

Calendar No. 485

112TH CONGRESS
2^D SESSION**H. R. 5856****[Report No. 112-196]**

IN THE SENATE OF THE UNITED STATES

JULY 23, 2012

Received; read twice and referred to the Committee on Appropriations

AUGUST 2, 2012

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, 2013, 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, 2013, 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, \$40,730,014,000.

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, \$27,075,933,000.

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 ~~irement Fund, \$12,560,999,000.~~

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 \$28,124,109,000.

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, \$4,456,823,000.

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 \$1,871,688,000.

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 \$651,861,000.

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, \$1,743,875,000.

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, \$8,089,477,000.

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 \$3,158,015,000.

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 \$36,422,738,000.

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, \$41,463,773,000.

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, \$6,075,667,000.

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 \$35,408,795,000 (reduced by \$24,000,000).

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, \$31,780,813,000 (re-
23 duced by \$10,000,000) (reduced by \$15,000,000) (re-
24 duced by \$10,000,000) (reduced by \$5,000,000): *Pro-*
25 *vided*, That not more than \$30,000,000 may be used for

1 the Combatant Commander Initiative Fund authorized
2 under section 166a of title 10, United States Code: *Pro-*
3 *vided further*, That not to exceed \$36,000,000 can be used
4 for emergencies and extraordinary expenses, to be ex-
5 pended on the approval or authority of the Secretary of
6 Defense, and payments may be made on his certificate of
7 necessity for confidential military purposes: *Provided fur-*
8 *ther*, That of the funds provided under this heading, not
9 less than \$35,897,000 shall be made available for the Pro-
10 curement Technical Assistance Cooperative Agreement
11 Program, of which not less than \$3,600,000 shall be avail-
12 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
13 *vided further*, That none of the funds appropriated or oth-
14 erwise made available by this Act may be used to plan
15 or implement the consolidation of a budget or appropria-
16 tions liaison office of the Office of the Secretary of De-
17 fense, the office of the Secretary of a military department,
18 or the service headquarters of one of the Armed Forces
19 into a legislative affairs or legislative liaison office: *Pro-*
20 *vided further*, That \$8,563,000, to remain available until
21 expended, is available only for expenses relating to certain
22 classified activities, and may be transferred as necessary
23 by the Secretary of Defense to operation and maintenance
24 appropriations or research, development, test and evalua-
25 tion appropriations, to be merged with and to be available

1 for the same time period as the appropriations to which
2 transferred: *Provided further*, That any ceiling on the in-
3 vestment item unit cost of items that may be purchased
4 with operation and maintenance funds shall not apply to
5 the funds described in the preceding proviso: *Provided fur-*
6 *ther*, That the transfer authority provided under this head-
7 ing is in addition to any other transfer authority provided
8 elsewhere in this Act.

9 OPERATION AND MAINTENANCE, ARMY RESERVE

10 For expenses, not otherwise provided for, necessary
11 for the operation and maintenance, including training, or-
12 ganization, and administration, of the Army Reserve; re-
13 pair of facilities and equipment; hire of passenger motor
14 vehicles; travel and transportation; care of the dead; re-
15 cruiting; procurement of services, supplies, and equip-
16 ment; and communications, \$3,199,423,000.

17 OPERATION AND MAINTENANCE, NAVY RESERVE

18 For expenses, not otherwise provided for, necessary
19 for the operation and maintenance, including training, or-
20 ganization, and administration, of the Navy Reserve; re-
21 pair of facilities and equipment; hire of passenger motor
22 vehicles; travel and transportation; care of the dead; re-
23 cruiting; procurement of services, supplies, and equip-
24 ment; and communications, \$1,256,347,000.

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, \$277,377,000.

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, \$3,362,041,000.

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), \$7,187,731,000.

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
25 Bureau regulations when specifically authorized by the

1 Chief, National Guard Bureau, \$6,608,826,000 (increased
2 by \$8,000,000).

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 \$13,516,000, 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, \$335,921,000, 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, \$310,594,000, 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, ~~\$529,263,000~~,
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, ~~\$11,133,000~~, 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, \$237,543,000, 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), \$108,759,000, to remain available
18 until September 30, 2014.

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, \$519,111,000, to remain available until
9 September 30, 2015.

10 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
11 DEVELOPMENT FUND

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

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, \$6,115,226,000, to remain available
5 for obligation until September 30, 2015.

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, \$1,602,689,000, to remain available
20 for obligation until September 30, 2015.

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, \$1,884,706,000, to remain available for obliga-
11 tion until September 30, 2015.

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, \$1,576,768,000, to remain
2 available for obligation until September 30, 2015.

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 \$6,488,045,000 (reduced by \$1) (increased by \$1), to re-
20 main available for obligation until September 30, 2015.

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 \$17,518,324,000, to remain available for obligation until
8 September 30, 2015.

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, \$3,072,112,000, to remain available for obliga-
21 tion until September 30, 2015.

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, \$677,243,000, to remain avail-
12 able for obligation until September 30, 2015.

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—

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

13 and

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

16 Completion of Prior Year Shipbuilding Programs,
17 \$372,573,000.

18 In all: \$15,236,126,000, to remain available for obli-
19 gation until September 30, 2017: *Provided*, That addi-
20 tional obligations may be incurred after September 30,
21 2017, for engineering services, tests, evaluations, and
22 other such budgeted work that must be performed in the
23 final stage of ship construction: *Provided further*, That
24 none of the funds provided under this heading for the con-
25 struction or conversion of any naval vessel to be con-

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

7 OTHER PROCUREMENT, NAVY

8 For procurement, production, and modernization of
9 support equipment and materials not otherwise provided
10 for, Navy ordnance (except ordnance for new aircraft, new
11 ships, and ships authorized for conversion); the purchase
12 of passenger motor vehicles for replacement only; expan-
13 sion of public and private plants, including the land nec-
14 essary therefor, and such lands and interests therein, may
15 be acquired, and construction prosecuted thereon prior to
16 approval of title; and procurement and installation of
17 equipment, appliances, and machine tools in public and
18 private plants; reserve plant and Government and con-
19 tractor-owned equipment layaway, \$6,364,191,000, to re-
20 main available for obligation until September 30, 2015.

21 PROCUREMENT, MARINE CORPS

22 For expenses necessary for the procurement, manu-
23 facture, and modification of missiles, armament, military
24 equipment, spare parts, and accessories therefor; plant
25 equipment, appliances, and machine tools, and installation

1 thereof in public and private plants; reserve plant and
2 Government and contractor-owned equipment layaway; ve-
3 hicles for the Marine Corps, including the purchase of pas-
4 senger motor vehicles for replacement only; and expansion
5 of public and private plants, including land necessary
6 therefor, and such lands and interests therein, may be ac-
7 quired, and construction prosecuted thereon prior to ap-
8 proval of title, \$1,482,081,000, to remain available for ob-
9 ligation until September 30, 2015.

10 AIRCRAFT PROCUREMENT, AIR FORCE

11 For construction, procurement, and modification of
12 aircraft and equipment, including armor and armament,
13 specialized ground handling equipment, and training de-
14 vices, spare parts, and accessories therefor, specialized
15 equipment; expansion of public and private plants, Gov-
16 ernment-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; and
22 other expenses necessary for the foregoing purposes in-
23 cluding rents and transportation of things,
24 \$11,304,899,000 (increased by \$16,000,000), to remain
25 available for obligation until September 30, 2015.

1 MISSILE PROCUREMENT, AIR FORCE

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

16 PROCUREMENT OF AMMUNITION, AIR FORCE

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

1 ment, appliances, and machine tools in public and private
2 plants; reserve plant and Government and contractor-
3 owned equipment layaway; and other expenses necessary
4 for the foregoing purposes, \$599,194,000, to remain avail-
5 able for obligation until September 30, 2015.

6 OTHER PROCUREMENT, AIR FORCE

7 For procurement and modification of equipment (in-
8 cluding ground guidance and electronic control equipment,
9 and ground electronic and communication equipment),
10 and supplies, materials, and spare parts therefor, not oth-
11 erwise provided for; the purchase of passenger motor vehi-
12 cles for replacement only; lease of passenger motor vehi-
13 cles; and expansion of public and private plants, Govern-
14 ment-owned equipment and installation thereof in such
15 plants; erection of structures, and acquisition of land, for
16 the foregoing purposes, and such lands and interests
17 therein, may be acquired, and construction prosecuted
18 thereon, prior to approval of title; reserve plant and Gov-
19 ernment and contractor-owned equipment layaway,
20 \$16,632,575,000, to remain available for obligation until
21 September 30, 2015.

22 PROCUREMENT, DEFENSE-WIDE

23 For expenses of activities and agencies of the Depart-
24 ment of Defense (other than the military departments)
25 necessary for procurement, production, and modification

1 of equipment, supplies, materials, and spare parts there-
2 for, not otherwise provided for; the purchase of passenger
3 motor vehicles for replacement only; expansion of public
4 and private plants, equipment, and installation thereof in
5 such plants; erection of structures, and acquisition of land
6 for the foregoing purposes, and such lands and interests
7 therein, may be acquired, and construction prosecuted
8 thereon prior to approval of title; reserve plant and Gov-
9 ernment and contractor-owned equipment layaway,
10 \$4,429,335,000, to remain available for obligation until
11 September 30, 2015.

12 NATIONAL GUARD AND RESERVE EQUIPMENT

13 For procurement of aircraft, missiles, tracked combat
14 vehicles, ammunition, other weapons and other procure-
15 ment for the reserve components of the Armed Forces,
16 \$2,000,000,000, to remain available for obligation until
17 September 30, 2015: *Provided*, That the Chiefs of Na-
18 tional Guard and Reserve components shall, not later than
19 30 days after the enactment of this Act, individually sub-
20 mit to the congressional defense committees the mod-
21 ernization priority assessment for their respective Na-
22 tional Guard or Reserve component: *Provided further*,
23 That during fiscal year 2013, the Chief of the National
24 Guard Bureau and each Reserve Component Chief, may
25 each use not more than 3 percent of the funds made avail-

1 able to the National Guard or such reserve component,
 2 as the case may be, under this heading to carry out re-
 3 search, development, test, and evaluation activities related
 4 to adding technological capability to platforms or to mod-
 5 ernize existing systems.

6 DEFENSE PRODUCTION ACT PURCHASES

7 For activities by the Department of Defense pursuant
 8 to sections 108, 301, 302, and 303 of the Defense Produc-
 9 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
 10 2093), \$63,531,000, to remain available until expended.

11 TITLE IV

12 RESEARCH, DEVELOPMENT, TEST AND

13 EVALUATION

14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

15 ARMY

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

21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

22 NAVY

23 For expenses necessary for basic and applied sci-
 24 entific research, development, test and evaluation, includ-
 25 ing maintenance, rehabilitation, lease, and operation of fa-

1 facilities and equipment, \$16,987,768,000, to remain avail-
 2 able for obligation until September 30, 2014: *Provided*,
 3 That funds appropriated in this paragraph which are
 4 available for the V-22 may be used to meet unique oper-
 5 ational requirements of the Special Operations Forces:
 6 *Provided further*, That funds appropriated in this para-
 7 graph shall be available for the Cobra Judy program.

8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
 9 AIR FORCE

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

15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
 16 DEFENSE-WIDE
 17 (INCLUDING TRANSFER OF FUNDS)

18 For expenses of activities and agencies of the Depart-
 19 ment of Defense (other than the military departments),
 20 necessary for basic and applied scientific research, devel-
 21 opment, test and evaluation; advanced research projects
 22 as may be designated and determined by the Secretary
 23 of Defense, pursuant to law; maintenance, rehabilitation,
 24 lease, and operation of facilities and equipment,
 25 \$19,100,362,000, to remain available for obligation until

1 September 30, 2014: *Provided*, That of the funds made
2 available in this paragraph, \$250,000,000 for the Defense
3 Rapid Innovation Program shall only be available for ex-
4 penses, not otherwise provided for, to include program
5 management and oversight, to conduct research, develop-
6 ment, test and evaluation to include proof of concept dem-
7 onstration; engineering, testing, and validation; and tran-
8 sition to full-scale production: *Provided further*, That the
9 Secretary of Defense may transfer funds provided herein
10 for the Defense Rapid Innovation Program to appropria-
11 tions for research, development, test and evaluation to ac-
12 complish the purpose provided herein: *Provided further*,
13 That this transfer authority is in addition to any other
14 transfer authority available to the Department of Defense:
15 *Provided further*, That the Secretary of Defense shall, not
16 fewer than 30 days prior to making transfers from this
17 appropriation, notify the congressional defense committees
18 in writing of the details of any such transfer.

19 OPERATIONAL TEST AND EVALUATION, DEFENSE

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

1 testing and evaluation; and administrative expenses in
2 connection therewith, \$185,268,000, to remain available
3 for obligation until September 30, 2014.

4 TITLE V

5 REVOLVING AND MANAGEMENT FUNDS

6 DEFENSE WORKING CAPITAL FUNDS

7 For the Defense Working Capital Funds,
8 \$1,516,184,000.

9 NATIONAL DEFENSE SEALIFT FUND

10 For National Defense Sealift Fund programs,
11 projects, and activities, and for expenses of the National
12 Defense Reserve Fleet, as established by section 11 of the
13 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
14 and for the necessary expenses to maintain and preserve
15 a U.S. flag merchant fleet to serve the national security
16 needs of the United States, \$564,636,000, to remain avail-
17 able until expended: *Provided*, That none of the funds pro-
18 vided in this paragraph shall be used to award a new con-
19 tract that provides for the acquisition of any of the fol-
20 lowing major components unless such components are
21 manufactured in the United States: auxiliary equipment,
22 including pumps, for all shipboard services; propulsion
23 system components (engines, reduction gears, and propel-
24 lers); shipboard cranes; and spreaders for shipboard
25 cranes: *Provided further*, That the exercise of an option

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

13 TITLE VI

14 OTHER DEPARTMENT OF DEFENSE PROGRAMS

15 DEFENSE HEALTH PROGRAM

16 For expenses, not otherwise provided for, for medical
17 and health care programs of the Department of Defense
18 as authorized by law, ~~\$32,862,234,000~~ (increased by
19 ~~\$10,000,000~~) (increased by ~~\$15,000,000~~) (increased by
20 ~~\$10,000,000~~) (increased by ~~\$5,000,000~~); of which
21 ~~\$31,122,095,000~~ shall be for operation and maintenance,
22 of which not to exceed one percent shall remain available
23 until September 30, 2014, and of which up to
24 ~~\$16,105,245,000~~ may be available for contracts entered
25 into under the TRICARE program; of which

1 ~~\$521,762,000~~, to remain available for obligation until Sep-
2 tember 30, 2015, shall be for procurement; and of which
3 ~~\$1,218,377,000~~ (increased by \$10,000,000) (increased by
4 ~~\$15,000,000~~) (increased by \$10,000,000) (increased by
5 ~~\$5,000,000~~), to remain available for obligation until Sep-
6 tember 30, 2014 ; shall be for research, development, test
7 and evaluation: *Provided*, That, notwithstanding any other
8 provision of law, of the amount made available under this
9 heading for research, development, test and evaluation,
10 not less than \$8,000,000 shall be available for HIV pre-
11 vention educational activities undertaken in connection
12 with United States military training, exercises, and hu-
13 manitarian assistance activities conducted primarily in Af-
14 rican nations: *Provided further*, That of the funds provided
15 to develop an integrated Department of Defense–Depart-
16 ment of Veterans Affairs (DOD–VA) integrated health
17 record, not more than twenty-five percent shall be avail-
18 able for obligation until the DOD–VA Interagency Pro-
19 gram Office submits to the Committees on Appropriations
20 of both Houses of Congress a completed fiscal year 2013
21 execution and spending plan and a long-term roadmap for
22 the life of the project that includes, but is not limited to,
23 the following: (a) annual and total spending for each De-
24 partment; (b) a quarterly schedule of milestones for each
25 Department over the life of the project; (c) detailed cost-

1 sharing business rules; and (d) data standardization
2 schedules between the Departments.

3 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
4 DEFENSE

5 For expenses, not otherwise provided for, necessary
6 for the destruction of the United States stockpile of lethal
7 chemical agents and munitions in accordance with the pro-
8 visions of section 1412 of the Department of Defense Au-
9 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
10 struction of other chemical warfare materials that are not
11 in the chemical weapon stockpile, \$1,301,786,000, of
12 which \$635,843,000 shall be for operation and mainte-
13 nance, of which no less than \$53,948,000 shall be for the
14 Chemical Stockpile Emergency Preparedness Program,
15 consisting of \$22,214,000 for activities on military instal-
16 lations and \$31,734,000, to remain available until Sep-
17 tember 30, 2014, to assist State and local governments;
18 \$18,592,000 shall be for procurement, to remain available
19 until September 30, 2015, of which \$1,823,000 shall be
20 for the Chemical Stockpile Emergency Preparedness Pro-
21 gram to assist State and local governments; and
22 \$647,351,000, to remain available until September 30,
23 2014, shall be for research, development, test and evalua-
24 tion, of which \$627,705,000 shall only be for the Assem-
25 bled Chemical Weapons Alternatives (ACWA) program.

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

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

21 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND
22 (INCLUDING TRANSFER OF FUNDS)

23 For the “Joint Improvised Explosive Device Defeat
24 Fund,” \$217,414,000, to remain available until September
25 30, 2015, for Staff and Infrastructure: *Provided*, That

1 such funds shall be available to the Secretary of Defense,
2 notwithstanding any other provision of law, for the pur-
3 pose of allowing the Director of the Joint Improvised Ex-
4 plosive Device Defeat Organization to investigate, develop
5 and provide equipment, supplies, services, training, facili-
6 ties, personnel and funds to assist United States forces
7 in the defeat of improvised explosive devices: *Provided fur-*
8 *ther*, That, within 60 days of the enactment of this Act,
9 a plan for the intended management and use of the
10 amounts provided under this heading shall be submitted
11 to the congressional defense committees: *Provided further*,
12 That the Secretary of Defense shall submit a report not
13 later than 60 days after the end of each fiscal quarter
14 to the congressional defense committees providing assess-
15 ments of the evolving threats, individual service require-
16 ments to counter the threats, the current strategy for
17 predeployment training of members of the Armed Forces
18 on improvised explosive devices, and details on the execu-
19 tion of the Fund: *Provided further*, That the Secretary of
20 Defense may transfer funds provided herein to appropria-
21 tions for operation and maintenance; procurement; re-
22 search; development; test and evaluation; and defense
23 working capital funds to accomplish the purpose provided
24 herein: *Provided further*, That amounts transferred shall
25 be merged with and available for the same purposes and

1 time period as the appropriations to which transferred:
2 *Provided further*, That this transfer authority is in addi-
3 tion to any other transfer authority available to the De-
4 partment of Defense: *Provided further*, That the Secretary
5 of Defense shall, not fewer than 15 days prior to making
6 transfers from this appropriation, notify the congressional
7 defense committees in writing of the details of any such
8 transfer.

9 OFFICE OF THE INSPECTOR GENERAL

10 For expenses and activities of the Office of the In-
11 spector General in carrying out the provisions of the In-
12 spector General Act of 1978, as amended, \$350,321,000,
13 of which \$347,621,000 shall be for operation and mainte-
14 nance, of which not to exceed \$700,000 is available for
15 emergencies and extraordinary expenses to be expended on
16 the approval or authority of the Inspector General, and
17 payments may be made on the Inspector General's certifi-
18 cate of necessity for confidential military purposes; and
19 of which \$2,700,000, to remain available until September
20 30, 2015, shall be for procurement.

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TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, \$511,476,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian

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

1 thority provided in this section shall be made prior to June
2 30, 2013: *Provided further*, That transfers among military
3 personnel appropriations shall not be taken into account
4 for purposes of the limitation on the amount of funds that
5 may be transferred under this section.

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

19 (b) Amounts specified in the referenced tables de-
20 scribed in subsection (a) shall not be treated as subdivi-
21 sions of appropriations for purposes of section 8005 of this
22 Act: *Provided*, That section 8005 shall apply when trans-
23 fers of the amounts described in subsection (a) occur be-
24 tween appropriation accounts.

1 SEC. 8007. (a) Not later than 60 days after enact-
2 ment of this Act, the Department of Defense shall submit
3 a report to the congressional defense committees to estab-
4 lish the baseline for application of reprogramming and
5 transfer authorities for fiscal year 2013: *Provided*, That
6 the report shall include—

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

12 (2) a delineation in the table for each appro-
13 priation both by budget activity and program,
14 project, and activity as detailed in the Budget Ap-
15 pendix; and

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

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

(TRANSFER OF FUNDS)

1
2 SEC. 8008. During the current fiscal year, cash bal-
3 ances in working capital funds of the Department of De-
4 fense established pursuant to section 2208 of title 10,
5 United States Code, may be maintained in only such
6 amounts as are necessary at any time for cash disburse-
7 ments to be made from such funds: *Provided*, That trans-
8 fers may be made between such funds: *Provided further*,
9 That transfers may be made between working capital
10 funds and the “Foreign Currency Fluctuations, Defense”
11 appropriation and the “Operation and Maintenance” ap-
12 propriation accounts in such amounts as may be deter-
13 mined by the Secretary of Defense, with the approval of
14 the Office of Management and Budget, except that such
15 transfers may not be made unless the Secretary of Defense
16 has notified the Congress of the proposed transfer. Except
17 in amounts equal to the amounts appropriated to working
18 capital funds in this Act, no obligations may be made
19 against a working capital fund to procure or increase the
20 value of war reserve material inventory, unless the Sec-
21 retary of Defense has notified the Congress prior to any
22 such obligation.

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

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

3 SEC. 8010. None of the funds provided in this Act
4 shall be available to initiate: (1) a multiyear contract that
5 employs economic order quantity procurement in excess of
6 \$20,000,000 in any one year of the contract or that in-
7 cludes an unfunded contingent liability in excess of
8 \$20,000,000; or (2) a contract for advance procurement
9 leading to a multiyear contract that employs economic
10 order quantity procurement in excess of \$20,000,000 in
11 any one year, unless the congressional defense committees
12 have been notified at least 30 days in advance of the pro-
13 posed contract award: *Provided*, That no part of any ap-
14 propriation contained in this Act shall be available to ini-
15 tiate a multiyear contract for which the economic order
16 quantity advance procurement is not funded at least to
17 the limits of the Government's liability: *Provided further*,
18 That no part of any appropriation contained in this Act
19 shall be available to initiate multiyear procurement con-
20 tracts for any systems or component thereof if the value
21 of the multiyear contract would exceed \$500,000,000 un-
22 less specifically provided in this Act: *Provided further*,
23 That no multiyear procurement contract can be termi-
24 nated without 10-day prior notification to the congress-
25 sional defense committees: *Provided further*, That none of

1 the funds appropriated by this Act shall be available for
2 a contract that incrementally funds an end item purchased
3 under multi-year procurement authority: *Provided further,*
4 That the preceding limitation shall not apply to advance
5 procurement funding and economic order quantity funding
6 associated with a multi-year procurement: *Provided fur-*
7 *ther,* That the execution of multiyear authority shall re-
8 quire the use of a present value analysis to determine low-
9 est cost compared to an annual procurement: *Provided fur-*
10 *ther,* That none of the funds provided in this Act may be
11 used for a multiyear contract executed after the date of
12 the enactment of this Act unless in the case of any such
13 contract—

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

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

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

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

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

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

12 ~~F/A-18E, F/A-18F, and EA-18G aircraft; DDG-51~~
13 ~~Arleigh Burke class destroyer and associated systems;~~
14 ~~SSN-774 Virginia class submarine and government-fur-~~
15 ~~nished equipment; CH-47 Chinook helicopter; and V-22~~
16 ~~Osprey aircraft variants.~~

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

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

18 SEC. 8012. (a) During fiscal year 2013, the civilian
19 personnel of the Department of Defense may not be man-
20 aged on the basis of any end-strength, and the manage-
21 ment of such personnel during that fiscal year shall not
22 be subject to any constraint or limitation (known as an
23 end-strength) on the number of such personnel who may
24 be employed on the last day of such fiscal year.

1 (b) The fiscal year 2014 budget request for the De-
2 partment of Defense as well as all justification material
3 and other documentation supporting the fiscal year 2014
4 Department of Defense budget request shall be prepared
5 and submitted to the Congress as if subsections (a) and
6 (b) of this provision were effective with regard to fiscal
7 year 2014.

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

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

14 ~~SEC. 8014.~~ None of the funds appropriated by this
15 Act shall be available for the basic pay and allowances of
16 any member of the Army participating as a full-time stu-
17 dent and receiving benefits paid by the Secretary of Vet-
18 erans Affairs from the Department of Defense Education
19 Benefits Fund when time spent as a full-time student is
20 credited toward completion of a service commitment: *Pro-*
21 *vided,* That this section shall not apply to those members
22 who have reenlisted with this option prior to October 1,
23 1987: *Provided further,* That this section applies only to
24 active components of the Army.

(TRANSFER OF FUNDS)

1
2 SEC. 8015. Funds appropriated in title III of this Act
3 for the Department of Defense Pilot Mentor-Protege Pro-
4 gram may be transferred to any other appropriation con-
5 tained in this Act solely for the purpose of implementing
6 a Mentor-Protege Program developmental assistance
7 agreement pursuant to section 831 of the National De-
8 fense Authorization Act for Fiscal Year 1991 (Public Law
9 101-510; 10 U.S.C. 2302 note), as amended, under the
10 authority of this provision or any other transfer authority
11 contained in this Act.

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

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

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

22 SEC. 8018. No more than \$500,000 of the funds ap-
23 propriated or made available in this Act shall be used dur-
24 ing a single fiscal year for any single relocation of an orga-
25 nization, unit, activity or function of the Department of

1 Defense into or within the National Capital Region: *Pro-*
2 *vided*, That the Secretary of Defense may waive this re-
3 striction on a case-by-case basis by certifying in writing
4 to the congressional defense committees that such a relo-
5 cation is required in the best interest of the Government.

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

1 subcontract at any tier for acquisition of commercial items
2 produced or manufactured, in whole or in part, by any
3 subcontractor or supplier defined in section 1544 of title
4 25, United States Code, or a small business owned and
5 controlled by an individual or individuals defined under
6 section 4221(9) of title 25, United States Code.

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

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

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

22 (1) \$28,404,000 shall be available from “Oper-
23 ation and Maintenance, Air Force” to support Civil
24 Air Patrol Corporation operation and maintenance;

1 readiness, counterdrug activities, and drug demand
2 reduction activities involving youth programs;

3 ~~(2) \$9,298,000 shall be available from "Aircraft~~
4 ~~Procurement, Air Force"; and~~

5 ~~(3) \$917,000 shall be available from "Other~~
6 ~~Procurement, Air Force" for vehicle procurement.~~

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

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

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

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

6 (c) Notwithstanding any other provision of law, none
7 of the funds available to the department from any source
8 during fiscal year 2013 may be used by a defense FFRDC,
9 through a fee or other payment mechanism, for construc-
10 tion of new buildings, for payment of cost sharing for
11 projects funded by Government grants, for absorption of
12 contract overruns, or for certain charitable contributions,
13 not to include employee participation in community service
14 and/or development.

15 (d) Notwithstanding any other provision of law, of
16 the funds available to the department during fiscal year
17 2013, not more than 5,750 staff years of technical effort
18 (staff years) may be funded for defense FFRDCs: *Pro-*
19 *vided*, That of the specific amount referred to previously
20 in this subsection, not more than 1,125 staff years may
21 be funded for the defense studies and analysis FFRDCs:
22 *Provided further*, That this subsection shall not apply to
23 staff years funded in the National Intelligence Program
24 (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 2014 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 SEC. 8024. None of the funds appropriated or made
8 available in this Act shall be used to procure carbon, alloy
9 or armor steel plate for use in any Government-owned fa-
10 cility or property under the control of the Department of
11 Defense which were not melted and rolled in the United
12 States or Canada: *Provided*, That these procurement re-
13 strictions shall apply to any and all Federal Supply Class
14 9515, American Society of Testing and Materials (ASTM)
15 or American Iron and Steel Institute (AISI) specifications
16 of carbon, alloy or armor steel plate: *Provided further*,
17 That the Secretary of the military department responsible
18 for the procurement 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 adequate domestic supplies are not available
22 to meet Department of Defense requirements on a timely
23 basis and that such an acquisition must be made in order
24 to acquire capability for national security purposes: *Pro-*
25 *vided further*, That these restrictions shall not apply to

1 contracts which are in being as of the date of the enact-
2 ment of this Act.

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

11 SEC. 8026. During the current fiscal year, the De-
12 partment of Defense may acquire the modification, depot
13 maintenance and repair of aircraft, vehicles and vessels
14 as well as the production of components and other De-
15 fense-related articles, through competition between De-
16 partment of Defense depot maintenance activities and pri-
17 vate firms: *Provided*, That the Senior Acquisition Execu-
18 tive of the military department or Defense Agency con-
19 cerned, with power of delegation, shall certify that success-
20 ful bids include comparable estimates of all direct and in-
21 direct costs for both public and private bids: *Provided fur-*
22 *ther*, That Office of Management and Budget Circular A-
23 76 shall not apply to competitions conducted under this
24 section.

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

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

17 (b) The Secretary of Defense shall submit to the Con-
18 gress a report on the amount of Department of Defense
19 purchases from foreign entities in fiscal year 2013. Such
20 report shall separately indicate the dollar value of items
21 for which the Buy American Act was waived pursuant to
22 any agreement described in subsection (a)(2), the Trade
23 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
24 international agreement to which the United States is a
25 party.

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

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

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

21 (b) The Secretary of the Air Force shall convey, at
22 no cost to the Air Force, military housing units under sub-
23 section (a) in accordance with the request for such units
24 that are submitted to the Secretary by the Operation
25 Walking Shield Program on behalf of Indian tribes located

1 in the States of Nevada, Idaho, North Dakota, South Da-
2 kota, Montana, Oregon, Minnesota, and Washington. Any
3 such conveyance shall be subject to the condition that the
4 housing units shall be removed within a reasonable period
5 of time, as determined by the Secretary.

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

11 (d) In this section, the term "Indian tribe" means
12 any recognized Indian tribe included on the current list
13 published by the Secretary of the Interior under section
14 104 of the Federally Recognized Indian Tribe Act of 1994
15 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-
16 1).

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

22 SEC. 8031. (a) During the current fiscal year, none
23 of the appropriations or funds available to the Department
24 of Defense Working Capital Funds shall be used for the
25 purchase of an investment item for the purpose of acquir-

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

10 (b) The fiscal year 2014 budget request for the De-
11 partment of Defense as well as all justification material
12 and other documentation supporting the fiscal year 2014
13 Department of Defense budget shall be prepared and sub-
14 mitted to the Congress on the basis that any equipment
15 which was classified as an end item and funded in a pro-
16 curement appropriation contained in this Act shall be
17 budgeted for in a proposed fiscal year 2014 procurement
18 appropriation and not in the supply management business
19 area or any other area or category of the Department of
20 Defense Working Capital Funds.

21 SEC. 8032. None of the funds appropriated by this
22 Act for programs of the Central Intelligence Agency shall
23 remain available for obligation beyond the current fiscal
24 year, except for funds appropriated for the Reserve for
25 Contingencies, which shall remain available until Sep-

1 tember 30, 2014: *Provided*, That funds appropriated,
2 transferred, or otherwise credited to the Central Intel-
3 ligence Agency Central Services Working Capital Fund
4 during this or any prior or subsequent fiscal year shall
5 remain available until expended: *Provided further*, That
6 any funds appropriated or transferred to the Central Intel-
7 ligence Agency for advanced research and development ac-
8 quisition, for agent operations, and for covert action pro-
9 grams authorized by the President under section 503 of
10 the National Security Act of 1947, as amended, shall re-
11 main available until September 30, 2014.

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

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

1 veloping a system for prioritization of mitigation and cost
2 to complete estimates for mitigation, on Indian lands re-
3 sulting from Department of Defense activities.

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

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

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

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

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

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

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

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

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

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

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

17 (c) This section does not apply to—

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

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

24 (3) an Army field operating agency established
25 to improve the effectiveness and efficiencies of bio-

1 metric activities and to integrate common biometric
2 technologies throughout the Department of Defense.

3 SEC. 8038. The Secretary of Defense, notwith-
4 standing any other provision of law, acting through the
5 Office of Economic Adjustment of the Department of De-
6 fense, may use funds made available in this Act under the
7 heading “Operation and Maintenance, Defense-Wide” to
8 make grants and supplement other Federal funds in ac-
9 cordance with the guidance provided in the explanatory
10 statement regarding this Act.

11 SEC. 8039. (a) None of the funds appropriated by
12 this Act shall be available to convert to contractor per-
13 formance an activity or function of the Department of De-
14 fense that, on or after the date of the enactment of this
15 Act, is performed by Department of Defense civilian em-
16 ployees unless—

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

21 (2) the Competitive Sourcing Official determines
22 that, over all performance periods stated in the solicitation
23 of offers for performance of the activity or function, the
24 cost of performance of the activity or function by a con-

1 tractor would be less costly to the Department of Defense
2 by an amount that equals or exceeds the lesser of—

3 (A) 10 percent of the most efficient organiza-
4 tion's personnel-related costs for performance of that
5 activity or function by Federal employees; or

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

7 (3) the contractor does not receive an advantage for
8 a proposal that would reduce costs for the Department
9 of Defense by—

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

14 (B) offering to such workers an employer-spon-
15 sored health benefits plan that requires the employer
16 to contribute less towards the premium or subscrip-
17 tion share than the amount that is paid by the De-
18 partment of Defense for health benefits for civilian
19 employees under chapter 89 of title 5, United States
20 Code.

21 (b)(1) The Department of Defense, without regard
22 to subsection (a) of this section or subsection (a), (b), or
23 (c) of section 2461 of title 10, United States Code, and
24 notwithstanding any administrative regulation, require-
25 ment, or policy to the contrary shall have full authority

1 to enter into a contract for the performance of any com-
2 mercial or industrial type function of the Department of
3 Defense that—

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

7 (B) is planned to be converted to performance by a
8 qualified nonprofit agency for the blind or by a qualified
9 nonprofit agency for other severely handicapped individ-
10 uals in accordance with that Act; or

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

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

21 (c) The conversion of any activity or function of the
22 Department of Defense under the authority provided by
23 this section shall be credited toward any competitive or
24 outsourcing goal, target, or measurement that may be es-
25 tablished by statute, regulation, or policy and is deemed

1 to be awarded under the authority of, and in compliance
2 with, subsection (h) of section 2304 of title 10, United
3 States Code, for the competition or outsourcing of com-
4 mercial activities.

5 (RESCISSIONS)

6 SEC. 8040. Of the funds appropriated in Department
7 of Defense Appropriations Acts, the following funds are
8 hereby rescinded from the following accounts and pro-
9 grams in the specified amounts:

10 “Procurement of Ammunition, Army, 2011/2013”,
11 \$14,862,000;

12 “Aircraft Procurement, Navy, 2011/2013”,
13 \$30,100,000;

14 “Weapons Procurement, Navy, 2011/2013”,
15 \$22,000,000;

16 “Other Procurement, Navy, 2011/2013”,
17 \$12,432,000;

18 “Aircraft Procurement, Air Force, 2011/2013”,
19 \$65,000,000;

20 “Other Procurement, Air Force, 2011/2013”,
21 \$9,500,000;

22 “Other Procurement, Army, 2012/2014”,
23 \$80,000,000;

24 “Aircraft Procurement, Navy, 2012/2014”,
25 \$14,400,000;

1 ~~“Weapons Procurement, Navy, 2012/2014”,~~

2 ~~\$31,572,000;~~

3 ~~“Aircraft Procurement, Air Force, 2012/2014”,~~

4 ~~\$277,050,000;~~

5 ~~“Missile Procurement, Air Force, 2012/2014”,~~

6 ~~\$44,000,000;~~

7 ~~“Other Procurement, Air Force, 2012/2014”,~~

8 ~~\$55,800,000;~~

9 ~~“Research, Development, Test and Evaluation,~~
10 ~~Army, 2012/2013”, \$63,000,000;~~

11 ~~“Research, Development, Test and Evaluation, Navy,~~
12 ~~2012/2013”, \$120,000,000; and~~

13 ~~“Research, Development, Test and Evaluation, Air~~
14 ~~Force, 2012/2013”, \$179,600,000.~~

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

24 SEC. 8042. 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. 8043. 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
12 activities 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
16 and training procedures.

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

1 reductions may be consistent with responsible resource
2 stewardship and capitation-based budgeting.

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

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

1 “commercial items”, as defined by section 4(12) of the
2 Office of Federal Procurement Policy Act, except that the
3 restriction shall apply to ball or roller bearings purchased
4 as end items.

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

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

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

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

10 (b) This section applies to—

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

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

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

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

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

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

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

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

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

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

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

20 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (2) options for the procurement of items that
25 are exercised after such date under contracts that

1 are entered into before such date if the option prices
2 are adjusted for any reason other than the applica-
3 tion of a waiver granted under subsection (a).

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

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

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

1 (e) The Secretary of Defense, after consultation with
2 the Secretary of State, may waive the prohibition in sub-
3 section (a) if he determines that such waiver is required
4 by extraordinary circumstances.

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

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

21 SEC. 8059. Notwithstanding any other provision of
22 law, funds appropriated in this Act under the heading
23 “Research, Development, Test and Evaluation, Defense-
24 Wide” for any new start advanced concept technology
25 demonstration project or joint capability demonstration

1 project may only be obligated 45 days after a report, in-
2 cluding a description of the project, the planned acquisi-
3 tion and transition strategy and its estimated annual and
4 total cost, has been provided in writing to the congress-
5 sional defense committees: *Provided*, That the Secretary
6 of Defense may waive this restriction on a case-by-case
7 basis by certifying to the congressional defense committees
8 that it is in the national interest to do so.

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

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

1 ity: *Provided further*, That the Secretary of Defense may
2 waive this restriction on a case-by-case basis by certifying
3 in writing to the Committees on Appropriations of the
4 House of Representatives and the Senate that it is in the
5 national security interest to do so.

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

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

1 of ammunition for export pursuant to a License for Per-
2 manent Export of Unclassified Military Articles issued by
3 the Department of State.

4 SEC. 8064. Notwithstanding any other provision of
5 law, the Chief of the National Guard Bureau, or his des-
6 ignee, may waive payment of all or part of the consider-
7 ation that otherwise would be required under section 2667
8 of title 40, United States Code, in the case of a lease of
9 personal property for a period not in excess of 1 year to
10 any organization specified in section 508(d) of title 32,
11 United States Code, or any other youth, social, or fra-
12 ternal nonprofit organization as may be approved by the
13 Chief of the National Guard Bureau, or his designee, on
14 a case-by-case basis.

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

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

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 8066: Of the amounts appropriated in this Act
12 under the heading "Operation and Maintenance, Army",
13 \$133,381,000 shall remain available until expended: *Pro-*
14 *vided*, That notwithstanding any other provision of law,
15 the Secretary of Defense is authorized to transfer such
16 funds to other activities of the Federal Government: *Pro-*
17 *vided further*, That the Secretary of Defense is authorized
18 to enter into and carry out contracts for the acquisition
19 of real property, construction, personal services, and oper-
20 ations related to projects carrying out the purposes of this
21 section: *Provided further*, That contracts entered into
22 under the authority of this section may provide for such
23 indemnification as the Secretary determines to be nec-
24 essary: *Provided further*, That projects authorized by this
25 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 2013.

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 heading “Research, Development, Test and
24 Evaluation, Defense-Wide”, \$948,736,000 shall be for the
25 Israeli Cooperative Programs: *Provided*, That of this

1 amount, \$149,679,000 shall be for the Short Range Bal-
2 listic Missile Defense (SRBMD) program, including cruise
3 missile defense research and development under the
4 SRBMD program, of which \$15,000,000 shall be for pro-
5 duction activities of SRBMD missiles in the United States
6 and in Israel to meet Israel's defense requirements con-
7 sistent with each nation's laws, regulations, and proce-
8 dures, \$74,692,000 shall be available for an upper-tier
9 component to the Israeli Missile Defense Architecture, and
10 \$44,365,000 shall be for the Arrow System Improvement
11 Program including development of a long range, ground
12 and airborne, detection suite, and \$680,000,000 shall be
13 for the Iron Dome program: *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 operational and administrative control of U.S. Navy forces

1 assigned to the Pacific fleet: *Provided*, That the command
2 and control relationships which existed on October 1,
3 1994, shall remain in force unless changes are specifically
4 authorized in a subsequent Act.

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

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

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

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

24 SEC. 8072. Funds appropriated by this Act, or made
25 available by the transfer of funds in this Act, for intel-

1 ligence activities are deemed to be specifically authorized
2 by the Congress for purposes of section 504 of the Na-
3 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
4 year 2013 until the enactment of the Intelligence Author-
5 ization Act for Fiscal Year 2013.

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

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

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

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

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

23 SEC. 8077. None of the funds appropriated or made
24 available in this Act shall be used to reduce or disestablish
25 the operation of the 53rd Weather Reconnaissance Squad-

1 ron of the Air Force Reserve, if such action would reduce
2 the WC-130 Weather Reconnaissance mission below the
3 levels funded in this Act: *Provided*, That the Air Force
4 shall allow the 53rd Weather Reconnaissance Squadron to
5 perform other missions in support of national defense re-
6 quirements during the non-hurricane season.

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

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

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

(INCLUDING TRANSFER OF FUNDS)

1
2 SEC. 8080. The Secretary of Defense may transfer
3 funds from any available Department of the Navy appro-
4 priation to any available Navy ship construction appro-
5 priation for the purpose of liquidating necessary changes
6 resulting from inflation, market fluctuations, or rate ad-
7 justments for any ship construction program appropriated
8 in law: *Provided*, That the Secretary may transfer not to
9 exceed \$100,000,000 under the authority provided by this
10 section: *Provided further*, That the Secretary may not
11 transfer any funds until 30 days after the proposed trans-
12 fer has been reported to the Committees on Appropria-
13 tions of the House of Representatives and the Senate, un-
14 less a response from the Committees is received sooner:
15 *Provided further*, That any funds transferred pursuant to
16 this section shall retain the same period of availability as
17 when originally appropriated: *Provided further*, That the
18 transfer authority provided by this section is in addition
19 to any other transfer authority contained elsewhere in this
20 Act.

21 SEC. 8081. For purposes of section 7108 of title 41,
22 United States Code, any subdivision of appropriations
23 made under the heading "Shipbuilding and Conversion,
24 Navy" that is not closed at the time reimbursement is
25 made shall be available to reimburse the Judgment Fund

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

5 SEC. 8082. (a) None of the funds appropriated by
6 this Act may be used to transfer research and develop-
7 ment, acquisition, or other program authority relating to
8 current tactical unmanned aerial vehicles (TUAVs) from
9 the Army.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (1) creates a new start effort;

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

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

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

10

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

22 SEC. 8090. The Director of National Intelligence
23 shall submit to Congress each year, at or about the time
24 that the President's budget is submitted to Congress that
25 year under section 1105(a) of title 31, United States

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

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

15 SEC. 8092. The Department of Defense shall con-
16 tinue to report incremental contingency operations costs
17 for Operation New Dawn and Operation Enduring Free-
18 dom, or any other named operations in the U.S. Central
19 Command area of operation on a monthly basis in the Cost
20 of War Execution Report as prescribed in the Department
21 of Defense Financial Management Regulation Department
22 of Defense Instruction 7000.14, Volume 12, Chapter 23
23 “Contingency Operations”, Annex 1, dated September
24 2005.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8093. During the current fiscal year, not to ex-
3 ceed \$11,000,000 from each of the appropriations made
4 in title II of this Act for “Operation and Maintenance,
5 Army”, “Operation and Maintenance, Navy”, and “Oper-
6 ation and Maintenance, Air Force” may be transferred by
7 the military department concerned to its central fund es-
8 tablished for Fisher Houses and Suites pursuant to sec-
9 tion 2493(d) of title 10, United States Code.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 8094. Funds appropriated by this Act for oper-
12 ation and maintenance may be available for the purpose
13 of making remittances to the Defense Acquisition Work-
14 force Development Fund in accordance with the require-
15 ments of section 1705 of title 10, United States Code.

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

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

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

25 (2) the report contains proprietary information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 enactment of this Act that the recommendations have been
2 implemented.

3 SEC. 8104. Not later than 120 days after the date
4 of the enactment of this Act, the Secretary of Defense
5 shall resume monthly reporting of the numbers of civilian
6 personnel end strength by appropriation account for each
7 and every appropriation account used to finance Federal
8 civilian personnel salaries to the congressional defense
9 committees within 15 days after the end of each fiscal
10 quarter.

11 SEC. 8105. None of the funds appropriated in this
12 or any other Act may be used to plan, prepare for, or oth-
13 erwise take any action to undertake or implement the sep-
14 aration of the National Intelligence Program budget from
15 the Department of Defense budget.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8106. Upon a determination by the Director of
18 National Intelligence that such action is necessary and in
19 the national interest, the Director may, with the approval
20 of the Office of Management and Budget, transfer not to
21 exceed \$2,000,000,000 of the funds made available in this
22 Act for the National Intelligence Program: *Provided*, That
23 such authority to transfer may not be used unless for
24 higher priority items, based on unforeseen intelligence 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 a request for multiple reprogrammings of funds
4 using authority provided in this section shall be made
5 prior to June 30, 2013.

6 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

13 (1) the government of the foreign country or the rec-
14 ognized leadership of the foreign entity to which the indi-
15 vidual detained at Guantanamo is to be transferred—

16 (A) is not a designated state sponsor of ter-
17 rorism or a designated foreign terrorist organization;

18 (B) maintains control over each detention facil-
19 ity in which the individual is to be detained if the
20 individual is to be housed in a detention facility;

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

24 (D) has taken or agreed to take effective ac-
25 tions to ensure that the individual cannot take ac-

1 tion to threaten the United States, its citizens, or its
2 allies in the future;

3 (E) has taken or agreed to take such actions as
4 the Secretary of Defense determines are necessary to
5 ensure that the individual cannot engage or re-
6 engage in any terrorist activity; and

7 (F) has agreed to share with the United States
8 any information that—

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

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

13 (2) includes an assessment, in classified or unclassi-
14 fied form, of the capacity, willingness, and past practices
15 (if applicable) of the foreign country or entity in relation
16 to the Secretary's certifications.

17 (e)(1) Except as provided in paragraph (2) and sub-
18 section (d), none of the funds appropriated or otherwise
19 made available in this or any other Act may be used to
20 transfer any individual detained at Guantanamo to the
21 custody or control of the individual's country of origin, any
22 other foreign country, or any other foreign entity if there
23 is a confirmed case of any individual who was detained
24 at United States Naval Station, Guantanamo Bay, Cuba,
25 at any time after September 11, 2001, who was trans-

1 ferred to such foreign country or entity and subsequently
2 engaged in any terrorist activity.

3 (2) Paragraph (1) shall not apply to any action taken
4 by the Secretary to transfer any individual detained at
5 Guantanamo to effectuate—

6 (A) an order affecting the disposition of the indi-
7 vidual that is issued by a court or competent tribunal of
8 the United States having lawful jurisdiction (which the
9 Secretary shall notify Congress of promptly after
10 issuance); or

11 (B) a pre-trial agreement entered in a military com-
12 mission ease prior to the date of the enactment of this
13 Act.

14 (d)(1) The Secretary of Defense may waive the appli-
15 cability to a detainee transfer of a certification require-
16 ment specified in subparagraph (D) or (E) of subsection
17 (b)(1) or the prohibition in subsection (e), if the Secretary
18 certifies the rest of the criteria required by subsection (b)
19 for transfers prohibited by (e) and, with the concurrence
20 of the Secretary of State and in consultation with the Di-
21 rector of National Intelligence, determines that—

22 (A) alternative actions will be taken to address the
23 underlying purpose of the requirement or requirements to
24 be waived;

1 (B) in the case of a waiver of subparagraph (D) or
2 (E) of subsection (b)(1), it is not possible to certify that
3 the risks addressed in the paragraph to be waived have
4 been completely eliminated, but the actions to be taken
5 under subparagraph (A) will substantially mitigate such
6 risks with regard to the individual to be transferred;

7 (C) in the case of a waiver of subsection (c), the Sec-
8 retary has considered any confirmed case in which an indi-
9 vidual who was transferred to the country subsequently
10 engaged in terrorist activity, and the actions to be taken
11 under subparagraph (A) will substantially mitigate the
12 risk of recidivism with regard to the individual to be trans-
13 ferred; and

14 (D) the transfer is in the national security interests
15 of the United States.

16 (2) Whenever the Secretary makes a determination
17 under paragraph (1), the Secretary shall submit to the ap-
18 propriate committees of Congress, not later than 30 days
19 before the transfer of the individual concerned, the fol-
20 lowing:

21 (A) A copy of the determination and the waiver con-
22 cerned.

23 (B) A statement of the basis for the determination,
24 including—

1 (i) an explanation why the transfer is in the na-
2 tional security interests of the United States; and

3 (ii) in the case of a waiver of subparagraph (D)
4 or (E) of subsection (b)(1), an explanation why it is
5 not possible to certify that the risks addressed in the
6 subparagraph to be waived have been completely
7 eliminated.

8 (C) A summary of the alternative actions to be taken
9 to address the underlying purpose of, and to mitigate the
10 risks addressed in, the subparagraph or subsection to be
11 waived.

12 (D) The assessment required by subsection (b)(2).

13 (e) In this section:

14 (1) The term “appropriate committees of Congress”
15 means—

16 (A) the Committee on Armed Services, the
17 Committee on Appropriations, and the Select Com-
18 mittee on Intelligence of the Senate; and

19 (B) the Committee on Armed Services, the
20 Committee on Appropriations, and the Permanent
21 Select Committee on Intelligence of the House of
22 Representatives.

23 (2) The term “individual detained at Guantanamo”
24 means any individual located at United States Naval Sta-

1 tion, Guantanamo Bay, Cuba, as of October 1, 2009,
2 who—

3 (A) is not a citizen of the United States or a
4 member of the Armed Forces of the United States;
5 and

6 (B) is—

7 (i) in the custody or under the control of
8 the Department of Defense; or

9 (ii) otherwise under detention at United
10 States Naval Station, Guantanamo Bay.

11 (3) The term “foreign terrorist organization” means
12 any organization so designated by the Secretary of State
13 under section 219 of the Immigration and Nationality Act
14 (8 U.S.C. 1189).

15 SEC. 8110. (a) None of the funds appropriated or
16 otherwise made available in this or any other Act may be
17 used to construct, acquire, or modify any facility in the
18 United States, its territories, or possessions to house any
19 individual described in subsection (c) for the purposes of
20 detention or imprisonment in the custody or under the ef-
21 fective control of the Department of Defense.

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

1 (e) An individual described in this subsection is any
2 individual who, as of June 24, 2009, is located at United
3 States Naval Station, Guantanamo Bay, Cuba, and who—

4 (1) is not a citizen of the United States or a
5 member of the Armed Forces of the United States;
6 and

7 (2) is—

8 (A) in the custody or under the effective
9 control of the Department of Defense; or

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

12 SEC. 8111. None of the funds made available by this
13 Act may be used to enter into a contract, memorandum
14 of understanding, or cooperative agreement with, make a
15 grant to, or provide a loan or loan guarantee to, any cor-
16 poration that any unpaid Federal tax liability that has
17 been assessed, for which all judicial and administrative
18 remedies have been exhausted or have lapsed, and that
19 is not being paid in a timely manner pursuant to an agree-
20 ment with the authority responsible for collecting the tax
21 liability, where the awarding agency is aware of the unpaid
22 tax liability, unless the agency has considered suspension
23 or debarment of the corporation and made a determination
24 that this further action is not necessary to protect the in-
25 terests of the Government.

1 SEC. 8112. None of the funds made available by this
2 Act may be used to enter into a contract, memorandum
3 of understanding, or cooperative agreement with, make a
4 grant to, or provide a loan or loan guarantee to, any cor-
5 poration that was convicted of a felony criminal violation
6 under any Federal law within the preceding 24 months,
7 where the awarding agency is aware of the conviction, un-
8 less the agency has considered suspension or debarment
9 of the corporation and made a determination that this fur-
10 ther action is not necessary to protect the interests of the
11 Government.

12 SEC. 8113. None of the funds made available by this
13 Act may be used in contravention of section 1590 or 1591
14 of title 18, United States Code, or in contravention of the
15 requirements of section 106(g) or (h) of the Trafficking
16 Victims Protection Act of 2000 (22 U.S.C. 7104(g) or
17 (h)).

18 SEC. 8114. None of the funds made available by this
19 Act for International Military education and training, for-
20 eign military financing, excess defense article, assistance
21 under section 1206 of the National Defense Authorization
22 Act for Fiscal year 2006 (Public Law 109-163, 119 Stat.
23 3456) issuance for direct commercial sales of military
24 equipment, or peacekeeping operations for the countries
25 of Chad, Yemen, Somalia, Sudan, the Democratic Repub-

1 lie of the Congo, and Burma may be used to support any
2 military training or operation that include child soldiers,
3 as defined by the Child Soldiers Prevention Act of 2008,
4 and except if such assistance is otherwise permitted under
5 section 404 of the Child Soldiers Prevention Act of 2008
6 (Public Law 110-457; 22 U.S.C. 2370e-1).

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

10 SEC. 8116. None of the funds made available by this
11 Act may be used to retire, divest, realign, or transfer Air
12 Force aircraft, to disestablish or convert units associated
13 with such aircraft, or to disestablish or convert any other
14 unit of the Air National Guard or Air Force Reserve.

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

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

22 SEC. 8119. The total amount available in the Act for
23 pay for civilian personnel of the Department of Defense
24 for fiscal year 2013 shall be the amount otherwise appro-

1 *vided*, That such amount is designated by the Congress
2 for Overseas Contingency Operations/Global War on Ter-
3 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985.

5 MILITARY PERSONNEL, MARINE CORPS

6 For an additional amount for “Military Personnel,
7 Marine Corps”, \$1,623,356,000 (increased by
8 \$17,482,000): *Provided*, That such amount is designated
9 by the Congress for Overseas Contingency Operations/
10 Global War on Terrorism pursuant to section
11 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 MILITARY PERSONNEL, AIR FORCE

14 For an additional amount for “Military Personnel,
15 Air Force”, \$1,286,783,000 (increased by \$13,857,000):
16 *Provided*, That such amount is designated by the Congress
17 for Overseas Contingency Operations/Global War on Ter-
18 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 RESERVE PERSONNEL, ARMY

21 For an additional amount for “Reserve Personnel,
22 Army”, \$156,893,000 (increased by \$1,690,000): *Pro-*
23 *vided*, That such amount is designated by the Congress
24 for Overseas Contingency Operations/Global War on Ter-

1 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985.

3 ~~RESERVE PERSONNEL, NAVY~~

4 For an additional amount for “Reserve Personnel,
5 Navy”, \$39,335,000 (increased by \$424,000): *Provided*,
6 That such amount is designated by the Congress for Over-
7 seas Contingency Operations/Global War on Terrorism
8 pursuant to section 251(b)(2)(A)(ii) of the Balanced
9 Budget and Emergency Deficit Control Act of 1985.

10 ~~RESERVE PERSONNEL, MARINE CORPS~~

11 For an additional amount for “Reserve Personnel,
12 Marine Corps”, \$24,722,000 (increased by \$266,000):
13 *Provided*, That such amount is designated by the Congress
14 for Overseas Contingency Operations/Global War on Ter-
15 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
16 anced Budget and Emergency Deficit Control Act of 1985.

17 ~~RESERVE PERSONNEL, AIR FORCE~~

18 For an additional amount for “Reserve Personnel,
19 Air Force”, \$25,348,000 (increased by \$273,000): *Pro-*
20 *vided*, That such amount is designated by the Congress
21 for Overseas Contingency Operations/Global War on Ter-
22 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985.

1 NATIONAL GUARD PERSONNEL, ARMY

2 For an additional amount for “National Guard Per-
3 sonnel, Army”, \$583,804,000 (increased by \$6,287,000):
4 *Provided*, That such amount is designated by the Congress
5 for Overseas Contingency Operations/Global War on Ter-
6 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985.

8 NATIONAL GUARD PERSONNEL, AIR FORCE

9 For an additional amount for “National Guard Per-
10 sonnel, Air Force”, \$10,473,000 (increased by \$113,000):
11 *Provided*, That such amount is designated by the Congress
12 for Overseas Contingency Operations/Global War on Ter-
13 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 OPERATION AND MAINTENANCE

16 OPERATION AND MAINTENANCE, ARMY

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

1 OPERATION AND MAINTENANCE, NAVY

2 (INCLUDING TRANSFER OF FUNDS)

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

11 OPERATION AND MAINTENANCE, MARINE CORPS

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

18 OPERATION AND MAINTENANCE, AIR FORCE

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

1 ~~OPERATION AND MAINTENANCE, DEFENSE-WIDE~~

2 For an additional amount for “~~Operation and Main-~~
3 ~~tenance, Defense-Wide~~”, \$7,790,579,000: *Provided*, That
4 of the funds provided under this heading, not to exceed
5 \$1,750,000,000, to remain available until September 30,
6 2014, shall be for payments to reimburse key cooperating
7 nations for logistical, military, and other support, includ-
8 ing access, provided to United States military operations
9 in support of Operation Enduring Freedom, notwith-
10 standing any other provision of law: *Provided further*, That
11 such reimbursement payments may be made in such
12 amounts as the Secretary of Defense, with the concurrence
13 of the Secretary of State, and in consultation with the Di-
14 rector of the Office of Management and Budget, may de-
15 termine, in his discretion, based on documentation deter-
16 mined by the Secretary of Defense to adequately account
17 for the support provided, and such determination is final
18 and conclusive upon the accounting officers of the United
19 States, and 15 days following notification to the appro-
20 priate congressional committees: *Provided further*, That
21 the requirement under this heading to provide notification
22 shall not apply with respect to a reimbursement for access
23 based on an international agreement: *Provided further*,
24 That these funds may be used for the purpose of providing
25 specialized training and procuring supplies and specialized

1 equipment and providing such supplies and loaning such
2 equipment on a non-reimbursable basis to coalition forces
3 supporting United States military operations in Afghani-
4 stan, and 15 days following notification to the appropriate
5 congressional committees: *Provided further*, That the Sec-
6 retary of Defense shall provide quarterly reports to the
7 congressional defense committees on the use of funds pro-
8 vided in this paragraph: *Provided further*, That such
9 amount is designated by the Congress for Overseas Con-
10 tingency Operations/Global War on Terrorism pursuant to
11 section 251(b)(2)(A)(ii) of the Balanced Budget and
12 Emergency Deficit Control Act of 1985.

13 OPERATION AND MAINTENANCE, ARMY RESERVE

14 For an additional amount for “Operation and Main-
15 tenance, Army Reserve”, \$152,387,000 (increased by
16 \$5,500,000): *Provided*, That such amount is designated
17 by the Congress for Overseas Contingency Operations/
18 Global War on Terrorism pursuant to section
19 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 OPERATION AND MAINTENANCE, NAVY RESERVE

22 For an additional amount for “Operation and Main-
23 tenance, Navy Reserve”, \$55,924,000: *Provided*, That
24 such amount is designated by the Congress for Overseas
25 Contingency Operations/Global War on Terrorism pursu-

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

3 OPERATION AND MAINTENANCE, MARINE CORPS
4 RESERVE

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

11 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

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

18 OPERATION AND MAINTENANCE, ARMY NATIONAL
19 GUARD

20 For an additional amount for “Operation and Main-
21 tenance, Army National Guard”, \$382,448,000 (increased
22 by \$10,000,000): *Provided*, That such amount is des-
23 ignated by the Congress for Overseas Contingency Oper-
24 ations/Global War on Terrorism pursuant to section

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

3 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

10 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

11 (INCLUDING TRANSFER OF FUNDS)

12 In addition to amounts provided elsewhere in this
13 Act, there is appropriated \$3,250,000,000 (reduced by
14 \$18,500,000) for the “Overseas Contingency Operations
15 Transfer Fund” for expenses directly relating to overseas
16 contingency operations by United States military forces,
17 to be available until expended: *Provided*, That of the funds
18 made available in this section, the Secretary of Defense
19 may transfer these funds only to military personnel ac-
20 counts, operation and maintenance accounts, procurement
21 accounts, and working capital fund accounts: *Provided fur-*
22 *ther*, That the funds made available in this paragraph may
23 only be used for programs, projects, or activities cat-
24 egorized as Overseas Contingency Operations in the fiscal
25 year 2013 budget request for the Department of Defense

1 and the justification material and other documentation
 2 supporting such request: *Provided further*, That the funds
 3 transferred shall be merged with and shall be available for
 4 the same purposes and for the same time period, as the
 5 appropriation to which transferred: *Provided further*, that
 6 the Secretary shall notify the congressional defense com-
 7 mittees 15 days prior to such transfer: *Provided further*,
 8 That the transfer authority provided under this heading
 9 is in addition to any other transfer authority available to
 10 the Department of Defense: *Provided further*, That upon
 11 a determination that all or part of the funds transferred
 12 from this appropriation are not necessary for the purposes
 13 provided herein, such amounts may be transferred back
 14 to this appropriation and shall be available for the same
 15 purposes and for the same time period as originally appro-
 16 priated: *Provided further*, That such amount is designated
 17 by the Congress for Overseas Contingency Operations/
 18 Global War on Terrorism pursuant to section
 19 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
 20 Deficit Control Act of 1985.

21 AFGHANISTAN INFRASTRUCTURE FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For the “Afghanistan Infrastructure Fund”,
 24 \$375,000,000 (reduced by \$175,000,000), to remain
 25 available until September 30, 2014: *Provided*, That such

1 funds shall be available to the Secretary of Defense for
2 infrastructure projects in Afghanistan, notwithstanding
3 any other provision of law, which shall be undertaken by
4 the Secretary of State, unless the Secretary of State and
5 the Secretary of Defense jointly decide that a specific
6 project will be undertaken by the Department of Defense:
7 *Provided further,* That the infrastructure referred to in the
8 preceding proviso is in support of the counterinsurgency
9 strategy, which may require funding for facility and infra-
10 structure projects, including, but not limited to, water,
11 power, and transportation projects and related mainte-
12 nance and sustainment costs: *Provided further,* That the
13 authority to undertake such infrastructure projects is in
14 addition to any other authority to provide assistance to
15 foreign nations: *Provided further,* That any projects fund-
16 ed under this heading shall be jointly formulated and con-
17 curred in by the Secretary of State and Secretary of De-
18 fense: *Provided further,* That funds may be transferred to
19 the Department of State for purposes of undertaking
20 projects, which funds shall be considered to be economic
21 assistance under the Foreign Assistance Act of 1961 for
22 purposes of making available the administrative authori-
23 ties contained in that Act: *Provided further,* That the
24 transfer authority in the preceding proviso is in addition
25 to any other authority available to the Department of De-

1 fense to transfer funds: *Provided further*, That any unex-
2 pended funds transferred to the Secretary of State under
3 this authority shall be returned to the Afghanistan Infra-
4 structure Fund if the Secretary of State, in coordination
5 with the Secretary of Defense, determines that the project
6 cannot be implemented for any reason, or that the project
7 no longer supports the counterinsurgency strategy in Af-
8 ghanistan: *Provided further*, That any funds returned to
9 the Secretary of Defense under the previous proviso shall
10 be available for use under this appropriation and shall be
11 treated in the same manner as funds not transferred to
12 the Secretary of State: *Provided further*, That contribu-
13 tions of funds for the purposes provided herein to the Sec-
14 retary of State in accordance with section 635(d) of the
15 Foreign Assistance Act from any person, foreign govern-
16 ment, or international organization may be credited to this
17 Fund, to remain available until expended, and used for
18 such purposes: *Provided further*, That the Secretary of De-
19 fense shall, not fewer than 15 days prior to making trans-
20 fers to or from, or obligations from the Fund, notify the
21 appropriate committees of Congress in writing of the de-
22 tails of any such transfer: *Provided further*, That the “ap-
23 propriate committees of Congress” are the Committees on
24 Armed Services, Foreign Relations and Appropriations of
25 the Senate and the Committees on Armed Services, For-

1 eign Affairs and Appropriations of the House of Rep-
2 resentatives: *Provided further*, That such amount is des-
3 ignated by the Congress for Overseas Contingency Oper-
4 ations/Global War on Terrorism pursuant to section
5 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 AFGHANISTAN SECURITY FORCES FUND

8 For the “Afghanistan Security Forces Fund”,
9 \$5,026,500,000 (reduced by \$412,287,000) (reduced by
10 \$22,000,000), to remain available until September 30,
11 2014: *Provided*, That such funds shall be available to the
12 Secretary of Defense, notwithstanding any other provision
13 of law, for the purpose of allowing the Commander, Com-
14 bined Security Transition Command-Afghanistan, or the
15 Secretary’s designee, to provide assistance, with the con-
16 currence of the Secretary of State, to the security forces
17 of Afghanistan, including the provision of equipment, sup-
18 plies, services, training, facility and infrastructure repair,
19 renovation, and construction; *Provided fur-*
20 *ther*, That the authority to provide assistance under this
21 heading is in addition to any other authority to provide
22 assistance to foreign nations: *Provided further*, That con-
23 tributions of funds for the purposes provided herein from
24 any person, foreign government, or international organiza-
25 tion may be credited to this Fund, to remain available

1 until expended, and used for such purposes: *Provided fur-*
2 *ther*, That the Secretary of Defense shall notify the con-
3 gressional defense committees in writing upon the receipt
4 and upon the obligation of any contribution, delineating
5 the sources and amounts of the funds received and the
6 specific use of such contributions: *Provided further*, That
7 the Secretary of Defense shall, not fewer than 15 days
8 prior to obligating from this appropriation account, notify
9 the congressional defense committees in writing of the de-
10 tails of any such obligation: *Provided further*, That the
11 Secretary of Defense shall notify the congressional defense
12 committees of any proposed new projects or transfer of
13 funds between budget sub-activity groups in excess of
14 \$20,000,000: *Provided further*, That such amount is des-
15 ignated by the Congress for Overseas Contingency Oper-
16 ations/Global War on Terrorism pursuant to section
17 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 PROCUREMENT

20 AIRCRAFT PROCUREMENT, ARMY

21 For an additional amount for “Aircraft Procurement,
22 Army”, \$541,600,000, to remain available until Sep-
23 tember 30, 2015: *Provided*, That such amount is des-
24 ignated by the Congress for Overseas Contingency Oper-
25 ations/Global War on Terrorism pursuant to section

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

3 ~~MISSILE PROCUREMENT, ARMY~~

4 For an additional amount for “Missile Procurement,
5 Army”, \$49,653,000, to remain available until September
6 30, 2015: *Provided*, That such amount is designated by
7 the Congress for Overseas Contingency Operations/Global
8 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
9 the Balanced Budget and Emergency Deficit Control Act
10 of 1985.

11 ~~PROCUREMENT OF WEAPONS AND TRACKED COMBAT~~

12 ~~VEHICLES, ARMY~~

13 For an additional amount for “Procurement of Weap-
14 ons and Tracked Combat Vehicles, Army”, \$15,422,000,
15 to remain available until September 30, 2015: *Provided*,
16 That such amount is designated by the Congress for Over-
17 seas Contingency Operations/Global War on Terrorism
18 pursuant to section 251(b)(2)(A)(ii) of the Balanced
19 Budget and Emergency Deficit Control Act of 1985.

20 ~~PROCUREMENT OF AMMUNITION, ARMY~~

21 For an additional amount for “Procurement of Am-
22 munition, Army”, \$338,493,000, to remain available until
23 September 30, 2015: *Provided*, That such amount is des-
24 ignated by the Congress for Overseas Contingency Oper-
25 ations/Global War on Terrorism pursuant to section

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

3 OTHER PROCUREMENT, ARMY

4 For an additional amount for “Other Procurement,
5 Army”, \$2,005,907,000, to remain available until Sep-
6 tember 30, 2015: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 AIRCRAFT PROCUREMENT, NAVY

12 For an additional amount for “Aircraft Procurement,
13 Navy”, \$146,277,000, to remain available until September
14 30, 2015: *Provided*, That such amount is designated by
15 the Congress for Overseas Contingency Operations/Global
16 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
17 the Balanced Budget and Emergency Deficit Control Act
18 of 1985.

19 WEAPONS PROCUREMENT, NAVY

20 For an additional amount for “Weapons Procure-
21 ment, Navy”, \$22,500,000, to remain available until Sep-
22 tember 30, 2015: *Provided*, That such amount is des-
23 ignated by the Congress for Overseas Contingency Oper-
24 ations/Global War on Terrorism pursuant to section

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

3 AIRCRAFT PROCUREMENT, AIR FORCE

4 For an additional amount for “Aircraft Procurement,
5 Air Force”, \$305,600,000, to remain available until Sep-
6 tember 30, 2015: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 MISSILE PROCUREMENT, AIR FORCE

12 For an additional amount for “Missile Procurement,
13 Air Force”, \$34,350,000, to remain available until Sep-
14 tember 30, 2015: *Provided*, That such amount is des-
15 ignated by the Congress for Overseas Contingency Oper-
16 ations/Global War on Terrorism pursuant to section
17 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 PROCUREMENT OF AMMUNITION, AIR FORCE

20 For an additional amount for “Procurement of Am-
21 munition, Air Force”, \$116,203,000, to remain available
22 until September 30, 2015: *Provided*, That such amount
23 is designated by the Congress for Overseas Contingency
24 Operations/Global War on Terrorism pursuant to section

1 such amount is designated by the Congress for Overseas
2 Contingency Operations/Global War on Terrorism pursu-
3 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
4 and Emergency Deficit Control Act of 1985.

5 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
6 NAVY

7 For an additional amount for “Research, Develop-
8 ment, Test and Evaluation, Navy”, \$60,119,000, to re-
9 main available until September 30, 2014: *Provided*, That
10 such amount is designated by the Congress for Overseas
11 Contingency Operations/Global War on Terrorism pursu-
12 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
13 and Emergency Deficit Control Act of 1985.

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

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

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 DEFENSE-WIDE

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Defense-Wide”,
5 \$107,387,000, to remain available until September 30,
6 2014: *Provided*, That such amount is designated by the
7 Congress for Overseas Contingency Operations/Global
8 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
9 the Balanced Budget and Emergency Deficit Control Act
10 of 1985.

11 REVOLVING AND MANAGEMENT FUNDS

12 DEFENSE WORKING CAPITAL FUNDS

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

19 OTHER DEPARTMENT OF DEFENSE PROGRAMS

20 DEFENSE HEALTH PROGRAM

21 For an additional amount for “Defense Health Pro-
22 gram”, \$993,898,000 (increased by \$10,000,000), which
23 shall be for operation and maintenance, to remain avail-
24 able until September 30, 2014: *Provided*, That such
25 amount is designated by the Congress for Overseas Con-

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

4 ~~DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,~~
5 ~~DEFENSE~~

6 For an additional amount for “Drug Interdiction and
7 Counter-Drug Activities, Defense”, \$469,025,000, to re-
8 main available until September 30, 2014: *Provided*, That
9 such amount is designated by the Congress for Overseas
10 Contingency Operations/Global War on Terrorism pursu-
11 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
12 and Emergency Deficit Control Act of 1985.

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

15 For an additional amount for the “Joint Improvised
16 Explosive Device Defeat Fund”, \$1,614,900,000, to re-
17 main available until September 30, 2015: *Provided*, That
18 such funds shall be available to the Secretary of Defense,
19 notwithstanding any other provision of law, for the pur-
20 pose of allowing the Director of the Joint Improvised Ex-
21 plosive Device Defeat Organization to investigate, develop
22 and provide equipment, supplies, services, training, facili-
23 ties, personnel and funds to assist United States forces
24 in the defeat of improvised explosive devices: *Provided fur-*
25 *ther*, That the Secretary of Defense may transfer funds

1 provided herein to appropriations for military personnel;
2 operation and maintenance; procurement; research, devel-
3 opment, test and evaluation; and defense working capital
4 funds to accomplish the purpose provided herein: *Provided*
5 *further*, That this transfer authority is in addition to any
6 other transfer authority available to the Department of
7 Defense: *Provided further*, That the Secretary of Defense
8 shall, not fewer than 15 days prior to making transfers
9 from this appropriation, notify the congressional defense
10 committees in writing of the details of any such transfer:
11 *Provided further*, That such amount is designated by the
12 Congress for Overseas Contingency Operations/Global
13 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
14 the Balanced Budget and Emergency Deficit Control Act
15 of 1985.

16 OFFICE OF THE INSPECTOR GENERAL

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

23 GENERAL PROVISIONS—THIS TITLE

24 SEC. 9001. Notwithstanding any other provision of
25 law, funds made available in this title are in addition to

1 amounts appropriated or otherwise made available for the
2 Department of Defense for fiscal year 2013.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 9002. Upon the determination of the Secretary
5 of Defense that such action is necessary in the national
6 interest, the Secretary may, with the approval of the Of-
7 fice of Management and Budget, transfer up to
8 \$3,000,000,000 between the appropriations or funds made
9 available to the Department of Defense in this title: *Pro-*
10 *vided*, That the Secretary shall notify the Congress
11 promptly of each transfer made pursuant to the authority
12 in this section: *Provided further*, That the authority pro-
13 vided in this section is in addition to any other transfer
14 authority available to the Department of Defense and is
15 subject to the same terms and conditions as the authority
16 provided in the Department of Defense Appropriations
17 Act, 2013.

18 SEC. 9003. Supervision and administration costs as-
19 sociated with a construction project funded with appro-
20 priations available for operation and maintenance, “Af-
21 ghanistan Infrastructure Fund”, or the “Afghanistan Se-
22 curity Forces Fund” provided in this Act and executed
23 in direct support of overseas contingency operations in Af-
24 ghanistan, may be obligated at the time a construction
25 contract is awarded: *Provided*, That for the purpose of this

1 section, supervision and administration costs include all
2 in-house Government costs.

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

13 SEC. 9005. Not to exceed \$250,000,000 of the
14 amount appropriated in this title under the heading “Op-
15 eration and Maintenance, Army” may be used, notwith-
16 standing any other provision of law, to fund the Com-
17 mander’s Emergency Response Program (CERP), for the
18 purpose of enabling military commanders in Afghanistan
19 to respond to urgent, small-scale, humanitarian relief and
20 reconstruction requirements within their areas of responsi-
21 bility: *Provided*, That each project (including any ancillary
22 or related elements in connection with such project) exe-
23 cuted under this authority shall not exceed \$20,000,000:
24 *Provided further*, That not later than 45 days after the
25 end of each fiscal year quarter, the Secretary of Defense

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

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

22 (2) The budget, implementation timeline with
23 milestones, and completion date for the proposed
24 project, including any other CERP funding that has

1 been or is anticipated to be contributed to the com-
2 pletion of the project.

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

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

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

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

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

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

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

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

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

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

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

3 SEC. 9009. None of the funds provided for the “Af-
4 ghanistan Security Forces Fund” (ASFF) may be obli-
5 gated prior to the approval of a financial and activity plan
6 by the Afghanistan Resources Oversight Council (AROC)
7 of the Department of Defense: *Provided*, That the AROC
8 must approve the requirement and acquisition plan for any
9 service requirements in excess of \$50,000,000 annually
10 and any non-standard equipment requirements in excess
11 of \$100,000,000 using ASFF: *Provided further*, That the
12 AROC must approve all projects and the execution plan
13 under the “Afghanistan Infrastructure Fund” (AIF) and
14 any project in excess of \$5,000,000 from the Commanders
15 Emergency Response Program (CERP): *Provided further*,
16 That the Department of Defense must certify to the con-
17 gressional defense committees that the AROC has con-
18 vened and approved a process for ensuring compliance
19 with the requirements in the preceding provisos and ac-
20 companying report language for the ASFF, AIF, and
21 CERP.

22 SEC. 9010. Funds made available in this title to the
23 Department of Defense for operation and maintenance
24 may be used to purchase items having an investment unit
25 cost of not more than \$250,000: *Provided*, That, upon de-

1 termination by the Secretary of Defense that such action
2 is necessary to meet the operational requirements of a
3 Commander of a Combatant Command engaged in contin-
4 gency operations overseas, such funds may be used to pur-
5 chase items having an investment item unit cost of not
6 more than \$500,000.

7 SEC. 9011. Notwithstanding any other provision of
8 law, up to \$88,000,000 of funds made available in this
9 title under the heading “Operation and Maintenance,
10 Army” may be obligated and expended for purposes of the
11 Task Force for Business and Stability Operations, subject
12 to the direction and control of the Secretary of Defense,
13 with concurrence of the Secretary of State, to carry out
14 strategic business and economic assistance activities in Af-
15 ghanistan in support of Operation Enduring Freedom.
16 *Provided*, That not less than 15 days before making funds
17 available pursuant to the authority provided in this section
18 for any project with a total anticipated cost of \$5,000,000
19 or more, the Secretary shall submit to the congressional
20 defense committees a written notice containing a detailed
21 justification and timeline for each proposed project.

22 SEC. 9012. From funds made available to the De-
23 partment of Defense in this title under the heading “Oper-
24 ation and Maintenance, Air Force” up to \$508,000,000
25 may be used by the Secretary of Defense, notwithstanding

1 any other provision of law, to support United States Gov-
2 ernment transition activities in Iraq by funding the oper-
3 ations and activities of the Office of Security Cooperation
4 in Iraq and security assistance teams, including life sup-
5 port, transportation and personal security, and facilities
6 renovation and construction: *Provided*, That not less than
7 15 days before making funds available pursuant to the au-
8 thority provided in this section, the Secretary shall submit
9 to the congressional defense committees a written notice
10 containing a detailed justification and timeline for each
11 proposed site.

12 (AVAILABILITY OF FUNDS)

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

20 (RESCISSIONS)

21 SEC. 9014. Of the funds appropriated in Department
22 of Defense Appropriations Acts, the following funds are
23 hereby rescinded from the following accounts and pro-
24 grams in the specified amounts: *Provided*, That such
25 amounts are designated by the Congress for Overseas
26 Contingency Operations/Global War on Terrorism pursu-

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

3 “Retroactive Stop Loss Special Pay Program,
4 2009/20XX”, \$79,900,000; and
5 “Afghanistan Security Forces Fund, 2012/
6 20XX”, \$500,000,000.

7 SEC. 9015. None of the funds appropriated or other-
8 wise made available by this Act under the heading “Oper-
9 ation and Maintenance, Defense-Wide” for payments
10 under section 1233 of Public Law 110-181 for reimburse-
11 ment to the Government of Pakistan may be made avail-
12 able unless the Secretary of Defense, in coordination with
13 the Secretary of State certifies to the Committees on Ap-
14 propriations that the Government of Pakistan is—

15 (1) cooperating with the United States in
16 counterterrorism efforts against the Haqqani Net-
17 work, the Quetta Shura Taliban, Lashkar e-Tayyiba,
18 Jaish-e-Mohammed, Al Qaeda, and other domestic
19 and foreign terrorist organizations, including taking
20 steps to end support for such groups and prevent
21 them from basing and operating in Pakistan and
22 carrying out cross border attacks into neighboring
23 countries;

24 (2) not supporting terrorist activities against
25 United States or coalition forces in Afghanistan; and

1 Pakistan's military and intelligence agencies are not
2 intervening extra-judicially into political and judicial
3 processes in Pakistan;

4 (3) dismantling improvised explosive device
5 (IED) networks and interdicting precursor chemicals
6 used in the manufacture of IEDs;

7 (4) preventing the proliferation of nuclear-re-
8 lated material and expertise;

9 (5) issuing visas in a timely manner for United
10 States visitors engaged in counterterrorism efforts
11 and assistance programs in Pakistan; and

12 (6) providing humanitarian organizations access
13 to detainees, internally displaced persons, and other
14 Pakistani civilians affected by the conflict.

15 TITLE X

16 ADDITIONAL GENERAL PROVISIONS

17 SPENDING REDUCTION ACCOUNT

18 SEC. 10001. The amount by which the applicable al-
19 location of new budget authority made by the Committee
20 on Appropriations of the House of Representatives under
21 section 302(b) of the Congressional Budget Act of 1974
22 exceeds the amount of proposed new budget authority is
23 \$0 (increased by \$175,000,000).

24 SEC. 10002. None of the funds made available by this
25 Act may be used to operate an unmanned aircraft system

1 except in accordance with the Fourth Amendment of the
2 Constitution.

3 ~~SEC. 10003.~~ None of the funds made available by this
4 Act may be used to enter into a contract for UH-60 Leak
5 Proof Drip Pans using procedures other than competitive
6 procedures (as defined in section 2302(2) of title 10,
7 United States Code).

8 ~~SEC. 10004.~~ None of the funds made available by this
9 Act may be used to propose, plan for, or execute an addi-
10 tional Base Realignment and Closure (BRAC) round.

11 ~~SEC. 10005.~~ The amounts otherwise provided in title
12 IX of this Act are revised by reducing the amount made
13 available for “Operation and Maintenance, Defense-Wide”
14 and the amount under that heading for payments to reim-
15 burse key cooperating nations for logistical, military and
16 other support by \$650,000,000, respectively.

17 ~~SEC. 10006.~~ None of the funds made available by this
18 Act may be used to remove any portion of the Mount
19 Soledad Veterans Memorial in San Diego, California.

20 ~~SEC. 10007.~~ None of the funds made available by this
21 Act may be may be obligated or expended for assistance
22 to the following entities:

23 (1) The Government of Iran.

24 (2) The Government of Syria.

25 (3) Hamas.

1 ~~(4) Hizbullah.~~

2 ~~(5) The Muslim Brotherhood.~~

3 ~~SEC. 10008. None of the funds made available by this~~
4 ~~Act may be used by the Department of Defense or a com-~~
5 ~~ponent thereof to provide the government of the Russian~~
6 ~~Federation with any information about the missile defense~~
7 ~~systems of the United States that is classified by the De-~~
8 ~~partment or component thereof.~~

9 ~~SEC. 10009. None of the funds made available by this~~
10 ~~Act may be used to enforce section 526 of the Energy~~
11 ~~Independence and Security Act of 2007 (Public Law 110-~~
12 ~~140; 42 U.S.C. 17142).~~

13 ~~SEC. 10010. None of the Operation and Maintenance~~
14 ~~funds made available in this Act may be used in con-~~
15 ~~travention of section 41106 of title 49, United States~~
16 ~~Code.~~

17 ~~SEC. 10011. None of the funds made available by this~~
18 ~~Act may be used by the Department of Defense or any~~
19 ~~other Federal agency to lease or purchase new light duty~~
20 ~~vehicles, for any executive fleet, or for an agency's fleet~~
21 ~~inventory, except in accordance with Presidential Memo-~~
22 ~~randum-Federal Fleet Performance, dated May 24, 2011.~~

23 ~~SEC. 10012. None of the funds made available by this~~
24 ~~Act may be used to enter into a contract, with any person~~
25 ~~or other entity listed in the Federal Awardee Performance~~

1 and Integrity Information System (“FAPHS”) as having
2 been convicted of fraud against the Federal Government.

3 SEC. 10013. None of the funds made available by this
4 Act may be used in contravention of section 7 of title 1,
5 United States Code.

6 SEC. 10014. None of the funds made available by this
7 Act may be used to enter into a contract, memorandum
8 of understanding, or cooperative agreement with, make a
9 grant to, or provide a loan or loan guarantee to
10 Rosoboronexport.

11 SEC. 10015. None of the funds made available by this
12 Act may be used to—

13 (1) reduce the nuclear forces of the United
14 States in contravention of section 303(b) of the
15 Arms Control and Disarmament Act (22 U.S.C.
16 2573(b)); or

17 (2) implement the Nuclear Posture Review Im-
18 plementation Study or modify the Secretary of De-
19 fense Guidance for Employment of Force, Annex B,
20 or the Joint Strategic Capabilities Plan, Annex N.

21 SEC. 10016. None of the funds made available by this
22 Act may be used to reduce the number of the following
23 nuclear weapons delivery vehicles of the United States:

24 (1) Heavy bomber aircraft.

25 (2) Air-launched cruise missiles.

1 *permanent duty stations, for members of the Navy on active*
2 *duty (except members of the Reserve provided for elsewhere),*
3 *midshipmen, and aviation cadets; for members of the Re-*
4 *serve Officers' Training Corps; and for payments pursuant*
5 *to section 156 of Public Law 97-377, as amended (42*
6 *U.S.C. 402 note), and to the Department of Defense Mili-*
7 *tary Retirement Fund, \$26,989,384,000.*

8 *MILITARY PERSONNEL, MARINE CORPS*

9 *For pay, allowances, individual clothing, subsistence,*
10 *interest on deposits, gratuities, permanent change of station*
11 *travel (including all expenses thereof for organizational*
12 *movements), and expenses of temporary duty travel between*
13 *permanent duty stations, for members of the Marine Corps*
14 *on active duty (except members of the Reserve provided for*
15 *elsewhere); and for payments pursuant to section 156 of*
16 *Public Law 97-377, as amended (42 U.S.C. 402 note), and*
17 *to the Department of Defense Military Retirement Fund,*
18 *\$12,529,469,000.*

19 *MILITARY PERSONNEL, AIR FORCE*

20 *For pay, allowances, individual clothing, subsistence,*
21 *interest on deposits, gratuities, permanent change of station*
22 *travel (including all expenses thereof for organizational*
23 *movements), and expenses of temporary duty travel between*
24 *permanent duty stations, for members of the Air Force on*
25 *active duty (except members of reserve components provided*

1 *for elsewhere), cadets, and aviation cadets; for members of*
2 *the Reserve Officers' Training Corps; and for payments*
3 *pursuant to section 156 of Public Law 97-377, as amended*
4 *(42 U.S.C. 402 note), and to the Department of Defense*
5 *Military Retirement Fund, \$28,053,829,000.*

6 *RESERVE PERSONNEL, ARMY*

7 *For pay, allowances, clothing, subsistence, gratuities,*
8 *travel, and related expenses for personnel of the Army Re-*
9 *serve on active duty under sections 10211, 10302, and 3038*
10 *of title 10, United States Code, or while serving on active*
11 *duty under section 12301(d) of title 10, United States Code,*
12 *in connection with performing duty specified in section*
13 *12310(a) of title 10, United States Code, or while under-*
14 *going reserve training, or while performing drills or equiva-*
15 *lent duty or other duty, and expenses authorized by section*
16 *16131 of title 10, United States Code; and for payments*
17 *to the Department of Defense Military Retirement Fund,*
18 *\$4,341,823,000.*

19 *RESERVE PERSONNEL, NAVY*

20 *For pay, allowances, clothing, subsistence, gratuities,*
21 *travel, and related expenses for personnel of the Navy Re-*
22 *serve on active duty under section 10211 of title 10, United*
23 *States Code, or while serving on active duty under section*
24 *12301(d) of title 10, United States Code, in connection with*
25 *performing duty specified in section 12310(a) of title 10,*

1 *United States Code, or while undergoing reserve training,*
2 *or while performing drills or equivalent duty, and expenses*
3 *authorized by section 16131 of title 10, United States Code;*
4 *and for payments to the Department of Defense Military*
5 *Retirement Fund, \$1,875,598,000.*

6 *RESERVE PERSONNEL, MARINE CORPS*

7 *For pay, allowances, clothing, subsistence, gratuities,*
8 *travel, and related expenses for personnel of the Marine*
9 *Corps Reserve on active duty under section 10211 of title*
10 *10, United States Code, or while serving on active duty*
11 *under section 12301(d) of title 10, United States Code, in*
12 *connection with performing duty specified in section*
13 *12310(a) of title 10, United States Code, or while under-*
14 *going reserve training, or while performing drills or equiva-*
15 *lent duty, and for members of the Marine Corps platoon*
16 *leaders class, and expenses authorized by section 16131 of*
17 *title 10, United States Code; and for payments to the De-*
18 *partment of Defense Military Retirement Fund,*
19 *\$659,621,000.*

20 *RESERVE PERSONNEL, AIR FORCE*

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

1 *Code, in connection with performing duty specified in sec-*
2 *tion 12310(a) of title 10, United States Code, or while un-*
3 *dergoing reserve training, or while performing drills or*
4 *equivalent duty or other duty, and expenses authorized by*
5 *section 16131 of title 10, United States Code; and for pay-*
6 *ments to the Department of Defense Military Retirement*
7 *Fund, \$1,728,505,000.*

8 *NATIONAL GUARD PERSONNEL, ARMY*

9 *For pay, allowances, clothing, subsistence, gratuities,*
10 *travel, and related expenses for personnel of the Army Na-*
11 *tional Guard while on duty under section 10211, 10302,*
12 *or 12402 of title 10 or section 708 of title 32, United States*
13 *Code, or while serving on duty under section 12301(d) of*
14 *title 10 or section 502(f) of title 32, United States Code,*
15 *in connection with performing duty specified in section*
16 *12310(a) of title 10, United States Code, or while under-*
17 *going training, or while performing drills or equivalent*
18 *duty or other duty, and expenses authorized by section*
19 *16131 of title 10, United States Code; and for payments*
20 *to the Department of Defense Military Retirement Fund,*
21 *\$8,005,077,000.*

22 *NATIONAL GUARD PERSONNEL, AIR FORCE*

23 *For pay, allowances, clothing, subsistence, gratuities,*
24 *travel, and related expenses for personnel of the Air Na-*
25 *tional Guard on duty under section 10211, 10305, or 12402*

1 *of title 10 or section 708 of title 32, United States Code,*
2 *or while serving on duty under section 12301(d) of title 10*
3 *or section 502(f) of title 32, United States Code, in connec-*
4 *tion with performing duty specified in section 12310(a) of*
5 *title 10, United States Code, or while undergoing training,*
6 *or while performing drills or equivalent duty or other duty,*
7 *and expenses authorized by section 16131 of title 10, United*
8 *States Code; and for payments to the Department of Defense*
9 *Military Retirement Fund, \$3,161,765,000.*

10

TITLE II

11

OPERATION AND MAINTENANCE

12

OPERATION AND MAINTENANCE, ARMY

13

For expenses, not otherwise provided for, necessary for
14 *the operation and maintenance of the Army, as authorized*
15 *by law; and not to exceed \$12,478,000 can be used for emer-*
16 *gencies and extraordinary expenses, to be expended on the*
17 *approval or authority of the Secretary of the Army, and*
18 *payments may be made on his certificate of necessity for*
19 *confidential military purposes, \$33,804,145,000.*

20

OPERATION AND MAINTENANCE, NAVY

21

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

1 *of the Navy, and payments may be made on his certificate*
2 *of necessity for confidential military purposes,*
3 *\$40,479,556,000.*

4 *OPERATION AND MAINTENANCE, MARINE CORPS*

5 *For expenses, not otherwise provided for, necessary for*
6 *the operation and maintenance of the Marine Corps, as au-*
7 *thorized by law, \$5,894,963,000.*

8 *OPERATION AND MAINTENANCE, AIR FORCE*

9 *For expenses, not otherwise provided for, necessary for*
10 *the operation and maintenance of the Air Force, as author-*
11 *ized by law; and not to exceed \$7,699,000 can be used for*
12 *emergencies and extraordinary expenses, to be expended on*
13 *the approval or authority of the Secretary of the Air Force,*
14 *and payments may be made on his certificate of necessity*
15 *for confidential military purposes, \$34,983,793,000.*

16 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For expenses, not otherwise provided for, necessary for*
19 *the operation and maintenance of activities and agencies*
20 *of the Department of Defense (other than the military de-*
21 *partments), as authorized by law, \$31,331,839,000: Pro-*
22 *vided, That not more than \$30,000,000 may be used for*
23 *the Combatant Commander Initiative Fund authorized*
24 *under section 166a of title 10, United States Code: Provided*
25 *further, That not to exceed \$36,000,000 can be used for*

1 *emergencies and extraordinary expenses, to be expended on*
2 *the approval or authority of the Secretary of Defense, and*
3 *payments may be made on his certificate of necessity for*
4 *confidential military purposes: Provided further, That of*
5 *the funds provided under this heading, not less than*
6 *\$36,480,000 shall be made available for the Procurement*
7 *Technical Assistance Cooperative Agreement Program, of*
8 *which not less than \$3,600,000 shall be available for centers*
9 *defined in 10 U.S.C. 2411(1)(D): Provided further, That*
10 *none of the funds appropriated or otherwise made available*
11 *by this Act may be used to plan or implement the consolida-*
12 *tion of a budget or appropriations liaison office of the Office*
13 *of the Secretary of Defense, the office of the Secretary of*
14 *a military department, or the service headquarters of one*
15 *of the Armed Forces into a legislative affairs or legislative*
16 *liaison office: Provided further, That \$8,563,000, to remain*
17 *available until expended, is available only for expenses re-*
18 *lating to certain classified activities, and may be trans-*
19 *ferred as necessary by the Secretary of Defense to operation*
20 *and maintenance appropriations or research, development,*
21 *test and evaluation appropriations, to be merged with and*
22 *to be available for the same time period as the appropria-*
23 *tions to which transferred: Provided further, That any ceil-*
24 *ing on the investment item unit cost of items that may be*
25 *purchased with operation and maintenance funds shall not*

1 *apply to the funds described in the preceding proviso: Pro-*
2 *vided further, That the transfer authority provided under*
3 *this heading is in addition to any other transfer authority*
4 *provided elsewhere in this Act.*

5 *OPERATION AND MAINTENANCE, ARMY RESERVE*

6 *For expenses, not otherwise provided for, necessary for*
7 *the operation and maintenance, including training, organi-*
8 *zation, and administration, of the Army Reserve; repair of*
9 *facilities and equipment; hire of passenger motor vehicles;*
10 *travel and transportation; care of the dead; recruiting; pro-*
11 *curement of services, supplies, and equipment; and commu-*
12 *nications, \$3,140,508,000.*

13 *OPERATION AND MAINTENANCE, NAVY RESERVE*

14 *For expenses, not otherwise provided for, necessary for*
15 *the operation and maintenance, including training, organi-*
16 *zation, and administration, of the Navy Reserve; repair of*
17 *facilities and equipment; hire of passenger motor vehicles;*
18 *travel and transportation; care of the dead; recruiting; pro-*
19 *curement of services, supplies, and equipment; and commu-*
20 *nications, \$1,246,982,000.*

21 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

22 *For expenses, not otherwise provided for, necessary for*
23 *the operation and maintenance, including training, organi-*
24 *zation, and administration, of the Marine Corps Reserve;*
25 *repair of facilities and equipment; hire of passenger motor*

1 *vehicles; travel and transportation; care of the dead; recruit-*
2 *ing; procurement of services, supplies, and equipment; and*
3 *communications, \$272,285,000.*

4 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

5 *For expenses, not otherwise provided for, necessary for*
6 *the operation and maintenance, including training, organi-*
7 *zation, and administration, of the Air Force Reserve; repair*
8 *of facilities and equipment; hire of passenger motor vehicles;*
9 *travel and transportation; care of the dead; recruiting; pro-*
10 *curement of services, supplies, and equipment; and commu-*
11 *nications, \$3,227,382,000.*

12 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

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

1 *modification, maintenance, and issue of supplies and*
2 *equipment (including aircraft), \$7,075,042,000.*

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, \$6,493,155,000.*

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, \$13,516,000,*
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, \$335,921,000, 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, \$310,594,000, 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, \$529,263,000,*
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, \$11,133,000, 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, \$287,543,000, 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), \$108,759,000, to remain available until Sep-*
7 *tember 30, 2014.*

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 *\$519,111,000, to remain available until September 30,*
23 *2015.*

1 *DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE*

2 *DEVELOPMENT FUND*

3 *For the Department of Defense Acquisition Workforce*

4 *Development Fund, \$720,000,000.*

5 *TITLE III*

6 *PROCUREMENT*

7 *AIRCRAFT PROCUREMENT, ARMY*

8 *For construction, procurement, production, modifica-*
9 *tion, and modernization of aircraft, equipment, including*
10 *ordnance, ground handling equipment, spare parts, and ac-*
11 *cessories therefor; specialized equipment and training de-*
12 *vices; expansion of public and private plants, including 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 *\$5,414,061,000, to remain available for obligation until*
21 *September 30, 2015.*

22 *MISSILE PROCUREMENT, ARMY*

23 *For construction, procurement, production, modifica-*
24 *tion, and modernization of missiles, equipment, including*
25 *ordnance, ground handling equipment, spare parts, and ac-*

1 *cessories therefor; specialized equipment and training de-*
2 *vices; expansion of public and private plants, including the*
3 *land necessary therefor, for the foregoing purposes, and such*
4 *lands and interests therein, may be acquired, and construc-*
5 *tion prosecuted thereon prior to approval of title; and pro-*
6 *curement and installation of equipment, appliances, and*
7 *machine tools in public and private plants; reserve plant*
8 *and Government and contractor-owned equipment layaway;*
9 *and other expenses necessary for the foregoing purposes,*
10 *\$1,429,665,000, to remain available for obligation until*
11 *September 30, 2015.*

12 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*

13 *VEHICLES, ARMY*

14 *For construction, procurement, production, and modi-*
15 *fication of weapons and tracked combat vehicles, equipment,*
16 *including ordnance, spare parts, and accessories therefor;*
17 *specialized equipment and training devices; expansion of*
18 *public and private plants, including the land necessary*
19 *therefor, for the foregoing purposes, and such lands and in-*
20 *terests therein, may be acquired, and construction pros-*
21 *ecuted thereon prior to approval of title; and procurement*
22 *and installation of equipment, appliances, and machine*
23 *tools in public and private plants; reserve plant and Gov-*
24 *ernment and contractor-owned equipment layaway; and*
25 *other expenses necessary for the foregoing purposes,*

1 \$1,687,823,000, to remain available for obligation until
2 September 30, 2015.

3 *PROCUREMENT OF AMMUNITION, ARMY*

4 *For construction, procurement, production, and modi-*
5 *fication of ammunition, and accessories therefor; specialized*
6 *equipment and training devices; expansion of public and*
7 *private plants, including ammunition facilities, authorized*
8 *by section 2854 of title 10, United States Code, and the*
9 *land necessary therefor, for the foregoing purposes, and such*
10 *lands and interests therein, may be acquired, and construc-*
11 *tion prosecuted thereon prior to approval of title; and pro-*
12 *curement and installation of equipment, appliances, and*
13 *machine tools in public and private plants; reserve plant*
14 *and Government and contractor-owned equipment layaway;*
15 *and other expenses necessary for the foregoing purposes,*
16 *\$1,624,380,000, to remain available for obligation until*
17 *September 30, 2015.*

18 *OTHER PROCUREMENT, ARMY*

19 *For construction, procurement, production, and modi-*
20 *fication of vehicles, including tactical, support, and non-*
21 *tracked combat vehicles; the purchase of passenger motor ve-*
22 *hicles for replacement only; communications and electronic*
23 *equipment; other support equipment; spare parts, ordnance,*
24 *and accessories therefor; specialized equipment and training*
25 *devices; expansion of public and private plants, including*

1 *the land necessary therefor, for the foregoing purposes, and*
2 *such lands and interests therein, may be acquired, and con-*
3 *struction prosecuted thereon prior to approval of title; and*
4 *procurement and installation of equipment, appliances,*
5 *and machine tools in public and private plants; reserve*
6 *plant and Government and contractor-owned equipment*
7 *layaway; and other expenses necessary for the foregoing*
8 *purposes, \$4,980,209,000, to remain available for obligation*
9 *until September 30, 2015.*

10 *AIRCRAFT PROCUREMENT, NAVY*

11 *For construction, procurement, production, modifica-*
12 *tion, and modernization of aircraft, equipment, including*
13 *ordnance, spare parts, and accessories therefor; specialized*
14 *equipment; expansion of public and private plants, includ-*
15 *ing the land necessary therefor, and such lands and inter-*
16 *ests therein, may be acquired, and construction prosecuted*
17 *thereon prior to approval of title; and procurement and in-*
18 *stallation of equipment, appliances, and machine tools in*
19 *public and private plants; reserve plant and Government*
20 *and contractor-owned equipment layaway,*
21 *\$16,936,358,000, to remain available for obligation until*
22 *September 30, 2015.*

23 *WEAPONS PROCUREMENT, NAVY*

24 *For construction, procurement, production, modifica-*
25 *tion, and modernization of missiles, torpedoes, other weap-*

1 *ons, and related support equipment including spare parts,*
2 *and accessories therefor; expansion of public and private*
3 *plants, including the land necessary therefor, and such*
4 *lands and interests therein, may be acquired, and construc-*
5 *tion prosecuted thereon prior to approval of title; and pro-*
6 *curement and installation of equipment, appliances, and*
7 *machine tools in public and private plants; reserve plant*
8 *and Government and contractor-owned equipment layaway,*
9 *\$3,066,919,000, to remain available for obligation until*
10 *September 30, 2015.*

11 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*
12 *CORPS*

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 \$719,154,000, to remain available for obligation until Sep-
2 tember 30, 2015.

3 *SHIPBUILDING AND CONVERSION, NAVY*

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

16 *Carrier Replacement Program, \$564,371,000;*
17 *Virginia Class Submarine, \$3,217,601,000;*
18 *Virginia Class Submarine (AP), \$1,652,557,000;*
19 *CVN Refueling Overhaul, \$1,613,392,000;*
20 *CVN Refueling Overhauls (AP), \$70,010,000;*
21 *DDG-1000 Program, \$669,222,000;*
22 *DDG-51 Destroyer, \$4,048,658,000;*
23 *DDG-51 Destroyer (AP), \$466,283,000;*
24 *Littoral Combat Ship, \$1,784,959,000;*
25 *LPD-17 (AP), \$263,255,000;*

1 *Joint High Speed Vessel, \$189,196,000;*
2 *Moored Training Ship, \$307,300,000;*
3 *LCAC Service Life Extension Program,*
4 *\$85,830,000; and*

5 *For outfitting, post delivery, conversions, and*
6 *first destination transportation, \$309,648,000.*

7 *Completion of Prior Year Shipbuilding Pro-*
8 *grams, \$372,573,000.*

9 *In all: \$15,614,855,000, to remain available for obliga-*
10 *tion until September 30, 2017: Provided, That additional*
11 *obligations may be incurred after September 30, 2017, for*
12 *engineering services, tests, evaluations, and other such budg-*
13 *eted work that must be performed in the final stage of ship*
14 *construction: Provided further, That none of the funds pro-*
15 *vided under this heading for the construction or conversion*
16 *of any naval vessel to be constructed in shipyards in the*
17 *United States shall be expended in foreign facilities for the*
18 *construction of major components of such vessel: Provided*
19 *further, That none of the funds provided under this heading*
20 *shall be used for the construction of any naval vessel in*
21 *foreign shipyards.*

22 *OTHER PROCUREMENT, NAVY*

23 *For procurement, production, and modernization of*
24 *support equipment and materials not otherwise provided*
25 *for, Navy ordnance (except ordnance for new aircraft, new*

1 *ships, and ships authorized for conversion); the purchase*
2 *of passenger motor vehicles for replacement only; expansion*
3 *of public and private plants, including the land necessary*
4 *therefor, and such lands and interests therein, may be ac-*
5 *quired, and construction prosecuted thereon prior to ap-*
6 *proval of title; and procurement and installation of equip-*
7 *ment, appliances, and machine tools in public and private*
8 *plants; reserve plant and Government and contractor-owned*
9 *equipment layaway, \$6,170,286,000, to remain available*
10 *for obligation until September 30, 2015.*

11 *PROCUREMENT, MARINE CORPS*

12 *For expenses necessary for the procurement, manufac-*
13 *ture, and modification of missiles, armament, military*
14 *equipment, spare parts, and accessories therefor; plant*
15 *equipment, appliances, and machine tools, and installation*
16 *thereof in public and private plants; reserve plant and Gov-*
17 *ernment and contractor-owned equipment layaway; vehicles*
18 *for the Marine Corps, including the purchase of passenger*
19 *motor vehicles for replacement only; and expansion of pub-*
20 *lic and private plants, including land necessary therefor,*
21 *and such lands and interests therein, may be acquired, and*
22 *construction prosecuted thereon prior to approval of title,*
23 *\$1,334,448,000, to remain available for obligation until*
24 *September 30, 2015.*

1 *AIRCRAFT PROCUREMENT, AIR FORCE*

2 *For construction, procurement, and modification of*
3 *aircraft and equipment, including armor and armament,*
4 *specialized ground handling equipment, and training de-*
5 *vices, spare parts, and accessories therefor; specialized*
6 *equipment; expansion of public and private plants, Govern-*
7 *ment-owned equipment and installation thereof in such*
8 *plants, erection of structures, and acquisition of land, for*
9 *the foregoing purposes, and such lands and interests therein,*
10 *may be acquired, and construction prosecuted thereon prior*
11 *to approval of title; reserve plant and Government and con-*
12 *tractor-owned equipment layaway; and other expenses nec-*
13 *essary for the foregoing purposes including rents and trans-*
14 *portation of things, \$11,260,646,000, to remain available*
15 *for obligation until September 30, 2015.*

16 *MISSILE PROCUREMENT, AIR FORCE*

17 *For construction, procurement, and modification of*
18 *missiles, spacecraft, rockets, and related equipment, includ-*
19 *ing spare parts and accessories therefor, ground handling*
20 *equipment, and training devices; expansion of public and*
21 *private plants, Government-owned equipment and installa-*
22 *tion thereof in such plants, erection of structures, and ac-*
23 *quisition of land, for the foregoing purposes, and such lands*
24 *and interests therein, may be acquired, and construction*
25 *prosecuted thereon prior to approval of title; reserve plant*

1 *and Government and contractor-owned equipment layaway;*
2 *and other expenses necessary for the foregoing purposes in-*
3 *cluding rents and transportation of things, \$4,913,276,000,*
4 *to remain available for obligation until September 30,*
5 *2015.*

6 *PROCUREMENT OF AMMUNITION, AIR FORCE*

7 *For construction, procurement, production, and modi-*
8 *fication of ammunition, and accessories therefor; specialized*
9 *equipment and training devices; expansion of public and*
10 *private plants, including ammunition facilities, authorized*
11 *by section 2854 of title 10, United States Code, and the*
12 *land necessary therefor, for the foregoing purposes, and such*
13 *lands and interests therein, may be acquired, and construc-*
14 *tion prosecuted thereon prior to approval of title; and pro-*
15 *curement and installation of equipment, appliances, and*
16 *machine tools in public and private plants; reserve plant*
17 *and Government and contractor-owned equipment layaway;*
18 *and other expenses necessary for the foregoing purposes,*
19 *\$593,194,000, to remain available for obligation until Sep-*
20 *tember 30, 2015.*

21 *OTHER PROCUREMENT, AIR FORCE*

22 *For procurement and modification of equipment (in-*
23 *cluding ground guidance and electronic control equipment,*
24 *and ground electronic and communication equipment), and*
25 *supplies, materials, and spare parts therefor, not otherwise*

1 *provided for; the purchase of passenger motor vehicles for*
2 *replacement only; lease of passenger motor vehicles; and ex-*
3 *pansion of public and private plants, Government-owned*
4 *equipment and installation thereof in such plants, erection*
5 *of structures, and acquisition of land, for the foregoing pur-*
6 *poses, and such lands and interests therein, may be ac-*
7 *quired, and construction prosecuted thereon, prior to ap-*
8 *proval of title; reserve plant and Government and con-*
9 *tractor-owned equipment layaway, \$17,008,348,000, to re-*
10 *main available for obligation until September 30, 2015.*

11 *PROCUREMENT, DEFENSE-WIDE*

12 *For expenses of activities and agencies of the Depart-*
13 *ment of Defense (other than the military departments) nec-*
14 *essary for procurement, production, and modification of*
15 *equipment, supplies, materials, and spare parts therefor,*
16 *not otherwise provided for; the purchase of passenger motor*
17 *vehicles for replacement only; expansion of public and pri-*
18 *vate plants, 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 therein,*
21 *may be acquired, and construction prosecuted thereon prior*
22 *to approval of title; reserve plant and Government and con-*
23 *tractor-owned equipment layaway, \$4,692,685,000, to re-*
24 *main available for obligation until September 30, 2015.*

1 *DEFENSE PRODUCTION ACT PURCHASES*

2 *For activities by the Department of Defense pursuant*
3 *to sections 108, 301, 302, and 303 of the Defense Production*
4 *Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093),*
5 *\$189,189,000, to remain available until expended.*

6 *TITLE IV*7 *RESEARCH, DEVELOPMENT, TEST AND*8 *EVALUATION*9 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

10 *For expenses necessary for basic and applied scientific*
11 *research, development, test and evaluation, including main-*
12 *tenance, rehabilitation, lease, and operation of facilities*
13 *and equipment, \$8,427,588,000, to remain available for ob-*
14 *ligation until September 30, 2014.*

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

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, \$16,646,307,000, to remain available for*
20 *obligation until September 30, 2014: Provided, That funds*
21 *appropriated in this paragraph which are available for the*
22 *V-22 may be used to meet unique operational requirements*
23 *of the Special Operations Forces: Provided further, That*
24 *funds appropriated in this paragraph shall be available for*
25 *the Cobra Judy program.*

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

3 *For expenses necessary for basic and applied scientific*
4 *research, development, test and evaluation, including main-*
5 *tenance, rehabilitation, lease, and operation of facilities*
6 *and equipment, \$25,374,286,000, to remain available for*
7 *obligation until September 30, 2014.*

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

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For expenses of activities and agencies of the Depart-*
12 *ment of Defense (other than the military departments), nec-*
13 *essary for basic and applied scientific research, develop-*
14 *ment, test and evaluation; advanced research projects as*
15 *may be designated and determined by the Secretary of De-*
16 *fense, pursuant to law; maintenance, rehabilitation, lease,*
17 *and operation of facilities and equipment, \$18,419,129,000,*
18 *to remain available for obligation until September 30,*
19 *2014: Provided, That of the funds made available in this*
20 *paragraph, \$200,000,000 for the Defense Rapid Innovation*
21 *Program shall only be available for expenses, not otherwise*
22 *provided for, to include program management and over-*
23 *sight, to conduct research, development, test and evaluation*
24 *to include proof of concept demonstration; engineering, test-*
25 *ing, and validation; and transition to full-scale production:*

1 *Provided further, That the Secretary of Defense may trans-*
2 *fer funds provided herein for the Defense Rapid Innovation*
3 *Program to appropriations for research, development, test*
4 *and evaluation to accomplish the purpose provided herein:*
5 *Provided further, That this transfer authority is in addi-*
6 *tion to any other transfer authority available to the Depart-*
7 *ment of Defense: Provided further, That the Secretary of*
8 *Defense shall, not fewer than 30 days prior to making*
9 *transfers from this appropriation, notify the congressional*
10 *defense committees in writing of the details of any such*
11 *transfer.*

12 *OPERATIONAL TEST AND EVALUATION, DEFENSE*

13 *For expenses, not otherwise provided for, necessary for*
14 *the independent activities of the Director, Operational Test*
15 *and Evaluation, in the direction and supervision of oper-*
16 *ational test and evaluation, including initial operational*
17 *test and evaluation which is conducted prior to, and in sup-*
18 *port of, production decisions; joint operational testing and*
19 *evaluation; and administrative expenses in connection*
20 *therewith, \$223,768,000, to remain available for obligation*
21 *until September 30, 2014.*

1 *TITLE V*
2 *REVOLVING AND MANAGEMENT FUNDS*

3 *DEFENSE WORKING CAPITAL FUNDS*

4 *For the Defense Working Capital Funds,*
5 *\$1,516,184,000.*

6 *NATIONAL DEFENSE SEALIFT FUND*

7 *For National Defense Sealift Fund programs, projects,*
8 *and activities, and for expenses of the National Defense Re-*
9 *serve Fleet, as established by section 11 of the Merchant*
10 *Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the*
11 *necessary expenses to maintain and preserve a U.S.-flag*
12 *merchant fleet to serve the national security needs of the*
13 *United States, \$697,840,000, to remain available until ex-*
14 *pende: Provided, That none of the funds provided in this*
15 *paragraph shall be used to award a new contract that pro-*
16 *vides for the acquisition of any of the following major com-*
17 *ponents unless such components are manufactured in the*
18 *United States: auxiliary equipment, including pumps, for*
19 *all shipboard services; propulsion system components (en-*
20 *gines, reduction gears, and propellers); shipboard cranes;*
21 *and spreaders for shipboard cranes: Provided further, That*
22 *the exercise of an option in a contract awarded through the*
23 *obligation of previously appropriated funds shall not be*
24 *considered to be the award of a new contract: Provided fur-*
25 *ther, That the Secretary of the military department respon-*

1 sible for such procurement may waive the restrictions in
2 the first proviso on a case-by-case basis by certifying in
3 writing to the Committees on Appropriations of the House
4 of Representatives and the Senate that adequate domestic
5 supplies are not available to meet Department of Defense
6 requirements on a timely basis and that such an acquisition
7 must be made in order to acquire capability for national
8 security purposes.

9
10 *TITLE VI*
11 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

12 *DEFENSE HEALTH PROGRAM*

13 *For expenses, not otherwise provided for, for medical*
14 *and health care programs of the Department of Defense as*
15 *authorized by law, \$32,240,788,000; of which*
16 *\$30,707,349,000 shall be for operation and maintenance, of*
17 *which not to exceed 1 percent shall remain available until*
18 *September 30, 2014, and of which up to \$15,954,952,000*
19 *may be available for contracts entered into under the*
20 *TRICARE program; of which \$506,462,000, to remain*
21 *available for obligation until September 30, 2015, shall be*
22 *for procurement; and of which \$1,026,977,000, to remain*
23 *available for obligation until September 30, 2014, shall be*
for research, development, test and evaluation.

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

4 *For drug interdiction and counter-drug activities of*
5 *the Department of Defense, for transfer to appropriations*
6 *available to the Department of Defense for military per-*
7 *sonnel of the reserve components serving under the provi-*
8 *sions of title 10 and title 32, United States Code; for oper-*
9 *ation and maintenance; for procurement; and for research,*
10 *development, test and evaluation, \$1,138,263,000: Provided,*
11 *That the funds appropriated under this heading shall be*
12 *available for obligation for the same time period and for*
13 *the same purpose as the appropriation to which transferred:*
14 *Provided further, That upon a determination that all or*
15 *part of the funds transferred from this appropriation are*
16 *not necessary for the purposes provided herein, such*
17 *amounts may be transferred back to this appropriation:*
18 *Provided further, That the transfer authority provided*
19 *under this heading is in addition to any other transfer au-*
20 *thority contained elsewhere in this Act.*

21 *OFFICE OF THE INSPECTOR GENERAL*

22 *For expenses and activities of the Office of the Inspec-*
23 *tor General in carrying out the provisions of the Inspector*
24 *General Act of 1978, as amended, \$332,921,000, of which*
25 *\$331,921,000 shall be for operation and maintenance, of*

1 *which not to exceed \$700,000 is available for emergencies*
2 *and extraordinary expenses to be expended on the approval*
3 *or authority of the Inspector General, and payments may*
4 *be made on the Inspector General's certificate of necessity*
5 *for confidential military purposes; of which \$1,000,000, to*
6 *remain available until September 30, 2015, shall be for pro-*
7 *curement.*

8 *TITLE VII*

9 *RELATED AGENCIES*

10 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*

11 *DISABILITY SYSTEM FUND*

12 *For payment to the Central Intelligence Agency Retire-*
13 *ment and Disability System Fund, to maintain the proper*
14 *funding level for continuing the operation of the Central*
15 *Intelligence Agency Retirement and Disability System,*
16 *\$514,000,000.*

17 *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*

18 *For necessary expenses of the Intelligence Community*
19 *Management Account, \$542,346,000.*

20 *TITLE VIII*

21 *GENERAL PROVISIONS*

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

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

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

24 *SEC. 8004. No more than 20 percent of the appropria-*
25 *tions in this Act which are limited for obligation during*

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

6 *(TRANSFER OF FUNDS)*

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

1 *this Act shall be available to prepare or present a request*
2 *to the Committees on Appropriations for reprogramming*
3 *of funds, unless for higher priority items, based on unfore-*
4 *seen military requirements, than those for which originally*
5 *appropriated and in no case where the item for which re-*
6 *programming is requested has been denied by the Congress:*
7 *Provided further, That a request for multiple*
8 *reprogrammings of funds using authority provided in this*
9 *section shall be made prior to June 30, 2013: Provided fur-*
10 *ther, That transfers among military personnel appropria-*
11 *tions shall not be taken into account for purposes of the*
12 *limitation on the amount of funds that may be transferred*
13 *under this section.*

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

1 **(b)** *Amounts specified in the referenced tables described*
2 *in subsection (a) shall not be treated as subdivisions of ap-*
3 *propriations for purposes of section 8005 of this Act: Pro-*
4 *vided, That section 8005 shall apply when transfers of the*
5 *amounts described in subsection (a) occur between appro-*
6 *priation accounts.*

7 **SEC. 8007. (a)** *Not later than 60 days after enactment*
8 *of this Act, the Department of Defense shall submit a report*
9 *to the congressional defense committees to establish the base-*
10 *line for application of reprogramming and transfer au-*
11 *thorities for fiscal year 2013: Provided, That the report*
12 *shall include—*

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

18 **(2)** *a delineation in the table for each appropri-*
19 *ation both by budget activity and program, project,*
20 *and activity as detailed in the Budget Appendix; and*

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

23 **(b)** *Notwithstanding section 8005 of this Act, none of*
24 *the funds provided in this Act shall be available for re-*
25 *programming or transfer until the report identified in sub-*

1 *section (a) is submitted to the congressional defense commit-*
2 *tees, unless the Secretary of Defense certifies in writing to*
3 *the congressional defense committees that such reprogram-*
4 *ming or transfer is necessary as an emergency requirement.*

5 (TRANSFER OF FUNDS)

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

1 *SEC. 8009. Funds appropriated by this Act may not*
2 *be used to initiate a special access program without prior*
3 *notification 30 calendar days in advance to the congress-*
4 *sional defense committees.*

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

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

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

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

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

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

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

6 *F/A-18E, F/A-18F, and EA-18G aircraft; up to 10*
7 *DDG-51 Arleigh Burke class Flight IIA guided missile de-*
8 *stroyers, as well as the AEGIS Weapon Systems, MK 41*
9 *Vertical Launching Systems, and Commercial Broadband*
10 *Satellite Systems associated with those vessels; SSN-774*
11 *Virginia class submarine and government-furnished equip-*
12 *ment; CH-47 Chinook helicopter; and V-22 Osprey aircraft*
13 *variants.*

14 *(b) The Secretary of Defense may employ incremental*
15 *funding for the procurement of Virginia class submarines*
16 *and government-furnished equipment associated with the*
17 *Virginia class submarines to be procured during fiscal years*
18 *2013 through 2018 if the Secretary of Defense:*

19 (1) *determines that such an approach will per-*
20 *mit the Navy to procure an additional Virginia class*
21 *submarine in fiscal year 2014; and*

22 (2) *intends to use the funding for that purpose.*

23 *SEC. 8011. Within the funds appropriated for the oper-*
24 *ation and maintenance of the Armed Forces, funds are here-*
25 *by appropriated pursuant to section 401 of title 10, United*

1 *States Code, for humanitarian and civic assistance costs*
2 *under chapter 20 of title 10, United States Code. Such funds*
3 *may also be obligated for humanitarian and civic assist-*
4 *ance costs incidental to authorized operations and pursuant*
5 *to authority granted in section 401 of chapter 20 of title*
6 *10, United States Code, and these obligations shall be re-*
7 *ported as required by section 401(d) of title 10, United*
8 *States Code: Provided, That funds available for operation*
9 *and maintenance shall be available for providing humani-*
10 *tarian and similar assistance by using Civic Action Teams*
11 *in the Trust Territories of the Pacific Islands and freely*
12 *associated states of Micronesia, pursuant to the Compact*
13 *of Free Association as authorized by Public Law 99-239:*
14 *Provided further, That upon a determination by the Sec-*
15 *retary of the Army that such action is beneficial for grad-*
16 *uate medical education programs conducted at Army med-*
17 *ical facilities located in Hawaii, the Secretary of the Army*
18 *may authorize the provision of medical services at such fa-*
19 *cilities and transportation to such facilities, on a nonreim-*
20 *bursable basis, for civilian patients from American Samoa,*
21 *the Commonwealth of the Northern Mariana Islands, the*
22 *Marshall Islands, the Federated States of Micronesia,*
23 *Palau, and Guam.*

24 *SEC. 8012. (a) During fiscal year 2013, the civilian*
25 *personnel of the Department of Defense may not be man-*

1 *aged on the basis of any end-strength, and the management*
2 *of such personnel during that fiscal year shall not be subject*
3 *to any constraint or limitation (known as an end-strength)*
4 *on the number of such personnel who may be employed on*
5 *the last day of such fiscal year.*

6 *(b) The fiscal year 2014 budget request for the Depart-*
7 *ment of Defense as well as all justification material and*
8 *other documentation supporting the fiscal year 2014 De-*
9 *partment of Defense budget request shall be prepared and*
10 *submitted to the Congress as if subsections (a) and (b) of*
11 *this provision were effective with regard to fiscal year 2014.*

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

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

18 *SEC. 8014. None of the funds appropriated by this Act*
19 *shall be available for the basic pay and allowances of any*
20 *member of the Army participating as a full-time student*
21 *and receiving benefits paid by the Secretary of Veterans Af-*
22 *airs from the Department of Defense Education Benefits*
23 *Fund when time spent as a full-time student is credited*
24 *toward completion of a service commitment: Provided, That*
25 *this section shall not apply to those members who have reen-*

1 *listed with this option prior to October 1, 1987: Provided*
2 *further, That this section applies only to active components*
3 *of the Army.*

4 *(TRANSFER OF FUNDS)*

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

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

1 *substantially all of the components of anchor and mooring*
2 *chain shall be considered to be produced or manufactured*
3 *in the United States if the aggregate cost of the components*
4 *produced or manufactured in the United States exceeds the*
5 *aggregate cost of the components produced or manufactured*
6 *outside the United States: Provided further, That when ade-*
7 *quate domestic supplies are not available to meet Depart-*
8 *ment of Defense requirements on a timely basis, the Sec-*
9 *retary of the service responsible for the procurement may*
10 *waive this restriction on a case-by-case basis by certifying*
11 *in writing to the Committees on Appropriations that such*
12 *an acquisition must be made in order to acquire capability*
13 *for national security purposes.*

14 *SEC. 8017. None of the funds available to the Depart-*
15 *ment of Defense may be used to demilitarize or dispose of*
16 *M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber*
17 *rifles, .30 caliber rifles, or M-1911 pistols, or to demili-*
18 *tarize or destroy small arms ammunition or ammunition*
19 *components that are not otherwise prohibited from commer-*
20 *cial sale under Federal law, unless the small arms ammuni-*
21 *tion or ammunition components are certified by the Sec-*
22 *retary of the Army or designee as unserviceable or unsafe*
23 *for further use.*

24 *SEC. 8018. No more than \$500,000 of the funds appro-*
25 *priated or made available in this Act shall be used during*

1 *a single fiscal year for any single relocation of an organiza-*
2 *tion, unit, activity or function of the Department of Defense*
3 *into or within the National Capital Region: Provided, That*
4 *the Secretary of Defense may waive this restriction on a*
5 *case-by-case basis by certifying in writing to the congres-*
6 *sional defense committees that such a relocation is required*
7 *in the best interest of the Government.*

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

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

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

12 *SEC. 8021. During the current fiscal year, the Depart-*
13 *ment of Defense is authorized to incur obligations of not*
14 *to exceed \$350,000,000 for purposes specified in section*
15 *2350j(c) of title 10, United States Code, in anticipation of*
16 *receipt of contributions, only from the Government of Ku-*
17 *wait, under that section: Provided, That upon receipt, such*
18 *contributions from the Government of Kuwait shall be cred-*
19 *ited to the appropriations or fund which incurred such obli-*
20 *gations.*

21 *SEC. 8022. (a) Of the funds made available in this*
22 *Act, not less than \$38,634,000 shall be available for the*
23 *Civil Air Patrol Corporation, of which—*

24 *(1) \$28,404,000 shall be available from “Oper-*
25 *ation and Maintenance, Air Force” to support Civil*

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

4 (2) *\$9,298,000 shall be available from “Aircraft*
5 *Procurement, Air Force”;* and

6 (3) *\$932,000 shall be available from “Other Pro-*
7 *curement, 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 Defense*
14 *(department) federally funded research and development*
15 *center (FFRDC), either as a new entity, or as a separate*
16 *entity administrated by an organization managing another*
17 *FFRDC, or as a nonprofit membership corporation con-*
18 *sisting of a consortium of other FFRDCs and other non-*
19 *profit entities.*

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

1 consultant by more than one FFRDC in a fiscal year: Pro-
2 vided, That a member of any such entity referred to pre-
3 viously in this subsection shall be allowed travel expenses
4 and per diem as authorized under the Federal Joint Travel
5 Regulations, when engaged in the performance of member-
6 ship 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 2013 may be used by a defense FFRDC,
10 through a fee or other payment mechanism, for construction
11 of new buildings, for payment of cost sharing for projects
12 funded by Government grants, for absorption of contract
13 overruns, or for certain charitable contributions, not to in-
14 clude employee participation in community service and/or
15 development.

16 (d) Notwithstanding any other provision of law, of the
17 funds available to the department during fiscal year 2013,
18 not more than 5,750 staff years of technical effort (staff
19 years) may be funded for defense FFRDCs: Provided, That
20 of the specific amount referred to previously in this sub-
21 section, not more than 1,125 staff years may be funded for
22 the defense studies and analysis FFRDCs: Provided further,
23 That this subsection shall not apply to staff years funded
24 in the National Intelligence Program (NIP) and the Mili-
25 tary Intelligence Program (MIP).

1 (e) *The Secretary of Defense shall, with the submission*
2 *of the department's fiscal year 2014 budget request, submit*
3 *a report presenting the specific amounts of staff years of*
4 *technical effort to be allocated for each defense FFRDC dur-*
5 *ing that fiscal year and the associated budget estimates.*

6 SEC. 8024. *None of the funds appropriated or made*
7 *available in this Act shall be used to procure carbon, alloy,*
8 *or armor steel plate for use in any Government-owned facil-*
9 *ity or property under the control of the Department of De-*
10 *fense which were not melted and rolled in the United States*
11 *or Canada: Provided, That these procurement restrictions*
12 *shall apply to any and all Federal Supply Class 9515,*
13 *American Society of Testing and Materials (ASTM) or*
14 *American Iron and Steel Institute (AISI) specifications of*
15 *carbon, alloy or armor steel plate: Provided further, That*
16 *the Secretary of the military department responsible for the*
17 *procurement may waive this restriction on a case-by-case*
18 *basis by certifying in writing to the Committees on Appro-*
19 *priations of the House of Representatives and the Senate*
20 *that adequate domestic supplies are not available to meet*
21 *Department of Defense requirements on a timely basis and*
22 *that such an acquisition must be made in order to acquire*
23 *capability for national security purposes: Provided further,*
24 *That these restrictions shall not apply to contracts which*
25 *are in being as of the date of the enactment of this Act.*

1 *SEC. 8025. For the purposes of this Act, the term “con-*
2 *gressional defense committees” means the Armed Services*
3 *Committee of the House of Representatives, the Armed Serv-*
4 *ices Committee of the Senate, the Subcommittee on Defense*
5 *of the Committee on Appropriations of the Senate, and the*
6 *Subcommittee on Defense of the Committee on Appropria-*
7 *tions of the House of Representatives.*

8 *SEC. 8026. During the current fiscal year, the Depart-*
9 *ment of Defense may acquire the modification, depot main-*
10 *tenance and repair of aircraft, vehicles and vessels as well*
11 *as the production of components and other Defense-related*
12 *articles, through competition between Department of De-*
13 *fense depot maintenance activities and private firms: Pro-*
14 *vided, That the Senior Acquisition Executive of the military*
15 *department or Defense Agency concerned, with power of del-*
16 *egation, shall certify that successful bids include comparable*
17 *estimates of all direct and indirect costs for both public and*
18 *private bids: Provided further, That Office of Management*
19 *and Budget Circular A-76 shall not apply to competitions*
20 *conducted under this section.*

21 *SEC. 8027. (a)(1) If the Secretary of Defense, after con-*
22 *sultation with the United States Trade Representative, de-*
23 *termines that a foreign country which is party to an agree-*
24 *ment described in paragraph (2) has violated the terms of*
25 *the agreement by discriminating against certain types of*

1 *products produced in the United States that are covered by*
2 *the agreement, the Secretary of Defense shall rescind the*
3 *Secretary's blanket waiver of the Buy American Act with*
4 *respect to such types of products produced in that foreign*
5 *country.*

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

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

20 (c) *For purposes of this section, the term "Buy Amer-*
21 *ican Act" means chapter 83 of title 41, United States Code.*

22 SEC. 8028. *During the current fiscal year, amounts*
23 *contained in the Department of Defense Overseas Military*
24 *Facility Investment Recovery Account established by section*
25 *2921(c)(1) of the National Defense Authorization Act of*

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

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

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

24 (c) The Operation Walking Shield Program shall re-
25 solve any conflicts among requests of Indian tribes for hous-

1 *ing units under subsection (a) before submitting requests*
2 *to the Secretary of the Air Force under subsection (b).*

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

8 *SEC. 8030. During the current fiscal year, appropria-*
9 *tions which are available to the Department of Defense for*
10 *operation and maintenance may be used to purchase items*
11 *having an investment item unit cost of not more than*
12 *\$250,000.*

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

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

12 **SEC. 8032.** *None of the funds appropriated by this Act*
13 *for programs of the Central Intelligence Agency shall re-*
14 *main available for obligation beyond the current fiscal year,*
15 *except for funds appropriated for the Reserve for Contin-*
16 *gencies, which shall remain available until September 30,*
17 *2014: Provided, That funds appropriated, transferred, or*
18 *otherwise credited to the Central Intelligence Agency Cen-*
19 *tral Services Working Capital Fund during this or any*
20 *prior or subsequent fiscal year shall remain available until*
21 *expended: Provided further, That any funds appropriated*
22 *or transferred to the Central Intelligence Agency for ad-*
23 *vanced research and development acquisition, for agent op-*
24 *erations, and for covert action programs authorized by the*
25 *President under section 503 of the National Security Act*

1 of 1947, as amended, shall remain available until Sep-
2 tember 30, 2014.

3 SEC. 8033. Notwithstanding any other provision of
4 law, funds made available in this Act for the Defense Intel-
5 ligence Agency may be used for the design, development, and
6 deployment of General Defense Intelligence Program intel-
7 ligence communications and intelligence information sys-
8 tems for the Services, the Unified and Specified Commands,
9 and the component commands.

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

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

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

9 (c) *In the case of any equipment or products purchased*
10 *with appropriations provided under this Act, it is the sense*
11 *of the Congress that any entity of the Department of De-*
12 *fense, in expending the appropriation, purchase only Amer-*
13 *ican-made equipment and products, provided that Amer-*
14 *ican-made equipment and products are cost-competitive,*
15 *quality competitive, and available in a timely fashion.*

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

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

24 (2) *the purpose of the contract is to explore an*
25 *unsolicited proposal which offers significant scientific*

1 *or technological promise, represents the product of*
2 *original thinking, and was submitted in confidence*
3 *by one source; or*

4 *(3) the purpose of the contract is to take advan-*
5 *tage of unique and significant industrial accomplish-*
6 *ment by a specific concern, or to insure that a new*
7 *product or idea of a specific concern is given finan-*
8 *cial support: Provided, That this limitation shall not*
9 *apply to contracts in an amount of less than \$25,000,*
10 *contracts related to improvements of equipment that*
11 *is in development or production, or contracts as to*
12 *which a civilian official of the Department of Defense,*
13 *who has been confirmed by the Senate, determines*
14 *that the award of such contract is in the interest of*
15 *the national defense.*

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

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

20 *(2) to pay the basic pay of a member of the*
21 *Armed Forces or civilian employee of the department*
22 *who is transferred or reassigned from a headquarters*
23 *activity if the member or employee's place of duty re-*
24 *mains at the location of that headquarters.*

1 **(b)** *The Secretary of Defense or Secretary of a military*
2 *department may waive the limitations in subsection (a),*
3 *on a case-by-case basis, if the Secretary determines, and cer-*
4 *tifies to the Committees on Appropriations of the House of*
5 *Representatives and Senate that the granting of the waiver*
6 *will reduce the personnel requirements or the financial re-*
7 *quirements of the department.*

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

9 **(1)** *field operating agencies funded within the*
10 *National Intelligence Program;*

11 **(2)** *an Army field operating agency established*
12 *to eliminate, mitigate, or counter the effects of impro-*
13 *vised explosive devices, and, as determined by the Sec-*
14 *retary of the Army, other similar threats; or*

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

19 **SEC. 8038.** *None of the funds made available in this*
20 *Act may be used to approve or license the sale of the F–*
21 *22A advanced tactical fighter to any foreign government:*
22 *Provided, That the Department of Defense may conduct or*
23 *participate in studies, research, design and other activities*
24 *to define and develop a future export version of the F–22A*

1 *that protects classified and sensitive information, tech-*
2 *nologies and U.S. warfighting capabilities.*

3 *SEC. 8039. (a) None of the funds appropriated by this*
4 *Act shall be available to convert to contractor performance*
5 *an activity or function of the Department of Defense that,*
6 *on or after the date of the enactment of this Act, is per-*
7 *formed by Department of Defense civilian employees un-*
8 *less—*

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

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

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

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

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

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

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

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

22 (A) *is included on the procurement list estab-*
23 *lished pursuant to section 2 of the Javits-Wagner-*
24 *O'Day Act (section 8503 of title 41, United States*
25 *Code);*

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

5 (C) is planned to be converted to performance by
6 a qualified firm under at least 51 percent ownership
7 by an Indian tribe, as defined in section 4(e) of the
8 Indian Self-Determination and Education Assistance
9 Act (25 U.S.C. 450b(e)), or a Native Hawaiian Orga-
10 nization, as defined in section 8(a)(15) of the Small
11 Business Act (15 U.S.C. 637(a)(15)).

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

15 (c) The conversion of any activity or function of the
16 Department of Defense under the authority provided by this
17 section shall be credited toward any competitive or out-
18 sourcing goal, target, or measurement that may be estab-
19 lished by statute, regulation, or policy and is deemed to
20 be awarded under the authority of, and in compliance with,
21 subsection (h) of section 2304 of title 10, United States
22 Code, for the competition or outsourcing of commercial ac-
23 tivities.

(RESCISSIONS)

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

6 *“Shipbuilding and Conversion, Navy, 2007/*
7 *2018”: DDG–51 Destroyer, \$98,400,000;*

8 *“Shipbuilding and Conversion, Navy, 2007/*
9 *2018”: DDG–51 Destroyer Advance Procurement,*
10 *\$2,500,000;*

11 *“Shipbuilding and Conversion, Navy, 2007/*
12 *2018”: CVN Refueling Overhaul, \$14,100,000;*

13 *“Procurement of Ammunition, Army, 2011/*
14 *2013”, \$4,500,000;*

15 *“Other Procurement, Army, 2011/2013”,*
16 *\$114,848,000;*

17 *“Aircraft Procurement, Navy, 2011/2013”,*
18 *\$13,760,000;*

19 *“Shipbuilding and Conversion, Navy, 2011/*
20 *2015”: DDG–51 Destroyer, \$215,300,000;*

21 *“Weapons Procurement, Navy, 2011/2013”,*
22 *\$21,086,000;*

23 *“Aircraft Procurement, Air Force, 2011/2013”,*
24 *\$93,400,000;*

1 *“Missile Procurement, Air Force, 2011/2013”,*
2 \$8,709,000;

3 *“Other Procurement, Air Force, 2011/2013”,*
4 \$9,500,000;

5 *“Operation and Maintenance, Defense Wide,*
6 *2012/XXXX”, \$21,000,000;*

7 *“Aircraft Procurement, Army, 2012/2014”,*
8 \$47,400,000;

9 *“Other Procurement, Army, 2012/2014”,*
10 \$99,608,000;

11 *“Aircraft Procurement, Navy, 2012/2014”,*
12 \$4,640,000;

13 *“Shipbuilding and Conversion, Navy, 2012/*
14 *2016”: Littoral Combat Ship, \$28,800,000;*

15 *“Shipbuilding and Conversion, Navy, 2012/*
16 *2016”: DDG–51 Destroyer, \$83,000,000;*

17 *“Weapons Procurement, Navy, 2012/2014”,*
18 \$25,015,000;

19 *“Other Procurement, Navy, 2012/2014”,*
20 \$4,800,000;

21 *“Procurement of Ammunition, Navy and Marine*
22 *Corps, 2012/2014”, \$50,703,000;*

23 *“Procurement, Marine Corps, 2012/2014”,*
24 \$135,331,000;

1 *“Aircraft Procurement, Air Force, 2012/2014”,*
2 \$581,699,000;

3 *“Missile Procurement, Air Force, 2012/2014”,*
4 \$45,898,000;

5 *“Other Procurement, Air Force, 2012/2014”,*
6 \$55,800,000;

7 *“Procurement, Defense Wide, 2012/2014”,*
8 \$16,000,000;

9 *“Research, Development, Test and Evaluation,*
10 *Army, 2012/2013”, \$8,000,000;*

11 *“Research, Development, Test and Evaluation,*
12 *Navy, 2012/2013”, \$245,254,000;*

13 *“Research, Development, Test and Evaluation,*
14 *Air Force, 2012/2013”, \$56,704,000.*

15 *SEC. 8041. None of the funds available in this Act may*
16 *be used to reduce the authorized positions for military tech-*
17 *nicians (dual status) of the Army National Guard, Air Na-*
18 *tional Guard, Army Reserve and Air Force Reserve for the*
19 *purpose of applying any administratively imposed civilian*
20 *personnel ceiling, freeze, or reduction on military techni-*
21 *cians (dual status), unless such reductions are a direct re-*
22 *sult of a reduction in military force structure.*

23 *SEC. 8042. None of the funds appropriated or other-*
24 *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. 8043. 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. 8044. 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. 8045. (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. 8046. 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. 8047. 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. 8048. 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. 8049. (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. 8050. 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. 8051. 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. 8052. During the current fiscal year, in the case*
5 *of an appropriation account of the Department of Defense*
6 *for which the period of availability for obligation has ex-*
7 *pired or which has closed under the provisions of section*
8 *1552 of title 31, United States Code, and which has a 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. 8053. (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. 8054. Using funds made available by this Act*
25 *or any other Act, the Secretary of the Air Force, pursuant*

1 *to a determination under section 2690 of title 10, United*
2 *States Code, may implement cost-effective agreements for*
3 *required heating facility modernization in the*
4 *Kaiserslautern Military Community in the Federal Repub-*
5 *lic of Germany: Provided, That in the City of*
6 *Kaiserslautern and at the Rhine Ordnance Barracks area,*
7 *such agreements will include the use of United States an-*
8 *thracite as the base load energy for municipal district heat*
9 *to the United States Defense installations: Provided 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. 8055. 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. 8056. (a) The Secretary of Defense may, on a*
4 *case-by-case basis, waive with respect to a foreign country*
5 *each limitation on the procurement of defense items from*
6 *foreign sources provided in law if the Secretary determines*
7 *that the application of the limitation with respect to that*
8 *country would invalidate cooperative programs entered into*
9 *between the Department of Defense and the foreign country,*
10 *or would invalidate reciprocal trade agreements for the pro-*
11 *curement of defense items entered into under section 2531*
12 *of title 10, United States Code, and the country does not*
13 *discriminate against the same or similar defense items pro-*
14 *duced in the United States for that country.*

15 *(b) Subsection (a) applies with respect to—*

16 *(1) contracts and subcontracts entered into on or*
17 *after the date of the enactment of this Act; and*

18 *(2) options for the procurement of items that are*
19 *exercised after such date under contracts that are en-*
20 *tered into before such date if the option prices are ad-*
21 *justed for any reason other than the application of a*
22 *waiver granted under subsection (a).*

23 *(c) Subsection (a) does not apply to a limitation re-*
24 *garding construction of public vessels, ball and roller bear-*
25 *ings, food, and clothing or textile materials as defined by*

1 *section 11 (chapters 50–65) of the Harmonized Tariff*
2 *Schedule and products classified under headings 4010,*
3 *4202, 4203, 6401 through 6406, 6505, 7019, 7218 through*
4 *7229, 7304.41 through 7304.49, 7306.40, 7502 through*
5 *7508, 8105, 8108, 8109, 8211, 8215, and 9404.*

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

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

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

23 *(d) Not more than 15 days after the exercise of any*
24 *waiver under subsection (c), the Secretary of Defense shall*
25 *submit a report to the congressional defense committees de-*

1 *scribing the extraordinary circumstances, the purpose and*
2 *duration of the training program, the United States forces*
3 *and the foreign security forces involved in the training pro-*
4 *gram, and the information relating to human rights viola-*
5 *tions that necessitates the waiver.*

6 *SEC. 8058. None of the funds appropriated or other-*
7 *wise made available by this or other Department of Defense*
8 *Appropriations Acts may be obligated or expended for the*
9 *purpose of performing repairs or maintenance to military*
10 *family housing units of the Department of Defense, includ-*
11 *ing areas in such military family housing units that may*
12 *be used for the purpose of conducting official Department*
13 *of Defense business.*

14 *SEC. 8059. Notwithstanding any other provision of*
15 *law, funds appropriated in this Act under the heading “Re-*
16 *search, Development, Test and Evaluation, Defense-Wide”*
17 *for any new start advanced concept technology demonstra-*
18 *tion project or joint capability demonstration project may*
19 *only be obligated 45 days after a report, including a de-*
20 *scription of the project, the planned acquisition and transi-*
21 *tion strategy and its estimated annual and total cost, has*
22 *been provided in writing to the congressional defense com-*
23 *mittees: Provided, That the Secretary of Defense may waive*
24 *this restriction on a case-by-case basis by certifying to the*

1 congressional defense committees that it is in the national
2 interest to do so.

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

8 *SEC. 8061. During the current fiscal year, none of the*
9 *funds available to the Department of Defense may be used*
10 *to provide support to another department or agency of the*
11 *United States if such department or agency is more than*
12 *90 days in arrears in making payment to the Department*
13 *of Defense for goods or services previously provided to such*
14 *department or agency on a reimbursable basis: Provided,*
15 *That this restriction shall not apply if the department is*
16 *authorized by law to provide support to such department*
17 *or agency on a nonreimbursable basis, and is providing the*
18 *requested support pursuant to such authority: Provided fur-*
19 *ther, That the Secretary of Defense may waive this restric-*
20 *tion on a case-by-case basis by certifying in writing to the*
21 *Committees on Appropriations of the House of Representa-*
22 *tives and the Senate that it is in the national security inter-*
23 *est to do so.*

24 *SEC. 8062. Notwithstanding section 12310(b) of title*
25 *10, United States Code, a Reserve who is a member of the*

1 *National Guard serving on full-time National Guard duty*
2 *under section 502(f) of title 32, United States Code, may*
3 *perform duties in support of the ground-based elements of*
4 *the National Ballistic Missile Defense System.*

5 *SEC. 8063. None of the funds provided in this Act may*
6 *be used to transfer to any nongovernmental entity ammuni-*
7 *tion held by the Department of Defense that has a center-*
8 *fire cartridge and a United States military nomenclature*
9 *designation of “armor penetrator”, “armor piercing (AP)”,*
10 *“armor piercing incendiary (API)”, or “armor-piercing in-*
11 *cendiary tracer (API-T)”, except to an entity performing*
12 *demilitarization services for the Department of Defense*
13 *under a contract that requires the entity to demonstrate to*
14 *the satisfaction of the Department of Defense that armor*
15 *piercing projectiles are either: (1) rendered incapable of*
16 *reuse by the demilitarization process; or (2) used to manu-*
17 *facture ammunition pursuant to a contract with the De-*
18 *partment of Defense or the manufacture of ammunition for*
19 *export pursuant to a License for Permanent Export of Un-*
20 *classified Military Articles issued by the Department of*
21 *State.*

22 *SEC. 8064. Notwithstanding any other provision of*
23 *law, the Chief of the National Guard Bureau, or his des-*
24 *ignee, may waive payment of all or part of the consider-*
25 *ation that otherwise would be required under section 2667*

1 of title 10, United States Code, in the case of a lease of
2 personal property for a period not in excess of 1 year to
3 any organization specified in section 508(d) of title 32,
4 United States Code, or any other youth, social, or fraternal
5 nonprofit organization as may be approved by the Chief
6 of the National Guard Bureau, or his designee, on a case-
7 by-case basis.

8 *SEC. 8065. None of the funds appropriated by this Act*
9 *shall be used for the support of any nonappropriated funds*
10 *activity of the Department of Defense that procures malt*
11 *beverages and wine with nonappropriated funds for resale*
12 *(including such alcoholic beverages sold by the drink) on*
13 *a military installation located in the United States unless*
14 *such malt beverages and wine are procured within that*
15 *State, or in the case of the District of Columbia, within*
16 *the District of Columbia, in which the military installation*
17 *is located: Provided, That in a case in which the military*
18 *installation is located in more than one State, purchases*
19 *may be made in any State in which the installation is lo-*
20 *cated: Provided further, That such local procurement re-*
21 *quirements for malt beverages and wine shall apply to all*
22 *alcoholic beverages only for military installations in States*
23 *which are not contiguous with another State: Provided fur-*
24 *ther, That alcoholic beverages other than wine and malt bev-*
25 *erages, in contiguous States and the District of Columbia*

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

3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 8066. Of the amounts appropriated in this Act*
5 *under the heading “Operation and Maintenance, Army”,*
6 *\$133,381,000 shall remain available until expended: Pro-*
7 *vided, That notwithstanding any other provision of law, the*
8 *Secretary of Defense is authorized to transfer such funds*
9 *to other activities of the Federal Government: Provided fur-*
10 *ther, That the Secretary of Defense is authorized to enter*
11 *into and carry out contracts for the acquisition of real*
12 *property, construction, personal services, and operations re-*
13 *lated to projects carrying out the purposes of this section:*
14 *Provided further, That contracts entered into under the au-*
15 *thority of this section may provide for such indemnification*
16 *as the Secretary determines to be necessary: Provided fur-*
17 *ther, That projects authorized by this section shall comply*
18 *with applicable Federal, State, and local law to the max-*
19 *imum extent consistent with the national security, as deter-*
20 *mined by the Secretary of Defense.*

21 *SEC. 8067. Section 8106 of the Department of Defense*
22 *Appropriations Act, 1997 (titles I through VIII of the mat-*
23 *ter under subsection 101(b) of Public Law 104–208; 110*
24 *Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect*

1 *to apply to disbursements that are made by the Department*
2 *of Defense in fiscal year 2013.*

3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 8068. During the current fiscal year, not to ex-*
5 *ceed \$200,000,000 from funds available under “Operation*
6 *and Maintenance, Defense-Wide” may be transferred to the*
7 *Department of State “Global Security Contingency Fund”:*
8 *Provided, That this transfer authority is in addition to any*
9 *other transfer authority available to the Department of De-*
10 *fense: Provided further, That the Secretary of Defense shall,*
11 *not fewer than 30 days prior to making transfers to the*
12 *Department of State “Global Security Contingency Fund”,*
13 *notify the congressional defense committees in writing with*
14 *the source of funds and a detailed justification, execution*
15 *plan, and timeline for each proposed project.*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *SEC. 8069. Of the amounts appropriated in this Act*
18 *under the headings “Procurement, Defense-Wide” and “Re-*
19 *search, Development, Test and Evaluation, Defense-Wide”,*
20 *\$479,736,000 shall be for the Israeli Cooperative Programs:*
21 *Provided, That of this amount, \$211,000,000 shall be for*
22 *the Secretary of Defense to provide to the Government of*
23 *Israel for the procurement of the Iron Dome defense system*
24 *to counter short-range rocket threats, \$149,679,000 shall be*
25 *for the Short Range Ballistic Missile Defense (SRBMD)*

1 program, including cruise missile defense research and de-
2 velopment under the SRBMD program, of which
3 \$39,200,000 shall be for production activities of SRBMD
4 missiles in the United States and in Israel to meet Israel's
5 defense requirements consistent with each nation's laws,
6 regulations, and procedures, \$74,692,000 shall be available
7 for an upper-tier component to the Israeli Missile Defense
8 Architecture, and \$44,365,000 shall be for the Arrow Sys-
9 tem Improvement Program including development of a long
10 range, ground and airborne, detection suite: Provided fur-
11 ther, That funds made available under this provision for
12 production of missiles and missile components may be
13 transferred to appropriations available for the procurement
14 of weapons and equipment, to be merged with and to be
15 available for the same time period and the same purposes
16 as the appropriation to which transferred: Provided further,
17 That the transfer authority provided under this provision
18 is in addition to any other transfer authority contained in
19 this Act.

20 SEC. 8070. (a) None of the funds available to the De-
21 partment of Defense may be obligated to modify command
22 and control relationships to give Fleet Forces Command
23 operational and administrative control of U.S. Navy forces
24 assigned to the Pacific fleet.

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

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

7 (3) *Under the heading “Shipbuilding and Con-*
8 *version, Navy, 2009/2013”:* *CVN Refueling Overhauls*
9 *Program \$135,000,000.*

10 *SEC. 8072. Funds appropriated by this Act, or made*
11 *available by the transfer of funds in this Act, for intelligence*
12 *activities are deemed to be specifically authorized by the*
13 *Congress for purposes of section 504 of the National Secu-*
14 *rity Act of 1947 (50 U.S.C. 414) during fiscal year 2013*
15 *until the enactment of the Intelligence Authorization Act*
16 *for Fiscal Year 2013.*

17 *SEC. 8073. None of the funds provided in this Act shall*
18 *be available for obligation or expenditure through a re-*
19 *programming of funds that creates or initiates a new pro-*
20 *gram, project, or activity unless such program, project, or*
21 *activity must be undertaken immediately in the interest of*
22 *national security and only after written prior notification*
23 *to the congressional defense committees.*

24 *SEC. 8074. The budget of the President for fiscal year*
25 *2014 submitted to the Congress pursuant to section 1105*

1 of title 31, United States Code, shall include separate budget
2 justification documents for costs of United States Armed
3 Forces' participation in contingency operations for the
4 Military Personnel accounts, the Operation and Maintenance
5 accounts, and the Procurement accounts: Provided,
6 That these documents shall include a description of the
7 funding requested for each contingency operation, for each
8 military service, to include all Active and Reserve components,
9 and for each appropriations account: Provided further,
10 That these documents shall include estimated costs for
11 each element of expense or object class, a reconciliation of
12 increases and decreases for each contingency operation, and
13 programmatic data including, but not limited to, troop
14 strength for each Active and Reserve component, and estimates
15 of the major weapons systems deployed in support
16 of each contingency: Provided further, That these documents
17 shall include budget exhibits OP-5 and OP-32 (as defined
18 in the Department of Defense Financial Management Regulation)
19 for all contingency operations for the budget year
20 and the two preceding fiscal years.

21 SEC. 8075. None of the funds in this Act may be used
22 for research, development, test, evaluation, procurement or
23 deployment of nuclear armed interceptors of a missile defense
24 system.

1 *SEC. 8076. In addition to the amounts appropriated*
2 *or otherwise made available elsewhere in this Act,*
3 *\$20,000,000 is hereby appropriated to the Department of*
4 *Defense: Provided, That upon the determination of the Sec-*
5 *retary of Defense that it shall serve the national interest,*
6 *he shall make grants in the amount specified as follows:*
7 *\$20,000,000 to the United Service Organizations.*

8 *SEC. 8077. None of the funds appropriated or made*
9 *available in this Act shall be used to reduce or disestablish*
10 *the operation of the 53rd Weather Reconnaissance Squad-*
11 *ron of the Air Force Reserve, if such action would reduce*
12 *the WC-130 Weather Reconnaissance mission below the lev-*
13 *els funded in this Act: Provided, That the Air Force shall*
14 *allow the 53rd Weather Reconnaissance Squadron to per-*
15 *form other missions in support of national defense require-*
16 *ments during the non-hurricane season.*

17 *SEC. 8078. None of the funds provided in this Act shall*
18 *be available for integration of foreign intelligence informa-*
19 *tion unless the information has been lawfully collected and*
20 *processed during the conduct of authorized foreign intel-*
21 *ligence activities: Provided, That information pertaining to*
22 *United States persons shall only be handled in accordance*
23 *with protections provided in the Fourth Amendment of the*
24 *United States Constitution as implemented through Execu-*
25 *tive Order No. 12333.*

1 *SEC. 8079. (a) At the time members of reserve compo-*
2 *nents of the Armed Forces are called or ordered to active*
3 *duty under section 12302(a) of title 10, United States Code,*
4 *each member shall be notified in writing of the expected*
5 *period during which the member will be mobilized.*

6 *(b) The Secretary of Defense may waive the require-*
7 *ments of subsection (a) in any case in which the Secretary*
8 *determines that it is necessary to do so to respond to a na-*
9 *tional security emergency or to meet dire operational re-*
10 *quirements of the Armed Forces.*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *SEC. 8080. The Secretary of Defense may transfer*
13 *funds from any available Department of the Navy appro-*
14 *priation to any available Navy ship construction appro-*
15 *priation for the purpose of liquidating necessary changes*
16 *resulting from inflation, market fluctuations, or rate adjust-*
17 *ments for any ship construction program appropriated in*
18 *law: Provided, That the Secretary may transfer not to ex-*
19 *ceed \$100,000,000 under the authority provided by this sec-*
20 *tion: Provided further, That the Secretary may not transfer*
21 *any funds until 30 days after the proposed transfer has been*
22 *reported to the Committees on Appropriations of the House*
23 *of Representatives and the Senate, unless a response from*
24 *the Committees is received sooner: Provided further, That*
25 *any funds transferred pursuant to this section shall retain*

1 *the same period of availability as when originally appro-*
2 *priated: Provided further, That the transfer authority pro-*
3 *vided by this section is in addition to any other transfer*
4 *authority contained elsewhere in this Act.*

5 *SEC. 8081. For purposes of section 7108 of title 41,*
6 *United States Code, any subdivision of appropriations*
7 *made under the heading “Shipbuilding and Conversion,*
8 *Navy” that is not closed at the time reimbursement is made*
9 *shall be available to reimburse the Judgment Fund and*
10 *shall be considered for the same purposes as any subdivision*
11 *under the heading “Shipbuilding and Conversion, Navy”*
12 *appropriations in the current fiscal year or any prior fiscal*
13 *year.*

14 *SEC. 8082. (a) None of the funds appropriated by this*
15 *Act may be used to transfer research and development, ac-*
16 *quisition, or other program authority relating to current*
17 *tactical unmanned aerial vehicles (TUAVs) from the Army.*

18 *(b) The Army shall retain responsibility for and oper-*
19 *ational control of the MQ-1C Gray Eagle Unmanned Aerial*
20 *Vehicle (UAV) in order to support the Secretary of Defense*
21 *in matters relating to the employment of unmanned aerial*
22 *vehicles.*

23 *SEC. 8083. Up to \$15,000,000 of the funds appro-*
24 *priated under the heading “Operation and Maintenance,*
25 *Navy” may be made available for the Asia Pacific Regional*

1 *Initiative Program for the purpose of enabling the Pacific*
2 *Command to execute Theater Security Cooperation activi-*
3 *ties such as humanitarian assistance, and payment of in-*
4 *cremental and personnel costs of training and exercising*
5 *with foreign security forces: Provided, That funds made*
6 *available for this purpose may be used, notwithstanding*
7 *any other funding authorities for humanitarian assistance,*
8 *security assistance or combined exercise expenses: Provided*
9 *further, That funds may not be obligated to provide assist-*
10 *ance to any foreign country that is otherwise prohibited*
11 *from receiving such type of assistance under any other pro-*
12 *vision of law.*

13 *SEC. 8084. None of the funds appropriated by this Act*
14 *for programs of the Office of the Director of National Intel-*
15 *ligence shall remain available for obligation beyond the cur-*
16 *rent fiscal year, except for funds appropriated for research*
17 *and technology, which shall remain available until Sep-*
18 *tember 30, 2014.*

19 *SEC. 8085. For purposes of section 1553(b) of title 31,*
20 *United States Code, any subdivision of appropriations*
21 *made in this Act under the heading “Shipbuilding and*
22 *Conversion, Navy” shall be considered to be for the same*
23 *purpose as any subdivision under the heading “Ship-*
24 *building and Conversion, Navy” appropriations in any*

1 *prior fiscal year, and the 1 percent limitation shall apply*
2 *to the total amount of the appropriation.*

3 *SEC. 8086. The Director of National Intelligence shall*
4 *include the budget exhibits identified in paragraphs (1) and*
5 *(2) as described in the Department of Defense Financial*
6 *Management Regulation with the congressional budget jus-*
7 *tification books:*

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

13 *(2) For research, development, test and evalua-*
14 *tion projects requesting more than \$5,000,000 in any*
15 *fiscal year, the R-1, Research, Development, Test and*
16 *Evaluation Program; R-2, Research, Development,*
17 *Test and Evaluation Budget Item Justification; R-3,*
18 *Research, Development, Test and Evaluation Project*
19 *Cost Analysis; and R-4, Research, Development, Test*
20 *and Evaluation Program Schedule Profile.*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *SEC. 8087. Notwithstanding any other provision of*
23 *law, the Secretary of the Army may use up to \$25,000,000*
24 *of funds appropriated for Operation and Maintenance,*

1 *Army in this Act for real property maintenance and repair*
2 *projects and activities at Arlington National Cemetery.*

3 *SEC. 8088. (a) Not later than 60 days after enactment*
4 *of this Act, the Director of National Intelligence shall sub-*
5 *mit a report to the congressional intelligence committees to*
6 *establish the baseline for application of reprogramming and*
7 *transfer authorities for fiscal year 2013: Provided, That the*
8 *report shall include—*

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

14 *(2) a delineation in the table for each appropria-*
15 *tion by Expenditure Center and project; and*

16 *(3) an identification of items of special congress-*
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 until the report identified in sub-*
21 *section (a) is submitted to the congressional intelligence*
22 *committees, unless the Director of National Intelligence cer-*
23 *tifies in writing to the congressional intelligence committees*
24 *that such reprogramming or transfer is necessary as an*
25 *emergency requirement.*

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8089. *Of the funds appropriated in the Intel-*
3 *ligence Community Management Account for the Program*
4 *Manager for the Information Sharing Environment,*
5 *\$20,000,000 is available for transfer by the Director of Na-*
6 *tional Intelligence to other departments and agencies for*
7 *purposes of Government-wide information sharing activi-*
8 *ties: Provided, That funds transferred under this provision*
9 *are to be merged with and available for the same purposes*
10 *and time period as the appropriation to which transferred:*
11 *Provided further, That the Office of Management and Budg-*
12 *et must approve any transfers made under this provision.*

13 SEC. 8090. *The Director of National Intelligence shall*
14 *submit to Congress each year, at or about the time that*
15 *the President's budget is submitted to Congress that year*
16 *under section 1105(a) of title 31, United States Code, a fu-*
17 *ture-years intelligence program (including associated an-*
18 *nexes) reflecting the estimated expenditures and proposed*
19 *appropriations included in that budget. Any such future-*
20 *years intelligence program shall cover the fiscal year with*
21 *respect to which the budget is submitted and at least the*
22 *four succeeding fiscal years.*

23 SEC. 8091. *For the purposes of this Act, the term "con-*
24 *gressional intelligence committees" means the Permanent*
25 *Select Committee on Intelligence of the House of Represent-*

1 *atives, the Select Committee on Intelligence of the Senate,*
2 *the Subcommittee on Defense of the Committee on Appro-*
3 *priations of the House of Representatives, and the Sub-*
4 *committee on Defense of the Committee on Appropriations*
5 *of the Senate.*

6 *SEC. 8092. The Department of Defense shall continue*
7 *to report incremental contingency operations costs for Oper-*
8 *ation New Dawn and Operation Enduring Freedom on a*
9 *monthly basis in the Cost of War Execution Report as pre-*
10 *scribed in the Department of Defense Financial Manage-*
11 *ment Regulation Department of Defense Instruction*
12 *7000.14, Volume 12, Chapter 23 “Contingency Operations”,*
13 *Annex 1, dated September 2005.*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *SEC. 8093. During the current fiscal year, not to ex-*
16 *ceed \$11,000,000 from each of the appropriations made in*
17 *title II of this Act for “Operation and Maintenance, Army”,*
18 *“Operation and Maintenance, Navy”, and “Operation and*
19 *Maintenance, Air Force” may be transferred by the mili-*
20 *tary department concerned to its central fund established*
21 *for Fisher Houses and Suites pursuant to section 2493(d)*
22 *of title 10, United States Code.*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *SEC. 8094. Funds appropriated by this Act for oper-*
25 *ation and maintenance may be available for the purpose*

1 *of making remittances to the Defense Acquisition Workforce*
2 *Development Fund in accordance with the requirements of*
3 *section 1705 of title 10, United States Code.*

4 *SEC. 8095. (a) Any agency receiving funds made*
5 *available in this Act, shall, subject to subsections (b) and*
6 *(c), post on the public website of that agency any report*
7 *required to be submitted by the Congress in this or any*
8 *other Act, upon the determination by the head of the agency*
9 *that it shall serve the national interest.*

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

11 *(1) the public posting of the report compromises*
12 *national security; or*

13 *(2) the report contains proprietary information.*

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

18 *SEC. 8096. (a) None of the funds appropriated or oth-*
19 *erwise made available by this Act may be expended for any*
20 *Federal contract for an amount in excess of \$1,000,000, un-*
21 *less the contractor agrees not to—*

22 *(1) enter into any agreement with any of its em-*
23 *ployees or independent contractors that requires, as a*
24 *condition of employment, that the employee or inde-*
25 *pendent contractor agree to resolve through arbitra-*

1 *tion any claim under title VII of the Civil Rights Act*
2 *of 1964 or any tort related to or arising out of sexual*
3 *assault or harassment, including assault and battery,*
4 *intentional infliction of emotional distress, false im-*
5 *prisonment, or negligent hiring, supervision, or reten-*
6 *tion; or*

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

17 (b) *None of the funds appropriated or otherwise made*
18 *available by this Act may be expended for any Federal con-*
19 *tract unless the contractor certifies that it requires each cov-*
20 *ered subcontractor to agree not to enter into, and not to*
21 *take any action to enforce any provision of, any agreement*
22 *as described in paragraphs (1) and (2) of subsection (a),*
23 *with respect to any employee or independent contractor per-*
24 *forming work related to such subcontract. For purposes of*
25 *this subsection, a “covered subcontractor” is an entity that*

1 *has a subcontract in excess of \$1,000,000 on a contract sub-*
2 *ject to subsection (a).*

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

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

1 *retary of Defense to the Committees on Appropriations of*
2 *the House of Representatives and the Senate.*

3 *SEC. 8099. (a) In this section the term “conference”*
4 *has the meaning given that term under section 300-3.1 of*
5 *title 41, Code of Federal Regulations, or any successor there-*
6 *to.*

7 *(b) A grant or contract funded by amounts made*
8 *available under this Act may not be used for the purpose*
9 *of defraying the cost of a conference that is not directly and*
10 *programmatically related to the purpose of the program*
11 *under which the grant or contract was awarded.*

12 *(c)(1) Except as provided in paragraph (3), the De-*
13 *partment of Defense may not sponsor or host a conference*
14 *for which the cost to the Department is expected to be more*
15 *than \$100,000 using amounts made available under this*
16 *Act, unless the Deputy Secretary of Defense approves spon-*
17 *soring or hosting the conference.*

18 *(2)(A) Except as provided in subparagraph (B) or*
19 *paragraph (3), the Department of Defense may not sponsor*
20 *or host a conference for which the cost to the Department*
21 *is expected to be more than \$500,000 using amounts made*
22 *available under this Act.*

23 *(B) The Deputy Secretary of Defense may waive*
24 *the prohibition under subparagraph (A) if the Deputy*
25 *Secretary determines that it is in the interest of na-*

1 *tional security to spend more than \$500,000 on a*
2 *conference.*

3 *(3) For purposes of a conference sponsored or hosted*
4 *by the Office of the Inspector General of the Department*
5 *of Defense, the Inspector General shall discharge the au-*
6 *thorities and responsibilities of the Deputy Secretary of De-*
7 *fense under this subsection.*

8 *(d) Not later than October 31, 2013, the Deputy Sec-*
9 *retary of Defense shall provide a publicly available report*
10 *of all Department-sponsored conferences during fiscal year*
11 *2013 where the cost to the Department is more than*
12 *\$100,000 using amounts made available under this Act,*
13 *which—*

14 *(1) shall include, for each such conference—*

15 *(A) the cost of the conference to the Depart-*
16 *ment of Defense;*

17 *(B) the location of the conference;*

18 *(C) the date of the conference;*

19 *(D) a brief explanation of how the con-*
20 *ference advanced the mission of the Department*
21 *of Defense;*

22 *(E) the total number of individuals whose*
23 *travel expenses or other conference expenses were*
24 *paid by the Department of Defense; and*

1 (F) any waiver made under subsection
2 (c)(2)(B); and
3 (2) shall not include any confidential or simi-
4 larly sensitive information.

5 SEC. 8100. None of the funds appropriated or other-
6 wise made available by this Act may be obligated or ex-
7 pended to pay a retired general or flag officer to serve as
8 a senior mentor advising the Department of Defense unless
9 such retired officer files a Standard Form 278 (or successor
10 form concerning public financial disclosure under part
11 2634 of title 5, Code of Federal Regulations) to the Office
12 of Government Ethics.

13 SEC. 8101. Appropriations available to the Depart-
14 ment of Defense may be used for the purchase of heavy and
15 light armored vehicles for the physical security of personnel
16 or for force protection purposes up to a limit of \$250,000
17 per vehicle, notwithstanding price or other limitations ap-
18 plicable to the purchase of passenger carrying vehicles.

19 SEC. 8102. Of the amounts appropriated for “Oper-
20 ation and Maintenance, Defense-Wide”, \$106,482,000 shall
21 be available to the Secretary of Defense, notwithstanding
22 any other provision of law, acting through the Office of Eco-
23 nomic Adjustment of the Department of Defense, to make
24 grants, conclude cooperative agreements, and supplement
25 other Federal funds, to remain available until expended, to

1 *assist the civilian population of Guam in response to the*
2 *military buildup of Guam, for addressing the need for civil-*
3 *ian water and wastewater improvements: Provided, That*
4 *the Secretary of Defense shall, not fewer than 15 days prior*
5 *to obligating funds for this purpose, notify the congressional*
6 *defense committees in writing of the details of any such obli-*
7 *gation.*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *SEC. 8103. There is hereby established in the Treasury*
10 *of the United States the “Ship Modernization, Operations*
11 *and Sustainment Fund”. There is appropriated*
12 *\$2,382,100,000, for the “Ship Modernization, Operations*
13 *and Sustainment Fund”, to remain available until Sep-*
14 *tember 30, 2014: Provided, That the Secretary of the Navy*
15 *shall transfer funds from the “Ship Modernization, Oper-*
16 *ations and Sustainment Fund” to appropriations for mili-*
17 *tary personnel; operation and maintenance; research, devel-*
18 *opment, test and evaluation; and procurement, only for the*
19 *purposes of manning, operating, sustaining, equipping and*
20 *modernizing the Ticonderoga-class guided missile cruisers*
21 *CG–63, CG–64, CG–65, CG–66, CG–68, CG–69, CG–73,*
22 *and the Whidbey Island-class dock landing ships LSD–41*
23 *and LSD–46: Provided further, That funds transferred shall*
24 *be merged with and be available for the same purposes and*
25 *for the same time period as the appropriation to which they*

1 *are transferred: Provided further, That the transfer author-*
2 *ity provided herein shall be in addition to any other trans-*
3 *fer authority available to the Department of Defense: Pro-*
4 *vided further, That the Secretary of the Navy shall, not less*
5 *than 30 days prior to making any transfer from the “Ship*
6 *Modernization, Operations and Sustainment Fund”, notify*
7 *the congressional defense committees in writing of the de-*
8 *tails of such transfer.*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *SEC. 8104. Of the amounts made available in this Act*
11 *under the heading “Operation and Maintenance, Defense-*
12 *Wide”, there is appropriated \$51,000,000, to be available*
13 *until expended: Provided, That such funds shall only be*
14 *available to the Secretary of Defense, acting through the Of-*
15 *fice of Economic Adjustment of the Department of Defense,*
16 *or for transfer to the Secretary of Education, notwith-*
17 *standing any other provision of law, to make grants, con-*
18 *clude cooperative agreements, or supplement other Federal*
19 *funds to construct, renovate, repair, or expand elementary*
20 *and secondary public schools on military installations in*
21 *order to address capacity or facility condition deficiencies*
22 *at such schools: Provided further, That in making such*
23 *funds available, the Office of Economic Adjustment or the*
24 *Secretary of Education shall give priority consideration to*
25 *those military installations with schools having the most*

1 *serious capacity or facility condition deficiencies as deter-*
2 *mined by the Secretary of Defense: Provided further, That*
3 *funds may not be made available for a school unless its*
4 *enrollment of Department of Defense-connected children is*
5 *greater than 50 percent.*

6 *SEC. 8105. None of the funds appropriated or other-*
7 *wise made available in this or any other Act may be used*
8 *to transfer, release, or assist in the transfer or release to*
9 *or within the United States, its territories, or possessions*
10 *Khalid Sheikh Mohammed or any other detainee who—*

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

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

16 *SEC. 8106. (a)(1) Except as provided in paragraph*
17 *(2) and subsection (d), none of the funds appropriated or*
18 *otherwise made available in this or any other Act may be*
19 *used to transfer any individual detained at Guantánamo*
20 *to the custody or control of the individual's country of ori-*
21 *gin, any other foreign country, or any other foreign entity*
22 *unless the Secretary of Defense submits to Congress the cer-*
23 *tification described in subsection (b) not later than 30 days*
24 *before the transfer of the individual.*

1 (2) Paragraph (1) shall not apply to any action taken
2 by the Secretary to transfer any individual detained at
3 Guantánamo to effectuate—

4 (A) an order affecting the disposition of the indi-
5 vidual that is issued by a court or competent tribunal
6 of the United States having lawful jurisdiction (which
7 the Secretary shall notify Congress of promptly after
8 issuance); or

9 (B) a pre-trial agreement entered in a military
10 commission case prior to the date of the enactment of
11 this Act.

12 (b) A certification described in this subsection is a
13 written certification made by the Secretary of Defense, with
14 the concurrence of the Secretary of State and in consulta-
15 tion with the Director of National Intelligence, that—

16 (1) the government of the foreign country or the
17 recognized leadership of the foreign entity to which
18 the individual detained at Guantánamo is to be
19 transferred—

20 (A) is not a designated state sponsor of ter-
21 rorism or a designated foreign terrorist organi-
22 zation;

23 (B) maintains control over each detention
24 facility in which the individual is to be detained

1 *if the individual is to be housed in a detention*
2 *facility;*

3 *(C) is not, as of the date of the certification,*
4 *facing a threat that is likely to substantially af-*
5 *fect its ability to exercise control over the indi-*
6 *vidual;*

7 *(D) has taken or agreed to take effective ac-*
8 *tions to ensure that the individual cannot take*
9 *action to threaten the United States, its citizens,*
10 *or its allies in the future;*

11 *(E) has taken or agreed to take such actions*
12 *as the Secretary of Defense determines are nec-*
13 *essary to ensure that the individual cannot en-*
14 *gage or re-engage in any terrorist activity; and*

15 *(F) has agreed to share with the United*
16 *States any information that—*

17 *(i) is related to the individual or any*
18 *associates of the individual; and*

19 *(ii) could affect the security of the*
20 *United States, its citizens, or its allies; and*

21 *(2) includes an assessment, in classified or un-*
22 *classified form, of the capacity, willingness, and past*
23 *practices (if applicable) of the foreign country or enti-*
24 *ty in relation to the Secretary's certifications.*

1 (c)(1) *Except as provided in paragraph (2) and sub-*
2 *section (d), none of the funds appropriated or otherwise*
3 *made available in this or any other Act may be used to*
4 *transfer any individual detained at Guantánamo to the*
5 *custody or control of the individual's country of origin, any*
6 *other foreign country, or any other foreign entity if there*
7 *is a confirmed case of any individual who was detained*
8 *at United States Naval Station, Guantánamo Bay, Cuba,*
9 *at any time after September 11, 2001, who was transferred*
10 *to such foreign country or entity and subsequently engaged*
11 *in any terrorist activity.*

12 (2) *Paragraph (1) shall not apply to any action taken*
13 *by the Secretary to transfer any individual detained at*
14 *Guantánamo to effectuate—*

15 (A) *an order affecting the disposition of the indi-*
16 *vidual that is issued by a court or competent tribunal*
17 *of the United States having lawful jurisdiction (which*
18 *the Secretary shall notify Congress of promptly after*
19 *issuance); or*

20 (B) *a pre-trial agreement entered in a military*
21 *commission case prior to the date of the enactment of*
22 *this Act.*

23 (d)(1) *The Secretary of Defense may waive the appli-*
24 *cability to a detainee transfer of a certification requirement*
25 *specified in subparagraph (D) or (E) of subsection (b)(1)*

1 *or the prohibition in subsection (c), if the Secretary certifies*
2 *the rest of the criteria required by subsection (b) for trans-*
3 *fers prohibited by (c) and, with the concurrence of the Sec-*
4 *retary of State and in consultation with the Director of Na-*
5 *tional Intelligence, determines that—*

6 *(A) alternative actions will be taken to address*
7 *the underlying purpose of the requirement or require-*
8 *ments to be waived;*

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

16 *(C) in the case of a waiver of subsection (c), the*
17 *Secretary has considered any confirmed case in which*
18 *an individual who was transferred to the country*
19 *subsequently engaged in terrorist activity, and the ac-*
20 *tions to be taken under subparagraph (A) will sub-*
21 *stantially mitigate the risk of recidivism with regard*
22 *to the individual to be transferred; and*

23 *(D) the transfer is in the national security inter-*
24 *ests of the United States.*

1 (2) *Whenever the Secretary makes a determination*
2 *under paragraph (1), the Secretary shall submit to the ap-*
3 *propriate committees of Congress, not later than 30 days*
4 *before the transfer of the individual concerned, the fol-*
5 *lowing:*

6 (A) *A copy of the determination and the waiver*
7 *concerned.*

8 (B) *A statement of the basis for the determina-*
9 *tion, including—*

10 (i) *an explanation why the transfer is in*
11 *the national security interests of the United*
12 *States; and*

13 (ii) *in the case of a waiver of subparagraph*
14 *(D) or (E) of subsection (b)(1), an explanation*
15 *why it is not possible to certify that the risks ad-*
16 *dressed in the subparagraph to be waived have*
17 *been completely eliminated.*

18 (C) *A summary of the alternative actions to be*
19 *taken to address the underlying purpose of, and to*
20 *mitigate the risks addressed in, the subparagraph or*
21 *subsection to be waived.*

22 (D) *The assessment required by subsection (b)(2).*

23 (e) *In this section:*

24 (1) *The term “appropriate committees of Con-*
25 *gress” means—*

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

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

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

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

15 (B) *is—*

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

18 (ii) *otherwise under detention at*
19 *United States Naval Station, Guantánamo*
20 *Bay, Cuba.*

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

1 *SEC. 8107. (a) None of the funds appropriated or oth-*
2 *erwise made available in this or any other Act may be used*
3 *to construct, acquire, or modify any facility in the United*
4 *States, its territories, or possessions to house any individual*
5 *described in subsection (c) for the purposes of detention or*
6 *imprisonment in the custody or under the effective control*
7 *of the Department of Defense.*

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

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

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

16 *(2) is—*

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

19 *(B) otherwise under detention at United*
20 *States Naval Station, Guantánamo Bay, Cuba.*

21 *SEC. 8108. None of the funds made available by this*
22 *Act may be used to enter into a contract, memorandum of*
23 *understanding, or cooperative agreement with, make a*
24 *grant to, or provide a loan or loan guarantee to, any cor-*
25 *poration that any unpaid Federal tax liability that has*

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

10 *SEC. 8109. None of the funds made available by this*
11 *Act may be used to enter into a contract, memorandum of*
12 *understanding, or cooperative agreement with, make a*
13 *grant to, or provide a loan or loan guarantee to, any cor-*
14 *poration that was convicted of a felony criminal violation*
15 *under any Federal law within the preceding 24 months,*
16 *where the awarding agency is aware of the conviction, un-*
17 *less the agency has considered suspension or debarment of*
18 *the corporation and made a determination that this further*
19 *action is not necessary to protect the interests of the Govern-*
20 *ment.*

21 *SEC. 8110. The Secretary of the Air Force shall obli-*
22 *gate and expend funds previously appropriated for the pro-*
23 *curement of RQ-4B Global Hawk and C-27J Spartan air-*
24 *craft for the purposes for which such funds were originally*
25 *appropriated.*

1 *MILITARY PERSONNEL, MARINE CORPS*

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

8 *MILITARY PERSONNEL, AIR FORCE*

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

15 *RESERVE PERSONNEL, ARMY*

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

22 *RESERVE PERSONNEL, NAVY*

23 *For an additional amount for “Reserve Personnel,*
24 *Navy”, \$39,335,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section*
25 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.*

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

4 *RESERVE PERSONNEL, MARINE CORPS*

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

11 *RESERVE PERSONNEL, AIR FORCE*

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

18 *NATIONAL GUARD PERSONNEL, ARMY*

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

1 *NATIONAL GUARD PERSONNEL, AIR FORCE*

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

8 *OPERATION AND MAINTENANCE*9 *OPERATION AND MAINTENANCE, ARMY*

10 *For an additional amount for “Operation and Maintenance, Army”, \$30,578,256,000: Provided, That such*
11 *amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.*

16 *OPERATION AND MAINTENANCE, NAVY*

17 *For an additional amount for “Operation and Maintenance, Navy”, \$6,968,812,000: Provided, That such amount*
18 *is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.*

23 *OPERATION AND MAINTENANCE, MARINE CORPS*

24 *For an additional amount for “Operation and Maintenance, Marine Corps”, \$4,108,340,000: Provided, That such*
25 *amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.*

1 amount is designated by the Congress for Overseas Contin-
2 gency Operations/Global War on Terrorism pursuant to sec-
3 tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-
4 gency Deficit Control Act of 1985.

5 OPERATION AND MAINTENANCE, AIR FORCE

6 For an additional amount for “Operation and Mainte-
7 nance, Air Force”, \$9,291,493,000: Provided, That such
8 amount is designated by the Congress for Overseas Contin-
9 gency Operations/Global War on Terrorism pursuant to sec-
10 tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, DEFENSE-WIDE

13 For an additional amount for “Operation and Mainte-
14 nance, Defense-Wide”, \$8,274,052,000: Provided, That of
15 the funds provided under this heading, not to exceed
16 \$1,750,000,000, to remain available until September 30,
17 2014, shall be for payments to reimburse key cooperating
18 nations for logistical, military, and other support, includ-
19 ing access, provided to United States military operations
20 in support of Operation Enduring Freedom and post-oper-
21 ation Iraq border security related to the activities of the
22 Office of Security Cooperation in Iraq, notwithstanding
23 any other provision of law: Provided further, That such re-
24 imbursement payments may be made in such amounts as
25 the Secretary of Defense, with the concurrence of the Sec-

1 *retary of State, and in consultation with the Director of*
2 *the Office of Management and Budget, may determine, in*
3 *his discretion, based on documentation determined by the*
4 *Secretary of Defense to adequately account for the support*
5 *provided, and such determination is final and conclusive*
6 *upon the accounting officers of the United States, and 15*
7 *days following notification to the appropriate congressional*
8 *committees: Provided further, That the requirement under*
9 *this heading to provide notification to the appropriate con-*
10 *gressional committees shall not apply with respect to a re-*
11 *imbursement for access based on an international agree-*
12 *ment: Provided further, That these funds may be used for*
13 *the purpose of providing specialized training and procuring*
14 *supplies and specialized equipment and providing such*
15 *supplies and loaning such equipment on a non-reimburs-*
16 *able basis to coalition forces supporting United States mili-*
17 *tary operations in Afghanistan, and 15 days following noti-*
18 *fication to the appropriate congressional committees: Pro-*
19 *vided further, That the Secretary of Defense shall provide*
20 *quarterly reports to the congressional defense committees on*
21 *the use of funds provided in this paragraph: Provided fur-*
22 *ther, That such amount in this section is designated by the*
23 *Congress for Overseas Contingency Operations/Global War*
24 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*

1 *Balanced Budget and Emergency Deficit Control Act of*
2 *1985.*

3 *OPERATION AND MAINTENANCE, ARMY RESERVE*

4 *For an additional amount for “Operation and Mainte-*
5 *nance, Army Reserve”, \$154,537,000: Provided, That such*
6 *amount is designated by the Congress for Overseas Contin-*
7 *gency Operations/Global War on Terrorism pursuant to sec-*
8 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
9 *gency Deficit Control Act of 1985.*

10 *OPERATION AND MAINTENANCE, NAVY RESERVE*

11 *For an additional amount for “Operation and Mainte-*
12 *nance, Navy Reserve”, \$55,924,000: Provided, That such*
13 *amount is designated by the Congress for Overseas Contin-*
14 *gency Operations/Global War on Terrorism pursuant to sec-*
15 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
16 *gency Deficit Control Act of 1985.*

17 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

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

1 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

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

8 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

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

15 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

16 *For an additional amount for “Operation and Mainte-*
17 *nance, Air National Guard”, \$19,975,000: Provided, That*
18 *such amount is designated by the Congress for Overseas*
19 *Contingency Operations/Global War on Terrorism pursu-*
20 *ant to section 251(b)(2)(A)(ii) of the Balanced Budget and*
21 *Emergency Deficit Control Act of 1985.*

22 *AFGHANISTAN INFRASTRUCTURE FUND*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For the “Afghanistan Infrastructure Fund”,*
25 *\$350,000,000, to remain available until September 30,*

1 2014: *Provided, That such sums shall be available to the*
2 *Secretary of Defense for infrastructure projects in Afghani-*
3 *stan, notwithstanding any other provision of law, which*
4 *shall be undertaken by the Secretary of State, unless the*
5 *Secretary of State and the Secretary of Defense jointly de-*
6 *cide that a specific project will be undertaken by the De-*
7 *partment of Defense: Provided further, That the infrastruc-*
8 *ture referred to in the preceding proviso is in support of*
9 *the counterinsurgency strategy, which may require funding*
10 *for facility and infrastructure projects, including, but not*
11 *limited to, water, power, and transportation projects and*
12 *related maintenance and sustainment costs: Provided fur-*
13 *ther, That the authority to undertake such infrastructure*
14 *projects is in addition to any other authority to provide*
15 *assistance to foreign nations: Provided further, That any*
16 *projects funded under this heading shall be jointly formu-*
17 *lated and concurred in by the Secretary of State and Sec-*
18 *retary of Defense: Provided further, That funds may be*
19 *transferred to the Department of State for purposes of un-*
20 *dertaking projects, which funds shall be considered to be eco-*
21 *nomie assistance under the Foreign Assistance Act of 1961*
22 *for purposes of making available the administrative au-*
23 *thorities contained in that Act: Provided further, That the*
24 *transfer authority in the preceding proviso is in addition*
25 *to any other authority available to the Department of De-*

1 *fense to transfer funds: Provided further, That any unex-*
2 *pended funds transferred to the Secretary of State under*
3 *this authority shall be returned to the Afghanistan Infra-*
4 *structure Fund if the Secretary of State, in coordination*
5 *with the Secretary of Defense, determines that the project*
6 *cannot be implemented for any reason, or that the project*
7 *no longer supports the counterinsurgency strategy in Af-*
8 *ghanistan: Provided further, That any funds returned to*
9 *the Secretary of Defense under the previous proviso shall*
10 *be available for use under this appropriation and shall be*
11 *treated in the same manner as funds not transferred to the*
12 *Secretary of State: Provided further, That contributions of*
13 *funds for the purposes provided herein to the Secretary of*
14 *State in accordance with section 635(d) of the Foreign As-*
15 *sistance Act from any person, foreign government, or inter-*
16 *national organization may be credited to this Fund, to re-*
17 *main available until expended, and used for such purposes:*
18 *Provided further, That the Secretary of Defense shall, not*
19 *fewer than 15 days prior to making transfers to or from,*
20 *or obligations from the Fund, notify the appropriate com-*
21 *mittees of Congress in writing of the details of any such*
22 *transfer: Provided further, That the “appropriate commit-*
23 *tees of Congress” are the Committees on Armed Services,*
24 *Foreign Relations and Appropriations of the Senate and*
25 *the Committees on Armed Services, Foreign Affairs and Ap-*

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

6 *AFGHANISTAN SECURITY FORCES FUND*

7 *For the “Afghanistan Security Forces Fund”,*
8 *\$5,149,167,000, to remain available until September 30,*
9 *2013: Provided, That such funds shall be available to the*
10 *Secretary of Defense, notwithstanding any other provision*
11 *of law, for the purpose of allowing the Commander, Com-*
12 *bined Security Transition Command—Afghanistan, or the*
13 *Secretary’s designee, to provide assistance, with the concur-*
14 *rence of the Secretary of State, to the security forces of Af-*
15 *ghanistan, including the provision of equipment, supplies,*
16 *services, training, facility and infrastructure repair, ren-*
17 *ovation, and construction, and funding: Provided further,*
18 *That the authority to provide assistance under this heading*
19 *is in addition to any other authority to provide assistance*
20 *to foreign nations: Provided further, That contributions of*
21 *funds for the purposes provided herein from any person,*
22 *foreign government, or international organization may be*
23 *credited to this Fund, to remain available until expended,*
24 *and used for such purposes: Provided further, That the Sec-*
25 *retary of Defense shall notify the congressional defense com-*

1 *mittees in writing upon the receipt and upon the obligation*
2 *of any contribution, delineating the sources and amounts*
3 *of the funds received and the specific use of such contribu-*
4 *tions: Provided further, That the Secretary of Defense shall,*
5 *not fewer than 15 days prior to obligating from this appro-*
6 *priation account, notify the congressional defense commit-*
7 *tees in writing of the details of any such obligation: Pro-*
8 *vided further, That the Secretary of Defense shall notify the*
9 *congressional defense committees of any proposed new*
10 *projects or transfer of funds between budget sub-activity*
11 *groups in excess of \$20,000,000: Provided further, That such*
12 *amount is designated by the Congress for Overseas Continen-*
13 *tary Operations/Global War on Terrorism pursuant to sec-*
14 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
15 *gency Deficit Control Act of 1985.*

16 *PROCUREMENT*

17 *AIRCRAFT PROCUREMENT, ARMY*

18 *For an additional amount for “Aircraft Procurement,*
19 *Army”, \$1,140,294,000, to remain available until Sep-*
20 *tember 30, 2015: Provided, That such amount is designated*
21 *by the Congress for Overseas Contingency Operations/Glob-*
22 *al War on Terrorism pursuant to section 251(b)(2)(A)(ii)*
23 *of the Balanced Budget and Emergency Deficit Control Act*
24 *of 1985.*

1 *MISSILE PROCUREMENT, ARMY*

2 *For an additional amount for “Missile Procurement,*
3 *Army”, \$67,951,000, to remain available until September*
4 *30, 2015: Provided, That such amount is designated by the*
5 *Congress for Overseas Contingency Operations/Global War*
6 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*
7 *Balanced Budget and Emergency Deficit Control Act of*
8 *1985.*

9 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*
10 *VEHICLES, ARMY*

11 *For an additional amount for “Procurement of Weap-*
12 *ons and Tracked Combat Vehicles, Army”, \$15,422,000, to*
13 *remain available until September 30, 2015: Provided, That*
14 *such amount is designated by the Congress for Overseas*
15 *Contingency Operations/Global War on Terrorism pursu-*
16 *ant to section 251(b)(2)(A)(ii) of the Balanced Budget and*
17 *Emergency Deficit Control Act of 1985.*

18 *PROCUREMENT OF AMMUNITION, ARMY*

19 *For an additional amount for “Procurement of Am-*
20 *munition, Army”, \$326,193,000, to remain available until*
21 *September 30, 2015: Provided, That such amount is des-*
22 *ignated by the Congress for Overseas Contingency Oper-*
23 *ations/Global War on Terrorism pursuant to section*
24 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
25 *Deficit Control Act of 1985.*

1 *OTHER PROCUREMENT, ARMY*

2 *For an additional amount for “Other Procurement,*
3 *Army”, \$2,284,190,000, to remain available until Sep-*
4 *tember 30, 2015: Provided, That such amount is designated*
5 *by the Congress for Overseas Contingency Operations/Glob-*
6 *al War on Terrorism pursuant to section 251(b)(2)(A)(ii)*
7 *of the Balanced Budget and Emergency Deficit Control Act*
8 *of 1985.*

9 *AIRCRAFT PROCUREMENT, NAVY*

10 *For an additional amount for “Aircraft Procurement,*
11 *Navy”, \$426,436,000, to remain available until September*
12 *30, 2015: Provided, That such amount is designated by the*
13 *Congress for Overseas Contingency Operations/Global War*
14 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*
15 *Balanced Budget and Emergency Deficit Control Act of*
16 *1985.*

17 *WEAPONS PROCUREMENT, NAVY*

18 *For an additional amount for “Weapons Procurement,*
19 *Navy”, \$23,500,000, to remain available until September*
20 *30, 2015: Provided, That such amount is designated by the*
21 *Congress for Overseas Contingency Operations/Global War*
22 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*
23 *Balanced Budget and Emergency Deficit Control Act of*
24 *1985.*

1 *AIRCRAFT PROCUREMENT, AIR FORCE*

2 *For an additional amount for “Aircraft Procurement,*
3 *Air Force”, \$395,327,000, to remain available until Sep-*
4 *tember 30, 2015: Provided, That such amount is designated*
5 *by the Congress for Overseas Contingency Operations/Glob-*
6 *al War on Terrorism pursuant to section 251(b)(2)(A)(ii)*
7 *of the Balanced Budget and Emergency Deficit Control Act*
8 *of 1985.*

9 *MISSILE PROCUREMENT, AIR FORCE*

10 *For an additional amount for “Missile Procurement,*
11 *Air Force”, \$34,350,000, to remain available until Sep-*
12 *tember 30, 2015: Provided, That such amount is designated*
13 *by the Congress for Overseas Contingency Operations/Glob-*
14 *al War on Terrorism pursuant to section 251(b)(2)(A)(ii)*
15 *of the Balanced Budget and Emergency Deficit Control Act*
16 *of 1985.*

17 *PROCUREMENT OF AMMUNITION, AIR FORCE*

18 *For an additional amount for “Procurement of Am-*
19 *munition, Air Force”, \$116,203,000, to remain available*
20 *until September 30, 2015: Provided, That such amount is*
21 *designated by the Congress for Overseas Contingency Oper-*
22 *ations/Global War on Terrorism pursuant to section*
23 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
24 *Deficit Control Act of 1985.*

1 *OTHER PROCUREMENT, AIR FORCE*

2 *For an additional amount for “Other Procurement,*
3 *Air Force”, \$2,684,470,000, to remain available until Sep-*
4 *tember 30, 2015: Provided, That such amount is designated*
5 *by the Congress for Overseas Contingency Operations/Glob-*
6 *al War on Terrorism pursuant to section 251(b)(2)(A)(ii)*
7 *of the Balanced Budget and Emergency Deficit Control Act*
8 *of 1985.*

9 *PROCUREMENT, DEFENSE-WIDE*

10 *For an additional amount for “Procurement, Defense-*
11 *Wide”, \$362,749,000, to remain available until September*
12 *30, 2015: Provided, That such amount is designated by the*
13 *Congress for Overseas Contingency Operations/Global War*
14 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*
15 *Balanced Budget and Emergency Deficit Control Act of*
16 *1985.*

17 *NATIONAL GUARD AND RESERVE EQUIPMENT*

18 *For procurement of aircraft, missiles, tracked combat*
19 *vehicles, ammunition, other weapons and other procure-*
20 *ment for the reserve components of the Armed Forces,*
21 *\$1,000,000,000, to remain available for obligation until*
22 *September 30, 2015: Provided, That the Chiefs of National*
23 *Guard and Reserve components shall, not later than 30*
24 *days after the enactment of this Act, individually submit*
25 *to the congressional defense committees the modernization*

1 *priority assessment for their respective National Guard or*
2 *Reserve component: Provided further, That such amount is*
3 *designated by the Congress for Overseas Contingency Oper-*
4 *ations/Global War on Terrorism pursuant to section*
5 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
6 *Deficit Control Act of 1985.*

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

9 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*
10 *For an additional amount for “Research, Develop-*
11 *ment, Test and Evaluation, Army”, \$42,357,000, to remain*
12 *available until September 30, 2014: Provided, That such*
13 *amount is designated by the Congress for Overseas Contin-*
14 *gency Operations/Global War on Terrorism pursuant to sec-*
15 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
16 *gency Deficit Control Act of 1985.*

17 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*
18 *For an additional amount for “Research, Develop-*
19 *ment, Test and Evaluation, Navy”, \$52,519,000, to remain*
20 *available until September 30, 2014: Provided, That such*
21 *amount is designated by the Congress for Overseas Contin-*
22 *gency Operations/Global War on Terrorism pursuant to sec-*
23 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
24 *gency Deficit Control Act of 1985.*

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

3 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

4 *DEFENSE HEALTH PROGRAM*

5 *For an additional amount for “Defense Health Pro-*
6 *gram”, \$993,898,000, which shall be for operation and*
7 *maintenance: Provided, That such amount is designated by*
8 *the Congress for Overseas Contingency Operations/Global*
9 *War on Terrorism pursuant to section 251(b)(2)(A)(ii) of*
10 *the Balanced Budget and Emergency Deficit Control Act*
11 *of 1985.*

12 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*

13 *DEFENSE*

14 *For an additional amount for “Drug Interdiction and*
15 *Counter-Drug Activities, Defense”, \$469,025,000, to remain*
16 *available until September 30, 2014: Provided, That such*
17 *amount is designated by the Congress for Overseas Contin-*
18 *gency Operations/Global War on Terrorism pursuant to sec-*
19 *tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-*
20 *gency Deficit Control Act of 1985.*

21 *JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For the “Joint Improvised Explosive Device Defeat*
24 *Fund”, \$1,514,114,000, to remain available until Sep-*
25 *tember 30, 2015: 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 amount is
19 designated by the Congress for Overseas Contingency Oper-
20 ations/Global War on Terrorism pursuant to section
21 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 *OFFICE OF THE INSPECTOR GENERAL*

24 *For an additional amount for the “Office of the Inspec-*
25 *tor General”, \$10,766,000: Provided, That such amount is*

1 *designated by the Congress for Overseas Contingency Oper-*
2 *ations/Global War on Terrorism pursuant to section*
3 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
4 *Deficit Control Act of 1985.*

5 **GENERAL PROVISIONS—THIS TITLE**

6 *SEC. 9001. Notwithstanding any other provision of*
7 *law, funds made available in this title are in addition to*
8 *amounts appropriated or otherwise made available for the*
9 *Department of Defense for fiscal year 2013.*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *SEC. 9002. Upon the determination of the Secretary*
12 *of Defense that such action is necessary in the national in-*
13 *terest, the Secretary may, with the approval of the Office*
14 *of Management and Budget, transfer up to \$4,000,000,000*
15 *between the appropriations or funds made available to the*
16 *Department of Defense in this title: Provided, That the Sec-*
17 *retary shall notify the Congress promptly of each transfer*
18 *made pursuant to the authority in this section: Provided*
19 *further, That the authority provided in this section is in*
20 *addition to any other transfer authority available to the*
21 *Department of Defense and is subject to the same terms and*
22 *conditions as the authority provided in the Department of*
23 *Defense Appropriations Act, 2013.*

24 *SEC. 9003. Supervision and administration costs asso-*
25 *ciated with a construction project funded with appropria-*

1 *tions available for operation and maintenance, “Afghani-*
2 *stan Infrastructure Fund”, or the “Afghanistan Security*
3 *Forces Fund” provided in this Act and executed in direct*
4 *support of overseas contingency operations in Afghanistan,*
5 *may be obligated at the time a construction contract is*
6 *awarded: Provided, That for the purpose of this section, su-*
7 *pervision and administration costs include all in-house*
8 *Government costs.*

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

19 *SEC. 9005. Not to exceed \$200,000,000 of the amount*
20 *appropriated in this title under the heading “Operation*
21 *and Maintenance, Army” may be used, notwithstanding*
22 *any other provision of law, to fund the Commander’s Emer-*
23 *gency Response Program (CERP), for the purpose of ena-*
24 *bling military commanders in Afghanistan to respond to*
25 *urgent, small-scale, humanitarian relief and reconstruction*

1 requirements within their areas of responsibility: Provided,
2 That each project (including any ancillary or related ele-
3 ments in connection with such project) executed under this
4 authority shall not exceed \$20,000,000: Provided further,
5 That not later than 45 days after the end of each fiscal
6 year quarter, the Secretary of Defense shall submit to the
7 congressional defense committees a report regarding the
8 source of funds and the allocation and use of funds during
9 that quarter that were made available pursuant to the au-
10 thority provided in this section or under any other provi-
11 sion of law for the purposes described herein: Provided fur-
12 ther, That, not later than 30 days after the end of each
13 month, the Army shall submit to the congressional defense
14 committees monthly commitment, obligation, and expendi-
15 ture data for the Commander's Emergency Response Pro-
16 gram in Afghanistan: Provided further, That not less than
17 15 days before making funds available pursuant to the au-
18 thority provided in this section or under any other provi-
19 sion of law for the purposes described herein for a project
20 with a total anticipated cost for completion of \$5,000,000
21 or more, the Secretary shall submit to the congressional de-
22 fense committees a written notice containing each of the fol-
23 lowing:

24 (1) The location, nature and purpose of the pro-
25 posed project, including how the project is intended to

1 *advance the military campaign plan for the country*
2 *in which it is to be carried out.*

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

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

15 *SEC. 9006. Funds available to the Department of De-*
16 *fense for operation and maintenance may be used, notwith-*
17 *standing any other provision of law, to provide supplies,*
18 *services, transportation, including airlift and sealift, and*
19 *other logistical support to coalition forces supporting mili-*
20 *tary and stability operations in Afghanistan: Provided,*
21 *That the Secretary of Defense shall provide quarterly re-*
22 *ports to the congressional defense committees regarding sup-*
23 *port provided under this section.*

24 *SEC. 9007. None of the funds appropriated or other-*
25 *wise made available by this or any other Act shall be obli-*

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

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

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

8 (3) *To establish any military installation or base*
9 *for the purpose of providing for the permanent sta-*
10 *tioning of United States Armed Forces in Afghani-*
11 *stan.*

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

18 (1) *Section 2340A of title 18, United States*
19 *Code.*

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

1 *Regulations, and part 95 of title 22, Code of Federal*
2 *Regulations.*

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

7 *SEC. 9009. None of the funds provided for the “Afghan-*
8 *istan Security Forces Fund” (ASFF) may be obligated*
9 *prior to the approval of a financial and activity plan by*
10 *the Afghanistan Resources Oversight Council (AROC) of the*
11 *Department of Defense: Provided, That the AROC must ap-*
12 *prove the requirement and acquisition plan for any service*
13 *requirements in excess of \$50,000,000 annually and any*
14 *non-standard equipment requirements in excess of*
15 *\$100,000,000 using ASFF: Provided further, That the*
16 *AROC must approve all projects and the execution plan*
17 *under the “Afghanistan Infrastructure Fund” (AIF) and*
18 *any project in excess of \$5,000,000 from the Commanders*
19 *Emergency Response Program (CERP): Provided further,*
20 *That the Department of Defense must certify to the congres-*
21 *sional defense committees that the AROC has convened and*
22 *approved a process for ensuring compliance with the re-*
23 *quirements in the preceding provisos and accompanying re-*
24 *port language for the ASFF, AIF, and CERP.*

1 *SEC. 9010. Funds made available in this title to the*
2 *Department of Defense for operation and maintenance may*
3 *be used to purchase items having an investment unit cost*
4 *of not more than \$250,000: Provided, That, upon deter-*
5 *mination by the Secretary of Defense that such action is*
6 *necessary to meet the operational requirements of a Com-*
7 *mander of a Combatant Command engaged in contingency*
8 *operations overseas, such funds may be used to purchase*
9 *items having an investment item unit cost of not more than*
10 *\$500,000.*

11 *SEC. 9011. Notwithstanding any other provision of*
12 *law, up to \$93,000,000 of funds made available in this title*
13 *under the heading “Operation and Maintenance, Army”*
14 *may be obligated and expended for purposes of the Task*
15 *Force for Business and Stability Operations, subject to the*
16 *direction and control of the Secretary of Defense, with con-*
17 *currence of the Secretary of State, to carry out strategic*
18 *business and economic assistance activities in Afghanistan*
19 *in support of Operation Enduring Freedom: Provided, That*
20 *not less than 15 days before making funds available pursu-*
21 *ant to the authority provided in this section for any project*
22 *with a total anticipated cost of \$5,000,000 or more, the Sec-*
23 *retary shall submit to the congressional defense committees*
24 *a written notice containing a detailed justification and*
25 *timeline for each proposed project.*

1 *SEC. 9012. From funds made available to the Depart-*
2 *ment of Defense in this title under the heading “Operation*
3 *and Maintenance, Air Force” up to \$508,000,000 may be*
4 *used by the Secretary of Defense, notwithstanding any other*
5 *provision of law, to support United States Government*
6 *transition activities in Iraq by funding the operations and*
7 *activities of the Office of Security Cooperation in Iraq and*
8 *security assistance teams, including life support, transpor-*
9 *tation and personal security, and facilities renovation and*
10 *construction: Provided, That to the extent authorized under*
11 *the National Defense Authorization Act for Fiscal Year*
12 *2013, the operations and activities that may be carried out*
13 *by the Office of Security Cooperation in Iraq may, with*
14 *the concurrence of the Secretary of State, include training*
15 *and assisting Iraqi Ministry of Defense personnel to address*
16 *gaps in capability of such personnel to manage defense-re-*
17 *lated institutions and integrate processes relating to intel-*
18 *ligence, air sovereignty, combined arms, logistics and main-*
19 *tenance, and counter-terrorism: Provided further, That not*
20 *later than October 30, 2012, the Secretary of Defense and*
21 *the Secretary of State shall submit to the congressional de-*
22 *fense committees a plan for transitioning any such training*
23 *and assisting activities that they determine are needed after*
24 *the end of fiscal year 2013, to existing or new contracts*
25 *for the sale of defense articles or defense services consistent*

1 *with the provisions of the Arms Export Control Act (22*
2 *U.S.C. 2751 et seq.): Provided further, That not less than*
3 *15 days before making funds available pursuant to the au-*
4 *thority provided in this section, the Secretary shall submit*
5 *to the congressional defense committees a written notice con-*
6 *taining a detailed justification and timeline for the oper-*
7 *ations and activities of the Office of Security Cooperation*
8 *Iraq at each site where such operations and activities will*
9 *be conducted during fiscal year 2013.*

10 *SEC. 9013. Of the funds appropriated in Department*
11 *of Defense Appropriations Acts, the following funds are*
12 *hereby rescinded from the following accounts and programs*
13 *in the specified amounts: Provided, That such amounts are*
14 *designated by the Congress for Overseas Contingency Oper-*
15 *ations/Global War on Terrorism pursuant to section*
16 *251(b)(2)(A)(ii) of the Balanced Budget and Emergency*
17 *Deficit Control Act of 1985:*

18 *“Other Procurement, Army, 2012/2014”,*

19 *\$207,600,000;*

20 *“Mine Resistant Ambush Protected Vehicle Fund,*

21 *2012/2013”, \$400,000,000;*

22 *“Research, Development, Test and Evaluation,*

23 *Air Force, 2012/2013”, \$58,000,000;*

24 *“Afghanistan Security Forces Fund, 2012/2013”,*

25 *\$1,000,000,000;*

1 *“Joint Improvised Explosive Device Defeat*
2 *Fund, 2012/2014”*, \$40,300,000.

3 *This Act may be cited as the “Department of Defense*
4 *Appropriations Act, 2013”*.

Calendar No. 485

112TH CONGRESS
2D SESSION

H. R. 5856

[Report No. 112-196]

AN ACT

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

JULY 23, 2012

Received; read twice and referred to the Committee on Appropriations

AUGUST 2, 2012

Reported with an amendment