 \$34,581,321,000.

20 OPERATION AND MAINTENANCE, NAVY

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance of the Navy and the
23 Marine Corps, as authorized by law; and not to exceed
24 \$14,804,000 can be used for emergencies and extraor-
25 dinary expenses, to be expended on the approval or author-

1 ity of the Secretary of the Navy, and payments may be
2 made on his certificate of necessity for confidential mili-
3 tary purposes, ~~\$39,385,685,000.~~

4 OPERATION AND MAINTENANCE, MARINE CORPS

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance of the Marine Corps,
7 as authorized by law, \$6,036,996,000.

8 OPERATION AND MAINTENANCE, AIR FORCE

9 For expenses, not otherwise provided for, necessary
10 for the operation and maintenance of the Air Force, as
11 authorized by law; and not to exceed \$7,699,000 can be
12 used for emergencies and extraordinary expenses, to be ex-
13 pended on the approval or authority of the Secretary of
14 the Air Force, and payments may be made on his certifi-
15 cate of necessity for confidential military purposes,
16 ~~\$36,065,107,000.~~

17 OPERATION AND MAINTENANCE, DEFENSE-WIDE

18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance of activities and agen-
21 cies of the Department of Defense (other than the military
22 departments), as authorized by law, \$30,682,265,000 (re-
23 duced by \$650,000) (reduced by \$3,600,000): *Provided,*
24 That not more than \$47,026,000 may be used for the
25 Combatant Commander Initiative Fund authorized under

1 section 166a of title 10, United States Code: *Provided fur-*
2 *ther*, That not to exceed \$36,000,000 can be used for
3 emergencies and extraordinary expenses, to be expended
4 on the approval or authority of the Secretary of Defense,
5 and payments may be made on his certificate of necessity
6 for confidential military purposes: *Provided further*, That
7 of the funds provided under this heading, not less than
8 \$34,311,000 shall be made available for the Procurement
9 Technical Assistance Cooperative Agreement Program, of
10 which not less than \$3,600,000 shall be available for cen-
11 ters defined in 10 U.S.C. 2411(1)(D): *Provided further*,
12 That none of the funds appropriated or otherwise made
13 available by this Act may be used to plan or implement
14 the consolidation of a budget or appropriations liaison of-
15 fice of the Office of the Secretary of Defense, the office
16 of the Secretary of a military department, or the service
17 headquarters of one of the Armed Forces into a legislative
18 affairs or legislative liaison office: *Provided further*, That
19 \$8,420,000, to remain available until expended, is avail-
20 able only for expenses relating to certain classified activi-
21 ties, and may be transferred as necessary by the Secretary
22 of Defense to operation and maintenance appropriations
23 or research, development, test and evaluation appropria-
24 tions, to be merged with and to be available for the same
25 time period as the appropriations to which transferred:

1 *Provided further*, That any ceiling on the investment item
2 unit cost of items that may be purchased with operation
3 and maintenance funds shall not apply to the funds de-
4 scribed in the preceding proviso: *Provided further*, That
5 the transfer authority provided under this heading is in
6 addition to any other transfer authority provided else-
7 where in this Act.

8 OPERATION AND MAINTENANCE, ARMY RESERVE

9 For expenses, not otherwise provided for, necessary
10 for the operation and maintenance, including training, or-
11 ganization, and administration, of the Army Reserve; re-
12 pair of facilities and equipment; hire of passenger motor
13 vehicles; travel and transportation; care of the dead; re-
14 cruiting; procurement of services, supplies, and equip-
15 ment; and communications, \$3,047,033,000.

16 OPERATION AND MAINTENANCE, NAVY RESERVE

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance, including training, or-
19 ganization, and administration, of the Navy Reserve; re-
20 pair of facilities and equipment; hire of passenger motor
21 vehicles; travel and transportation; care of the dead; re-
22 cruiting; procurement of services, supplies, and equip-
23 ment; and communications, \$1,323,134,000.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance, including training, or-
5 ganization, and administration, of the Marine Corps Re-
6 serve; repair of facilities and equipment; hire of passenger
7 motor vehicles; travel and transportation; care of the dead;
8 recruiting; procurement of services, supplies, and equip-
9 ment; and communications, \$271,443,000.

10 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance, including training, or-
13 ganization, and administration, of the Air Force Reserve;
14 repair of facilities and equipment; hire of passenger motor
15 vehicles; travel and transportation; care of the dead; re-
16 cruiting; procurement of services, supplies, and equip-
17 ment; and communications, \$3,310,459,000.

18 OPERATION AND MAINTENANCE, ARMY NATIONAL

19 GUARD

20 For expenses of training, organizing, and admin-
21 istering the Army National Guard, including medical and
22 hospital treatment and related expenses in non-Federal
23 hospitals; maintenance, operation, and repairs to struc-
24 tures and facilities; hire of passenger motor vehicles; per-
25 sonnel services in the National Guard Bureau; travel ex-

1 penses (other than mileage), as authorized by law for
2 Army personnel on active duty, for Army National Guard
3 division, regimental, and battalion commanders while in-
4 specting units in compliance with National Guard Bureau
5 regulations when specifically authorized by the Chief, Na-
6 tional Guard Bureau; supplying and equipping the Army
7 National Guard as authorized by law; and expenses of re-
8 pair, modification, maintenance, and issue of supplies and
9 equipment (including aircraft), \$6,979,232,000.

10 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

1 Bureau regulations when specifically authorized by the
2 Chief, National Guard Bureau, \$6,094,380,000.

3 UNITED STATES COURT OF APPEALS FOR THE ARMED
4 FORCES

5 For salaries and expenses necessary for the United
6 States Court of Appeals for the Armed Forces,
7 \$13,861,000, of which not to exceed \$5,000 may be used
8 for official representation purposes.

9 ENVIRONMENTAL RESTORATION, ARMY
10 (INCLUDING TRANSFER OF FUNDS)

11 For the Department of the Army, \$346,031,000, to
12 remain available until transferred: *Provided*, That the Sec-
13 retary of the Army shall, upon determining that such
14 funds are required for environmental restoration, reduc-
15 tion and recycling of hazardous waste, removal of unsafe
16 buildings and debris of the Department of the Army, or
17 for similar purposes, transfer the funds made available by
18 this appropriation to other appropriations made available
19 to the Department of the Army, to be merged with and
20 to be available for the same purposes and for the same
21 time period as the appropriations to which transferred:
22 *Provided further*, That upon a determination that all or
23 part of the funds transferred from this appropriation are
24 not necessary for the purposes provided herein, such
25 amounts may be transferred back to this appropriation:

1 *Provided further,* That the transfer authority provided
2 under this heading is in addition to any other transfer au-
3 thority provided elsewhere in this Act.

4 ENVIRONMENTAL RESTORATION, NAVY

5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of the Navy, \$308,668,000, to
7 remain available until transferred: *Provided,* That the Sec-
8 retary of the Navy shall, upon determining that such
9 funds are required for environmental restoration, reduc-
10 tion and recycling of hazardous waste, removal of unsafe
11 buildings and debris of the Department of the Navy, or
12 for similar purposes, transfer the funds made available by
13 this appropriation to other appropriations made available
14 to the Department of the Navy, to be merged with and
15 to be available for the same purposes and for the same
16 time period as the appropriations to which transferred:
17 *Provided further,* That upon a determination that all or
18 part of the funds transferred from this appropriation are
19 not necessary for the purposes provided herein, such
20 amounts may be transferred back to this appropriation:
21 *Provided further,* That the transfer authority provided
22 under this heading is in addition to any other transfer au-
23 thority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$525,453,000,
4 to remain available until transferred: *Provided*, That the
5 Secretary of the Air Force shall, upon determining that
6 such funds are required for environmental restoration, re-
7 duction and recycling of hazardous waste, removal of un-
8 safe buildings and debris of the Department of the Air
9 Force, or for similar purposes, transfer the funds made
10 available by this appropriation to other appropriations
11 made available to the Department of the Air Force, to be
12 merged with and to be available for the same purposes
13 and for the same time period as the appropriations to
14 which transferred: *Provided further*, That upon a deter-
15 mination that all or part of the funds transferred from
16 this appropriation are not necessary for the purposes pro-
17 vided herein, such amounts may be transferred back to
18 this appropriation: *Provided further*, That the transfer au-
19 thority provided under this heading is in addition to any
20 other transfer authority provided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of Defense, \$10,716,000, to re-
24 main available until transferred: *Provided*, That the Sec-
25 retary of Defense shall, upon determining that such funds

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

16 ENVIRONMENTAL RESTORATION, FORMERLY USED
17 DEFENSE SITES
18 (INCLUDING TRANSFER OF FUNDS)

19 For the Department of the Army, \$276,495,000, to
20 remain available until transferred: *Provided,* That the Sec-
21 retary of the Army shall, upon determining that such
22 funds are required for environmental restoration, reduc-
23 tion and recycling of hazardous waste, removal of unsafe
24 buildings and debris at sites formerly used by the Depart-
25 ment of Defense, transfer the funds made available by this

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

12 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

13 For expenses relating to the Overseas Humanitarian,
14 Disaster, and Civic Aid programs of the Department of
15 Defense (consisting of the programs provided under sec-
16 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
17 United States Code), \$107,662,000, to remain available
18 until September 30, 2013.

19 COOPERATIVE THREAT REDUCTION ACCOUNT

20 For assistance to the republics of the former Soviet
21 Union and, with appropriate authorization by the Depart-
22 ment of Defense and Department of State, to countries
23 outside of the former Soviet Union, including assistance
24 provided by contract or by grants, for facilitating the
25 elimination and the safe and secure transportation and

1 storage of nuclear, chemical and other weapons; for estab-
2 lishing programs to prevent the proliferation of weapons,
3 weapons components, and weapon-related technology and
4 expertise; for programs relating to the training and sup-
5 port of defense and military personnel for demilitarization
6 and protection of weapons, weapons components and
7 weapons technology and expertise, and for defense and
8 military contacts, \$508,219,000, to remain available until
9 September 30, 2014.

10 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
11 DEVELOPMENT FUND

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

14 TITLE III
15 PROCUREMENT

16 AIRCRAFT PROCUREMENT, ARMY

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

1 pliances, and machine tools in public and private plants;
2 reserve plant and Government and contractor-owned
3 equipment layaway; and other expenses necessary for the
4 foregoing purposes, \$6,487,481,000, to remain available
5 for obligation until September 30, 2014.

6 MISSILE PROCUREMENT, ARMY

7 For construction, procurement, production, modifica-
8 tion, and modernization of missiles, equipment, including
9 ordnance, ground handling equipment, spare parts, and
10 accessories therefor; specialized equipment and training
11 devices; expansion of public and private plants, including
12 the land necessary therefor, for the foregoing purposes,
13 and such lands and interests therein, may be acquired,
14 and construction prosecuted thereon prior to approval of
15 title; and procurement and installation of equipment, ap-
16 pliances, and machine tools in public and private plants;
17 reserve plant and Government and contractor-owned
18 equipment layaway; and other expenses necessary for the
19 foregoing purposes, \$1,464,223,000, to remain available
20 for obligation until September 30, 2014.

21 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

22 VEHICLES, ARMY

23 For construction, procurement, production, and
24 modification of weapons and tracked combat vehicles,
25 equipment, including ordnance, spare parts, and acces-

1 series therefor; specialized equipment and training devices;
2 expansion of public and private plants, including the land
3 necessary therefor, for the foregoing purposes; and such
4 lands and interests therein; may be acquired; and con-
5 struction prosecuted thereon prior to approval of title; and
6 procurement and installation of equipment, appliances,
7 and machine tools in public and private plants; reserve
8 plant and Government and contractor-owned equipment
9 layaway; and other expenses necessary for the foregoing
10 purposes, \$2,178,886,000, to remain available for obliga-
11 tion until September 30, 2014.

12 PROCUREMENT OF AMMUNITION, ARMY

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

1 for the foregoing purposes, \$1,952,625,000, to remain
2 available for obligation until September 30, 2014.

3 OTHER PROCUREMENT, ARMY

4 For construction, procurement, production, and
5 modification of vehicles, including tactical, support, and
6 non-tracked combat vehicles; the purchase of passenger
7 motor vehicles for replacement only; communications and
8 electronic equipment; other support equipment; spare
9 parts, ordnance, and accessories therefor; specialized
10 equipment and training devices; expansion of public and
11 private plants, including the land necessary therefor, for
12 the foregoing purposes; and such lands and interests
13 therein, may be acquired, and construction prosecuted
14 thereon prior to approval of title; and procurement and
15 installation of equipment, appliances, and machine tools
16 in public and private plants; reserve plant and Govern-
17 ment and contractor-owned equipment layaway; and other
18 expenses necessary for the foregoing purposes,
19 \$9,371,952,000, to remain available for obligation until
20 September 30, 2014.

21 AIRCRAFT PROCUREMENT, NAVY

22 For construction, procurement, production, modifica-
23 tion, and modernization of aircraft, equipment, including
24 ordnance, spare parts, and accessories therefor; specialized
25 equipment; expansion of public and private plants, includ-

1 ing the land necessary therefor, and such lands and inter-
2 ests therein, may be acquired, and construction prosecuted
3 thereon prior to approval of title; and procurement and
4 installation of equipment, appliances, and machine tools
5 in public and private plants; reserve plant and Govern-
6 ment and contractor-owned equipment layaway,
7 \$17,804,750,000, to remain available for obligation until
8 September 30, 2014.

9 WEAPONS PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-
11 tion, and modernization of missiles, torpedoes, other weap-
12 ons, and related support equipment including spare parts,
13 and accessories therefor; expansion of public and private
14 plants, including the land necessary therefor, and such
15 lands and interests therein, may be acquired, and con-
16 struction prosecuted thereon prior to approval of title; and
17 procurement and installation of equipment, appliances,
18 and machine tools in public and private plants; reserve
19 plant and Government and contractor-owned equipment
20 layaway, \$2,975,749,000, to remain available for obliga-
21 tion until September 30, 2014.

22 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
23 CORPS

24 For construction, procurement, production, and
25 modification of ammunition, and accessories therefor; spe-

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

13 SHIPBUILDING AND CONVERSION, NAVY

14 For expenses necessary for the construction, acquisi-
15 tion, or conversion of vessels as authorized by law, includ-
16 ing armor and armament thereof, plant equipment, appli-
17 ances, and machine tools and installation thereof in public
18 and private plants; reserve plant and Government and con-
19 tractor-owned equipment layaway; procurement of critical,
20 long lead time components and designs for vessels to be
21 constructed or converted in the future; and expansion of
22 public and private plants, including land necessary there-
23 for, and such lands and interests therein, may be acquired,
24 and construction prosecuted thereon prior to approval of
25 title, as follows:

1 Carrier Replacement Program (AP), \$554,798,000.
2 Virginia Class Submarine, \$3,221,314,000.
3 Virginia Class Submarine (AP), \$1,461,361,000.
4 CVN Refueling (AP), \$529,652,000.
5 DDG-1000, \$453,727,000.
6 DDG-51, \$1,978,314,000.
7 DDG-51 (AP), \$100,723,000.
8 Littoral Combat Ship, \$1,755,093,000.
9 LHA Replacement, \$1,999,191,000.
10 LPD-17, \$1,833,444,000.
11 Joint High Speed Vessel, \$185,106,000.
12 Oceanographic Ships, \$89,000,000.
13 Moored Training Ship (AP), \$131,200,000.
14 Service Craft, \$3,863,000.
15 LCAC Service Life Extension Program, \$84,076,000.
16 For outfitting, post delivery, conversions, and first
17 destination transportation, \$270,639,000.
18 Completion of Prior Year Shipbuilding Programs,
19 \$73,992,000.
20 In all: \$14,725,493,000, to remain available for obli-
21 gation until September 30, 2016: *Provided*, That addi-
22 tional obligations may be incurred after September 30,
23 2016, for engineering services, tests, evaluations, and
24 other such budgeted work that must be performed in the
25 final stage of ship construction: *Provided further*, That

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

9 OTHER PROCUREMENT, NAVY

10 For procurement, production, and modernization of
11 support equipment and materials not otherwise provided
12 for, Navy ordnance (except ordnance for new aircraft, new
13 ships, and ships authorized for conversion); the purchase
14 of passenger motor vehicles for replacement only; expan-
15 sion of public and private plants, including the land nec-
16 essary therefor, and such lands and interests therein, may
17 be acquired, and construction prosecuted thereon prior to
18 approval of title; and procurement and installation of
19 equipment, appliances, and machine tools in public and
20 private plants; reserve plant and Government and con-
21 tractor-owned equipment layaway, \$5,996,459,000, to re-
22 main available for obligation until September 30, 2014.

23 PROCUREMENT, MARINE CORPS

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

1 equipment, spare parts, and accessories therefor; plant
2 equipment, appliances, and machine tools, and installation
3 thereof in public and private plants; reserve plant and
4 Government and contractor-owned equipment layaway; ve-
5 hicles for the Marine Corps, including the purchase of pas-
6 senger motor vehicles for replacement only; and expansion
7 of public and private plants, including land necessary
8 therefor, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title, \$1,453,602,000, to remain available for ob-
11 ligation until September 30, 2014.

12 AIRCRAFT PROCUREMENT, AIR FORCE

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

1 ~~\$13,987,613,000~~, to remain available for obligation until
2 September 30, 2014.

3 ~~MISSILE PROCUREMENT, AIR FORCE~~

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

18 ~~PROCUREMENT OF AMMUNITION, AIR FORCE~~

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

1 quired, and construction prosecuted thereon prior to ap-
2 proval of title; and procurement and installation of equip-
3 ment, appliances, and machine tools in public and private
4 plants; reserve plant and Government and contractor-
5 owned equipment layaway; and other expenses necessary
6 for the foregoing purposes, \$522,565,000, to remain avail-
7 able for obligation until September 30, 2014.

8 OTHER PROCUREMENT, AIR FORCE

9 For procurement and modification of equipment (in-
10 cluding ground guidance and electronic control equipment,
11 and ground electronic and communication equipment),
12 and supplies, materials, and spare parts therefor, not oth-
13 erwise provided for; the purchase of passenger motor vehi-
14 cles for replacement only; lease of passenger motor vehi-
15 cles; and expansion of public and private plants, Govern-
16 ment-owned equipment and installation thereof in such
17 plants; erection of structures, and acquisition of land, for
18 the foregoing purposes; and such lands and interests
19 therein, may be acquired, and construction prosecuted
20 thereon, prior to approval of title; reserve plant and Gov-
21 ernment and contractor-owned equipment layaway,
22 \$17,260,619,000, to remain available for obligation until
23 September 30, 2014.

1 PROCUREMENT, DEFENSE-WIDE

2 For expenses of activities and agencies of the Depart-
3 ment of Defense (other than the military departments)
4 necessary for procurement, production, and modification
5 of equipment, supplies, materials, and spare parts there-
6 for, not otherwise provided for; the purchase of passenger
7 motor vehicles for replacement only; expansion of public
8 and private plants, equipment, and installation thereof in
9 such plants, erection of structures, and acquisition of land
10 for the foregoing purposes, and such lands and interests
11 therein, may be acquired, and construction prosecuted
12 thereon prior to approval of title; reserve plant and Gov-
13 ernment and contractor-owned equipment layaway,
14 \$5,046,447,000, to remain available for obligation until
15 September 30, 2014.

16 DEFENSE PRODUCTION ACT PURCHASES

17 For activities by the Department of Defense pursuant
18 to sections 108, 301, 302, and 303 of the Defense Produc-
19 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
20 2093), \$29,964,000, to remain available until expended.

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

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

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

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

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

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

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

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

20 OPERATIONAL TEST AND EVALUATION, DEFENSE

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

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

5

TITLE V

6

REVOLVING AND MANAGEMENT FUNDS

7

DEFENSE WORKING CAPITAL FUNDS

8

For the Defense Working Capital Funds,

9

\$1,575,010,000.

10

NATIONAL DEFENSE SEALIFT FUND

11

For National Defense Sealift Fund programs,

12

projects, and activities, and for expenses of the National

13

Defense Reserve Fleet, as established by section 11 of the

14

Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),

15

and for the necessary expenses to maintain and preserve

16

a U.S.-flag merchant fleet to serve the national security

17

needs of the United States, \$1,100,519,000, to remain

18

available until expended: *Provided*, That none of the funds

19

provided in this paragraph shall be used to award a new

20

contract that provides for the acquisition of any of the

21

following major components unless such components are

22

manufactured in the United States: auxiliary equipment,

23

including pumps, for all shipboard services; propulsion

24

system components (engines, reduction gears, and propel-

25

lers); shipboard cranes; and spreaders for shipboard

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

14 TITLE VI

15 OTHER DEPARTMENT OF DEFENSE PROGRAMS

16 DEFENSE HEALTH PROGRAM

17 For expenses, not otherwise provided for, for medical
 18 and health care programs of the Department of Defense
 19 as authorized by law, \$32,317,459,000 (increased by
 20 \$500,000) (increased by \$16,000,000) (increased by
 21 \$10,000,000) (increased by \$3,600,000); of which
 22 \$30,497,735,000 shall be for operation and maintenance,
 23 of which not to exceed 1 percent shall remain available
 24 until September 30, 2013, and of which up to
 25 \$16,092,272,000 may be available for contracts entered

1 into under the TRICARE program; of which
2 \$632,518,000, to remain available for obligation until Sep-
3 tember 30, 2014, shall be for procurement; and of which
4 \$1,187,206,000 (increased by \$500,000) (increased by
5 \$16,000,000) (increased by \$10,000,000) (increased by
6 \$3,600,000), to remain available for obligation until Sep-
7 tember 30, 2013, shall be for research, development, test
8 and evaluation: *Provided*, That, notwithstanding any other
9 provision of law, of the amount made available under this
10 heading for research, development, test and evaluation,
11 not less than \$8,000,000 shall be available for HIV pre-
12 vention educational activities undertaken in connection
13 with United States military training, exercises, and hu-
14 manitarian assistance activities conducted primarily in Af-
15 rican nations.

16 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
17 DEFENSE

18 For expenses, not otherwise provided for, necessary
19 for the destruction of the United States stockpile of lethal
20 chemical agents and munitions in accordance with the pro-
21 visions of section 1412 of the Department of Defense Au-
22 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
23 struction of other chemical warfare materials that are not
24 in the chemical weapon stockpile, \$1,554,422,000, of
25 which \$1,147,691,000 shall be for operation and mainte-

1 nance, of which no less than \$103,097,000 shall be for
2 the Chemical Stockpile Emergency Preparedness Pro-
3 gram, consisting of \$30,615,000, for activities on military
4 installations and \$72,482,000, to remain available until
5 September 30, 2013, to assist state and local govern-
6 ments; and \$406,731,000 to remain available until Sep-
7 tember 30, 2013, shall be for research, development, test
8 and evaluation, of which \$401,768,000 shall be only for
9 the Assembled Chemical Weapons Alternatives (ACWA)
10 Program.

11 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

12 DEFENSE

13 (INCLUDING TRANSFER OF FUNDS)

14 For drug interdiction and counter-drug activities of
15 the Department of Defense, for transfer to appropriations
16 available to the Department of Defense for military per-
17 sonnel of the reserve components serving under the provi-
18 sions of title 10 and title 32, United States Code; for oper-
19 ation and maintenance; for procurement; and for research,
20 development, test and evaluation, \$1,208,147,000: *Pro-*
21 *vided*, That the funds appropriated under this heading
22 shall be available for obligation for the same time period
23 and for the same purpose as the appropriation to which
24 transferred: *Provided further*, That upon a determination
25 that all or part of the funds transferred from this appro-

1 priation are not necessary for the purposes provided here-
2 in, such amounts may be transferred back to this appro-
3 priation: *Provided further*, That the transfer authority pro-
4 vided under this heading is in addition to any other trans-
5 fer authority contained elsewhere in this Act: *Provided fur-*
6 *ther*, That \$23,000,000 may not be obligated or expended
7 until the Secretary of Defense submits an implementation
8 plan for the expansion of prescription drug testing to the
9 congressional defense committees.

10 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

11 (INCLUDING TRANSFER OF FUNDS)

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

1 under this heading: *Provided further*, That the Secretary
2 of Defense shall submit a report not later than 60 days
3 after the end of each fiscal quarter to the congressional
4 defense committees providing assessments of the evolving
5 threats, individual service requirements to counter the
6 threats, the current strategy for predeployment training
7 of members of the Armed Forces on improvised explosive
8 devices, and details on the execution of the Fund: *Provided*
9 *further*, That the Secretary of Defense may transfer funds
10 provided herein to appropriations for operation and main-
11 tenance; procurement; research, development, test and
12 evaluation; and defense working capital funds to accom-
13 plish the purpose provided herein: *Provided further*, That
14 amounts transferred shall be merged with and available
15 for the same purposes and time period as the appropria-
16 tions to which transferred: *Provided further*, That this
17 transfer authority is in addition to any other transfer au-
18 thority available to the Department of Defense: *Provided*
19 *further*, That the Secretary of Defense shall, not fewer
20 than 15 days prior to making transfers from this appro-
21 priation, notify the congressional defense committees in
22 writing of the details of any such transfer.

23 OFFICE OF THE INSPECTOR GENERAL

24 For expenses and activities of the Office of the In-
25 spector General in carrying out the provisions of the In-

1 spector General Act of 1978, as amended, \$346,919,000,
2 of which \$286,919,000 shall be for operation and mainte-
3 nance, of which not to exceed \$700,000 is available for
4 emergencies and extraordinary expenses to be expended on
5 the approval or authority of the Inspector General, and
6 payments may be made on the Inspector General's certifi-
7 cate of necessity for confidential military purposes; of
8 which \$1,000,000, to remain available until September 30,
9 2014, shall be for procurement; and of which \$1,600,000,
10 to remain available until September 30, 2013, shall be for
11 research, development, testing, and evaluation.

12 TITLE VII

13 RELATED AGENCIES

14 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND 15 DISABILITY SYSTEM FUND

16 For payment to the Central Intelligence Agency Re-
17 tirement and Disability System Fund, to maintain the
18 proper funding level for continuing the operation of the
19 Central Intelligence Agency Retirement and Disability
20 System, \$513,700,000.

21 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

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

TITLE VIII

GENERAL PROVISIONS

1
2
3 SEC. 8001. No part of any appropriation contained
4 in this Act shall be used for publicity or propaganda pur-
5 poses not authorized by the Congress.

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

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

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

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8005. Upon determination by the Secretary of
13 Defense that such action is necessary in the national inter-
14 est, he may, with the approval of the Office of Manage-
15 ment and Budget, transfer not to exceed \$4,000,000,000
16 of working capital funds of the Department of Defense
17 or funds made available in this Act to the Department
18 of Defense for military functions (except military con-
19 struction) between such appropriations or funds or any
20 subdivision thereof, to be merged with and to be available
21 for the same purposes, and for the same time period, as
22 the appropriation or fund to which transferred: *Provided*,
23 That such authority to transfer may not be used unless
24 for higher priority items, based on unforeseen military re-
25 quirements, than those for which originally appropriated

1 and in no case where the item for which funds are re-
2 quested has been denied by the Congress: *Provided further,*
3 That the Secretary of Defense shall notify the Congress
4 promptly of all transfers made pursuant to this authority
5 or any other authority in this Act: *Provided further,* That
6 no part of the funds in this Act shall be available to pre-
7 pare or present a request to the Committees on Appropria-
8 tions for reprogramming of funds, unless for higher pri-
9 ority items, based on unforeseen military requirements,
10 than those for which originally appropriated and in no
11 case where the item for which reprogramming is requested
12 has been denied by the Congress: *Provided further,* That
13 a request for multiple reprogrammings of funds using au-
14 thority provided in this section shall be made prior to June
15 30, 2012: *Provided further,* That transfers among military
16 personnel appropriations shall not be taken into account
17 for purposes of the limitation on the amount of funds that
18 may be transferred under this section.

19 SEC. 8006. (a) With regard to the list of specific pro-
20 grams, projects, and activities (and the dollar amounts
21 and adjustments to budget activities corresponding to
22 such programs, projects, and activities) contained in the
23 tables titled “Explanation of Project Level Adjustments”
24 in the explanatory statement regarding this Act, the obli-
25 gation and expenditure of amounts appropriated or other-

1 wise made available in this Act for those programs,
2 projects, and activities for which the amounts appro-
3 priated exceed the amounts requested are hereby required
4 by law to be carried out in the manner provided by such
5 tables to the same extent as if the tables were included
6 in the text of this Act.

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

13 SEC. 8007. (a) Not later than 60 days after enact-
14 ment of this Act, the Department of Defense shall submit
15 a report to the congressional defense committees to estab-
16 lish the baseline for application of reprogramming and
17 transfer authorities for fiscal year 2012: *Provided*, That
18 the report shall include—

19 (1) a table for each appropriation with a sepa-
20 rate column to display the President's budget re-
21 quest, adjustments made by Congress, adjustments
22 due to enacted rescissions, if appropriate, and the
23 fiscal year enacted level;

24 (2) a delineation in the table for each appro-
25 priation both by budget activity and program;

1 project, and activity as detailed in the Budget Ap-
2 pendix; and

3 ~~(3) an identification of items of special congres-~~
4 ~~sional interest.~~

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

13 (TRANSFER OF FUNDS)

14 SEC. 8008. During the current fiscal year, cash bal-
15 ances in working capital funds of the Department of De-
16 fense established pursuant to section 2208 of title 10,
17 United States Code, may be maintained in only such
18 amounts as are necessary at any time for cash disburse-
19 ments to be made from such funds: *Provided*, That trans-
20 fers may be made between such funds: *Provided further*,
21 That transfers may be made between working capital
22 funds and the "Foreign Currency Fluctuations, Defense"
23 appropriation and the "Operation and Maintenance" ap-
24 propriation accounts in such amounts as may be deter-
25 mined by the Secretary of Defense, with the approval of

1 the Office of Management and Budget, except that such
2 transfers may not be made unless the Secretary of Defense
3 has notified the Congress of the proposed transfer. Except
4 in amounts equal to the amounts appropriated to working
5 capital funds in this Act, no obligations may be made
6 against a working capital fund to procure or increase the
7 value of war reserve material inventory, unless the Sec-
8 retary of Defense has notified the Congress prior to any
9 such obligation.

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

14 SEC. 8010. None of the funds provided in this Act
15 shall be available to initiate: (1) a multiyear contract that
16 employs economic order quantity procurement in excess of
17 \$20,000,000 in any one year of the contract or that in-
18 cludes an unfunded contingent liability in excess of
19 \$20,000,000; or (2) a contract for advance procurement
20 leading to a multiyear contract that employs economic
21 order quantity procurement in excess of \$20,000,000 in
22 any one year, unless the congressional defense committees
23 have been notified at least 30 days in advance of the pro-
24 posed contract award: *Provided*, That no part of any ap-
25 propriation contained in this Act shall be available to ini-

1 tiate a multiyear contract for which the economic order
2 quantity advance procurement is not funded at least to
3 the limits of the Government's liability: *Provided further*,
4 That no part of any appropriation contained in this Act
5 shall be available to initiate multiyear procurement con-
6 tracts for any systems or component thereof if the value
7 of the multiyear contract would exceed \$500,000,000 un-
8 less specifically provided in this Act: *Provided further*,
9 That no multiyear procurement contract can be termi-
10 nated without 10-day prior notification to the congres-
11 sional defense committees: *Provided further*, That the exe-
12 cution of multiyear authority shall require the use of a
13 present value analysis to determine lowest cost compared
14 to an annual procurement: *Provided further*, That none of
15 the funds provided in this Act may be used for a multiyear
16 contract executed after the date of the enactment of this
17 Act unless in the case of any such contract—

18 (1) the Secretary of Defense has submitted to
19 Congress a budget request for full funding of units
20 to be procured through the contract and, in the case
21 of a contract for procurement of aircraft, that in-
22 cludes, for any aircraft unit to be procured through
23 the contract for which procurement funds are re-
24 quested in that budget request for production be-
25 yond advanced procurement activities in the fiscal

1 year covered by the budget, full funding of procure-
2 ment of such unit in that fiscal year;

3 ~~(2) cancellation provisions in the contract do~~
4 ~~not include consideration of recurring manufacturing~~
5 ~~costs of the contractor associated with the produc-~~
6 ~~tion of unfunded units to be delivered under the con-~~
7 ~~tract;~~

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

11 ~~(4) the contract does not provide for a price ad-~~
12 ~~justment based on a failure to award a follow-on~~
13 ~~contract.~~

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

16 ~~UH-60M/HH-60M and MH-60R/MH-60S Heli-~~
17 ~~copter Airframes; and MH-60R/S Mission Avionics and~~
18 ~~Common Cockpits.~~

19 ~~SEC. 8011.~~ Within the funds appropriated for the op-
20 eration and maintenance of the Armed Forces, funds are
21 hereby appropriated pursuant to section 401 of title 10,
22 United States Code, for humanitarian and civic assistance
23 costs under chapter 20 of title 10, United States Code.
24 Such funds may also be obligated for humanitarian and
25 civic assistance costs incidental to authorized operations

1 and pursuant to authority granted in section 401 of chap-
2 ter 20 of title 10, United States Code, and these obliga-
3 tions shall be reported as required by section 401(d) of
4 title 10, United States Code: *Provided*, That funds avail-
5 able for operation and maintenance shall be available for
6 providing humanitarian and similar assistance by using
7 Civic Action Teams in the Trust Territories of the Pacific
8 Islands and freely associated states of Micronesia, pursu-
9 ant to the Compact of Free Association as authorized by
10 Public Law 99-239: *Provided further*, That upon a deter-
11 mination by the Secretary of the Army that such action
12 is beneficial for graduate medical education programs con-
13 ducted at Army medical facilities located in Hawaii, the
14 Secretary of the Army may authorize the provision of med-
15 ical services at such facilities and transportation to such
16 facilities, on a nonreimbursable basis, for civilian patients
17 from American Samoa, the Commonwealth of the North-
18 ern Mariana Islands, the Marshall Islands, the Federated
19 States of Micronesia, Palau, and Guam.

20 SEC. 8012. (a) During fiscal year 2012, the civilian
21 personnel of the Department of Defense may not be man-
22 aged on the basis of any end-strength, and the manage-
23 ment of such personnel during that fiscal year shall not
24 be subject to any constraint or limitation (known as an

1 end-strength) on the number of such personnel who may
2 be employed on the last day of such fiscal year.

3 (b) The fiscal year 2013 budget request for the De-
4 partment of Defense as well as all justification material
5 and other documentation supporting the fiscal year 2013
6 Department of Defense budget request shall be prepared
7 and submitted to the Congress as if subsections (a) and
8 (b) of this provision were effective with regard to fiscal
9 year 2013.

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

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

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

1 1987: *Provided further*, That this section applies only to
2 active components of the Army.

3 (TRANSFER OF FUNDS)

4 SEC. 8015. Funds appropriated in title III of this Act
5 for the Department of Defense Pilot Mentor-Protege Pro-
6 gram may be transferred to any other appropriation con-
7 tained in this Act solely for the purpose of implementing
8 a Mentor-Protege Program developmental assistance
9 agreement pursuant to section 831 of the National De-
10 fense Authorization Act for Fiscal Year 1991 (Public Law
11 101-510; 10 U.S.C. 2302 note), as amended, under the
12 authority of this provision or any other transfer authority
13 contained in this Act.

14 SEC. 8016. None of the funds in this Act may be
15 available for the purchase by the Department of Defense
16 (and its departments and agencies) of welded shipboard
17 anchor and mooring chain 4 inches in diameter and under
18 unless the anchor and mooring chain are manufactured
19 in the United States from components which are substan-
20 tially manufactured in the United States: *Provided*, That
21 for the purpose of this section, the term “manufactured”
22 shall include cutting, heat treating, quality control, testing
23 of chain and welding (including the forging and shot blast-
24 ing process): *Provided further*, That for the purpose of this
25 section, substantially all of the components of anchor and

1 mooring chain shall be considered to be produced or manu-
2 factured in the United States if the aggregate cost of the
3 components produced or manufactured in the United
4 States exceeds the aggregate cost of the components pro-
5 duced or manufactured outside the United States: *Pro-*
6 *vided further,* That when adequate domestic supplies are
7 not available to meet Department of Defense requirements
8 on a timely basis, the Secretary of the service responsible
9 for the procurement may waive this restriction on a case-
10 by-case basis by certifying in writing to the Committees
11 on Appropriations that such an acquisition must be made
12 in order to acquire capability for national security pur-
13 poses.

14 SEC. 8017. None of the funds available to the De-
15 partment of Defense, herein and hereafter, may be used
16 to demilitarize or dispose of M-1 Carbines, M-1 Garand
17 rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or
18 M-1911 pistols, or to demilitarize or destroy small arms
19 ammunition or ammunition components that are not oth-
20 erwise prohibited from commercial sale under Federal law,
21 unless the small arms ammunition or ammunition compo-
22 nents are certified by the Secretary of the Army or des-
23 ignee as unserviceable or unsafe for further use.

24 SEC. 8018. No more than \$500,000 of the funds ap-
25 propriated or made available in this Act shall be used dur-

1 ing a single fiscal year for any single relocation of an orga-
2 nization, unit, activity or function of the Department of
3 Defense into or within the National Capital Region: *Pro-*
4 *vided*, That the Secretary of Defense may waive this re-
5 striction on a case-by-case basis by certifying in writing
6 to the congressional defense committees that such a relo-
7 cation is required in the best interest of the Government.

8 SEC. 8019. In addition to the funds provided else-
9 where in this Act, \$15,000,000 is appropriated only for
10 incentive payments authorized by section 504 of the In-
11 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,
12 That a prime contractor or a subcontractor at any tier
13 that makes a subcontract award to any subcontractor or
14 supplier as defined in section 1544 of title 25, United
15 States Code, or a small business owned and controlled by
16 an individual or individuals defined under section 4221(9)
17 of title 25, United States Code, shall be considered a con-
18 tractor for the purposes of being allowed additional com-
19 pensation under section 504 of the Indian Financing Act
20 of 1974 (25 U.S.C. 1544) whenever the prime contract
21 or subcontract amount is over \$500,000 and involves the
22 expenditure of funds appropriated by an Act making Ap-
23 propriations for the Department of Defense with respect
24 to any fiscal year: *Provided further*, That notwithstanding
25 section 1906 of title 41, United States Code, this section

1 shall be applicable to any Department of Defense acquisi-
2 tion of supplies or services, including any contract and any
3 subcontract at any tier for acquisition of commercial items
4 produced or manufactured, in whole or in part, by any
5 subcontractor or supplier defined in section 1544 of title
6 25, United States Code, or a small business owned and
7 controlled by an individual or individuals defined under
8 section 4221(9) of title 25, United States Code.

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

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

21 SEC. 8022. (a) Of the funds made available in this
22 Act, not less than \$30,945,000 shall be available for the
23 Civil Air Patrol Corporation, of which—

24 (1) \$27,838,000 shall be available from “Oper-
25 ation and Maintenance, Air Force” to support Civil

1 Air Patrol Corporation operation and maintenance,
2 readiness, counter-drug activities, and drug demand
3 reduction activities involving youth programs;

4 (2) \$2,190,000 shall be available from “Aircraft
5 Procurement, Air Force”; and

6 (3) \$917,000 shall be available from “Other
7 Procurement, Air Force” for vehicle procurement.

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

12 SEC. 8023. (a) None of the funds appropriated in this
13 Act are available to establish a new Department of De-
14 fense (department) federally funded research and develop-
15 ment center (FFRDC), either as a new entity, or as a
16 separate entity administrated by an organization man-
17 aging another FFRDC, or as a nonprofit membership cor-
18 poration consisting of a consortium of other FFRDCs and
19 other nonprofit entities.

20 (b) No member of a Board of Directors, Trustees,
21 Overseers, Advisory Group, Special Issues Panel, Visiting
22 Committee, or any similar entity of a defense FFRDC,
23 and no paid consultant to any defense FFRDC, except
24 when acting in a technical advisory capacity, may be com-
25 pensated for his or her services as a member of such enti-

1 ty, or as a paid consultant by more than one FFRDC in
2 a fiscal year: *Provided*, That a member of any such entity
3 referred to previously in this subsection shall be allowed
4 travel expenses and per diem as authorized under the Fed-
5 eral Joint Travel Regulations, when engaged in the per-
6 formance of membership duties.

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

16 (d) Notwithstanding any other provision of law, of
17 the funds available to the department during fiscal year
18 2012, not more than 5,750 staff years of technical effort
19 (staff years) may be funded for defense FFRDCs: *Pro-*
20 *vided*, That of the specific amount referred to previously
21 in this subsection, not more than 1,125 staff years may
22 be funded for the defense studies and analysis FFRDCs:
23 *Provided further*, That this subsection shall not apply to
24 staff years funded in the National Intelligence Program
25 (NIP) and the Military Intelligence Program (MIP).

1 (e) The Secretary of Defense shall, with the submis-
2 sion of the department's fiscal year 2013 budget request,
3 submit a report presenting the specific amounts of staff
4 years of technical effort to be allocated for each defense
5 FFRDC during that fiscal year and the associated budget
6 estimates.

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

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

1 basis and that such an acquisition must be made in order
2 to acquire capability for national security purposes: *Pro-*
3 *vided further,* That these restrictions shall not apply to
4 contracts which are in being as of the date of the enact-
5 ment of this Act.

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

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

1 76 shall not apply to competitions conducted under this
2 section.

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

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

19 (b) The Secretary of Defense shall submit to the Con-
20 gress a report on the amount of Department of Defense
21 purchases from foreign entities in fiscal year 2012. Such
22 report shall separately indicate the dollar value of items
23 for which the Buy American Act was waived pursuant to
24 any agreement described in subsection (a)(2), the Trade
25 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any

1 international agreement to which the United States is a
2 party.

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

6 SEC. 8028. During the current fiscal year, amounts
7 contained in the Department of Defense Overseas Military
8 Facility Investment Recovery Account established by sec-
9 tion 2921(e)(1) of the National Defense Authorization Act
10 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
11 be available until expended for the payments specified by
12 section 2921(e)(2) of that Act.

13 SEC. 8029. (a) Notwithstanding any other provision
14 of law, the Secretary of the Air Force may convey at no
15 cost to the Air Force, without consideration, to Indian
16 tribes located in the States of Nevada, Idaho, North Da-
17 kota, South Dakota, Montana, Oregon, Minnesota, and
18 Washington relocatable military housing units located at
19 Grand Forks Air Force Base, Malmstrom Air Force Base,
20 Mountain Home Air Force Base, Ellsworth Air Force
21 Base, and Minot Air Force Base that are excess to the
22 needs of the Air Force.

23 (b) The Secretary of the Air Force shall convey, at
24 no cost to the Air Force, military housing units under sub-
25 section (a) in accordance with the request for such units

1 that are submitted to the Secretary by the Operation
2 Walking Shield Program on behalf of Indian tribes located
3 in the States of Nevada, Idaho, North Dakota, South Da-
4 kota, Montana, Oregon, Minnesota, and Washington. Any
5 such conveyance shall be subject to the condition that the
6 housing units shall be removed within a reasonable period
7 of time, as determined by the Secretary.

8 (c) The Operation Walking Shield Program shall re-
9 solve any conflicts among requests of Indian tribes for
10 housing units under subsection (a) before submitting re-
11 quests to the Secretary of the Air Force under subsection
12 (b).

13 (d) In this section, the term "Indian tribe" means
14 any recognized Indian tribe included on the current list
15 published by the Secretary of the Interior under section
16 104 of the Federally Recognized Indian Tribe Act of 1994
17 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-
18 4).

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

24 SEC. 8031. (a) During the current fiscal year, none
25 of the appropriations or funds available to the Department

1 of Defense Working Capital Funds shall be used for the
2 purchase of an investment item for the purpose of acquir-
3 ing a new inventory item for sale or anticipated sale dur-
4 ing the current fiscal year or a subsequent fiscal year to
5 customers of the Department of Defense Working Capital
6 Funds if such an item would not have been chargeable
7 to the Department of Defense Business Operations Fund
8 during fiscal year 1994 and if the purchase of such an
9 investment item would be chargeable during the current
10 fiscal year to appropriations made to the Department of
11 Defense for procurement.

12 (b) The fiscal year 2013 budget request for the De-
13 partment of Defense as well as all justification material
14 and other documentation supporting the fiscal year 2013
15 Department of Defense budget shall be prepared and sub-
16 mitted to the Congress on the basis that any equipment
17 which was classified as an end item and funded in a pro-
18 curement appropriation contained in this Act shall be
19 budgeted for in a proposed fiscal year 2013 procurement
20 appropriation and not in the supply management business
21 area or any other area or category of the Department of
22 Defense Working Capital Funds.

23 SEC. 8032. None of the funds appropriated by this
24 Act for programs of the Central Intelligence Agency shall
25 remain available for obligation beyond the current fiscal

1 year, except for funds appropriated for the Reserve for
2 Contingencies, which shall remain available until Sep-
3 tember 30, 2013: *Provided*, That funds appropriated,
4 transferred, or otherwise credited to the Central Intel-
5 ligence Agency Central Services Working Capital Fund
6 during this or any prior or subsequent fiscal year shall
7 remain available until expended: *Provided further*, That
8 any funds appropriated or transferred to the Central Intel-
9 ligence Agency for advanced research and development ac-
10 quisition, for agent operations, and for covert action pro-
11 grams authorized by the President under section 503 of
12 the National Security Act of 1947, as amended, shall re-
13 main available until September 30, 2013.

14 SEC. 8033. Notwithstanding any other provision of
15 law, funds made available in this Act for the Defense In-
16 telligence Agency may be used for the design, develop-
17 ment, and deployment of General Defense Intelligence
18 Program intelligence communications and intelligence in-
19 formation systems for the Services, the Unified and Speci-
20 fied Commands, and the component commands.

21 SEC. 8034. Of the funds appropriated to the Depart-
22 ment of Defense under the heading “Operation and Main-
23 tenance, Defense-Wide”, not less than \$12,000,000 shall
24 be made available only for the mitigation of environmental
25 impacts, including training and technical assistance to

1 tribes, related administrative support, the gathering of in-
2 formation, documenting of environmental damage, and de-
3 veloping a system for prioritization of mitigation and cost
4 to complete estimates for mitigation, on Indian lands re-
5 sulting from Department of Defense activities.

6 SEC. 8035. (a) None of the funds appropriated in this
7 Act may be expended by an entity of the Department of
8 Defense unless the entity, in expending the funds, com-
9 plies with the Buy American Act. For purposes of this
10 subsection, the term “Buy American Act” means chapter
11 83 of title 41, United States Code.

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. 8036. 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. 8037. (a) ~~Except as provided in subsections (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 Senate that the granting~~
17 ~~of the waiver will reduce the personnel requirements or~~
18 ~~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;~~

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

1 “~~Aircraft Procurement, Navy~~”, 2011/2013,
2 \$55,000,000.

3 “~~Weapons Procurement, Navy~~”, 2011/2013,
4 \$35,427,000.

5 “~~Procurement of Ammunition, Navy and Marine~~
6 ~~Corps~~”, 2011/2013, \$8,612,000.

7 “~~Shipbuilding and Conversion, Navy~~”, 2011/2015,
8 \$110,351,000.

9 “~~Aircraft Procurement, Air Force~~”, 2011/2013,
10 \$30,000,000.

11 “~~Missile Procurement, Air Force~~”, 2011/2013,
12 \$122,500,000.

13 “~~Other Procurement, Air Force~~”, 2011/2013,
14 \$90,000,000.

15 “~~Procurement, Defense-Wide~~”, 2011/2013,
16 \$45,000,000.

17 “~~Research, Development, Test and Evaluation,~~
18 ~~Navy~~”, 2011/2012, \$34,771,000.

19 “~~Research, Development, Test and Evaluation, Air~~
20 ~~Force~~”, 2011/2012, \$105,000,000.

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

23 Notwithstanding any other provision of law, none of the
24 funds provided may be used for the construction of addi-
25 tional sealift capacity, as described under the heading

1 “National Defense Sealift Fund” in Public Law 107–117,
2 Public Law 107–248, and Public Law 108–87, or for the
3 purposes described in section 115 of division H of Public
4 Law 108–199, as amended by section 1017 of division A
5 of Public Law 109–13.

6 SEC. 8040. None of the funds available in this Act
7 may be used to reduce the authorized positions for mili-
8 tary (civilian) technicians of the Army National Guard,
9 Air National Guard, Army Reserve and Air Force Reserve
10 for the purpose of applying any administratively imposed
11 civilian personnel ceiling, freeze, or reduction on military
12 (civilian) technicians, unless such reductions are a direct
13 result of a reduction in military force structure.

14 SEC. 8041. None of the funds appropriated or other-
15 wise made available in this Act may be obligated or ex-
16 pended for assistance to the Democratic People’s Republic
17 of Korea unless specifically appropriated for that purpose.

18 SEC. 8042. Funds appropriated in this Act for oper-
19 ation and maintenance of the Military Departments, Com-
20 batant Commands and Defense Agencies shall be available
21 for reimbursement of pay, allowances and other expenses
22 which would otherwise be incurred against appropriations
23 for the National Guard and Reserve when members of the
24 National Guard and Reserve provide intelligence or coun-
25 terintelligence support to Combatant Commands, Defense

1 Agencies and Joint Intelligence Activities, including the
2 activities and programs included within the National Intel-
3 ligence Program and the Military Intelligence Program:
4 *Provided*, That nothing in this section authorizes deviation
5 from established Reserve and National Guard personnel
6 and training procedures.

7 ~~SEC. 8043.~~ During the current fiscal year, none of
8 the funds appropriated in this Act may be used to reduce
9 the civilian medical and medical support personnel as-
10 signed to military treatment facilities below the September
11 30, 2003, level: *Provided*, That the Service Surgeons Gen-
12 eral may waive this section by certifying to the congres-
13 sional defense committees that the beneficiary population
14 is declining in some catchment areas and civilian strength
15 reductions may be consistent with responsible resource
16 stewardship and capitation-based budgeting.

17 ~~SEC. 8044.~~ (a) None of the funds available to the
18 Department of Defense for any fiscal year for drug inter-
19 diction or counter-drug activities may be transferred to
20 any other department or agency of the United States ex-
21 cept as specifically provided in an appropriations law.

22 (b) None of the funds available to the Central Intel-
23 ligence Agency for any fiscal year for drug interdiction
24 and counter-drug activities may be transferred to any

1 other department or agency of the United States except
2 as specifically provided in an appropriations law.

3 SEC. 8045. None of the funds appropriated by this
4 Act may be used for the procurement of ball and roller
5 bearings other than those produced by a domestic source
6 and of domestic origin: *Provided*, That the Secretary of
7 the military department responsible for such procurement
8 may waive this restriction on a case-by-case basis by certi-
9 fying in writing to the Committees on Appropriations of
10 the House of Representatives and the Senate, that ade-
11 quate domestic supplies are not available to meet Depart-
12 ment of Defense requirements on a timely basis and that
13 such an acquisition must be made in order to acquire ca-
14 pability for national security purposes: *Provided further*,
15 That this restriction shall not apply to the purchase of
16 “commercial items”, as defined by section 103 of title 41,
17 United States Code, except that the restriction shall apply
18 to ball or roller bearings purchased as end items.

19 SEC. 8046. None of the funds in this Act may be
20 used to purchase any supercomputer which is not manu-
21 factured in the United States, unless the Secretary of De-
22 fense certifies to the congressional defense committees
23 that such an acquisition must be made in order to acquire
24 capability for national security purposes that is not avail-
25 able from United States manufacturers.

1 SEC. 8047. None of the funds made available in this
2 or any other Act may be used to pay the salary of any
3 officer or employee of the Department of Defense who ap-
4 proves or implements the transfer of administrative re-
5 sponsibilities or budgetary resources of any program,
6 project, or activity financed by this Act to the jurisdiction
7 of another Federal agency not financed by this Act with-
8 out the express authorization of Congress: *Provided*, That
9 this limitation shall not apply to transfers of funds ex-
10 pressly provided for in Defense Appropriations Acts, or
11 provisions of Acts providing supplemental appropriations
12 for the Department of Defense.

13 SEC. 8048. (a) Notwithstanding any other provision
14 of law, none of the funds available to the Department of
15 Defense for the current fiscal year may be obligated or
16 expended to transfer to another nation or an international
17 organization any defense articles or services (other than
18 intelligence services) for use in the activities described in
19 subsection (b) unless the congressional defense commit-
20 tees, the Committee on Foreign Affairs of the House of
21 Representatives, and the Committee on Foreign Relations
22 of the Senate are notified 15 days in advance of such
23 transfer.

24 (b) This section applies to—

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

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

8 ~~(c) A notice under subsection (a) shall include the~~
9 ~~following:~~

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

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

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

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

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

1 SEC. 8049. None of the funds available to the De-
2 partment of Defense under this Act shall be obligated or
3 expended to pay a contractor under a contract with the
4 Department of Defense for costs of any amount paid by
5 the contractor to an employee when—

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

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

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8050. During the current fiscal year, no more
13 than \$30,000,000 of appropriations made in this Act
14 under the heading “Operation and Maintenance, Defense-
15 Wide” may be transferred to appropriations available for
16 the pay of military personnel, to be merged with, and to
17 be available for the same time period as the appropriations
18 to which transferred, to be used in support of such per-
19 sonnel in connection with support and services for eligible
20 organizations and activities outside the Department of De-
21 fense pursuant to section 2012 of title 10, United States
22 Code.

23 SEC. 8051. During the current fiscal year, in the case
24 of an appropriation account of the Department of Defense
25 for which the period of availability for obligation has ex-

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

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

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

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

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

5 SEC. 8052. (a) Notwithstanding any other provision
6 of law, the Chief of the National Guard Bureau may per-
7 mit the use of equipment of the National Guard Distance
8 Learning Project by any person or entity on a space-avail-
9 able, reimbursable basis. The Chief of the National Guard
10 Bureau shall establish the amount of reimbursement for
11 such use on a case-by-case basis.

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

18 SEC. 8053. Using funds available by this Act or any
19 other Act, the Secretary of the Air Force, pursuant to a
20 determination under section 2690 of title 10, United
21 States Code, may implement cost-effective agreements for
22 required heating facility modernization in the
23 Kaiserslautern Military Community in the Federal Repub-
24 lic of Germany: *Provided*, That in the City of
25 Kaiserslautern and at the Rhine Ordnance Barracks area;

1 such agreements will include the use of United States an-
2 thracite as the base load energy for municipal district heat
3 to the United States Defense installations: *Provided fur-*
4 *ther*, That at Landstuhl Army Regional Medical Center
5 and Ramstein Air Base, furnished heat may be obtained
6 from private, regional or municipal services, if provisions
7 are included for the consideration of United States coal
8 as an energy source.

9 SEC. 8054. None of the funds appropriated in title
10 IV of this Act may be used to procure end-items for deliv-
11 ery to military forces for operational training, operational
12 use or inventory requirements: *Provided*, That this restric-
13 tion does not apply to end-items used in development,
14 prototyping, and test activities preceding and leading to
15 acceptance for operational use: *Provided further*, That this
16 restriction does not apply to programs funded within the
17 National Intelligence Program: *Provided further*, That the
18 Secretary of Defense may waive this restriction on a case-
19 by-case basis by certifying in writing to the Committees
20 on Appropriations of the House of Representatives and the
21 Senate that it is in the national security interest to do
22 so.

23 SEC. 8055. None of the funds made available in this
24 Act may be used to approve or license the sale of the F-
25 22A advanced tactical fighter to any foreign government.

1 ~~Provided~~, That the Department of Defense may conduct
2 or participate in studies, research, design and other activi-
3 ties to define and develop a future export version of the
4 ~~F-22A~~ that protects classified and sensitive information,
5 technologies and U.S. warfighting capabilities.

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

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

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

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

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

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

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

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

24 (c) The Secretary of Defense, after consultation with
25 the Secretary of State, may waive the prohibition in sub-

1 section (a) if he determines that such waiver is required
2 by extraordinary circumstances:

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

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

19 SEC. 8059. Notwithstanding any other provision of
20 law, funds appropriated in this Act under the heading
21 “Research, Development, Test and Evaluation, Defense-
22 Wide” for any new start advanced concept technology
23 demonstration project or joint capability demonstration
24 project may only be obligated 30 days after a report, in-
25 cluding a description of the project, the planned acquisi-

1 tion and transition strategy, and its estimated annual and
2 total cost, has been provided in writing to the congress-
3 sional defense committees: *Provided*, That the Secretary
4 of Defense may waive this restriction on a case-by-case
5 basis by certifying to the congressional defense committees
6 that it is in the national interest to do so.

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

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

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

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

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

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

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

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

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

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8066. Of the amounts appropriated in this Act
11 under the heading "Operation and Maintenance, Army",
12 \$124,493,000 shall remain available until expended: *Pro-*
13 *vided*, That notwithstanding any other provision of law,
14 the Secretary of Defense is authorized to transfer such
15 funds to other activities of the Federal Government: *Pro-*
16 *vided further*, That the Secretary of Defense is authorized
17 to enter into and carry out contracts for the acquisition
18 of real property, construction, personal services, and oper-
19 ations related to projects carrying out the purposes of this
20 section: *Provided further*, That contracts entered into
21 under the authority of this section may provide for such
22 indemnification as the Secretary determines to be nec-
23 essary: *Provided further*, That projects authorized by this
24 section shall comply with applicable Federal, State, and

1 local law to the maximum extent consistent with the na-
2 tional security, as determined by the Secretary of Defense.

3 SEC. 8067. Section 8106 of the Department of De-
4 fense Appropriations Act, 1997 (titles I through VIII of
5 the matter under subsection 101(b) of Public Law 104-
6 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-
7 tinue in effect to apply to disbursements that are made
8 by the Department of Defense in fiscal year 2012.

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

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8069. Of the amounts appropriated in this Act
23 under the headings “Procurement, Defense-Wide” and
24 “Research, Development, Test and Evaluation, Defense-
25 Wide”, \$235,700,000 shall be for the Israeli Cooperative

1 Programs: *Provided*, That of this amount, \$110,500,000
2 shall be for the Short Range Ballistic Missile Defense
3 (SRBMD) program, including cruise missile defense re-
4 search and development under the SRBMD program, of
5 which \$15,000,000 shall be for production activities of
6 David Sling Weapon System missiles in the United States
7 and in Israel to meet Israel's defense requirements, con-
8 sistent with each nation's laws, regulations, and proce-
9 dures, \$66,200,000 shall be available for an upper-tier
10 component to the Israeli Missile Defense architecture, and
11 \$59,000,000 shall be for the Arrow System Improvement
12 Program including development of a long range, ground
13 and airborne, detection suite: *Provided further*, That funds
14 made available under this provision for production of mis-
15 siles and missile components may be transferred to appro-
16 priations available for the procurement of weapons and
17 equipment, to be merged with and to be available for the
18 same time period and the same purposes as the appropria-
19 tion to which transferred: *Provided further*, That the
20 transfer authority provided under this provision is in addi-
21 tion to any other transfer authority contained in this Act.

22 SEC. 8070. None of the funds available to the De-
23 partment of Defense may be obligated to modify command
24 and control relationships to give Fleet Forces Command
25 administrative and operational control of United States

1 Navy forces assigned to the Pacific fleet: *Provided*, That
2 the command and control relationships which existed on
3 October 1, 2004, shall remain in force unless changes are
4 specifically authorized in a subsequent Act.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 8071. Of the amounts appropriated in this Act
7 under the heading “Shipbuilding and Conversion, Navy”,
8 \$73,992,000 shall be available until September 30, 2012,
9 to fund prior year shipbuilding cost increases: *Provided*,
10 That upon enactment of this Act, the Secretary of the
11 Navy shall transfer funds to the following appropriations
12 in the amounts specified: *Provided further*, That the
13 amounts transferred shall be merged with and be available
14 for the same purposes as the appropriations to which
15 transferred:

16 To:

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

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

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

1 ~~SEC. 8072.~~ Notwithstanding any other provision of
2 law or regulation, the Secretary of Defense may exercise
3 the provisions of section 7403(g) of title 38, United States
4 Code, for occupations listed in section 7403(a)(2) of title
5 38, United States Code, as well as the following:

6 Pharmacists, Audiologists, Psychologists, Social
7 Workers, Othotists/Prosthetists, Occupational
8 Therapists, Physical Therapists, Rehabilitation
9 Therapists, Respiratory Therapists, Speech Patholo-
10 gists, Dietitian/Nutritionists, Industrial Hygienists,
11 Psychology Technicians, Social Service Assistants,
12 Practical Nurses, Nursing Assistants, and Dental
13 Hygienists:

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

17 (2) The limitations of section
18 7403(g)(1)(B) of title 38, United States
19 Code, shall not apply.

20 ~~SEC. 8073.~~ Funds appropriated by this Act, or made
21 available by the transfer of funds in this Act, for intel-
22 ligence activities are deemed to be specifically authorized
23 by the Congress for purposes of section 504 of the Na-
24 tional Security Act of 1947 (50 U.S.C. 414) during fiscal

1 year 2012 until the enactment of the Intelligence Author-
2 ization Act for Fiscal Year 2012.

3 SEC. 8074. None of the funds provided in this Act
4 shall be available for obligation or expenditure through a
5 reprogramming of funds that creates or initiates a new
6 program, project, or activity unless such program, project,
7 or activity must be undertaken immediately in the interest
8 of national security and only after written prior notifica-
9 tion to the congressional defense committees.

10 SEC. 8075. The budget of the President for fiscal
11 year 2013 submitted to the Congress pursuant to section
12 1105 of title 31, United States Code, shall include sepa-
13 rate budget justification documents for costs of United
14 States Armed Forces' participation in contingency oper-
15 ations for the Military Personnel accounts, the Operation
16 and Maintenance accounts, and the Procurement ac-
17 counts: *Provided*, That these documents shall include a de-
18 scription of the funding requested for each contingency op-
19 eration, for each military service, to include all Active and
20 Reserve components, and for each appropriations account:
21 *Provided further*, That these documents shall include esti-
22 mated costs for each element of expense or object class,
23 a reconciliation of increases and decreases for each contin-
24 gency operation, and programmatic data including, but
25 not limited to, troop strength for each Active and Reserve

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

8 SEC. 8076. None of the funds in this Act may be
9 used for research, development, test, evaluation, procure-
10 ment or deployment of nuclear armed interceptors of a
11 missile defense system.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 8077. In addition to the amounts appropriated
14 or otherwise made available elsewhere in this Act,
15 \$44,000,000 is hereby appropriated to the Department of
16 Defense: *Provided,* That upon the determination of the
17 Secretary of Defense that it shall serve the national inter-
18 est, he shall make grants in the amounts specified as fol-
19 lows: \$20,000,000 to the United Service Organizations
20 and \$24,000,000 to the Red Cross.

21 SEC. 8078. None of the funds appropriated or made
22 available in this Act shall be used to reduce or disestablish
23 the operation of the 53rd Weather Reconnaissance Squad-
24 ron of the Air Force Reserve, if such action would reduce
25 the WC-130 Weather Reconnaissance mission below the

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

5 SEC. 8079. None of the funds provided in this Act
6 shall be available for integration of foreign intelligence in-
7 formation unless the information has been lawfully col-
8 lected and processed during the conduct of authorized for-
9 eign intelligence activities: *Provided*, That information
10 pertaining to United States persons shall only be handled
11 in accordance with protections provided in the Fourth
12 Amendment of the United States Constitution as imple-
13 mented through Executive Order No. 12333.

14 SEC. 8080. (a) At the time members of reserve com-
15 ponents of the Armed Forces are called or ordered to ac-
16 tive duty under section 12302(a) of title 10, United States
17 Code, each member shall be notified in writing of the ex-
18 pected period during which the member will be mobilized.

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

(INCLUDING TRANSFER OF FUNDS)

1
2 SEC. 8081. The Secretary of Defense may transfer
3 funds from any available Department of the Navy appro-
4 priation to any available Navy ship construction appro-
5 priation for the purpose of liquidating necessary changes
6 resulting from inflation, market fluctuations, or rate ad-
7 justments for any ship construction program appropriated
8 in law: *Provided*, That the Secretary may transfer not to
9 exceed \$100,000,000 under the authority provided by this
10 section: *Provided further*, That the Secretary may not
11 transfer any funds until 30 days after the proposed trans-
12 fer has been reported to the Committees on Appropria-
13 tions of the House of Representatives and the Senate un-
14 less a response from the Committees is received sooner:
15 *Provided further*, That any funds transferred pursuant to
16 this section shall retain the same period of availability as
17 when originally appropriated: *Provided further*, That the
18 transfer authority provided by this section is in addition
19 to any other transfer authority contained elsewhere in this
20 Act.

21 SEC. 8082. For purposes of section 7108 of title 41,
22 United States Code, any subdivision of appropriations
23 made under the heading "Shipbuilding and Conversion,
24 Navy" that is not closed at the time reimbursement is
25 made shall be available to reimburse the Judgment Fund

1 and shall be considered for the same purposes as any sub-
2 division under the heading “Shipbuilding and Conversion,
3 Navy” appropriations in the current fiscal year or any
4 prior fiscal year.

5 SEC. 8083. (a) None of the funds appropriated by
6 this Act may be used to transfer research and develop-
7 ment, acquisition, or other program authority relating to
8 current tactical unmanned aerial vehicles (TUAVs) from
9 the Army.

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

15 SEC. 8084. Up to \$15,000,000 of the funds appro-
16 priated under the heading “Operation and Maintenance,
17 Navy” may be made available for the Asia Pacific Re-
18 gional Initiative Program for the purpose of enabling the
19 Pacific Command to execute Theater Security Cooperation
20 activities such as humanitarian assistance, and payment
21 of incremental and personnel costs of training and exer-
22 cising with foreign security forces: *Provided*, That funds
23 made available for this purpose may be used, notwith-
24 standing any other funding authorities for humanitarian
25 assistance, security assistance or combined exercise ex-

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

5 SEC. 8085. None of the funds appropriated by this
6 Act for programs of the Office of the Director of National
7 Intelligence shall remain available for obligation beyond
8 the current fiscal year, except for funds appropriated for
9 research and technology, which shall remain available until
10 September 30, 2013.

11 SEC. 8086. For purposes of section 1553(b) of title
12 31, United States Code, any subdivision of appropriations
13 made in this Act under the heading “Shipbuilding and
14 Conversion, Navy” shall be considered to be for the same
15 purpose as any subdivision under the heading “Ship-
16 building and Conversion, Navy” appropriations in any
17 prior fiscal year, and the 1 percent limitation shall apply
18 to the total amount of the appropriation.

19 SEC. 8087. Notwithstanding any other provision of
20 law, not more than 35 percent of funds provided in this
21 Act for environmental remediation may be obligated under
22 indefinite delivery/indefinite quantity contracts with a
23 total contract value of \$130,000,000 or higher.

24 SEC. 8088. The Director of National Intelligence
25 shall include the budget exhibits identified in paragraphs

1 (1) and (2) as described in the Department of Defense
2 Financial Management Regulation with the congressional
3 budget justification books:

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

9 (2) For research, development, test and evalua-
10 tion projects requesting more than \$5,000,000 in
11 any fiscal year, the R-1, RDT&E Program; R-2,
12 RDT&E Budget Item Justification; R-3, RDT&E
13 Project Cost Analysis; and R-4, RDT&E Program
14 Schedule Profile.

15 SEC. 8089. The Secretary of Defense shall create a
16 major force program category for space for each future-
17 years defense program of the Department of Defense sub-
18 mitted to Congress under section 221 of title 10, United
19 States Code, during fiscal year 2012. The Secretary of De-
20 fense shall designate an official in the Office of the Sec-
21 retary of Defense to provide overall supervision of the
22 preparation and justification of program recommendations
23 and budget proposals to be included in such major force
24 program category.

1 SEC. 8090. (a) Not later than 60 days after enact-
2 ment of this Act, the Director of National Intelligence
3 shall submit a report to the congressional intelligence com-
4 mittees to establish the baseline for application of re-
5 programming and transfer authorities pursuant to section
6 8092 of this Act for fiscal year 2012: *Provided*, That the
7 report shall include—

8 (1) a table for each appropriation with a sepa-
9 rate column to display the President's budget re-
10 quest, adjustments made by Congress, adjustments
11 due to enacted rescissions, if appropriate, and the
12 fiscal year enacted level;

13 (2) a delineation in the table for each appro-
14 priation by Expenditure Center, project, and sub-
15 project; and

16 (3) an identification of items of special congres-
17 sional interest.

18 (b) None of the funds provided for the National Intel-
19 ligence Program in this Act shall be available for re-
20 programming or transfer pursuant to section 8092 of this
21 Act until the report identified in subsection (a) is sub-
22 mitted to the congressional intelligence committees, unless
23 the Director of National Intelligence certifies in writing
24 15 days in advance to the congressional intelligence com-

1 mitted that such reprogramming or transfer is necessary
2 as an emergency requirement.

3 SEC. 8091. (a) None of the funds provided for the
4 National Intelligence Program in this or any prior appro-
5 priations Act shall be available for obligation or expendi-
6 ture through a reprogramming or transfer of funds in ac-
7 cordance with section 102A(d) of the National Security
8 Act of 1947 (50 U.S.C. 403–1(d)) that—

9 (1) creates a new program, project, or sub-
10 project;

11 (2) eliminates a program, project, or subproject;

12 (3) increases funds or personnel by any means
13 for any program, project, or subproject;

14 (4) for which funds have been denied or re-
15 stricted;

16 (5) relocates an office or employees; or

17 (6) reorganizes or renames an office;

18 unless the Committees on Appropriations of the House of
19 Representatives and the Senate are notified 15 days in
20 advance of such reprogramming of funds.

21 (b) None of the funds provided for the National Intel-
22 ligence Program in this or any prior appropriations Act
23 shall be available for obligation or expenditure through a
24 reprogramming or transfer of funds in accordance with
25 section 102A(d) of the National Security Act of 1947 (50

1 U.S.C. 403–1(d)) in excess of \$1,000,000 or 10 percent,
2 whichever is less, that—

3 (1) augments existing programs, projects, or
4 subprojects;

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

8 (3) results from any general savings, including
9 savings from a reduction in personnel costs, which
10 would result in a change in existing programs,
11 projects, or subprojects as approved by Congress;

12 unless the Appropriations Committees of both Houses of
13 Congress are notified 15 days in advance of such re-
14 programming of funds.

15 SEC. 8092. The Director of National Intelligence
16 shall submit to Congress each year, at or about the time
17 that the President’s budget is submitted to Congress that
18 year under section 1105(a) of title 31, United States
19 Code, a future-years intelligence program (including asso-
20 ciated annexes) reflecting the estimated expenditures and
21 proposed appropriations included in that budget. Any such
22 future-years intelligence program shall cover the fiscal
23 year with respect to which the budget is submitted and
24 at least the four succeeding fiscal years.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8096. Of the funds appropriated in the Intel-
3 ligence Community Management Account for the Program
4 Manager for the Information Sharing Environment,
5 \$22,000,000 is available for transfer by the Director of
6 National Intelligence to other departments and agencies
7 for purposes of Government-wide information sharing ac-
8 tivities: *Provided*, That funds transferred under this provi-
9 sion are to be merged with and available for the same pur-
10 poses and time period as the appropriation to which trans-
11 ferred: *Provided further*, That the Office of Management
12 and Budget must approve any transfers made under this
13 section: *Provided further*, That the Director of National
14 Intelligence shall notify the Committees on Appropriations
15 of the House of Representatives and the Senate of such
16 transfers pursuant to section pursuant to the reprogram-
17 ming procedures established in sections 8090 and 8091.

18 SEC. 8097. Funds appropriated by this Act for oper-
19 ation and maintenance may be available for the purpose
20 of making remittances to the Defense Acquisition Work-
21 force Development Fund in accordance with the require-
22 ments of section 1705 of title 10, United States Code.

23 SEC. 8098. (a) Any agency receiving funds made
24 available in this Act, shall, subject to subsections (b) and
25 (c), post on the public website of that agency any report

1 required to be submitted by the Congress in this or any
2 other Act, upon the determination by the head of the agen-
3 cy that it shall serve the national interest.

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

5 (1) the public posting of the report com-
6 promises national security; or

7 (2) the report contains proprietary information.

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

12 SEC. 8099. (a) None of the funds appropriated or
13 otherwise made available by this Act may be expended for
14 any Federal contract for an amount in excess of
15 \$1,000,000, unless the contractor agrees not to—

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

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

11 (b) None of the funds appropriated or otherwise
12 made available by this Act may be expended for any Fed-
13 eral contract unless the contractor certifies that it requires
14 each covered subcontractor to agree not to enter into, and
15 not to take any action to enforce any provision of, any
16 agreement as described in paragraphs (1) and (2) of sub-
17 section (a), with respect to any employee or independent
18 contractor performing work related to such subcontract.
19 For purposes of this subsection, a “covered subcon-
20 tractor”²² is an entity that has a subcontract in excess of
21 \$1,000,000 on a contract subject to subsection (a).

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

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

19 SEC. 8100. (a)(1) No National Intelligence Program
20 funds appropriated in this Act may be used for a mission
21 critical or mission essential business management infor-
22 mation technology system that is not registered with the
23 Director of National Intelligence. A system shall be con-
24 sidered to be registered with that officer upon the fur-
25 nishing notice of the system, together with such informa-

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

3 (2) During the fiscal year 2012 no funds may be obli-
4 gated or expended for a financial management automated
5 information system, a mixed information system sup-
6 porting financial and non-financial systems, or a business
7 system improvement of more than \$3,000,000, within the
8 intelligence community without the approval of the Busi-
9 ness Transformation Investment Review Board.

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

13 SEC. 8101. None of the funds made available under
14 this Act may be distributed to the Association of Commu-
15 nity Organizations for Reform Now (ACORN) or its sub-
16 sidiaries.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8102. Within the funds appropriated for oper-
19 ation and maintenance for the Defense Health Program
20 in this Act, up to \$132,200,000, shall be available for
21 transfer to the Joint Department of Defense—Depart-
22 ment of Veterans Affairs Medical Facility Demonstration
23 Fund in accordance with the provisions of section 1704
24 of the National Defense Authorization Act for Fiscal Year
25 2010, Public Law 111–84: *Provided*, That for purposes

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

15 SEC. 8103. The Secretaries of the Army, Navy, Air
16 Force, and the Directors of the Defense Agencies and
17 Field Activities (in coordination with the appropriate Prin-
18 cipal Staff Assistant), in coordination with the Under Sec-
19 retary of Defense for Personnel and Readiness, shall re-
20 port to the congressional defense committees within 60
21 days of enactment of this Act their plan for documenting
22 the number of full-time contractor employees (or its equiv-
23 alent), as required by United States Code title 10, section
24 2330a.

1 SEC. 8104. Section 310(b) of the Supplemental Ap-
2 propriations Act, 2009 (Public Law 111-32, 124 Stat.
3 1871), as amended by Public Law 112-10, is amended
4 by striking “2 years” both places it appears and inserting
5 “3 years”.

6 SEC. 8105. The Office of the Director of National
7 Intelligence shall not employ more Senior Executive and
8 General Schedule 15 equivalent employees than are speci-
9 fied in the classified annex: *Provided*, That, notwith-
10 standing any other provision of law, the Office of the Di-
11 rector of National Intelligence shall select individuals for
12 Senior Executive positions in a manner consistent with all
13 requirements established in statute and all Office of Per-
14 sonnel Management regulations, guidance and procedures
15 governing the appointment of individuals to the Senior Ex-
16 ecutive Service for other Federal agencies: *Provided fur-*
17 *ther*, That the Director of National Intelligence shall cer-
18 tify within 90 days of enactment of this Act to the Com-
19 mittees on Appropriations of the House of Representatives
20 and the Senate that the Office of the Director of National
21 Intelligence, in consultation with the Director of the Office
22 of Personnel Management, has revised its selection process
23 for Senior Executive positions to conform with Office of
24 Personnel Management regulations, requirements, and
25 procedures: *Provided further*, That during fiscal year

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

8 SEC. 8106. None of the funds appropriated or other-
9 wise made available by this Act may be obligated or ex-
10 pended to pay a retired general or flag officer to serve
11 as a senior mentor advising the Department of Defense
12 unless such retired officer files a Standard Form 278 (or
13 successor form concerning public financial disclosure
14 under part 2634 of title 5, Code of Federal Regulations)
15 to the Office of Government Ethics.

16 SEC. 8107. Appropriations available to the Depart-
17 ment of Defense may be used for the purchase of heavy
18 and light armored vehicles for the physical security of per-
19 sonnel or for force protection purposes up to a limit of
20 \$250,000 per vehicle, notwithstanding price or other limi-
21 tations applicable to the purchase of passenger carrying
22 vehicles.

23 SEC. 8108. Of the amounts appropriated for Military
24 Personnel under title I of the Act, not to exceed 1 percent

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

3 SEC. 8109. Of the amounts appropriated for “Oper-
4 ation and Maintenance, Defense-Wide”, \$33,000,000 shall
5 be available to the Secretary of Defense, notwithstanding
6 any other provision of law, acting through the Office of
7 Economic Adjustment of the Department of Defense, to
8 make grants, conclude cooperative agreements, and sup-
9 plement other Federal funds; to remain available until ex-
10 pended; to assist the civilian population of Guam in re-
11 sponse to the military buildup of Guam; to include ad-
12 dressing the need for vehicles and supplies for civilian stu-
13 dent transportation; preservation and repository of arti-
14 facts unearthed during military construction; and con-
15 struction of a mental health and substance abuse facility.

16 SEC. 8110. None of the funds made available by this
17 Act may be used by the Secretary of Defense to operate
18 more than 1,000 parking spaces provided by the combina-
19 tion spaces provided by the BRAC 133 project and the
20 lease of spaces in the immediate vicinity of the BRAC 133
21 project.

22 SEC. 8111. (a) None of the funds provided in this
23 title for Operation and Maintenance may be available for
24 obligation or expenditure to relocate Air Force program
25 offices, or acquisition management functions of major

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

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

18 SEC. 8112. Not later than 120 days after the date
19 of the enactment of this Act, the Secretary of Defense
20 shall resume monthly reporting of the numbers of civilian
21 personnel end strength by appropriation account for each
22 and every appropriation account used to finance Federal
23 civilian personnel salaries to the congressional defense
24 committees.

1 ~~SEC. 8113.~~ In addition to amounts provided else-
2 where in this Act, \$10,000,000 is hereby appropriated, for
3 an additional amount for “Research, Development, Test
4 and Evaluation, Army”, to remain available until Sep-
5 tember 30, 2013. Such funds may be available for the Sec-
6 retary of the Army to conduct research on alternative en-
7 ergy resources for deployed forces.

8 ~~SEC. 8114.~~ (a) None of the funds appropriated in this
9 Act for the National Intelligence Program or the Military
10 Intelligence Program are available to establish a new fed-
11 erally funded research and development center (FFRDC),
12 either as a new entity, or as a separate entity adminis-
13 trated by an organization managing another FFRDC, or
14 as a nonprofit membership corporation consisting of a con-
15 sortium of other FFRDCs and other nonprofit entities.

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

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

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

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

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

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

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

8 SEC. 8115. The Secretary of Defense shall study and
9 report to the Congressional Defense Committees the feasi-
10 bility of using commercially available telecommunications
11 expense management solutions across the Department of
12 Defense by March 1, 2012.

13 SEC. 8116. None of the funds appropriated in this
14 or any other Act may be used to plan, prepare for, or oth-
15 erwise take any action to undertake or implement the sep-
16 aration of the National Intelligence Program budget from
17 the Department of Defense budget.

18 SEC. 8117. None of the funds appropriated in title
19 II in this Act for “Operation and Maintenance” may be
20 used for Information Operations/Military Information
21 Support Operations activities.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 8118. Upon a determination by the Director of
24 National Intelligence that such action is necessary and in
25 the national interest, the Director may, with the approval

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

1 SEC. 8119. Notwithstanding any other provision of
2 this Act, to reflect savings from revised economic assump-
3 tions, the total amount appropriated in title II of this Act
4 is hereby reduced by \$501,800,000, the total amount ap-
5 propriated in title III of this Act is hereby reduced by
6 \$484,800,000, and the total amount appropriated in title
7 IV of this Act is hereby reduced by \$323,500,000: Pro-
8 vided, That the Secretary of Defense shall allocate this
9 reduction proportionally to each budget activity, activity
10 group, subactivity group, and each program, project, and
11 activity, within each appropriation account.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 8120. In addition to amounts provided else-
14 where in this Act, there is appropriated \$250,000,000, for
15 an additional amount for “Operation and Maintenance,
16 Defense-Wide”, to be available until expended: *Provided*,
17 That such funds shall only be available to the Secretary
18 of Defense, acting through the Office of Economic Adjust-
19 ment of the Department of Defense, or for transfer to the
20 Secretary of Education, notwithstanding any other provi-
21 sion of law, to make grants, conclude cooperative agree-
22 ments, or supplement other Federal funds to construct,
23 renovate, repair, or expand elementary and secondary pub-
24 lic schools on military installations in order to address ca-
25 pacity or facility condition deficiencies at such schools:

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

7 SEC. 8121. None of the funds appropriated or other-
8 wise made available in this or any other Act may be used
9 to transfer, release, or assist in the transfer or release to
10 or within the United States, its territories, or possessions
11 Khalid Sheikh Mohammed or any other detainee who—

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

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

17 SEC. 8122. (a)(1) Except as provided in paragraph
18 (2), none of the funds appropriated or otherwise made
19 available in this or any other Act may be used to transfer
20 any individual detained at Guantanamo to the custody or
21 effective control of the individual's country of origin, any
22 other foreign country, or any other foreign entity unless
23 the Secretary of Defense submits to Congress the certifi-
24 cation described in subsection (b) by not later than 30
25 days before the transfer of the individual.

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

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

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

16 (2) maintains effective control over each deten-
17 tion facility in which an individual is to be detained
18 if the individual is to be housed in a detention facil-
19 ity;

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

23 (4) has agreed to take effective steps to ensure
24 that the individual cannot take action to threaten

1 the United States, its citizens, or its allies in the fu-
2 ture;

3 ~~(5)~~ has taken such steps as the Secretary deter-
4 mines are necessary to ensure that the individual
5 cannot engage or reengage in any terrorist activity;

6 ~~(6)~~ has agreed to share any information with
7 the United States that—

8 (A) is related to the individual or any asso-
9 ciates of the individual; and

10 ~~(B)~~ could affect the security of the United
11 States, its citizens, or its allies; and

12 ~~(7)~~ has agreed to allow appropriate agencies of
13 the United States to have access to the individual,
14 if requested.

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

1 (2) The Secretary of Defense may waive the prohibi-
2 tion in paragraph (1) if the Secretary determines that
3 such a transfer is in the national security interests of the
4 United States and includes, as part of the certification de-
5 scribed in subsection (b) relating to such transfer, the de-
6 termination of the Secretary under this paragraph.

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

14 (d) For the purposes of this section:

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

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

22 (B) is—

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

25 or

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

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

8 SEC. 8123. (a) None of the funds appropriated or
9 otherwise made available by this or any other Act may
10 be used to modify any facility in the United States, its
11 territories, or possessions to house any individual de-
12 scribed in subsection (c) for the purposes of detention or
13 imprisonment in the custody or under the effective control
14 of the Department of Defense.

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

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

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

24 (2) is—

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

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

5 SEC. 8124. (a) IN GENERAL.—Of the funds made
6 available to the Department of Defense under “Operation
7 and Maintenance, Defense-Wide” in title II, \$1,000,000
8 shall be available to the Department to commission
9 through a competitive, independent, private sector entity
10 that is an organization described in section 501(c)(3) of
11 the Internal Revenue Code of 1986 and exempt from tax
12 under section 501(a) of such Code, and has recognized
13 credentials and expertise in military affairs, to conduct a
14 forward-looking, independent assessment of the current
15 and prospective situation on the ground in Afghanistan
16 and Pakistan, its impact on the surrounding region, and
17 its consequences for United States interests. The entity
18 shall examine 4 broad topic areas to include the strategic
19 environment in and around Afghanistan and Pakistan, as
20 well as security, political, and economic and reconstruction
21 developments in those 2 countries.

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

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

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

6 SEC. 8125. Not later than 90 days after the date of
7 the enactment of this Act, the Secretary of Defense shall
8 submit to the congressional defense committees a report
9 on the approximately \$100,000,000,000 in efficiency sav-
10 ings identified by the military departments in the defense
11 budget covering fiscal years 2012 through 2016 that are
12 to be reinvested in the priorities of the military depart-
13 ments. Such report shall include an analysis of—

14 (1) each savings identified by the military de-
15 partments, including—

16 (A) the budget account from which such
17 savings will be derived;

18 (B) the number of military personnel and
19 full-time civilian employees of the Federal Gov-
20 ernment affected by such savings;

21 (C) the estimated reductions in the number
22 and funding of contractor personnel caused by
23 such savings; and

24 (D) a specific description of activities or
25 services that will be affected by such savings;

1 including the locations of such activities or serv-
2 ices; and

3 ~~(2)~~ each reinvestment planned to be funded
4 with such savings, including—

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

12 (B) with respect to such reinvestment in
13 military personnel and operation and mainte-
14 nance accounts, the budget account and the
15 subactivity (as shown in annual-1 and O-1
16 budget documents) to which such savings will
17 be reinvested;

18 (C) the number of military personnel and
19 full-time civilian employees of the Federal Gov-
20 ernment affected by such reinvestment;

21 (D) the estimated number and funding of
22 contractor personnel affected by such reinvest-
23 ment; and

24 (E) a specific description of activities or
25 services that will be affected by such reinvest-

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

3 ~~MILITARY PERSONNEL, NAVY~~

4 For an additional amount for “Military Personnel,
5 Navy”, \$919,034,000: *Provided*, That each amount in this
6 paragraph is designated as being for the global war on
7 terrorism pursuant to section 301 of H. Con. Res. 34
8 (112th Congress).

9 ~~MILITARY PERSONNEL, MARINE CORPS~~

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

15 ~~MILITARY PERSONNEL, AIR FORCE~~

16 For an additional amount for “Military Personnel,
17 Air Force”, \$1,436,353,000: *Provided*, That each amount
18 in this paragraph is designated as being for the global war
19 on terrorism pursuant to section 301 of H. Con. Res. 34
20 (112th Congress).

21 ~~RESERVE PERSONNEL, ARMY~~

22 For an additional amount for “Reserve Personnel,
23 Army”, \$207,162,000: *Provided*, That each amount in this
24 paragraph is designated as being for the global war on

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

3 RESERVE PERSONNEL, NAVY

4 For an additional amount for “Reserve Personnel,
5 Navy”, \$44,530,000: *Provided*, That each amount in this
6 paragraph is designated as being for the global war on
7 terrorism pursuant to section 301 of H. Con. Res. 34
8 (112th Congress).

9 RESERVE PERSONNEL, MARINE CORPS

10 For an additional amount for “Reserve Personnel,
11 Marine Corps”, \$25,421,000: *Provided*, That each amount
12 in this paragraph is designated as being for the global war
13 on terrorism pursuant to section 301 of H. Con. Res. 34
14 (112th Congress).

15 RESERVE PERSONNEL, AIR FORCE

16 For an additional amount for “Reserve Personnel,
17 Air Force”, \$26,815,000: *Provided*, That each amount in
18 this paragraph is designated as being for the global war
19 on terrorism pursuant to section 301 of H. Con. Res. 34
20 (112th Congress).

21 NATIONAL GUARD PERSONNEL, ARMY

22 For an additional amount for “National Guard Per-
23 sonnel, Army”, \$646,879,000: *Provided*, That each
24 amount in this paragraph is designated as being for the

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

3 NATIONAL GUARD PERSONNEL, AIR FORCE

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

9 OPERATION AND MAINTENANCE

10 OPERATION AND MAINTENANCE, ARMY

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

16 OPERATION AND MAINTENANCE, NAVY

17 For an additional amount for “Operation and Main-
18 tenance, Navy”, \$6,749,489,000: *Provided*, That each
19 amount in this paragraph is designated as being for the
20 global war on terrorism pursuant to section 301 of H.
21 Con. Res. 34 (112th Congress).

22 OPERATION AND MAINTENANCE, MARINE CORPS

23 For an additional amount for “Operation and Main-
24 tenance, Marine Corps”, \$3,571,210,000: *Provided*, That
25 each amount in this paragraph is designated as being for

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

3 OPERATION AND MAINTENANCE, AIR FORCE

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

9 OPERATION AND MAINTENANCE, DEFENSE-WIDE

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

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

20 (2) Not to exceed \$1,750,000,000, to remain
21 available until expended, for payments to reimburse
22 key cooperating nations for logistical, military, and
23 other support, including access provided to United
24 States military operations in support of Operation
25 New Dawn and Operation Enduring Freedom, not-

1 withstanding any other provision of law: *Provided,*
2 That such reimbursement payments may be made in
3 such amounts as the Secretary of Defense, with the
4 concurrence of the Secretary of State, and in con-
5 sultation with the Director of the Office of Manage-
6 ment and Budget, may determine, in his discretion,
7 based on documentation determined by the Secretary
8 of Defense to adequately account for the support
9 provided, and such determination is final and con-
10 clusive upon the accounting officers of the United
11 States, and 15 days following notification to the ap-
12 propriate congressional committees: *Provided further,*
13 That the requirement to provide notification shall
14 not apply with respect to a reimbursement for access
15 based on an international agreement: *Provided fur-*
16 *ther,* That these funds may be used for the purpose
17 of providing specialized training and procuring sup-
18 plies and specialized equipment and providing such
19 supplies and loaning such equipment on a non-reim-
20 bursable basis to coalition forces supporting United
21 States military operations in Iraq and Afghanistan,
22 and 15 days following notification to the appropriate
23 congressional committees: *Provided further,* That the
24 Secretary of Defense shall provide quarterly reports

1 to the congressional defense committees on the use
2 of funds provided in this paragraph.

3 OPERATION AND MAINTENANCE, ARMY RESERVE

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

9 OPERATION AND MAINTENANCE, NAVY RESERVE

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

15 OPERATION AND MAINTENANCE, MARINE CORPS

16 RESERVE

17 For an additional amount for “Operation and Main-
18 tenance, Marine Corps Reserve”, \$36,084,000: *Provided*,
19 That each amount in this paragraph is designated as
20 being for the global war on terrorism pursuant to section
21 301 of H. Con. Res. 34 (112th Congress).

22 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

23 For an additional amount for “Operation and Main-
24 tenance, Air Force Reserve”, \$142,050,000: *Provided*,
25 That each amount in this paragraph is designated as

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

3 OPERATION AND MAINTENANCE, ARMY NATIONAL
4 GUARD

5 For an additional amount for “Operation and Main-
6 tenance, Army National Guard”, \$387,544,000: *Provided*,
7 That each amount in this paragraph is designated as
8 being for the global war on terrorism pursuant to section
9 301 of H. Con. Res. 34 (112th Congress).

10 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

11 For an additional amount for “Operation and Main-
12 tenance, Air National Guard”, \$34,050,000: *Provided*,
13 That each amount in this paragraph is designated as
14 being for the global war on terrorism pursuant to section
15 301 of H. Con. Res. 34 (112th Congress).

16 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND
17 (INCLUDING TRANSFER OF FUNDS)

18 In addition to amounts provided elsewhere in this
19 Act, there is appropriated \$5,000,000,000 for the “Over-
20 seas Contingency Operations Transfer Fund” for expenses
21 directly relating to overseas contingency operations by
22 United States military forces, to be available until ex-
23 pended: *Provided*, That each amount in this paragraph is
24 designated as being for the global war on terrorism pursu-
25 ant to section 301 of H. Con. Res. 34 (112th Congress):

1 *Provided further*, That of the funds made available in this
2 section, the Secretary of Defense may transfer these funds
3 only to military personnel accounts, operation and mainte-
4 nance accounts, procurement accounts, and working cap-
5 ital fund accounts: *Provided further*, That the funds trans-
6 ferred shall be merged with and shall be available for the
7 same purposes and for the same time period, as the appro-
8 priation to which transferred: *Provided further*, that the
9 Secretary shall notify the congressional defense commit-
10 tees 15 days prior to such transfer: *Provided further*, That
11 the transfer authority provided under this heading is in
12 addition to any other transfer authority available to the
13 Department of Defense: *Provided further*, That upon a de-
14 termination that all or part of the funds transferred from
15 this appropriation are not necessary for the purposes pro-
16 vided herein, such amounts may be transferred back to
17 this appropriation and shall be available for the same pur-
18 poses and for the same time period as originally appro-
19 priated.

20 AFGHANISTAN INFRASTRUCTURE FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 There is hereby established in the Treasury of the
23 United States the “Afghanistan Infrastructure Fund”.
24 For the “Afghanistan Infrastructure Fund”,
25 \$475,000,000, to remain available until September 30,

1 2013: *Provided*, That such sums shall be available for in-
2 frastructure projects in Afghanistan, notwithstanding any
3 other provision of law, which shall be undertaken by the
4 Secretary of State, unless the Secretary of State and the
5 Secretary of Defense jointly decide that a specific project
6 will be undertaken by the Department of Defense: *Pro-*
7 *vided further*, That the infrastructure referred to in the
8 preceding proviso is in support of the counterinsurgency
9 strategy, requiring funding for facility and infrastructure
10 projects, including, but not limited to, water, power, and
11 transportation projects and related maintenance and
12 sustainment costs: *Provided further*, That the authority to
13 undertake such infrastructure projects is in addition to
14 any other authority to provide assistance to foreign na-
15 tions: *Provided further*, That any projects funded by this
16 appropriation shall be jointly formulated and concurred in
17 by the Secretary of State and Secretary of Defense: *Pro-*
18 *vided further*, That funds may be transferred to the De-
19 partment of State for purposes of undertaking projects,
20 which funds shall be considered to be economic assistance
21 under the Foreign Assistance Act of 1961 for purposes
22 of making available the administrative authorities con-
23 tained in that Act: *Provided further*, That the transfer au-
24 thority in the preceding proviso is in addition to any other
25 authority available to the Department of Defense to trans-

1 fer funds: *Provided further*, That any unexpended funds
2 transferred to the Secretary of State under this authority
3 shall be returned to the Afghanistan Infrastructure Fund
4 if the Secretary of State, in coordination with the Sec-
5 retary of Defense, determines that the project cannot be
6 implemented for any reason, or that the project no longer
7 supports the counterinsurgency strategy in Afghanistan:
8 *Provided further*, That any funds returned to the Sec-
9 retary of Defense under the previous proviso shall be avail-
10 able for use under this appropriation and shall be treated
11 in the same manner as funds not transferred to the Sec-
12 retary of State: *Provided further*, That contributions of
13 funds for the purposes provided herein to the Secretary
14 of State in accordance with section 635(d) of the Foreign
15 Assistance Act from any person, foreign government, or
16 international organization may be credited to this Fund,
17 to remain available until expended, and used for such pur-
18 poses: *Provided further*, That the Secretary of Defense
19 shall, not fewer than 15 days prior to making transfers
20 to or from, or obligations from the Fund, notify the appro-
21 priate committees of Congress in writing of the details of
22 any such transfer: *Provided further*, That for the purpose
23 of the section the “appropriate committees of Congress”
24 are the Committees on Armed Services, Foreign Relations
25 and Appropriations of the Senate and the Committees on

1 Armed Services, Foreign Affairs and Appropriations of the
2 House of Representatives: *Provided further*, That each
3 amount in this paragraph is designated as being for the
4 global war on terrorism pursuant to section 301 of H.
5 Con. Res. 34 (112th Congress).

6 **AFGHANISTAN SECURITY FORCES FUND**

7 (INCLUDING TRANSFER OF FUNDS)

8 For the “Afghanistan Security Forces Fund”,
9 \$12,800,000,000 (reduced by \$35,000,000), to remain
10 available until September 30, 2013: *Provided*, That such
11 funds shall be available to the Secretary of Defense, not-
12 withstanding any other provision of law, for the purpose
13 of allowing the Commander, Combined Security Transi-
14 tion Command—Afghanistan, or the Secretary’s designee,
15 to provide assistance, with the concurrence of the Sec-
16 retary of State, to the security forces of Afghanistan, in-
17 cluding the provision of equipment, supplies, services,
18 training, facility and infrastructure repair, renovation, and
19 construction, and funding: *Provided further*, That the au-
20 thority to provide assistance under this heading is in addi-
21 tion to any other authority to provide assistance to foreign
22 nations: *Provided further*, That up to \$15,000,000 of these
23 funds may be available for coalition police trainer life sup-
24 port costs: *Provided further*, That contributions of funds
25 for the purposes provided herein from any person, foreign

1 government, or international organization may be credited
 2 to this Fund and used for such purposes: *Provided further,*
 3 That the Secretary of Defense shall notify the congress-
 4 sional defense committees in writing upon the receipt and
 5 upon the obligation of any contribution, delineating the
 6 sources and amounts of the funds received and the specific
 7 use of such contributions: *Provided further,* That the Sec-
 8 retary of Defense shall, not fewer than 15 days prior to
 9 obligating from this appropriation account, notify the con-
 10 gressional defense committees in writing of the details of
 11 any such obligation: *Provided further,* That the Secretary
 12 of Defense shall notify the congressional defense commit-
 13 tees of any proposed new projects or transfer of funds be-
 14 tween budget sub-activity groups in excess of
 15 \$20,000,000: *Provided further,* That each amount in this
 16 paragraph is designated as being for the global war on
 17 terrorism pursuant to section 301 of H. Con. Res. 34
 18 (112th Congress).

19 PAKISTAN COUNTERINSURGENCY FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 For the “Pakistan Counterinsurgency Fund”,
 22 \$1,100,000,000, to remain available until September 30,
 23 2013: *Provided,* That such funds shall be available to the
 24 Secretary of Defense, with the concurrence of the Sec-
 25 retary of State, notwithstanding any other provision of

1 law, for the purpose of allowing the Secretary of Defense,
2 or the Secretary's designee, to provide assistance to Paki-
3 stan's security forces; including program management and
4 the provision of equipment, supplies, services, training,
5 and funds; and facility and infrastructure repair, renova-
6 tion, and construction to build the counterinsurgency ca-
7 pability of Pakistan's military and Frontier Corps: *Pro-*
8 *vided further*, That the authority to provide assistance
9 under this provision is in addition to any other authority
10 to provide assistance to foreign nations: *Provided further*,
11 That the Secretary of Defense may transfer funds pro-
12 vided herein to appropriations for operation and mainte-
13 nance; procurement; research; development, test and eval-
14 uation; defense working capital funds; and to the Depart-
15 ment of State, Pakistan Counterinsurgency Capability
16 Fund to accomplish the purpose provided herein: *Provided*
17 *further*, That the transfer authority in the preceding pro-
18 viso is in addition to any other authority available to the
19 Department of Defense to transfer funds: *Provided fur-*
20 *ther*, That funds so transferred shall be merged with and
21 be available for the same purposes and for the same time
22 period as the appropriation or fund to which transferred:
23 *Provided further*, That the Secretary of Defense shall, not
24 fewer than 15 days prior to making transfers from this
25 appropriation account, notify the Committees on Appro-

1 priations in writing of the details of any such transfer:
2 *Provided further*, That each amount in this paragraph is
3 designated as being for the global war on terrorism pursu-
4 ant to section 301 of H. Con. Res. 34 (112th Congress).

5 PROCUREMENT

6 AIRCRAFT PROCUREMENT, ARMY

7 For an additional amount for “Aircraft Procurement,
8 Army”, \$387,900,000, to remain available until Sep-
9 tember 30, 2014: *Provided*, That each amount in this
10 paragraph is designated as being for the global war on
11 terrorism pursuant to section 301 of H. Con. Res. 34
12 (112th Congress).

13 MISSILE PROCUREMENT, ARMY

14 For an additional amount for “Missile Procurement,
15 Army”, \$118,412,000, to remain available until Sep-
16 tember 30, 2014: *Provided*, That each amount in this
17 paragraph is designated as being for the global war on
18 terrorism pursuant to section 301 of H. Con. Res. 34
19 (112th Congress).

20 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

21 VEHICLES, ARMY

22 For an additional amount for “Procurement of Weap-
23 ons and Tracked Combat Vehieles, Army”, \$37,117,000,
24 to remain available until September 30, 2014: *Provided*,
25 That each amount in this paragraph is designated as

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

3 PROCUREMENT OF AMMUNITION, ARMY

4 For an additional amount for “Procurement of Am-
5 munition, Army”, \$208,381,000, to remain available until
6 September 30, 2014: *Provided*, That each amount in this
7 paragraph is designated as being for the global war on
8 terrorism pursuant to section 301 of H. Con. Res. 34
9 (112th Congress).

10 OTHER PROCUREMENT, ARMY

11 For an additional amount for “Other Procurement,
12 Army”, \$1,398,195,000, to remain available until Sep-
13 tember 30, 2014: *Provided*, That each amount in this
14 paragraph is designated as being for the global war on
15 terrorism pursuant to section 301 of H. Con. Res. 34
16 (112th Congress).

17 AIRCRAFT PROCUREMENT, NAVY

18 For an additional amount for “Aircraft Procurement,
19 Navy”, \$492,060,000, to remain available until September
20 30, 2014: *Provided*, That each amount in this paragraph
21 is designated as being for the global war on terrorism pur-
22 suant to section 301 of H. Con. Res. 34 (112th Congress).

23 WEAPONS PROCUREMENT, NAVY

24 For an additional amount for “Weapons Procure-
25 ment, Navy”, \$41,070,000, to remain available until Sep-

1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For an additional amount for “Aircraft Procurement,
3 Air Force”, \$440,265,000, to remain available until Sep-
4 tember 30, 2014: *Provided*, That each amount in this
5 paragraph is designated as being for the global war on
6 terrorism pursuant to section 301 of H. Con. Res. 34
7 (112th Congress).

8 MISSILE PROCUREMENT, AIR FORCE

9 For an additional amount for “Missile Procurement,
10 Air Force”, \$46,920,000, to remain available until Sep-
11 tember 30, 2014: *Provided*, That each amount in this
12 paragraph is designated as being for the global war on
13 terrorism pursuant to section 301 of H. Con. Res. 34
14 (112th Congress).

15 PROCUREMENT OF AMMUNITION, AIR FORCE

16 For an additional amount for “Procurement of Am-
17 munition, Air Force”, \$139,510,000, to remain available
18 until September 30, 2014: *Provided*, That each amount
19 in this paragraph is designated as being for the global war
20 on terrorism pursuant to section 301 of H. Con. Res. 34
21 (112th Congress).

22 OTHER PROCUREMENT, AIR FORCE

23 For an additional amount for “Other Procurement,
24 Air Force”, \$3,213,010,000, to remain available until
25 September 30, 2014: *Provided*, That each amount in this

1 paragraph is designated as being for the global war on
2 terrorism pursuant to section 301 of H. Con. Res. 34
3 (112th Congress).

4 PROCUREMENT, DEFENSE-WIDE

5 For an additional amount for “Procurement, De-
6 fense-Wide”, \$406,668,000, to remain available until Sep-
7 tember 30, 2014: *Provided*, That each amount in this
8 paragraph is designated as being for the global war on
9 terrorism pursuant to section 301 of H. Con. Res. 34
10 (112th Congress).

11 NATIONAL GUARD AND RESERVE EQUIPMENT

12 For procurement of aircraft, missiles, tracked combat
13 vehicles, ammunition, other weapons and other procure-
14 ment for the reserve components of the Armed Forces,
15 \$1,500,000,000, to remain available for obligation until
16 September 30, 2014, of which \$490,000,000 shall be
17 available only for the Army National Guard: *Provided*,
18 That the Chiefs of National Guard and Reserve compo-
19 nents shall, not later than 30 days after the enactment
20 of this Act, individually submit to the congressional de-
21 fense committees the modernization priority assessment
22 for their respective National Guard or Reserve component:
23 *Provided further*, That each amount in this paragraph is
24 designated as being for the global war on terrorism pursu-
25 ant to section 301 of H. Con. Res. 34 (112th Congress).

1 MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 For the Mine Resistant Ambush Protected Vehicle
4 Fund, \$3,195,170,000, to remain available until Sep-
5 tember 30, 2013: *Provided*, That such funds shall be avail-
6 able to the Secretary of Defense, notwithstanding any
7 other provision of law, to procure, sustain, transport, and
8 field Mine Resistant Ambush Protected vehicles: *Provided*
9 *further*, That the Secretary shall transfer such funds only
10 to appropriations made available in this or any other Act
11 for operation and maintenance; procurement; research; de-
12 velopment, test and evaluation; and defense working cap-
13 ital funds to accomplish the purpose provided herein: *Pro-*
14 *vided further*, That such funds transferred shall be merged
15 with and be available for the same purposes and the same
16 time period as the appropriation to which transferred:
17 *Provided further*, That this transfer authority is in addi-
18 tion to any other transfer authority available to the De-
19 partment of Defense: *Provided further*, That the Secretary
20 shall, not fewer than 10 days prior to making transfers
21 from this appropriation, notify the congressional defense
22 committees in writing of the details of any such transfer:
23 *Provided further*, That each amount in this paragraph is
24 designated as being for the global war on terrorism pursu-
25 ant to section 301 of H. Con. Res. 34 (112th Congress).

1 RESEARCH, DEVELOPMENT, TEST, AND
2 EVALUATION

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 ARMY

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

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For an additional amount for “Research, Develop-
14 ment, Test and Evaluation, Navy”, \$53,884,000, to re-
15 main available until September 30, 2013: *Provided*, That
16 each amount in this paragraph is designated as being for
17 the global war on terrorism pursuant to section 301 of
18 H. Con. Res. 34 (112th Congress).

19 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
20 AIR FORCE

21 For an additional amount for “Research, Develop-
22 ment, Test and Evaluation, Air Force”, \$182,000,000, to
23 remain available until September 30, 2013: *Provided*,
24 That each amount in this paragraph is designated as

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

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 DEFENSE-WIDE

5 For an additional amount for “Research, Develop-
6 ment, Test and Evaluation, Defense-Wide”,
7 \$192,361,000, to remain available until September 30,
8 2013: *Provided*, That each amount in this paragraph is
9 designated as being for the global war on terrorism pursu-
10 ant to section 301 of H. Con. Res. 34 (112th Congress).

11 REVOLVING AND MANAGEMENT FUNDS

12 DEFENSE WORKING CAPITAL FUNDS

13 For an additional amount for “Defense Working
14 Capital Funds”, \$435,013,000: *Provided*, That each
15 amount in this paragraph is designated as being for the
16 global war on terrorism pursuant to section 301 of H.
17 Con. Res. 34 (112th Congress).

18 OTHER DEPARTMENT OF DEFENSE PROGRAMS

19 DEFENSE HEALTH PROGRAM

20 For an additional amount for “Defense Health Pro-
21 gram”, \$1,228,288,000 (increased by \$20,000,000),
22 which shall be for operation and maintenance: *Provided*,
23 That each amount in this paragraph is designated as
24 being for the global war on terrorism pursuant to section
25 301 of H. Con. Res. 34 (112th Congress).

1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

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

8 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

9 (INCLUDING TRANSFER OF FUNDS)

10 For an additional amount for “Joint Improvised Ex-
11 plosive Device Defeat Fund”, \$2,577,500,000, to remain
12 available until September 30, 2014: *Provided*, That such
13 funds shall be available to the Secretary of Defense, not-
14 withstanding any other provision of law, for the purpose
15 of allowing the Director of the Joint Improvised Explosive
16 Device Defeat Organization to investigate, develop and
17 provide equipment, supplies, services, training, facilities,
18 personnel and funds to assist United States forces in the
19 defeat of improvised explosive devices: *Provided further*,
20 That the Secretary of Defense may transfer funds pro-
21 vided herein to appropriations for military personnel; oper-
22 ation and maintenance; procurement; research, develop-
23 ment, test and evaluation; and defense working capital
24 funds to accomplish the purpose provided herein: *Provided*
25 *further*, That this transfer authority is in addition to any

1 other transfer authority available to the Department of
 2 Defense: *Provided further*, That the Secretary of Defense
 3 shall, not fewer than 15 days prior to making transfers
 4 from this appropriation, notify the congressional defense
 5 committees in writing of the details of any such transfer:
 6 *Provided further*, That each amount in this paragraph is
 7 designated as being for the global war on terrorism pursu-
 8 ant to section 301 of H. Con. Res. 34 (112th Congress).

9 OFFICE OF THE INSPECTOR GENERAL

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

15 GENERAL PROVISIONS—THIS TITLE

16 SEC. 9001. Notwithstanding any other provision of
 17 law, funds made available in this title are in addition to
 18 amounts appropriated or otherwise made available for the
 19 Department of Defense for 2012.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 9002. Upon the determination of the Secretary
 22 of Defense that such action is necessary in the national
 23 interest, the Secretary may, with the approval of the Of-
 24 fice of Management and Budget, transfer up to
 25 \$3,000,000,000 between the appropriations or funds made

1 available to the Department of Defense in this title: *Pro-*
2 *vided*, That the Secretary shall notify the Congress
3 promptly of each transfer made pursuant to the authority
4 in this section: *Provided further*, That the authority pro-
5 vided in this section is in addition to any other transfer
6 authority available to the Department of Defense and is
7 subject to the same terms and conditions as the authority
8 provided in the Department of Defense Appropriations
9 Act, 2012.

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

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

1 security of personnel or for force protection purposes up
2 to a limit of \$250,000 per vehicle, notwithstanding price
3 or other limitations applicable to the purchase of pas-
4 senger carrying vehicles.

5 SEC. 9005. Not to exceed \$400,000,000 of the
6 amount appropriated in this title under the heading “Op-
7 eration and Maintenance, Army” may be used, notwith-
8 standing any other provision of law, to fund the Com-
9 mander’s Emergency Response Program (CERP), for the
10 purpose of enabling military commanders in Afghanistan
11 to respond to urgent, small scale, humanitarian relief and
12 reconstruction requirements within their areas of responsi-
13 bility: *Provided*, That each project (including any ancillary
14 or related elements in connection with such project) exe-
15 cuted under this authority shall not exceed \$20,000,000:
16 *Provided further*, That not later than 45 days after the
17 end of each fiscal year quarter, the Secretary of Defense
18 shall submit to the congressional defense committees a re-
19 port regarding the source of funds and the allocation and
20 use of funds during that quarter that were made available
21 pursuant to the authority provided in this section or under
22 any other provision of law for the purposes described here-
23 in: *Provided further*, That, not later than 30 days after
24 the end of each month, the Army shall submit to the con-
25 gressional defense committees monthly commitment, obli-

1 gation, and expenditure data for the Commander's Emer-
2 gency Response Program in Afghanistan: *Provided further,*
3 That not less than 15 days before making funds available
4 pursuant to the authority provided in this section or under
5 any other provision of law for the purposes described here-
6 in for a project with a total anticipated cost for completion
7 of \$5,000,000 or more, the Secretary shall submit to the
8 congressional defense committees a written notice con-
9 taining each of the following:

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

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

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

1 ~~SEC. 9006. Funds available to the Department of De-~~
2 ~~fense for operation and maintenance may be used, not-~~
3 ~~withstanding any other provision of law, to provide sup-~~
4 ~~plies, services, transportation, including airlift and sealift,~~
5 ~~and other logistical support to coalition forces supporting~~
6 ~~military and stability operations in Iraq and Afghanistan.~~
7 ~~Provided, That the Secretary of Defense shall provide~~
8 ~~quarterly reports to the congressional defense committees~~
9 ~~regarding support provided under this section.~~

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

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

17 ~~(2) To exercise United States control over any~~
18 ~~oil resource of Iraq.~~

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

23 ~~SEC. 9008. None of the funds made available in this~~
24 ~~Act may be used in contravention of the following laws~~
25 ~~enacted or regulations promulgated to implement the~~

1 United Nations Convention Against Torture and Other
2 Cruel, Inhuman or Degrading Treatment or Punishment
3 (done at New York on December 10, 1984):

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

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

13 (3) Sections 1002 and 1003 of the Department
14 of Defense, Emergency Supplemental Appropriations
15 to Address Hurricanes in the Gulf of Mexico, and
16 Pandemic Influenza Act, 2006 (Public Law 109-
17 148).

18 SEC. 9009. (a) The Secretary of Defense shall submit
19 to the congressional defense committees not later than 45
20 days after the end of each fiscal quarter a report on the
21 proposed use of all funds appropriated by this or any prior
22 Act under each of the headings Afghanistan Security
23 Forces Fund, Afghanistan Infrastructure Fund, and Paki-
24 stan Counterinsurgency Fund on a project-by-project
25 basis, for which the obligation of funds is anticipated dur-

1 ing the 3-month period from such date, including esti-
2 mates for the accounts referred to in this section of the
3 costs required to complete each such project.

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

6 (1) The use of all funds on a project-by-project
7 basis for which funds appropriated under the head-
8 ings referred to in subsection (a) were obligated
9 prior to the submission of the report, including esti-
10 mates for the accounts referred to in subsection (a)
11 of the costs to complete each project.

12 (2) The use of all funds on a project-by-project
13 basis for which funds were appropriated under the
14 headings referred to in subsection (a) in prior appro-
15 priations Acts, or for which funds were made avail-
16 able by transfer, reprogramming, or allocation from
17 other headings in prior appropriations Acts, includ-
18 ing estimates for the accounts referred to in sub-
19 section (a) of the costs to complete each project.

20 (3) An estimated total cost to train and equip
21 the Afghanistan and Pakistan security forces,
22 disaggregated by major program and sub-elements
23 by force, arrayed by fiscal year.

24 SEC. 9010. (a) FUNDING FOR OUTREACH AND RE-
25 INTEGRATION SERVICES UNDER YELLOW RIBBON RE-

1 INTEGRATION PROGRAM.—Of the amounts appropriated
2 or otherwise made available by title IX, up to \$20,000,000
3 may be available for outreach and reintegration services
4 under the Yellow Ribbon Reintegration Program under
5 section 582(h) of the National Defense Authorization Act
6 for Fiscal Year 2008 (Public Law 110–181, 122 Stat.
7 125, 10 U.S.C. 10101 note).

8 (b) SUPPLEMENT NOT SUPPLANT.—The amount
9 made available by subsection (a) for the services described
10 in that subsection is in addition to any other amounts
11 available in this Act for such services.

12 SEC. 9011. Funds made available in this title to the
13 Department of Defense for operation and maintenance
14 may be used to purchase items having an investment unit
15 cost of not more than \$250,000. *Provided*, That, upon de-
16 termination by the Secretary of Defense that such action
17 is necessary to meet the operational requirements of a
18 Commander of a Combatant Command engaged in contin-
19 uous operations overseas, such funds may be used to pur-
20 chase items having an investment item unit cost of not
21 more than \$500,000.

22 SEC. 9012. (a) The Task Force for Business and Sta-
23 bility Operations in Afghanistan may, subject to the direc-
24 tion and control of the Secretary of Defense and with the
25 concurrence of the Secretary of State, carry out projects

1 in fiscal year 2012 to assist the commander of the United
2 States Central Command in developing a link between
3 United States military operations in Afghanistan under
4 Operation Enduring Freedom and the economic elements
5 of United States national power in order to reduce vio-
6 lence, enhance stability, and restore economic normalcy in
7 Afghanistan through strategic business and economic op-
8 portunities.

9 (b) The projects carried out under paragraph (a) may
10 include projects that facilitate private investment, indus-
11 trial development, banking and financial system develop-
12 ment, agricultural diversification and revitalization, and
13 energy development in and with respect to Afghanistan.

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

18 SEC. 9013. From funds made available in this title
19 to the Department of Defense for operation and mainte-
20 nance, up to \$524,000,000 may be used by the Secretary
21 of Defense, notwithstanding any other provision of law,
22 to support the United States Government transition activi-
23 ties in Iraq by undertaking facilities renovation and con-
24 struction associated with establishing Office of Security
25 Cooperation locations, at no more than ten sites, in Iraq:

1 ~~Provided,~~ That not less than 15 days before making funds
2 available pursuant to the authority provided in this sec-
3 tion, the Secretary shall submit to the congressional de-
4 fense committees a written notice containing a detailed
5 justification and timeline for each proposed site and the
6 source of funds.

7 SEC. 9014. (a) Not more than 85 percent of the
8 funds provided in this title for operation and maintenance
9 may be available for obligation or expenditure until the
10 date on which the Secretary of Defense submits the report
11 under subsection (b).

12 (b) Not later than 120 days after the date of the en-
13 actment of this Act, the Secretary of Defense shall submit
14 to the congressional defense committees a report on con-
15 tractor employees in the United States Central Command,
16 including—

17 (1) the number of employees of a contractor
18 awarded a contract by the Department of Defense
19 (including subcontractor employees) who are em-
20 ployed at the time of the report in the area of oper-
21 ations of the United States Central Command, in-
22 cluding a list of the number of such employees in
23 each of Iraq, Afghanistan, and all other areas of op-
24 erations of the United States Central Command; and

1 (2) for each fiscal year quarter beginning on
2 the date of the report and ending on September 30,
3 ~~2012—~~

4 (A) the number of such employees planned
5 by the Secretary to be employed during each
6 such period in each of Iraq, Afghanistan, and
7 all other areas of operations of the United
8 States Central Command; and

9 (B) an explanation of how the number of
10 such employees listed under subparagraph (A)
11 relates to the planned number of military per-
12 sonnel in such locations.

13 ~~SEC. 9015. Of the amounts appropriated or trans-~~
14 ~~ferred to the Pakistan Counterinsurgency Fund (hereafter~~
15 ~~in this subsection referred to as the 'Fund') for any fiscal~~
16 ~~year after fiscal year 2011—~~

17 (1) not more than 25 percent of such amounts
18 may be obligated or expended until such time as the
19 Secretary of Defense, with the concurrence of the
20 Secretary of State—

21 (A) submits to the appropriate congres-
22 sional committees a report on the strategy to
23 utilize the Fund and the metrics used to deter-
24 mine progress with respect to the Fund; and

1 (B) notifies the appropriate congressional
2 committees of the intent of the Secretary to ob-
3 ligate or expend amounts that are in excess of
4 such 25 percent and a period of 30 days has
5 elapsed following such notification.

6 (2) Notwithstanding any other provision of law,
7 none of the amounts described in the matter pre-
8 ceeding paragraph (1) shall be available for re-
9 programming.

10 (3) Such report shall include, at a minimum,
11 the following:

12 (A) A discussion of United States strategic
13 objectives in Pakistan.

14 (B) A listing of the terrorist or extremist
15 organizations in Pakistan opposing United
16 States goals in the region and against which
17 the United States encourages Pakistan to take
18 action.

19 (C) A discussion of the gaps in capabilities
20 of Pakistani security units that hamper the
21 ability of the Government of Pakistan to take
22 action against the organizations listed in sub-
23 paragraph (B).

1 (D) A discussion of how assistance pro-
2 vided utilizing the Fund will address the gaps
3 in capabilities listed in subparagraph (C).

4 (E) A discussion of other efforts under-
5 taken by other United States Government de-
6 partments and agencies to address the gaps in
7 capabilities listed in subparagraph (C) or com-
8 plementary activities of the Department of De-
9 fense and how those efforts are coordinated
10 with the activities undertaken to utilize the
11 Fund.

12 (F) Metrics that will be used to track
13 progress in achieving the United States stra-
14 tegic objectives in Pakistan; to track progress
15 of the Government of Pakistan in combating
16 the organizations listed in subparagraph (B);
17 and to address the gaps in capabilities listed in
18 subparagraph (C).

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

1 exceeds the amount of proposed new budget authority is
2 \$0.

3 SEC. 10002. The total amount of appropriations
4 made available by this Act is hereby reduced by
5 \$124,800,000.

6 SEC. 10003. None of the funds made available by this
7 Act may be used by the Department of Defense to furnish
8 military equipment, military training or advice, or other
9 support for military activities, to any group or individual,
10 not part of a country's armed forces, for the purpose of
11 assisting that group or individual in carrying out military
12 activities in or against Libya.

13 SEC. 10004. None of the funds made available by this
14 Act may be used in contravention of section 2533a of title
15 10, United States Code (popularly known as the "Berry
16 Amendment").

17 SEC. 10005. None of the funds made available by this
18 Act may be used to enter into a contract, memorandum
19 of understanding, or cooperative agreement with, or pro-
20 vide a loan or loan guarantee to, any United States com-
21 mercial air carrier if that contract, memorandum of un-
22 derstanding, cooperative agreement, loan, or loan guar-
23 antee allows the air carrier to charge baggage fees to any
24 member of the Armed Forces who is traveling on official

1 military orders and is being deployed overseas or is return-
2 ing from an overseas deployment.

3 SEC. 10006. None of the funds made available by this
4 Act may be used in contravention of section 1590 or 1591
5 of title 18, United States Code, or in contravention of the
6 requirements of section 106(g) or (h) of the Trafficking
7 Victims Protection Act of 2000 (22 U.S.C. 7104(g) or
8 (h)).

9 SEC. 10007. None of the funds in this Act may be
10 used to procure air transportation from a commercial air
11 carrier for a member of the Armed Forces who is traveling
12 under orders to deploy to or return from an overseas con-
13 tingency operation under terms that allow the carrier to
14 charge the member fees for checked baggage other than
15 for bags weighing more than 80 pounds or bags in excess
16 of 4 per individual.

17 SEC. 10008. None of the funds made available by this
18 Act may be used by the Department of Defense to lease
19 or purchase new light duty vehicles, for any executive fleet,
20 or for an agency's fleet inventory, except in accordance
21 with Presidential Memorandum-Federal Fleet Perform-
22 ance, dated May 24, 2011.

23 SEC. 10009. None of the funds made available by this
24 Act may be used to reduce the number of B-1 aircraft
25 of the Armed Forces.

1 ~~SEC. 10010.~~ None of the funds made available by this
2 Act may be obligated or expended for assistance to the
3 following entities:

4 ~~(1) The Government of Iran.~~

5 ~~(2) Hamas.~~

6 ~~(3) Hizbullah.~~

7 ~~(4) The Muslim Brotherhood.~~

8 ~~SEC. 10011.~~ None of the funds made available by this
9 Act may be used to enforce section 526 of the Energy
10 Independence and Security Act of 2007 (Public Law 110-
11 140; 42 U.S.C. 17142).

12 ~~SEC. 10012.~~ None of the funds made available by this
13 Act for international military education and training, for-
14 eign military financing, excess defense articles, assistance
15 under section 1206 of the National Defense Authorization
16 Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat.
17 3456), issuance for direct commercial sales of military
18 equipment, or peacekeeping operations for the countries
19 of Chad, Yemen, Somalia, Sudan, Democratic Republic of
20 the Congo, and Burma may be used to support any mili-
21 tary training or operations that include child soldiers, as
22 defined by the Child Soldiers Prevention Act of 2008, and
23 except if such assistance is otherwise permitted under sec-
24 tion 404 of the Child Soldiers Prevention Act of 2008
25 (Public Law 110-457; 22 U.S.C. 2370c-1).

1 ~~SEC. 10013.~~ None of the funds made available by this
2 Act may be used in contravention of section 7 of title 1,
3 United States Code (the Defense of Marriage Act).

4 ~~SEC. 10014.~~ None of the funds made available by this
5 Act may be used in contravention of the War Powers Res-
6 olution (50 U.S.C. 1541 et seq.).

7 ~~SEC. 10015.~~ None of the funds made available by this
8 Act may be used to implement any rule, regulation, or ex-
9 ecutive order regarding the disclosure of political contribu-
10 tions that takes effect on or after the date of enactment
11 of this Act.

12 ~~SEC. 10016.~~ None of the funds made available in this
13 Act may be used to enforce section 376 of the National
14 Defense Authorization Act for Fiscal Year 2006 (Public
15 Law 109-163).

16 ~~SEC. 10017.~~ None of the funds made available by this
17 Act may be used for—

18 (1) deploying members of the Armed Forces on
19 to the ground of Libya for the purposes of engaging
20 in military operations unless the purpose of such de-
21 ployment is limited solely to rescuing members of
22 the United States Armed Forces;

23 (2) awarding a contract to a private security
24 contractor to conduct any activity on the ground of
25 Libya; or

1 ~~(3) otherwise establishing or maintaining any~~
2 ~~presence of members of the Armed Forces or private~~
3 ~~security contractors on the ground of Libya unless~~
4 ~~the purpose of such deployment is limited solely to~~
5 ~~rescuing members of the United States Armed~~
6 ~~Forces.~~

7 ~~SEC. 10018. None of the funds made available by this~~
8 ~~Act may be used to research, develop, manufacture, or~~
9 ~~procure a newly designed flight suit or integrated aircrew~~
10 ~~ensemble.~~

11 ~~SEC. 10019. None of the funds made available by this~~
12 ~~Act may be used to enter into a contract that allows the~~
13 ~~contractor to use amounts paid to the contractor under~~
14 ~~such contract to pay a tax to the Afghan Ministry of Fi-~~
15 ~~nance.~~

16 ~~SEC. 10020. None of the funds made available by this~~
17 ~~Act may be used to implement the curriculum of the Chap-~~
18 ~~lain Corps Tier 1 DADT repeal training dated April 11,~~
19 ~~2011.~~

20 ~~This Act may be cited as the “Department of Defense~~
21 ~~Appropriations Act, 2012”.~~

22 ~~*That the following sums are appropriated, out of any*~~
23 ~~*money in the Treasury not otherwise appropriated, for*~~
24 ~~*military functions administered by the Department of De-*~~
25 ~~*fense and for other purposes, namely:*~~

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TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$43,291,009,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42

1 *U.S.C. 402 note), and to the Department of Defense Mili-*
2 *tary Retirement Fund, \$26,801,134,000.*

3 *MILITARY PERSONNEL, MARINE CORPS*

4 *For pay, allowances, individual clothing, subsistence,*
5 *interest on deposits, gratuities, permanent change of station*
6 *travel (including all expenses thereof for organizational*
7 *movements), and expenses of temporary duty travel between*
8 *permanent duty stations, for members of the Marine Corps*
9 *on active duty (except members of the Reserve provided for*
10 *elsewhere); and for payments pursuant to section 156 of*
11 *Public Law 97-377, as amended (42 U.S.C. 402 note), and*
12 *to the Department of Defense Military Retirement Fund,*
13 *\$13,653,366,000.*

14 *MILITARY PERSONNEL, AIR FORCE*

15 *For pay, allowances, individual clothing, subsistence,*
16 *interest on deposits, gratuities, permanent change of station*
17 *travel (including all expenses thereof for organizational*
18 *movements), and expenses of temporary duty travel between*
19 *permanent duty stations, for members of the Air Force on*
20 *active duty (except members of reserve components provided*
21 *for elsewhere), cadets, and aviation cadets; for members of*
22 *the Reserve Officers' Training Corps; and for payments*
23 *pursuant to section 156 of Public Law 97-377, as amended*
24 *(42 U.S.C. 402 note), and to the Department of Defense*
25 *Military Retirement Fund, \$28,038,108,000.*

1 *RESERVE PERSONNEL, ARMY*

2 *For pay, allowances, clothing, subsistence, gratuities,*
3 *travel, and related expenses for personnel of the Army Re-*
4 *serve on active duty under sections 10211, 10302, and 3038*
5 *of title 10, United States Code, or while serving on active*
6 *duty under section 12301(d) of title 10, United States Code,*
7 *in connection with performing duty specified in section*
8 *12310(a) of title 10, United States Code, or while under-*
9 *going reserve training, or while performing drills or equiva-*
10 *lent duty or other duty, and expenses authorized by section*
11 *16131 of title 10, United States Code; and for payments*
12 *to the Department of Defense Military Retirement Fund,*
13 *\$4,280,507,000.*

14 *RESERVE PERSONNEL, NAVY*

15 *For pay, allowances, clothing, subsistence, gratuities,*
16 *travel, and related expenses for personnel of the Navy Re-*
17 *serve on active duty under section 10211 of title 10, United*
18 *States Code, or while serving on active duty under section*
19 *12301(d) of title 10, United States Code, in connection with*
20 *performing duty specified in section 12310(a) of title 10,*
21 *United States Code, or while undergoing reserve training,*
22 *or while performing drills or equivalent duty, and expenses*
23 *authorized by section 16131 of title 10, United States Code;*
24 *and for payments to the Department of Defense Military*
25 *Retirement Fund, \$1,933,544,000.*

1 *RESERVE PERSONNEL, MARINE CORPS*

2 *For pay, allowances, clothing, subsistence, gratuities,*
3 *travel, and related expenses for personnel of the Marine*
4 *Corps Reserve on active duty under section 10211 of title*
5 *10, United States Code, or while serving on active duty*
6 *under section 12301(d) of title 10, United States Code, in*
7 *connection with performing duty specified in section*
8 *12310(a) of title 10, United States Code, or while under-*
9 *going reserve training, or while performing drills or equiva-*
10 *lent duty, and for members of the Marine Corps platoon*
11 *leaders class, and expenses authorized by section 16131 of*
12 *title 10, United States Code; and for payments to the De-*
13 *partment of Defense Military Retirement Fund,*
14 *\$643,422,000.*

15 *RESERVE PERSONNEL, AIR FORCE*

16 *For pay, allowances, clothing, subsistence, gratuities,*
17 *travel, and related expenses for personnel of the Air Force*
18 *Reserve on active duty under sections 10211, 10305, and*
19 *8038 of title 10, United States Code, or while serving on*
20 *active duty under section 12301(d) of title 10, United States*
21 *Code, in connection with performing duty specified in sec-*
22 *tion 12310(a) of title 10, United States Code, or while un-*
23 *dergoing reserve training, or while performing drills or*
24 *equivalent duty or other duty, and expenses authorized by*
25 *section 16131 of title 10, United States Code; and for pay-*

1 *ments to the Department of Defense Military Retirement*
2 *Fund, \$1,709,695,000.*

3 *NATIONAL GUARD PERSONNEL, ARMY*

4 *For pay, allowances, clothing, subsistence, gratuities,*
5 *travel, and related expenses for personnel of the Army Na-*
6 *tional Guard while on duty under section 10211, 10302,*
7 *or 12402 of title 10 or section 708 of title 32, United States*
8 *Code, or while serving on duty under section 12301(d) of*
9 *title 10 or section 502(f) of title 32, United States Code,*
10 *in connection with performing duty specified in section*
11 *12310(a) of title 10, United States Code, or while under-*
12 *going training, or while performing drills or equivalent*
13 *duty or other duty, and expenses authorized by section*
14 *16131 of title 10, United States Code; and for payments*
15 *to the Department of Defense Military Retirement Fund,*
16 *\$7,562,645,000.*

17 *NATIONAL GUARD PERSONNEL, AIR FORCE*

18 *For pay, allowances, clothing, subsistence, gratuities,*
19 *travel, and related expenses for personnel of the Air Na-*
20 *tional Guard on duty under section 10211, 10305, or 12402*
21 *of title 10 or section 708 of title 32, United States Code,*
22 *or while serving on duty under section 12301(d) of title 10*
23 *or section 502(f) of title 32, United States Code, in connec-*
24 *tion with performing duty specified in section 12310(a) of*
25 *title 10, United States Code, or while undergoing training,*

1 *or while performing drills or equivalent duty or other duty,*
2 *and expenses authorized by section 16131 of title 10, United*
3 *States Code; and for payments to the Department of Defense*
4 *Military Retirement Fund, \$3,087,129,000.*

5

TITLE II

6

OPERATION AND MAINTENANCE

7

OPERATION AND MAINTENANCE, ARMY

8

For expenses, not otherwise provided for, necessary for
9 *the operation and maintenance of the Army, as authorized*
10 *by law; and not to exceed \$12,478,000 can be used for emer-*
11 *gencies and extraordinary expenses, to be expended on the*
12 *approval or authority of the Secretary of the Army, and*
13 *payments may be made on his certificate of necessity for*
14 *confidential military purposes, \$29,813,840,000.*

15

OPERATION AND MAINTENANCE, NAVY

16

For expenses, not otherwise provided for, necessary for
17 *the operation and maintenance of the Navy and the Marine*
18 *Corps, as authorized by law; and not to exceed \$15,055,000*
19 *can be used for emergencies and extraordinary expenses, to*
20 *be expended on the approval or authority of the Secretary*
21 *of the Navy, and payments may be made on his certificate*
22 *of necessity for confidential military purposes,*
23 *\$38,176,209,000.*

1 *OPERATION AND MAINTENANCE, MARINE CORPS*

2 *For expenses, not otherwise provided for, necessary for*
3 *the operation and maintenance of the Marine Corps, as au-*
4 *thorized by law, \$5,545,437,000.*

5 *OPERATION AND MAINTENANCE, AIR FORCE*

6 *For expenses, not otherwise provided for, necessary for*
7 *the operation and maintenance of the Air Force, as author-*
8 *ized by law; and not to exceed \$7,699,000 can be used for*
9 *emergencies and extraordinary expenses, to be expended on*
10 *the approval or authority of the Secretary of the Air Force,*
11 *and payments may be made on his certificate of necessity*
12 *for confidential military purposes, \$35,252,873,000.*

13 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For expenses, not otherwise provided for, necessary for*
16 *the operation and maintenance of activities and agencies*
17 *of the Department of Defense (other than the military de-*
18 *partments), as authorized by law, \$30,450,742,000: Pro-*
19 *vided, That not more than \$47,026,000 may be used for*
20 *the Combatant Commander Initiative Fund authorized*
21 *under section 166a of title 10, United States Code: Provided*
22 *further, That not to exceed \$40,000,000 can be used for*
23 *emergencies and extraordinary expenses, to be expended on*
24 *the approval or authority of the Secretary of Defense, and*
25 *payments may be made on his certificate of necessity for*

1 *confidential military purposes: Provided further, That of*
2 *the funds provided under this heading, not less than*
3 *\$34,311,000 shall be made available for the Procurement*
4 *Technical Assistance Cooperative Agreement Program, of*
5 *which not less than \$3,600,000 shall be available for centers*
6 *defined in 10 U.S.C. 2411(1)(D): Provided further, That*
7 *none of the funds appropriated or otherwise made available*
8 *by this Act may be used to plan or implement the consolida-*
9 *tion of a budget or appropriations liaison office of the Office*
10 *of the Secretary of Defense, the office of the Secretary of*
11 *a military department, or the service headquarters of one*
12 *of the Armed Forces into a legislative affairs or legislative*
13 *liaison office: Provided further, That \$8,420,000, to remain*
14 *available until expended, is available only for expenses re-*
15 *lating to certain classified activities, and may be trans-*
16 *ferred as necessary by the Secretary of Defense to operation*
17 *and maintenance appropriations or research, development,*
18 *test and evaluation appropriations, to be merged with and*
19 *to be available for the same time period as the appropria-*
20 *tions to which transferred: Provided further, That any ceil-*
21 *ing on the investment item unit cost of items that may be*
22 *purchased with operation and maintenance funds shall not*
23 *apply to the funds described in the preceding proviso: Pro-*
24 *vided further, That the transfer authority provided under*

1 *this heading is in addition to any other transfer authority*
2 *provided elsewhere in this Act.*

3 *OPERATION AND MAINTENANCE, ARMY RESERVE*

4 *For expenses, not otherwise provided for, necessary for*
5 *the operation and maintenance, including training, organi-*
6 *zation, and administration, of the Army Reserve; repair of*
7 *facilities and equipment; hire of passenger motor vehicles;*
8 *travel and transportation; care of the dead; recruiting; pro-*
9 *curement of services, supplies, and equipment; and commu-*
10 *nications, \$3,092,176,000.*

11 *OPERATION AND MAINTENANCE, NAVY RESERVE*

12 *For expenses, not otherwise provided for, necessary for*
13 *the operation and maintenance, including training, organi-*
14 *zation, and administration, of the Navy Reserve; repair of*
15 *facilities and equipment; hire of passenger motor vehicles;*
16 *travel and transportation; care of the dead; recruiting; pro-*
17 *curement of services, supplies, and equipment; and commu-*
18 *nications, \$1,305,134,000.*

19 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

20 *For expenses, not otherwise provided for, necessary for*
21 *the operation and maintenance, including training, organi-*
22 *zation, and administration, of the Marine Corps Reserve;*
23 *repair of facilities and equipment; hire of passenger motor*
24 *vehicles; travel and transportation; care of the dead; recruit-*

1 *ing; procurement of services, supplies, and equipment; and*
2 *communications, \$271,443,000.*

3 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

4 *For expenses, not otherwise provided for, necessary for*
5 *the operation and maintenance, including training, organi-*
6 *zation, and administration, of the Air Force Reserve; repair*
7 *of facilities and equipment; hire of passenger motor vehicles;*
8 *travel and transportation; care of the dead; recruiting; pro-*
9 *curement of services, supplies, and equipment; and commu-*
10 *nications, \$3,274,359,000.*

11 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

12 *For expenses of training, organizing, and admin-*
13 *istering the Army National Guard, including medical and*
14 *hospital treatment and related expenses in non-Federal hos-*
15 *pitals; maintenance, operation, and repairs to structures*
16 *and facilities; hire of passenger motor vehicles; personnel*
17 *services in the National Guard Bureau; travel expenses*
18 *(other than mileage), as authorized by law for Army per-*
19 *sonnel on active duty, for Army National Guard division,*
20 *regimental, and battalion commanders while inspecting*
21 *units in compliance with National Guard Bureau regula-*
22 *tions when specifically authorized by the Chief, National*
23 *Guard Bureau; supplying and equipping the Army Na-*
24 *tional Guard as authorized by law; and expenses of repair,*

1 *modification, maintenance, and issue of supplies and*
2 *equipment (including aircraft), \$6,949,932,000.*

3 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

4 *For expenses of training, organizing, and admin-*
5 *istering the Air National Guard, including medical and*
6 *hospital treatment and related expenses in non-Federal hos-*
7 *pitals; maintenance, operation, and repairs to structures*
8 *and facilities; transportation of things, hire of passenger*
9 *motor vehicles; supplying and equipping the Air National*
10 *Guard, as authorized by law; expenses for repair, modifica-*
11 *tion, maintenance, and issue of supplies and equipment,*
12 *including those furnished from stocks under the control of*
13 *agencies of the Department of Defense; travel expenses (other*
14 *than mileage) on the same basis as authorized by law for*
15 *Air National Guard personnel on active Federal duty, for*
16 *Air National Guard commanders while inspecting units in*
17 *compliance with National Guard Bureau regulations when*
18 *specifically authorized by the Chief, National Guard Bu-*
19 *reau, \$6,094,780,000.*

20 *UNITED STATES COURT OF APPEALS FOR THE ARMED*

21 *FORCES*

22 *For salaries and expenses necessary for the United*
23 *States Court of Appeals for the Armed Forces, \$13,861,000,*
24 *of which not to exceed \$5,000 may be used for official rep-*
25 *resentation purposes.*

1 ENVIRONMENTAL RESTORATION, ARMY

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Army, \$346,031,000, to re-
4 main available until transferred: Provided, That the Sec-
5 retary of the Army 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 the Army, 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 the Army, to be merged with and to be available
12 for the same purposes and for the same time period as the
13 appropriations to which transferred: Provided further, That
14 upon a determination that all or part of the funds trans-
15 ferred from this appropriation are not necessary for the
16 purposes provided herein, such amounts may be transferred
17 back to this appropriation: Provided further, That the
18 transfer authority provided under this heading is in addi-
19 tion to any other transfer authority provided elsewhere in
20 this Act.

21 ENVIRONMENTAL RESTORATION, NAVY

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of the Navy, \$308,668,000, to re-
24 main available until transferred: Provided, That the Sec-
25 retary of the Navy shall, upon determining that such funds

1 *are required for environmental restoration, reduction and*
2 *recycling of hazardous waste, removal of unsafe buildings*
3 *and debris of the Department of the Navy, or for similar*
4 *purposes, transfer the funds made available by this appro-*
5 *priation to other appropriations made available to the De-*
6 *partment of the Navy, to be merged with and to be available*
7 *for the same purposes and for the same time period as the*
8 *appropriations to which transferred: Provided further, That*
9 *upon a determination that all or part of the funds trans-*
10 *ferred from this appropriation are not necessary for the*
11 *purposes provided herein, such amounts may be transferred*
12 *back to this appropriation: Provided further, That the*
13 *transfer authority provided under this heading is in addi-*
14 *tion to any other transfer authority provided elsewhere in*
15 *this Act.*

16 *ENVIRONMENTAL RESTORATION, AIR FORCE*
17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For the Department of the Air Force, \$525,453,000,*
19 *to remain available until transferred: Provided, That the*
20 *Secretary of the Air Force shall, upon determining that*
21 *such funds are required for environmental restoration, re-*
22 *duction and recycling of hazardous waste, removal of unsafe*
23 *buildings and debris of the Department of the Air Force,*
24 *or for similar purposes, transfer the funds made available*
25 *by this appropriation to other appropriations made avail-*

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

11 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For the Department of Defense, \$10,716,000, to remain*
14 *available until transferred: Provided, That the Secretary of*
15 *Defense shall, upon determining that such funds are re-*
16 *quired for environmental restoration, reduction and recy-*
17 *cling of hazardous waste, removal of unsafe buildings and*
18 *debris of the Department of Defense, or for similar purposes,*
19 *transfer the funds made available by this appropriation to*
20 *other appropriations made available to the Department of*
21 *Defense, to be merged with and to be available for the same*
22 *purposes and for the same time period as the appropria-*
23 *tions to which transferred: Provided further, That upon a*
24 *determination that all or part of the funds transferred from*
25 *this appropriation are not necessary for the purposes pro-*

1 *vided herein, such amounts may be transferred back to this*
2 *appropriation: Provided further, That the transfer author-*
3 *ity provided under this heading is in addition to any other*
4 *transfer authority provided elsewhere in this Act.*

5 *ENVIRONMENTAL RESTORATION, FORMERLY USED*

6 *DEFENSE SITES*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For the Department of the Army, \$326,495,000, to re-*
9 *main available until transferred: Provided, That the Sec-*
10 *retary of the Army shall, upon determining that such funds*
11 *are required for environmental restoration, reduction and*
12 *recycling of hazardous waste, removal of unsafe buildings*
13 *and debris at sites formerly used by the Department of De-*
14 *fense, transfer the funds made available by this appropria-*
15 *tion to other appropriations made available to the Depart-*
16 *ment of the Army, to be merged with and to be available*
17 *for the same purposes and for the same time period as the*
18 *appropriations to which transferred: Provided further, That*
19 *upon a determination that all or part of the funds trans-*
20 *ferred from this appropriation are not necessary for the*
21 *purposes provided herein, such amounts may be transferred*
22 *back to this appropriation: Provided further, That the*
23 *transfer authority provided under this heading is in addi-*
24 *tion to any other transfer authority provided elsewhere in*
25 *this Act.*

1 *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*

2 *For expenses relating to the Overseas Humanitarian,*
3 *Disaster, and Civic Aid programs of the Department of De-*
4 *fense (consisting of the programs provided under sections*
5 *401, 402, 404, 407, 2557, and 2561 of title 10, United*
6 *States Code), \$107,662,000, to remain available until Sep-*
7 *tember 30, 2013.*

8 *COOPERATIVE THREAT REDUCTION ACCOUNT*

9 *For assistance to the republics of the former Soviet*
10 *Union and, with appropriate authorization by the Depart-*
11 *ment of Defense and Department of State, to countries out-*
12 *side of the former Soviet Union, including assistance pro-*
13 *vided by contract or by grants, for facilitating the elimi-*
14 *nation and the safe and secure transportation and storage*
15 *of nuclear, chemical and other weapons; for establishing*
16 *programs to prevent the proliferation of weapons, weapons*
17 *components, and weapon-related technology and expertise;*
18 *for programs relating to the training and support of defense*
19 *and military personnel for demilitarization and protection*
20 *of weapons, weapons components and weapons technology*
21 *and expertise, and for defense and military contacts,*
22 *\$508,219,000, to remain available until September 30,*
23 *2014: Provided, That of the amounts provided under this*
24 *heading, not less than \$13,500,000 shall be available only*
25 *to support the dismantling and disposal of nuclear sub-*

1 *marines, submarine reactor components, and security en-*
2 *hancements for transport and storage of nuclear warheads*
3 *in the Russian Far East and North.*

4 *DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE*
5 *DEVELOPMENT FUND*

6 *For the Department of Defense Acquisition Workforce*
7 *Development Fund, \$175,501,000.*

8 *TITLE III*

9 *PROCUREMENT*

10 *AIRCRAFT PROCUREMENT, ARMY*

11 *For construction, procurement, production, modifica-*
12 *tion, and modernization of aircraft, equipment, including*
13 *ordnance, ground handling equipment, spare parts, and ac-*
14 *cessories therefor; specialized equipment and training de-*
15 *vices; expansion of public and private plants, including the*
16 *land necessary therefor, for the foregoing purposes, and such*
17 *lands and interests therein, may be acquired, and construc-*
18 *tion prosecuted thereon prior to approval of title; and pro-*
19 *curement and installation of equipment, appliances, and*
20 *machine tools in public and private plants; reserve plant*
21 *and Government and contractor-owned equipment layaway;*
22 *and other expenses necessary for the foregoing purposes,*
23 *\$5,410,334,000, to remain available for obligation until*
24 *September 30, 2014.*

1 *and installation of equipment, appliances, and machine*
2 *tools in public and private plants; reserve plant and Gov-*
3 *ernment and contractor-owned equipment layaway; and*
4 *other expenses necessary for the foregoing purposes,*
5 *\$1,964,061,000, to remain available for obligation until*
6 *September 30, 2014.*

7 *PROCUREMENT OF AMMUNITION, ARMY*

8 *For construction, procurement, production, and modi-*
9 *fication of ammunition, and accessories therefor; specialized*
10 *equipment and training devices; expansion of public and*
11 *private plants, including ammunition facilities, authorized*
12 *by section 2854 of title 10, United States Code, and the*
13 *land necessary therefor, for the foregoing purposes, and such*
14 *lands and interests therein, may be acquired, and construc-*
15 *tion prosecuted thereon prior to approval of title; and pro-*
16 *curement and installation of equipment, appliances, and*
17 *machine tools in public and private plants; reserve plant*
18 *and Government and contractor-owned equipment layaway;*
19 *and other expenses necessary for the foregoing purposes,*
20 *\$1,876,724,000, to remain available for obligation until*
21 *September 30, 2014.*

22 *OTHER PROCUREMENT, ARMY*

23 *For construction, procurement, production, and modi-*
24 *fication of vehicles, including tactical, support, and non-*
25 *tracked combat vehicles; the purchase of passenger motor ve-*

1 *hicles for replacement only; communications and electronic*
2 *equipment; other support equipment; spare parts, ordnance,*
3 *and accessories therefor; specialized equipment and training*
4 *devices; expansion of public and private plants, including*
5 *the land necessary therefor, for the foregoing purposes, and*
6 *such lands and interests therein, may be acquired, and con-*
7 *struction prosecuted thereon prior to approval of title; and*
8 *procurement and installation of equipment, appliances,*
9 *and machine tools in public and private plants; reserve*
10 *plant and Government and contractor-owned equipment*
11 *layaway; and other expenses necessary for the foregoing*
12 *purposes, \$6,511,961,000, to remain available for obligation*
13 *until September 30, 2014.*

14 *AIRCRAFT PROCUREMENT, NAVY*

15 *For construction, procurement, production, modifica-*
16 *tion, and modernization of aircraft, equipment, including*
17 *ordnance, spare parts, and accessories therefor; specialized*
18 *equipment; expansion of public and private plants, includ-*
19 *ing the land necessary therefor, and such lands and inter-*
20 *ests therein, may be acquired, and construction prosecuted*
21 *thereon prior to approval of title; and procurement and in-*
22 *stallation of equipment, appliances, and machine tools in*
23 *public and private plants; reserve plant and Government*
24 *and contractor-owned equipment layaway,*

1 \$17,591,566,000, to remain available for obligation until
2 September 30, 2014.

3 *WEAPONS PROCUREMENT, NAVY*

4 *For construction, procurement, production, modifica-*
5 *tion, and modernization of missiles, torpedoes, other weap-*
6 *ons, and related support equipment including spare parts,*
7 *and accessories therefor; expansion of public and private*
8 *plants, including the land necessary therefor, and such*
9 *lands and interests therein, may be acquired, and construc-*
10 *tion prosecuted thereon prior to approval of title; and pro-*
11 *curement and installation of equipment, appliances, and*
12 *machine tools in public and private plants; reserve plant*
13 *and Government and contractor-owned equipment layaway,*
14 *\$3,281,432,000, to remain available for obligation until*
15 *September 30, 2014.*

16 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*

17 *CORPS*

18 *For construction, procurement, production, and modi-*
19 *fication of ammunition, and accessories therefor; specialized*
20 *equipment and training devices; expansion of public and*
21 *private plants, including ammunition facilities, authorized*
22 *by section 2854 of title 10, United States Code, and the*
23 *land necessary therefor, for the foregoing purposes, and such*
24 *lands and interests therein, may be acquired, and construc-*
25 *tion prosecuted thereon prior to approval of title; and pro-*

1 *curement and installation of equipment, appliances, and*
2 *machine tools in public and private plants; reserve plant*
3 *and Government and contractor-owned equipment layaway;*
4 *and other expenses necessary for the foregoing purposes,*
5 *\$689,751,000, to remain available for obligation until Sep-*
6 *tember 30, 2014.*

7 *SHIPBUILDING AND CONVERSION, NAVY*

8 *For expenses necessary for the construction, acquisi-*
9 *tion, or conversion of vessels as authorized by law, includ-*
10 *ing armor and armament thereof, plant equipment, appli-*
11 *ances, and machine tools and installation thereof in public*
12 *and private plants; reserve plant and Government and con-*
13 *tractor-owned equipment layaway; procurement of critical,*
14 *long lead time components and designs for vessels to be con-*
15 *structed or converted in the future; and expansion of public*
16 *and private plants, including land necessary therefor, and*
17 *such lands and interests therein, may be acquired, and con-*
18 *struction prosecuted thereon prior to approval of title, as*
19 *follows:*

20 *Carrier Replacement Program (AP),*
21 *\$554,798,000;*

22 *Virginia Class Submarine, \$3,232,215,000;*

23 *Virginia Class Submarine (AP), \$1,524,761,000;*

24 *CVN Refuelings (AP), \$529,652,000;*

25 *DDG-1000 Program, \$453,727,000;*

1 *DDG-51 Destroyer, \$1,980,709,000;*
2 *DDG-51 Destroyer (AP), \$100,723,000;*
3 *Littoral Combat Ship, \$1,802,093,000;*
4 *LPD-17, \$1,847,444,000;*
5 *LHA-R, \$2,018,691,000;*
6 *Joint High Speed Vessel, \$370,206,000;*
7 *Oceanographic Ships, \$89,000,000;*
8 *Moored Training Ship, \$155,200,000;*
9 *LCAC Service Life Extension Program,*
10 *\$84,076,000;*
11 *Service Craft, \$3,863,000; and*
12 *For outfitting, post delivery, conversions, and*
13 *first destination transportation, \$292,871,000.*
14 *Completion of Prior Year Shipbuilding Pro-*
15 *grams, \$73,992,000.*
16 *In all: \$15,114,021,000, to remain available for obliga-*
17 *tion until September 30, 2016: Provided, That additional*
18 *obligations may be incurred after September 30, 2016, for*
19 *engineering services, tests, evaluations, and other such budg-*
20 *eted work that must be performed in the final stage of ship*
21 *construction: Provided further, That none of the funds pro-*
22 *vided under this heading for the construction or conversion*
23 *of any naval vessel to be constructed in shipyards in the*
24 *United States shall be expended in foreign facilities for the*
25 *construction of major components of such vessel: Provided*

1 *further, That none of the funds provided under this heading*
2 *shall be used for the construction of any naval vessel in*
3 *foreign shipyards.*

4 *OTHER PROCUREMENT, NAVY*

5 *For procurement, production, and modernization of*
6 *support equipment and materials not otherwise provided*
7 *for, Navy ordnance (except ordnance for new aircraft, new*
8 *ships, and ships authorized for conversion); the purchase*
9 *of passenger motor vehicles for replacement only; expansion*
10 *of public and private plants, including the land necessary*
11 *therefor, 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-owned*
16 *equipment layaway, \$6,135,465,000, to remain available*
17 *for obligation until September 30, 2014.*

18 *PROCUREMENT, MARINE CORPS*

19 *For expenses necessary for the procurement, manufac-*
20 *ture, and modification of missiles, armament, military*
21 *equipment, spare parts, and accessories therefor; plant*
22 *equipment, appliances, and machine tools, and installation*
23 *thereof in public and private plants; reserve plant and Gov-*
24 *ernment and contractor-owned equipment layaway; vehicles*
25 *for the Marine Corps, including the purchase of passenger*

1 *motor vehicles for replacement only; and expansion of pub-*
2 *lic and private plants, including land necessary therefor,*
3 *and such lands and interests therein, may be acquired, and*
4 *construction prosecuted thereon prior to approval of title,*
5 *\$1,377,570,000, to remain available for obligation until*
6 *September 30, 2014.*

7 *AIRCRAFT PROCUREMENT, AIR FORCE*

8 *For construction, procurement, and modification of*
9 *aircraft and equipment, including armor and armament,*
10 *specialized ground handling equipment, and training de-*
11 *vices, spare parts, and accessories therefor; specialized*
12 *equipment; expansion of public and private plants, Govern-*
13 *ment-owned 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 therein,*
16 *may be acquired, and construction prosecuted thereon prior*
17 *to approval of title; reserve plant and Government and con-*
18 *tractor-owned equipment layaway; and other expenses nec-*
19 *essary for the foregoing purposes including rents and trans-*
20 *portation of things, \$12,174,885,000, to remain available*
21 *for obligation until September 30, 2014.*

22 *MISSILE PROCUREMENT, AIR FORCE*

23 *For construction, procurement, and modification of*
24 *missiles, spacecraft, rockets, and related equipment, includ-*
25 *ing spare parts and accessories therefor, ground handling*

1 *equipment, and training devices; expansion of public and*
2 *private plants, Government-owned equipment and installa-*
3 *tion thereof in such plants, erection of structures, and ac-*
4 *quisition of land, for the foregoing purposes, and such lands*
5 *and interests therein, may be acquired, and construction*
6 *prosecuted thereon prior to approval of title; reserve plant*
7 *and Government and contractor-owned equipment layaway;*
8 *and other expenses necessary for the foregoing purposes in-*
9 *cluding rents and transportation of things, \$5,924,017,000,*
10 *to remain available for obligation until September 30,*
11 *2014.*

12 *PROCUREMENT OF AMMUNITION, AIR FORCE*

13 *For construction, procurement, production, and modi-*
14 *fication of ammunition, and accessories therefor; specialized*
15 *equipment and training devices; expansion of public and*
16 *private plants, including ammunition facilities, authorized*
17 *by section 2854 of title 10, United States Code, and the*
18 *land necessary therefor, for the foregoing purposes, and such*
19 *lands and interests therein, may be acquired, and construc-*
20 *tion prosecuted thereon prior to approval of title; and pro-*
21 *curement and installation of equipment, appliances, and*
22 *machine tools in public and private plants; reserve plant*
23 *and Government and contractor-owned equipment layaway;*
24 *and other expenses necessary for the foregoing purposes,*

1 \$485,005,000, to remain available for obligation until Sep-
2 tember 30, 2014.

3 *OTHER PROCUREMENT, AIR FORCE*

4 *For procurement and modification of equipment (in-*
5 *cluding ground guidance and electronic control equipment,*
6 *and ground electronic and communication equipment), and*
7 *supplies, materials, and spare parts therefor, not otherwise*
8 *provided for; the purchase of passenger motor vehicles for*
9 *replacement only; lease of passenger motor vehicles; and ex-*
10 *pansion of public and private plants, Government-owned*
11 *equipment and installation thereof in such plants, erection*
12 *of structures, and acquisition of land, for the foregoing pur-*
13 *poses, and such lands and interests therein, may be ac-*
14 *quired, and construction prosecuted thereon, prior to ap-*
15 *proval of title; reserve plant and Government and con-*
16 *tractor-owned equipment layaway, \$17,376,695,000, to re-*
17 *main available for obligation until September 30, 2014.*

18 *PROCUREMENT, DEFENSE-WIDE*

19 *For expenses of activities and agencies of the Depart-*
20 *ment of Defense (other than the military departments) nec-*
21 *essary for procurement, production, and modification of*
22 *equipment, supplies, materials, and spare parts therefor,*
23 *not otherwise provided for; the purchase of passenger motor*
24 *vehicles for replacement only; expansion of public and pri-*
25 *vate plants, 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 therein,*
3 *may be acquired, and construction prosecuted thereon prior*
4 *to approval of title; reserve plant and Government and con-*
5 *tractor-owned equipment layaway, \$4,573,608,000, to re-*
6 *main available for obligation until September 30, 2014.*

7 *DEFENSE PRODUCTION ACT PURCHASES*

8 *For activities by the Department of Defense pursuant*
9 *to sections 108, 301, 302, and 303 of the Defense Production*
10 *Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093),*
11 *\$169,964,000, to remain available until expended.*

12 *TITLE IV*

13 *RESEARCH, DEVELOPMENT, TEST AND*

14 *EVALUATION*

15 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*
16 *For expenses necessary for basic and applied scientific*
17 *research, development, test and evaluation, including main-*
18 *tenance, rehabilitation, lease, and operation of facilities*
19 *and equipment, \$8,311,011,000, to remain available for ob-*
20 *ligation until September 30, 2013.*

21 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

22 *For expenses necessary for basic and applied scientific*
23 *research, development, test and evaluation, including main-*
24 *tenance, rehabilitation, lease, and operation of facilities*
25 *and equipment, \$17,406,689,000, to remain available for*

1 *obligation until September 30, 2013: Provided, That funds*
2 *appropriated in this paragraph which are available for the*
3 *V-22 may be used to meet unique operational requirements*
4 *of the Special Operations Forces: Provided further, That*
5 *funds appropriated in this paragraph shall be available for*
6 *the Cobra Judy program.*

7 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*
8 *FORCE*

9 *For expenses necessary for basic and applied scientific*
10 *research, development, test and evaluation, including main-*
11 *tenance, rehabilitation, lease, and operation of facilities*
12 *and equipment, \$26,007,694,000, to remain available for*
13 *obligation until September 30, 2013.*

14 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
15 *DEFENSE-WIDE*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For expenses of activities and agencies of the Depart-*
18 *ment of Defense (other than the military departments), nec-*
19 *essary for basic and applied scientific research, develop-*
20 *ment, test and evaluation; advanced research projects as*
21 *may be designated and determined by the Secretary of De-*
22 *fense, pursuant to law; maintenance, rehabilitation, lease,*
23 *and operation of facilities and equipment, \$19,117,270,000,*
24 *to remain available for obligation until September 30,*
25 *2013: Provided, That of the funds made available in this*

1 paragraph, \$200,000,000 for the Defense Rapid Innovation
2 Program shall only be available for expenses, not otherwise
3 provided for, to include program management and over-
4 sight, to conduct research, development, test and evaluation
5 to include proof of concept demonstration; engineering, test-
6 ing, and validation; and transition to full-scale production:
7 Provided further, That the Secretary of Defense may trans-
8 fer funds provided herein for the Defense Rapid Innovation
9 Program to appropriations for research, development, test
10 and evaluation to accomplish the purpose provided herein:
11 Provided further, That this transfer authority is in addi-
12 tion to any other transfer authority available to the Depart-
13 ment of Defense: Provided further, That the Secretary of
14 Defense shall, not fewer than 30 days prior to making
15 transfers from this appropriation, notify the congressional
16 defense committees in writing of the details of any such
17 transfer.

18 *OPERATIONAL TEST AND EVALUATION, DEFENSE*

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

1 *therewith, \$191,292,000, to remain available for obligation*
2 *until September 30, 2013.*

3 *TITLE V*

4 *REVOLVING AND MANAGEMENT FUNDS*

5 *DEFENSE WORKING CAPITAL FUNDS*

6 *For the Defense Working Capital Funds,*
7 *\$1,562,010,000.*

8 *NATIONAL DEFENSE SEALIFT FUND*

9 *For National Defense Sealift Fund programs, projects,*
10 *and activities, and for expenses of the National Defense Re-*
11 *serve Fleet, as established by section 11 of the Merchant*
12 *Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the*
13 *necessary expenses to maintain and preserve a U.S.-flag*
14 *merchant fleet to serve the national security needs of the*
15 *United States, \$700,519,000, to remain available until ex-*
16 *pende: Provided, That none of the funds provided in this*
17 *paragraph shall be used to award a new contract that pro-*
18 *vides for the acquisition of any of the following major com-*
19 *ponents unless such components are manufactured in the*
20 *United States: auxiliary equipment, including pumps, for*
21 *all shipboard services; propulsion system components (en-*
22 *gines, reduction gears, and propellers); shipboard cranes;*
23 *and spreaders for shipboard cranes: Provided further, That*
24 *the exercise of an option in a contract awarded through the*
25 *obligation of previously appropriated funds shall not be*

1 *considered to be the award of a new contract: Provided fur-*
2 *ther, That the Secretary of the military department respon-*
3 *sible for such procurement may waive the restrictions in*
4 *the first proviso on a case-by-case basis by certifying in*
5 *writing to the Committees on Appropriations of the House*
6 *of Representatives and the Senate that adequate domestic*
7 *supplies are not available to meet Department of Defense*
8 *requirements on a timely basis and that such an acquisition*
9 *must be made in order to acquire capability for national*
10 *security purposes.*

11

*TITLE VI*12 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

13

DEFENSE HEALTH PROGRAM

14

For expenses, not otherwise provided for, for medical
15 *and health care programs of the Department of Defense as*
16 *authorized by law, \$32,536,070,000; of which*
17 *\$30,885,846,000 shall be for operation and maintenance, of*
18 *which not to exceed 1 percent shall remain available until*
19 *September 30, 2013, and of which up to \$16,842,141,000*
20 *may be available for contracts entered into under the*
21 *TRICARE program; of which \$632,518,000, to remain*
22 *available for obligation until September 30, 2014, shall be*
23 *for procurement; and of which \$1,017,706,000, to remain*
24 *available for obligation until September 30, 2013, shall be*
25 *for research, development, test and evaluation.*

1 available to the Department of Defense for military per-
2 sonnel of the reserve components serving under the provi-
3 sions of title 10 and title 32, United States Code; for oper-
4 ation and maintenance; for procurement; and for research,
5 development, test and evaluation, \$1,205,072,000: Provided,
6 That the funds appropriated under this heading shall be
7 available for obligation for the same time period and for
8 the same purpose as the appropriation to which transferred:
9 Provided further, That upon a determination that all or
10 part of the funds transferred from this appropriation are
11 not necessary for the purposes provided herein, such
12 amounts may be transferred back to this appropriation:
13 Provided further, That the transfer authority provided
14 under this heading is in addition to any other transfer au-
15 thority contained elsewhere in this Act.

16 *OFFICE OF THE INSPECTOR GENERAL*

17 *For expenses and activities of the Office of the Inspec-*
18 *tor General in carrying out the provisions of the Inspector*
19 *General Act of 1978, as amended, \$332,919,000, of which*
20 *\$327,419,000 shall be for operation and maintenance, of*
21 *which not to exceed \$700,000 is available for emergencies*
22 *and extraordinary expenses to be expended on the approval*
23 *or authority of the Inspector General, and payments may*
24 *be made on the Inspector General's certificate of necessity*
25 *for confidential military purposes; of which \$1,000,000, to*

1 *remain available until September 30, 2014, shall be for pro-*
2 *curement; and of which \$4,500,000, to remain available*
3 *until September 30, 2013, shall be for research, develop-*
4 *ment, testing, and evaluation.*

5 *TITLE VII*

6 *RELATED AGENCIES*

7 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*

8 *DISABILITY SYSTEM FUND*

9 *For payment to the Central Intelligence Agency Retire-*
10 *ment and Disability System Fund, to maintain the proper*
11 *funding level for continuing the operation of the Central*
12 *Intelligence Agency Retirement and Disability System,*
13 *\$513,700,000.*

14 *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*

15 *For necessary expenses of the Intelligence Community*
16 *Management Account, \$593,713,000.*

17 *TITLE VIII*

18 *GENERAL PROVISIONS*

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

22 *SEC. 8002. During the current fiscal year, provisions*
23 *of law prohibiting the payment of compensation to, or em-*
24 *ployment of, any person not a citizen of the United States*
25 *shall not apply to personnel of the Department of Defense:*

1 *Provided, That salary increases granted to direct and indi-*
2 *rect hire foreign national employees of the Department of*
3 *Defense funded by this Act shall not be at a rate in excess*
4 *of the percentage increase authorized by law for civilian*
5 *employees of the Department of Defense whose pay is com-*
6 *puted under the provisions of section 5332 of title 5, United*
7 *States Code, or at a rate in excess of the percentage increase*
8 *provided by the appropriate host nation to its own employ-*
9 *ees, whichever is higher: Provided further, That this section*
10 *shall not apply to Department of Defense foreign service*
11 *national employees serving at United States diplomatic*
12 *missions whose pay is set by the Department of State under*
13 *the Foreign Service Act of 1980: Provided further, That the*
14 *limitations of this provision shall not apply to foreign na-*
15 *tional employees of the Department of Defense in the Re-*
16 *public of Turkey.*

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

20 *SEC. 8004. No more than 20 percent of the appropria-*
21 *tions in this Act which are limited for obligation during*
22 *the current fiscal year shall be obligated during the last 2*
23 *months of the fiscal year: Provided, That this section shall*
24 *not apply to obligations for support of active duty training*

1 *of reserve components or summer camp training of the Re-*
2 *serve Officers' Training Corps.*

3 *(TRANSFER OF FUNDS)*

4 *SEC. 8005. Upon determination by the Secretary of*
5 *Defense that such action is necessary in the national inter-*
6 *est, he may, with the approval of the Office of Management*
7 *and Budget, transfer not to exceed \$3,000,000,000 of work-*
8 *ing capital funds of the Department of Defense or funds*
9 *made available in this Act to the Department of Defense*
10 *for military functions (except military construction) be-*
11 *tween such appropriations or funds or any subdivision*
12 *thereof, to be merged with and to be available for the same*
13 *purposes, and for the same time period, as the appropria-*
14 *tion or fund to which transferred: Provided, That such au-*
15 *thority to transfer may not be used unless for higher pri-*
16 *ority items, based on unforeseen military requirements,*
17 *than those for which originally appropriated and in no case*
18 *where the item for which funds are requested has been de-*
19 *nied by the Congress: Provided further, That the Secretary*
20 *of Defense shall notify the Congress promptly of all transfers*
21 *made pursuant to this authority or any other authority in*
22 *this Act: Provided further, That no part of the funds in*
23 *this Act shall be available to prepare or present a request*
24 *to the Committees on Appropriations for reprogramming*
25 *of funds, unless for higher priority items, based on unfore-*

1 *seen military requirements, than those for which originally*
2 *appropriated and in no case where the item for which re-*
3 *programming is requested has been denied by the Congress:*
4 *Provided further, That a request for multiple*
5 *reprogrammings of funds using authority provided in this*
6 *section shall be made prior to June 30, 2012: Provided fur-*
7 *ther, That transfers among military personnel appropria-*
8 *tions shall not be taken into account for purposes of the*
9 *limitation on the amount of funds that may be transferred*
10 *under this section.*

11 *SEC. 8006. (a) With regard to the list of specific pro-*
12 *grams, projects, and activities (and the dollar amounts and*
13 *adjustments to budget activities corresponding to such pro-*
14 *grams, projects, and activities) contained in the tables titled*
15 *“Explanation of Project Level Adjustments” in the explana-*
16 *tory statement regarding this Act, the obligation and ex-*
17 *penditure of amounts appropriated or otherwise made*
18 *available in this Act for those programs, projects, and ac-*
19 *tivities for which the amounts appropriated exceed the*
20 *amounts requested are hereby required by law to be carried*
21 *out in the manner provided by such tables to the same ex-*
22 *tent as if the tables were included in the text of this Act.*

23 *(b) Amounts specified in the referenced tables described*
24 *in subsection (a) shall not be treated as subdivisions of ap-*
25 *propriations for purposes of section 8005 of this Act: Pro-*

1 *vided, That section 8005 shall apply when transfers of the*
2 *amounts described in subsection (a) occur between appro-*
3 *priation accounts.*

4 *SEC. 8007. (a) Not later than 60 days after enactment*
5 *of this Act, the Department of Defense shall submit a report*
6 *to the congressional defense committees to establish the base-*
7 *line for application of reprogramming and transfer au-*
8 *thorities for fiscal year 2012: Provided, That the report*
9 *shall include—*

10 *(1) a table for each appropriation with a sepa-*
11 *rate column to display the President's budget request,*
12 *adjustments made by Congress, adjustments due to*
13 *enacted rescissions, if appropriate, and the fiscal year*
14 *enacted level;*

15 *(2) a delineation in the table for each appropria-*
16 *tion both by budget activity and program, project,*
17 *and activity as detailed in the Budget Appendix; and*

18 *(3) an identification of items of special congres-*
19 *sional interest.*

20 *(b) Notwithstanding section 8005 of this Act, none of*
21 *the funds provided in this Act shall be available for re-*
22 *programming or transfer until the report identified in sub-*
23 *section (a) is submitted to the congressional defense commit-*
24 *tees, unless the Secretary of Defense certifies in writing to*

1 *the congressional defense committees that such reprogram-*
2 *ming or transfer is necessary as an emergency requirement.*

3 *(TRANSFER OF FUNDS)*

4 *SEC. 8008. During the current fiscal year, cash bal-*
5 *ances in working capital funds of the Department of De-*
6 *fense established pursuant to section 2208 of title 10, United*
7 *States Code, may be maintained in only such amounts as*
8 *are necessary at any time for cash disbursements to be made*
9 *from such funds: Provided, That transfers may be made be-*
10 *tween such funds: Provided further, That transfers may be*
11 *made between working capital funds and the “Foreign Cur-*
12 *rency Fluctuations, Defense” appropriation and the “Oper-*
13 *ation and Maintenance” appropriation accounts in such*
14 *amounts as may be determined by the Secretary of Defense,*
15 *with the approval of the Office of Management and Budget,*
16 *except that such transfers may not be made unless the Sec-*
17 *retary of Defense has notified the Congress of the proposed*
18 *transfer. Except in amounts equal to the amounts appro-*
19 *priated to working capital funds in this Act, no obligations*
20 *may be made against a working capital fund to procure*
21 *or increase the value of war reserve material inventory, un-*
22 *less the Secretary of Defense has notified the Congress prior*
23 *to any such obligation.*

24 *SEC. 8009. Funds appropriated by this Act may not*
25 *be used to initiate a special access program without prior*

1 notification 30 calendar days in advance to the congres-
2 sional defense committees.

3 SEC. 8010. None of the funds provided in this Act shall
4 be available to initiate: (1) a multiyear contract that em-
5 ploys economic order quantity procurement in excess of
6 \$20,000,000 in any one year of the contract or that includes
7 an unfunded contingent liability in excess of \$20,000,000;
8 or (2) a contract for advance procurement leading to a
9 multiyear contract that employs economic order quantity
10 procurement in excess of \$20,000,000 in any one year, un-
11 less the congressional defense committees have been notified
12 at least 30 days in advance of the proposed contract award:
13 Provided, That no part of any appropriation contained in
14 this Act shall be available to initiate a multiyear contract
15 for which the economic order quantity advance procurement
16 is not funded at least to the limits of the Government's li-
17 ability: Provided further, That no part of any appropria-
18 tion contained in this Act shall be available to initiate
19 multiyear procurement contracts for any systems or compo-
20 nent thereof if the value of the multiyear contract would
21 exceed \$500,000,000 unless specifically provided in this Act:
22 Provided further, That no multiyear procurement contract
23 can be terminated without 10-day prior notification to the
24 congressional defense committees: Provided further, That the
25 execution of multiyear authority shall require the use of a

1 *present value analysis to determine lowest cost compared*
2 *to an annual procurement: Provided further, That none of*
3 *the funds provided in this Act may be used for a multiyear*
4 *contract executed after the date of the enactment of this Act*
5 *unless in the case of any such contract—*

6 (1) *the Secretary of Defense has submitted to*
7 *Congress a budget request for full funding of units to*
8 *be procured through the contract and, in the case of*
9 *a contract for procurement of aircraft, that includes,*
10 *for any aircraft unit to be procured through the con-*
11 *tract for which procurement funds are requested in*
12 *that budget request for production beyond advance*
13 *procurement activities in the fiscal year covered by*
14 *the budget, full funding of procurement of such unit*
15 *in that fiscal year;*

16 (2) *cancellation provisions in the contract do not*
17 *include consideration of recurring manufacturing*
18 *costs of the contractor associated with the production*
19 *of unfunded units to be delivered under the contract;*

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

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

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

3 *UH-60M/HH-60M and MH-60R/MH-60S Heli-*
4 *copter Airframes; and MH-60R/S Mission Avionics and*
5 *Common Cockpits.*

6 *SEC. 8011. Within the funds appropriated for the oper-*
7 *ation and maintenance of the Armed Forces, funds are here-*
8 *by appropriated pursuant to section 401 of title 10, United*
9 *States Code, for humanitarian and civic assistance costs*
10 *under chapter 20 of title 10, United States Code. Such funds*
11 *may also be obligated for humanitarian and civic assist-*
12 *ance costs incidental to authorized operations and pursuant*
13 *to authority granted in section 401 of chapter 20 of title*
14 *10, United States Code, and these obligations shall be re-*
15 *ported as required by section 401(d) of title 10, United*
16 *States Code: Provided, That funds available for operation*
17 *and maintenance shall be available for providing humani-*
18 *tarian and similar assistance by using Civic Action Teams*
19 *in the Trust Territories of the Pacific Islands and freely*
20 *associated states of Micronesia, pursuant to the Compact*
21 *of Free Association as authorized by Public Law 99-239:*
22 *Provided further, That upon a determination by the Sec-*
23 *retary of the Army that such action is beneficial for grad-*
24 *uate medical education programs conducted at Army med-*
25 *ical facilities located in Hawaii, the Secretary of the Army*

1 *may authorize the provision of medical services at such fa-*
2 *cilities and transportation to such facilities, on a nonreim-*
3 *bursable basis, for civilian patients from American Samoa,*
4 *the Commonwealth of the Northern Mariana Islands, the*
5 *Marshall Islands, the Federated States of Micronesia,*
6 *Palau, and Guam.*

7 *SEC. 8012. (a) During fiscal year 2012, the civilian*
8 *personnel of the Department of Defense may not be man-*
9 *aged on the basis of any end-strength, and the management*
10 *of such personnel during that fiscal year shall not be subject*
11 *to any constraint or limitation (known as an end-strength)*
12 *on the number of such personnel who may be employed on*
13 *the last day of such fiscal year.*

14 *(b) The fiscal year 2013 budget request for the Depart-*
15 *ment of Defense as well as all justification material and*
16 *other documentation supporting the fiscal year 2013 De-*
17 *partment of Defense budget request shall be prepared and*
18 *submitted to the Congress as if subsections (a) and (b) of*
19 *this provision were effective with regard to fiscal year 2013.*

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

22 *SEC. 8013. None of the funds made available by this*
23 *Act shall be used in any way, directly or indirectly, to in-*
24 *fluence congressional action on any legislation or appro-*
25 *priation matters pending before the Congress.*

1 *and mooring chain 4 inches in diameter and under unless*
2 *the anchor and mooring chain are manufactured in the*
3 *United States from components which are substantially*
4 *manufactured in the United States: Provided, That for the*
5 *purpose of this section, the term “manufactured” shall in-*
6 *clude cutting, heat treating, quality control, testing of chain*
7 *and welding (including the forging and shot blasting proc-*
8 *ess): Provided further, That for the purpose of this section*
9 *substantially all of the components of anchor and mooring*
10 *chain shall be considered to be produced or manufactured*
11 *in the United States if the aggregate cost of the components*
12 *produced or manufactured in the United States exceeds the*
13 *aggregate cost of the components produced or manufactured*
14 *outside the United States: Provided further, That when ade-*
15 *quate domestic supplies are not available to meet Depart-*
16 *ment of Defense requirements on a timely basis, the Sec-*
17 *retary of the service responsible for the procurement may*
18 *waive this restriction on a case-by-case basis by certifying*
19 *in writing to the Committees on Appropriations that such*
20 *an acquisition must be made in order to acquire capability*
21 *for national security purposes.*

22 *SEC. 8017. None of the funds available to the Depart-*
23 *ment of Defense may be used to demilitarize or dispose of*
24 *M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber*
25 *rifles, .30 caliber rifles, or M-1911 pistols, or to demili-*

1 *tarize or destroy small arms ammunition or ammunition*
2 *components that are not otherwise prohibited from commer-*
3 *cial sale under Federal law, unless the small arms ammuni-*
4 *tion or ammunition components are certified by the Sec-*
5 *retary of the Army or designee as unserviceable or unsafe*
6 *for further use.*

7 *SEC. 8018. No more than \$500,000 of the funds appro-*
8 *priated or made available in this Act shall be used during*
9 *a single fiscal year for any single relocation of an organiza-*
10 *tion, unit, activity or function of the Department of Defense*
11 *into or within the National Capital Region: Provided, That*
12 *the Secretary of Defense may waive this restriction on a*
13 *case-by-case basis by certifying in writing to the congres-*
14 *sional defense committees that such a relocation is required*
15 *in the best interest of the Government.*

16 *SEC. 8019. In addition to the funds provided elsewhere*
17 *in this Act, \$15,000,000 is appropriated only for incentive*
18 *payments authorized by section 504 of the Indian Financ-*
19 *ing Act of 1974 (25 U.S.C. 1544): Provided, That a prime*
20 *contractor or a subcontractor at any tier that makes a sub-*
21 *contract award to any subcontractor or supplier as defined*
22 *in section 1544 of title 25, United States Code, or a small*
23 *business owned and controlled by an individual or individ-*
24 *uals defined under section 4221(9) of title 25, United States*
25 *Code, shall be considered a contractor for the purposes of*

1 *being allowed additional compensation under section 504*
2 *of the Indian Financing Act of 1974 (25 U.S.C. 1544)*
3 *whenever the prime contract or subcontract amount is over*
4 *\$500,000 and involves the expenditure of funds appro-*
5 *priated by an Act making Appropriations for the Depart-*
6 *ment of Defense with respect to any fiscal year: Provided*
7 *further, That notwithstanding section 430 of title 41,*
8 *United States Code, this section shall be applicable to any*
9 *Department of Defense acquisition of supplies or services,*
10 *including any contract and any subcontract at any tier for*
11 *acquisition of commercial items produced or manufactured,*
12 *in whole or in part, by any subcontractor or supplier de-*
13 *finied in section 1544 of title 25, United States Code, or*
14 *a small business owned and controlled by an individual or*
15 *individuals defined under section 4221(9) of title 25,*
16 *United States Code.*

17 *SEC. 8020. Funds appropriated by this Act for the De-*
18 *fense Media Activity shall not be used for any national or*
19 *international political or psychological activities.*

20 *SEC. 8021. During the current fiscal year, the Depart-*
21 *ment of Defense is authorized to incur obligations of not*
22 *to exceed \$350,000,000 for purposes specified in section*
23 *2350j(c) of title 10, United States Code, in anticipation of*
24 *receipt of contributions, only from the Government of Ku-*
25 *wait, under that section: Provided, That upon receipt, such*

1 *contributions from the Government of Kuwait shall be cred-*
2 *ited to the appropriations or fund which incurred such obli-*
3 *gations.*

4 *SEC. 8022. (a) Of the funds made available in this*
5 *Act, not less than \$37,745,000 shall be available for the*
6 *Civil Air Patrol Corporation, of which—*

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

12 *(2) \$8,990,000 shall be available from “Aircraft*
13 *Procurement, Air Force”; and*

14 *(3) \$917,000 shall be available from “Other Pro-*
15 *curement, Air Force” for vehicle procurement.*

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

20 *SEC. 8023. (a) None of the funds appropriated in this*
21 *Act are available to establish a new Department of Defense*
22 *(department) federally funded research and development*
23 *center (FFRDC), either as a new entity, or as a separate*
24 *entity administrated by an organization managing another*
25 *FFRDC, or as a nonprofit membership corporation con-*

1 *sisting of a consortium of other FFRDCs and other non-*
2 *profit entities.*

3 **(b)** *No member of a Board of Directors, Trustees, Over-*
4 *seers, Advisory Group, Special Issues Panel, Visiting Com-*
5 *mittee, or any similar entity of a defense FFRDC, and no*
6 *paid consultant to any defense FFRDC, except when acting*
7 *in a technical advisory capacity, may be compensated for*
8 *his or her services as a member of such entity, or as a paid*
9 *consultant by more than one FFRDC in a fiscal year: Pro-*
10 *vided, That a member of any such entity referred to pre-*
11 *viously in this subsection shall be allowed travel expenses*
12 *and per diem as authorized under the Federal Joint Travel*
13 *Regulations, when engaged in the performance of member-*
14 *ship duties.*

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

24 **(d)** *Notwithstanding any other provision of law, of the*
25 *funds available to the department during fiscal year 2012,*

1 *not more than 5,750 staff years of technical effort (staff*
2 *years) may be funded for defense FFRDCs: Provided, That*
3 *of the specific amount referred to previously in this sub-*
4 *section, not more than 1,125 staff years may be funded for*
5 *the defense studies and analysis FFRDCs: Provided further,*
6 *That this subsection shall not apply to staff years funded*
7 *in the National Intelligence Program (NIP) and the Mili-*
8 *tary Intelligence Program (MIP).*

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

14 *(f) Notwithstanding any other provision of this Act,*
15 *the total amount appropriated in this Act for FFRDCs is*
16 *hereby reduced by \$150,245,000.*

17 *SEC. 8024. None of the funds appropriated or made*
18 *available in this Act shall be used to procure carbon, alloy*
19 *or armor steel plate for use in any Government-owned facil-*
20 *ity or property under the control of the Department of De-*
21 *fense which were not melted and rolled in the United States*
22 *or Canada: Provided, That these procurement restrictions*
23 *shall apply to any and all Federal Supply Class 9515,*
24 *American Society of Testing and Materials (ASTM) or*
25 *American Iron and Steel Institute (AISI) specifications of*

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

12 SEC. 8025. For the purposes of this Act, the term “con-
13 gressional defense committees” means the Armed Services
14 Committee of the House of Representatives, the Armed Serv-
15 ices Committee of the Senate, the Subcommittee on Defense
16 of the Committee on Appropriations of the Senate, and the
17 Subcommittee on Defense of the Committee on Appropria-
18 tions of the House of Representatives.

19 SEC. 8026. During the current fiscal year, the Depart-
20 ment of Defense may acquire the modification, depot main-
21 tenance and repair of aircraft, vehicles and vessels as well
22 as the production of components and other Defense-related
23 articles, through competition between Department of De-
24 fense depot maintenance activities and private firms: Pro-
25 vided, That the Senior Acquisition Executive of the military

1 department or Defense Agency concerned, with power of del-
2 egation, shall certify that successful bids include comparable
3 estimates of all direct and indirect costs for both public and
4 private bids: Provided further, That Office of Management
5 and Budget Circular A-76 shall not apply to competitions
6 conducted under this section.

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

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

23 (b) The Secretary of Defense shall submit to the Con-
24 gress a report on the amount of Department of Defense pur-
25 chases from foreign entities in fiscal year 2012. Such report

1 *shall separately indicate the dollar value of items for which*
2 *the Buy American Act was waived pursuant to any agree-*
3 *ment described in subsection (a)(2), the Trade Agreement*
4 *Act of 1979 (19 U.S.C. 2501 et seq.), or any international*
5 *agreement to which the United States is a party.*

6 *(c) For purposes of this section, the term “Buy Amer-*
7 *ican Act” means chapter 83 of title 41, United States Code.*

8 *SEC. 8028. During the current fiscal year, amounts*
9 *contained in the Department of Defense Overseas Military*
10 *Facility Investment Recovery Account established by section*
11 *2921(c)(1) of the National Defense Authorization Act of*
12 *1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be*
13 *available until expended for the payments specified by sec-*
14 *tion 2921(c)(2) of that Act.*

15 *SEC. 8029. (a) Notwithstanding any other provision*
16 *of law, the Secretary of the Air Force may convey at no*
17 *cost to the Air Force, without consideration, to Indian*
18 *tribes located in the States of Nevada, Idaho, North Dakota,*
19 *South Dakota, Montana, Oregon, Minnesota, and Wash-*
20 *ington relocatable military housing units located at Grand*
21 *Forks Air Force Base, Malmstrom Air Force Base, Moun-*
22 *tain Home Air Force Base, Ellsworth Air Force Base, and*
23 *Minot Air Force Base that are excess to the needs of the*
24 *Air Force.*

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

11 (c) *The Operation Walking Shield Program shall re-*
12 *solve any conflicts among requests of Indian tribes for hous-*
13 *ing units under subsection (a) before submitting requests*
14 *to the Secretary of the Air Force under subsection (b).*

15 (d) *In this section, the term “Indian tribe” means any*
16 *recognized Indian tribe included on the current list pub-*
17 *lished by the Secretary of the Interior under section 104*
18 *of the Federally Recognized Indian Tribe Act of 1994 (Pub-*
19 *lic Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).*

20 SEC. 8030. *During the current fiscal year, appropria-*
21 *tions which are available to the Department of Defense for*
22 *operation and maintenance may be used to purchase items*
23 *having an investment item unit cost of not more than*
24 *\$250,000.*

1 *SEC. 8031. (a) During the current fiscal year, none*
2 *of the appropriations or funds available to the Department*
3 *of Defense Working Capital Funds shall be used for the pur-*
4 *chase of an investment item for the purpose of acquiring*
5 *a new inventory item for sale or anticipated sale during*
6 *the current fiscal year or a subsequent fiscal year to cus-*
7 *tomers of the Department of Defense Working Capital*
8 *Funds if such an item would not have been chargeable to*
9 *the Department of Defense Business Operations Fund dur-*
10 *ing fiscal year 1994 and if the purchase of such an invest-*
11 *ment item would be chargeable during the current fiscal*
12 *year to appropriations made to the Department of Defense*
13 *for procurement.*

14 *(b) The fiscal year 2013 budget request for the Depart-*
15 *ment of Defense as well as all justification material and*
16 *other documentation supporting the fiscal year 2013 De-*
17 *partment of Defense budget shall be prepared and submitted*
18 *to the Congress on the basis that any equipment which was*
19 *classified as an end item and funded in a procurement ap-*
20 *propriation contained in this Act shall be budgeted for in*
21 *a proposed fiscal year 2013 procurement appropriation and*
22 *not in the supply management business area or any other*
23 *area or category of the Department of Defense Working*
24 *Capital Funds.*

1 *SEC. 8032. None of the funds appropriated by this Act*
2 *for programs of the Central Intelligence Agency shall re-*
3 *main available for obligation beyond the current fiscal year,*
4 *except for funds appropriated for the Reserve for Contin-*
5 *gencies, which shall remain available until September 30,*
6 *2013: Provided, That funds appropriated, transferred, or*
7 *otherwise credited to the Central Intelligence Agency Cen-*
8 *tral Services Working Capital Fund during this or any*
9 *prior or subsequent fiscal year shall remain available until*
10 *expended: Provided further, That any funds appropriated*
11 *or transferred to the Central Intelligence Agency for ad-*
12 *vanced research and development acquisition, for agent op-*
13 *erations, and for covert action programs authorized by the*
14 *President under section 503 of the National Security Act*
15 *of 1947, as amended, shall remain available until Sep-*
16 *tember 30, 2013.*

17 *SEC. 8033. Notwithstanding any other provision of*
18 *law, funds made available in this Act for the Defense Intel-*
19 *ligence Agency may be used for the design, development, and*
20 *deployment of General Defense Intelligence Program intel-*
21 *ligence communications and intelligence information sys-*
22 *tems for the Services, the Unified and Specified Commands,*
23 *and the component commands.*

24 *SEC. 8034. Of the funds appropriated to the Depart-*
25 *ment of Defense under the heading "Operation and Mainte-*

1 nance, Defense-Wide”, not less than \$12,000,000 shall be
2 made available only for the mitigation of environmental
3 impacts, including training and technical assistance to
4 tribes, related administrative support, the gathering of in-
5 formation, documenting of environmental damage, and de-
6 veloping a system for prioritization of mitigation and cost
7 to complete estimates for mitigation, on Indian lands re-
8 sulting from Department of Defense activities.

9 SEC. 8035. (a) None of the funds appropriated in this
10 Act may be expended by an entity of the Department of
11 Defense unless the entity, in expending the funds, complies
12 with the Buy American Act. For purposes of this subsection,
13 the term “Buy American Act” means chapter 83 of title
14 41, United States Code.

15 (b) If the Secretary of Defense determines that a person
16 has been convicted of intentionally affixing a label bearing
17 a “Made in America” inscription to any product sold in
18 or shipped to the United States that is not made in Amer-
19 ica, the Secretary shall determine, in accordance with sec-
20 tion 2410f of title 10, United States Code, whether the per-
21 son should be debarred from contracting with the Depart-
22 ment of Defense.

23 (c) In the case of any equipment or products purchased
24 with appropriations provided under this Act, it is the sense
25 of the Congress that any entity of the Department of De-

1 *fense, in expending the appropriation, purchase only Amer-*
2 *ican-made equipment and products, provided that Amer-*
3 *ican-made equipment and products are cost-competitive,*
4 *quality competitive, and available in a timely fashion.*

5 *SEC. 8036. None of the funds appropriated by this Act*
6 *shall be available for a contract for studies, analysis, or*
7 *consulting services entered into without competition on the*
8 *basis of an unsolicited proposal unless the head of the activ-*
9 *ity responsible for the procurement determines—*

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

13 *(2) the purpose of the contract is to explore an*
14 *unsolicited proposal which offers significant scientific*
15 *or technological promise, represents the product of*
16 *original thinking, and was submitted in confidence*
17 *by one source; or*

18 *(3) the purpose of the contract is to take advan-*
19 *tage of unique and significant industrial accomplish-*
20 *ment by a specific concern, or to insure that a new*
21 *product or idea of a specific concern is given finan-*
22 *cial support: Provided, That this limitation shall not*
23 *apply to contracts in an amount of less than \$25,000,*
24 *contracts related to improvements of equipment that*
25 *is in development or production, or contracts as to*

1 *which a civilian official of the Department of Defense,*
2 *who has been confirmed by the Senate, determines*
3 *that the award of such contract is in the interest of*
4 *the national defense.*

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

8 *(1) to establish a field operating agency; or*

9 *(2) to pay the basic pay of a member of the*
10 *Armed Forces or civilian employee of the department*
11 *who is transferred or reassigned from a headquarters*
12 *activity if the member or employee's place of duty re-*
13 *mains at the location of that headquarters.*

14 *(b) The Secretary of Defense or Secretary of a military*
15 *department may waive the limitations in subsection (a),*
16 *on a case-by-case basis, if the Secretary determines, and cer-*
17 *tifies to the Committees on Appropriations of the House of*
18 *Representatives and Senate that the granting of the waiver*
19 *will reduce the personnel requirements or the financial re-*
20 *quirements of the department.*

21 *(c) This section does not apply to—*

22 *(1) field operating agencies funded within the*
23 *National Intelligence Program;*

24 *(2) an Army field operating agency established*
25 *to eliminate, mitigate, or counter the effects of impro-*

1 *vised explosive devices, and, as determined by the Sec-*
2 *retary of the Army, other similar threats; or*

3 *(3) an Army field operating agency established*
4 *to improve the effectiveness and efficiencies of biomet-*
5 *ric activities and to integrate common biometric tech-*
6 *nologies throughout the Department of Defense.*

7 *SEC. 8038. (a) None of the funds appropriated by this*
8 *Act shall be available to convert to contractor performance*
9 *an activity or function of the Department of Defense that,*
10 *on or after the date of the enactment of this Act, is per-*
11 *formed by Department of Defense civilian employees un-*
12 *less—*

13 *(1) the conversion is based on the result of a pub-*
14 *lic-private competition that includes a most efficient*
15 *and cost effective organization plan developed by such*
16 *activity or function;*

17 *(2) the Competitive Sourcing Official determines*
18 *that, over all performance periods stated in the solici-*
19 *tation of offers for performance of the activity or*
20 *function, the cost of performance of the activity or*
21 *function by a contractor would be less costly to the*
22 *Department of Defense by an amount that equals or*
23 *exceeds the lesser of—*

24 *(A) 10 percent of the most efficient organi-*
25 *zation's personnel-related costs for performance*

1 *of that activity or function by Federal employ-*
2 *ees; or*

3 *(B) \$10,000,000; and*

4 *(3) the contractor does not receive an advantage*
5 *for a proposal that would reduce costs for the Depart-*
6 *ment of Defense by—*

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

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

18 *(b)(1) The Department of Defense, without regard to*
19 *subsection (a) of this section or subsection (a), (b), or (c)*
20 *of section 2461 of title 10, United States Code, and notwith-*
21 *standing any administrative regulation, requirement, or*
22 *policy to the contrary shall have full authority to enter into*
23 *a contract for the performance of any commercial or indus-*
24 *trial type function of the Department of Defense that—*

1 (A) is included on the procurement list es-
2 tablished pursuant to section 2 of the Javits-
3 Wagner-O'Day Act (section 8503 of title 41,
4 United States Code);

5 (B) is planned to be converted to perform-
6 ance by a qualified nonprofit agency for the
7 blind or by a qualified nonprofit agency for
8 other severely handicapped individuals in ac-
9 cordance with that Act; or

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

18 (2) This section shall not apply to depot con-
19 tracts or contracts for depot maintenance as provided
20 in sections 2469 and 2474 of title 10, United States
21 Code.

22 (c) The conversion of any activity or function of the
23 Department of Defense under the authority provided by this
24 section shall be credited toward any competitive or out-
25 sourcing goal, target, or measurement that may be estab-

1 *lished by statute, regulation, or policy and is deemed to*
2 *be awarded under the authority of, and in compliance with,*
3 *subsection (h) of section 2304 of title 10, United States*
4 *Code, for the competition or outsourcing of commercial ac-*
5 *tivities.*

6 *(RESCISSIONS)*

7 *SEC. 8039. Of the funds appropriated in Department*
8 *of Defense Appropriations Acts, the following funds are*
9 *hereby rescinded from the following accounts and programs*
10 *in the specified amounts:*

11 *“Aircraft Procurement, Army, 2010/2012”,*
12 *\$5,100,000;*

13 *“Procurement of Weapons and Tracked Combat*
14 *Vehicles, Army, 2010/2012”, \$4,353,000;*

15 *“Procurement of Ammunition, Army, 2010/*
16 *2012”, \$21,674,000;*

17 *“Other Procurement, Army, 2010/2012”,*
18 *\$58,647,000;*

19 *“Weapons Procurement, Navy, 2010/2012”,*
20 *\$8,500,000;*

21 *“Aircraft Procurement, Air Force, 2010/2012”,*
22 *\$32,897,000;*

23 *“Missile Procurement, Air Force, 2010/2012”,*
24 *\$3,889,000;*

1 *“Other Procurement, Air Force, 2010/2012”,*
2 \$12,200,000;

3 *“Procurement, Defense-Wide, 2010/2012”,*
4 \$716,000;

5 *“Aircraft Procurement, Army, 2011/2013”,*
6 \$21,500,000;

7 *“Missile Procurement, Army, 2011/2013”,*
8 \$99,800,000;

9 *“Procurement of Weapons and Tracked Combat*
10 *Vehicles, Army, 2011/2013”, \$18,834,000;*

11 *“Procurement of Ammunition, Army, 2011/*
12 *2013”, \$15,000,000;*

13 *“Other Procurement, Army, 2011/2013”,*
14 \$444,171,000;

15 *“Aircraft Procurement, Navy, 2011/2013”,*
16 \$53,144,000;

17 *“Weapons Procurement, Navy, 2011/2013”,*
18 \$12,849,000;

19 *“Procurement of Ammunition, Navy and Marine*
20 *Corps, 2011/2013”, \$28,262,000;*

21 *“Other Procurement, Navy, 2011/2013”,*
22 \$59,598,000;

23 *“Aircraft Procurement, Air Force, 2011/2013”,*
24 \$223,213,000;

1 *“Missile Procurement, Air Force, 2011/2013”,*
2 *\$192,774,000;*

3 *“Other Procurement, Air Force, 2011/2013”,*
4 *\$52,868,000;*

5 *“Procurement, Defense-Wide, 2011/2013”,*
6 *\$4,312,000;*

7 *“Research, Development, Test and Evaluation,*
8 *Army, 2011/2012”, \$358,625,000;*

9 *“Research, Development, Test and Evaluation,*
10 *Navy, 2011/2012”, \$43,516,000;*

11 *“Research, Development, Test and Evaluation,*
12 *Air Force, 2011/2012”, \$273,994,000;*

13 *“Research, Development, Test and Evaluation,*
14 *Defense-Wide, 2011/2012”, \$254,284,000;*

15 *“Defense Health Program, 2011/2012”, \$257,000.*

16 *SEC. 8040. None of the funds available in this Act may*
17 *be used to reduce the authorized positions for military tech-*
18 *nicians (dual status) of the Army National Guard, Air Na-*
19 *tional Guard, Army Reserve and Air Force Reserve for the*
20 *purpose of applying any administratively imposed civilian*
21 *personnel ceiling, freeze, or reduction on military techni-*
22 *cians (dual status), unless such reductions are a direct re-*
23 *sult of a reduction in military force structure.*

24 *SEC. 8041. None of the funds appropriated or other-*
25 *wise made available in this Act may be obligated or ex-*

1 *pended for assistance to the Democratic People's Republic*
2 *of Korea unless specifically appropriated for that purpose.*

3 *SEC. 8042. Funds appropriated in this Act for oper-*
4 *ation and maintenance of the Military Departments, Com-*
5 *batant Commands and Defense Agencies shall be available*
6 *for reimbursement of pay, allowances and other expenses*
7 *which would otherwise be incurred against appropriations*
8 *for the National Guard and Reserve when members of the*
9 *National Guard and Reserve provide intelligence or coun-*
10 *terintelligence support to Combatant Commands, Defense*
11 *Agencies and Joint Intelligence Activities, including the ac-*
12 *tivities and programs included within the National Intel-*
13 *ligence Program and the Military Intelligence Program:*
14 *Provided, That nothing in this section authorizes deviation*
15 *from established Reserve and National Guard personnel and*
16 *training procedures.*

17 *SEC. 8043. During the current fiscal year, none of the*
18 *funds appropriated in this Act may be used to reduce the*
19 *civilian medical and medical support personnel assigned to*
20 *military treatment facilities below the September 30, 2003,*
21 *level: Provided, That the Service Surgeons General may*
22 *waive this section by certifying to the congressional defense*
23 *committees that the beneficiary population is declining in*
24 *some catchment areas and civilian strength reductions may*

1 *be consistent with responsible resource stewardship and*
2 *capitation-based budgeting.*

3 *SEC. 8044. (a) None of the funds available to the De-*
4 *partment of Defense for any fiscal year for drug interdic-*
5 *tion or counter-drug activities may be transferred to any*
6 *other department or agency of the United States except as*
7 *specifically provided in an appropriations law.*

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

13 *SEC. 8045. None of the funds appropriated by this Act*
14 *may be used for the procurement of ball and roller bearings*
15 *other than those produced by a domestic source and of do-*
16 *mestic origin: Provided, That the Secretary of the military*
17 *department responsible for such procurement may waive*
18 *this restriction on a case-by-case basis by certifying in writ-*
19 *ing to the Committees on Appropriations of the House of*
20 *Representatives and the Senate, that adequate domestic*
21 *supplies are not available to meet Department of Defense*
22 *requirements on a timely basis and that such an acquisition*
23 *must be made in order to acquire capability for national*
24 *security purposes: Provided further, That this restriction*
25 *shall not apply to the purchase of “commercial items”, as*

1 *defined by section 4(12) of the Office of Federal Procure-*
2 *ment Policy Act, except that the restriction shall apply to*
3 *ball or roller bearings purchased as end items.*

4 *SEC. 8046. None of the funds in this Act may be used*
5 *to purchase any supercomputer which is not manufactured*
6 *in the United States, unless the Secretary of Defense cer-*
7 *tifies to the congressional defense committees that such an*
8 *acquisition must be made in order to acquire capability for*
9 *national security purposes that is not available from*
10 *United States manufacturers.*

11 *SEC. 8047. None of the funds made available in this*
12 *or any other Act may be used to pay the salary of any*
13 *officer or employee of the Department of Defense who ap-*
14 *proves or implements the transfer of administrative respon-*
15 *sibilities or budgetary resources of any program, project,*
16 *or activity financed by this Act to the jurisdiction of an-*
17 *other Federal agency not financed by this Act without the*
18 *express authorization of Congress: Provided, That this limi-*
19 *tation shall not apply to transfers of funds expressly pro-*
20 *vided for in Defense Appropriations Acts, or provisions of*
21 *Acts providing supplemental appropriations for the De-*
22 *partment of Defense.*

23 *SEC. 8048. (a) Notwithstanding any other provision*
24 *of law, none of the funds available to the Department of*
25 *Defense for the current fiscal year may be obligated or ex-*

1 *pended to transfer to another nation or an international*
2 *organization any defense articles or services (other than in-*
3 *telligence services) for use in the activities described in sub-*
4 *section (b) unless the congressional defense committees, the*
5 *Committee on Foreign Affairs of the House of Representa-*
6 *tives, and the Committee on Foreign Relations of the Senate*
7 *are notified 15 days in advance of such transfer.*

8 *(b) This section applies to—*

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

14 *(2) any other international peacekeeping, peace-*
15 *enforcement, or humanitarian assistance operation.*

16 *(c) A notice under subsection (a) shall include the fol-*
17 *lowing:*

18 *(1) A description of the equipment, supplies, or*
19 *services to be transferred.*

20 *(2) A statement of the value of the equipment,*
21 *supplies, or services to be transferred.*

22 *(3) In the case of a proposed transfer of equip-*
23 *ment or supplies—*

24 *(A) a statement of whether the inventory re-*
25 *quirements of all elements of the Armed Forces*

1 *(including the reserve components) for the type*
2 *of equipment or supplies to be transferred have*
3 *been met; and*

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

8 *SEC. 8049. None of the funds available to the Depart-*
9 *ment of Defense under this Act shall be obligated or ex-*
10 *pende**d to pay a contractor under a contract with the De-*
11 *partment of Defense for costs of any amount paid by the*
12 *contractor to an employee when—*

13 *(1) such costs are for a bonus or otherwise in ex-*
14 *cess of the normal salary paid by the contractor to the*
15 *employee; and*

16 *(2) such bonus is part of restructuring costs asso-*
17 *ciated with a business combination.*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *SEC. 8050. During the current fiscal year, no more*
20 *than \$30,000,000 of appropriations made in this Act under*
21 *the heading “Operation and Maintenance, Defense-Wide”*
22 *may be transferred to appropriations available for the pay*
23 *of military personnel, to be merged with, and to be available*
24 *for the same time period as the appropriations to which*
25 *transferred, to be used in support of such personnel in con-*

1 *nection with support and services for eligible organizations*
2 *and activities outside the Department of Defense pursuant*
3 *to section 2012 of title 10, United States Code.*

4 *SEC. 8051. During the current fiscal year, in the case*
5 *of an appropriation account of the Department of Defense*
6 *for which the period of availability for obligation has ex-*
7 *pired or which has closed under the provisions of section*
8 *1552 of title 31, United States Code, and which has a nega-*
9 *tive unliquidated or unexpended balance, an obligation or*
10 *an adjustment of an obligation may be charged to any cur-*
11 *rent appropriation account for the same purpose as the ex-*
12 *pired or closed account if—*

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

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

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

1 *the case of an expired account, if subsequent review*
2 *or investigation discloses that there was not in fact a*
3 *negative unliquidated or unexpended balance in the*
4 *account, any charge to a current account under the*
5 *authority of this section shall be reversed and re-*
6 *corded against the expired account: Provided further,*
7 *That the total amount charged to a current appro-*
8 *priation under this section may not exceed an*
9 *amount equal to 1 percent of the total appropriation*
10 *for that account.*

11 *SEC. 8052. (a) Notwithstanding any other provision*
12 *of law, the Chief of the National Guard Bureau may permit*
13 *the use of equipment of the National Guard Distance Learn-*
14 *ing Project by any person or entity on a space-available,*
15 *reimbursable basis. The Chief of the National Guard Bu-*
16 *reau shall establish the amount of reimbursement for such*
17 *use on a case-by-case basis.*

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

24 *SEC. 8053. Using funds made available by this Act*
25 *or any other Act, the Secretary of the Air Force, pursuant*

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

15 *SEC. 8054. None of the funds appropriated in title IV*
16 *of this Act may be used to procure end-items for delivery*
17 *to military forces for operational training, operational use*
18 *or inventory requirements: Provided, That this restriction*
19 *does not apply to end-items used in development, proto-*
20 *typing, and test activities preceding and leading to accept-*
21 *ance for operational use: Provided further, That this restric-*
22 *tion does not apply to programs funded within the National*
23 *Intelligence Program: Provided further, That the Secretary*
24 *of Defense may waive this restriction on a case-by-case basis*
25 *by certifying in writing to the Committees on Appropria-*

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

3 *SEC. 8055. None of the funds made available in this*
4 *Act may be used to approve or license the sale of the F-*
5 *22A advanced tactical fighter to any foreign government:*
6 *Provided, That the Department of Defense may conduct or*
7 *participate in studies, research, design and other activities*
8 *to define and develop a future export version of the F-22A*
9 *that protects classified and sensitive information, tech-*
10 *nologies and U.S. warfighting capabilities.*

11 *SEC. 8056. (a) The Secretary of Defense may, on a*
12 *case-by-case basis, waive with respect to a foreign country*
13 *each limitation on the procurement of defense items from*
14 *foreign sources provided in law if the Secretary determines*
15 *that the application of the limitation with respect to that*
16 *country would invalidate cooperative programs entered into*
17 *between the Department of Defense and the foreign country,*
18 *or would invalidate reciprocal trade agreements for the pro-*
19 *curement of defense items entered into under section 2531*
20 *of title 10, United States Code, and the country does not*
21 *discriminate against the same or similar defense items pro-*
22 *duced in the United States for that country.*

23 *(b) Subsection (a) applies with respect to—*

24 *(1) contracts and subcontracts entered into on or*
25 *after the date of the enactment of this Act; and*

1 (2) options for the procurement of items that are
2 exercised after such date under contracts that are en-
3 tered into before such date if the option prices are ad-
4 justed for any reason other than the application of a
5 waiver granted under subsection (a).

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

14 SEC. 8057. (a) None of the funds made available by
15 this Act may be used to support any training program in-
16 volving a unit of the security forces or police of a foreign
17 country if the Secretary of Defense has received credible in-
18 formation from the Department of State that the unit has
19 committed a gross violation of human rights, unless all nec-
20 essary corrective steps have been taken.

21 (b) The Secretary of Defense, in consultation with the
22 Secretary of State, shall ensure that prior to a decision to
23 conduct any training program referred to in subsection (a),
24 full consideration is given to all credible information avail-

1 *able to the Department of State relating to human rights*
2 *violations by foreign security forces.*

3 *(c) The Secretary of Defense, after consultation with*
4 *the Secretary of State, may waive the prohibition in sub-*
5 *section (a) if he determines that such waiver is required*
6 *by extraordinary circumstances.*

7 *(d) Not more than 15 days after the exercise of any*
8 *waiver under subsection (c), the Secretary of Defense shall*
9 *submit a report to the congressional defense committees de-*
10 *scribing the extraordinary circumstances, the purpose and*
11 *duration of the training program, the United States forces*
12 *and the foreign security forces involved in the training pro-*
13 *gram, and the information relating to human rights viola-*
14 *tions that necessitates the waiver.*

15 *SEC. 8058. (a) PROHIBITION ON CONVERSION OF*
16 *FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO CON-*
17 *TRACTOR PERFORMANCE.—None of the funds appropriated*
18 *or otherwise made available by this Act, or that remain*
19 *available for obligation for the Department of Defense under*
20 *any prior appropriations act, may be used to begin or an-*
21 *nounce the competition to award to a contractor or convert*
22 *to performance by a contractor any functions performed by*
23 *Federal employees pursuant to a study conducted under Of-*
24 *fice of Management and Budget (OMB) Circular A-76.*

1 (b) *EXCEPTION.*—*The prohibition in subsection (a)*
2 *shall not apply to the award of a function to a contractor*
3 *or the conversion of a function to performance by a con-*
4 *tractor pursuant to a study conducted under Office of Man-*
5 *agement and Budget (OMB) Circular A–76 once all report-*
6 *ing and certifications required by section 325 of the Na-*
7 *tional Defense Authorization Act for Fiscal Year 2010 (Pub-*
8 *lic Law 111–84) have been satisfactorily completed.*

9 *SEC. 8059. Notwithstanding any other provision of*
10 *law, funds appropriated in this Act under the heading “Re-*
11 *search, Development, Test and Evaluation, Defense-Wide”*
12 *for any new start advanced concept technology demonstra-*
13 *tion project or joint capability demonstration project may*
14 *only be obligated 45 days after a report, including a de-*
15 *scription of the project, the planned acquisition and transi-*
16 *tion strategy and its estimated annual and total cost, has*
17 *been provided in writing to the congressional defense com-*
18 *mittees: Provided, That the Secretary of Defense may waive*
19 *this restriction on a case-by-case basis by certifying to the*
20 *congressional defense committees that it is in the national*
21 *interest to do so.*

22 *SEC. 8060. The Secretary of Defense shall provide a*
23 *classified quarterly report beginning 30 days after enact-*
24 *ment of this Act, to the House and Senate Appropriations*

1 *Committees, Subcommittees on Defense on certain matters*
2 *as directed in the classified annex accompanying this Act.*

3 *SEC. 8061. During the current fiscal year, none of the*
4 *funds available to the Department of Defense may be used*
5 *to provide support to another department or agency of the*
6 *United States if such department or agency is more than*
7 *90 days in arrears in making payment to the Department*
8 *of Defense for goods or services previously provided to such*
9 *department or agency on a reimbursable basis: Provided,*
10 *That this restriction shall not apply if the department is*
11 *authorized by law to provide support to such department*
12 *or agency on a nonreimbursable basis, and is providing the*
13 *requested support pursuant to such authority: Provided fur-*
14 *ther, That the Secretary of Defense may waive this restric-*
15 *tion on a case-by-case basis by certifying in writing to the*
16 *Committees on Appropriations of the House of Representa-*
17 *tives and the Senate that it is in the national security inter-*
18 *est to do so.*

19 *SEC. 8062. Notwithstanding section 12310(b) of title*
20 *10, United States Code, a Reserve who is a member of the*
21 *National Guard serving on full-time National Guard duty*
22 *under section 502(f) of title 32, United States Code, may*
23 *perform duties in support of the ground-based elements of*
24 *the National Ballistic Missile Defense System.*

1 *SEC. 8063. None of the funds provided in this Act may*
2 *be used to transfer to any nongovernmental entity ammuni-*
3 *tion held by the Department of Defense that has a center-*
4 *fire cartridge and a United States military nomenclature*
5 *designation of “armor penetrator”, “armor piercing (AP)”,*
6 *“armor piercing incendiary (API)”, or “armor-piercing in-*
7 *cendiary tracer (API-T)”, except to an entity performing*
8 *demilitarization services for the Department of Defense*
9 *under a contract that requires the entity to demonstrate to*
10 *the satisfaction of the Department of Defense that armor*
11 *piercing projectiles are either: (1) rendered incapable of*
12 *reuse by the demilitarization process; or (2) used to manu-*
13 *facture ammunition pursuant to a contract with the De-*
14 *partment of Defense or the manufacture of ammunition for*
15 *export pursuant to a License for Permanent Export of Un-*
16 *classified Military Articles issued by the Department of*
17 *State.*

18 *SEC. 8064. Notwithstanding any other provision of*
19 *law, the Chief of the National Guard Bureau, or his des-*
20 *ignee, may waive payment of all or part of the consider-*
21 *ation that otherwise would be required under section 2667*
22 *of title 10, United States Code, in the case of a lease of*
23 *personal property for a period not in excess of 1 year to*
24 *any organization specified in section 508(d) of title 32,*
25 *United States Code, or any other youth, social, or fraternal*

1 *nonprofit organization as may be approved by the Chief*
2 *of the National Guard Bureau, or his designee, on a case-*
3 *by-case basis.*

4 *SEC. 8065. None of the funds appropriated by this Act*
5 *shall be used for the support of any nonappropriated funds*
6 *activity of the Department of Defense that procures malt*
7 *beverages and wine with nonappropriated funds for resale*
8 *(including such alcoholic beverages sold by the drink) on*
9 *a military installation located in the United States unless*
10 *such malt beverages and wine are procured within that*
11 *State, or in the case of the District of Columbia, within*
12 *the District of Columbia, in which the military installation*
13 *is located: Provided, That in a case in which the military*
14 *installation is located in more than one State, purchases*
15 *may be made in any State in which the installation is lo-*
16 *cated: Provided further, That such local procurement re-*
17 *quirements for malt beverages and wine shall apply to all*
18 *alcoholic beverages only for military installations in States*
19 *which are not contiguous with another State: Provided fur-*
20 *ther, That alcoholic beverages other than wine and malt bev-*
21 *erages, in contiguous States and the District of Columbia*
22 *shall be procured from the most competitive source, price*
23 *and other factors considered.*

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8066. *Of the amounts appropriated in this Act*
3 *under the heading “Operation and Maintenance, Army”,*
4 *\$124,493,000 shall remain available until expended: Pro-*
5 *vided, That notwithstanding any other provision of law, the*
6 *Secretary of Defense is authorized to transfer such funds*
7 *to other activities of the Federal Government: Provided fur-*
8 *ther, That the Secretary of Defense is authorized to enter*
9 *into and carry out contracts for the acquisition of real*
10 *property, construction, personal services, and operations re-*
11 *lated to projects carrying out the purposes of this section:*
12 *Provided further, That contracts entered into under the au-*
13 *thority of this section may provide for such indemnification*
14 *as the Secretary determines to be necessary: Provided fur-*
15 *ther, That projects authorized by this section shall comply*
16 *with applicable Federal, State, and local law to the max-*
17 *imum extent consistent with the national security, as deter-*
18 *mined by the Secretary of Defense.*

19 SEC. 8067. *Section 8106 of the Department of Defense*
20 *Appropriations Act, 1997 (titles I through VIII of the mat-*
21 *ter under subsection 101(b) of Public Law 104–208; 110*
22 *Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect*
23 *to apply to disbursements that are made by the Department*
24 *of Defense in fiscal year 2012.*

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8069. *Of the amounts appropriated in this Act*
3 *under the heading “Research, Development, Test and Eval-*
4 *uation, Defense-Wide”, \$235,700,000 shall be for the Israeli*
5 *Cooperative Programs: Provided, That of this amount,*
6 *\$110,525,000 shall be for the Short Range Ballistic Missile*
7 *Defense (SRBMD) program, including cruise missile de-*
8 *fense research and development under the SRBMD pro-*
9 *gram, of which \$15,000,000 shall be for production activi-*
10 *ties of SRBMD missiles in the United States and in Israel*
11 *to meet Israel’s defense requirements consistent with each*
12 *nation’s laws, regulations, and procedures, \$66,220,000*
13 *shall be available for an upper-tier component to the Israeli*
14 *Missile Defense Architecture, and \$58,955,000 shall be for*
15 *the Arrow System Improvement Program including devel-*
16 *opment of a long range, ground and airborne, detection*
17 *suite: Provided further, That funds made available under*
18 *this provision for production of missiles and missile compo-*
19 *nents may be transferred to appropriations available for*
20 *the procurement of weapons and equipment, to be merged*
21 *with and to be available for the same time period and the*
22 *same purposes as the appropriation to which transferred:*
23 *Provided further, That the transfer authority provided*
24 *under this provision is in addition to any other transfer*
25 *authority contained in this Act.*

1 same purposes as the appropriations to which transferred
2 to:

3 (1) Under the heading “Shipbuilding and Con-
4 version, Navy, 2005/2012”: LPD–17 Amphibious
5 Transport Dock Program \$18,627,000;

6 (2) Under the heading “Shipbuilding and Con-
7 version, Navy, 2006/2012”: LPD–17 Amphibious
8 Transport Dock Program \$23,437,000; and

9 (3) Under the heading “Shipbuilding and Con-
10 version, Navy, 2008/2012”: LPD–17 Amphibious
11 Transport Dock Program \$31,928,000.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 8072. (a) Of the amounts appropriated in title
14 IV of this Act under the heading “Research, Development,
15 Test and Evaluation, Army”, for Budget Activities 4, 5 and
16 7, \$50,000,000 shall be transferred to Program Element
17 0605807A: Provided, That no funds may be transferred
18 until 30 days after the Secretary of the Army provides to
19 the congressional defense committees a report including the
20 details of any such transfer: Provided further, That the
21 transfer authority provided under this provision is in addi-
22 tion to any other transfer authority contained in this Act.

23 (b) Of the amounts appropriated in title IV of this
24 Act under the heading “Research, Development, Test and
25 Evaluation, Air Force”, for Budget Activities 4, 5 and 7,

1 \$34,000,000 shall be transferred to Program Element
2 0605807F: Provided, That no funds may be transferred
3 until 30 days after the Secretary of the Air Force provides
4 to the congressional defense committees a report including
5 the details of any such transfer: Provided further, That the
6 transfer authority provided under this provision is in addi-
7 tion to any other transfer authority contained in this Act.

8 SEC. 8073. Funds appropriated by this Act, or made
9 available by the transfer of funds in this Act, for intelligence
10 activities are deemed to be specifically authorized by the
11 Congress for purposes of section 504 of the National Secu-
12 rity Act of 1947 (50 U.S.C. 414) during fiscal year 2012
13 until the enactment of the Intelligence Authorization Act
14 for Fiscal Year 2012.

15 SEC. 8074. None of the funds provided in this Act shall
16 be available for obligation or expenditure through a re-
17 programming of funds that creates or initiates a new pro-
18 gram, project, or activity unless such program, project, or
19 activity must be undertaken immediately in the interest of
20 national security and only after written prior notification
21 to the congressional defense committees.

22 SEC. 8075. The budget of the President for fiscal year
23 2013 submitted to the Congress pursuant to section 1105
24 of title 31, United States Code, shall include separate budget
25 justification documents for costs of United States Armed

1 *Forces' participation in contingency operations for the*
2 *Military Personnel accounts, the Operation and Mainte-*
3 *nance accounts, and the Procurement accounts: Provided,*
4 *That these documents shall include a description of the*
5 *funding requested for each contingency operation, for each*
6 *military service, to include all Active and Reserve compo-*
7 *nents, and for each appropriations account: Provided fur-*
8 *ther, That these documents shall include estimated costs for*
9 *each element of expense or object class, a reconciliation of*
10 *increases and decreases for each contingency operation, and*
11 *programmatic data including, but not limited to, troop*
12 *strength for each Active and Reserve component, and esti-*
13 *mates of the major weapons systems deployed in support*
14 *of each contingency: Provided further, That these documents*
15 *shall include budget exhibits OP-5 and OP-32 (as defined*
16 *in the Department of Defense Financial Management Regu-*
17 *lation) for all contingency operations for the budget year*
18 *and the two preceding fiscal years.*

19 *SEC. 8076. None of the funds available to the Depart-*
20 *ment of Defense in the current fiscal year, and hereafter,*
21 *may be obligated or expended for research, development,*
22 *test, evaluation, procurement or deployment of nuclear*
23 *armed interceptors of a missile defense system.*

24 *SEC. 8077. In addition to the amounts appropriated*
25 *or otherwise made available elsewhere in this Act,*

1 \$20,000,000 is hereby appropriated to the Department of
2 Defense: Provided, That upon the determination of the Sec-
3 retary of Defense that it shall serve the national interest,
4 he shall make a grant in the amount specified as follows:
5 \$20,000,000 to the United Service Organizations.

6 SEC. 8078. None of the funds appropriated or made
7 available in this Act shall be used to reduce or disestablish
8 the operation of the 53rd Weather Reconnaissance Squad-
9 ron of the Air Force Reserve, if such action would reduce
10 the WC-130 Weather Reconnaissance mission below the lev-
11 els funded in this Act: Provided, That the Air Force shall
12 allow the 53rd Weather Reconnaissance Squadron to per-
13 form other missions in support of national defense require-
14 ments during the non-hurricane season.

15 SEC. 8079. None of the funds provided in this Act shall
16 be available for integration of foreign intelligence informa-
17 tion unless the information has been lawfully collected and
18 processed during the conduct of authorized foreign intel-
19 ligence activities: Provided, That information pertaining to
20 United States persons shall only be handled in accordance
21 with protections provided in the Fourth Amendment of the
22 United States Constitution as implemented through Execu-
23 tive Order No. 12333.

24 SEC. 8080. (a) At the time members of reserve compo-
25 nents of the Armed Forces are called or ordered to active

1 *duty under section 12302(a) of title 10, United States Code,*
2 *each member shall be notified in writing of the expected*
3 *period during which the member will be mobilized.*

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

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *SEC. 8081. The Secretary of Defense may transfer*
11 *funds from any available Department of the Navy appro-*
12 *priation to any available Navy ship construction appro-*
13 *priation for the purpose of liquidating necessary changes*
14 *resulting from inflation, market fluctuations, or rate adjust-*
15 *ments for any ship construction program appropriated in*
16 *law: Provided, That the Secretary may transfer not to ex-*
17 *ceed \$100,000,000 under the authority provided by this sec-*
18 *tion: Provided further, That the Secretary may not transfer*
19 *any funds until 30 days after the proposed transfer has been*
20 *reported to the Committees on Appropriations of the House*
21 *of Representatives and the Senate, unless a response from*
22 *the Committees is received sooner: Provided further, That*
23 *any funds transferred pursuant to this section shall retain*
24 *the same period of availability as when originally appro-*
25 *priated: Provided further, That the transfer authority pro-*

1 *vided by this section is in addition to any other transfer*
2 *authority contained elsewhere in this Act.*

3 *SEC. 8082. For purposes of section 7108 of title 41,*
4 *United States Code, any subdivision of appropriations*
5 *made under the heading “Shipbuilding and Conversion,*
6 *Navy” that is not closed at the time reimbursement is made*
7 *shall be available to reimburse the Judgment Fund and*
8 *shall be considered for the same purposes as any subdivision*
9 *under the heading “Shipbuilding and Conversion, Navy”*
10 *appropriations in the current fiscal year or any prior fiscal*
11 *year.*

12 *SEC. 8083. (a) None of the funds appropriated by this*
13 *Act may be used to transfer research and development, ac-*
14 *quisition, or other program authority relating to current*
15 *tactical unmanned aerial vehicles (TUAVs) from the Army.*

16 *(b) The Army shall retain responsibility for and oper-*
17 *ational control of the MQ-1C Sky Warrior Unmanned Aer-*
18 *ial Vehicle (UAV) in order to support the Secretary of De-*
19 *fense in matters relating to the employment of unmanned*
20 *aerial vehicles.*

21 *SEC. 8084. Up to \$15,000,000 of the funds appro-*
22 *priated under the heading “Operation and Maintenance,*
23 *Navy” may be made available for the Asia Pacific Regional*
24 *Initiative Program for the purpose of enabling the Pacific*
25 *Command to execute Theater Security Cooperation activi-*

1 *ties such as humanitarian assistance, and payment of in-*
2 *cremental and personnel costs of training and exercising*
3 *with foreign security forces: Provided, That funds made*
4 *available for this purpose may be used, notwithstanding*
5 *any other funding authorities for humanitarian assistance,*
6 *security assistance or combined exercise expenses: Provided*
7 *further, That funds may not be obligated to provide assist-*
8 *ance to any foreign country that is otherwise prohibited*
9 *from receiving such type of assistance under any other pro-*
10 *vision of law.*

11 *SEC. 8085. None of the funds appropriated by this Act*
12 *for programs of the Office of the Director of National Intel-*
13 *ligence shall remain available for obligation beyond the cur-*
14 *rent fiscal year, except for funds appropriated for research*
15 *and technology, which shall remain available until Sep-*
16 *tember 30, 2013.*

17 *SEC. 8086. For purposes of section 1553(b) of title 31,*
18 *United States Code, any subdivision of appropriations*
19 *made in this Act under the heading “Shipbuilding and*
20 *Conversion, Navy” shall be considered to be for the same*
21 *purpose as any subdivision under the heading “Ship-*
22 *building and Conversion, Navy” appropriations in any*
23 *prior fiscal year, and the 1 percent limitation shall apply*
24 *to the total amount of the appropriation.*

1 *SEC. 8087. During the current fiscal year, not to ex-*
2 *ceed \$200,000,000 from funds available under “Operation*
3 *and Maintenance, Defense-Wide” under section 1206 of the*
4 *National Defense Authorization Act for Fiscal Year 2006*
5 *(Public Law 109–163; 119 Stat. 3456; relating to program*
6 *to build the capacity of foreign military forces) may be*
7 *transferred to the Department of State “Global Security*
8 *Contingency Fund”: Provided, That this transfer authority*
9 *is in addition to any other transfer authority available to*
10 *the Department of Defense: Provided further, That the Sec-*
11 *retary of Defense shall, not fewer than 15 days prior to*
12 *making transfers to the Department of State, notify the con-*
13 *gressional defense committees in writing of the details of*
14 *any such transfer: Provided further, That none of the funds*
15 *available under “Operation and Maintenance, Defense-*
16 *Wide” under section 1206 of the National Defense Author-*
17 *ization Act for Fiscal Year 2006 (Public Law 109–163; 119*
18 *Stat. 3456; relating to program to build the capacity of for-*
19 *oreign military forces) may be obligated prior to the Depart-*
20 *ment of Defense formally submitting a request for authority*
21 *to transfer funds to the “Global Security Contingency*
22 *Fund” to the Subcommittees on Defense of the Committees*
23 *on Appropriations of the House and Senate.*

24 *SEC. 8088. The Director of National Intelligence shall*
25 *include the budget exhibits identified in paragraphs (1) and*

1 (2) as described in the Department of Defense Financial
2 Management Regulation with the congressional budget jus-
3 tification books:

4 (1) For procurement programs requesting more
5 than \$20,000,000 in any fiscal year, the P-1, Pro-
6 curement Program; P-5, Cost Analysis; P-5a, Pro-
7 curement History and Planning; P-21, Production
8 Schedule; and P-40, Budget Item Justification.

9 (2) For research, development, test and evalua-
10 tion projects requesting more than \$10,000,000 in
11 any fiscal year, the R-1, RDT&E Program; R-2,
12 RDT&E Budget Item Justification; R-3, RDT&E
13 Project Cost Analysis; and R-4, RDT&E Program
14 Schedule Profile.

15 SEC. 8089. The amounts appropriated in title II of
16 this Act are hereby reduced by \$515,000,000 to reflect excess
17 cash balances in Department of Defense Working Capital
18 Funds, as follows: From “Operation and Maintenance,
19 Army”, \$515,000,000.

20 SEC. 8090. (a) Not later than 60 days after enactment
21 of this Act, the Office of the Director of National Intelligence
22 shall submit a report to the congressional intelligence com-
23 mittees to establish the baseline for application of re-
24 programming and transfer authorities for fiscal year 2012:
25 Provided, That the report shall include—

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

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

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

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

18 SEC. 8091. The Director of National Intelligence shall
19 submit to Congress each year, at or about the time that
20 the President's budget is submitted to Congress that year
21 under section 1105(a) of title 31, United States Code, a fu-
22 ture-years intelligence program (including associated an-
23 nexes) reflecting the estimated expenditures and proposed
24 appropriations included in that budget. Any such future-
25 years intelligence program shall cover the fiscal year with

1 *respect to which the budget is submitted and at least the*
2 *four succeeding fiscal years.*

3 *SEC. 8092. For the purposes of this Act, the term “con-*
4 *gressional intelligence committees” means the Permanent*
5 *Select Committee on Intelligence of the House of Represent-*
6 *atives, the Select Committee on Intelligence of the Senate,*
7 *the Subcommittee on Defense of the Committee on Appro-*
8 *priations of the House of Representatives, and the Sub-*
9 *committee on Defense of the Committee on Appropriations*
10 *of the Senate.*

11 *SEC. 8093. The Department of Defense shall continue*
12 *to report incremental contingency operations costs for Oper-*
13 *ation New Dawn and Operation Enduring Freedom on a*
14 *monthly basis in the Cost of War Execution Report as pre-*
15 *scribed in the Department of Defense Financial Manage-*
16 *ment Regulation Department of Defense Instruction*
17 *7000.14, Volume 12, Chapter 23 “Contingency Operations”,*
18 *Annex 1, dated September 2005.*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *SEC. 8094. During the current fiscal year, not to ex-*
21 *ceed \$11,000,000 from each of the appropriations made in*
22 *title II of this Act for “Operation and Maintenance, Army”,*
23 *“Operation and Maintenance, Navy”, and “Operation and*
24 *Maintenance, Air Force” may be transferred by the mili-*
25 *tary department concerned to its central fund established*

1 *for Fisher Houses and Suites pursuant to section 2493(d)*
2 *of title 10, United States Code.*

3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 8095. Of the funds appropriated in the Intel-*
5 *ligence Community Management Account for the Program*
6 *Manager for the Information Sharing Environment,*
7 *\$20,000,000 is available for transfer by the Director of Na-*
8 *tional Intelligence to other departments and agencies for*
9 *purposes of Government-wide information sharing activi-*
10 *ties: Provided, That funds transferred under this provision*
11 *are to be merged with and available for the same purposes*
12 *and time period as the appropriation to which transferred:*
13 *Provided further, That the Office of Management and Budg-*
14 *et must approve any transfers made under this provision.*

15 *SEC. 8096. Funds appropriated by this Act for oper-*
16 *ation and maintenance may be available for the purpose*
17 *of making remittances to the Defense Acquisition Workforce*
18 *Development Fund in accordance with the requirements of*
19 *section 1705 of title 10, United States Code.*

20 *SEC. 8097. (a) Any agency receiving funds made*
21 *available in this Act, shall, subject to subsections (b) and*
22 *(c), post on the public website of that agency any report*
23 *required to be submitted by the Congress in this or any*
24 *other Act, upon the determination by the head of the agency*
25 *that it shall serve the national interest.*

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

2 **(1)** *the public posting of the report compromises*
3 *national security; or*

4 **(2)** *the report contains proprietary information.*

5 **(c)** *The head of the agency posting such report shall*
6 *do so only after such report has been made available to the*
7 *requesting Committee or Committees of Congress for no less*
8 *than 45 days.*

9 **SEC. 8098. (a)** *None of the funds appropriated or oth-*
10 *erwise made available by this Act may be expended for any*
11 *Federal contract for an amount in excess of \$1,000,000, un-*
12 *less the contractor agrees not to—*

13 **(1)** *enter into any agreement with any of its em-*
14 *ployees or independent contractors that requires, as a*
15 *condition of employment, that the employee or inde-*
16 *pendent contractor agree to resolve through arbitra-*
17 *tion any claim under title VII of the Civil Rights Act*
18 *of 1964 or any tort related to or arising out of sexual*
19 *assault or harassment, including assault and battery,*
20 *intentional infliction of emotional distress, false im-*
21 *prisonment, or negligent hiring, supervision, or reten-*
22 *tion; or*

23 **(2)** *take any action to enforce any provision of*
24 *an existing agreement with an employee or inde-*
25 *pendent contractor that mandates that the employee*

1 *or independent contractor resolve through arbitration*
2 *any claim under title VII of the Civil Rights Act of*
3 *1964 or any tort related to or arising out of sexual*
4 *assault or harassment, including assault and battery,*
5 *intentional infliction of emotional distress, false im-*
6 *prisonment, or negligent hiring, supervision, or reten-*
7 *tion.*

8 *(b) None of the funds appropriated or otherwise made*
9 *available by this Act may be expended for any Federal con-*
10 *tract unless the contractor certifies that it requires each cov-*
11 *ered subcontractor to agree not to enter into, and not to*
12 *take any action to enforce any provision of, any agreement*
13 *as described in paragraphs (1) and (2) of subsection (a),*
14 *with respect to any employee or independent contractor per-*
15 *forming work related to such subcontract. For purposes of*
16 *this subsection, a “covered subcontractor” is an entity that*
17 *has a subcontract in excess of \$1,000,000 on a contract sub-*
18 *ject to subsection (a).*

19 *(c) The prohibitions in this section do not apply with*
20 *respect to a contractor’s or subcontractor’s agreements with*
21 *employees or independent contractors that may not be en-*
22 *forced in a court of the United States.*

23 *(d) The Secretary of Defense may waive the applica-*
24 *tion of subsection (a) or (b) to a particular contractor or*
25 *subcontractor for the purposes of a particular contract or*

1 subcontract if the Secretary or the Deputy Secretary per-
2 sonally determines that the waiver is necessary to avoid
3 harm to national security interests of the United States,
4 and that the term of the contract or subcontract is not
5 longer than necessary to avoid such harm. The determina-
6 tion shall set forth with specificity the grounds for the waiv-
7 er and for the contract or subcontract term selected, and
8 shall state any alternatives considered in lieu of a waiver
9 and the reasons each such alternative would not avoid harm
10 to national security interests of the United States. The Sec-
11 retary of Defense shall transmit to Congress, and simulta-
12 neously make public, any determination under this sub-
13 section not less than 15 business days before the contract
14 or subcontract addressed in the determination may be
15 awarded.

16 SEC. 8099. (a)(1) No National Intelligence Program
17 funds appropriated in this Act may be used for a mission
18 critical or mission essential business management informa-
19 tion technology system that is not registered with the Direc-
20 tor of National Intelligence. A system shall be considered
21 to be registered with that officer upon the furnishing notice
22 of the system, together with such information concerning
23 the system as the Director of the Business Transformation
24 Office may prescribe.

1 *sisting of the North Chicago Veterans Affairs Medical Cen-*
2 *ter, the Navy Ambulatory Care Center, and supporting fa-*
3 *cilities designated as a combined Federal medical facility*
4 *as described by section 706 of Public Law 110–417: Pro-*
5 *vided further, That additional funds may be transferred*
6 *from funds appropriated for operation and maintenance for*
7 *the Defense Health Program to the Joint Department of De-*
8 *fense-Department of Veterans Affairs Medical Facility*
9 *Demonstration Fund upon written notification by the Sec-*
10 *retary of Defense to the Committees on Appropriations of*
11 *the House of Representatives and the Senate.*

12 *SEC. 8102. None of the funds appropriated or other-*
13 *wise made available by this Act may be obligated or ex-*
14 *pende d to pay a retired general or flag officer to serve as*
15 *a senior mentor advising the Department of Defense unless*
16 *such retired officer files a Standard Form 278 (or successor*
17 *form concerning public financial disclosure under part*
18 *2634 of title 5, Code of Federal Regulations) to the Office*
19 *of Government Ethics.*

20 *SEC. 8103. Appropriations available to the Depart-*
21 *ment of Defense may be used for the purchase of heavy and*
22 *light armored vehicles for the physical security of personnel*
23 *or for force protection purposes up to a limit of \$250,000*
24 *per vehicle, notwithstanding price or other limitations ap-*
25 *plicable to the purchase of passenger carrying vehicles.*

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8104. *Of the amounts appropriated in “Oper-*
3 *ation and Maintenance, Defense-wide”, \$22,930,000 shall*
4 *be available to the Secretary of Defense for transfer to*
5 *“Community Development Fund”, Department of Housing*
6 *and Urban Development, to remain available until ex-*
7 *pendent to address community development needs associated*
8 *with the relocation of various facilities and functions eligi-*
9 *ble for assistance under title I of the Housing and Commu-*
10 *nity Development Act of 1974 (42 U.S.C. 5301 et seq.) to*
11 *assist the civilian population of Guam in its response to*
12 *the military buildup of Guam: Provided, That the funds*
13 *shall be deemed to be Community Development Block Grant*
14 *funds available under title I of the Housing and Commu-*
15 *nity Development Act of 1974 (42 U.S.C. 5301 et seq.) and*
16 *shall be made available to the Guam Housing and Urban*
17 *Renewal Authority: Provided further, That, in admin-*
18 *istering funds appropriated or otherwise made available*
19 *under this section, the Secretary of Housing and Urban De-*
20 *velopment may waive or specify alternative requirements*
21 *for any provision of any statute or regulation in connection*
22 *with the obligation or the use of the funds except for require-*
23 *ments relating to fair housing, nondiscrimination, labor*
24 *standards, and the environment, upon a finding that such*
25 *a waiver is necessary to expedite or facilitate the use of*

1 *such funds: Provided further, That, with respect to the pre-*
2 *vious proviso, the Secretary of Housing and Urban Develop-*
3 *ment shall publish any such waiver or alternative require-*
4 *ment in the Federal Register no later than 30 days before*
5 *the effective date of such waiver or alternative requirement:*
6 *Provided further, That the transfer authority in this section*
7 *is in addition to any other transfer authority available to*
8 *the Department of Defense.*

9 *SEC. 8105. Of the amounts appropriated for “Oper-*
10 *ation and Maintenance, Defense-wide”, \$10,070,000 shall*
11 *be available to the Secretary of Defense for transfer to “As-*
12 *sistance to Territories”, Department of the Interior, to re-*
13 *main available until expended, to be used to assist the civil-*
14 *ian population of Guam in its response to the military*
15 *buildup of Guam: Provided, That the funds so transferred*
16 *shall be available for technical assistance, as authorized by*
17 *section 1469d of title 48, United States Code, involving pro-*
18 *vision of vehicles and supplies for student transportation:*
19 *Provided further, That the transfer authority in this section*
20 *is in addition to any other transfer authority available to*
21 *the Department of Defense.*

22 *SEC. 8106. None of the funds appropriated or other-*
23 *wise made available in this Act may be used to transfer,*
24 *release, or assist in the transfer or release to or within the*

1 *United States, its territories, or possessions Khalid Sheikh*
2 *Mohammed or any other detainee who—*

3 *(1) is not a United States citizen or a member*
4 *of the Armed Forces; and*

5 *(2) is or was held on or after June 24, 2009, at*
6 *the United States Naval Station, Guantanamo Bay,*
7 *Cuba, by the Department of Defense.*

8 *SEC. 8107. (a)(1) Except as provided in paragraph*
9 *(2) and subsection (d), none of the funds appropriated or*
10 *otherwise made available in this Act may be used to trans-*
11 *fer any individual detained at Guantanamo to the custody*
12 *or effective control of the individual's country of origin, any*
13 *other foreign country, or any other foreign entity unless the*
14 *Secretary of Defense submits to Congress the certification*
15 *described in subsection (b) by not later than 30 days before*
16 *the transfer of the individual.*

17 *(2) Paragraph (1) shall not apply to any action taken*
18 *by the Secretary of Defense to transfer any individual de-*
19 *tained at Guantanamo to effectuate an order affecting the*
20 *disposition of the individual that is issued by a court or*
21 *competent tribunal of the United States having lawful juris-*
22 *diction or a pre-trial agreement entered into before a mili-*
23 *tary commission before the date of the enactment of this*
24 *Act. The Secretary of Defense shall notify Congress prompt-*
25 *ly upon issuance of any such order.*

1 **(b)** *The certification described in this subsection is a*
2 *written certification made by the Secretary of Defense, with*
3 *the concurrence of the Secretary of State, that the govern-*
4 *ment of the foreign country or the recognized leadership of*
5 *the foreign entity to which the individual detained at Guan-*
6 *tanamo is to be transferred—*

7 **(1)** *is not a designated state sponsor of terrorism*
8 *or a designated foreign terrorist organization;*

9 **(2)** *maintains effective control over each deten-*
10 *tion facility in which an individual is to be detained*
11 *if the individual is to be housed in a detention facil-*
12 *ity;*

13 **(3)** *is not, as of the date of the certification, fac-*
14 *ing a threat that is likely to substantially affect its*
15 *ability to exercise control over the individual;*

16 **(4)** *has taken or agreed to take effective steps to*
17 *ensure that the individual cannot take action to*
18 *threaten the United States, its citizens, or its allies in*
19 *the future;*

20 **(5)** *has taken or agreed to take such steps as the*
21 *Secretary determines are necessary to ensure that the*
22 *individual cannot engage or re-engage in any ter-*
23 *rorist activity; and*

24 **(6)** *has agreed to share any information with the*
25 *United States that—*

1 (A) is related to the individual or any asso-
2 ciates of the individual; and

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

5 (c)(1) Except as provided in paragraph (2) and sub-
6 section (d), none of the funds appropriated or otherwise
7 made available in this Act may be used to transfer any
8 individual detained at Guantanamo to the custody or effec-
9 tive control of the individual's country of origin, any other
10 foreign country, or any other foreign entity if there is a
11 confirmed case of any individual who was detained at
12 United States Naval Station, Guantanamo Bay, Cuba, at
13 any time after September 11, 2001, who was transferred
14 to the foreign country or entity and subsequently engaged
15 in any terrorist activity.

16 (2) Paragraph (1) shall not apply to any action taken
17 by the Secretary to transfer any individual detained at
18 Guantanamo to effectuate an order affecting the disposition
19 of the individual that is issued by a court or competent
20 tribunal of the United States having lawful jurisdiction or
21 a pre-trial agreement entered into before a military com-
22 mission before the date of the enactment of this Act. The
23 Secretary shall notify Congress promptly upon issuance of
24 any such order.

1 (d)(1) *The Secretary of Defense may waive the appli-*
2 *cability to a detainee transfer of a certification requirement*
3 *specified in paragraph (4) or (5) of subsection (b), or the*
4 *prohibition in subsection (c), if the Secretary, with the con-*
5 *currence of the Secretary of State and in consultation with*
6 *the Director of National Intelligence, determines that—*

7 (A) *alternative actions will be taken to address*
8 *the underlying purpose of the requirement or require-*
9 *ments to be waived;*

10 (B) *in the case of a waiver of paragraph (4) or*
11 *(5) of subsection (b), it is not possible to certify that*
12 *the risks addressed in the paragraph to be waived*
13 *have been completely eliminated, but the actions to be*
14 *taken under subparagraph (A) will substantially*
15 *mitigate such risks with regard to the individual to*
16 *be transferred;*

17 (C) *in the case of a waiver of subsection (c), the*
18 *Secretary has considered any confirmed case in which*
19 *an individual who was transferred to the country*
20 *subsequently engaged in terrorist activity, and the ac-*
21 *tions to be taken under subparagraph (A) will sub-*
22 *stantially mitigate the risk of recidivism with regard*
23 *to the individual to be transferred; and*

24 (D) *the transfer is in the national security inter-*
25 *ests of the United States.*

1 (2) *Whenever the Secretary makes a determination*
2 *under paragraph (1), the Secretary shall submit to the con-*
3 *gressional defense committees, not later than 30 days before*
4 *the transfer of the individual concerned the following:*

5 (A) *A copy of the determination and the waiver*
6 *concerned;*

7 (B) *A statement of the basis for the determina-*
8 *tion, including—*

9 (i) *an explanation why the transfer is in*
10 *the national security interests of the United*
11 *States; and*

12 (ii) *in the case of a waiver of paragraph (4)*
13 *or (5) of subsection (b), an explanation why it*
14 *is not possible to certify that the risks addressed*
15 *in the paragraph to be waived have been com-*
16 *pletely eliminated.*

17 (C) *A summary of the alternative actions to be*
18 *taken to address the underlying purpose of, and to*
19 *mitigate the risks addressed in, the paragraph or sub-*
20 *section to be waived.*

21 (e) *In this section:*

22 (1) *The term “individual detained at Guanta-*
23 *namo” means any individual who is located at*
24 *United States Naval Station, Guantanamo Bay,*
25 *Cuba, as of October 1, 2009, who—*

1 (A) *is not a citizen of the United States or*
2 *a member of the Armed Forces of the United*
3 *States; and*

4 (B) *is—*

5 (i) *in the custody or under the effective*
6 *control of the Department of Defense; or*

7 (ii) *otherwise under detention at*
8 *United States Naval Station, Guantanamo*
9 *Bay, Cuba.*

10 (2) *The term “foreign terrorist organization”*
11 *means any organization so designated by the Sec-*
12 *retary of State under section 219 of the Immigration*
13 *and Nationality Act (8 U.S.C. 1189).*

14 SEC. 8108. (a) *IN GENERAL.—None of the funds ap-*
15 *propriated or otherwise made available to the Department*
16 *of Defense in this Act may be used to construct, renovate,*
17 *or expand any facility in the United States, its territories,*
18 *or possessions to house any individual detained at United*
19 *States Naval Station, Guantanamo Bay, Cuba, for the pur-*
20 *poses of detention or imprisonment in the custody or under*
21 *the control of the Department of Defense unless authorized*
22 *by Congress.*

23 (b) *EXCEPTION.—The prohibition in subsection (a)*
24 *shall not apply to any modification of facilities at United*
25 *States Naval Station, Guantanamo Bay, Cuba.*

1 TITLE IX

2 OVERSEAS CONTINGENCY OPERATIONS

3 MILITARY PERSONNEL

4 MILITARY PERSONNEL, ARMY

5 *For an additional amount for “Military Personnel,*
6 *Army”, \$7,195,335,000: Provided, That such amounts in*
7 *this paragraph are designated by Congress as being for the*
8 *overseas contingency operations pursuant to section*
9 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
10 *Deficit Control Act of 1985 (Public Law 99–177), as*
11 *amended.*

12 MILITARY PERSONNEL, NAVY

13 *For an additional amount for “Military Personnel,*
14 *Navy”, \$1,259,234,000: Provided, That such amounts in*
15 *this paragraph are designated by Congress as being for the*
16 *overseas contingency operations pursuant to section*
17 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
18 *Deficit Control Act of 1985 (Public Law 99–177), as*
19 *amended.*

20 MILITARY PERSONNEL, MARINE CORPS

21 *For an additional amount for “Military Personnel,*
22 *Marine Corps”, \$717,360,000: Provided, That such amounts*
23 *in this paragraph are designated by Congress as being for*
24 *the overseas contingency operations pursuant to section*
25 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*

1 *Deficit Control Act of 1985 (Public Law 99–177), as*
2 *amended.*

3 *MILITARY PERSONNEL, AIR FORCE*

4 *For an additional amount for “Military Personnel,*
5 *Air Force”, \$1,492,381,000: Provided, That such amounts*
6 *in this paragraph are designated by Congress as being for*
7 *the overseas contingency operations pursuant to section*
8 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
9 *Deficit Control Act of 1985 (Public Law 99–177), as*
10 *amended.*

11 *RESERVE PERSONNEL, ARMY*

12 *For an additional amount for “Reserve Personnel,*
13 *Army”, \$207,162,000: Provided, That such amounts in this*
14 *paragraph are designated by Congress as being for the over-*
15 *seas contingency operations pursuant to section*
16 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
17 *Deficit Control Act of 1985 (Public Law 99–177), as*
18 *amended.*

19 *RESERVE PERSONNEL, NAVY*

20 *For an additional amount for “Reserve Personnel,*
21 *Navy”, \$44,530,000: Provided, That such amounts in this*
22 *paragraph are designated by Congress as being for the over-*
23 *seas contingency operations pursuant to section*
24 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*

1 *Deficit Control Act of 1985 (Public Law 99–177), as*
2 *amended.*

3 *RESERVE PERSONNEL, MARINE CORPS*

4 *For an additional amount for “Reserve Personnel, Ma-*
5 *rine Corps”, \$25,421,000: Provided, That such amounts in*
6 *this paragraph are designated by Congress as being for the*
7 *overseas contingency operations pursuant to section*
8 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
9 *Deficit Control Act of 1985 (Public Law 99–177), as*
10 *amended.*

11 *RESERVE PERSONNEL, AIR FORCE*

12 *For an additional amount for “Reserve Personnel, Air*
13 *Force” \$26,815,000: Provided, That such amounts in this*
14 *paragraph are designated by Congress as being for the over-*
15 *seas contingency operations pursuant to section*
16 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
17 *Deficit Control Act of 1985 (Public Law 99–177), as*
18 *amended.*

19 *NATIONAL GUARD PERSONNEL, ARMY*

20 *For an additional amount for “National Guard Per-*
21 *sonnel, Army”, \$679,579,000: Provided, That such amounts*
22 *in this paragraph are designated by Congress as being for*
23 *the overseas contingency operations pursuant to section*
24 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*

1 *Deficit Control Act of 1985 (Public Law 99–177), as*
2 *amended.*

3 *NATIONAL GUARD PERSONNEL, AIR FORCE*

4 *For an additional amount for “National Guard Per-*
5 *sonnel, Air Force”, \$9,435,000: Provided, That such*
6 *amounts in this paragraph are designated by Congress as*
7 *being for the overseas contingency operations pursuant to*
8 *section 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
9 *gency Deficit Control Act of 1985 (Public Law 99–177),*
10 *as amended.*

11 *OPERATION AND MAINTENANCE*

12 *OPERATION AND MAINTENANCE, ARMY*

13 *For an additional amount for “Operation and Mainte-*
14 *nance, Army”, \$46,406,481,000: Provided, That such*
15 *amounts in this paragraph are designated by Congress as*
16 *being for the overseas contingency operations pursuant to*
17 *section 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
18 *gency Deficit Control Act of 1985 (Public Law 99–177),*
19 *as amended.*

20 *OPERATION AND MAINTENANCE, NAVY*

21 *For an additional amount for “Operation and Mainte-*
22 *nance, Navy”, \$7,670,026,000: Provided, That such*
23 *amounts in this paragraph are designated by Congress as*
24 *being for the overseas contingency operations pursuant to*
25 *section 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*

1 gency Deficit Control Act of 1985 (Public Law 99–177),
2 as amended.

3 *OPERATION AND MAINTENANCE, MARINE CORPS*

4 *For an additional amount for “Operation and Mainte-*
5 *nance, Marine Corps”, \$3,918,210,000: Provided, That such*
6 *amounts in this paragraph are designated by Congress as*
7 *being for the overseas contingency operations pursuant to*
8 *section 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
9 *gency Deficit Control Act of 1985 (Public Law 99–177),*
10 *as amended.*

11 *OPERATION AND MAINTENANCE, AIR FORCE*

12 *For an additional amount for “Operation and Mainte-*
13 *nance, Air Force”, \$10,851,547,000: Provided, That such*
14 *amounts in this paragraph are designated by Congress as*
15 *being for the overseas contingency operations pursuant to*
16 *section 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
17 *gency Deficit Control Act of 1985 (Public Law 99–177),*
18 *as amended.*

19 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

20 *For an additional amount for “Operation and Mainte-*
21 *nance, Defense-Wide”, \$9,219,211,000: Provided, That each*
22 *amount in this section is designated by Congress as being*
23 *for the overseas contingency operations pursuant to section*
24 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
25 *Deficit Control Act of 1985 (Public Law 99–177), as*

1 *amended: Provided further, That of the funds provided*
2 *under this heading: Not to exceed \$1,690,000,000, to remain*
3 *available until September 30, 2013, for payments to reim-*
4 *burse key cooperating nations for logistical, military, and*
5 *other support, including access, provided to United States*
6 *military operations in support of Operation Enduring*
7 *Freedom, Operation New Dawn, and post-operation Iraq*
8 *border security related to the activities of the Office of Secu-*
9 *rity Cooperation in Iraq, notwithstanding any other provi-*
10 *sion of law: Provided further, That such reimbursement*
11 *payments may be made in such amounts as the Secretary*
12 *of Defense, with the concurrence of the Secretary of State,*
13 *and in consultation with the Director of the Office of Man-*
14 *agement and Budget, may determine, in his discretion,*
15 *based on documentation determined by the Secretary of De-*
16 *fense to adequately account for the support provided, and*
17 *such determination is final and conclusive upon the ac-*
18 *counting officers of the United States, and 15 days fol-*
19 *lowing notification to the appropriate congressional com-*
20 *mittees: Provided further, That the requirement to provide*
21 *notification shall not apply with respect to a reimburse-*
22 *ment for access based on an international agreement: Pro-*
23 *vided further, That these funds may be used for the purpose*
24 *of providing specialized training and procuring supplies*
25 *and specialized equipment and providing such supplies and*

1 *loaning such equipment on a non-reimbursable basis to coa-*
2 *lition forces supporting United States military operations*
3 *in Afghanistan, and 15 days following notification to the*
4 *appropriate congressional committees: Provided further,*
5 *That the Secretary of Defense shall provide quarterly re-*
6 *ports to the congressional defense committees on the use of*
7 *funds provided in this paragraph.*

8 *OPERATION AND MAINTENANCE, ARMY RESERVE*

9 *For an additional amount for “Operation and Mainte-*
10 *nance, Army Reserve”, \$217,500,000: Provided, That such*
11 *amounts in this paragraph are designated by Congress as*
12 *being for the overseas contingency operations pursuant to*
13 *section 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
14 *gency Deficit Control Act of 1985 (Public Law 99–177),*
15 *as amended.*

16 *OPERATION AND MAINTENANCE, NAVY RESERVE*

17 *For an additional amount for “Operation and Mainte-*
18 *nance, Navy Reserve”, \$74,148,000: Provided, That such*
19 *amounts in this paragraph are designated by Congress as*
20 *being for the overseas contingency operations pursuant to*
21 *section 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
22 *gency Deficit Control Act of 1985 (Public Law 99–177),*
23 *as amended.*

1 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

2 *For an additional amount for “Operation and Mainte-*
3 *nance, Marine Corps Reserve”, \$36,084,000: Provided, That*
4 *such amounts in this paragraph are designated by Congress*
5 *as being for the overseas contingency operations pursuant*
6 *to section 251(b)(2)(A)(ii) of the Balanced Budget and*
7 *Emergency Deficit Control Act of 1985 (Public Law 99–*
8 *177), as amended.*

9 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

10 *For an additional amount for “Operation and Mainte-*
11 *nance, Air Force Reserve”, \$142,050,000: Provided, That*
12 *such amounts in this paragraph are designated by Congress*
13 *as being for the overseas contingency operations pursuant*
14 *to section 251(b)(2)(A)(ii) of the Balanced Budget and*
15 *Emergency Deficit Control Act of 1985 (Public Law 99–*
16 *177), as amended.*

17 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

18 *For an additional amount for “Operation and Mainte-*
19 *nance, Army National Guard”, \$377,544,000: Provided,*
20 *That such amounts in this paragraph are designated by*
21 *Congress as being for the overseas contingency operations*
22 *pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget*
23 *and Emergency Deficit Control Act of 1985 (Public Law*
24 *99–177), as amended.*

1 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

2 *For an additional amount for “Operation and Mainte-*
3 *nance, Air National Guard”, \$34,050,000: Provided, That*
4 *such amounts in this paragraph are designated by Congress*
5 *as being for the overseas contingency operations pursuant*
6 *to section 251(b)(2)(A)(ii) of the Balanced Budget and*
7 *Emergency Deficit Control Act of 1985 (Public Law 99–*
8 *177), as amended.*

9 *AFGHANISTAN INFRASTRUCTURE FUND*10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For the “Afghanistan Infrastructure Fund”,*
12 *\$400,000,000, to remain available until September 30,*
13 *2013: Provided, That such sums shall be available for infra-*
14 *structure projects in Afghanistan, notwithstanding any*
15 *other provision of law, which shall be undertaken by the*
16 *Secretary of State, unless the Secretary of State and the*
17 *Secretary of Defense jointly decide that a specific project*
18 *will be undertaken by the Department of Defense: Provided*
19 *further, That the infrastructure referred to in the preceding*
20 *proviso is in support of the counterinsurgency strategy, re-*
21 *quiring funding for facility and infrastructure projects, in-*
22 *cluding, but not limited to, water, power, and transpor-*
23 *tation projects and related maintenance and sustainment*
24 *costs: Provided further, That the authority to undertake*
25 *such infrastructure projects is in addition to any other au-*

1 *thority to provide assistance to foreign nations: Provided*
2 *further, That any projects funded by this appropriation*
3 *shall be jointly formulated and concurred in by the Sec-*
4 *retary of State and Secretary of Defense: Provided further,*
5 *That funds may be transferred to the Department of State*
6 *for purposes of undertaking projects, which funds shall be*
7 *considered to be economic assistance under the Foreign As-*
8 *sistance Act of 1961 for purposes of making available the*
9 *administrative authorities contained in that Act: Provided*
10 *further, That the transfer authority in the preceding proviso*
11 *is in addition to any other authority available to the De-*
12 *partment of Defense to transfer funds: Provided further,*
13 *That any unexpended funds transferred to the Secretary of*
14 *State under this authority shall be returned to the Afghani-*
15 *stan Infrastructure Fund if the Secretary of State, in co-*
16 *ordination with the Secretary of Defense, determines that*
17 *the project cannot be implemented for any reason, or that*
18 *the project no longer supports the counterinsurgency strat-*
19 *egy in Afghanistan: Provided further, That any funds re-*
20 *turned to the Secretary of Defense under the previous pro-*
21 *viso shall be available for use under this appropriation and*
22 *shall be treated in the same manner as funds not transferred*
23 *to the Secretary of State: Provided further, That contribu-*
24 *tions of funds for the purposes provided herein to the Sec-*
25 *retary of State in accordance with section 635(d) of the For-*

1 *ign Assistance Act from any person, foreign government,*
2 *or international organization may be credited to this Fund,*
3 *to remain available until expended, and used for such pur-*
4 *poses: Provided further, That the Secretary of Defense shall,*
5 *not fewer than 15 days prior to making transfers to or from,*
6 *or obligations from the Fund, notify the appropriate com-*
7 *mittees of Congress in writing of the details of any such*
8 *transfer: Provided further, That the “appropriate commit-*
9 *tees of Congress” are the Committees on Armed Services,*
10 *Foreign Relations and Appropriations of the Senate and*
11 *the Committees on Armed Services, Foreign Affairs and Ap-*
12 *propriations of the House of Representatives: Provided fur-*
13 *ther, That such amounts in this paragraph are designated*
14 *by Congress as being for the overseas contingency operations*
15 *pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget*
16 *and Emergency Deficit Control Act of 1985 (Public Law*
17 *99–177), as amended.*

18 *AFGHANISTAN SECURITY FORCES FUND*

19 *For the “Afghanistan Security Forces Fund”,*
20 *\$11,200,000,000, to remain available until September 30,*
21 *2013: Provided, That such funds shall be available to the*
22 *Secretary of Defense, notwithstanding any other provision*
23 *of law, for the purpose of allowing the Commander, Com-*
24 *bined Security Transition Command—Afghanistan, or the*
25 *Secretary’s designee, to provide assistance, with the concur-*

1 *rence of the Secretary of State, to the security forces of Af-*
2 *ghanistan, including the provision of equipment, supplies,*
3 *services, training, facility and infrastructure repair, ren-*
4 *ovation, and construction, and funding: Provided further,*
5 *That the authority to provide assistance under this heading*
6 *is in addition to any other authority to provide assistance*
7 *to foreign nations: Provided further, That contributions of*
8 *funds for the purposes provided herein from any person,*
9 *foreign government, or international organization may be*
10 *credited to this Fund and used for such purposes: Provided*
11 *further, That the Secretary of Defense shall notify the con-*
12 *gressional defense committees in writing upon the receipt*
13 *and upon the obligation of any contribution, delineating*
14 *the sources and amounts of the funds received and the spe-*
15 *cific use of such contributions: Provided further, That the*
16 *Secretary of Defense shall, not fewer than 15 days prior*
17 *to obligating from this appropriation account, notify the*
18 *congressional defense committees in writing of the details*
19 *of any such obligation: Provided further, That the Secretary*
20 *of Defense shall notify the congressional defense committees*
21 *of any proposed new projects or transfer of funds between*
22 *budget sub-activity groups in excess of \$20,000,000: Pro-*
23 *vided further, That such amounts in this paragraph are*
24 *designated by Congress as being for the overseas contingency*
25 *operations pursuant to section 251(b)(2)(A)(ii) of the Bal-*

1 *anced Budget and Emergency Deficit Control Act of 1985*
2 *(Public Law 99–177), as amended.*

3 *PROCUREMENT*

4 *AIRCRAFT PROCUREMENT, ARMY*

5 *For an additional amount for “Aircraft Procurement,*
6 *Army”, \$1,137,381,000, to remain available until Sep-*
7 *tember 30, 2014: Provided, That such amounts in this para-*
8 *graph are designated by Congress as being for the overseas*
9 *contingency operations pursuant to section 251(b)(2)(A)(ii)*
10 *of the Balanced Budget and Emergency Deficit Control Act*
11 *of 1985 (Public Law 99–177), as amended.*

12 *MISSILE PROCUREMENT, ARMY*

13 *For an additional amount for “Missile Procurement,*
14 *Army”, \$126,556,000, to remain available until September*
15 *30, 2014: Provided, That such amounts in this paragraph*
16 *are designated by Congress as being for the overseas contin-*
17 *gency operations pursuant to section 251(b)(2)(A)(ii) of the*
18 *Balanced Budget and Emergency Deficit Control Act of*
19 *1985 (Public Law 99–177), as amended.*

20 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*

21 *VEHICLES, ARMY*

22 *For an additional amount for “Procurement of Weap-*
23 *ons and Tracked Combat Vehicles, Army”, \$130,141,000, to*
24 *remain available until September 30, 2014: Provided, That*
25 *such amounts in this paragraph are designated by Congress*

1 *as being for the overseas contingency operations pursuant*
2 *to section 251(b)(2)(A)(ii) of the Balanced Budget and*
3 *Emergency Deficit Control Act of 1985 (Public Law 99–*
4 *177), as amended.*

5 *PROCUREMENT OF AMMUNITION, ARMY*

6 *For an additional amount for “Procurement of Am-*
7 *munition, Army”, \$208,381,000, to remain available until*
8 *September 30, 2014: Provided, That such amounts in this*
9 *paragraph are designated by Congress as being for the over-*
10 *seas contingency operations pursuant to section*
11 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
12 *Deficit Control Act of 1985 (Public Law 99–177), as*
13 *amended.*

14 *OTHER PROCUREMENT, ARMY*

15 *For an additional amount for “Other Procurement,*
16 *Army”, \$2,326,376,000, to remain available until Sep-*
17 *tember 30, 2014: Provided, That such amounts in this para-*
18 *graph are designated by Congress as being for the overseas*
19 *contingency operations pursuant to section 251(b)(2)(A)(ii)*
20 *of the Balanced Budget and Emergency Deficit Control Act*
21 *of 1985 (Public Law 99–177), as amended.*

22 *AIRCRAFT PROCUREMENT, NAVY*

23 *For an additional amount for “Aircraft Procurement,*
24 *Navy”, \$750,633,000, to remain available until September*
25 *30, 2014: Provided, That such amounts in this paragraph*

1 *are designated by Congress as being for the overseas contin-*
2 *gency operations pursuant to section 251(b)(2)(A)(ii) of the*
3 *Balanced Budget and Emergency Deficit Control Act of*
4 *1985 (Public Law 99–177), as amended.*

5 *WEAPONS PROCUREMENT, NAVY*

6 *For an additional amount for “Weapons Procurement,*
7 *Navy”, \$41,070,000, to remain available until September*
8 *30, 2014: Provided, That such amounts in this paragraph*
9 *are designated by Congress as being for the overseas contin-*
10 *gency operations pursuant to section 251(b)(2)(A)(ii) of the*
11 *Balanced Budget and Emergency Deficit Control Act of*
12 *1985 (Public Law 99–177), as amended.*

13 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*

14 *CORPS*

15 *For an additional amount for “Procurement of Am-*
16 *munity, Navy and Marine Corps”, \$317,100,000, to re-*
17 *main available until September 30, 2014: Provided, That*
18 *such amounts in this paragraph are designated by Congress*
19 *as being for the overseas contingency operations pursuant*
20 *to section 251(b)(2)(A)(ii) of the Balanced Budget and*
21 *Emergency Deficit Control Act of 1985 (Public Law 99–*
22 *177), as amended.*

23 *OTHER PROCUREMENT, NAVY*

24 *For an additional amount for “Other Procurement,*
25 *Navy”, \$259,881,000, to remain available until September*

1 30, 2014: *Provided, That such amounts in this paragraph*
2 *are designated by Congress as being for the overseas contin-*
3 *gency operations pursuant to section 251(b)(2)(A)(ii) of the*
4 *Balanced Budget and Emergency Deficit Control Act of*
5 *1985 (Public Law 99–177), as amended.*

6 *PROCUREMENT, MARINE CORPS*

7 *For an additional amount for “Procurement, Marine*
8 *Corps”, \$1,233,996,000, to remain available until Sep-*
9 *tember 30, 2014: Provided, That such amounts in this para-*
10 *graph are designated by Congress as being for the overseas*
11 *contingency operations pursuant to section 251(b)(2)(A)(ii)*
12 *of the Balanced Budget and Emergency Deficit Control Act*
13 *of 1985 (Public Law 99–177), as amended.*

14 *AIRCRAFT PROCUREMENT, AIR FORCE*

15 *For an additional amount for “Aircraft Procurement,*
16 *Air Force”, \$1,299,777,000, to remain available until Sep-*
17 *tember 30, 2014: Provided, That such amounts in this para-*
18 *graph are designated by Congress as being for the overseas*
19 *contingency operations pursuant to section 251(b)(2)(A)(ii)*
20 *of the Balanced Budget and Emergency Deficit Control Act*
21 *of 1985 (Public Law 99–177), as amended.*

22 *MISSILE PROCUREMENT, AIR FORCE*

23 *For an additional amount for “Missile Procurement,*
24 *Air Force”, \$28,420,000, to remain available until Sep-*
25 *tember 30, 2014: Provided, That such amounts in this para-*

1 *graph are designated by Congress as being for the overseas*
2 *contingency operations pursuant to section 251(b)(2)(A)(ii)*
3 *of the Balanced Budget and Emergency Deficit Control Act*
4 *of 1985 (Public Law 99–177), as amended.*

5 *PROCUREMENT OF AMMUNITION, AIR FORCE*

6 *For an additional amount for “Procurement of Am-*
7 *munition, Air Force”, \$92,510,000, to remain available*
8 *until September 30, 2014: Provided, That such amounts in*
9 *this paragraph are designated by Congress as being for the*
10 *overseas contingency operations pursuant to section*
11 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
12 *Deficit Control Act of 1985 (Public Law 99–177), as*
13 *amended.*

14 *OTHER PROCUREMENT, AIR FORCE*

15 *For an additional amount for “Other Procurement,*
16 *Air Force”, \$3,194,641,000, to remain available until Sep-*
17 *tember 30, 2014: Provided, That such amounts in this para-*
18 *graph are designated by Congress as being for the overseas*
19 *contingency operations pursuant to section 251(b)(2)(A)(ii)*
20 *of the Balanced Budget and Emergency Deficit Control Act*
21 *of 1985 (Public Law 99–177), as amended.*

22 *PROCUREMENT, DEFENSE-WIDE*

23 *For an additional amount for “Procurement, Defense-*
24 *Wide”, \$426,668,000, to remain available until September*
25 *30, 2014: Provided, That such amounts in this paragraph*

1 *are designated by Congress as being for the overseas contin-*
2 *gency operations pursuant to section 251(b)(2)(A)(ii) of the*
3 *Balanced Budget and Emergency Deficit Control Act of*
4 *1985 (Public Law 99–177), as amended.*

5 *NATIONAL GUARD AND RESERVE EQUIPMENT*

6 *For procurement of aircraft, missiles, tracked combat*
7 *vehicles, ammunition, other weapons and other procure-*
8 *ment for the reserve components of the Armed Forces,*
9 *\$500,000,000, to remain available for obligation until Sep-*
10 *tember 30, 2014: Provided, That the Chiefs of National*
11 *Guard and Reserve components shall, not later than 30*
12 *days after the enactment of this Act, individually submit*
13 *to the congressional defense committees the modernization*
14 *priority assessment for their respective National Guard or*
15 *Reserve component: Provided further, That such amounts*
16 *in this paragraph are designated by Congress as being for*
17 *the overseas contingency operations pursuant to section*
18 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
19 *Deficit Control Act of 1985 (Public Law 99–177), as*
20 *amended.*

21 *MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For the Mine Resistant Ambush Protected Vehicle*
24 *Fund, \$3,445,170,000, to remain available until September*
25 *30, 2013: Provided, That such funds shall be available to*

1 *the Secretary of Defense, notwithstanding any other provi-*
2 *sion of law, to procure, sustain, transport, and field Mine*
3 *Resistant Ambush Protected vehicles: Provided further, That*
4 *the Secretary shall transfer such funds only to appropria-*
5 *tions made available in this or any other Act for operation*
6 *and maintenance; procurement; research, development, test*
7 *and evaluation; and defense working capital funds to ac-*
8 *complish the purpose provided herein: Provided further,*
9 *That such transferred funds shall be merged with and be*
10 *available for the same purposes and the same time period*
11 *as the appropriation to which transferred: Provided further,*
12 *That this transfer authority is in addition to any other*
13 *transfer authority available to the Department of Defense:*
14 *Provided further, That the Secretary shall, not fewer than*
15 *10 days prior to making transfers from this appropriation,*
16 *notify the congressional defense committees in writing of*
17 *the details of any such transfer: Provided further, That such*
18 *amounts in this paragraph are designated by Congress as*
19 *being for the overseas contingency operations pursuant to*
20 *section 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
21 *gency Deficit Control Act of 1985 (Public Law 99-177),*
22 *as amended.*

1 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*2 *DEFENSE HEALTH PROGRAM*

3 *For an additional amount for “Defense Health Pro-*
4 *gram”, \$1,228,288,000, which shall be for operation and*
5 *maintenance, to remain available until September 30,*
6 *2012: Provided, That such amounts in this paragraph are*
7 *designated by Congress as being for the overseas contingency*
8 *operations pursuant to section 251(b)(2)(A)(ii) of the Bal-*
9 *anced Budget and Emergency Deficit Control Act of 1985*
10 *(Public Law 99–177), as amended.*

11 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*12 *DEFENSE*

13 *For an additional amount for “Drug Interdiction and*
14 *Counter-Drug Activities, Defense”, \$463,458,000, to remain*
15 *available until September 30, 2013: Provided, That such*
16 *amounts in this paragraph are designated by Congress as*
17 *being for the overseas contingency operations pursuant to*
18 *section 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
19 *gency Deficit Control Act of 1985 (Public Law 99–177),*
20 *as amended.*

21 *JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND*22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For the “Joint Improvised Explosive Device Defeat*
24 *Fund”, \$2,441,984,000, to remain available until Sep-*
25 *tember 30, 2014: Provided, That such funds shall be avail-*

1 able to the Secretary of Defense, notwithstanding any other
2 provision of law, for the purpose of allowing the Director
3 of the Joint Improvised Explosive Device Defeat Organiza-
4 tion to investigate, develop and provide equipment, sup-
5 plies, services, training, facilities, personnel and funds to
6 assist United States forces in the defeat of improvised explo-
7 sive devices: Provided further, That the Secretary of Defense
8 may transfer funds provided herein to appropriations for
9 military personnel; operation and maintenance; procure-
10 ment; research, development, test and evaluation; and de-
11 fense working capital funds to accomplish the purpose pro-
12 vided herein: Provided further, That this transfer authority
13 is in addition to any other transfer authority available to
14 the Department of Defense: Provided further, That the Sec-
15 retary of Defense shall, not fewer than 15 days prior to
16 making transfers from this appropriation, notify the con-
17 gressional defense committees in writing of the details of
18 any such transfer: Provided further, That such amounts in
19 this paragraph are designated by Congress as being for the
20 overseas contingency operations pursuant to section
21 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985 (Public Law 99–177), as
23 amended.

1 *OFFICE OF THE INSPECTOR GENERAL*

2 *For an additional amount for the “Office of the Inspec-*
3 *tor General”, \$11,055,000: Provided, That such amounts in*
4 *this paragraph are designated by Congress as being for the*
5 *overseas contingency operations pursuant to section*
6 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
7 *Deficit Control Act of 1985 (Public Law 99–177), as*
8 *amended.*

9 *GENERAL PROVISIONS—THIS TITLE*

10 *SEC. 9001. Notwithstanding any other provision of*
11 *law, funds made available in this title are in addition to*
12 *amounts appropriated or otherwise made available for the*
13 *Department of Defense for fiscal year 2012.*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *SEC. 9002. Upon the determination of the Secretary*
16 *of Defense that such action is necessary in the national in-*
17 *terest, the Secretary may, with the approval of the Office*
18 *of Management and Budget, transfer up to \$4,000,000,000*
19 *between the appropriations or funds made available to the*
20 *Department of Defense in this title: Provided, That the Sec-*
21 *retary shall notify the Congress promptly of each transfer*
22 *made pursuant to the authority in this section: Provided*
23 *further, That the authority provided in this section is in*
24 *addition to any other transfer authority available to the*
25 *Department of Defense and is subject to the same terms and*

1 conditions as the authority provided in the Department of
2 Defense Appropriations Act, 2012.

3 *SEC. 9003. Supervision and administration costs asso-*
4 *ciated with a construction project funded with appropria-*
5 *tions available for operation and maintenance, “Afghani-*
6 *stan Infrastructure Fund”, or the “Afghanistan Security*
7 *Forces Fund” provided in this Act and executed in direct*
8 *support of overseas contingency operations in Afghanistan,*
9 *may be obligated at the time a construction contract is*
10 *awarded: Provided, That for the purpose of this section, su-*
11 *per vision and administration costs include all in-house*
12 *Government costs.*

13 *SEC. 9004. From funds made available in this title,*
14 *the Secretary of Defense may purchase for use by military*
15 *and civilian employees of the Department of Defense in the*
16 *U.S. Central Command area of responsibility: (a) passenger*
17 *motor vehicles up to a limit of \$75,000 per vehicle; and*
18 *(b) heavy and light armored vehicles for the physical secu-*
19 *rity of personnel or for force protection purposes up to a*
20 *limit of \$250,000 per vehicle, notwithstanding price or*
21 *other limitations applicable to the purchase of passenger*
22 *carrying vehicles.*

23 *SEC. 9005. Not to exceed \$400,000,000 of the amount*
24 *appropriated in this title under the heading “Operation*
25 *and Maintenance, Army” may be used, notwithstanding*

1 *any other provision of law, to fund the Commander's Emer-*
2 *gency Response Program (CERP), for the purpose of ena-*
3 *bling military commanders in Afghanistan to respond to*
4 *urgent, small-scale, humanitarian relief and reconstruction*
5 *requirements within their areas of responsibility: Provided,*
6 *That each project (including any ancillary or related ele-*
7 *ments in connection with such project) executed under this*
8 *authority shall not exceed \$20,000,000: Provided further,*
9 *That not later than 45 days after the end of each fiscal*
10 *year quarter, the Secretary of Defense shall submit to the*
11 *congressional defense committees a report regarding the*
12 *source of funds and the allocation and use of funds during*
13 *that quarter that were made available pursuant to the au-*
14 *thority provided in this section or under any other provi-*
15 *sion of law for the purposes described herein: Provided fur-*
16 *ther, That, not later than 30 days after the end of each*
17 *month, the Army shall submit to the congressional defense*
18 *committees monthly commitment, obligation, and expendi-*
19 *ture data for the Commander's Emergency Response Pro-*
20 *gram in Afghanistan: Provided further, That not less than*
21 *15 days before making funds available pursuant to the au-*
22 *thority provided in this section or under any other provi-*
23 *sion of law for the purposes described herein for a project*
24 *with a total anticipated cost for completion of \$5,000,000*
25 *or more, the Secretary shall submit to the congressional de-*

1 *fense committees a written notice containing each of the fol-*
2 *lowing:*

3 (1) *The location, nature and purpose of the pro-*
4 *posed project, including how the project is intended to*
5 *advance the military campaign plan for the country*
6 *in which it is to be carried out.*

7 (2) *The budget, implementation timeline with*
8 *milestones, and completion date for the proposed*
9 *project, including any other CERP funding that has*
10 *been or is anticipated to be contributed to the comple-*
11 *tion of the project.*

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

19 *SEC. 9006. Funds available to the Department of De-*
20 *fense for operation and maintenance may be used, notwith-*
21 *standing any other provision of law, to provide supplies,*
22 *services, transportation, including airlift and sealift, and*
23 *other logistical support to coalition forces supporting mili-*
24 *tary and stability operations in Iraq and Afghanistan: Pro-*
25 *vided, That the Secretary of Defense shall provide quarterly*

1 reports to the congressional defense committees regarding
2 support provided under this section.

3 *SEC. 9007. None of the funds appropriated or other-*
4 *wise made available by this or any other Act shall be obli-*
5 *gated or expended by the United States Government for a*
6 *purpose as follows:*

7 (1) *To establish any military installation or base*
8 *for the purpose of providing for the permanent sta-*
9 *tioning of United States Armed Forces in Iraq.*

10 (2) *To exercise United States control over any*
11 *oil resource of Iraq.*

12 (3) *To establish any military installation or base*
13 *for the purpose of providing for the permanent sta-*
14 *tioning of United States Armed Forces in Afghani-*
15 *stan.*

16 *SEC. 9008. None of the funds made available in this*
17 *Act may be used in contravention of the following laws en-*
18 *acted or regulations promulgated to implement the United*
19 *Nations Convention Against Torture and Other Cruel, In-*
20 *human or Degrading Treatment or Punishment (done at*
21 *New York on December 10, 1984):*

22 (1) *Section 2340A of title 18, United States*
23 *Code.*

24 (2) *Section 2242 of the Foreign Affairs Reform*
25 *and Restructuring Act of 1998 (division G of Public*

1 *Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231*
2 *note) and regulations prescribed thereto, including*
3 *regulations under part 208 of title 8, Code of Federal*
4 *Regulations, and part 95 of title 22, Code of Federal*
5 *Regulations.*

6 *(3) Sections 1002 and 1003 of the Department of*
7 *Defense, Emergency Supplemental Appropriations to*
8 *Address Hurricanes in the Gulf of Mexico, and Pan-*
9 *demic Influenza Act, 2006 (Public Law 109–148).*

10 *SEC. 9009. None of the funds provided for the “Afghan-*
11 *istan Security Forces Fund” (ASFF) may be obligated for*
12 *a revised spend plan prior to the meeting and approval of*
13 *the Afghanistan Resources Oversight Council (AROC) of the*
14 *Department of Defense: Provided, That the AROC must re-*
15 *view and approve the requirement and acquisition plan for*
16 *any contract or task order in excess of \$10,000,000 using*
17 *ASFF: Provided further, That in approving the acquisition*
18 *plan, the AROC shall consider the extent of competition for*
19 *the purchase, any relevant qualifications or requirements*
20 *for eligible contractors for the purchase, the adequacy of*
21 *steps to ensure that the purchase meets cost, schedule, and*
22 *performance requirements, and the adequacy of steps to*
23 *manage and oversee contractor performance: Provided fur-*
24 *ther, That the AROC must review and approve all projects*
25 *and contracting under the “Afghanistan Infrastructure*

1 *Fund*” (AIF) and any project in excess of \$1,000,000 from
2 the Commanders Emergency Response Program (CERP):
3 Provided further, That the Department of Defense must cer-
4 tify to the congressional defense committees that the AROC
5 has convened and approved a process for ensuring compli-
6 ance with the requirements in the preceding provisos for
7 the ASFF, AIF, and CERP.

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

17 (b) *SUPPLEMENT NOT SUPPLANT.*—The amount made
18 available by subsection (a) for the services described in that
19 subsection is in addition to any other amounts available
20 in this Act for such services.

21 SEC. 9011. *Funds made available in this title to the*
22 *Department of Defense for operation and maintenance may*
23 *be used to purchase items having an investment unit cost*
24 *of not more than \$250,000: Provided, That, upon deter-*
25 *mination by the Secretary of Defense that such action is*

1 *necessary to meet the operational requirements of a Com-*
2 *mander of a Combatant Command engaged in contingency*
3 *operations overseas, such funds may be used to purchase*
4 *items having an investment item unit cost of not more than*
5 *\$500,000.*

6 *SEC. 9012. Notwithstanding any other provision of*
7 *law, up to \$150,000,000 of funds made available in this*
8 *title under the heading “Operation and Maintenance,*
9 *Army” may be obligated and expended for purposes of the*
10 *Task Force for Business and Stability Operations, subject*
11 *to the direction and control of the Secretary of Defense, with*
12 *concurrence of the Secretary of State, to carry out strategic*
13 *business and economic assistance activities in Afghanistan*
14 *in support of Operation Enduring Freedom: Provided, That*
15 *not less than 15 days before making funds available pursu-*
16 *ant to the authority provided in this section, the Secretary*
17 *shall submit to the congressional defense committees a writ-*
18 *ten notice containing a detailed justification and timeline*
19 *for each proposed project.*

20 *SEC. 9013. From funds made available to the Depart-*
21 *ment of Defense in this title under the heading “Operation*
22 *and Maintenance, Air Force” up to \$524,000,000 may be*
23 *used by the Secretary of Defense, notwithstanding any other*
24 *provision of law, to support United States Government*
25 *transition activities in Iraq by funding the operations and*

1 *activities of the Office of Security Cooperation in Iraq and*
2 *security assistance teams, including life support, transpor-*
3 *tation and personal security, and facilities renovation and*
4 *construction: Provided, That not less than 15 days before*
5 *making funds available pursuant to the authority provided*
6 *in this section, the Secretary shall submit to the congres-*
7 *sional defense committees a written notice containing a de-*
8 *tailed justification and timeline for each proposed site.*

9 *SEC. 9014. The amounts appropriated in title IX of*
10 *this Act are hereby reduced by \$5,000,000,000 to reflect re-*
11 *duced troop strength in theater: Provided, That the reduc-*
12 *tions shall be applied to the military personnel and oper-*
13 *ation and maintenance appropriations only: Provided fur-*
14 *ther, That the Secretary of Defense shall, not fewer than*
15 *15 days prior to reducing funds for this purpose, notify*
16 *the congressional defense committees in writing of the de-*
17 *tails of any such reduction by appropriation and budget*
18 *line item.*

19 *SEC. 9015. Of the funds appropriated in Department*
20 *of Defense Appropriations Acts, the following funds are*
21 *hereby rescinded from the following accounts and programs*
22 *in the specified amounts:*

23 *“Overseas Contingency Operations Transfer*
24 *Fund, 2010”, \$356,810,000;*

1 *“Procurement of Ammunition, Army, 2010/*
2 *2012”*, \$21,000,000;

3 *“Other Procurement, Air Force, 2010/2012”*,
4 \$2,250,000.

5 *This Act may be cited as the “Department of Defense*
6 *Appropriations Act, 2012”*.

Calendar No. 169

112TH CONGRESS
1ST Session

H. R. 2219

[Report No. 112-77]

AN ACT

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

JULY 11, 2011

Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 15, 2011

Reported with an amendment