

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

# H. R. 5856

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## 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,*

1 That the following sums are appropriated, out of any  
2 money in the Treasury not otherwise appropriated, for the  
3 fiscal year ending September 30, 2013, for military func-  
4 tions administered by the Department of Defense and for  
5 other purposes, namely:

6

## TITLE I

7

## MILITARY PERSONNEL

8

## MILITARY PERSONNEL, ARMY

9 For pay, allowances, individual clothing, subsistence,  
10 interest on deposits, gratuities, permanent change of sta-  
11 tion travel (including all expenses thereof for organiza-  
12 tional movements), and expenses of temporary duty travel  
13 between permanent duty stations, for members of the  
14 Army on active duty, (except members of reserve compo-  
15 nents provided for elsewhere), cadets, and aviation cadets;  
16 for members of the Reserve Officers' Training Corps; and  
17 for payments pursuant to section 156 of Public Law 97-  
18 377, as amended (42 U.S.C. 402 note), and to the Depart-  
19 ment of Defense Military Retirement Fund,  
20 \$40,730,014,000.

21

## MILITARY PERSONNEL, NAVY

22 For pay, allowances, individual clothing, subsistence,  
23 interest on deposits, gratuities, permanent change of sta-  
24 tion travel (including all expenses thereof for organiza-  
25 tional movements), and expenses of temporary duty travel

1 between permanent duty stations, for members of the  
2 Navy on active duty (except members of the Reserve pro-  
3 vided for elsewhere), midshipmen, and aviation cadets; for  
4 members of the Reserve Officers' Training Corps; and for  
5 payments pursuant to section 156 of Public Law 97-377,  
6 as amended (42 U.S.C. 402 note), and to the Department  
7 of Defense Military Retirement Fund, \$27,075,933,000.

8                   MILITARY PERSONNEL, MARINE CORPS

9           For pay, allowances, individual clothing, subsistence,  
10 interest on deposits, gratuities, permanent change of sta-  
11 tion travel (including all expenses thereof for organiza-  
12 tional movements), and expenses of temporary duty travel  
13 between permanent duty stations, for members of the Ma-  
14 rine Corps on active duty (except members of the Reserve  
15 provided for elsewhere); and for payments pursuant to sec-  
16 tion 156 of Public Law 97-377, as amended (42 U.S.C.  
17 402 note), and to the Department of Defense Military Re-  
18 tirement Fund, \$12,560,999,000.

19                   MILITARY PERSONNEL, AIR FORCE

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

1 nents provided for elsewhere), cadets, and aviation cadets;  
2 for members of the Reserve Officers' Training Corps; and  
3 for payments pursuant to section 156 of Public Law 97–  
4 377, as amended (42 U.S.C. 402 note), and to the Depart-  
5 ment of Defense Military Retirement Fund,  
6 \$28,124,109,000.

7                   RESERVE PERSONNEL, ARMY

8           For pay, allowances, clothing, subsistence, gratuities,  
9 travel, and related expenses for personnel of the Army Re-  
10 serve on active duty under sections 10211, 10302, and  
11 3038 of title 10, United States Code, or while serving on  
12 active duty under section 12301(d) of title 10, United  
13 States Code, in connection with performing duty specified  
14 in section 12310(a) of title 10, United States Code, or  
15 while undergoing reserve training, or while performing  
16 drills or equivalent duty or other duty, and expenses au-  
17 thorized by section 16131 of title 10, United States Code;  
18 and for payments to the Department of Defense Military  
19 Retirement Fund, \$4,456,823,000.

20                   RESERVE PERSONNEL, NAVY

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

1 nection with performing duty specified in section 12310(a)  
2 of title 10, United States Code, or while undergoing re-  
3 serve training, or while performing drills or equivalent  
4 duty, and expenses authorized by section 16131 of title  
5 10, United States Code; and for payments to the Depart-  
6 ment of Defense Military Retirement Fund,  
7 \$1,871,688,000.

8           RESERVE PERSONNEL, MARINE CORPS

9           For pay, allowances, clothing, subsistence, gratuities,  
10 travel, and related expenses for personnel of the Marine  
11 Corps Reserve on active duty under section 10211 of title  
12 10, United States Code, or while serving on active duty  
13 under section 12301(d) of title 10, United States Code,  
14 in connection with performing duty specified in section  
15 12310(a) of title 10, United States Code, or while under-  
16 going reserve training, or while performing drills or equiv-  
17 alent duty, and for members of the Marine Corps platoon  
18 leaders class, and expenses authorized by section 16131  
19 of title 10, United States Code; and for payments to the  
20 Department of Defense Military Retirement Fund,  
21 \$651,861,000.

22           RESERVE PERSONNEL, AIR FORCE

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

1 8038 of title 10, United States Code, or while serving on  
2 active duty under section 12301(d) of title 10, United  
3 States Code, in connection with performing duty specified  
4 in section 12310(a) of title 10, United States Code, or  
5 while undergoing reserve training, or while performing  
6 drills or equivalent duty or other duty, and expenses au-  
7 thorized by section 16131 of title 10, United States Code;  
8 and for payments to the Department of Defense Military  
9 Retirement Fund, \$1,743,875,000.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For pay, allowances, clothing, subsistence, gratuities,  
12 travel, and related expenses for personnel of the Army Na-  
13 tional Guard while on duty under section 10211, 10302,  
14 or 12402 of title 10 or section 708 of title 32, United  
15 States Code, or while serving on duty under section  
16 12301(d) of title 10 or section 502(f) of title 32, United  
17 States Code, in connection with performing duty specified  
18 in section 12310(a) of title 10, United States Code, or  
19 while undergoing training, or while performing drills or  
20 equivalent duty or other duty, and expenses authorized by  
21 section 16131 of title 10, United States Code; and for pay-  
22 ments to the Department of Defense Military Retirement  
23 Fund, \$8,089,477,000.

## 1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,  
3 travel, and related expenses for personnel of the Air Na-  
4 tional Guard on duty under section 10211, 10305, or  
5 12402 of title 10 or section 708 of title 32, United States  
6 Code, or while serving on duty under section 12301(d) of  
7 title 10 or section 502(f) of title 32, United States Code,  
8 in connection with performing duty specified in section  
9 12310(a) of title 10, United States Code, or while under-  
10 going training, or while performing drills or equivalent  
11 duty or other duty, and expenses authorized by section  
12 16131 of title 10, United States Code; and for payments  
13 to the Department of Defense Military Retirement Fund,  
14 \$3,158,015,000.

## 15 TITLE II

## 16 OPERATION AND MAINTENANCE

## 17 OPERATION AND MAINTENANCE, ARMY

18 For expenses, not otherwise provided for, necessary  
19 for the operation and maintenance of the Army, as author-  
20 ized by law; and not to exceed \$12,478,000 can be used  
21 for emergencies and extraordinary expenses, to be ex-  
22 pended on the approval or authority of the Secretary of  
23 the Army, and payments may be made on his certificate  
24 of necessity for confidential military purposes,  
25 \$36,422,738,000.

## 1           OPERATION AND MAINTENANCE, NAVY

2           For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance of the Navy and the  
4 Marine Corps, as authorized by law; and not to exceed  
5 \$14,804,000 can be used for emergencies and extraor-  
6 dinary expenses, to be expended on the approval or author-  
7 ity of the Secretary of the Navy, and payments may be  
8 made on his certificate of necessity for confidential mili-  
9 tary purposes, \$41,463,773,000.

## 10          OPERATION AND MAINTENANCE, MARINE CORPS

11          For expenses, not otherwise provided for, necessary  
12 for the operation and maintenance of the Marine Corps,  
13 as authorized by law, \$6,075,667,000.

## 14          OPERATION AND MAINTENANCE, AIR FORCE

15          For expenses, not otherwise provided for, necessary  
16 for the operation and maintenance of the Air Force, as  
17 authorized by law; and not to exceed \$7,699,000 can be  
18 used for emergencies and extraordinary expenses, to be ex-  
19 pended on the approval or authority of the Secretary of  
20 the Air Force, and payments may be made on his certifi-  
21 cate of necessity for confidential military purposes,  
22 \$35,408,795,000 (reduced by \$24,000,000).



1       OPERATION AND MAINTENANCE, DEFENSE-WIDE  
2                   (INCLUDING TRANSFER OF FUNDS)

3       For expenses, not otherwise provided for, necessary  
4 for the operation and maintenance of activities and agen-  
5 cies of the Department of Defense (other than the military  
6 departments), as authorized by law, \$31,780,813,000 (re-  
7 duced by \$10,000,000) (reduced by \$15,000,000) (re-  
8 duced by \$10,000,000) (reduced by \$5,000,000): *Pro-*  
9 *vided*, That not more than \$30,000,000 may be used for  
10 the Combatant Commander Initiative Fund authorized  
11 under section 166a of title 10, United States Code: *Pro-*  
12 *vided further*, That not to exceed \$36,000,000 can be used  
13 for emergencies and extraordinary expenses, to be ex-  
14 pended on the approval or authority of the Secretary of  
15 Defense, and payments may be made on his certificate of  
16 necessity for confidential military purposes: *Provided fur-*  
17 *ther*, That of the funds provided under this heading, not  
18 less than \$35,897,000 shall be made available for the Pro-  
19 curement Technical Assistance Cooperative Agreement  
20 Program, of which not less than \$3,600,000 shall be avail-  
21 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*  
22 *vided further*, That none of the funds appropriated or oth-  
23 erwise made available by this Act may be used to plan  
24 or implement the consolidation of a budget or appropria-  
25 tions liaison office of the Office of the Secretary of De-

1 fense, the office of the Secretary of a military department,  
2 or the service headquarters of one of the Armed Forces  
3 into a legislative affairs or legislative liaison office: *Pro-*  
4 *vided further*, That \$8,563,000, to remain available until  
5 expended, is available only for expenses relating to certain  
6 classified activities, and may be transferred as necessary  
7 by the Secretary of Defense to operation and maintenance  
8 appropriations or research, development, test and evalua-  
9 tion appropriations, to be merged with and to be available  
10 for the same time period as the appropriations to which  
11 transferred: *Provided further*, That any ceiling on the in-  
12 vestment item unit cost of items that may be purchased  
13 with operation and maintenance funds shall not apply to  
14 the funds described in the preceding proviso: *Provided fur-*  
15 *ther*, That the transfer authority provided under this head-  
16 ing is in addition to any other transfer authority provided  
17 elsewhere in this Act.

18 OPERATION AND MAINTENANCE, ARMY RESERVE

19 For expenses, not otherwise provided for, necessary  
20 for the operation and maintenance, including training, or-  
21 ganization, and administration, of the Army Reserve; re-  
22 pair of facilities and equipment; hire of passenger motor  
23 vehicles; travel and transportation; care of the dead; re-  
24 cruiting; procurement of services, supplies, and equip-  
25 ment; and communications, \$3,199,423,000.

## 1 OPERATION AND MAINTENANCE, NAVY RESERVE

2 For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance, including training, or-  
4 ganization, and administration, of the Navy Reserve; re-  
5 pair of facilities and equipment; hire of passenger motor  
6 vehicles; travel and transportation; care of the dead; re-  
7 cruiting; procurement of services, supplies, and equip-  
8 ment; and communications, \$1,256,347,000.

## 9 OPERATION AND MAINTENANCE, MARINE CORPS

## 10 RESERVE

11 For expenses, not otherwise provided for, necessary  
12 for the operation and maintenance, including training, or-  
13 ganization, and administration, of the Marine Corps Re-  
14 serve; repair of facilities and equipment; hire of passenger  
15 motor vehicles; travel and transportation; care of the dead;  
16 recruiting; procurement of services, supplies, and equip-  
17 ment; and communications, \$277,377,000.

## 18 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

19 For expenses, not otherwise provided for, necessary  
20 for the operation and maintenance, including training, or-  
21 ganization, and administration, of the Air Force Reserve;  
22 repair of facilities and equipment; hire of passenger motor  
23 vehicles; travel and transportation; care of the dead; re-  
24 cruiting; procurement of services, supplies, and equip-  
25 ment; and communications, \$3,362,041,000.



1 modification, maintenance, and issue of supplies and  
2 equipment, including those furnished from stocks under  
3 the control of agencies of the Department of Defense;  
4 travel expenses (other than mileage) on the same basis as  
5 authorized by law for Air National Guard personnel on  
6 active Federal duty, for Air National Guard commanders  
7 while inspecting units in compliance with National Guard  
8 Bureau regulations when specifically authorized by the  
9 Chief, National Guard Bureau, \$6,608,826,000 (increased  
10 by \$8,000,000).

11 UNITED STATES COURT OF APPEALS FOR THE ARMED  
12 FORCES

13 For salaries and expenses necessary for the United  
14 States Court of Appeals for the Armed Forces,  
15 \$13,516,000, of which not to exceed \$5,000 may be used  
16 for official representation purposes.

17 ENVIRONMENTAL RESTORATION, ARMY  
18 (INCLUDING TRANSFER OF FUNDS)

19 For the Department of the Army, \$335,921,000, 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 of the Department of the Army, or  
25 for similar purposes, transfer the funds made available by

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

12 ENVIRONMENTAL RESTORATION, NAVY

13 (INCLUDING TRANSFER OF FUNDS)

14 For the Department of the Navy, \$310,594,000, to  
15 remain available until transferred: *Provided*, That the Sec-  
16 retary of the Navy shall, upon determining that such  
17 funds are required for environmental restoration, reduc-  
18 tion and recycling of hazardous waste, removal of unsafe  
19 buildings and debris of the Department of the Navy, or  
20 for similar purposes, transfer the funds made available by  
21 this appropriation to other appropriations made available  
22 to the Department of the Navy, to be merged with and  
23 to be available for the same purposes and for the same  
24 time period as the appropriations to which transferred:  
25 *Provided further*, That upon a determination that all or

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

7 ENVIRONMENTAL RESTORATION, AIR FORCE

8 (INCLUDING TRANSFER OF FUNDS)

9 For the Department of the Air Force, \$529,263,000,  
10 to remain available until transferred: *Provided*, That the  
11 Secretary of the Air Force shall, upon determining that  
12 such funds are required for environmental restoration, re-  
13 duction and recycling of hazardous waste, removal of un-  
14 safe buildings and debris of the Department of the Air  
15 Force, or for similar purposes, transfer the funds made  
16 available by this appropriation to other appropriations  
17 made available to the Department of the Air Force, to be  
18 merged with and to be available for the same purposes  
19 and for the same time period as the appropriations to  
20 which transferred: *Provided further*, That upon a deter-  
21 mination that all or part of the funds transferred from  
22 this appropriation are not necessary for the purposes pro-  
23 vided herein, such amounts may be transferred back to  
24 this appropriation: *Provided further*, That the transfer au-

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

3 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE  
4 (INCLUDING TRANSFER OF FUNDS)

5 For the Department of Defense, \$11,133,000, to re-  
6 main available until transferred: *Provided*, That the Sec-  
7 retary of Defense shall, upon determining that such funds  
8 are required for environmental restoration, reduction and  
9 recycling of hazardous waste, removal of unsafe buildings  
10 and debris of the Department of Defense, or for similar  
11 purposes, transfer the funds made available by this appro-  
12 priation to other appropriations made available to the De-  
13 partment of Defense, to be merged with and to be avail-  
14 able for the same purposes and for the same time period  
15 as the appropriations to which transferred: *Provided fur-*  
16 *ther*, That upon a determination that all or part of the  
17 funds transferred from this appropriation are not nec-  
18 essary for the purposes provided herein, such amounts  
19 may be transferred back to this appropriation: *Provided*  
20 *further*, That the transfer authority provided under this  
21 heading is in addition to any other transfer authority pro-  
22 vided elsewhere in this Act.



1 ENVIRONMENTAL RESTORATION, FORMERLY USED  
2 DEFENSE SITES  
3 (INCLUDING TRANSFER OF FUNDS)

4 For the Department of the Army, \$237,543,000, to  
5 remain available until transferred: *Provided*, That the Sec-  
6 retary of the Army shall, upon determining that such  
7 funds are required for environmental restoration, reduc-  
8 tion and recycling of hazardous waste, removal of unsafe  
9 buildings and debris at sites formerly used by the Depart-  
10 ment of Defense, transfer the funds made available by this  
11 appropriation to other appropriations made available to  
12 the Department of the Army, to be merged with and to  
13 be available for the same purposes and for the same time  
14 period as the appropriations to which transferred: *Pro-*  
15 *vided further*, That upon a determination that all or part  
16 of the funds transferred from this appropriation are not  
17 necessary for the purposes provided herein, such amounts  
18 may be transferred back to this appropriation: *Provided*  
19 *further*, That the transfer authority provided under this  
20 heading is in addition to any other transfer authority pro-  
21 vided elsewhere in this Act.

22 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

23 For expenses relating to the Overseas Humanitarian,  
24 Disaster, and Civic Aid programs of the Department of  
25 Defense (consisting of the programs provided under sec-

1 tions 401, 402, 404, 407, 2557, and 2561 of title 10,  
2 United States Code), \$108,759,000, to remain available  
3 until September 30, 2014.

4 COOPERATIVE THREAT REDUCTION ACCOUNT

5 For assistance to the republics of the former Soviet  
6 Union and, with appropriate authorization by the Depart-  
7 ment of Defense and Department of State, to countries  
8 outside of the former Soviet Union, including assistance  
9 provided by contract or by grants, for facilitating the  
10 elimination and the safe and secure transportation and  
11 storage of nuclear, chemical and other weapons; for estab-  
12 lishing programs to prevent the proliferation of weapons,  
13 weapons components, and weapon-related technology and  
14 expertise; for programs relating to the training and sup-  
15 port of defense and military personnel for demilitarization  
16 and protection of weapons, weapons components and  
17 weapons technology and expertise, and for defense and  
18 military contacts, \$519,111,000, to remain available until  
19 September 30, 2015.

20 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

21 DEVELOPMENT FUND

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

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TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$6,115,226,000, to remain available for obligation until September 30, 2015.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired,

1 and construction prosecuted thereon prior to approval of  
2 title; and procurement and installation of equipment, ap-  
3 pliances, and machine tools in public and private plants;  
4 reserve plant and Government and contractor-owned  
5 equipment layaway; and other expenses necessary for the  
6 foregoing purposes, \$1,602,689,000, to remain available  
7 for obligation until September 30, 2015.

8       PROCUREMENT OF WEAPONS AND TRACKED COMBAT  
9   VEHICLES, ARMY

10       For construction, procurement, production, and  
11 modification of weapons and tracked combat vehicles,  
12 equipment, including ordnance, spare parts, and acces-  
13 sories therefor; specialized equipment and training devices;  
14 expansion of public and private plants, including the land  
15 necessary therefor, for the foregoing purposes, and such  
16 lands and interests therein, may be acquired, and con-  
17 struction prosecuted thereon prior to approval of title; and  
18 procurement and installation of equipment, appliances,  
19 and machine tools in public and private plants; reserve  
20 plant and Government and contractor-owned equipment  
21 layaway; and other expenses necessary for the foregoing  
22 purposes, \$1,884,706,000, to remain available for obliga-  
23 tion until September 30, 2015.

## 1           PROCUREMENT OF AMMUNITION, ARMY

2           For construction, procurement, production, and  
3 modification of ammunition, and accessories therefor; spe-  
4 cialized equipment and training devices; expansion of pub-  
5 lic and private plants, including ammunition facilities, au-  
6 thorized by section 2854 of title 10, United States Code,  
7 and the land necessary therefor, for the foregoing pur-  
8 poses, and such lands and interests therein, may be ac-  
9 quired, and construction prosecuted thereon prior to ap-  
10 proval of title; and procurement and installation of equip-  
11 ment, appliances, and machine tools in public and private  
12 plants; reserve plant and Government and contractor-  
13 owned equipment layaway; and other expenses necessary  
14 for the foregoing purposes, \$1,576,768,000, to remain  
15 available for obligation until September 30, 2015.

## 16           OTHER PROCUREMENT, ARMY

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

1 therein, may be acquired, and construction prosecuted  
2 thereon prior to approval of title; and procurement and  
3 installation of equipment, appliances, and machine tools  
4 in public and private plants; reserve plant and Govern-  
5 ment and contractor-owned equipment layaway; and other  
6 expenses necessary for the foregoing purposes,  
7 \$6,488,045,000 (reduced by \$1) (increased by \$1), to re-  
8 main available for obligation until September 30, 2015.

9 AIRCRAFT PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-  
11 tion, and modernization of aircraft, equipment, including  
12 ordnance, spare parts, and accessories therefor; specialized  
13 equipment; expansion of public and private plants, includ-  
14 ing the land necessary therefor, and such lands and inter-  
15 ests therein, may be acquired, and construction prosecuted  
16 thereon prior to approval of title; and procurement and  
17 installation of equipment, appliances, and machine tools  
18 in public and private plants; reserve plant and Govern-  
19 ment and contractor-owned equipment layaway,  
20 \$17,518,324,000, to remain available for obligation until  
21 September 30, 2015.

22 WEAPONS PROCUREMENT, NAVY

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

1 and accessories therefor; expansion of public and private  
2 plants, including the land necessary therefor, and such  
3 lands and interests therein, may be acquired, and con-  
4 struction prosecuted thereon prior to approval of title; and  
5 procurement and installation of equipment, appliances,  
6 and machine tools in public and private plants; reserve  
7 plant and Government and contractor-owned equipment  
8 layaway, \$3,072,112,000, to remain available for obliga-  
9 tion until September 30, 2015.

10     PROCUREMENT OF AMMUNITION, NAVY AND MARINE  
11   CORPS

12     For construction, procurement, production, and  
13 modification of ammunition, and accessories therefor; spe-  
14 cialized equipment and training devices; expansion of pub-  
15 lic and private plants, including ammunition facilities, au-  
16 thorized by section 2854 of title 10, United States Code,  
17 and the land necessary therefor, for the foregoing pur-  
18 poses, and such lands and interests therein, may be ac-  
19 quired, and construction prosecuted thereon prior to ap-  
20 proval of title; and procurement and installation of equip-  
21 ment, appliances, and machine tools in public and private  
22 plants; reserve plant and Government and contractor-  
23 owned equipment layaway; and other expenses necessary  
24 for the foregoing purposes, \$677,243,000, to remain avail-  
25 able for obligation until September 30, 2015.

## 1 SHIPBUILDING AND CONVERSION, NAVY

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

14 Carrier Replacement Program, \$578,295,000;  
15 Virginia Class Submarine, \$3,217,601,000;  
16 Virginia Class Submarine (AP), \$1,597,878,000;  
17 CVN Refuelings, \$1,613,392,000;  
18 CVN Refuelings (AP), \$70,010,000;  
19 DDG-1000 Program, \$669,222,000;  
20 DDG-51 Destroyer, \$4,036,628,000;  
21 DDG-51 Destroyer (AP), \$466,283,000;  
22 Littoral Combat Ship, \$1,784,959,000;  
23 Joint High Speed Vessel, \$189,196,000;  
24 Moored Training Ship, \$307,300,000;



1 LCAC Service Life Extension Program, \$47,930,000;

2 and

3 For outfitting, post delivery, conversions, and first

4 destination transportation, \$284,859,000.

5 Completion of Prior Year Shipbuilding Programs,

6 \$372,573,000.

7 In all: \$15,236,126,000, to remain available for obli-

8 gation until September 30, 2017: *Provided*, That addi-

9 tional obligations may be incurred after September 30,

10 2017, for engineering services, tests, evaluations, and

11 other such budgeted work that must be performed in the

12 final stage of ship construction: *Provided further*, That

13 none of the funds provided under this heading for the con-

14 struction or conversion of any naval vessel to be con-

15 structed in shipyards in the United States shall be ex-

16 pended in foreign facilities for the construction of major

17 components of such vessel: *Provided further*, That none

18 of the funds provided under this heading shall be used

19 for the construction of any naval vessel in foreign ship-

20 yards.

21 OTHER PROCUREMENT, NAVY

22 For procurement, production, and modernization of

23 support equipment and materials not otherwise provided

24 for, Navy ordnance (except ordnance for new aircraft, new

25 ships, and ships authorized for conversion); the purchase

1 of passenger motor vehicles for replacement only; expansion  
2 sion of public and private plants, including the land necessary  
3 therefor, and such lands and interests therein, may  
4 be acquired, and construction prosecuted thereon prior to  
5 approval of title; and procurement and installation of  
6 equipment, appliances, and machine tools in public and  
7 private plants; reserve plant and Government and contractor-owned  
8 equipment layaway, \$6,364,191,000, to remain available for obligation  
9 until September 30, 2015.

10                   PROCUREMENT, MARINE CORPS

11           For expenses necessary for the procurement, manufacture,  
12 and modification of missiles, armament, military equipment, spare parts,  
13 and accessories therefor; plant equipment, appliances, and machine tools,  
14 and installation thereof in public and private plants; reserve plant and  
15 Government and contractor-owned equipment layaway; vehicles for the  
16 Marine Corps, including the purchase of passenger motor vehicles for  
17 replacement only; and expansion of public and private plants, including  
18 land necessary therefor, and such lands and interests therein, may be  
19 acquired, and construction prosecuted thereon prior to approval of title,  
20 \$1,482,081,000, to remain available for obligation until September 30,  
21 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, Gov-  
7 ernment-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  
10 therein, may be acquired, and construction prosecuted  
11 thereon prior to approval of title; reserve plant and Gov-  
12 ernment and contractor-owned equipment layaway; and  
13 other expenses necessary for the foregoing purposes in-  
14 cluding rents and transportation of things,  
15 \$11,304,899,000 (increased by \$16,000,000), to remain  
16 available for obligation until September 30, 2015.

## 17           MISSILE PROCUREMENT, AIR FORCE

18           For construction, procurement, and modification of  
19 missiles, spacecraft, rockets, and related equipment, in-  
20 cluding spare parts and accessories therefor, ground han-  
21 dling equipment, and training devices; expansion of public  
22 and private plants, Government-owned equipment and in-  
23 stallation thereof in such plants, erection of structures,  
24 and acquisition of land, for the foregoing purposes, and  
25 such lands and interests therein, may be acquired, and

1 construction prosecuted thereon prior to approval of title;  
2 reserve plant and Government and contractor-owned  
3 equipment layaway; and other expenses necessary for the  
4 foregoing purposes including rents and transportation of  
5 things, \$5,449,146,000, to remain available for obligation  
6 until September 30, 2015.

7           PROCUREMENT OF AMMUNITION, AIR FORCE

8           For construction, procurement, production, and  
9 modification of ammunition, and accessories therefor; spe-  
10 cialized equipment and training devices; expansion of pub-  
11 lic and private plants, including ammunition facilities, au-  
12 thorized by section 2854 of title 10, United States Code,  
13 and the land necessary therefor, for the foregoing pur-  
14 poses, and such lands and interests therein, may be ac-  
15 quired, and construction prosecuted thereon prior to ap-  
16 proval of title; and procurement and installation of equip-  
17 ment, appliances, and machine tools in public and private  
18 plants; reserve plant and Government and contractor-  
19 owned equipment layaway; and other expenses necessary  
20 for the foregoing purposes, \$599,194,000, to remain avail-  
21 able for obligation until September 30, 2015.

22           OTHER PROCUREMENT, AIR FORCE

23           For procurement and modification of equipment (in-  
24 cluding ground guidance and electronic control equipment,  
25 and ground electronic and communication equipment),

1 and supplies, materials, and spare parts therefor, not oth-  
2 erwise provided for; the purchase of passenger motor vehi-  
3 cles for replacement only; lease of passenger motor vehi-  
4 cles; and expansion of public and private plants, Govern-  
5 ment-owned equipment and installation thereof in such  
6 plants, erection of structures, and acquisition of land, for  
7 the foregoing purposes, and such lands and interests  
8 therein, may be acquired, and construction prosecuted  
9 thereon, prior to approval of title; reserve plant and Gov-  
10 ernment and contractor-owned equipment layaway,  
11 \$16,632,575,000, to remain available for obligation until  
12 September 30, 2015.

13                   PROCUREMENT, DEFENSE-WIDE

14       For expenses of activities and agencies of the Depart-  
15 ment of Defense (other than the military departments)  
16 necessary for procurement, production, and modification  
17 of equipment, supplies, materials, and spare parts there-  
18 for, not otherwise provided for; the purchase of passenger  
19 motor vehicles for replacement only; expansion of public  
20 and private plants, equipment, and installation thereof in  
21 such plants, erection of structures, and acquisition of land  
22 for the foregoing purposes, and such lands and interests  
23 therein, may be acquired, and construction prosecuted  
24 thereon prior to approval of title; reserve plant and Gov-  
25 ernment and contractor-owned equipment layaway,

1 \$4,429,335,000, to remain available for obligation until  
2 September 30, 2015.

3 NATIONAL GUARD AND RESERVE EQUIPMENT

4 For procurement of aircraft, missiles, tracked combat  
5 vehicles, ammunition, other weapons and other procure-  
6 ment for the reserve components of the Armed Forces,  
7 \$2,000,000,000, to remain available for obligation until  
8 September 30, 2015: *Provided*, That the Chiefs of Na-  
9 tional Guard and Reserve components shall, not later than  
10 30 days after the enactment of this Act, individually sub-  
11 mit to the congressional defense committees the mod-  
12 ernization priority assessment for their respective Na-  
13 tional Guard or Reserve component: *Provided further*,  
14 That during fiscal year 2013, the Chief of the National  
15 Guard Bureau and each Reserve Component Chief, may  
16 each use not more than 3 percent of the funds made avail-  
17 able to the National Guard or such reserve component,  
18 as the case may be, under this heading to carry out re-  
19 search, development, test, and evaluation activities related  
20 to adding technological capability to platforms or to mod-  
21 ernize existing systems.

22 DEFENSE PRODUCTION ACT PURCHASES

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

1 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and  
2 2093), \$63,531,000, to remain available until expended.

3 TITLE IV

4 RESEARCH, DEVELOPMENT, TEST AND  
5 EVALUATION

6 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

7 ARMY

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

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

14 NAVY

15 For expenses necessary for basic and applied sci-  
16 entific research, development, test and evaluation, includ-  
17 ing maintenance, rehabilitation, lease, and operation of fa-  
18 cilities and equipment, \$16,987,768,000, to remain avail-  
19 able for obligation until September 30, 2014: *Provided*,  
20 That funds appropriated in this paragraph which are  
21 available for the V-22 may be used to meet unique oper-  
22 ational requirements of the Special Operations Forces:  
23 *Provided further*, That funds appropriated in this para-  
24 graph shall be available for the Cobra Judy program.

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

3 For expenses necessary for basic and applied sci-  
4 entific research, development, test and evaluation, includ-  
5 ing maintenance, rehabilitation, lease, and operation of fa-  
6 cilities and equipment, \$25,117,692,000, to remain avail-  
7 able for 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),  
13 necessary for basic and applied scientific research, devel-  
14 opment, test and evaluation; advanced research projects  
15 as may be designated and determined by the Secretary  
16 of Defense, pursuant to law; maintenance, rehabilitation,  
17 lease, and operation of facilities and equipment,  
18 \$19,100,362,000, to remain available for obligation until  
19 September 30, 2014: *Provided*, That of the funds made  
20 available in this paragraph, \$250,000,000 for the Defense  
21 Rapid Innovation Program shall only be available for ex-  
22 penses, not otherwise provided for, to include program  
23 management and oversight, to conduct research, develop-  
24 ment, test and evaluation to include proof of concept dem-  
25 onstration; engineering, testing, and validation; and tran-



1 sition to full-scale production: *Provided further*, That the  
2 Secretary of Defense may transfer funds provided herein  
3 for the Defense Rapid Innovation Program to appropria-  
4 tions for research, development, test and evaluation to ac-  
5 complish the purpose provided herein: *Provided further*,  
6 That this transfer authority is in addition to any other  
7 transfer authority available to the Department of Defense:  
8 *Provided further*, That the Secretary of Defense shall, not  
9 fewer than 30 days prior to making transfers from this  
10 appropriation, notify the congressional defense committees  
11 in writing of the details of any such transfer.

12       OPERATIONAL TEST AND EVALUATION, DEFENSE

13       For expenses, not otherwise provided for, necessary  
14 for the independent activities of the Director, Operational  
15 Test and Evaluation, in the direction and supervision of  
16 operational test and evaluation, including initial oper-  
17 ational test and evaluation which is conducted prior to,  
18 and in support of, production decisions; joint operational  
19 testing and evaluation; and administrative expenses in  
20 connection therewith, \$185,268,000, to remain available  
21 for obligation 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,  
8 projects, and activities, and for expenses of the National  
9 Defense Reserve Fleet, as established by section 11 of the  
10 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),  
11 and for the necessary expenses to maintain and preserve  
12 a U.S.-flag merchant fleet to serve the national security  
13 needs of the United States, \$564,636,000, to remain avail-  
14 able until expended: *Provided*, That none of the funds pro-  
15 vided in this paragraph shall be used to award a new con-  
16 tract that provides for the acquisition of any of the fol-  
17 lowing major components unless such components are  
18 manufactured in the United States: auxiliary equipment,  
19 including pumps, for all shipboard services; propulsion  
20 system components (engines, reduction gears, and propel-  
21 lers); shipboard cranes; and spreaders for shipboard  
22 cranes: *Provided further*, That the exercise of an option  
23 in a contract awarded through the obligation of previously  
24 appropriated funds shall not be considered to be the award  
25 of a new contract: *Provided further*, That the Secretary

1 of the military department responsible for such procure-  
2 ment may waive the restrictions in the first proviso on  
3 a case-by-case basis by certifying in writing to the Com-  
4 mittees on Appropriations of the House of Representatives  
5 and the Senate that adequate domestic supplies are not  
6 available to meet Department of Defense requirements on  
7 a timely basis and that such an acquisition must be made  
8 in order to acquire capability for national security pur-  
9 poses.

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  
15 as authorized by law, \$32,862,234,000 (increased by  
16 \$10,000,000) (increased by \$15,000,000) (increased by  
17 \$10,000,000) (increased by \$5,000,000); of which  
18 \$31,122,095,000 shall be for operation and maintenance,  
19 of which not to exceed one percent shall remain available  
20 until September 30, 2014, and of which up to  
21 \$16,105,245,000 may be available for contracts entered  
22 into under the TRICARE program; of which  
23 \$521,762,000, to remain available for obligation until Sep-  
24 tember 30, 2015, shall be for procurement; and of which  
25 \$1,218,377,000 (increased by \$10,000,000) (increased by

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



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 Sep-  
25 tember 30, 2015, for Staff and Infrastructure: *Provided*,

1 That such funds shall be available to the Secretary of De-  
2 fense, notwithstanding any other provision of law, for the  
3 purpose of allowing the Director of the Joint Improvised  
4 Explosive Device Defeat Organization to investigate, de-  
5 velop and provide equipment, supplies, services, training,  
6 facilities, personnel and funds to assist United States  
7 forces in the defeat of improvised explosive devices: *Pro-*  
8 *vided further*, That, within 60 days of the enactment of  
9 this Act, a plan for the intended management and use of  
10 the amounts provided under this heading shall be sub-  
11 mitted to the congressional defense committees: *Provided*  
12 *further*, That the Secretary of Defense shall submit a re-  
13 port not later than 60 days after the end of each fiscal  
14 quarter to the congressional defense committees providing  
15 assessments of the evolving threats, individual service re-  
16 quirements 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.



1 TITLE VII  
2 RELATED AGENCIES  
3 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
4 DISABILITY SYSTEM FUND

5 For payment to the Central Intelligence Agency Re-  
6 tirement and Disability System Fund, to maintain the  
7 proper funding level for continuing the operation of the  
8 Central Intelligence Agency Retirement and Disability  
9 System, \$514,000,000.

10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

11 For necessary expenses of the Intelligence Commu-  
12 nity Management Account, \$511,476,000.

13 TITLE VIII  
14 GENERAL PROVISIONS

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

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

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

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

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

23 (TRANSFER OF FUNDS)

24 SEC. 8005. Upon determination by the Secretary of  
25 Defense that such action is necessary in the national inter-

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 congres-  
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 congres-  
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 ignee 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  
18 public-private competition that includes a most effi-  
19 cient and cost effective organization plan developed  
20 by such activity or function;

21 (2) the Competitive Sourcing Official deter-  
22 mines that, over all performance periods stated in  
23 the solicitation of offers for performance of the ac-  
24 tivity or function, the cost of performance of the ac-  
25 tivity or function by a contractor would be less costly

1 to the Department of Defense by an amount that  
2 equals or exceeds the lesser of—

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

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

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

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

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

22 (b)(1) The Department of Defense, without regard  
23 to subsection (a) of this section or subsection (a), (b), or  
24 (c) of section 2461 of title 10, United States Code, and  
25 notwithstanding any administrative regulation, require-

1 ment, or policy to the contrary shall have full authority  
2 to enter into a contract for the performance of any com-  
3 mercial or industrial type function of the Department of  
4 Defense that—

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

9 (B) is planned to be converted to performance  
10 by a qualified nonprofit agency for the blind or by  
11 a qualified nonprofit agency for other severely handi-  
12 capped individuals in accordance with that Act; or

13 (C) is planned to be converted to performance  
14 by a qualified firm under at least 51 percent owner-  
15 ship by an Indian tribe, as defined in section 4(e)  
16 of the Indian Self-Determination and Education As-  
17 sistance Act (25 U.S.C. 450b(e)), or a Native Ha-  
18 waiian Organization, as defined in section 8(a)(15)  
19 of the Small Business Act (15 U.S.C. 637(a)(15)).

20 (2) This section shall not apply to depot contracts  
21 or contracts for depot maintenance as provided in sections  
22 2469 and 2474 of title 10, United States Code.

23 (c) The conversion of any activity or function of the  
24 Department of Defense under the authority provided by  
25 this section shall be credited toward any competitive or

1 outsourcing goal, target, or measurement that may be es-  
2 tablished by statute, regulation, or policy and is deemed  
3 to be awarded under the authority of, and in compliance  
4 with, subsection (h) of section 2304 of title 10, United  
5 States Code, for the competition or outsourcing of com-  
6 mercial activities.

7 (RESCISSIONS)

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

12 “Procurement of Ammunition, Army, 2011/2013”,  
13 \$14,862,000;

14 “Aircraft Procurement, Navy, 2011/2013”,  
15 \$30,100,000;

16 “Weapons Procurement, Navy, 2011/2013”,  
17 \$22,000,000;

18 “Other Procurement, Navy, 2011/2013”,  
19 \$12,432,000;

20 “Aircraft Procurement, Air Force, 2011/2013”,  
21 \$65,000,000;

22 “Other Procurement, Air Force, 2011/2013”,  
23 \$9,500,000;

24 “Other Procurement, Army, 2012/2014”,  
25 \$80,000,000;

1       “Aircraft Procurement, Navy, 2012/2014”,  
2 \$14,400,000;

3       “Weapons Procurement, Navy, 2012/2014”,  
4 \$31,572,000;

5       “Aircraft Procurement, Air Force, 2012/2014”,  
6 \$277,050,000;

7       “Missile Procurement, Air Force, 2012/2014”,  
8 \$44,000,000;

9       “Other Procurement, Air Force, 2012/2014”,  
10 \$55,800,000;

11       “Research, Development, Test and Evaluation,  
12 Army, 2012/2013”, \$63,000,000;

13       “Research, Development, Test and Evaluation, Navy,  
14 2012/2013”, \$120,000,000; and

15       “Research, Development, Test and Evaluation, Air  
16 Force, 2012/2013”, \$179,600,000.

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



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

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

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

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

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

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

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

1 That this restriction shall not apply to the purchase of  
2 “commercial items”, as defined by section 4(12) of the  
3 Office of Federal Procurement Policy Act, except that the  
4 restriction shall apply to ball or roller bearings purchased  
5 as end items.

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

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

1       SEC. 8049. (a) Notwithstanding any other provision  
2 of law, none of the funds available to the Department of  
3 Defense for the current fiscal year may be obligated or  
4 expended to transfer to another nation or an international  
5 organization any defense articles or services (other than  
6 intelligence services) for use in the activities described in  
7 subsection (b) unless the congressional defense commit-  
8 tees, the Committee on Foreign Affairs of the House of  
9 Representatives, and the Committee on Foreign Relations  
10 of the Senate are notified 15 days in advance of such  
11 transfer.

12       (b) This section applies to—

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

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

20       (c) A notice under subsection (a) shall include the  
21 following:

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

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

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

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

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

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

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

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

22                                   (INCLUDING TRANSFER OF FUNDS)

23          SEC. 8051. During the current fiscal year, no more  
24          than \$30,000,000 of appropriations made in this Act  
25          under the heading “Operation and Maintenance, Defense-

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

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

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

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

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

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

24          (b) Amounts collected under subsection (a) shall be  
25          credited to funds available for the National Guard Dis-

1 tance Learning Project and be available to defray the costs  
2 associated with the use of equipment of the project under  
3 that subsection. Such funds shall be available for such  
4 purposes without fiscal year limitation.

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

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



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

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

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

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

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

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

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

21          (b) The Secretary of Defense, in consultation with the  
22          Secretary of State, shall ensure that prior to a decision  
23          to conduct any training program referred to in subsection  
24          (a), full consideration is given to all credible information

1 available to the Department of State relating to human  
2 rights violations by foreign security forces.

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

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

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

23 SEC. 8059. Notwithstanding any other provision of  
24 law, funds appropriated in this Act under the heading  
25 “Research, Development, Test and Evaluation, Defense-

1 Wide” for any new start advanced concept technology  
2 demonstration project or joint capability demonstration  
3 project may only be obligated 45 days after a report, in-  
4 cluding a description of the project, the planned acquisi-  
5 tion and transition strategy and its estimated annual and  
6 total cost, has been provided in writing to the congres-  
7 sional defense committees: *Provided*, That the Secretary  
8 of Defense may waive this restriction on a case-by-case  
9 basis by certifying to the congressional defense committees  
10 that it is in the national interest to do so.

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

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

1 department or agency on a nonreimbursable basis, and is  
2 providing the requested support pursuant to such author-  
3 ity: *Provided further*, That the Secretary of Defense may  
4 waive this restriction on a case-by-case basis by certifying  
5 in writing to the Committees on Appropriations of the  
6 House of Representatives and the Senate that it is in the  
7 national security interest to do so.

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

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

1 or (2) used to manufacture ammunition pursuant to a con-  
2 tract with the Department of Defense or the manufacture  
3 of ammunition for export pursuant to a License for Per-  
4 manent Export of Unclassified Military Articles issued by  
5 the Department of State.

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

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

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

12 (INCLUDING TRANSFER OF FUNDS)

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

1   essary: *Provided further*, That projects authorized by this  
2   section shall comply with applicable Federal, State, and  
3   local law to the maximum extent consistent with the na-  
4   tional security, as determined by the Secretary of Defense.

5       SEC. 8067. Section 8106 of the Department of De-  
6   fense Appropriations Act, 1997 (titles I through VIII of  
7   the matter under subsection 101(b) of Public Law 104-  
8   208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall con-  
9   tinue in effect to apply to disbursements that are made  
10  by the Department of Defense in fiscal year 2013.

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

23                                   (INCLUDING TRANSFER OF FUNDS)

24       SEC. 8069. Of the amounts appropriated in this Act  
25  under the heading “Research, Development, Test and



1 Evaluation, Defense-Wide”, \$948,736,000 shall be for the  
2 Israeli Cooperative Programs: *Provided*, That of this  
3 amount, \$149,679,000 shall be for the Short Range Bal-  
4 listic Missile Defense (SRBMD) program, including cruise  
5 missile defense research and development under the  
6 SRBMD program, of which \$15,000,000 shall be for pro-  
7 duction activities of SRBMD missiles in the United States  
8 and in Israel to meet Israel’s defense requirements con-  
9 sistent with each nation’s laws, regulations, and proce-  
10 dures, \$74,692,000 shall be available for an upper-tier  
11 component to the Israeli Missile Defense Architecture, and  
12 \$44,365,000 shall be for the Arrow System Improvement  
13 Program including development of a long range, ground  
14 and airborne, detection suite, and \$680,000,000 shall be  
15 for the Iron Dome program: *Provided further*, That funds  
16 made available under this provision for production of mis-  
17 siles and missile components may be transferred to appro-  
18 priations available for the procurement of weapons and  
19 equipment, to be merged with and to be available for the  
20 same time period and the same purposes as the appropria-  
21 tion to which transferred: *Provided further*, That the  
22 transfer authority provided under this provision is in addi-  
23 tion to any other transfer authority contained in this Act.

24 SEC. 8070. None of the funds available to the De-  
25 partment of Defense may be obligated to modify command

1 and control relationships to give Fleet Forces Command  
2 operational and administrative control of U.S. Navy forces  
3 assigned to the Pacific fleet: *Provided*, That the command  
4 and control relationships which existed on October 1,  
5 1994, shall remain in force unless changes are specifically  
6 authorized in a subsequent Act.

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

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

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

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

1        SEC. 8072. Funds appropriated by this Act, or made  
2 available by the transfer of funds in this Act, for intel-  
3 ligence activities are deemed to be specifically authorized  
4 by the Congress for purposes of section 504 of the Na-  
5 tional Security Act of 1947 (50 U.S.C. 414) during fiscal  
6 year 2013 until the enactment of the Intelligence Author-  
7 ization Act for Fiscal Year 2013.

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

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

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

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

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

1       SEC. 8077. None of the funds appropriated or made  
2 available in this Act shall be used to reduce or disestablish  
3 the operation of the 53rd Weather Reconnaissance Squad-  
4 ron of the Air Force Reserve, if such action would reduce  
5 the WC-130 Weather Reconnaissance mission below the  
6 levels funded in this Act: *Provided*, That the Air Force  
7 shall allow the 53rd Weather Reconnaissance Squadron to  
8 perform other missions in support of national defense re-  
9 quirements during the non-hurricane season.

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

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

24       (b) The Secretary of Defense may waive the require-  
25 ments of subsection (a) in any case in which the Secretary

1 determines that it is necessary to do so to respond to a  
2 national security emergency or to meet dire operational  
3 requirements of the Armed Forces.

4 (INCLUDING TRANSFER OF FUNDS)

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

24 SEC. 8081. For purposes of section 7108 of title 41,  
25 United States Code, any subdivision of appropriations

1 made under the heading “Shipbuilding and Conversion,  
2 Navy” that is not closed at the time reimbursement is  
3 made shall be available to reimburse the Judgment Fund  
4 and shall be considered for the same purposes as any sub-  
5 division under the heading “Shipbuilding and Conversion,  
6 Navy” appropriations in the current fiscal year or any  
7 prior fiscal year.

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

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

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

1 made available for this purpose may be used, notwith-  
2 standing any other funding authorities for humanitarian  
3 assistance, security assistance or combined exercise ex-  
4 penses: *Provided further*, That funds may not be obligated  
5 to provide assistance to any foreign country that is other-  
6 wise prohibited from receiving such type of assistance  
7 under any other provision of law.

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

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

22       SEC. 8086. The Director of National Intelligence  
23 shall include the budget exhibits identified in paragraphs  
24 (1) and (2) as described in the Department of Defense



1 Financial Management Regulation with the congressional  
2 budget justification books:

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

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

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

24 SEC. 8088. (a) Not later than 60 days after the date  
25 of enactment of this Act, the Director of National Intel-

1 ligenge shall submit a report to the congressional intel-  
2 ligenge committees to establish the baseline for application  
3 of reprogramming and transfer authorities for fiscal year  
4 2013: *Provided*, That the report shall include—

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

10 (2) a delineation in the table for each appro-  
11 priation by Expenditure Center and project; and

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

14 (b) None of the funds provided for the National Intel-  
15 ligenge Program in this Act shall be available for re-  
16 programming or transfer until the report identified in sub-  
17 section (a) is submitted to the congressional intelligence  
18 committees, unless the Director of National Intelligence  
19 certifies in writing to the congressional intelligence com-  
20 mittees that such reprogramming or transfer is necessary  
21 as an emergency requirement.

22 SEC. 8089. (a) None of the funds provided for the  
23 National Intelligence Program in this or any prior appro-  
24 priations Act shall be available for obligation or expendi-  
25 ture through a reprogramming or transfer of funds in ac-

1 cordance with section 102A(d) of the National Security  
2 Act of 1947 (50 U.S.C. 403–1(d)) that—

3 (1) creates a new start effort;

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

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

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

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

24 SEC. 8090. The Director of National Intelligence  
25 shall submit to Congress each year, at or about the time

1 that the President's budget is submitted to Congress that  
2 year under section 1105(a) of title 31, United States  
3 Code, a future-years intelligence program (including asso-  
4 ciated annexes) reflecting the estimated expenditures and  
5 proposed appropriations included in that budget. Any such  
6 future-years intelligence program shall cover the fiscal  
7 year with respect to which the budget is submitted and  
8 at least the four succeeding fiscal years.

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

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

1 “Contingency Operations”, Annex 1, dated September  
2 2005.

3 (INCLUDING TRANSFER OF FUNDS)

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

12 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

3           (2) the report contains proprietary information.

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

8           SEC. 8096. (a) None of the funds appropriated or  
9 otherwise made available by this Act may be expended for  
10 any Federal contract for an amount in excess of  
11 \$1,000,000, unless the contractor agrees not to—

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

22           (2) take any action to enforce any provision of  
23 an existing agreement with an employee or inde-  
24 pendent contractor that mandates that the employee  
25 or independent contractor 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 sex-  
3       ual assault or harassment, including assault and  
4       battery, intentional infliction of emotional distress,  
5       false imprisonment, or negligent hiring, supervision,  
6       or retention.

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

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

22      (d) The Secretary of Defense may waive the applica-  
23      tion of subsection (a) or (b) to a particular contractor or  
24      subcontractor for the purposes of a particular contract or  
25      subcontract if the Secretary or the Deputy Secretary per-

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

15       SEC. 8097. None of the funds made available under  
16 this Act may be distributed to the Association of Commu-  
17 nity Organizations for Reform Now (ACORN) or its sub-  
18 sidiaries.

19                               (INCLUDING TRANSFER OF FUNDS)

20       SEC. 8098. From within the funds appropriated for  
21 operation and maintenance for the Defense Health Pro-  
22 gram in this Act, up to \$139,204,000, shall be available  
23 for transfer to the Joint Department of Defense-Depart-  
24 ment of Veterans Affairs Medical Facility Demonstration  
25 Fund in accordance with the provisions of section 1704



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

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

20       SEC. 8100. None of the funds appropriated or other-  
21 wise made available by this Act may be obligated or ex-  
22 pended to pay a retired general or flag officer to serve  
23 as a senior mentor advising the Department of Defense  
24 unless such retired officer files a Standard Form 278 (or  
25 successor form concerning public financial disclosure

1 under part 2634 of title 5, Code of Federal Regulations)  
2 to the Office of Government Ethics.

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

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

1 either of the foregoing purposes, notify the congressional  
2 defense committees in writing of the details of any such  
3 obligation.

4       SEC. 8103. None of the funds made available by this  
5 Act may be used by the Secretary of Defense to take bene-  
6 ficial occupancy of more than 2,000 parking spaces (other  
7 than handicap-reserved spaces) to be provided by the  
8 BRAC 133 project: *Provided*, That this limitation may be  
9 waived in part if: (1) the Secretary of Defense certifies  
10 to Congress that levels of service at existing intersections  
11 in the vicinity of the project have not experienced failing  
12 levels of service as defined by the Transportation Research  
13 Board Highway Capacity Manual over a consecutive 90-  
14 day period; (2) the Department of Defense and the Vir-  
15 ginia Department of Transportation agree on the number  
16 of additional parking spaces that may be made available  
17 to employees of the facility subject to continued 90-day  
18 traffic monitoring; and (3) the Secretary of Defense noti-  
19 fies the congressional defense committees in writing at  
20 least 14 days prior to exercising this waiver of the number  
21 of additional parking spaces to be made available: *Pro-*  
22 *vided further*, That the Secretary of Defense shall imple-  
23 ment the Department of Defense Inspector General rec-  
24 ommendations outlined in report number DODIG–2012–  
25 024, and certify to Congress not later than 180 days after



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 in-  
2           dividual that is issued by a court or competent tri-  
3           bunal of the United States having lawful jurisdiction  
4           (which the Secretary shall notify Congress of  
5           promptly after issuance); or

6           (B) a pre-trial agreement entered in a military  
7           commission case prior to the date of the enactment  
8           of this 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  
14           the recognized leadership of the foreign entity to  
15           which the individual detained at Guantanamo is to  
16           be transferred—

17           (A) is not a designated state sponsor of  
18           terrorism or a designated foreign terrorist orga-  
19           nization;

20           (B) maintains control over each detention  
21           facility in which the individual is to be detained  
22           if the individual is to be housed in a detention  
23           facility;

24           (C) is not, as of the date of the certifi-  
25           cation, facing a threat that is likely to substan-

1 tially affect its ability to exercise control over  
2 the individual;

3 (D) has taken or agreed to take effective  
4 actions to ensure that the individual cannot  
5 take action to threaten the United States, its  
6 citizens, or its allies in the future;

7 (E) has taken or agreed to take such ac-  
8 tions as the Secretary of Defense determines  
9 are necessary to ensure that the individual can-  
10 not engage or reengage in any terrorist activity;  
11 and

12 (F) has agreed to share with the United  
13 States any information that—

14 (i) is related to the individual or any  
15 associates of the individual; and

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

18 (2) includes an assessment, in classified or un-  
19 classified form, of the capacity, willingness, and past  
20 practices (if applicable) of the foreign country or en-  
21 tity in relation to the Secretary's certifications.

22 (c)(1) Except as provided in paragraph (2) and sub-  
23 section (d), none of the funds appropriated or otherwise  
24 made available in this or any other Act may be used to  
25 transfer any individual detained at Guantanamo to the



1 custody or control of the individual's country of origin, any  
2 other foreign country, or any other foreign entity if there  
3 is a confirmed case of any individual who was detained  
4 at United States Naval Station, Guantanamo Bay, Cuba,  
5 at any time after September 11, 2001, who was trans-  
6 ferred to such foreign country or entity and subsequently  
7 engaged in any terrorist activity.

8 (2) Paragraph (1) shall not apply to any action taken  
9 by the Secretary to transfer any individual detained at  
10 Guantanamo to effectuate—

11 (A) an order affecting the disposition of the in-  
12 dividual that is issued by a court or competent tri-  
13 bunal of the United States having lawful jurisdiction  
14 (which the Secretary shall notify Congress of  
15 promptly after issuance); or

16 (B) a pre-trial agreement entered in a military  
17 commission case prior to the date of the enactment  
18 of this Act.

19 (d)(1) The Secretary of Defense may waive the appli-  
20 cability to a detainee transfer of a certification require-  
21 ment specified in subparagraph (D) or (E) of subsection  
22 (b)(1) or the prohibition in subsection (c), if the Secretary  
23 certifies the rest of the criteria required by subsection (b)  
24 for transfers prohibited by (c) and, with the concurrence

1 of the Secretary of State and in consultation with the Di-  
2 rector of National Intelligence, determines that—

3 (A) alternative actions will be taken to address  
4 the underlying purpose of the requirement or re-  
5 quirements to be waived;

6 (B) in the case of a waiver of subparagraph (D)  
7 or (E) of subsection (b)(1), it is not possible to cer-  
8 tify that the risks addressed in the paragraph to be  
9 waived have been completely eliminated, but the ac-  
10 tions to be taken under subparagraph (A) will sub-  
11 stantially mitigate such risks with regard to the indi-  
12 vidual to be transferred;

13 (C) in the case of a waiver of subsection (c), the  
14 Secretary has considered any confirmed case in  
15 which an individual who was transferred to the  
16 country subsequently engaged in terrorist activity,  
17 and the actions to be taken under subparagraph (A)  
18 will substantially mitigate the risk of recidivism with  
19 regard to the individual to be transferred; and

20 (D) the transfer is in the national security in-  
21 terests of the United States.

22 (2) Whenever the Secretary makes a determination  
23 under paragraph (1), the Secretary shall submit to the ap-  
24 propriate committees of Congress, not later than 30 days

1 before the transfer of the individual concerned, the fol-  
2 lowing:

3 (A) A copy of the determination and the waiver  
4 concerned.

5 (B) A statement of the basis for the determina-  
6 tion, including—

7 (i) an explanation why the transfer is in  
8 the national security interests of the United  
9 States; and

10 (ii) in the case of a waiver of subparagraph  
11 (D) or (E) of subsection (b)(1), an explanation  
12 why it is not possible to certify that the risks  
13 addressed in the subparagraph to be waived  
14 have been completely eliminated.

15 (C) A summary of the alternative actions to be  
16 taken to address the underlying purpose of, and to  
17 mitigate the risks addressed in, the subparagraph or  
18 subsection to be waived.

19 (D) The assessment required by subsection  
20 (b)(2).

21 (e) In this section:

22 (1) The term “appropriate committees of Con-  
23 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 nent Select Committee on Intelligence of the  
7 House of Representatives.

8 (2) The term “individual detained at Guanta-  
9 namo” means any individual located at United  
10 States Naval Station, Guantanamo Bay, Cuba, as of  
11 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, Guantanamo  
20 Bay.

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 Immigra-  
24 tion and Nationality Act (8 U.S.C. 1189).

1       SEC. 8110. (a) None of the funds appropriated or  
2 otherwise made available in this or any other Act may be  
3 used to construct, acquire, or modify any facility in the  
4 United States, its territories, or possessions to house any  
5 individual described in subsection (c) for the purposes of  
6 detention or imprisonment in the custody or under the ef-  
7 fective control 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, Guantanamo 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, Guantanamo 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;  
16 and

17               (2) is—

18                       (A) in the custody or under the effective  
19 control of the Department of Defense; or

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

22       SEC. 8111. None of the funds made available by this  
23 Act may be used to enter into a contract, memorandum  
24 of understanding, or cooperative agreement with, make a  
25 grant to, or provide a loan or loan guarantee to, any cor-

1 poration that any unpaid Federal tax liability that has  
2 been assessed, for which all judicial and administrative  
3 remedies have been exhausted or have lapsed, and that  
4 is not being paid in a timely manner pursuant to an agree-  
5 ment with the authority responsible for collecting the tax  
6 liability, where the awarding agency is aware of the unpaid  
7 tax liability, unless the agency has considered suspension  
8 or debarment of the corporation and made a determination  
9 that this further action is not necessary to protect the in-  
10 terests of the Government.

11       SEC. 8112. None of the funds made available by this  
12 Act may be used to enter into a contract, memorandum  
13 of understanding, or cooperative agreement with, make a  
14 grant to, or provide a loan or loan guarantee to, any cor-  
15 poration that was convicted of a felony criminal violation  
16 under any Federal law within the preceding 24 months,  
17 where the awarding agency is aware of the conviction, un-  
18 less the agency has considered suspension or debarment  
19 of the corporation and made a determination that this fur-  
20 ther action is not necessary to protect the interests of the  
21 Government.

22       SEC. 8113. None of the funds made available by this  
23 Act may be used in contravention of section 1590 or 1591  
24 of title 18, United States Code, or in contravention of the  
25 requirements of section 106(g) or (h) of the Trafficking

1 Victims Protection Act of 2000 (22 U.S.C. 7104(g) or  
2 (h)).

3       SEC. 8114. None of the funds made available by this  
4 Act for International Military education and training, for-  
5 eign military financing, excess defense article, assistance  
6 under section 1206 of the National Defense Authorization  
7 Act for Fiscal year 2006 (Public Law 109–163; 119 Stat.  
8 3456) issuance for direct commercial sales of military  
9 equipment, or peacekeeping operations for the countries  
10 of Chad, Yemen, Somalia, Sudan, the Democratic Repub-  
11 lic of the Congo, and Burma may be used to support any  
12 military training or operation that include child soldiers,  
13 as defined by the Child Soldiers Prevention Act of 2008,  
14 and except if such assistance is otherwise permitted under  
15 section 404 of the Child Soldiers Prevention Act of 2008  
16 (Public Law 110–457; 22 U.S.C. 2370c–1).

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

20       SEC. 8116. None of the funds made available by this  
21 Act may be used to retire, divest, realign, or transfer Air  
22 Force aircraft, to disestablish or convert units associated  
23 with such aircraft, or to disestablish or convert any other  
24 unit of the Air National Guard or Air Force Reserve.

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

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

8       SEC. 8119. The total amount available in the Act for  
9 pay for civilian personnel of the Department of Defense  
10 for fiscal year 2013 shall be the amount otherwise appro-  
11 priated or made available by this Act for such pay reduced  
12 by \$258,524,000.

13       SEC. 8120. None of the funds appropriated, or other-  
14 wise made available in this Act may be used to transfer  
15 a veterans memorial object to a foreign country or an enti-  
16 ty controlled by a foreign government, or otherwise trans-  
17 fer or convey such an object to any person or entity for  
18 purposes of the ultimate transfer or conveyance of the ob-  
19 ject to a foreign country or entity controlled by a foreign  
20 government, unless such transfer is specifically authorized  
21 by law.



1 TITLE IX  
2 OVERSEAS DEPLOYMENTS AND OTHER  
3 ACTIVITIES  
4 MILITARY PERSONNEL  
5 MILITARY PERSONNEL, ARMY

6 For an additional amount for “Military Personnel,  
7 Army”, \$9,165,082,000 (increased by \$98,697,000): *Pro-*  
8 *vided*, That such amount is designated by the Congress  
9 for Overseas Contingency Operations/Global War on Ter-  
10 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-  
11 anced Budget and Emergency Deficit Control Act of 1985.

12 MILITARY PERSONNEL, NAVY

13 For an additional amount for “Military Personnel,  
14 Navy”, \$870,425,000 (increased by \$9,373,000): *Pro-*  
15 *vided*, That such amount is designated by the Congress  
16 for Overseas Contingency Operations/Global War on Ter-  
17 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-  
18 anced Budget and Emergency Deficit Control Act of 1985.

19 MILITARY PERSONNEL, MARINE CORPS

20 For an additional amount for “Military Personnel,  
21 Marine Corps”, \$1,623,356,000 (increased by  
22 \$17,482,000): *Provided*, That such amount is designated  
23 by the Congress for Overseas Contingency Operations/  
24 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                   MILITARY PERSONNEL, AIR FORCE

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

10                   RESERVE PERSONNEL, ARMY

11       For an additional amount for “Reserve Personnel,  
12 Army”, \$156,893,000 (increased by \$1,690,000): *Pro-*  
13 *vided*, 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, NAVY

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

## 1 RESERVE PERSONNEL, MARINE CORPS

2 For an additional amount for “Reserve Personnel,  
3 Marine Corps”, \$24,722,000 (increased by \$266,000):  
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 RESERVE PERSONNEL, AIR FORCE

9 For an additional amount for “Reserve Personnel,  
10 Air Force”, \$25,348,000 (increased by \$273,000): *Pro-*  
11 *vided*, 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 NATIONAL GUARD PERSONNEL, ARMY

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

## 22 NATIONAL GUARD PERSONNEL, AIR FORCE

23 For an additional amount for “National Guard Per-  
24 sonnel, Air Force”, \$10,473,000 (increased by \$113,000):  
25 *Provided*, That such amount is designated by the Congress

1 for Overseas Contingency Operations/Global War on Ter-  
2 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-  
3 anced Budget and Emergency Deficit Control Act of 1985.

4 OPERATION AND MAINTENANCE

5 OPERATION AND MAINTENANCE, ARMY

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

12 OPERATION AND MAINTENANCE, NAVY

13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for “Operation and Main-  
15 tenance, Navy”, \$5,880,395,000, of which up to  
16 \$254,461,000 may be transferred to the Coast Guard  
17 “Operating Expenses” account: *Provided*, That such  
18 amount is designated by the Congress for Overseas Con-  
19 tingency Operations/Global War on Terrorism pursuant to  
20 section 251(b)(2)(A)(ii) of the Balanced Budget and  
21 Emergency Deficit Control Act of 1985.

22 OPERATION AND MAINTENANCE, MARINE CORPS

23 For an additional amount for “Operation and Main-  
24 tenance, Marine Corps”, \$4,566,340,000: *Provided*, That  
25 such amount is designated by the Congress for Overseas

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

4 OPERATION AND MAINTENANCE, AIR FORCE

5 For an additional amount for “Operation and Main-  
6 tenance, Air Force”, \$9,136,236,000: *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, DEFENSE-WIDE

12 For an additional amount for “Operation and Main-  
13 tenance, Defense-Wide”, \$7,790,579,000: *Provided*, That  
14 of the funds provided under this heading, not to exceed  
15 \$1,750,000,000, to remain available until September 30,  
16 2014, shall be for payments to reimburse key cooperating  
17 nations for logistical, military, and other support, includ-  
18 ing access, provided to United States military operations  
19 in support of Operation Enduring Freedom, notwith-  
20 standing any other provision of law: *Provided further*, That  
21 such reimbursement payments may be made in such  
22 amounts as the Secretary of Defense, with the concurrence  
23 of the Secretary of State, and in consultation with the Di-  
24 rector of the Office of Management and Budget, may de-  
25 termine, in his discretion, based on documentation deter-

1 mined by the Secretary of Defense to adequately account  
2 for the support provided, and such determination is final  
3 and conclusive upon the accounting officers of the United  
4 States, and 15 days following notification to the appro-  
5 priate congressional committees: *Provided further*, That  
6 the requirement under this heading to provide notification  
7 shall not apply with respect to a reimbursement for access  
8 based on an international agreement: *Provided further*,  
9 That these funds may be used for the purpose of providing  
10 specialized training and procuring supplies and specialized  
11 equipment and providing such supplies and loaning such  
12 equipment on a non-reimbursable basis to coalition forces  
13 supporting United States military operations in Afghani-  
14 stan, and 15 days following notification to the appropriate  
15 congressional committees: *Provided further*, That the Sec-  
16 retary of Defense shall provide quarterly reports to the  
17 congressional defense committees on the use of funds pro-  
18 vided in this paragraph: *Provided further*, 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 OPERATION AND MAINTENANCE, ARMY RESERVE

24 For an additional amount for “Operation and Main-  
25 tenance, Army Reserve”, \$152,387,000 (increased by

1 \$5,500,000): *Provided*, That such amount is designated  
2 by the Congress for Overseas Contingency Operations/  
3 Global War on Terrorism pursuant to section  
4 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
5 Deficit Control Act of 1985.

6 OPERATION AND MAINTENANCE, NAVY RESERVE

7 For an additional amount for “Operation and Main-  
8 tenance, Navy Reserve”, \$55,924,000: *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 OPERATION AND MAINTENANCE, MARINE CORPS

14 RESERVE

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

21 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

22 For an additional amount for “Operation and Main-  
23 tenance, Air Force Reserve”, \$120,618,000: *Provided*,  
24 That such amount is designated by the Congress for Over-  
25 seas Contingency Operations/Global War on Terrorism

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

3 OPERATION AND MAINTENANCE, ARMY NATIONAL  
4 GUARD

5 For an additional amount for “Operation and Main-  
6 tenance, Army National Guard”, \$382,448,000 (increased  
7 by \$10,000,000): *Provided*, That such amount is des-  
8 ignated by the Congress for Overseas Contingency Oper-  
9 ations/Global War on Terrorism pursuant to section  
10 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
11 Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

19 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND  
20 (INCLUDING TRANSFER OF FUNDS)

21 In addition to amounts provided elsewhere in this  
22 Act, there is appropriated \$3,250,000,000 (reduced by  
23 \$18,500,000) for the “Overseas Contingency Operations  
24 Transfer Fund” for expenses directly relating to overseas  
25 contingency operations by United States military forces,



1 to be available until expended: *Provided*, That of the funds  
2 made available in this section, the Secretary of Defense  
3 may transfer these funds only to military personnel ac-  
4 counts, operation and maintenance accounts, procurement  
5 accounts, and working capital fund accounts: *Provided fur-*  
6 *ther*, That the funds made available in this paragraph may  
7 only be used for programs, projects, or activities cat-  
8 egorized as Overseas Contingency Operations in the fiscal  
9 year 2013 budget request for the Department of Defense  
10 and the justification material and other documentation  
11 supporting such request: *Provided further*, That the funds  
12 transferred shall be merged with and shall be available for  
13 the same purposes and for the same time period, as the  
14 appropriation to which transferred: *Provided further*, that  
15 the Secretary shall notify the congressional defense com-  
16 mittees 15 days prior to such transfer: *Provided further*,  
17 That the transfer authority provided under this heading  
18 is in addition to any other transfer authority available to  
19 the Department of Defense: *Provided further*, That upon  
20 a determination that all or part of the funds transferred  
21 from this appropriation are not necessary for the purposes  
22 provided herein, such amounts may be transferred back  
23 to this appropriation and shall be available for the same  
24 purposes and for the same time period as originally appro-  
25 priated: *Provided further*, That such amount is designated

1 by the Congress for Overseas Contingency Operations/  
2 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 AFGHANISTAN INFRASTRUCTURE FUND

6 (INCLUDING TRANSFER OF FUNDS)

7 For the “Afghanistan Infrastructure Fund”,  
8 \$375,000,000 (reduced by \$175,000,000), to remain  
9 available until September 30, 2014: *Provided*, That such  
10 funds shall be available to the Secretary of Defense for  
11 infrastructure projects in Afghanistan, notwithstanding  
12 any other provision of law, which shall be undertaken by  
13 the Secretary of State, unless the Secretary of State and  
14 the Secretary of Defense jointly decide that a specific  
15 project will be undertaken by the Department of Defense:  
16 *Provided further*, That the infrastructure referred to in the  
17 preceding proviso is in support of the counterinsurgency  
18 strategy, which may require funding for facility and infra-  
19 structure projects, including, but not limited to, water,  
20 power, and transportation projects and related mainte-  
21 nance and sustainment costs: *Provided further*, That the  
22 authority to undertake such infrastructure projects is in  
23 addition to any other authority to provide assistance to  
24 foreign nations: *Provided further*, That any projects fund-  
25 ed under this heading shall be jointly formulated and con-

1 curred in by the Secretary of State and Secretary of De-  
2 fense: *Provided further*, That funds may be transferred to  
3 the Department of State for purposes of undertaking  
4 projects, which funds shall be considered to be economic  
5 assistance under the Foreign Assistance Act of 1961 for  
6 purposes of making available the administrative authori-  
7 ties contained in that Act: *Provided further*, That the  
8 transfer authority in the preceding proviso is in addition  
9 to any other authority available to the Department of De-  
10 fense to transfer funds: *Provided further*, That any unex-  
11 pended funds transferred to the Secretary of State under  
12 this authority shall be returned to the Afghanistan Infra-  
13 structure Fund if the Secretary of State, in coordination  
14 with the Secretary of Defense, determines that the project  
15 cannot be implemented for any reason, or that the project  
16 no longer supports the counterinsurgency strategy in Af-  
17 ghanistan: *Provided further*, That any funds returned to  
18 the Secretary of Defense under the previous proviso shall  
19 be available for use under this appropriation and shall be  
20 treated in the same manner as funds not transferred to  
21 the Secretary of State: *Provided further*, That contribu-  
22 tions of funds for the purposes provided herein to the Sec-  
23 retary of State in accordance with section 635(d) of the  
24 Foreign Assistance Act from any person, foreign govern-  
25 ment, or international organization may be credited to this

1 Fund, to remain available until expended, and used for  
2 such purposes: *Provided further*, That the Secretary of De-  
3 fense shall, not fewer than 15 days prior to making trans-  
4 fers to or from, or obligations from the Fund, notify the  
5 appropriate committees of Congress in writing of the de-  
6 tails of any such transfer: *Provided further*, That the “ap-  
7 propriate committees of Congress” are the Committees on  
8 Armed Services, Foreign Relations and Appropriations of  
9 the Senate and the Committees on Armed Services, For-  
10 eign Affairs and Appropriations of the House of Rep-  
11 resentatives: *Provided further*, That such amount is des-  
12 ignated by the Congress for Overseas Contingency Oper-  
13 ations/Global War on Terrorism pursuant to section  
14 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
15 Deficit Control Act of 1985.

16           AFGHANISTAN SECURITY FORCES FUND

17       For the “Afghanistan Security Forces Fund”,  
18 \$5,026,500,000 (reduced by \$412,287,000) (reduced by  
19 \$22,000,000), to remain available until September 30,  
20 2014: *Provided*, That such funds shall be available to the  
21 Secretary of Defense, notwithstanding any other provision  
22 of law, for the purpose of allowing the Commander, Com-  
23 bined Security Transition Command-Afghanistan, or the  
24 Secretary’s designee, to provide assistance, with the con-  
25 currence of the Secretary of State, to the security forces

1 of Afghanistan, including the provision of equipment, sup-  
2 plies, services, training, facility and infrastructure repair,  
3 renovation, and construction, and funding: *Provided fur-*  
4 *ther*, That the authority to provide assistance under this  
5 heading is in addition to any other authority to provide  
6 assistance to foreign nations: *Provided further*, That con-  
7 tributions of funds for the purposes provided herein from  
8 any person, foreign government, or international organiza-  
9 tion may be credited to this Fund, to remain available  
10 until expended, and used for such purposes: *Provided fur-*  
11 *ther*, That the Secretary of Defense shall notify the con-  
12 gressional defense committees in writing upon the receipt  
13 and upon the obligation of any contribution, delineating  
14 the sources and amounts of the funds received and the  
15 specific use of such contributions: *Provided further*, That  
16 the Secretary of Defense shall, not fewer than 15 days  
17 prior to obligating from this appropriation account, notify  
18 the congressional defense committees in writing of the de-  
19 tails of any such obligation: *Provided further*, That the  
20 Secretary of Defense shall notify the congressional defense  
21 committees of any proposed new projects or transfer of  
22 funds between budget sub-activity groups in excess of  
23 \$20,000,000: *Provided further*, That such amount is des-  
24 ignated by the Congress for Overseas Contingency Oper-  
25 ations/Global War on Terrorism pursuant to section



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

4           PROCUREMENT OF AMMUNITION, ARMY

5           For an additional amount for “Procurement of Am-  
6 muniton, Army”, \$338,493,000, to remain available until  
7 September 30, 2015: *Provided*, That such amount is des-  
8 ignated by the Congress for Overseas Contingency Oper-  
9 ations/Global War on Terrorism pursuant to section  
10 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
11 Deficit Control Act of 1985.

12           OTHER PROCUREMENT, ARMY

13           For an additional amount for “Other Procurement,  
14 Army”, \$2,005,907,000, to remain available until Sep-  
15 tember 30, 2015: *Provided*, That such amount is des-  
16 ignated by the Congress for Overseas Contingency Oper-  
17 ations/Global War on Terrorism pursuant to section  
18 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
19 Deficit Control Act of 1985.

20           AIRCRAFT PROCUREMENT, NAVY

21           For an additional amount for “Aircraft Procurement,  
22 Navy”, \$146,277,000, to remain available until September  
23 30, 2015: *Provided*, That such amount is designated by  
24 the Congress for Overseas Contingency Operations/Global  
25 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of

1 the Balanced Budget and Emergency Deficit Control Act  
2 of 1985.

3 WEAPONS PROCUREMENT, NAVY

4 For an additional amount for “Weapons Procure-  
5 ment, Navy”, \$22,500,000, 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 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

12 CORPS

13 For an additional amount for “Procurement of Am-  
14 munition, Navy and Marine Corps”, \$284,450,000, to re-  
15 main available until September 30, 2015: *Provided*, That  
16 such amount is designated by the Congress for Overseas  
17 Contingency Operations/Global War on Terrorism pursu-  
18 ant to section 251(b)(2)(A)(ii) of the Balanced Budget  
19 and Emergency Deficit Control Act of 1985.

20 OTHER PROCUREMENT, NAVY

21 For an additional amount for “Other Procurement,  
22 Navy”, \$98,882,000, to remain available until September  
23 30, 2015: *Provided*, That such amount is designated by  
24 the Congress for Overseas Contingency Operations/Global  
25 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of



1 the Balanced Budget and Emergency Deficit Control Act  
2 of 1985.

3                   PROCUREMENT, MARINE CORPS

4       For an additional amount for “Procurement, Marine  
5 Corps”, \$943,683,000, 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, AIR FORCE

12       For an additional amount for “Aircraft Procurement,  
13 Air Force”, \$305,600,000, 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                   MISSILE PROCUREMENT, AIR FORCE

20       For an additional amount for “Missile Procurement,  
21 Air Force”, \$34,350,000, 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           PROCUREMENT OF AMMUNITION, AIR FORCE

4           For an additional amount for “Procurement of Am-  
5 munition, Air Force”, \$116,203,000, to remain available  
6 until September 30, 2015: *Provided*, That such amount  
7 is designated by the Congress for Overseas Contingency  
8 Operations/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           OTHER PROCUREMENT, AIR FORCE

12           For an additional amount for “Other Procurement,  
13 Air Force”, \$2,785,170,000, to remain available until  
14 September 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, DEFENSE-WIDE

20           For an additional amount for “Procurement, De-  
21 fense-Wide”, \$217,849,000, 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 RESEARCH, DEVELOPMENT, TEST, AND  
4 EVALUATION

5 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
6 ARMY

7 For an additional amount for “Research, Develop-  
8 ment, Test and Evaluation, Army”, \$14,860,000, 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 NAVY

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

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

3 For an additional amount for “Research, Develop-  
4 ment, Test and Evaluation, Air Force”, \$53,150,000, to  
5 remain available until September 30, 2014: *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 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
11 DEFENSE-WIDE

12 For an additional amount for “Research, Develop-  
13 ment, Test and Evaluation, Defense-Wide”,  
14 \$107,387,000, to remain available until September 30,  
15 2014: *Provided*, That such amount is designated by the  
16 Congress for Overseas Contingency Operations/Global  
17 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
18 the Balanced Budget and Emergency Deficit Control Act  
19 of 1985.

20 REVOLVING AND MANAGEMENT FUNDS

21 DEFENSE WORKING CAPITAL FUNDS

22 For an additional amount for “Defense Working  
23 Capital Funds”, \$293,600,000: *Provided*, That such  
24 amount is designated by the Congress for Overseas Con-  
25 tingency Operations/Global War on Terrorism pursuant to

1 section 251(b)(2)(A)(ii) of the Balanced Budget and  
2 Emergency 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 (increased by \$10,000,000), which  
7 shall be for operation and maintenance, to remain avail-  
8 able until September 30, 2014: *Provided*, 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 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

14 DEFENSE

15 For an additional amount for “Drug Interdiction and  
16 Counter-Drug Activities, Defense”, \$469,025,000, to re-  
17 main available until September 30, 2014: *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  
21 and Emergency Deficit Control Act of 1985.

22 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

23 (INCLUDING TRANSFER OF FUNDS)

24 For an additional amount for the “Joint Improvised  
25 Explosive Device Defeat Fund”, \$1,614,900,000, to re-

1 main available until September 30, 2015: *Provided*, That  
2 such funds shall be available to the Secretary of Defense,  
3 notwithstanding any other provision of law, for the pur-  
4 pose of allowing the Director of the Joint Improvised Ex-  
5 plosive Device Defeat Organization to investigate, develop  
6 and provide equipment, supplies, services, training, facili-  
7 ties, personnel and funds to assist United States forces  
8 in the defeat of improvised explosive devices: *Provided fur-*  
9 *ther*, That the Secretary of Defense may transfer funds  
10 provided herein to appropriations for military personnel;  
11 operation and maintenance; procurement; research, devel-  
12 opment, test and evaluation; and defense working capital  
13 funds to accomplish the purpose provided herein: *Provided*  
14 *further*, That this transfer authority is in addition to any  
15 other transfer authority available to the Department of  
16 Defense: *Provided further*, That the Secretary of Defense  
17 shall, not fewer than 15 days prior to making transfers  
18 from this appropriation, notify the congressional defense  
19 committees in writing of the details of any such transfer:  
20 *Provided further*, That such amount is designated by the  
21 Congress for Overseas Contingency Operations/Global  
22 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
23 the Balanced Budget and Emergency Deficit Control Act  
24 of 1985.

## 1 OFFICE OF THE INSPECTOR GENERAL

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

## 8 GENERAL PROVISIONS—THIS TITLE

9 SEC. 9001. Notwithstanding any other provision of  
10 law, funds made available in this title are in addition to  
11 amounts appropriated or otherwise made available for the  
12 Department of Defense for fiscal year 2013.

## 13 (INCLUDING TRANSFER OF FUNDS)

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

1 provided in the Department of Defense Appropriations  
2 Act, 2013.

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

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

23       SEC. 9005. Not to exceed \$250,000,000 of the  
24 amount appropriated in this title under the heading “Op-  
25 eration and Maintenance, Army” may be used, notwith-



1 standing any other provision of law, to fund the Com-  
2 mander's Emergency Response Program (CERP), for the  
3 purpose of enabling military commanders in Afghanistan  
4 to respond to urgent, small-scale, humanitarian relief and  
5 reconstruction requirements within their areas of responsi-  
6 bility: *Provided*, That each project (including any ancillary  
7 or related elements in connection with such project) exe-  
8 cuted under this authority shall not exceed \$20,000,000:  
9 *Provided further*, That not later than 45 days after the  
10 end of each fiscal year quarter, the Secretary of Defense  
11 shall submit to the congressional defense committees a re-  
12 port regarding the source of funds and the allocation and  
13 use of funds during that quarter that were made available  
14 pursuant to the authority provided in this section or under  
15 any other provision of law for the purposes described here-  
16 in: *Provided further*, That, not later than 30 days after  
17 the end of each month, the Army shall submit to the con-  
18 gressional defense committees monthly commitment, obli-  
19 gation, and expenditure data for the Commander's Emer-  
20 gency Response Program in Afghanistan: *Provided fur-*  
21 *ther*, That not less than 15 days before making funds  
22 available pursuant to the authority provided in this section  
23 or under any other provision of law for the purposes de-  
24 scribed herein for a project with a total anticipated cost  
25 for completion of \$5,000,000 or more, the Secretary shall

1 submit to the congressional defense committees a written  
2 notice containing each of the following:

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

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

12 (3) A plan for the sustainment of the proposed  
13 project, including the agreement with either the host  
14 nation, a non-Department of Defense agency of the  
15 United States Government or a third-party contrib-  
16 utor to finance the sustainment of the activities and  
17 maintenance of any equipment or facilities to be pro-  
18 vided through the proposed project.

19 SEC. 9006. Funds available to the Department of De-  
20 fense for operation and maintenance may be used, not-  
21 withstanding any other provision of law, to provide sup-  
22 plies, services, transportation, including airlift and sealift,  
23 and other logistical support to coalition forces supporting  
24 military and stability operations in Afghanistan: *Provided*,  
25 That the Secretary of Defense shall provide quarterly re-

1 ports to the congressional defense committees regarding  
2 support provided under this section.

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

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

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

12 (3) To establish any military installation or  
13 base for the purpose of providing for the permanent  
14 stationing of United States Armed Forces in Af-  
15 ghanistan.

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

22 (1) Section 2340A of title 18, United States  
23 Code.

24 (2) Section 2242 of the Foreign Affairs Reform  
25 and Restructuring Act of 1998 (division G of Public

1 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231  
2 note) and regulations prescribed thereto, including  
3 regulations under part 208 of title 8, Code of Fed-  
4 eral Regulations, and part 95 of title 22, Code of  
5 Federal Regulations.

6 (3) Sections 1002 and 1003 of the Department  
7 of Defense, Emergency Supplemental Appropriations  
8 to Address Hurricanes in the Gulf of Mexico, and  
9 Pandemic Influenza Act, 2006 (Public Law 109–  
10 148).

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

1 vened and approved a process for ensuring compliance  
2 with the requirements in the preceding provisos and ac-  
3 companying report language for the ASFF, AIF, and  
4 CERP.

5       SEC. 9010. Funds made available in this title to the  
6 Department of Defense for operation and maintenance  
7 may be used to purchase items having an investment unit  
8 cost of not more than \$250,000: *Provided*, That, upon de-  
9 termination by the Secretary of Defense that such action  
10 is necessary to meet the operational requirements of a  
11 Commander of a Combatant Command engaged in contin-  
12 gency operations overseas, such funds may be used to pur-  
13 chase items having an investment item unit cost of not  
14 more than \$500,000.

15       SEC. 9011. Notwithstanding any other provision of  
16 law, up to \$88,000,000 of funds made available in this  
17 title under the heading “Operation and Maintenance,  
18 Army” may be obligated and expended for purposes of the  
19 Task Force for Business and Stability Operations, subject  
20 to the direction and control of the Secretary of Defense,  
21 with concurrence of the Secretary of State, to carry out  
22 strategic business and economic assistance activities in Af-  
23 ghanistan in support of Operation Enduring Freedom:  
24 *Provided*, That not less than 15 days before making funds  
25 available pursuant to the authority provided in this section



1 if the President subsequently so designates all such  
2 amounts and transmits such designations to the Congress.

3 (RESCISSIONS)

4 SEC. 9014. Of the funds appropriated in Department  
5 of Defense Appropriations Acts, the following funds are  
6 hereby rescinded from the following accounts and pro-  
7 grams in the specified amounts: *Provided*, That such  
8 amounts are designated by the Congress for Overseas  
9 Contingency Operations/Global War on Terrorism pursu-  
10 ant to section 251(b)(2)(A)(ii) of the Balanced Budget  
11 and Emergency Deficit Control Act of 1985:

12 “Retroactive Stop Loss Special Pay Program,  
13 2009/20XX”, \$79,900,000; and

14 “Afghanistan Security Forces Fund, 2012/  
15 20XX”, \$500,000,000.

16 SEC. 9015. None of the funds appropriated or other-  
17 wise made available by this Act under the heading “Oper-  
18 ation and Maintenance, Defense-Wide” for payments  
19 under section 1233 of Public Law 110–181 for reimburse-  
20 ment to the Government of Pakistan may be made avail-  
21 able unless the Secretary of Defense, in coordination with  
22 the Secretary of State certifies to the Committees on Ap-  
23 propriations that the Government of Pakistan is—

24 (1) cooperating with the United States in  
25 counterterrorism efforts against the Haqqani Net-

1 work, the Quetta Shura Taliban, Lashkar e-Tayyiba,  
2 Jaish-e-Mohammed, Al Qaeda, and other domestic  
3 and foreign terrorist organizations, including taking  
4 steps to end support for such groups and prevent  
5 them from basing and operating in Pakistan and  
6 carrying out cross border attacks into neighboring  
7 countries;

8 (2) not supporting terrorist activities against  
9 United States or coalition forces in Afghanistan, and  
10 Pakistan's military and intelligence agencies are not  
11 intervening extra-judicially into political and judicial  
12 processes in Pakistan;

13 (3) dismantling improvised explosive device  
14 (IED) networks and interdicting precursor chemicals  
15 used in the manufacture of IEDs;

16 (4) preventing the proliferation of nuclear-re-  
17 lated material and expertise;

18 (5) issuing visas in a timely manner for United  
19 States visitors engaged in counterterrorism efforts  
20 and assistance programs in Pakistan; and

21 (6) providing humanitarian organizations access  
22 to detainees, internally displaced persons, and other  
23 Pakistani civilians affected by the conflict.



## TITLE X

## ADDITIONAL GENERAL PROVISIONS

## SPENDING REDUCTION ACCOUNT

1  
2  
3  
4       SEC. 10001. The amount by which the applicable al-  
5 location of new budget authority made by the Committee  
6 on Appropriations of the House of Representatives under  
7 section 302(b) of the Congressional Budget Act of 1974  
8 exceeds the amount of proposed new budget authority is  
9 \$0 (increased by \$175,000,000).

10       SEC. 10002. None of the funds made available by this  
11 Act may be used to operate an unmanned aircraft system  
12 except in accordance with the Fourth Amendment of the  
13 Constitution.

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

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

22       SEC. 10005. The amounts otherwise provided in title  
23 IX of this Act are revised by reducing the amount made  
24 available for “Operation and Maintenance, Defense-Wide”  
25 and the amount under that heading for payments to reim-

1 burse key cooperating nations for logistical, military and  
2 other support by \$650,000,000, respectively.

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

6 SEC. 10007. None of the funds made available by this  
7 Act may be may be obligated or expended for assistance  
8 to the following entities:

9 (1) The Government of Iran.

10 (2) The Government of Syria.

11 (3) Hamas.

12 (4) Hizbullah.

13 (5) The Muslim Brotherhood.

14 SEC. 10008. None of the funds made available by this  
15 Act may be used by the Department of Defense or a com-  
16 ponent thereof to provide the government of the Russian  
17 Federation with any information about the missile defense  
18 systems of the United States that is classified by the De-  
19 partment or component thereof.

20 SEC. 10009. None of the funds made available by this  
21 Act may be used to enforce section 526 of the Energy  
22 Independence and Security Act of 2007 (Public Law 110-  
23 140; 42 U.S.C. 17142).

24 SEC. 10010. None of the Operation and Maintenance  
25 funds made available in this Act may be used in con-

1 travention of section 41106 of title 49, United States  
2 Code.

3       SEC. 10011. None of the funds made available by this  
4 Act may be used by the Department of Defense or any  
5 other Federal agency to lease or purchase new light duty  
6 vehicles, for any executive fleet, or for an agency's fleet  
7 inventory, except in accordance with Presidential Memo-  
8 randum-Federal Fleet Performance, dated May 24, 2011.

9       SEC. 10012. None of the funds made available by this  
10 Act may be used to enter into a contract, with any person  
11 or other entity listed in the Federal Awardee Performance  
12 and Integrity Information System ("FAPIIS") as having  
13 been convicted of fraud against the Federal Government.

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

17       SEC. 10014. None of the funds made available by this  
18 Act may be used to enter into a contract, memorandum  
19 of understanding, or cooperative agreement with, make a  
20 grant to, or provide a loan or loan guarantee to  
21 Rosoboronexport.

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

24               (1) reduce the nuclear forces of the United  
25 States in contravention of section 303(b) of the

1 Arms Control and Disarmament Act (22 U.S.C.  
2 2573(b)); or

3 (2) implement the Nuclear Posture Review Im-  
4 plementation Study or modify the Secretary of De-  
5 fense Guidance for Employment of Force, Annex B,  
6 or the Joint Strategic Capabilities Plan, Annex N.

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

10 (1) Heavy bomber aircraft.

11 (2) Air-launched cruise missiles.

12 (3) Nuclear-powered ballistic missile sub-  
13 marines.

14 (4) Submarine-launched ballistic missiles.

15 (5) Intercontinental ballistic missiles.

16 SEC. 10017. (a) Appropriations made in this Act are  
17 hereby reduced in the amount of \$1,072,581,000.

18 (b) The reduction in subsection (a) shall not apply  
19 to amounts made available for—

20 (1) accounts in title I;

21 (2) “Other Department of Defense Programs—  
22 Defense Health Program”; and

23 (3) accounts in title IX.

24 SEC. 10018. The amounts otherwise provided in title  
25 IX of this Act are revised by reducing the amount made

1 available for “Military Personnel, Army”, by increasing  
2 such amount, by reducing the amount made available for  
3 “Military Personnel, Marine Corps”, and by increasing  
4 such amount, by \$4,359,624,000, \$4,359,624,000,  
5 \$1,197,682,000, and \$1,197,682,000, respectively.

6 SEC. 10019. None of the funds made available by this  
7 Act may be used by the Secretary of Defense to implement  
8 an enrollment fee for the TRICARE for Life program  
9 under chapter 55 of title 10, United States Code, that  
10 does not exist as of the date of the enactment of this Act.

11 This Act may be cited as the “Department of Defense  
12 Appropriations Act, 2013”.

Passed the House of Representatives July 19, 2012.

Attest:

*Clerk.*

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

**H. R. 5856**

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**AN ACT**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes.