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112TH CONGRESS 2D SESSION

H. R.

[Report No. 112-]

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

IN THE HOUSE OF REPRESENTATIVES

--, 2012

Mr. Young, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

1	Be it enacted by the Senate and House of Representa-
2	tives of the United States of America in Congress assembled,
3	That the following sums are appropriated, out of any
4	money in the Treasury not otherwise appropriated, for the
5	fiscal year ending September 30, 2013, for military func-
6	tions administered by the Department of Defense and for
7	other purposes, namely:
8	TITLE I
9	MILITARY PERSONNEL
10	MILITARY PERSONNEL, ARMY
11	For pay, allowances, individual clothing, subsistence,
12	interest on deposits, gratuities, permanent change of sta-
13	tion travel (including all expenses thereof for organiza-
14	tional movements), and expenses of temporary duty travel
15	between permanent duty stations, for members of the
16	Army on active duty, (except members of reserve compo-
17	nents provided for elsewhere), cadets, and aviation cadets;
18	for members of the Reserve Officers' Training Corps; and
19	for payments pursuant to section 156 of Public Law 97–
20	377, as amended (42 U.S.C. 402 note), and to the Depart-
21	ment of Defense Military Retirement Fund,
22	\$40,730,014,000.
23	MILITARY PERSONNEL, NAVY
24	For pay, allowances, individual clothing, subsistence,
25	interest on deposits, gratuities, permanent change of sta-

- 1 tion travel (including all expenses thereof for organiza-
- 2 tional movements), and expenses of temporary duty travel
- 3 between permanent duty stations, for members of the
- 4 Navy on active duty (except members of the Reserve pro-
- 5 vided for elsewhere), midshipmen, and aviation cadets; for
- 6 members of the Reserve Officers' Training Corps; and for
- 7 payments pursuant to section 156 of Public Law 97–377,
- 8 as amended (42 U.S.C. 402 note), and to the Department
- 9 of Defense Military Retirement Fund, \$27,075,933,000.
- MILITARY PERSONNEL, MARINE CORPS
- 11 For pay, allowances, individual clothing, subsistence,
- 12 interest on deposits, gratuities, permanent change of sta-
- 13 tion travel (including all expenses thereof for organiza-
- 14 tional movements), and expenses of temporary duty travel
- 15 between permanent duty stations, for members of the Ma-
- 16 rine Corps on active duty (except members of the Reserve
- 17 provided for elsewhere); and for payments pursuant to sec-
- 18 tion 156 of Public Law 97–377, as amended (42 U.S.C.
- 19 402 note), and to the Department of Defense Military Re-
- 20 tirement Fund, \$12,560,999,000.
- 21 MILITARY PERSONNEL, AIR FORCE
- 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 Air
- 2 Force on active duty (except members of reserve compo-
- 3 nents provided for elsewhere), cadets, and aviation cadets;
- 4 for members of the Reserve Officers' Training Corps; and
- 5 for payments pursuant to section 156 of Public Law 97–
- 6 377, as amended (42 U.S.C. 402 note), and to the Depart-
- 7 ment of Defense Military Retirement Fund,
- 8 \$28,124,109,000.
- 9 Reserve Personnel, Army
- 10 For pay, allowances, clothing, subsistence, gratuities,
- 11 travel, and related expenses for personnel of the Army Re-
- 12 serve on active duty under sections 10211, 10302, and
- 13 3038 of title 10, United States Code, or while serving on
- 14 active duty under section 12301(d) of title 10, United
- 15 States Code, in connection with performing duty specified
- 16 in section 12310(a) of title 10, United States Code, or
- 17 while undergoing reserve training, or while performing
- 18 drills or equivalent duty or other duty, and expenses au-
- 19 thorized by section 16131 of title 10, United States Code;
- 20 and for payments to the Department of Defense Military
- 21 Retirement Fund, \$4,456,823,000.
- 22 Reserve Personnel, Navy
- For pay, allowances, clothing, subsistence, gratuities,
- 24 travel, and related expenses for personnel of the Navy Re-
- 25 serve on active duty under section 10211 of title 10,

- 1 United States Code, or while serving on active duty under
- 2 section 12301(d) of title 10, United States Code, in con-
- 3 nection with performing duty specified in section 12310(a)
- 4 of title 10, United States Code, or while undergoing re-
- 5 serve training, or while performing drills or equivalent
- 6 duty, and expenses authorized by section 16131 of title
- 7 10, United States Code; and for payments to the Depart-
- 8 ment of Defense Military Retirement Fund,
- 9 \$1,871,688,000.
- 10 RESERVE PERSONNEL, MARINE CORPS
- 11 For pay, allowances, clothing, subsistence, gratuities,
- 12 travel, and related expenses for personnel of the Marine
- 13 Corps Reserve on active duty under section 10211 of title
- 14 10, United States Code, or while serving on active duty
- 15 under section 12301(d) of title 10, United States Code,
- 16 in connection with performing duty specified in section
- 17 12310(a) of title 10, United States Code, or while under-
- 18 going reserve training, or while performing drills or equiv-
- 19 alent duty, and for members of the Marine Corps platoon
- 20 leaders class, and expenses authorized by section 16131
- 21 of title 10, United States Code; and for payments to the
- 22 Department of Defense Military Retirement Fund,
- 23 \$651,861,000.

1	RESERVE PERSONNEL, AIR FORCE
2	For pay, allowances, clothing, subsistence, gratuities,
3	travel, and related expenses for personnel of the Air Force
4	Reserve on active duty under sections 10211, 10305, and
5	8038 of title 10, United States Code, or while serving on
6	active duty under section 12301(d) of title 10, United
7	States Code, in connection with performing duty specified
8	in section 12310(a) of title 10, United States Code, or
9	while undergoing reserve training, or while performing
10	drills or equivalent duty or other duty, and expenses au-
11	thorized by section 16131 of title 10, United States Code;
12	and for payments to the Department of Defense Military
13	Retirement Fund, \$1,743,875,000.
14	NATIONAL GUARD PERSONNEL, ARMY
15	For pay, allowances, clothing, subsistence, gratuities,
16	travel, and related expenses for personnel of the Army Na-
17	tional Guard while on duty under section 10211, 10302,
18	or 12402 of title 10 or section 708 of title 32, United
19	States Code, or while serving on duty under section
20	12301(d) of title 10 or section 502(f) of title 32, United
21	States Code, in connection with performing duty specified
22	in section 12310(a) of title 10, United States Code, or
23	while undergoing training, or while performing drills or
24	equivalent duty or other duty, and expenses authorized by
25	section 16131 of title 10, United States Code; and for pay-

1	ments to the Department of Defense Military Retirement
2	Fund, \$8,089,477,000.
3	National Guard Personnel, Air Force
4	For pay, allowances, clothing, subsistence, gratuities,
5	travel, and related expenses for personnel of the Air Na-
6	tional Guard on duty under section 10211, 10305, or
7	12402 of title 10 or section 708 of title 32, United States
8	Code, or while serving on duty under section 12301(d) of
9	title 10 or section 502(f) of title 32, United States Code,
10	in connection with performing duty specified in section
11	12310(a) of title 10, United States Code, or while under-
12	going training, or while performing drills or equivalent
13	duty or other duty, and expenses authorized by section
14	16131 of title 10, United States Code; and for payments
15	to the Department of Defense Military Retirement Fund,
16	\$3,158,015,000.
17	TITLE II
18	OPERATION AND MAINTENANCE
19	OPERATION AND MAINTENANCE, ARMY
20	For expenses, not otherwise provided for, necessary
21	for the operation and maintenance of the Army, as author-
22	ized by law; and not to exceed \$12,478,000 can be used
23	for emergencies and extraordinary expenses, to be ex-
24	pended on the approval or authority of the Secretary of
25	the Army, and payments may be made on his certificate

- 1 of necessity for confidential military purposes,
- 2 \$36,422,738,000.
- 3 OPERATION AND MAINTENANCE, NAVY
- 4 For expenses, not otherwise provided for, necessary
- 5 for the operation and maintenance of the Navy and the
- 6 Marine Corps, as authorized by law; and not to exceed
- 7 \$14,804,000 can be used for emergencies and extraor-
- 8 dinary expenses, to be expended on the approval or author-
- 9 ity of the Secretary of the Navy, and payments may be
- 10 made on his certificate of necessity for confidential mili-
- 11 tary purposes, \$41,463,773,000.
- 12 OPERATION AND MAINTENANCE, MARINE CORPS
- For expenses, not otherwise provided for, necessary
- 14 for the operation and maintenance of the Marine Corps,
- 15 as authorized by law, \$6,075,667,000.
- OPERATION AND MAINTENANCE, AIR FORCE
- 17 For expenses, not otherwise provided for, necessary
- 18 for the operation and maintenance of the Air Force, as
- 19 authorized by law; and not to exceed \$7,699,000 can be
- 20 used for emergencies and extraordinary expenses, to be ex-
- 21 pended on the approval or authority of the Secretary of
- 22 the Air Force, and payments may be made on his certifi-
- 23 cate of necessity for confidential military purposes,
- 24 \$35,408,795,000.

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

- 1 into a legislative affairs or legislative liaison office: Pro-
- 2 vided further, That \$8,563,000, to remain available until
- 3 expended, is available only for expenses relating to certain
- 4 classified activities, and may be transferred as necessary
- 5 by the Secretary of Defense to operation and maintenance
- 6 appropriations or research, development, test and evalua-
- 7 tion appropriations, to be merged with and to be available
- 8 for the same time period as the appropriations to which
- 9 transferred: Provided further, That any ceiling on the in-
- 10 vestment item unit cost of items that may be purchased
- 11 with operation and maintenance funds shall not apply to
- 12 the funds described in the preceding proviso: Provided fur-
- 13 ther, That the transfer authority provided under this head-
- 14 ing is in addition to any other transfer authority provided
- 15 elsewhere in this Act.
- 16 OPERATION AND MAINTENANCE, ARMY RESERVE
- 17 For expenses, not otherwise provided for, necessary
- 18 for the operation and maintenance, including training, or-
- 19 ganization, and administration, of the Army Reserve; re-
- 20 pair of facilities and equipment; hire of passenger motor
- 21 vehicles; travel and transportation; care of the dead; re-
- 22 cruiting; procurement of services, supplies, and equip-
- 23 ment; and communications, \$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	OPERATION AND MAINTENANCE, ARMY NATIONAL
2	Guard
3	For expenses of training, organizing, and admin-
4	istering the Army National Guard, including medical and
5	hospital treatment and related expenses in non-Federal
6	hospitals; maintenance, operation, and repairs to struc-
7	tures and facilities; hire of passenger motor vehicles; per-
8	sonnel services in the National Guard Bureau; travel ex-
9	penses (other than mileage), as authorized by law for
10	Army personnel on active duty, for Army National Guard
11	division, regimental, and battalion commanders while in-
12	specting units in compliance with National Guard Bureau
13	regulations when specifically authorized by the Chief, Na-
14	tional Guard Bureau; supplying and equipping the Army
15	National Guard as authorized by law; and expenses of re-
16	pair, modification, maintenance, and issue of supplies and
17	equipment (including aircraft), \$7,187,731,000.
18	OPERATION AND MAINTENANCE, AIR NATIONAL GUARD
19	For expenses of training, organizing, and admin-
20	istering the Air National Guard, including medical and
21	hospital treatment and related expenses in non-Federal
22	hospitals; maintenance, operation, and repairs to struc-
23	tures and facilities; transportation of things, hire of pas-
24	senger motor vehicles; supplying and equipping the Air
25	National Guard, as authorized by law; expenses for repair,

	10
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.
10	UNITED STATES COURT OF APPEALS FOR THE ARMED
11	Forces
12	For salaries and expenses necessary for the United
13	States Court of Appeals for the Armed Forces,
14	\$13,516,000, of which not to exceed \$5,000 may be used
15	for official representation purposes.
16	Environmental Restoration, Army
17	(INCLUDING TRANSFER OF FUNDS)
18	For the Department of the Army, \$335,921,000, to
19	remain available until transferred: Provided, That the Sec-
20	retary of the Army shall, upon determining that such
21	funds are required for environmental restoration, reduc-
22	tion and recycling of hazardous waste, removal of unsafe
23	buildings and debris of the Department of the Army, or
24	for similar purposes, transfer the funds made available by

25 this appropriation to other appropriations made available

1	to the Department of the Army, to be merged with and
2	to be available for the same purposes and for the same
3	time period as the appropriations to which transferred:
4	Provided further, That upon a determination that all or
5	part of the funds transferred from this appropriation are
6	not necessary for the purposes provided herein, such
7	amounts may be transferred back to this appropriation:
8	Provided further, That the transfer authority provided
9	under this heading is in addition to any other transfer au-
10	thority provided elsewhere in this Act.
11	Environmental Restoration, Navy
12	(INCLUDING TRANSFER OF FUNDS)
13	For the Department of the Navy, \$310,594,000, to
14	remain available until transferred: Provided, That the Sec-
15	retary of the Navy shall, upon determining that such
16	funds are required for environmental restoration, reduc-
17	tion and recycling of hazardous waste, removal of unsafe
18	buildings and debris of the Department of the Navy, or
19	for similar purposes, transfer the funds made available by
20	this appropriation to other appropriations made available
21	to the Department of the Navy, to be merged with and
22	to be available for the same purposes and for the same
23	time period as the appropriations to which transferred:
24	Provided further, That upon a determination that all or
25	part of the funds transferred from this appropriation are

1	not necessary for the purposes provided herein, such
2	amounts may be transferred back to this appropriation:
3	Provided further, That the transfer authority provided
4	under this heading is in addition to any other transfer au-
5	thority provided elsewhere in this Act.
6	Environmental Restoration, Air Force
7	(INCLUDING TRANSFER OF FUNDS)
8	For the Department of the Air Force, \$529,263,000,
9	to remain available until transferred: Provided, That the
10	Secretary of the Air Force shall, upon determining that
11	such funds are required for environmental restoration, re-
12	duction and recycling of hazardous waste, removal of un-
13	safe buildings and debris of the Department of the Air
14	Force, or for similar purposes, transfer the funds made
15	available by this appropriation to other appropriations
16	made available to the Department of the Air Force, to be
17	merged with and to be available for the same purposes
18	and for the same time period as the appropriations to
19	which transferred: Provided further, That upon a deter-
20	mination that all or part of the funds transferred from
21	this appropriation are not necessary for the purposes pro-
22	vided herein, such amounts may be transferred back to
23	this appropriation: Provided further, That the transfer au-
24	thority provided under this heading is in addition to any

25 other transfer authority provided elsewhere in this Act.

1	Environmental Restoration, Defense-wide
2	(INCLUDING TRANSFER OF FUNDS)
3	For the Department of Defense, \$11,133,000, to re-
4	main available until transferred: Provided, That the Sec-
5	retary of Defense shall, upon determining that such funds
6	are required for environmental restoration, reduction and
7	recycling of hazardous waste, removal of unsafe buildings
8	and debris of the Department of Defense, or for similar
9	purposes, transfer the funds made available by this appro-
10	priation to other appropriations made available to the De-
11	partment of Defense, to be merged with and to be avail-
12	able for the same purposes and for the same time period
13	as the appropriations to which transferred: Provided fur-
14	ther, That upon a determination that all or part of the
15	funds transferred from this appropriation are not nec-
16	essary for the purposes provided herein, such amounts
17	may be transferred back to this appropriation: Provided
18	further, That the transfer authority provided under this
19	heading is in addition to any other transfer authority pro-
20	vided elsewhere in this Act.
21	Environmental Restoration, Formerly Used
22	Defense Sites
23	(INCLUDING TRANSFER OF FUNDS)
24	For the Department of the Army, \$237,543,000, to
25	remain available until transferred: Provided, That the Sec-

- 1 retary of the Army shall, upon determining that such
- 2 funds are required for environmental restoration, reduc-
- 3 tion and recycling of hazardous waste, removal of unsafe
- 4 buildings and debris at sites formerly used by the Depart-
- 5 ment of Defense, transfer the funds made available by this
- 6 appropriation to other appropriations made available to
- 7 the Department of the Army, to be merged with and to
- 8 be available for the same purposes and for the same time
- 9 period as the appropriations to which transferred: Pro-
- 10 vided further, That upon a determination that all or part
- 11 of the funds transferred from this appropriation are not
- 12 necessary for the purposes provided herein, such amounts
- 13 may be transferred back to this appropriation: Provided
- 14 further, That the transfer authority provided under this
- 15 heading is in addition to any other transfer authority pro-
- 16 vided elsewhere in this Act.
- 17 Overseas Humanitarian, Disaster, and Civic Aid
- 18 For expenses relating to the Overseas Humanitarian,
- 19 Disaster, and Civic Aid programs of the Department of
- 20 Defense (consisting of the programs provided under sec-
- 21 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
- 22 United States Code), \$108,759,000, to remain available
- 23 until September 30, 2014.

1	Cooperative Threat Reduction Account
2	For assistance to the republics of the former Soviet
3	Union and, with appropriate authorization by the Depart-
4	ment of Defense and Department of State, to countries
5	outside of the former Soviet Union, including assistance
6	provided by contract or by grants, for facilitating the
7	elimination and the safe and secure transportation and
8	storage of nuclear, chemical and other weapons; for estab-
9	lishing programs to prevent the proliferation of weapons,
10	weapons components, and weapon-related technology and
11	expertise; for programs relating to the training and sup-
12	port of defense and military personnel for demilitarization
13	and protection of weapons, weapons components and
14	weapons technology and expertise, and for defense and
15	military contacts, \$519,111,000, to remain available until
16	September 30, 2015.
17	DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
18	DEVELOPMENT FUND
19	For the Department of Defense Acquisition Work-
20	force Development Fund, \$50,198,000.
21	TITLE III
22	PROCUREMENT
23	AIRCRAFT PROCUREMENT, ARMY
24	For construction, procurement, production, modifica-
25	tion, and modernization of aircraft, equipment, including

- 1 ordnance, ground handling equipment, spare parts, and
- 2 accessories therefor; specialized equipment and training
- 3 devices; expansion of public and private plants, including
- 4 the land necessary therefor, for the foregoing purposes,
- 5 and such lands and interests therein, may be acquired,
- 6 and construction prosecuted thereon prior to approval of
- 7 title; and procurement and installation of equipment, ap-
- 8 pliances, and machine tools in public and private plants;
- 9 reserve plant and Government and contractor-owned
- 10 equipment layaway; and other expenses necessary for the
- 11 foregoing purposes, \$6,115,226,000, to remain available
- 12 for obligation until September 30, 2015.
- 13 Missile Procurement, Army
- 14 For construction, procurement, production, modifica-
- 15 tion, and modernization of missiles, equipment, including
- 16 ordnance, ground handling equipment, spare parts, and
- 17 accessories therefor; specialized equipment and training
- 18 devices; expansion of public and private plants, including
- 19 the land necessary therefor, for the foregoing purposes,
- 20 and such lands and interests therein, may be acquired,
- 21 and construction prosecuted thereon prior to approval of
- 22 title; and procurement and installation of equipment, ap-
- 23 pliances, and machine tools in public and private plants;
- 24 reserve plant and Government and contractor-owned
- 25 equipment layaway; and other expenses necessary for the

1	foregoing purposes, \$1,602,689,000, to remain available
2	for obligation until September 30, 2015.
3	PROCUREMENT OF WEAPONS AND TRACKED COMBAT
4	Vehicles, Army
5	For construction, procurement, production, and
6	modification of weapons and tracked combat vehicles,
7	equipment, including ordnance, spare parts, and acces-
8	sories therefor; specialized equipment and training devices;
9	expansion of public and private plants, including the land
10	necessary therefor, for the foregoing purposes, and such
11	lands and interests therein, may be acquired, and con-
12	struction prosecuted thereon prior to approval of title; and
13	procurement and installation of equipment, appliances,
14	and machine tools in public and private plants; reserve
15	plant and Government and contractor-owned equipment
16	layaway; and other expenses necessary for the foregoing
17	purposes, \$1,884,706,000, to remain available for obliga-
18	tion until September 30, 2015.
19	PROCUREMENT OF AMMUNITION, ARMY
20	For construction, procurement, production, and
21	modification of ammunition, and accessories therefor; spe-
22	cialized equipment and training devices; expansion of pub-
23	lic and private plants, including ammunition facilities, au-
24	thorized by section 2854 of title 10, United States Code,
25	and the land necessary therefor, for the foregoing pur-

- 1 poses, and such lands and interests therein, may be ac-
- 2 quired, and construction prosecuted thereon prior to ap-
- 3 proval of title; and procurement and installation of equip-
- 4 ment, appliances, and machine tools in public and private
- 5 plants; reserve plant and Government and contractor-
- 6 owned equipment layaway; and other expenses necessary
- 7 for the foregoing purposes, \$1,576,768,000, to remain
- 8 available for obligation until September 30, 2015.
- 9 OTHER PROCUREMENT, ARMY
- 10 For construction, procurement, production, and
- 11 modification of vehicles, including tactical, support, and
- 12 non-tracked combat vehicles; the purchase of passenger
- 13 motor vehicles for replacement only; communications and
- 14 electronic equipment; other support equipment; spare
- 15 parts, ordnance, and accessories therefor; specialized
- 16 equipment and training devices; expansion of public and
- 17 private plants, including the land necessary therefor, for
- 18 the foregoing purposes, and such lands and interests
- 19 therein, may be acquired, and construction prosecuted
- 20 thereon prior to approval of title; and procurement and
- 21 installation of equipment, appliances, and machine tools
- 22 in public and private plants; reserve plant and Govern-
- 23 ment and contractor-owned equipment layaway; and other
- 24 expenses necessary for the foregoing purposes,

- 1 \$6,488,045,000, to remain available for obligation until
- 2 September 30, 2015.
- 3 AIRCRAFT PROCUREMENT, NAVY
- 4 For construction, procurement, production, modifica-
- 5 tion, and modernization of aircraft, equipment, including
- 6 ordnance, spare parts, and accessories therefor; specialized
- 7 equipment; expansion of public and private plants, includ-
- 8 ing the land necessary therefor, and such lands and inter-
- 9 ests therein, may be acquired, and construction prosecuted
- 10 thereon prior to approval of title; and procurement and
- 11 installation of equipment, appliances, and machine tools
- 12 in public and private plants; reserve plant and Govern-
- 13 ment and contractor-owned equipment layaway,
- 14 \$17,518,324,000, to remain available for obligation until
- 15 September 30, 2015.
- Weapons Procurement, Navy
- 17 For construction, procurement, production, modifica-
- 18 tion, and modernization of missiles, torpedoes, other weap-
- 19 ons, and related support equipment including spare parts,
- 20 and accessories therefor; expansion of public and private
- 21 plants, including the land necessary therefor, and such
- 22 lands and interests therein, may be acquired, and con-
- 23 struction prosecuted thereon prior to approval of title; and
- 24 procurement and installation of equipment, appliances,
- 25 and machine tools in public and private plants; reserve

- 1 plant and Government and contractor-owned equipment
- 2 layaway, \$3,072,112,000, to remain available for obliga-
- 3 tion until September 30, 2015.
- 4 Procurement of Ammunition, Navy and Marine
- 5 Corps
- 6 For construction, procurement, production, and
- 7 modification of ammunition, and accessories therefor; spe-
- 8 cialized equipment and training devices; expansion of pub-
- 9 lic and private plants, including ammunition facilities, au-
- 10 thorized by section 2854 of title 10, United States Code,
- 11 and the land necessary therefor, for the foregoing pur-
- 12 poses, and such lands and interests therein, may be ac-
- 13 quired, and construction prosecuted thereon prior to ap-
- 14 proval of title; and procurement and installation of equip-
- 15 ment, appliances, and machine tools in public and private
- 16 plants; reserve plant and Government and contractor-
- 17 owned equipment layaway; and other expenses necessary
- 18 for the foregoing purposes, \$677,243,000, to remain avail-
- 19 able for obligation until September 30, 2015.
- 20 Shipbuilding and Conversion, Navy
- 21 For expenses necessary for the construction, acquisi-
- 22 tion, or conversion of vessels as authorized by law, includ-
- 23 ing armor and armament thereof, plant equipment, appli-
- 24 ances, and machine tools and installation thereof in public
- 25 and private plants; reserve plant and Government and con-

- 1 tractor-owned equipment layaway; procurement of critical,
- 2 long lead time components and designs for vessels to be
- 3 constructed or converted in the future; and expansion of
- 4 public and private plants, including land necessary there-
- 5 for, and such lands and interests therein, may be acquired,
- 6 and construction prosecuted thereon prior to approval of
- 7 title,
- 8 Carrier Replacement Program, \$578,295,000;
- 9 Virginia Class Submarine, \$3,217,601,000;
- 10 Virginia Class Submarine (AP), \$1,597,878,000;
- 11 CVN Refuelings,\$1,613,392,000;
- 12 CVN Refuelings (AP), \$70,010,000;
- 13 DDG-1000 Program, \$669,222,000;
- 14 DDG-51 Destroyer, \$4,036,628,000;
- 15 DDG-51 Destroyer (AP), \$466,283,000;
- 16 Littoral Combat Ship, \$1,784,959,000;
- 17 Joint High Speed Vessel, \$189,196,000;
- 18 Moored Training Ship, \$307,300,000;
- 19 LCAC Service Life Extension Program, \$47,930,000;
- 20 and
- 21 For outfitting, post delivery, conversions, and first
- 22 destination transportation, \$284,859,000.
- 23 Completion of Prior Year Shipbuilding Programs,
- 24 \$372,573,000.

1 In all: \$15,236,126,000, to remain available for obli-2 gation until September 30, 2017: Provided, That addi-3 tional obligations may be incurred after September 30, 4 2017, for engineering services, tests, evaluations, and 5 other such budgeted work that must be performed in the final stage of ship construction: Provided further, That 6 none of the funds provided under this heading for the con-8 struction or conversion of any naval vessel to be constructed in shipyards in the United States shall be ex-10 pended in foreign facilities for the construction of major components of such vessel: Provided further, That none 11 12 of the funds provided under this heading shall be used for the construction of any naval vessel in foreign ship-14 vards. 15 OTHER PROCUREMENT, NAVY 16 For procurement, production, and modernization of 17 support equipment and materials not otherwise provided 18 for, Navy ordnance (except ordnance for new aircraft, new 19 ships, and ships authorized for conversion); the purchase 20 of passenger motor vehicles for replacement only; expan-21 sion of public and private plants, including the land necessarv therefor, and such lands and interests therein, may 22

be acquired, and construction prosecuted thereon prior to

approval of title; and procurement and installation of

equipment, appliances, and machine tools in public and

23

1	private plants; reserve plant and Government and con-
2	tractor-owned equipment layaway, \$6,364,191,000, to re-
3	main available for obligation until September 30, 2015.
4	PROCUREMENT, MARINE CORPS
5	For expenses necessary for the procurement, manu-
6	facture, and modification of missiles, armament, military
7	equipment, spare parts, and accessories therefor; plant
8	equipment, appliances, and machine tools, and installation
9	thereof in public and private plants; reserve plant and
10	Government and contractor-owned equipment layaway; ve-
11	hicles for the Marine Corps, including the purchase of pas-
12	senger motor vehicles for replacement only; and expansion
13	of public and private plants, including land necessary
14	therefor, and such lands and interests therein, may be ac-
15	quired, and construction prosecuted thereon prior to ap-
16	proval of title, \$1,482,081,000, to remain available for ob-
17	ligation until September 30, 2015.
18	AIRCRAFT PROCUREMENT, AIR FORCE
19	For construction, procurement, and modification of
20	aircraft and equipment, including armor and armament,
21	specialized ground handling equipment, and training de-
22	vices, spare parts, and accessories therefor; specialized
23	equipment; expansion of public and private plants, Gov-
24	ernment-owned equipment and installation thereof in such

25 plants, erection of structures, and acquisition of land, for

- 1 the foregoing purposes, and such lands and interests
- 2 therein, may be acquired, and construction prosecuted
- 3 thereon prior to approval of title; reserve plant and Gov-
- 4 ernment and contractor-owned equipment layaway; and
- 5 other expenses necessary for the foregoing purposes in-
- 6 cluding rents and transportation of things,
- 7 \$11,304,899,000, to remain available for obligation until
- 8 September 30, 2015.
- 9 Missile Procurement, Air Force
- For construction, procurement, and modification of
- 11 missiles, spacecraft, rockets, and related equipment, in-
- 12 cluding spare parts and accessories therefor, ground han-
- 13 dling equipment, and training devices; expansion of public
- 14 and private plants, Government-owned equipment and in-
- 15 stallation thereof in such plants, erection of structures,
- 16 and acquisition of land, for the foregoing purposes, and
- 17 such lands and interests therein, may be acquired, and
- 18 construction prosecuted thereon prior to approval of title;
- 19 reserve plant and Government and contractor-owned
- 20 equipment layaway; and other expenses necessary for the
- 21 foregoing purposes including rents and transportation of
- 22 things, \$5,449,146,000, to remain available for obligation
- 23 until September 30, 2015.

1	PROCUREMENT OF AMMUNITION, AIR FORCE
2	For construction, procurement, production, and
3	modification of ammunition, and accessories therefor; spe-
4	cialized equipment and training devices; expansion of pub-
5	lic and private plants, including ammunition facilities, au-
6	thorized by section 2854 of title 10, United States Code,
7	and the land necessary therefor, for the foregoing pur-
8	poses, and such lands and interests therein, may be ac-
9	quired, and construction prosecuted thereon prior to ap-
10	proval of title; and procurement and installation of equip-
11	ment, appliances, and machine tools in public and private
12	plants; reserve plant and Government and contractor-
13	owned equipment layaway; and other expenses necessary
14	for the foregoing purposes, \$599,194,000, to remain avail-
15	able for obligation until September 30, 2015.
16	OTHER PROCUREMENT, AIR FORCE
17	For procurement and modification of equipment (in-
18	cluding ground guidance and electronic control equipment,
19	and ground electronic and communication equipment),
20	and supplies, materials, and spare parts therefor, not oth-
21	erwise provided for; the purchase of passenger motor vehi-
22	cles for replacement only; lease of passenger motor vehi-
23	cles; and expansion of public and private plants, Govern-
24	ment-owned equipment and installation thereof in such
25	plants, erection of structures, and acquisition of land, for

- 1 the foregoing purposes, and such lands and interests
- 2 therein, may be acquired, and construction prosecuted
- 3 thereon, prior to approval of title; reserve plant and Gov-
- 4 ernment and contractor-owned equipment layaway,
- 5 \$16,632,575,000, to remain available for obligation until
- 6 September 30, 2015.
- 7 Procurement, Defense-wide
- 8 For expenses of activities and agencies of the Depart-
- 9 ment of Defense (other than the military departments)
- 10 necessary for procurement, production, and modification
- 11 of equipment, supplies, materials, and spare parts there-
- 12 for, not otherwise provided for; the purchase of passenger
- 13 motor vehicles for replacement only; expansion of public
- 14 and private plants, equipment, and installation thereof in
- 15 such plants, erection of structures, and acquisition of land
- 16 for the foregoing purposes, and such lands and interests
- 17 therein, may be acquired, and construction prosecuted
- 18 thereon prior to approval of title; reserve plant and Gov-
- 19 ernment and contractor-owned equipment layaway,
- 20 \$4,429,335,000, to remain available for obligation until
- 21 September 30, 2015.
- NATIONAL GUARD AND RESERVE EQUIPMENT
- For procurement of aircraft, missiles, tracked combat
- 24 vehicles, ammunition, other weapons and other procure-
- 25 ment for the reserve components of the Armed Forces,

- 1 \$2,000,000,000, to remain available for obligation until
- 2 September 30, 2015: Provided, That the Chiefs of Na-
- 3 tional Guard and Reserve components shall, not later than
- 4 30 days after the enactment of this Act, individually sub-
- 5 mit to the congressional defense committees the mod-
- 6 ernization priority assessment for their respective Na-
- 7 tional Guard or Reserve component: Provided further,
- 8 That during fiscal year 2013, the Chief of the National
- 9 Guard Bureau and each Reserve Component Chief, may
- 10 each use not more than 3 percent of the funds made avail-
- 11 able to the National Guard or such reserve component,
- 12 as the case may be, under this heading to carry out re-
- 13 search, development, test, and evaluation activities related
- 14 to adding technological capability to platforms or to mod-
- 15 ernize existing systems.
- 16 Defense Production Act Purchases
- 17 For activities by the Department of Defense pursuant
- 18 to sections 108, 301, 302, and 303 of the Defense Produc-
- 19 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
- 20 2093), \$63,531,000, to remain available until expended.

1	TITLE IV
2	RESEARCH, DEVELOPMENT, TEST AND
3	EVALUATION
4	RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5	Λ_{RMY}
6	For expenses necessary for basic and applied sci-
7	entific research, development, test and evaluation, includ-
8	ing maintenance, rehabilitation, lease, and operation of fa-
9	cilities and equipment, \$8,593,055,000 to remain available
10	for obligation until September 30, 2014.
11	RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12	Navy
12 13	Navy For expenses necessary for basic and applied sci-
13	For expenses necessary for basic and applied sci-
13 14	For expenses necessary for basic and applied scientific research, development, test and evaluation, includ-
13 14 15 16	For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of fa-
13 14 15 16 17	For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$16,987,768,000, to remain avail-
13 14 15 16 17	For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$16,987,768,000, to remain available for obligation until September 30, 2014: <i>Provided</i> ,
13 14 15 16 17 18	For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$16,987,768,000, to remain available for obligation until September 30, 2014: <i>Provided</i> , That funds appropriated in this paragraph which are
13 14 15 16 17 18	For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$16,987,768,000, to remain available for obligation until September 30, 2014: <i>Provided</i> , That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operation.

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
- 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.Sflag 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
- 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; of which
- 16 \$31,122,095,000 shall be for operation and maintenance,
- 17 of which not to exceed one percent shall remain available
- 18 until September 30, 2014, and of which up to
- 19 \$16,105,245,000 may be available for contracts entered
- 20 into under the TRICARE program; of which
- 21 \$521,762,000, to remain available for obligation until Sep-
- 22 tember 30, 2015, shall be for procurement; and of which
- 23 \$1,218,377,000, to remain available for obligation until
- 24 September 30, 2014, shall be for research, development,
- 25 test and evaluation: Provided, That, notwithstanding any

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

1	visions of section 1412 of the Department of Defense Au-
2	thorization Act, 1986 (50 U.S.C. 1521), and for the de-
3	struction of other chemical warfare materials that are not
4	in the chemical weapon stockpile, \$1,301,786,000, of
5	which \$635,843,000 shall be for operation and mainte-
6	nance, of which no less than \$53,948,000 shall be for the
7	Chemical Stockpile Emergency Preparedness Program,
8	consisting of \$22,214,000 for activities on military instal-
9	lations and \$31,734,000, to remain available until Sep-
10	tember 30, 2014, to assist State and local governments;
11	\$18,592,000 shall be for procurement, to remain available
12	until September 30, 2015, of which \$1,823,000 shall be
13	for the Chemical Stockpile Emergency Preparedness Pro-
14	gram to assist State and local governments; and
15	\$647,351,000, to remain available until September 30,
16	2014, shall be for research, development, test and evalua-
17	tion, of which \$627,705,000 shall only be for the Assem-
18	bled Chemical Weapons Alternatives (ACWA) program.
19	Drug Interdiction and Counter-drug Activities,
20	DEFENSE
21	(INCLUDING TRANSFER OF FUNDS)
22	For drug interdiction and counter-drug activities of
23	the Department of Defense, for transfer to appropriations
24	available to the Department of Defense for military per-
25	sonnel of the reserve components serving under the provi-

- 1 sions of title 10 and title 32, United States Code; for oper-
- 2 ation and maintenance; for procurement; and for research,
- 3 development, test and evaluation, \$1,133,363,000: Pro-
- 4 vided, That the funds appropriated under this heading
- 5 shall be available for obligation for the same time period
- 6 and for the same purpose as the appropriation to which
- 7 transferred: Provided further, That upon a determination
- 8 that all or part of the funds transferred from this appro-
- 9 priation are not necessary for the purposes provided here-
- 10 in, such amounts may be transferred back to this appro-
- 11 priation: Provided further, That the transfer authority pro-
- 12 vided under this heading is in addition to any other trans-
- 13 fer authority contained elsewhere in this Act.
- 14 Joint Improvised Explosive Device Defeat Fund
- 15 (INCLUDING TRANSFER OF FUNDS)
- 16 For the "Joint Improvised Explosive Device Defeat
- 17 Fund," \$217,414,000, to remain available until Sep-
- 18 tember 30, 2015, for Staff and Infrastructure: Provided,
- 19 That such funds shall be available to the Secretary of De-
- 20 fense, notwithstanding any other provision of law, for the
- 21 purpose of allowing the Director of the Joint Improvised
- 22 Explosive Device Defeat Organization to investigate, de-
- 23 velop and provide equipment, supplies, services, training,
- 24 facilities, personnel and funds to assist United States
- 25 forces in the defeat of improvised explosive devices: Pro-

1	vided further, That, within 60 days of the enactment of
2	this Act, a plan for the intended management and use of
3	the amounts provided under this heading shall be sub-
4	mitted to the congressional defense committees: Provided
5	further, That the Secretary of Defense shall submit a re-
6	port not later than 60 days after the end of each fiscal
7	quarter to the congressional defense committees providing
8	assessments of the evolving threats, individual service re-
9	quirements to counter the threats, the current strategy for
10	predeployment training of members of the Armed Forces
11	on improvised explosive devices, and details on the execu-
12	tion of the Fund: Provided further, That the Secretary of
13	Defense may transfer funds provided herein to appropria-
14	tions for operation and maintenance; procurement; re-
15	search, development, test and evaluation; and defense
16	working capital funds to accomplish the purpose provided
17	herein: Provided further, That amounts transferred shall
18	be merged with and available for the same purposes and
19	time period as the appropriations to which transferred:
20	Provided further, That this transfer authority is in addi-
21	tion to any other transfer authority available to the De-
22	partment of Defense: Provided further, That the Secretary
23	of Defense shall, not fewer than 15 days prior to making
24	transfers from this appropriation, notify the congressional

1	defense committees in writing of the details of any such
2	transfer.
3	Office of the Inspector General
4	For expenses and activities of the Office of the In-
5	spector General in carrying out the provisions of the In-
6	spector General Act of 1978, as amended, \$350,321,000,
7	of which \$347,621,000 shall be for operation and mainte-
8	nance, of which not to exceed \$700,000 is available for
9	emergencies and extraordinary expenses to be expended on
10	the approval or authority of the Inspector General, and
11	payments may be made on the Inspector General's certifi-
12	cate of necessity for confidential military purposes; and
13	of which \$2,700,000, to remain available until September
14	30, 2015, shall be for procurement.
15	TITLE VII
16	RELATED AGENCIES
17	CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
18	DISABILITY SYSTEM FUND
19	For payment to the Central Intelligence Agency Re-
20	tirement and Disability System Fund, to maintain the
21	proper funding level for continuing the operation of the
22	Central Intelligence Agency Retirement and Disability
23	System, \$514,000,000.

1	Intelligence Community Management Account
2	For necessary expenses of the Intelligence Commu-
3	nity Management Account, \$511,476,000.
4	TITLE VIII
5	GENERAL PROVISIONS
6	Sec. 8001. No part of any appropriation contained
7	in this Act shall be used for publicity or propaganda pur-
8	poses not authorized by the Congress.
9	Sec. 8002. During the current fiscal year, provisions
10	of law prohibiting the payment of compensation to, or em-
11	ployment of, any person not a citizen of the United States
12	shall not apply to personnel of the Department of Defense:
13	Provided, That salary increases granted to direct and indi-
14	rect hire foreign national employees of the Department of
15	Defense funded by this Act shall not be at a rate in excess
16	of the percentage increase authorized by law for civilian
17	employees of the Department of Defense whose pay is
18	computed under the provisions of section 5332 of title 5,
19	United States Code, or at a rate in excess of the percent-
20	age increase provided by the appropriate host nation to
21	its own employees, whichever is higher: Provided further,
22	That this section shall not apply to Department of De-
23	fense foreign service national employees serving at United
24	States diplomatic missions whose pay is set by the Depart-
25	ment of State under the Foreign Service Act of 1980: Pro-

- 1 vided further, That the limitations of this provision shall
- 2 not apply to foreign national employees of the Department
- 3 of Defense in the Republic of Turkey.
- 4 Sec. 8003. No part of any appropriation contained
- 5 in this Act shall remain available for obligation beyond
- 6 the current fiscal year, unless expressly so provided herein.
- 7 Sec. 8004. No more than 20 percent of the appro-
- 8 priations in this Act which are limited for obligation dur-
- 9 ing the current fiscal year shall be obligated during the
- 10 last 2 months of the fiscal year: *Provided*, That this sec-
- 11 tion shall not apply to obligations for support of active
- 12 duty training of reserve components or summer camp
- 13 training of the Reserve Officers' Training Corps.
- 14 (TRANSFER OF FUNDS)
- 15 Sec. 8005. Upon determination by the Secretary of
- 16 Defense that such action is necessary in the national inter-
- 17 est, he may, with the approval of the Office of Manage-
- 18 ment and Budget, transfer not to exceed \$3,000,000,000
- 19 of working capital funds of the Department of Defense
- 20 or funds made available in this Act to the Department
- 21 of Defense for military functions (except military con-
- 22 struction) between such appropriations or funds or any
- 23 subdivision thereof, to be merged with and to be available
- 24 for the same purposes, and for the same time period, as
- 25 the appropriation or fund to which transferred: Provided,

- 1 That such authority to transfer may not be used unless
- 2 for higher priority items, based on unforeseen military re-
- 3 quirements, than those for which originally appropriated
- 4 and in no case where the item for which funds are re-
- 5 quested has been denied by the Congress: Provided further,
- 6 That the Secretary of Defense shall notify the Congress
- 7 promptly of all transfers made pursuant to this authority
- 8 or any other authority in this Act: Provided further, That
- 9 no part of the funds in this Act shall be available to pre-
- 10 pare or present a request to the Committees on Appropria-
- 11 tions for reprogramming of funds, unless for higher pri-
- 12 ority items, based on unforeseen military requirements,
- 13 than those for which originally appropriated and in no
- 14 case where the item for which reprogramming is requested
- 15 has been denied by the Congress: Provided further, That
- 16 a request for multiple reprogrammings of funds using au-
- 17 thority provided in this section shall be made prior to June
- 18 30, 2013: Provided further, That transfers among military
- 19 personnel appropriations shall not be taken into account
- 20 for purposes of the limitation on the amount of funds that
- 21 may be transferred under this section.
- Sec. 8006. (a) With regard to the list of specific pro-
- 23 grams, projects, and activities (and the dollar amounts
- 24 and adjustments to budget activities corresponding to
- 25 such programs, projects, and activities) contained in the

- 1 tables titled "Explanation of Project Level Adjustments"
- 2 in the explanatory statement regarding this Act, the obli-
- 3 gation and expenditure of amounts appropriated or other-
- 4 wise made available in this Act for those programs,
- 5 projects, and activities for which the amounts appro-
- 6 priated exceed the amounts requested are hereby required
- 7 by law to be carried out in the manner provided by such
- 8 tables to the same extent as if the tables were included
- 9 in the text of this Act.
- 10 (b) Amounts specified in the referenced tables de-
- 11 scribed in subsection (a) shall not be treated as subdivi-
- 12 sions of appropriations for purposes of section 8005 of this
- 13 Act: Provided, That section 8005 shall apply when trans-
- 14 fers of the amounts described in subsection (a) occur be-
- 15 tween appropriation accounts.
- Sec. 8007. (a) Not later than 60 days after enact-
- 17 ment of this Act, the Department of Defense shall submit
- 18 a report to the congressional defense committees to estab-
- 19 lish the baseline for application of reprogramming and
- 20 transfer authorities for fiscal year 2013: Provided, That
- 21 the report shall include—
- 22 (1) a table for each appropriation with a sepa-
- rate column to display the President's budget re-
- quest, adjustments made by Congress, adjustments

1	due to enacted rescissions, if appropriate, and the
2	fiscal year enacted level;
3	(2) a delineation in the table for each appro-
4	priation both by budget activity and program,
5	project, and activity as detailed in the Budget Ap-
6	pendix; and
7	(3) an identification of items of special congres-
8	sional interest.
9	(b) Notwithstanding section 8005 of this Act, none
10	of the funds provided in this Act shall be available for
11	reprogramming or transfer until the report identified in
12	subsection (a) is submitted to the congressional defense
13	committees, unless the Secretary of Defense certifies in
14	writing to the congressional defense committees that such
15	reprogramming or transfer is necessary as an emergency
16	requirement.
17	(TRANSFER OF FUNDS)
18	Sec. 8008. During the current fiscal year, cash bal-
19	ances in working capital funds of the Department of De-
20	fense established pursuant to section 2208 of title 10,
21	United States Code, may be maintained in only such
22	amounts as are necessary at any time for cash disburse-
23	ments to be made from such funds: Provided, That trans-
24	fers may be made between such funds: Provided further,
25	That transfers may be made between working capital

- 1 funds and the "Foreign Currency Fluctuations, Defense"
- 2 appropriation and the "Operation and Maintenance" ap-
- 3 propriation accounts in such amounts as may be deter-
- 4 mined by the Secretary of Defense, with the approval of
- 5 the Office of Management and Budget, except that such
- 6 transfers may not be made unless the Secretary of Defense
- 7 has notified the Congress of the proposed transfer. Except
- 8 in amounts equal to the amounts appropriated to working
- 9 capital funds in this Act, no obligations may be made
- 10 against a working capital fund to procure or increase the
- 11 value of war reserve material inventory, unless the Sec-
- 12 retary of Defense has notified the Congress prior to any
- 13 such obligation.
- 14 Sec. 8009. Funds appropriated by this Act may not
- 15 be used to initiate a special access program without prior
- 16 notification 30 calendar days in advance to the congres-
- 17 sional defense committees.
- 18 Sec. 8010. None of the funds provided in this Act
- 19 shall be available to initiate: (1) a multiyear contract that
- 20 employs economic order quantity procurement in excess of
- 21 \$20,000,000 in any one year of the contract or that in-
- 22 cludes an unfunded contingent liability in excess of
- 23 \$20,000,000; or (2) a contract for advance procurement
- 24 leading to a multiyear contract that employs economic
- 25 order quantity procurement in excess of \$20,000,000 in

1	any one year, unless the congressional defense committees
2	have been notified at least 30 days in advance of the pro-
3	posed contract award: Provided, That no part of any ap-
4	propriation contained in this Act shall be available to ini-
5	tiate a multiyear contract for which the economic order
6	quantity advance procurement is not funded at least to
7	the limits of the Government's liability: Provided further,
8	That no part of any appropriation contained in this Act
9	shall be available to initiate multiyear procurement con-
10	tracts for any systems or component thereof if the value
11	of the multiyear contract would exceed \$500,000,000 un-
12	less specifically provided in this Act: Provided further,
13	That no multiyear procurement contract can be termi-
14	nated without 10-day prior notification to the congres-
15	sional defense committees: Provided further, That none of
16	the funds appropriated by this Act shall be available for
17	a contract that incrementally funds an end item purchased
18	under multi-year procurement authority: Provided further,
19	That the preceding limitation shall not apply to advance
20	procurement funding and economic order quantity funding
21	associated with a multi-year procurement: Provided fur-
22	ther, That the execution of multiyear authority shall re-
23	quire the use of a present value analysis to determine low-
24	est cost compared to an annual procurement: Provided fur-
25	ther, That none of the funds provided in this Act may be

1	used for a multiyear contract executed after the date of
2	the enactment of this Act unless in the case of any such
3	contract—
4	(1) the Secretary of Defense has submitted to
5	Congress a budget request for full funding of units
6	to be procured through the contract and, in the case
7	of a contract for procurement of aircraft, that in-
8	cludes, for any aircraft unit to be procured through
9	the contract for which procurement funds are re-
10	quested in that budget request for production be-
11	yond advance procurement activities in the fiscal
12	year covered by the budget, full funding of procure-
13	ment of such unit in that fiscal year;
14	(2) cancellation provisions in the contract do
15	not include consideration of recurring manufacturing
16	costs of the contractor associated with the produc-
17	tion of unfunded units to be delivered under the con-
18	tract;
19	(3) the contract provides that payments to the
20	contractor under the contract shall not be made in
21	advance of incurred costs on funded units; and
22	(4) the contract does not provide for a price ad-
23	justment based on a failure to award a follow-on
24	contract.

- 1 Funds appropriated in title III of this Act may be
- 2 used for a multiyear procurement contract as follows:
- 3 F/A-18E, F/A-18F, and EA-18G aircraft; DDG-51
- 4 Arleigh Burke class destroyer and associated systems;
- 5 SSN-774 Virginia class submarine and government-fur-
- 6 nished equipment; CH-47 Chinook helicopter; and V-22
- 7 Osprey aircraft variants.
- 8 Sec. 8011. Within the funds appropriated for the op-
- 9 eration and maintenance of the Armed Forces, funds are
- 10 hereby appropriated pursuant to section 401 of title 10,
- 11 United States Code, for humanitarian and civic assistance
- 12 costs under chapter 20 of title 10, United States Code.
- 13 Such funds may also be obligated for humanitarian and
- 14 civic assistance costs incidental to authorized operations
- 15 and pursuant to authority granted in section 401 of chap-
- 16 ter 20 of title 10, United States Code, and these obliga-
- 17 tions shall be reported as required by section 401(d) of
- 18 title 10, United States Code: Provided, That funds avail-
- 19 able for operation and maintenance shall be available for
- 20 providing humanitarian and similar assistance by using
- 21 Civic Action Teams in the Trust Territories of the Pacific
- 22 Islands and freely associated states of Micronesia, pursu-
- 23 ant to the Compact of Free Association as authorized by
- 24 Public Law 99–239: Provided further, That upon a deter-
- 25 mination by the Secretary of the Army that such action

- 1 is beneficial for graduate medical education programs con-
- 2 ducted at Army medical facilities located in Hawaii, the
- 3 Secretary of the Army may authorize the provision of med-
- 4 ical services at such facilities and transportation to such
- 5 facilities, on a nonreimbursable basis, for civilian patients
- 6 from American Samoa, the Commonwealth of the North-
- 7 ern Mariana Islands, the Marshall Islands, the Federated
- 8 States of Micronesia, Palau, and Guam.
- 9 Sec. 8012. (a) During fiscal year 2013, the civilian
- 10 personnel of the Department of Defense may not be man-
- 11 aged on the basis of any end-strength, and the manage-
- 12 ment of such personnel during that fiscal year shall not
- 13 be subject to any constraint or limitation (known as an
- 14 end-strength) on the number of such personnel who may
- 15 be employed on the last day of such fiscal year.
- 16 (b) The fiscal year 2014 budget request for the De-
- 17 partment of Defense as well as all justification material
- 18 and other documentation supporting the fiscal year 2014
- 19 Department of Defense budget request shall be prepared
- 20 and submitted to the Congress as if subsections (a) and
- 21 (b) of this provision were effective with regard to fiscal
- 22 year 2014.
- (c) Nothing in this section shall be construed to apply
- 24 to military (civilian) technicians.

- 1 Sec. 8013. None of the funds made available by this
- 2 Act shall be used in any way, directly or indirectly, to in-
- 3 fluence congressional action on any legislation or appro-
- 4 priation matters pending before the Congress.
- 5 Sec. 8014. None of the funds appropriated by this
- 6 Act shall be available for the basic pay and allowances of
- 7 any member of the Army participating as a full-time stu-
- 8 dent and receiving benefits paid by the Secretary of Vet-
- 9 erans Affairs from the Department of Defense Education
- 10 Benefits Fund when time spent as a full-time student is
- 11 credited toward completion of a service commitment: Pro-
- 12 *vided*, That this section shall not apply to those members
- 13 who have reenlisted with this option prior to October 1,
- 14 1987: Provided further, That this section applies only to
- 15 active components of the Army.
- 16 (TRANSFER OF FUNDS)
- 17 Sec. 8015. Funds appropriated in title III of this Act
- 18 for the Department of Defense Pilot Mentor-Protege Pro-
- 19 gram may be transferred to any other appropriation con-
- 20 tained in this Act solely for the purpose of implementing
- 21 a Mentor-Protege Program developmental assistance
- 22 agreement pursuant to section 831 of the National De-
- 23 fense Authorization Act for Fiscal Year 1991 (Public Law
- 24 101-510; 10 U.S.C. 2302 note), as amended, under the

- 1 authority of this provision or any other transfer authority
- 2 contained in this Act.
- 3 Sec. 8016. None of the funds in this Act may be
- 4 available for the purchase by the Department of Defense
- 5 (and its departments and agencies) of welded shipboard
- 6 anchor and mooring chain 4 inches in diameter and under
- 7 unless the anchor and mooring chain are manufactured
- 8 in the United States from components which are substan-
- 9 tially manufactured in the United States: Provided, That
- 10 for the purpose of this section, the term "manufactured"
- 11 shall include cutting, heat treating, quality control, testing
- 12 of chain and welding (including the forging and shot blast-
- 13 ing process): Provided further, That for the purpose of this
- 14 section substantially all of the components of anchor and
- 15 mooring chain shall be considered to be produced or manu-
- 16 factured in the United States if the aggregate cost of the
- 17 components produced or manufactured in the United
- 18 States exceeds the aggregate cost of the components pro-
- 19 duced or manufactured outside the United States: Pro-
- 20 vided further, That when adequate domestic supplies are
- 21 not available to meet Department of Defense requirements
- 22 on a timely basis, the Secretary of the service responsible
- 23 for the procurement may waive this restriction on a case-
- 24 by-case basis by certifying in writing to the Committees
- 25 on Appropriations that such an acquisition must be made

- 1 in order to acquire capability for national security pur-
- 2 poses.
- 3 Sec. 8017. None of the funds available to the De-
- 4 partment of Defense, herein and hereafter, may be used
- 5 to demilitarize or dispose of M-1 Carbines, M-1 Garand
- 6 rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or
- 7 M-1911 pistols, or to demilitarize or destroy small arms
- 8 ammunition or ammunition components that are not oth-
- 9 erwise prohibited from commercial sale under Federal law,
- 10 unless the small arms ammunition or ammunition compo-
- 11 nents are certified by the Secretary of the Army or des-
- 12 ignee as unserviceable or unsafe for further use.
- 13 Sec. 8018. No more than \$500,000 of the funds ap-
- 14 propriated or made available in this Act shall be used dur-
- 15 ing a single fiscal year for any single relocation of an orga-
- 16 nization, unit, activity or function of the Department of
- 17 Defense into or within the National Capital Region: Pro-
- 18 vided, That the Secretary of Defense may waive this re-
- 19 striction on a case-by-case basis by certifying in writing
- 20 to the congressional defense committees that such a relo-
- 21 cation is required in the best interest of the Government.
- Sec. 8019. In addition to the funds provided else-
- 23 where in this Act, \$15,000,000 is appropriated only for
- 24 incentive payments authorized by section 504 of the In-
- 25 dian Financing Act of 1974 (25 U.S.C. 1544): Provided,

- 1 That a prime contractor or a subcontractor at any tier
- 2 that makes a subcontract award to any subcontractor or
- 3 supplier as defined in section 1544 of title 25, United
- 4 States Code, or a small business owned and controlled by
- 5 an individual or individuals defined under section 4221(9)
- 6 of title 25, United States Code, shall be considered a con-
- 7 tractor for the purposes of being allowed additional com-
- 8 pensation under section 504 of the Indian Financing Act
- 9 of 1974 (25 U.S.C. 1544) whenever the prime contract
- 10 or subcontract amount is over \$500,000 and involves the
- 11 expenditure of funds appropriated by an Act making Ap-
- 12 propriations for the Department of Defense with respect
- 13 to any fiscal year: Provided further, That notwithstanding
- 14 section 1906 of title 41, United States Code, this section
- 15 shall be applicable to any Department of Defense acquisi-
- 16 tion of supplies or services, including any contract and any
- 17 subcontract at any tier for acquisition of commercial items
- 18 produced or manufactured, in whole or in part, by any
- 19 subcontractor or supplier defined in section 1544 of title
- 20 25, United States Code, or a small business owned and
- 21 controlled by an individual or individuals defined under
- 22 section 4221(9) of title 25, United States Code.
- SEC. 8020. Funds appropriated by this Act for the
- 24 Defense Media Activity shall not be used for any national
- 25 or international political or psychological activities.

1	Sec. 8021. During the current fiscal year, the De-
2	partment of Defense is authorized to incur obligations of
3	not to exceed \$350,000,000 for purposes specified in sec-
4	tion 2350j(c) of title 10, United States Code, in anticipa-
5	tion of receipt of contributions, only from the Government
6	of Kuwait, under that section: Provided, That upon re-
7	ceipt, such contributions from the Government of Kuwait
8	shall be credited to the appropriations or fund which in-
9	curred such obligations.
10	Sec. 8022. (a) Of the funds made available in this
11	Act, not less than \$38,619,000 shall be available for the
12	Civil Air Patrol Corporation, of which—
13	(1) \$28,404,000 shall be available from "Oper-
14	ation and Maintenance, Air Force" to support Civil
15	Air Patrol Corporation operation and maintenance,
16	readiness, counterdrug activities, and drug demand
17	reduction activities involving youth programs;
18	(2) \$9,298,000 shall be available from "Aircraft
19	Procurement, Air Force'; and
20	(3) \$917,000 shall be available from "Other
21	Procurement, Air Force' for vehicle procurement.
22	(b) The Secretary of the Air Force should waive reim-
23	bursement for any funds used by the Civil Air Patrol for
24	counter-drug activities in support of Federal, State, and
25	local government agencies.

- 1 Sec. 8023. (a) None of the funds appropriated in this
- 2 Act are available to establish a new Department of De-
- 3 fense (department) federally funded research and develop-
- 4 ment center (FFRDC), either as a new entity, or as a
- 5 separate entity administrated by an organization man-
- 6 aging another FFRDC, or as a nonprofit membership cor-
- 7 poration consisting of a consortium of other FFRDCs and
- 8 other nonprofit entities.
- 9 (b) No member of a Board of Directors, Trustees,
- 10 Overseers, Advisory Group, Special Issues Panel, Visiting
- 11 Committee, or any similar entity of a defense FFRDC,
- 12 and no paid consultant to any defense FFRDC, except
- 13 when acting in a technical advisory capacity, may be com-
- 14 pensated for his or her services as a member of such enti-
- 15 ty, or as a paid consultant by more than one FFRDC in
- 16 a fiscal year: Provided, That a member of any such entity
- 17 referred to previously in this subsection shall be allowed
- 18 travel expenses and per diem as authorized under the Fed-
- 19 eral Joint Travel Regulations, when engaged in the per-
- 20 formance of membership duties.
- (c) Notwithstanding any other provision of law, none
- 22 of the funds available to the department from any source
- 23 during fiscal year 2013 may be used by a defense FFRDC,
- 24 through a fee or other payment mechanism, for construc-
- 25 tion of new buildings, for payment of cost sharing for

- 1 projects funded by Government grants, for absorption of
- 2 contract overruns, or for certain charitable contributions,
- 3 not to include employee participation in community service
- 4 and/or development.
- 5 (d) Notwithstanding any other provision of law, of
- 6 the funds available to the department during fiscal year
- 7 2013, not more than 5,750 staff years of technical effort
- 8 (staff years) may be funded for defense FFRDCs: Pro-
- 9 vided, That of the specific amount referred to previously
- 10 in this subsection, not more than 1,125 staff years may
- 11 be funded for the defense studies and analysis FFRDCs:
- 12 Provided further, That this subsection shall not apply to
- 13 staff years funded in the National Intelligence Program
- 14 (NIP) and the Military Intelligence Program (MIP).
- 15 (e) The Secretary of Defense shall, with the submis-
- 16 sion of the department's fiscal year 2014 budget request,
- 17 submit a report presenting the specific amounts of staff
- 18 years of technical effort to be allocated for each defense
- 19 FFRDC during that fiscal year and the associated budget
- 20 estimates.
- SEC. 8024. None of the funds appropriated or made
- 22 available in this Act shall be used to procure carbon, alloy
- 23 or armor steel plate for use in any Government-owned fa-
- 24 cility or property under the control of the Department of
- 25 Defense which were not melted and rolled in the United

- 1 States or Canada: *Provided*, That these procurement re-
- 2 strictions shall apply to any and all Federal Supply Class
- 3 9515, American Society of Testing and Materials (ASTM)
- 4 or American Iron and Steel Institute (AISI) specifications
- 5 of carbon, alloy or armor steel plate: Provided further,
- 6 That the Secretary of the military department 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 of the House of Representatives and the
- 10 Senate that adequate domestic supplies are not available
- 11 to meet Department of Defense requirements on a timely
- 12 basis and that such an acquisition must be made in order
- 13 to acquire capability for national security purposes: Pro-
- 14 vided further, That these restrictions shall not apply to
- 15 contracts which are in being as of the date of the enact-
- 16 ment of this Act.
- 17 Sec. 8025. For the purposes of this Act, the term
- 18 "congressional defense committees" means the Armed
- 19 Services Committee of the House of Representatives, the
- 20 Armed Services Committee of the Senate, the Sub-
- 21 committee on Defense of the Committee on Appropriations
- 22 of the Senate, and the Subcommittee on Defense of the
- 23 Committee on Appropriations of the House of Representa-
- 24 tives.

- 1 Sec. 8026. During the current fiscal year, the De-
- 2 partment of Defense may acquire the modification, depot
- 3 maintenance and repair of aircraft, vehicles and vessels
- 4 as well as the production of components and other De-
- 5 fense-related articles, through competition between De-
- 6 partment of Defense depot maintenance activities and pri-
- 7 vate firms: Provided, That the Senior Acquisition Execu-
- 8 tive of the military department or Defense Agency con-
- 9 cerned, with power of delegation, shall certify that success-
- 10 ful bids include comparable estimates of all direct and in-
- 11 direct costs for both public and private bids: Provided fur-
- 12 ther, That Office of Management and Budget Circular A-
- 13 76 shall not apply to competitions conducted under this
- 14 section.
- 15 Sec. 8027. (a)(1) If the Secretary of Defense, after
- 16 consultation with the United States Trade Representative,
- 17 determines that a foreign country which is party to an
- 18 agreement described in paragraph (2) has violated the
- 19 terms of the agreement by discriminating against certain
- 20 types of products produced in the United States that are
- 21 covered by the agreement, the Secretary of Defense shall
- 22 rescind the Secretary's blanket waiver of the Buy Amer-
- 23 ican Act with respect to such types of products produced
- 24 in that foreign country.

- 1 (2) An agreement referred to in paragraph (1) is any
- 2 reciprocal defense procurement memorandum of under-
- 3 standing, between the United States and a foreign country
- 4 pursuant to which the Secretary of Defense has prospec-
- 5 tively waived the Buy American Act for certain products
- 6 in that country.
- 7 (b) The Secretary of Defense shall submit to the Con-
- 8 gress a report on the amount of Department of Defense
- 9 purchases from foreign entities in fiscal year 2013. Such
- 10 report shall separately indicate the dollar value of items
- 11 for which the Buy American Act was waived pursuant to
- 12 any agreement described in subsection (a)(2), the Trade
- 13 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
- 14 international agreement to which the United States is a
- 15 party.
- 16 (c) For purposes of this section, the term "Buy
- 17 American Act" means chapter 83 of title 41, United
- 18 States Code.
- 19 Sec. 8028. During the current fiscal year, amounts
- 20 contained in the Department of Defense Overseas Military
- 21 Facility Investment Recovery Account established by sec-
- 22 tion 2921(c)(1) of the National Defense Authorization Act
- 23 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
- 24 be available until expended for the payments specified by
- 25 section 2921(c)(2) of that Act.

- 1 Sec. 8029. (a) Notwithstanding any other provision
- 2 of law, the Secretary of the Air Force may convey at no
- 3 cost to the Air Force, without consideration, to Indian
- 4 tribes located in the States of Nevada, Idaho, North Da-
- 5 kota, South Dakota, Montana, Oregon, Minnesota, and
- 6 Washington relocatable military housing units located at
- 7 Grand Forks Air Force Base, Malmstrom Air Force Base,
- 8 Mountain Home Air Force Base, Ellsworth Air Force
- 9 Base, and Minot Air Force Base that are excess to the
- 10 needs of the Air Force.
- 11 (b) The Secretary of the Air Force shall convey, at
- 12 no cost to the Air Force, military housing units under sub-
- 13 section (a) in accordance with the request for such units
- 14 that are submitted to the Secretary by the Operation
- 15 Walking Shield Program on behalf of Indian tribes located
- 16 in the States of Nevada, Idaho, North Dakota, South Da-
- 17 kota, Montana, Oregon, Minnesota, and Washington. Any
- 18 such conveyance shall be subject to the condition that the
- 19 housing units shall be removed within a reasonable period
- 20 of time, as determined by the Secretary.
- 21 (c) The Operation Walking Shield Program shall re-
- 22 solve any conflicts among requests of Indian tribes for
- 23 housing units under subsection (a) before submitting re-
- 24 quests to the Secretary of the Air Force under subsection
- 25 (b).

- 1 (d) In this section, the term "Indian tribe" means
- 2 any recognized Indian tribe included on the current list
- 3 published by the Secretary of the Interior under section
- 4 104 of the Federally Recognized Indian Tribe Act of 1994
- 5 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a-
- 6 1).
- 7 Sec. 8030. During the current fiscal year, appropria-
- 8 tions which are available to the Department of Defense
- 9 for operation and maintenance may be used to purchase
- 10 items having an investment item unit cost of not more
- 11 than \$250,000.
- 12 Sec. 8031. (a) During the current fiscal year, none
- 13 of the appropriations or funds available to the Department
- 14 of Defense Working Capital Funds shall be used for the
- 15 purchase of an investment item for the purpose of acquir-
- 16 ing a new inventory item for sale or anticipated sale dur-
- 17 ing the current fiscal year or a subsequent fiscal year to
- 18 customers of the Department of Defense Working Capital
- 19 Funds if such an item would not have been chargeable
- 20 to the Department of Defense Business Operations Fund
- 21 during fiscal year 1994 and if the purchase of such an
- 22 investment item would be chargeable during the current
- 23 fiscal year to appropriations made to the Department of
- 24 Defense for procurement.

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 shall be prepared and sub-
5	mitted to the Congress on the basis that any equipment
6	which was classified as an end item and funded in a pro-
7	curement appropriation contained in this Act shall be
8	budgeted for in a proposed fiscal year 2014 procurement
9	appropriation and not in the supply management business
10	area or any other area or category of the Department of
11	Defense Working Capital Funds.
12	Sec. 8032. None of the funds appropriated by this
13	Act for programs of the Central Intelligence Agency shall
14	remain available for obligation beyond the current fiscal
15	year, except for funds appropriated for the Reserve for
16	Contingencies, which shall remain available until Sep-
17	tember 30, 2014: Provided, That funds appropriated,
18	transferred, or otherwise credited to the Central Intel-
19	ligence Agency Central Services Working Capital Fund
20	during this or any prior or subsequent fiscal year shall
21	remain available until expended: Provided further, That
22	any funds appropriated or transferred to the Central Intel-
23	ligence Agency for advanced research and development ac-
24	quisition, for agent operations, and for covert action pro-
25	grams authorized by the President under section 503 of

- 1 the National Security Act of 1947, as amended, shall re-
- 2 main available until September 30, 2014.
- 3 Sec. 8033. Notwithstanding any other provision of
- 4 law, funds made available in this Act for the Defense In-
- 5 telligence Agency may be used for the design, develop-
- 6 ment, and deployment of General Defense Intelligence
- 7 Program intelligence communications and intelligence in-
- 8 formation systems for the Services, the Unified and Speci-
- 9 fied Commands, and the component commands.
- 10 Sec. 8034. Of the funds appropriated to the Depart-
- 11 ment of Defense under the heading "Operation and Main-
- 12 tenance, Defense-Wide", not less than \$12,000,000 shall
- 13 be made available only for the mitigation of environmental
- 14 impacts, including training and technical assistance to
- 15 tribes, related administrative support, the gathering of in-
- 16 formation, documenting of environmental damage, and de-
- 17 veloping a system for prioritization of mitigation and cost
- 18 to complete estimates for mitigation, on Indian lands re-
- 19 sulting from Department of Defense activities.
- Sec. 8035. (a) None of the funds appropriated in this
- 21 Act may be expended by an entity of the Department of
- 22 Defense unless the entity, in expending the funds, com-
- 23 plies with the Buy American Act. For purposes of this
- 24 subsection, the term "Buy American Act" means chapter
- 25 83 of title 41, United States Code.

1	(b) If the Secretary of Defense determines that a per-
2	son has been convicted of intentionally affixing a label
3	bearing a "Made in America" inscription to any product
4	sold in or shipped to the United States that is not made
5	in America, the Secretary shall determine, in accordance
6	with section 2410f of title 10, United States Code, wheth-
7	er the person should be debarred from contracting with
8	the Department of Defense.
9	(c) In the case of any equipment or products pur-
10	chased with appropriations provided under this Act, it is
11	the sense of the Congress that any entity of the Depart-
12	ment of Defense, in expending the appropriation, purchase
13	only American-made equipment and products, provided
14	that American-made equipment and products are cost-
15	competitive, quality competitive, and available in a timely
16	fashion.
17	Sec. 8036. None of the funds appropriated by this
18	Act shall be available for a contract for studies, analysis
19	or consulting services entered into without competition or
20	the basis of an unsolicited proposal unless the head of the
21	activity responsible for the procurement determines—
22	(1) as a result of thorough technical evaluation
23	only one source is found fully qualified to perform

24

the proposed work;

1	(2) the purpose of the contract is to explore an
2	unsolicited proposal which offers significant sci-
3	entific or technological promise, represents the prod-
4	uct of original thinking, and was submitted in con-
5	fidence by one source; or
6	(3) the purpose of the contract is to take ad-
7	vantage of unique and significant industrial accom-
8	plishment by a specific concern, or to insure that a
9	new product or idea of a specific concern is given fi-
10	nancial support: Provided, That this limitation shall
11	not apply to contracts in an amount of less than
12	\$25,000, contracts related to improvements of equip-
13	ment that is in development or production, or con-
14	tracts as to which a civilian official of the Depart-
15	ment of Defense, who has been confirmed by the
16	Senate, determines that the award of such contract
17	is in the interest of the national defense.
18	Sec. 8037. (a) Except as provided in subsections (b)
19	and (c), none of the funds made available by this Act may
20	be used—
21	(1) to establish a field operating agency; or
22	(2) to pay the basic pay of a member of the
23	Armed Forces or civilian employee of the depart-
24	ment who is transferred or reassigned from a head-

1	quarters activity if the member or employee's place
2	of duty remains at the location of that headquarters.
3	(b) The Secretary of Defense or Secretary of a mili-
4	tary department may waive the limitations in subsection
5	(a), on a case-by-case basis, if the Secretary determines,
6	and certifies to the Committees on Appropriations of the
7	House of Representatives and Senate that the granting
8	of the waiver will reduce the personnel requirements or
9	the financial requirements of the department.
10	(c) This section does not apply to—
11	(1) field operating agencies funded within the
12	National Intelligence Program;
13	(2) an Army field operating agency established
14	to eliminate, mitigate, or counter the effects of im-
15	provised explosive devices, and, as determined by the
16	Secretary of the Army, other similar threats; or
17	(3) an Army field operating agency established
18	to improve the effectiveness and efficiencies of bio-
19	metric activities and to integrate common biometric
20	technologies throughout the Department of Defense.
21	SEC. 8038. The Secretary of Defense, notwith-
22	standing any other provision of law, acting through the
23	Office of Economic Adjustment of the Department of De-
24	fense, may use funds made available in this Act under the
25	heading "Operation and Maintenance, Defense-Wide" to

1	make grants and supplement other Federal funds in ac-
2	cordance with the guidance provided in the explanatory
3	statement regarding this Act.
4	Sec. 8039. (a) None of the funds appropriated by
5	this Act shall be available to convert to contractor per-
6	formance an activity or function of the Department of De-
7	fense that, on or after the date of the enactment of this
8	Act, is performed by Department of Defense civilian em-
9	ployees unless—
10	(1) the conversion is based on the result of a
11	public-private competition that includes a most effi-
12	cient and cost effective organization plan developed
13	by such activity or function;
14	(2) the Competitive Sourcing Official deter-
15	mines that, over all performance periods stated in
16	the solicitation of offers for performance of the ac-
17	tivity or function, the cost of performance of the ac-
18	tivity or function by a contractor would be less costly
19	to the Department of Defense by an amount that
20	equals or exceeds the lesser of—
21	(A) 10 percent of the most efficient organi-
22	zation's personnel-related costs for performance
23	of that activity or function by Federal employ-
24	ees; or
25	(B) \$10,000,000; and

1	(3) the contractor does not receive an advan-
2	tage for a proposal that would reduce costs for the
3	Department of Defense by—
4	(A) not making an employer-sponsored
5	health insurance plan available to the workers
6	who are to be employed in the performance of
7	that activity or function under the contract; or
8	(B) offering to such workers an employer-
9	sponsored health benefits plan that requires the
10	employer to contribute less towards the pre-
11	mium or subscription share than the amount
12	that is paid by the Department of Defense for
13	health benefits for civilian employees under
14	chapter 89 of title 5, United States Code.
15	(b)(1) The Department of Defense, without regard
16	to subsection (a) of this section or subsection (a), (b), or
17	(c) of section 2461 of title 10, United States Code, and
18	notwithstanding any administrative regulation, require-
19	ment, or policy to the contrary shall have full authority
20	to enter into a contract for the performance of any com-
21	mercial or industrial type function of the Department of
22	Defense that—
23	(A) is included on the procurement list estab-
24	lished pursuant to section 2 of the Javits-Wagner-

1	O'Day Act (section 8503 of title 41, United States
2	Code);
3	(B) is planned to be converted to performance
4	by a qualified nonprofit agency for the blind or by
5	a qualified nonprofit agency for other severely handi-
6	capped individuals in accordance with that Act; or
7	(C) is planned to be converted to performance
8	by a qualified firm under at least 51 percent owner-
9	ship by an Indian tribe, as defined in section 4(e)
10	of the Indian Self-Determination and Education As-
11	sistance Act (25 U.S.C. 450b(e)), or a Native Ha-
12	waiian Organization, as defined in section $8(a)(15)$
13	of the Small Business Act (15 U.S.C. 637(a)(15)).
14	(2) This section shall not apply to depot contracts
15	or contracts for depot maintenance as provided in sections
16	2469 and 2474 of title 10, United States Code.
17	(c) The conversion of any activity or function of the
18	Department of Defense under the authority provided by
19	this section shall be credited toward any competitive or
20	outsourcing goal, target, or measurement that may be es-
21	tablished by statute, regulation, or policy and is deemed
22	to be awarded under the authority of, and in compliance
23	with, subsection (h) of section 2304 of title 10, United
24	States Code, for the competition or outsourcing of com-
25	mercial activities.

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1	(RESCISSIONS)			
2	Sec. 8040. Of the funds appropriated in	n Department		
3	of Defense Appropriations Acts, the following funds ar			
4	hereby rescinded from the following accounts and pro-			
5	grams in the specified amounts:			
6	"Procurement of Ammunition, Army,	2011/2013",		
7	\$14,862,000;			
8	"Aircraft Procurement, Navy,	2011/2013",		
9	\$30,100,000;			
10	"Weapons Procurement, Navy,	2011/2013",		
11	\$22,000,000;			
12	"Other Procurement, Navy,	2011/2013",		
13	\$12,432,000;			
14	"Aircraft Procurement, Air Force,	2011/2013",		
15	\$65,000,000;			
16	"Other Procurement, Air Force,	2011/2013",		
17	\$9,500,000;			
18	"Other Procurement, Army,	2012/2014",		
19	\$80,000,000;			
20	"Aircraft Procurement, Navy,	2012/2014",		
21	\$14,400,000;			
22	"Weapons Procurement, Navy,	2012/2014",		
23	\$31,572,000;			
	"Aircraft Procurement, Air Force,	2012/2014",		
25	\$277,050,000;			

- 1 "Missile Procurement, Air Force, 2012/2014",
- 2 \$44,000,000;
- 3 "Other Procurement, Air Force, 2012/2014",
- 4 \$55,800,000;
- 5 "Research, Development, Test and Evaluation,
- 6 Army, 2012/2013", \$63,000,000;
- 7 "Research, Development, Test and Evaluation, Navy,
- 8 2012/2013", \$120,000,000; and
- 9 "Research, Development, Test and Evaluation, Air
- 10 Force, 2012/2013", \$179,600,000.
- 11 Sec. 8041. None of the funds available in this Act
- 12 may be used to reduce the authorized positions for mili-
- 13 tary technicians (dual status) of the Army National
- 14 Guard, Air National Guard, Army Reserve and Air Force
- 15 Reserve for the purpose of applying any administratively
- 16 imposed civilian personnel ceiling, freeze, or reduction on
- 17 military technicians (dual status), unless such reductions
- 18 are a direct result of a reduction in military force struc-
- 19 ture.
- Sec. 8042. None of the funds appropriated or other-
- 21 wise made available in this Act may be obligated or ex-
- 22 pended for assistance to the Democratic People's Republic
- 23 of Korea unless specifically appropriated for that purpose.
- Sec. 8043. Funds appropriated in this Act for oper-
- 25 ation and maintenance of the Military Departments, Com-

- 1 batant Commands and Defense Agencies shall be available
- 2 for reimbursement of pay, allowances and other expenses
- 3 which would otherwise be incurred against appropriations
- 4 for the National Guard and Reserve when members of the
- 5 National Guard and Reserve provide intelligence or coun-
- 6 terintelligence support to Combatant Commands, Defense
- 7 Agencies and Joint Intelligence Activities, including the
- 8 activities and programs included within the National Intel-
- 9 ligence Program and the Military Intelligence Program:
- 10 Provided, That nothing in this section authorizes deviation
- 11 from established Reserve and National Guard personnel
- 12 and training procedures.
- 13 Sec. 8044. During the current fiscal year, none of
- 14 the funds appropriated in this Act may be used to reduce
- 15 the civilian medical and medical support personnel as-
- 16 signed to military treatment facilities below the September
- 17 30, 2003, level: *Provided*, That the Service Surgeons Gen-
- 18 eral may waive this section by certifying to the congres-
- 19 sional defense committees that the beneficiary population
- 20 is declining in some catchment areas and civilian strength
- 21 reductions may be consistent with responsible resource
- 22 stewardship and capitation-based budgeting.
- Sec. 8045. (a) None of the funds available to the
- 24 Department of Defense for any fiscal year for drug inter-
- 25 diction or counter-drug activities may be transferred to

- 1 any other department or agency of the United States ex-
- 2 cept as specifically provided in an appropriations law.
- 3 (b) None of the funds available to the Central Intel-
- 4 ligence Agency for any fiscal year for drug interdiction
- 5 and counter-drug activities may be transferred to any
- 6 other department or agency of the United States except
- 7 as specifically provided in an appropriations law.
- 8 Sec. 8046. None of the funds appropriated by this
- 9 Act may be used for the procurement of ball and roller
- 10 bearings other than those produced by a domestic source
- 11 and of domestic origin: Provided, That the Secretary of
- 12 the military department responsible for such procurement
- 13 may waive this restriction on a case-by-case basis by certi-
- 14 fying in writing to the Committees on Appropriations of
- 15 the House of Representatives and the Senate, that ade-
- 16 quate domestic supplies are not available to meet Depart-
- 17 ment of Defense requirements on a timely basis and that
- 18 such an acquisition must be made in order to acquire ca-
- 19 pability for national security purposes: Provided further,
- 20 That this restriction shall not apply to the purchase of
- 21 "commercial items", as defined by section 4(12) of the
- 22 Office of Federal Procurement Policy Act, except that the
- 23 restriction shall apply to ball or roller bearings purchased
- 24 as end items.

- 1 Sec. 8047. None of the funds in this Act may be
- 2 used to purchase any supercomputer which is not manu-
- 3 factured in the United States, unless the Secretary of De-
- 4 fense certifies to the congressional defense committees
- 5 that such an acquisition must be made in order to acquire
- 6 capability for national security purposes that is not avail-
- 7 able from United States manufacturers.
- 8 Sec. 8048. None of the funds made available in this
- 9 or any other Act may be used to pay the salary of any
- 10 officer or employee of the Department of Defense who ap-
- 11 proves or implements the transfer of administrative re-
- 12 sponsibilities or budgetary resources of any program,
- 13 project, or activity financed by this Act to the jurisdiction
- 14 of another Federal agency not financed by this Act with-
- 15 out the express authorization of Congress: *Provided*, That
- 16 this limitation shall not apply to transfers of funds ex-
- 17 pressly provided for in Defense Appropriations Acts, or
- 18 provisions of Acts providing supplemental appropriations
- 19 for the Department of Defense.
- Sec. 8049. (a) Notwithstanding any other provision
- 21 of law, none of the funds available to the Department of
- 22 Defense for the current fiscal year may be obligated or
- 23 expended to transfer to another nation or an international
- 24 organization any defense articles or services (other than
- 25 intelligence services) for use in the activities described in

1	subsection (b) unless the congressional defense commit-
2	tees, the Committee on Foreign Affairs of the House of
3	Representatives, and the Committee on Foreign Relations
4	of the Senate are notified 15 days in advance of such
5	transfer.
6	(b) This section applies to—
7	(1) any international peacekeeping or peace-en-
8	forcement operation under the authority of chapter
9	VI or chapter VII of the United Nations Charter
10	under the authority of a United Nations Security
11	Council resolution; and
12	(2) any other international peacekeeping, peace-
13	enforcement, or humanitarian assistance operation.
14	(e) A notice under subsection (a) shall include the
15	following:
16	(1) A description of the equipment, supplies, or
17	services to be transferred.
18	(2) A statement of the value of the equipment,
19	supplies, or services to be transferred.
20	(3) In the case of a proposed transfer of equip-
21	ment or supplies—
22	(A) a statement of whether the inventory
23	requirements of all elements of the Armed
24	Forces (including the reserve components) for

1	the type of equipment or supplies to be trans-
2	ferred have been met; and
3	(B) a statement of whether the items pro-
4	posed to be transferred will have to be replaced
5	and, if so, how the President proposes to pro-
6	vide funds for such replacement.
7	Sec. 8050. None of the funds available to the De-
8	partment of Defense under this Act shall be obligated or
9	expended to pay a contractor under a contract with the
10	Department of Defense for costs of any amount paid by
11	the contractor to an employee when—
12	(1) such costs are for a bonus or otherwise in
13	excess of the normal salary paid by the contractor
14	to the employee; and
15	(2) such bonus is part of restructuring costs as-
16	sociated with a business combination.
17	(INCLUDING TRANSFER OF FUNDS)
18	Sec. 8051. During the current fiscal year, no more
19	than \$30,000,000 of appropriations made in this Act
20	under the heading "Operation and Maintenance, Defense-
21	Wide" may be transferred to appropriations available for
22	the pay of military personnel, to be merged with, and to
23	be available for the same time period as the appropriations
24	to which transferred, to be used in support of such per-
25	sonnel in connection with support and services for eligible

1	organizations and activities outside the Department of De-
2	fense pursuant to section 2012 of title 10, United States
3	Code.
4	Sec. 8052. During the current fiscal year, in the case
5	of an appropriation account of the Department of Defense
6	for which the period of availability for obligation has ex-
7	pired or which has closed under the provisions of section
8	1552 of title 31, United States Code, and which has a
9	negative unliquidated or unexpended balance, an obliga-
10	tion or an adjustment of an obligation may be charged
11	to any current appropriation account for the same purpose
12	as the expired or closed account if—
13	(1) the obligation would have been properly
14	chargeable (except as to amount) to the expired or
15	closed account before the end of the period of avail-
16	ability or closing of that account;
17	(2) the obligation is not otherwise properly
18	chargeable to any current appropriation account of
19	the Department of Defense; and
20	(3) in the case of an expired account, the obli-
21	gation is not chargeable to a current appropriation
22	of the Department of Defense under the provisions
23	of section 1405(b)(8) of the National Defense Au-
24	thorization Act for Fiscal Year 1991, Public Law
25	101–510, as amended (31 U.S.C. 1551 note): Pro-

1	vided, That in the case of an expired account, if sub-
2	sequent review or investigation discloses that there
3	was not in fact a negative unliquidated or unex-
4	pended balance in the account, any charge to a cur-
5	rent account under the authority of this section shall
6	be reversed and recorded against the expired ac-
7	count: Provided further, That the total amount
8	charged to a current appropriation under this sec-
9	tion may not exceed an amount equal to 1 percent
10	of the total appropriation for that account.
11	Sec. 8053. (a) Notwithstanding any other provision
12	of law, the Chief of the National Guard Bureau may per-
13	mit the use of equipment of the National Guard Distance
14	Learning Project by any person or entity on a space-avail-
15	able, reimbursable basis. The Chief of the National Guard
16	Bureau shall establish the amount of reimbursement for
17	such use on a case-by-case basis.
18	(b) Amounts collected under subsection (a) shall be
19	credited to funds available for the National Guard Dis-
20	tance Learning Project and be available to defray the costs
21	associated with the use of equipment of the project under
22	that subsection. Such funds shall be available for such
23	purposes without fiscal year limitation.
24	SEC. 8054. Using funds made available by this Act
25	or any other Act, the Secretary of the Air Force, pursuant

- 1 to a determination under section 2690 of title 10, United
- 2 States Code, may implement cost-effective agreements for
- 3 required heating facility modernization in the
- 4 Kaiserslautern Military Community in the Federal Repub-
- 5 lie of Germany: Provided, That in the City of
- 6 Kaiserslautern and at the Rhine Ordnance Barracks area,
- 7 such agreements will include the use of United States an-
- 8 thracite as the base load energy for municipal district heat
- 9 to the United States Defense installations: Provided fur-
- 10 ther, That at Landstuhl Army Regional Medical Center
- 11 and Ramstein Air Base, furnished heat may be obtained
- 12 from private, regional or municipal services, if provisions
- 13 are included for the consideration of United States coal
- 14 as an energy source.
- 15 Sec. 8055. None of the funds appropriated in title
- 16 IV of this Act may be used to procure end-items for deliv-
- 17 ery to military forces for operational training, operational
- 18 use or inventory requirements: Provided, That this restric-
- 19 tion does not apply to end-items used in development,
- 20 prototyping, and test activities preceding and leading to
- 21 acceptance for operational use: Provided further, That this
- 22 restriction does not apply to programs funded within the
- 23 National Intelligence Program: Provided further, That the
- 24 Secretary of Defense may waive this restriction on a case-
- 25 by-case basis by certifying in writing to the Committees

1	on Appropriations of the House of Representatives and the
2	Senate that it is in the national security interest to do
3	so.
4	Sec. 8056. (a) The Secretary of Defense may, on a
5	case-by-case basis, waive with respect to a foreign country
6	each limitation on the procurement of defense items from
7	foreign sources provided in law if the Secretary determines
8	that the application of the limitation with respect to that
9	country would invalidate cooperative programs entered
10	into between the Department of Defense and the foreign
11	country, or would invalidate reciprocal trade agreements
12	for the procurement of defense items entered into under
13	section 2531 of title 10, United States Code, and the
14	country does not discriminate against the same or similar
15	defense items produced in the United States for that coun-
16	try.
17	(b) Subsection (a) applies with respect to—
18	(1) contracts and subcontracts entered into on
19	or after the date of the enactment of this Act; and
20	(2) options for the procurement of items that
21	are exercised after such date under contracts that
22	are entered into before such date if the option prices
23	are adjusted for any reason other than the applica-
24	tion of a waiver granted under subsection (a).

- 1 (c) Subsection (a) does not apply to a limitation re-
- 2 garding construction of public vessels, ball and roller bear-
- 3 ings, food, and clothing or textile materials as defined by
- 4 section 11 (chapters 50-65) of the Harmonized Tariff
- 5 Schedule and products classified under headings 4010,
- 6 4202, 4203, 6401 through 6406, 6505, 7019, 7218
- 7 through 7229, 7304.41 through 7304.49, 7306.40, 7502
- 8 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.
- 9 Sec. 8057. (a) None of the funds made available by
- 10 this Act may be used to support any training program in-
- 11 volving a unit of the security forces or police of a foreign
- 12 country if the Secretary of Defense has received credible
- 13 information from the Department of State that the unit
- 14 has committed a gross violation of human rights, unless
- 15 all necessary corrective steps have been taken.
- 16 (b) The Secretary of Defense, in consultation with the
- 17 Secretary of State, shall ensure that prior to a decision
- 18 to conduct any training program referred to in subsection
- 19 (a), full consideration is given to all credible information
- 20 available to the Department of State relating to human
- 21 rights violations by foreign security forces.
- (c) The Secretary of Defense, after consultation with
- 23 the Secretary of State, may waive the prohibition in sub-
- 24 section (a) if he determines that such waiver is required
- 25 by extraordinary circumstances.

- 1 (d) Not more than 15 days after the exercise of any
- 2 waiver under subsection (c), the Secretary of Defense shall
- 3 submit a report to the congressional defense committees
- 4 describing the extraordinary circumstances, the purpose
- 5 and duration of the training program, the United States
- 6 forces and the foreign security forces involved in the train-
- 7 ing program, and the information relating to human rights
- 8 violations that necessitates the waiver.
- 9 Sec. 8058. None of the funds appropriated or other-
- 10 wise made available by this or other Department of De-
- 11 fense Appropriations Acts may be obligated or expended
- 12 for the purpose of performing repairs or maintenance to
- 13 military family housing units of the Department of De-
- 14 fense, including areas in such military family housing
- 15 units that may be used for the purpose of conducting offi-
- 16 cial Department of Defense business.
- 17 Sec. 8059. Notwithstanding any other provision of
- 18 law, funds appropriated in this Act under the heading
- 19 "Research, Development, Test and Evaluation, Defense-
- 20 Wide" for any new start advanced concept technology
- 21 demonstration project or joint capability demonstration
- 22 project may only be obligated 45 days after a report, in-
- 23 cluding a description of the project, the planned acquisi-
- 24 tion and transition strategy and its estimated annual and
- 25 total cost, has been provided in writing to the congres-

- 1 sional defense committees: *Provided*, That the Secretary
- 2 of Defense may waive this restriction on a case-by-case
- 3 basis by certifying to the congressional defense committees
- 4 that it is in the national interest to do so.
- 5 Sec. 8060. The Secretary of Defense shall provide
- 6 a classified quarterly report beginning 30 days after enact-
- 7 ment of this Act, to the House and Senate Appropriations
- 8 Committees, Subcommittees on Defense on certain mat-
- 9 ters as directed in the classified annex accompanying this
- 10 Act.
- 11 Sec. 8061. During the current fiscal year, none of
- 12 the funds available to the Department of Defense may be
- 13 used to provide support to another department or agency
- 14 of the United States if such department or agency is more
- 15 than 90 days in arrears in making payment to the Depart-
- 16 ment of Defense for goods or services previously provided
- 17 to such department or agency on a reimbursable basis:
- 18 Provided, That this restriction shall not apply if the de-
- 19 partment is authorized by law to provide support to such
- 20 department or agency on a nonreimbursable basis, and is
- 21 providing the requested support pursuant to such author-
- 22 ity: Provided further, That the Secretary of Defense may
- 23 waive this restriction on a case-by-case basis by certifying
- 24 in writing to the Committees on Appropriations of the

- 1 House of Representatives and the Senate that it is in the
- 2 national security interest to do so.
- 3 Sec. 8062. Notwithstanding section 12310(b) of title
- 4 10, United States Code, a Reserve who is a member of
- 5 the National Guard serving on full-time National Guard
- 6 duty under section 502(f) of title 32, United States Code,
- 7 may perform duties in support of the ground-based ele-
- 8 ments of the National Ballistic Missile Defense System.
- 9 Sec. 8063. None of the funds provided in this Act
- 10 may be used to transfer to any nongovernmental entity
- 11 ammunition held by the Department of Defense that has
- 12 a center-fire cartridge and a United States military no-
- 13 menclature designation of "armor penetrator", "armor
- 14 piercing (AP)", "armor piercing incendiary (API)", or
- 15 "armor-piercing incendiary tracer (API-T)", except to an
- 16 entity performing demilitarization services for the Depart-
- 17 ment of Defense under a contract that requires the entity
- 18 to demonstrate to the satisfaction of the Department of
- 19 Defense that armor piercing projectiles are either: (1) ren-
- 20 dered incapable of reuse by the demilitarization process;
- 21 or (2) used to manufacture ammunition pursuant to a con-
- 22 tract with the Department of Defense or the manufacture
- 23 of ammunition for export pursuant to a License for Per-
- 24 manent Export of Unclassified Military Articles issued by
- 25 the Department of State.

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1	Sec. 8064. Notwithstanding any other provision of
2	law, the Chief of the National Guard Bureau, or his des-
3	ignee, may waive payment of all or part of the consider-
4	ation that otherwise would be required under section 2667
5	of title 10, United States Code, in the case of a lease of
6	personal property for a period not in excess of 1 year to
7	any organization specified in section 508(d) of title 32,
8	United States Code, or any other youth, social, or fra-
9	ternal nonprofit organization as may be approved by the
10	Chief of the National Guard Bureau, or his designee, on
11	a case-by-case basis.
12	Sec. 8065. None of the funds appropriated by this
13	Act shall be used for the support of any nonappropriated
14	funds activity of the Department of Defense that procures
15	malt beverages and wine with nonappropriated funds for
16	resale (including such alcoholic beverages sold by the
17	drink) on a military installation located in the United
18	States unless such malt beverages and wine are procured
19	within that State, or in the case of the District of Colum-
20	bia, within the District of Columbia, in which the military
21	installation is located: Provided, That in a case in which
22	the military installation is located in more than one State,
23	purchases may be made in any State in which the installa-

24 tion is located: Provided further, That such local procure-

25 ment requirements for malt beverages and wine shall

- 1 apply to all alcoholic beverages only for military installa-
- 2 tions in States which are not contiguous with another
- 3 State: Provided further, That alcoholic beverages other
- 4 than wine and malt beverages, in contiguous States and
- 5 the District of Columbia shall be procured from the most
- 6 competitive source, price and other factors considered.
- 7 (INCLUDING TRANSFER OF FUNDS)
- 8 Sec. 8066. Of the amounts appropriated in this Act
- 9 under the heading "Operation and Maintenance, Army",
- 10 \$133,381,000 shall remain available until expended: Pro-
- 11 vided, That notwithstanding any other provision of law,
- 12 the Secretary of Defense is authorized to transfer such
- 13 funds to other activities of the Federal Government: Pro-
- 14 vided further, That the Secretary of Defense is authorized
- 15 to enter into and carry out contracts for the acquisition
- 16 of real property, construction, personal services, and oper-
- 17 ations related to projects carrying out the purposes of this
- 18 section: Provided further, That contracts entered into
- 19 under the authority of this section may provide for such
- 20 indemnification as the Secretary determines to be nec-
- 21 essary: Provided further, That projects authorized by this
- 22 section shall comply with applicable Federal, State, and
- 23 local law to the maximum extent consistent with the na-
- 24 tional security, as determined by the Secretary of Defense.

- 1 Sec. 8067. Section 8106 of the Department of De-
- 2 fense Appropriations Act, 1997 (titles I through VIII of
- 3 the matter under subsection 101(b) of Public Law 104–
- 4 208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall con-
- 5 tinue in effect to apply to disbursements that are made
- 6 by the Department of Defense in fiscal year 2013.
- 7 Sec. 8068. In addition to amounts provided else-
- 8 where in this Act, \$4,000,000 is hereby appropriated to
- 9 the Department of Defense, to remain available for obliga-
- 10 tion until expended: *Provided*, That notwithstanding any
- 11 other provision of law, that upon the determination of the
- 12 Secretary of Defense that it shall serve the national inter-
- 13 est, these funds shall be available only for a grant to the
- 14 Fisher House Foundation, Inc., only for the construction
- 15 and furnishing of additional Fisher Houses to meet the
- 16 needs of military family members when confronted with
- 17 the illness or hospitalization of an eligible military bene-
- 18 ficiary.
- 19 (INCLUDING TRANSFER OF FUNDS)
- Sec. 8069. Of the amounts appropriated in this Act
- 21 under the heading "Research, Development, Test and
- 22 Evaluation, Defense-Wide", \$948,736,000 shall be for the
- 23 Israeli Cooperative Programs: Provided, That of this
- 24 amount, \$149,679,000 shall be for the Short Range Bal-
- 25 listic Missile Defense (SRBMD) program, including cruise

1	missile defense research and development under the
2	SRBMD program, of which \$15,000,000 shall be for pro-
3	duction activities of SRBMD missiles in the United States
4	and in Israel to meet Israel's defense requirements con-
5	sistent with each nation's laws, regulations, and proce-
6	dures, \$74,692,000 shall be available for an upper-tier
7	component to the Israeli Missile Defense Architecture, and
8	\$44,365,000 shall be for the Arrow System Improvement
9	Program including development of a long range, ground
10	and airborne, detection suite, and \$680,000,000 shall be
11	for the Iron Dome program: Provided further, That funds
12	made available under this provision for production of mis-
13	siles and missile components may be transferred to appro-
14	priations available for the procurement of weapons and
15	equipment, to be merged with and to be available for the
16	same time period and the same purposes as the appropria-
17	tion to which transferred: Provided further, That the
18	transfer authority provided under this provision is in addi-
19	tion to any other transfer authority contained in this Act.
20	Sec. 8070. None of the funds available to the De-
21	partment of Defense may be obligated to modify command
22	and control relationships to give Fleet Forces Command
23	operational and administrative control of U.S. Navy forces
24	assigned to the Pacific fleet: Provided, That the command
25	and control relationships which existed on October 1.

1	1994, shall remain in force unless changes are specifically
2	authorized in a subsequent Act.
3	Sec. 8071. Of the amounts appropriated in this Act
4	under the heading "Shipbuilding and Conversion, Navy",
5	\$372,573,000 shall be available until September 30, 2013,
6	to fund prior year shipbuilding cost increases: Provided,
7	That upon enactment of this Act, the Secretary of the
8	Navy shall transfer funds to the following appropriations
9	in the amounts specified: Provided further, That the
10	amounts transferred shall be merged with and be available
11	for the same purposes as the appropriations to which
12	transferred to:
13	(1) Under the heading "Shipbuilding and Con-
14	version, Navy, 2007/2013": LHA Replacement Pro-
15	gram \$156,685,000;
16	(2) Under the heading "Shipbuilding and Con-
17	version, Navy, 2008/2013": LPD-17 Amphibious
18	Transport Dock Program \$80,888,000; and
19	(3) Under the heading "Shipbuilding and Con-
20	version, Navy, 2009/2013": CVN Refueling Over-
21	hauls \$135,000,000.
22	Sec. 8072. Funds appropriated by this Act, or made
23	available by the transfer of funds in this Act, for intel-
24	ligence activities are deemed to be specifically authorized
25	by the Congress for purposes of section 504 of the Na-

- 1 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
- 2 year 2013 until the enactment of the Intelligence Author-
- 3 ization Act for Fiscal Year 2013.
- 4 Sec. 8073. None of the funds provided in this Act
- 5 shall be available for obligation or expenditure through a
- 6 reprogramming of funds that creates or initiates a new
- 7 program, project, or activity unless such program, project,
- 8 or activity must be undertaken immediately in the interest
- 9 of national security and only after written prior notifica-
- 10 tion to the congressional defense committee.
- 11 Sec. 8074. The budget of the President for fiscal
- 12 year 2014 submitted to the Congress pursuant to section
- 13 1105 of title 31, United States Code, shall include sepa-
- 14 rate budget justification documents for costs of United
- 15 States Armed Forces' participation in contingency oper-
- 16 ations for the Military Personnel accounts, the Operation
- 17 and Maintenance accounts, and the Procurement ac-
- 18 counts: Provided, That these documents shall include a de-
- 19 scription of the funding requested for each contingency op-
- 20 eration, for each military service, to include all Active and
- 21 Reserve components, and for each appropriations account:
- 22 Provided further, That these documents shall include esti-
- 23 mated costs for each element of expense or object class,
- 24 a reconciliation of increases and decreases for each contin-
- 25 gency operation, and programmatic data including, but

- 1 not limited to, troop strength for each Active and Reserve
- 2 component, and estimates of the major weapons systems
- 3 deployed in support of each contingency: Provided further,
- 4 That these documents shall include budget exhibits OP-
- 5 5 and OP-32 (as defined in the Department of Defense
- 6 Financial Management Regulation) for all contingency op-
- 7 erations for the budget year and the two preceding fiscal
- 8 years.
- 9 Sec. 8075. None of the funds in this Act may be
- 10 used for research, development, test, evaluation, procure-
- 11 ment or deployment of nuclear armed interceptors of a
- 12 missile defense system.
- 13 Sec. 8076. In addition to the amounts appropriated
- 14 or otherwise made available elsewhere in this Act,
- 15 \$44,000,000 is hereby appropriated to the Department of
- 16 Defense: Provided, That upon the determination of the
- 17 Secretary of Defense that it shall serve the national inter-
- 18 est, he shall make grants in the amounts specified as fol-
- 19 lows: \$20,000,000 to the United Service Organizations
- 20 and \$24,000,000 to the Red Cross.
- SEC. 8077. None of the funds appropriated or made
- 22 available in this Act shall be used to reduce or disestablish
- 23 the operation of the 53rd Weather Reconnaissance Squad-
- 24 ron of the Air Force Reserve, if such action would reduce
- 25 the WC-130 Weather Reconnaissance mission below the

- 1 levels funded in this Act: *Provided*, That the Air Force
- 2 shall allow the 53rd Weather Reconnaissance Squadron to
- 3 perform other missions in support of national defense re-
- 4 quirements during the non-hurricane season.
- 5 Sec. 8078. None of the funds provided in this Act
- 6 shall be available for integration of foreign intelligence in-
- 7 formation unless the information has been lawfully col-
- 8 lected and processed during the conduct of authorized for-
- 9 eign intelligence activities: Provided, That information
- 10 pertaining to United States persons shall only be handled
- 11 in accordance with protections provided in the Fourth
- 12 Amendment of the United States Constitution as imple-
- 13 mented through Executive Order No. 12333.
- 14 Sec. 8079. (a) At the time members of reserve com-
- 15 ponents of the Armed Forces are called or ordered to ac-
- 16 tive duty under section 12302(a) of title 10, United States
- 17 Code, each member shall be notified in writing of the ex-
- 18 pected period during which the member will be mobilized.
- 19 (b) The Secretary of Defense may waive the require-
- 20 ments of subsection (a) in any case in which the Secretary
- 21 determines that it is necessary to do so to respond to a
- 22 national security emergency or to meet dire operational
- 23 requirements of the Armed Forces.

1	(INCLUDING TRANSFER OF FUNDS)
2	Sec. 8080. The Secretary of Defense may transfer
3	funds from any available Department of the Navy appro-
4	priation to any available Navy ship construction appro-
5	priation for the purpose of liquidating necessary changes
6	resulting from inflation, market fluctuations, or rate ad-
7	justments for any ship construction program appropriated
8	in law: Provided, That the Secretary may transfer not to
9	exceed \$100,000,000 under the authority provided by this
10	section: Provided further, That the Secretary may not
11	transfer any funds until 30 days after the proposed trans-
12	fer has been reported to the Committees on Appropria-
13	tions of the House of Representatives and the Senate, un-
14	less a response from the Committees is received sooner:
15	Provided further, That any funds transferred pursuant to
16	this section shall retain the same period of availability as
17	when originally appropriated: Provided further, That the
18	transfer authority provided by this section is in addition
19	to any other transfer authority contained elsewhere in this
20	Act.
21	Sec. 8081. For purposes of section 7108 of title 41,
22	United States Code, any subdivision of appropriations
23	made under the heading "Shipbuilding and Conversion,
24	Navy" that is not closed at the time reimbursement is
25	made shall be available to reimburse the Judgment Fund

- 1 and shall be considered for the same purposes as any sub-
- 2 division under the heading "Shipbuilding and Conversion,
- 3 Navy" appropriations in the current fiscal year or any
- 4 prior fiscal year.
- 5 Sec. 8082. (a) None of the funds appropriated by
- 6 this Act may be used to transfer research and develop-
- 7 ment, acquisition, or other program authority relating to
- 8 current tactical unmanned aerial vehicles (TUAVs) from
- 9 the Army.
- 10 (b) The Army shall retain responsibility for and oper-
- 11 ational control of the MQ-1C Sky Warrior Unmanned
- 12 Aerial Vehicle (UAV) in order to support the Secretary
- 13 of Defense in matters relating to the employment of un-
- 14 manned aerial vehicles.
- 15 Sec. 8083. Up to \$15,000,000 of the funds appro-
- 16 priated under the heading "Operation and Maintenance,
- 17 Navy" may be made available for the Asia Pacific Re-
- 18 gional Initiative Program for the purpose of enabling the
- 19 Pacific Command to execute Theater Security Cooperation
- 20 activities such as humanitarian assistance, and payment
- 21 of incremental and personnel costs of training and exer-
- 22 cising with foreign security forces: Provided, That funds
- 23 made available for this purpose may be used, notwith-
- 24 standing any other funding authorities for humanitarian
- 25 assistance, security assistance or combined exercise ex-

- 1 penses: Provided further, That funds may not be obligated
- 2 to provide assistance to any foreign country that is other-
- 3 wise prohibited from receiving such type of assistance
- 4 under any other provision of law.
- 5 Sec. 8084. None of the funds appropriated by this
- 6 Act for programs of the Office of the Director of National
- 7 Intelligence shall remain available for obligation beyond
- 8 the current fiscal year, except for funds appropriated for
- 9 research and technology, which shall remain available until
- 10 September 30, 2014.
- 11 Sec. 8085. For purposes of section 1553(b) of title
- 12 31, United States Code, any subdivision of appropriations
- 13 made in this Act under the heading "Shipbuilding and
- 14 Conversion, Navy" shall be considered to be for the same
- 15 purpose as any subdivision under the heading "Ship-
- 16 building and Conversion, Navy" appropriations in any
- 17 prior fiscal year, and the 1 percent limitation shall apply
- 18 to the total amount of the appropriation.
- 19 Sec. 8086. The Director of National Intelligence
- 20 shall include the budget exhibits identified in paragraphs
- 21 (1) and (2) as described in the Department of Defense
- 22 Financial Management Regulation with the congressional
- 23 budget justification books:
- 24 (1) For procurement programs requesting more
- 25 than \$10,000,000 in any fiscal year, the P-1, Pro-

1	curement Program; P-5, Cost Analysis; P-5a, Pro-
2	curement History and Planning; P-21, Production
3	Schedule; and P-40, Budget Item Justification.
4	(2) For research, development, test and evalua-
5	tion projects requesting more than \$5,000,000 in
6	any fiscal year, the R-1, Research, Development,
7	Test and Evaluation Program; R-2, Research, De-
8	velopment, Test and Evaluation Budget Item Jus-
9	tification; R-3, Research, Development, Test and
10	Evaluation Project Cost Analysis; and R-4, Re-
11	search, Development, Test and Evaluation Program
12	Schedule Profile.
13	Sec. 8087. Notwithstanding any other provision of
14	this Act, due to an excessive level of funded carryover at
15	Army depots, the total amount appropriated to "Operation
16	and Maintenance, Army", in title II of this Act is hereby
17	reduced by \$1,207,400,000, and the total amount appro-
18	priated to "Other Procurement, Army", in title III of this
19	Act is hereby reduced by \$1,253,500,000.
20	Sec. 8088. (a) Not later than 60 days after the date
21	of enactment of this Act, the Director of National Intel-
22	ligence shall submit a report to the congressional intel-
23	ligence committees to establish the baseline for application
24	of reprogramming and transfer authorities for fiscal year
25	2013: Provided. That the report shall include—

1	(1) a table for each appropriation with a sepa-
2	rate column to display the President's budget re-
3	quest, adjustments made by Congress, adjustments
4	due to enacted rescissions, if appropriate, and the
5	fiscal year enacted level;
6	(2) a delineation in the table for each appro-
7	priation by Expenditure Center and project; and
8	(3) an identification of items of special congres-
9	sional interest.
10	(b) None of the funds provided for the National Intel-
11	ligence Program in this Act shall be available for re-
12	programming or transfer until the report identified in sub-
13	section (a) is submitted to the congressional intelligence
14	committees, unless the Director of National Intelligence
15	certifies in writing to the congressional intelligence com-
16	mittees that such reprogramming or transfer is necessary
17	as an emergency requirement.
18	Sec. 8089. (a) None of the funds provided for the
19	National Intelligence Program in this or any prior appro-
20	priations Act shall be available for obligation or expendi-
21	ture through a reprogramming or transfer of funds in ac-
22	cordance with section 102A(d) of the National Security
23	Act of 1947 (50 U.S.C. 403–1(d)) that—
24	(1) creates a new start effort;

1	(2) terminates a program with appropriated
2	funding of \$10,000,000 or more;
3	(3) transfers funding into or out of the Na-
4	tional Intelligence Program; or
5	(4) transfers funding between appropriations,
6	unless the congressional intelligence committees are noti-
7	fied 30 days in advance of such reprogramming of funds;
8	this notification period may be reduced for urgent national
9	security requirements.
10	(b) None of the funds provided for the National Intel-
11	ligence Program in this or any prior appropriations Act
12	shall be available for obligation or expenditure through a
13	reprogramming or transfer of funds in accordance with
14	section 102A(d) of the National Security Act of 1947 (50
15	U.S.C. 403–1(d)) that results in a cumulative increase or
16	decrease of the levels specified in the classified annex ac-
17	companying the Act unless the congressional intelligence
18	committees are notified 30 days in advance of such re-
19	programming of funds; this notification period may be re-
20	duced for urgent national security requirements.
21	Sec. 8090. The Director of National Intelligence
22	shall submit to Congress each year, at or about the time
23	that the President's budget is submitted to Congress that
24	year under section 1105(a) of title 31, United States
25	Code, a future-years intelligence program (including asso-

- 1 ciated annexes) reflecting the estimated expenditures and
- 2 proposed appropriations included in that budget. Any such
- 3 future-years intelligence program shall cover the fiscal
- 4 year with respect to which the budget is submitted and
- 5 at least the four succeeding fiscal years.
- 6 Sec. 8091. For the purposes of this Act, the term
- 7 "congressional intelligence committees" means the Perma-
- 8 nent Select Committee on Intelligence of the House of
- 9 Representatives, the Select Committee on Intelligence of
- 10 the Senate, the Subcommittee on Defense of the Com-
- 11 mittee on Appropriations of the House of Representatives,
- 12 and the Subcommittee on Defense of the Committee on
- 13 Appropriations of the Senate.
- 14 Sec. 8092. The Department of Defense shall con-
- 15 tinue to report incremental contingency operations costs
- 16 for Operation New Dawn and Operation Enduring Free-
- 17 dom, or any other named operations in the U.S. Central
- 18 Command area of operation on a monthly basis in the Cost
- 19 of War Execution Report as prescribed in the Department
- 20 of Defense Financial Management Regulation Department
- 21 of Defense Instruction 7000.14, Volume 12, Chapter 23
- 22 "Contingency Operations", Annex 1, dated September
- 23 2005.

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1	(INCLUDING TRANSFER OF FUNDS)
2	SEC. 8093. During the current fiscal year, not to ex-
3	ceed \$11,000,000 from each of the appropriations made
4	in title II of this Act for "Operation and Maintenance,
5	Army", "Operation and Maintenance, Navy", and "Oper-
6	ation and Maintenance, Air Force" may be transferred by
7	the military department concerned to its central fund es-
8	tablished for Fisher Houses and Suites pursuant to sec-
9	tion 2493(d) of title 10, United States Code.
10	(INCLUDING TRANSFER OF FUNDS)
11	Sec. 8094. Funds appropriated by this Act for oper-
12	ation and maintenance may be available for the purpose
13	of making remittances to the Defense Acquisition Work-
14	force Development Fund in accordance with the require-
15	ments of section 1705 of title 10, United States Code.
16	Sec. 8095. (a) Any agency receiving funds made
17	available in this Act, shall, subject to subsections (b) and
18	(c), post on the public website of that agency any report
19	required to be submitted by the Congress in this or any
20	other Act, upon the determination by the head of the agen-
21	cy that it shall serve the national interest.
22	(b) Subsection (a) shall not apply to a report if—
23	(1) the public posting of the report com-
24	promises national security; or
25	(2) the report contains proprietary information.

1	(c) The head of the agency posting such report shall
2	do so only after such report has been made available to
3	the requesting Committee or Committees of Congress for
4	no less than 45 days.
5	Sec. 8096. (a) None of the funds appropriated or
6	otherwise made available by this Act may be expended for
7	any Federal contract for an amount in excess of
8	\$1,000,000, unless the contractor agrees not to—
9	(1) enter into any agreement with any of its
10	employees or independent contractors that requires,
11	as a condition of employment, that the employee or
12	independent contractor agree to resolve through ar-
13	bitration any claim under title VII of the Civil
14	Rights Act of 1964 or any tort related to or arising
15	out of sexual assault or harassment, including as-
16	sault and battery, intentional infliction of emotional
17	distress, false imprisonment, or negligent hiring, su-
18	pervision, or retention; or
19	(2) take any action to enforce any provision of
20	an existing agreement with an employee or inde-
21	pendent contractor that mandates that the employee
22	or independent contractor resolve through arbitra-
23	tion any claim under title VII of the Civil Rights Act
24	of 1964 or any tort related to or arising out of sex-
25	ual assault or harassment, including assault and

1	battery,	intentional	infliction	of	emotional	distress,
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- 2 false imprisonment, or negligent hiring, supervision,
- 3 or retention.
- 4 (b) None of the funds appropriated or otherwise
- 5 made available by this Act may be expended for any Fed-
- 6 eral contract unless the contractor certifies that it requires
- 7 each covered subcontractor to agree not to enter into, and
- 8 not to take any action to enforce any provision of, any
- 9 agreement as described in paragraphs (1) and (2) of sub-
- 10 section (a), with respect to any employee or independent
- 11 contractor performing work related to such subcontract.
- 12 For purposes of this subsection, a "covered subcon-
- 13 tractor" is an entity that has a subcontract in excess of
- 14 \$1,000,000 on a contract subject to subsection (a).
- 15 (c) The prohibitions in this section do not apply with
- 16 respect to a contractor's or subcontractor's agreements
- 17 with employees or independent contractors that may not
- 18 be enforced in a court of the United States.
- 19 (d) The Secretary of Defense may waive the applica-
- 20 tion of subsection (a) or (b) to a particular contractor or
- 21 subcontractor for the purposes of a particular contract or
- 22 subcontract if the Secretary or the Deputy Secretary per-
- 23 sonally determines that the waiver is necessary to avoid
- 24 harm to national security interests of the United States,
- 25 and that the term of the contract or subcontract is not

- 1 longer than necessary to avoid such harm. The determina-
- 2 tion shall set forth with specificity the grounds for the
- 3 waiver and for the contract or subcontract term selected,
- 4 and shall state any alternatives considered in lieu of a
- 5 waiver and the reasons each such alternative would not
- 6 avoid harm to national security interests of the United
- 7 States. The Secretary of Defense shall transmit to Con-
- 8 gress, and simultaneously make public, any determination
- 9 under this subsection not less than 15 business days be-
- 10 fore the contract or subcontract addressed in the deter-
- 11 mination may be awarded.
- 12 Sec. 8097. None of the funds made available under
- 13 this Act may be distributed to the Association of Commu-
- 14 nity Organizations for Reform Now (ACORN) or its sub-
- 15 sidiaries.
- 16 (INCLUDING TRANSFER OF FUNDS)
- 17 Sec. 8098. From within the funds appropriated for
- 18 operation and maintenance for the Defense Health Pro-
- 19 gram in this Act, up to \$139,204,000, shall be available
- 20 for transfer to the Joint Department of Defense-Depart-
- 21 ment of Veterans Affairs Medical Facility Demonstration
- 22 Fund in accordance with the provisions of section 1704
- 23 of the National Defense Authorization Act for Fiscal Year
- 24 2010, Public Law 111–84: *Provided*, That for purposes
- 25 of section 1704(b), the facility operations funded are oper-

- 1 ations of the integrated Captain James A. Lovell Federal
- 2 Health Care Center, consisting of the North Chicago Vet-
- 3 erans Affairs Medical Center, the Navy Ambulatory Care
- 4 Center, and supporting facilities designated as a combined
- 5 Federal medical facility as described by section 706 of
- 6 Public Law 110-417: Provided further, That additional
- 7 funds may be transferred from funds appropriated for op-
- 8 eration and maintenance for the Defense Health Program
- 9 to the Joint Department of Defense-Department of Vet-
- 10 erans Affairs Medical Facility Demonstration Fund upon
- 11 written notification by the Secretary of Defense to the
- 12 Committees on Appropriations of the House of Represent-
- 13 atives and the Senate.
- 14 Sec. 8099. The Office of the Director of National
- 15 Intelligence shall not employ more Senior Executive em-
- 16 ployees than are specified in the classified annex.
- 17 Sec. 8100. None of the funds appropriated or other-
- 18 wise made available by this Act may be obligated or ex-
- 19 pended to pay a retired general or flag officer to serve
- 20 as a senior mentor advising the Department of Defense
- 21 unless such retired officer files a Standard Form 278 (or
- 22 successor form concerning public financial disclosure
- 23 under part 2634 of title 5, Code of Federal Regulations)
- 24 to the Office of Government Ethics.

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1	Sec. 8101. Appropriations available to the Depart-
2	ment of Defense may be used for the purchase of heavy
3	and light armored vehicles for the physical security of per-
4	sonnel or for force protection purposes up to a limit of
5	\$250,000 per vehicle, notwithstanding price or other limi-
6	tations applicable to the purchase of passenger carrying
7	vehicles.
8	Sec. 8102. Of the amounts appropriated for "Oper-
9	ation and Maintenance, Defense-Wide", the following
10	amounts shall be available to the Secretary of Defense,
11	for the following authorized purposes, notwithstanding
12	any other provision of law, acting through the Office of
13	Economic Adjustment of the Department of Defense, to
14	make grants, conclude cooperative agreements, and sup-
15	plement other Federal funds, to remain available until ex-
16	pended, to assist the civilian population of Guam in re-
17	sponse to the military buildup of Guam: (1) \$33,000,000
18	for addressing the need for construction of a mental health
19	and substance abuse facility and construction of a regional
20	public health laboratory; and (2) \$106,400,000 for ad-
21	dressing the need for civilian water and wastewater im-
22	provements: Provided, That the Secretary of Defense
23	shall, not fewer than 15 days prior to obligating funds for
24	either of the foregoing purposes, notify the congressional

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

- 1 enactment of this Act that the recommendations have been
- 2 implemented.
- 3 Sec. 8104. Not later than 120 days after the date
- 4 of the enactment of this Act, the Secretary of Defense
- 5 shall resume monthly reporting of the numbers of civilian
- 6 personnel end strength by appropriation account for each
- 7 and every appropriation account used to finance Federal
- 8 civilian personnel salaries to the congressional defense
- 9 committees within 15 days after the end of each fiscal
- 10 quarter.
- 11 Sec. 8105. None of the funds appropriated in this
- 12 or any other Act may be used to plan, prepare for, or oth-
- 13 erwise take any action to undertake or implement the sep-
- 14 aration of the National Intelligence Program budget from
- 15 the Department of Defense budget.
- 16 (INCLUDING TRANSFER OF FUNDS)
- 17 Sec. 8106. Upon a determination by the Director of
- 18 National Intelligence that such action is necessary and in
- 19 the national interest, the Director may, with the approval
- 20 of the Office of Management and Budget, transfer not to
- 21 exceed \$2,000,000,000 of the funds made available in this
- 22 Act for the National Intelligence Program: Provided, That
- 23 such authority to transfer may not be used unless for
- 24 higher priority items, based on unforeseen intelligence re-
- 25 quirements, than those for which originally appropriated

- 1 and in no case where the item for which funds are re-
- 2 quested has been denied by the Congress: Provided further,
- 3 That a request for multiple reprogrammings of funds
- 4 using authority provided in this section shall be made
- 5 prior to June 30, 2013.
- 6 (INCLUDING TRANSFER OF FUNDS)
- 7 Sec. 8107. In addition to amounts provided else-
- 8 where in the Act, there is appropriated \$270,000,000 for
- 9 an additional amount for "Operation and Maintenance,
- 10 Defense-Wide", to be available until expended: *Provided*,
- 11 That such funds shall only be available to the Secretary
- 12 of Defense, acting through the Office of Economic Adjust-
- 13 ment of the Department of Defense, or for transfer to the
- 14 Secretary of Education, notwithstanding any other provi-
- 15 sion of law, to make grants, conclude cooperative agree-
- 16 ments, or supplement other Federal funds to construct,
- 17 renovate, repair, or expand elementary and secondary pub-
- 18 lie 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.
- 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. 2370e-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.).
- 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, or to disestablish or convert units associ-
- 23 ated with such aircraft.
- SEC. 8117. The Secretary of the Air Force shall obli-
- 25 gate and expend funds previously appropriated for the

- 1 procurement of RQ-4B Global Hawk and C-27J Spartan
- 2 aircraft for the purposes for which such funds were origi-
- 3 nally appropriated.
- 4 Sec. 8118. None of the funds made available by this
- 5 Act shall be used to retire C-23 Sherpa aircraft.
- 6 Sec. 8119. The total amount available in the Act for
- 7 pay for civilian personnel of the Department of Defense
- 8 for fiscal year 2013 shall be the amount otherwise appro-
- 9 priated or made available by this Act for such pay reduced
- 10 by \$258,524,000.
- 11 Sec. 8120. None of the funds appropriated, or other-
- 12 wise made available in this Act may be used to transfer
- 13 a veterans memorial object to a foreign country or an enti-
- 14 ty controlled by a foreign government, or otherwise trans-
- 15 fer or convey such an object to any person or entity for
- 16 purposes of the ultimate transfer or conveyance of the ob-
- 17 ject to a foreign country or entity controlled by a foreign
- 18 government, unless such transfer is specifically authorized
- 19 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: Provided, That such amount is
8	designated by the Congress for Overseas Contingency Op-
9	erations/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	MILITARY PERSONNEL, NAVY
13	For an additional amount for "Military Personnel,
14	Navy", \$870,425,000: 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	MILITARY PERSONNEL, MARINE CORPS
20	For an additional amount for "Military Personnel,
21	Marine Corps", \$1,623,356,000: Provided, That such
22	amount is designated by the Congress for Overseas Con-
23	tingency Operations/Global War on Terrorism pursuant to
24	section $251(b)(2)(A)(ii)$ of the Balanced Budget and
25	Emergency Deficit Control Act of 1985.

1	MILITARY PERSONNEL, AIR FORCE
2	For an additional amount for "Military Personnel,
3	Air Force", \$1,286,783,000: Provided, That such amount
4	is designated by the Congress for Overseas Contingency
5	Operations/Global War on Terrorism pursuant to section
6	251(b)(2)(A)(ii) of the Balanced Budget and Emergency
7	Deficit Control Act of 1985.
8	RESERVE PERSONNEL, ARMY
9	For an additional amount for "Reserve Personnel,
10	Army", \$156,893,000: Provided, That such amount is
11	designated by the Congress for Overseas Contingency Op-
12	erations/Global War on Terrorism pursuant to section
13	251(b)(2)(A)(ii) of the Balanced Budget and Emergency
14	Deficit Control Act of 1985.
15	RESERVE PERSONNEL, NAVY
16	For an additional amount for "Reserve Personnel,
17	Navy", \$39,335,000: Provided, That such amount is des-
18	ignated by the Congress for Overseas Contingency Oper-
19	ations/Global War on Terrorism pursuant to section
20	251(b)(2)(A)(ii) of the Balanced Budget and Emergency
21	Deficit Control Act of 1985.
22	RESERVE PERSONNEL, MARINE CORPS
23	For an additional amount for "Reserve Personnel,
24	Marine Corps", \$24,722,000: Provided, That such amount
25	is designated by the Congress for Overseas Contingency

- 1 Operations/Global War on Terrorism pursuant to section
- 2 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
- 3 Deficit Control Act of 1985.
- 4 RESERVE PERSONNEL, AIR FORCE
- 5 For an additional amount for "Reserve Personnel,
- 6 Air Force", \$25,348,000: Provided, That such amount is
- 7 designated by the Congress for Overseas Contingency Op-
- 8 erations/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 National Guard Personnel, Army
- For an additional amount for "National Guard Per-
- 13 sonnel, Army", \$583,804,000: *Provided*, That such
- 14 amount is designated by the Congress for Overseas Con-
- 15 tingency Operations/Global War on Terrorism pursuant to
- 16 section 251(b)(2)(A)(ii) of the Balanced Budget and
- 17 Emergency Deficit Control Act of 1985.
- 18 NATIONAL GUARD PERSONNEL, AIR FORCE
- 19 For an additional amount for "National Guard Per-
- 20 sonnel, Air Force", \$10,473,000: Provided, That such
- 21 amount is designated by the Congress for Overseas Con-
- 22 tingency Operations/Global War on Terrorism pursuant to
- 23 section 251(b)(2)(A)(ii) of the Balanced Budget and
- 24 Emergency Deficit Control Act of 1985.

1	OPERATION AND MAINTENANCE
2	OPERATION AND MAINTENANCE, ARMY
3	For an additional amount for "Operation and Main-
4	tenance, Army", \$26,682,437,000: <i>Provided</i> , That such
5	amount is designated by the Congress for Overseas Con-
6	tingency Operations/Global War on Terrorism pursuant to
7	section 251(b)(2)(A)(ii) of the Balanced Budget and
8	Emergency Deficit Control Act of 1985.
9	OPERATION AND MAINTENANCE, NAVY
10	(INCLUDING TRANSFER OF FUNDS)
11	For an additional amount for "Operation and Main-
12	tenance, Navy", \$5,880,395,000, of which up to
13	\$254,461,000 may be transferred to the Coast Guard
14	"Operating Expenses" account: Provided, That such
15	amount is designated by the Congress for Overseas Con-
16	tingency Operations/Global War on Terrorism pursuant to
17	section 251(b)(2)(A)(ii) of the Balanced Budget and
18	Emergency Deficit Control Act of 1985.
19	OPERATION AND MAINTENANCE, MARINE CORPS
20	For an additional amount for "Operation and Main-
21	tenance, Marine Corps", \$4,566,340,000: Provided, That
22	such amount is designated by the Congress for Overseas
23	Contingency Operations/Global War on Terrorism pursu-
24	ant to section 251(b)(2)(A)(ii) of the Balanced Budget
25	and Emergency Deficit Control Act of 1985.

1	OPERATION AND MAINTENANCE, AIR FORCE
2	For an additional amount for "Operation and Main-
3	tenance, Air Force", \$9,136,236,000: 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	OPERATION AND MAINTENANCE, DEFENSE-WIDE
9	For an additional amount for "Operation and Main-
10	tenance, Defense-Wide", \$7,790,579,000: Provided, That
11	of the funds provided under this heading, not to exceed
12	\$1,750,000,000, to remain available until September 30,
13	2014, shall be for payments to reimburse key cooperating
14	nations for logistical, military, and other support, includ-
15	ing access, provided to United States military operations
16	in support of Operation Enduring Freedom, notwith-
17	standing any other provision of law: Provided further, That
18	such reimbursement payments may be made in such
19	amounts as the Secretary of Defense, with the concurrence
20	of the Secretary of State, and in consultation with the Di-
21	rector of the Office of Management and Budget, may de-
22	termine, in his discretion, based on documentation deter-
23	mined by the Secretary of Defense to adequately account
24	for the support provided, and such determination is final
25	and conclusive upon the accounting officers of the United

- 1 States, and 15 days following notification to the appro-
- 2 priate congressional committees: Provided further, That
- 3 the requirement under this heading to provide notification
- 4 shall not apply with respect to a reimbursement for access
- 5 based on an international agreement: Provided further,
- 6 That these funds may be used for the purpose of providing
- 7 specialized training and procuring supplies and specialized
- 8 equipment and providing such supplies and loaning such
- 9 equipment on a non-reimbursable basis to coalition forces
- 10 supporting United States military operations in Afghani-
- 11 stan, and 15 days following notification to the appropriate
- 12 congressional committees: Provided further, That the Sec-
- 13 retary of Defense shall provide quarterly reports to the
- 14 congressional defense committees on the use of funds pro-
- 15 vided in this paragraph: Provided further, That such
- 16 amount is designated by the Congress for Overseas Con-
- 17 tingency Operations/Global War on Terrorism pursuant to
- 18 section 251(b)(2)(A)(ii) of the Balanced Budget and
- 19 Emergency Deficit Control Act of 1985.
- 20 OPERATION AND MAINTENANCE, ARMY RESERVE
- 21 For an additional amount for "Operation and Main-
- 22 tenance, Army Reserve", \$152,387,000: Provided, That
- 23 such amount is designated by the Congress for Overseas
- 24 Contingency Operations/Global War on Terrorism pursu-

- 1 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
- 2 and Emergency Deficit Control Act of 1985.
- 3 OPERATION AND MAINTENANCE, NAVY RESERVE
- 4 For an additional amount for "Operation and Main-
- 5 tenance, Navy Reserve", \$55,924,000: Provided, That
- 6 such amount is designated by the Congress for Overseas
- 7 Contingency Operations/Global War on Terrorism pursu-
- 8 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
- 9 and Emergency Deficit Control Act of 1985.
- 10 OPERATION AND MAINTENANCE, MARINE CORPS
- 11 Reserve
- For an additional amount for "Operation and Main-
- 13 tenance, Marine Corps Reserve", \$25,477,000: Provided,
- 14 That such amount is designated by the Congress for Over-
- 15 seas Contingency Operations/Global War on Terrorism
- 16 pursuant to section 251(b)(2)(A)(ii) of the Balanced
- 17 Budget and Emergency Deficit Control Act of 1985.
- 18 OPERATION AND MAINTENANCE, AIR FORCE RESERVE
- 19 For an additional amount for "Operation and Main-
- 20 tenance, Air Force Reserve", \$120,618,000: Provided,
- 21 That such amount is designated by the Congress for Over-
- 22 seas Contingency Operations/Global War on Terrorism
- 23 pursuant to section 251(b)(2)(A)(ii) of the Balanced
- 24 Budget and Emergency Deficit Control Act of 1985.

1	Operation and Maintenance, Army National
2	Guard
3	For an additional amount for "Operation and Main-
4	tenance, Army National Guard", \$382,448,000: Provided,
5	That such amount is designated by the Congress for Over-
6	seas Contingency Operations/Global War on Terrorism
7	pursuant to section 251(b)(2)(A)(ii) of the Balanced
8	Budget and Emergency Deficit Control Act of 1985.
9	OPERATION AND MAINTENANCE, AIR NATIONAL GUARD
10	For an additional amount for "Operation and Main-
11	tenance, Air National Guard", \$34,500,000: Provided,
12	That such amount is designated by the Congress for Over-
13	seas Contingency Operations/Global War on Terrorism
14	pursuant to section 251(b)(2)(A)(ii) of the Balanced
15	Budget and Emergency Deficit Control Act of 1985.
16	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND
17	(INCLUDING TRANSFER OF FUNDS)
18	In addition to amounts provided elsewhere in this
19	Act, there is appropriated \$3,250,000,000 for the "Over-
20	seas Contingency Operations Transfer Fund" for expenses
21	directly relating to overseas contingency operations by
22	United States military forces, to be available until ex-
23	pended: Provided, That of the funds made available in this
24	section, the Secretary of Defense may transfer these funds
25	only to military personnel accounts, operation and mainte-

1	nance accounts, procurement accounts, and working cap-
2	ital fund accounts: Provided further, That the funds trans-
3	ferred shall be merged with and shall be available for the
4	same purposes and for the same time period, as the appro-
5	priation to which transferred: Provided further, that the
6	Secretary shall notify the congressional defense commit-
7	tees 15 days prior to such transfer: Provided further, That
8	the transfer authority provided under this heading is in
9	addition to any other transfer authority available to the
10	Department of Defense: Provided further, That upon a de-
11	termination that all or part of the funds transferred from
12	this appropriation are not necessary for the purposes pro-
13	vided herein, such amounts may be transferred back to
14	this appropriation and shall be available for the same pur-
15	poses and for the same time period as originally appro-
16	priated; Provided further, That such amount is designated
17	by the Congress for Overseas Contingency Operations/
18	Global War on Terrorism pursuant to section
19	251(b)(2)(A)(ii) of the Balanced Budget and Emergency
20	Deficit Control Act of 1985.
21	Afghanistan Infrastructure Fund
22	(INCLUDING TRANSFER OF FUNDS)
23	For the "Afghanistan Infrastructure Fund",
24	\$375,000,000, to remain available until September 30,
25	2014: Provided, That such funds shall be available to the

1	Secretary of Defense for infrastructure projects in Af-
2	ghanistan, notwithstanding any other provision of law,
3	which shall be undertaken by the Secretary of State, un-
4	less the Secretary of State and the Secretary of Defense
5	jointly decide that a specific project will be undertaken
6	by the Department of Defense: Provided further, That the
7	infrastructure referred to in the preceding proviso is in
8	support of the counterinsurgency strategy, which may re-
9	quire funding for facility and infrastructure projects, in-
10	cluding, but not limited to, water, power, and transpor-
11	tation projects and related maintenance and sustainment
12	costs: Provided further, That the authority to undertake
13	such infrastructure projects is in addition to any other au-
14	thority to provide assistance to foreign nations: Provided
15	further, That any projects funded under this heading shall
16	be jointly formulated and concurred in by the Secretary
17	of State and Secretary of Defense: Provided further, That
18	funds may be transferred to the Department of State for
19	purposes of undertaking projects, which funds shall be
20	considered to be economic assistance under the Foreign
21	Assistance Act of 1961 for purposes of making available
22	the administrative authorities contained in that Act: Pro-
23	vided further, That the transfer authority in the preceding
24	proviso is in addition to any other authority available to
25	the Department of Defense to transfer funds: Provided

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

1	propriations of the House of Representatives: Provided
2	further, That such amount is designated by the Congress
3	for Overseas Contingency Operations/Global War on Ter-
4	rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
5	anced Budget and Emergency Deficit Control Act of 1985.
6	AFGHANISTAN SECURITY FORCES FUND
7	For the "Afghanistan Security Forces Fund",
8	\$5,026,500,000, to remain available until September 30,
9	2014: Provided, That such funds shall be available to the
10	Secretary of Defense, notwithstanding any other provision
11	of law, for the purpose of allowing the Commander, Com-
12	bined Security Transition Command-Afghanistan, or the
13	Secretary's designee, to provide assistance, with the con-
14	currence of the Secretary of State, to the security forces
15	of Afghanistan, including the provision of equipment, sup-
16	plies, services, training, facility and infrastructure repair,
17	renovation, and construction, and funding: Provided fur-
18	ther, That the authority to provide assistance under this
19	heading is in addition to any other authority to provide
20	assistance to foreign nations: Provided further, That con-
21	tributions of funds for the purposes provided herein from
22	any person, foreign government, or international organiza-
23	tion may be credited to this Fund, to remain available
24	until expended, and used for such purposes: Provided fur-
25	ther, That the Secretary of Defense shall notify the con-

1	gressional defense committees in writing upon the receipt
2	and upon the obligation of any contribution, delineating
3	the sources and amounts of the funds received and the
4	specific use of such contributions: Provided further, That
5	the Secretary of Defense shall, not fewer than 15 days
6	prior to obligating from this appropriation account, notify
7	the congressional defense committees in writing of the de-
8	tails of any such obligation: Provided further, That the
9	Secretary of Defense shall notify the congressional defense
10	committees of any proposed new projects or transfer of
11	funds between budget sub-activity groups in excess of
12	\$20,000,000: Provided further, That such amount is des-
13	ignated by the Congress for Overseas Contingency Oper-
14	ations/Global War on Terrorism pursuant to section
15	251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16	Deficit Control Act of 1985.
17	PROCUREMENT
18	AIRCRAFT PROCUREMENT, ARMY
19	For an additional amount for "Aircraft Procurement,
20	Army", \$541,600,000, to remain available until Sep-
21	tember 30, 2015: Provided, That such amount is des-
22	ignated by the Congress for Overseas Contingency Oper-
23	ations/Global War on Terrorism pursuant to section
24	251(b)(2)(A)(ii) of the Balanced Budget and Emergency
25	Deficit Control Act of 1985.

1	MISSILE PROCUREMENT, ARMY
2	For an additional amount for "Missile Procurement,
3	Army'', \$49,653,000, to remain available until September
4	30, 2015: Provided, That such amount is designated by
5	the Congress for Overseas Contingency Operations/Global
6	War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
7	the Balanced Budget and Emergency Deficit Control Act
8	of 1985.
9	PROCUREMENT OF WEAPONS AND TRACKED COMBAT
10	Vehicles, Army
11	For an additional amount for "Procurement of Weap-
12	ons and Tracked Combat Vehicles, Army", \$15,422,000,
13	to remain available until September 30, 2015: Provided,
14	That such amount is designated by the Congress for Over-
15	seas Contingency Operations/Global War on Terrorism
16	pursuant to section 251(b)(2)(A)(ii) of the Balanced
17	Budget and Emergency Deficit Control Act of 1985.
18	PROCUREMENT OF AMMUNITION, ARMY
19	For an additional amount for "Procurement of Am-
20	munition, Army", \$338,493,000, to remain available until
21	September 30, 2015: Provided, That such amount is des-
22	ignated by the Congress for Overseas Contingency Oper-
23	ations/Global War on Terrorism pursuant to section
24	251(b)(2)(A)(ii) of the Balanced Budget and Emergency
25	Deficit Control Act of 1985.

1	OTHER PROCUREMENT, ARMY
2	For an additional amount for "Other Procurement,
3	Army'', \$2,005,907,000, to remain available until Sep-
4	tember 30, 2015: Provided, That such amount is des-
5	ignated by the Congress for Overseas Contingency Oper-
6	ations/Global War on Terrorism pursuant to section
7	251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8	Deficit Control Act of 1985.
9	Aircraft Procurement, Navy
10	For an additional amount for "Aircraft Procurement,
11	Navy", \$146,277,000, to remain available until September
12	30, 2015: Provided, That such amount is designated by
13	the Congress for Overseas Contingency Operations/Global
14	War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
15	the Balanced Budget and Emergency Deficit Control Act
16	of 1985.
17	Weapons Procurement, Navy
18	For an additional amount for "Weapons Procure-
19	ment, Navy'', \$22,500,000, to remain available until Sep-
20	tember 30, 2015: Provided, That such amount is des-
21	ignated by the Congress for Overseas Contingency Oper-
22	ations/Global War on Terrorism pursuant to section
23	251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24	Deficit Control Act of 1985.

1	Procurement of Ammunition, Navy and Marine
2	Corps
3	For an additional amount for "Procurement of Am-
4	munition, Navy and Marine Corps", \$284,450,000, to re-
5	main available until September 30, 2015: Provided, That
6	such amount is designated by the Congress for Overseas
7	Contingency Operations/Global War on Terrorism pursu-
8	ant to section 251(b)(2)(A)(ii) of the Balanced Budget
9	and Emergency Deficit Control Act of 1985.
10	OTHER PROCUREMENT, NAVY
11	For an additional amount for "Other Procurement,
12	Navy", \$98,882,000, to remain available until September
13	30, 2015: Provided, That such amount is designated by
14	the Congress for Overseas Contingency Operations/Global
15	War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
16	the Balanced Budget and Emergency Deficit Control Act
17	of 1985.
18	PROCUREMENT, MARINE CORPS
19	For an additional amount for "Procurement, Marine
20	Corps", \$943,683,000, to remain available until Sep-
21	tember 30, 2015: Provided, That such amount is des-
22	ignated by the Congress for Overseas Contingency Oper-
23	ations/Global War on Terrorism pursuant to section
24	251(b)(2)(A)(ii) of the Balanced Budget and Emergency
25	Deficit Control Act of 1985.

1	AIRCRAFT PROCUREMENT, AIR FORCE
2	For an additional amount for "Aircraft Procurement,
3	Air Force", \$305,600,000, to remain available until Sep-
4	tember 30, 2015: Provided, That such amount is des-
5	ignated by the Congress for Overseas Contingency Oper-
6	ations/Global War on Terrorism pursuant to section
7	251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8	Deficit Control Act of 1985.
9	MISSILE PROCUREMENT, AIR FORCE
10	For an additional amount for "Missile Procurement,
11	Air Force", \$34,350,000, to remain available until Sep-
12	tember 30, 2015: Provided, That such amount is des-
13	ignated by the Congress for Overseas Contingency Oper-
14	ations/Global War on Terrorism pursuant to section
15	251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16	Deficit Control Act of 1985.
17	PROCUREMENT OF AMMUNITION, AIR FORCE
18	For an additional amount for "Procurement of Am-
19	munition, Air Force", \$116,203,000, to remain available
20	until September 30, 2015: Provided, That such amount
21	is designated by the Congress for Overseas Contingency
22	Operations/Global War on Terrorism pursuant to section
23	251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24	Deficit Control Act of 1985.

1	OTHER PROCUREMENT, AIR FORCE
2	For an additional amount for "Other Procurement,
3	Air Force", \$2,785,170,000, to remain available until
4	September 30, 2015: Provided, That such amount is des-
5	ignated by the Congress for Overseas Contingency Oper-
6	ations/Global War on Terrorism pursuant to section
7	251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8	Deficit Control Act of 1985.
9	PROCUREMENT, DEFENSE-WIDE
10	For an additional amount for "Procurement, De-
11	fense-Wide'', \$217,849,000, to remain available until Sep-
12	tember 30, 2015: Provided, That such amount is des-
13	ignated by the Congress for Overseas Contingency Oper-
14	ations/Global War on Terrorism pursuant to section
15	251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16	Deficit Control Act of 1985.
17	RESEARCH, DEVELOPMENT, TEST, AND
18	EVALUATION
19	RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
20	Army
21	For an additional amount for "Research, Develop-
22	ment, Test and Evaluation, Army'', \$14,860,000, to re-
23	main available until September 30, 2014: Provided, That
24	such amount is designated by the Congress for Overseas
25	Contingency Operations/Global War on Terrorism pursu-

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1	ant to section 251(b)(2)(A)(ii) of the Balanced Budget
2	and Emergency Deficit Control Act of 1985.
3	RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4	Navy
5	For an additional amount for "Research, Develop-
6	ment, Test and Evaluation, Navy", \$60,119,000, to re-
7	main available until September 30, 2014: Provided, That
8	such amount is 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	RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
13	AIR FORCE
14	For an additional amount for "Research, Develop-
15	ment, Test and Evaluation, Air Force", \$53,150,000, to
16	remain available until September 30, 2014: 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	RESEARCH DEVELOPMENT TEST AND EVALUATION

- 21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
- Defense-Wide
- For an additional amount for "Research, Develop-
- 24 ment, Test and Evaluation, Defense-Wide",
- 25 \$107,387,000, to remain available until September 30,

	1	2014:	Provided,	That	such	amount	is	designated	by	the
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- 2 Congress for Overseas Contingency Operations/Global
- 3 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
- 4 the Balanced Budget and Emergency Deficit Control Act
- 5 of 1985.

6 REVOLVING AND MANAGEMENT FUNDS

- 7 Defense Working Capital Funds
- 8 For an additional amount for "Defense Working
- 9 Capital Funds", \$293,600,000: Provided, That such
- 10 amount is designated by the Congress for Overseas Con-
- 11 tingency Operations/Global War on Terrorism pursuant to
- 12 section 251(b)(2)(A)(ii) of the Balanced Budget and
- 13 Emergency Deficit Control Act of 1985.
- 14 OTHER DEPARTMENT OF DEFENSE PROGRAMS
- 15 Defense Health Program
- For an additional amount for "Defense Health Pro-
- 17 gram", \$993,898,000, which shall be for operation and
- 18 maintenance, to remain available until September 30,
- 19 2014: Provided, That such amount is designated by the
- 20 Congress for Overseas Contingency Operations/Global
- 21 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
- 22 the Balanced Budget and Emergency Deficit Control Act
- 23 of 1985.

1	DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
2	DEFENSE
3	For an additional amount for "Drug Interdiction and
4	Counter-Drug Activities, Defense", \$469,025,000, to re-
5	main available until September 30, 2014: Provided, That
6	such amount is designated by the Congress for Overseas
7	Contingency Operations/Global War on Terrorism pursu-
8	ant to section 251(b)(2)(A)(ii) of the Balanced Budget
9	and Emergency Deficit Control Act of 1985.
10	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND
11	(INCLUDING TRANSFER OF FUNDS)
12	For an additional amount for the "Joint Improvised
13	Explosive Device Defeat Fund", \$1,614,900,000, to re-
14	main available until September 30, 2015: Provided, That
15	such funds shall be available to the Secretary of Defense,
16	notwithstanding any other provision of law, for the pur-
17	pose of allowing the Director of the Joint Improvised Ex-
18	plosive Device Defeat Organization to investigate, develop
19	and provide equipment, supplies, services, training, facili-
20	ties, personnel and funds to assist United States forces
21	in the defeat of improvised explosive devices: Provided fur-
22	ther, That the Secretary of Defense may transfer funds
23	provided herein to appropriations for military personnel;
24	operation and maintenance; procurement; research, devel-
25	opment, test and evaluation; and defense working capital

- 1 funds to accomplish the purpose provided herein: *Provided*
- 2 further, That this transfer authority is in addition to any
- 3 other transfer authority available to the Department of
- 4 Defense: Provided further, That the Secretary of Defense
- 5 shall, not fewer than 15 days prior to making transfers
- 6 from this appropriation, notify the congressional defense
- 7 committees in writing of the details of any such transfer:
- 8 Provided further, That such amount is designated by the
- 9 Congress for Overseas Contingency Operations/Global
- 10 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
- 11 the Balanced Budget and Emergency Deficit Control Act
- 12 of 1985.
- OFFICE OF THE INSPECTOR GENERAL
- 14 For an additional amount for the "Office of the In-
- 15 spector General", \$10,766,000: Provided, That such
- 16 amount is designated by the Congress for Overseas Con-
- 17 tingency Operations/Global War on Terrorism pursuant to
- 18 section 251(b)(2)(A)(ii) of the Balanced Budget and
- 19 Emergency Deficit Control Act of 1985.
- 20 GENERAL PROVISIONS—THIS TITLE
- 21 Sec. 9001. Notwithstanding any other provision of
- 22 law, funds made available in this title are in addition to
- 23 amounts appropriated or otherwise made available for the
- 24 Department of Defense for fiscal year 2013.

1	(INCLUDING TRANSFER OF FUNDS)
2	SEC. 9002. Upon the determination of the Secretary
3	of Defense that such action is necessary in the national
4	interest, the Secretary may, with the approval of the Of-
5	fice of Management and Budget, transfer up to
6	\$3,000,000,000 between the appropriations or funds made
7	available to the Department of Defense in this title: Pro-
8	vided, That the Secretary shall notify the Congress
9	promptly of each transfer made pursuant to the authority
10	in this section: Provided further, That the authority pro-
11	vided in this section is in addition to any other transfer
12	authority available to the Department of Defense and is
13	subject to the same terms and conditions as the authority
14	provided in the Department of Defense Appropriations
15	Act, 2013.
16	Sec. 9003. Supervision and administration costs as-
17	sociated with a construction project funded with appro-
18	priations available for operation and maintenance, "Af-
19	ghanistan Infrastructure Fund", or the "Afghanistan Se-
20	curity Forces Fund" provided in this Act and executed
21	in direct support of overseas contingency operations in Af-
22	ghanistan, may be obligated at the time a construction
23	contract is awarded: Provided, That for the purpose of this
24	section, supervision and administration costs include all
25	in-house Government costs.

1	Sec. 9004. From funds made available in this title,
2	the Secretary of Defense may purchase for use by military
3	and civilian employees of the Department of Defense in
4	the U.S. Central Command area of responsibility: (a) pas-
5	senger motor vehicles up to a limit of \$75,000 per vehicle;
6	and (b) heavy and light armored vehicles for the physical
7	security of personnel or for force protection purposes up
8	to a limit of \$250,000 per vehicle, notwithstanding price
9	or other limitations applicable to the purchase of pas-
10	senger carrying vehicles.
11	Sec. 9005. Not to exceed \$250,000,000 of the
12	amount appropriated in this title under the heading "Op-
13	eration and Maintenance, Army" may be used, notwith-
14	standing any other provision of law, to fund the Com-
15	mander's Emergency Response Program (CERP), for the
16	purpose of enabling military commanders in Afghanistan
17	to respond to urgent, small-scale, humanitarian relief and
18	reconstruction requirements within their areas of responsi-
19	bility: Provided, That each project (including any ancillary
20	or related elements in connection with such project) exe-
21	cuted under this authority shall not exceed \$20,000,000:
22	Provided further, That not later than 45 days after the
23	end of each fiscal year quarter, the Secretary of Defense
24	shall submit to the congressional defense committees a re-
25	port regarding the source of funds and the allocation and

1	use of funds during that quarter that were made available
2	pursuant to the authority provided in this section or under
3	any other provision of law for the purposes described here-
4	in: Provided further, That, not later than 30 days after
5	the end of each month, the Army shall submit to the con-
6	gressional defense committees monthly commitment, obli-
7	gation, and expenditure data for the Commander's Emer-
8	gency Response Program in Afghanistan: Provided fur-
9	ther, That not less than 15 days before making funds
10	available pursuant to the authority provided in this section
11	or under any other provision of law for the purposes de-
12	scribed herein for a project with a total anticipated cost
13	for completion of $$5,000,000$ or more, the Secretary shall
14	submit to the congressional defense committees a written
15	notice containing each of the following:.
16	(1) The location, nature and purpose of the
17	proposed project, including how the project is in-
18	tended to advance the military campaign plan for
19	the country in which it is to be carried out.
20	(2) The budget, implementation timeline with
21	milestones, and completion date for the proposed
22	project, including any other CERP funding that has
23	been or is anticipated to be contributed to the com-
24	pletion of the project.

1	(3) A plan for the sustainment of the proposed
2	project, including the agreement with either the host
3	nation, a non-Department of Defense agency of the
4	United States Government or a third-party contrib-
5	utor to finance the sustainment of the activities and
6	maintenance of any equipment or facilities to be pro-
7	vided through the proposed project.
8	Sec. 9006. Funds available to the Department of De-
9	fense for operation and maintenance may be used, not-
10	withstanding any other provision of law, to provide sup-
11	plies, services, transportation, including airlift and sealift,
12	and other logistical support to coalition forces supporting
13	military and stability operations in Afghanistan: Provided,
14	That the Secretary of Defense shall provide quarterly re-
15	ports to the congressional defense committees regarding
16	support provided under this section.
17	Sec. 9007. None of the funds appropriated or other-
18	wise made available by this or any other Act shall be obli-
19	gated or expended by the United States Government for
20	a purpose as follows:
21	(1) To establish any military installation or
22	base for the purpose of providing for the permanent
23	stationing of United States Armed Forces in Iraq.
24	(2) To exercise United States control over any
25	oil resource of Iraq.

1	(3) To establish any military installation or
2	base for the purpose of providing for the permanent
3	stationing of United States Armed Forces in Af-
4	ghanistan.
5	Sec. 9008. None of the funds made available in this
6	Act may be used in contravention of the following laws
7	enacted or regulations promulgated to implement the
8	United Nations Convention Against Torture and Other
9	Cruel, Inhuman or Degrading Treatment or Punishment
10	(done at New York on December 10, 1984):
11	(1) Section 2340A of title 18, United States
12	Code.
13	(2) Section 2242 of the Foreign Affairs Reform
14	and Restructuring Act of 1998 (division G of Public
15	Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231
16	note) and regulations prescribed thereto, including
17	regulations under part 208 of title 8, Code of Fed-
18	eral Regulations, and part 95 of title 22, Code of
19	Federal Regulations.
20	(3) Sections 1002 and 1003 of the Department
21	of Defense, Emergency Supplemental Appropriations
22	to Address Hurricanes in the Gulf of Mexico, and
23	Pandemic Influenza Act, 2006 (Public Law 109–
24	148).

1	SEC. 9009. None of the funds provided for the "Af-
2	ghanistan Security Forces Fund" (ASFF) may be obli-
3	gated prior to the approval of a financial and activity plan
4	by the Afghanistan Resources Oversight Council (AROC)
5	of the Department of Defense: Provided, That the AROC
6	must approve the requirement and acquisition plan for any
7	service requirements in excess of \$50,000,000 annually
8	and any non-standard equipment requirements in excess
9	of \$100,000,000 using ASFF: Provided further, That the
10	AROC must approve all projects and the execution plan
11	under the "Afghanistan Infrastructure Fund" (AIF) and
12	any project in excess of \$5,000,000 from the Commanders
13	Emergency Response Program (CERP): Provided further
14	That the Department of Defense must certify to the con-
15	gressional defense committees that the AROC has con-
16	vened and approved a process for ensuring compliance
17	with the requirements in the preceding provisos and ac-
18	companying report language for the ASFF, AIF, and
19	CERP.
20	SEC. 9010. Funds made available in this title to the
21	Department of Defense for operation and maintenance
22	may be used to purchase items having an investment unit
23	cost of not more than \$250,000: Provided, That, upon de-
24	termination by the Secretary of Defense that such action
25	is necessary to meet the operational requirements of a

- 1 Commander of a Combatant Command engaged in contin-
- 2 gency operations overseas, such funds may be used to pur-
- 3 chase items having an investment item unit cost of not
- 4 more than \$500,000.
- 5 Sec. 9011. Notwithstanding any other provision of
- 6 law, up to \$88,000,000 of funds made available in this
- 7 title under the heading "Operation and Maintenance,
- 8 Army" may be obligated and expended for purposes of the
- 9 Task Force for Business and Stability Operations, subject
- 10 to the direction and control of the Secretary of Defense,
- 11 with concurrence of the Secretary of State, to carry out
- 12 strategic business and economic assistance activities in Af-
- 13 ghanistan in support of Operation Enduring Freedom:
- 14 Provided, That not less than 15 days before making funds
- 15 available pursuant to the authority provided in this section
- 16 for any project with a total anticipated cost of \$5,000,000
- 17 or more, the Secretary shall submit to the congressional
- 18 defense committees a written notice containing a detailed
- 19 justification and timeline for each proposed project.
- Sec. 9012. From funds made available to the De-
- 21 partment of Defense in this title under the heading "Oper-
- 22 ation and Maintenance, Air Force" up to \$508,000,000
- 23 may be used by the Secretary of Defense, notwithstanding
- 24 any other provision of law, to support United States Gov-
- 25 ernment transition activities in Iraq by funding the oper-

1	ations and activities of the Office of Security Cooperation
2	in Iraq and security assistance teams, including life sup-

- 3 port, transportation and personal security, and facilities
- 4 renovation and construction: Provided, That not less than
- 5 15 days before making funds available pursuant to the au-
- 6 thority provided in this section, the Secretary shall submit
- 7 to the congressional defense committees a written notice
- 8 containing a detailed justification and timeline for each
- 9 proposed site.
- 10 (AVAILABILITY OF FUNDS)
- 11 Sec. 9013. Each amount designated in this Act by
- 12 the Congress for Overseas Contingency Operations/Global
- 13 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
- 14 the Balanced Budget and Emergency Deficit Control Act
- 15 of 1985 shall be available (or rescinded, if applicable) only
- 16 if the President subsequently so designates all such
- 17 amounts and transmits such designations to the Congress.
- 18 (RESCISSIONS)
- 19 Sec. 9014. Of the funds appropriated in Department
- 20 of Defense Appropriations Acts, the following funds are
- 21 hereby rescinded from the following accounts and pro-
- 22 grams in the specified amounts: Provided, That such
- 23 amounts are designated by the Congress for Overseas
- 24 Contingency Operations/Global War on Terrorism pursu-
- 25 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
- 26 and Emergency Deficit Control Act of 1985:

1	"Retroactive Stop Loss Spe-
2	cial Pay Program, 2009/20XX'',
3	\$79,900,000; and
4	"Afghanistan Security
5	Forces Fund, 2012/20XX'',
6	\$500,000,000.
7	Sec. 9015. None of the funds appropriated or other-
8	wise made available by this Act under the heading "Oper-
9	ation and Maintenance, Defense-wide" for payments
10	under Section 1233 of Public Law 110–181 for reimburse-
11	ment to the Government of Pakistan may be made avail-
12	able unless the Secretary of Defense, in coordination with
13	the Secretary of State certifies to the Committees on Ap-
14	propriations that the Government of Pakistan is—
15	(1) cooperating with the United States in
16	counterterrorism efforts against the Haqqani Net-
17	work, the Quetta Shura Taliban, Lashkar e-Tayyiba,
18	Jaish-e-Mohammed, Al Qaeda, and other domestic
19	and foreign terrorist organizations, including taking
20	steps to end support for such groups and prevent
21	them from basing and operating in Pakistan and
22	carrying out cross border attacks into neighboring
23	countries;
24	(2) not supporting terrorist activities against
25	United States or coalition forces in Afghanistan, and

1	Pakistan's military and intelligence agencies are not
2	intervening extra-judicially into political and judicial
3	processes in Pakistan;
4	(3) dismantling improvised explosive device
5	(IED) networks and interdicting precursor chemicals
6	used in the manufacture of IEDs;
7	(4) preventing the proliferation of nuclear-re-
8	lated material and expertise;
9	(5) issuing visas in a timely manner for United
10	States visitors engaged in counterterrorism efforts
11	and assistance programs in Pakistan; and
12	(6) providing humanitarian organizations access
13	to detainees, internally displaced persons, and other
14	Pakistani civilians affected by the conflict.
15	TITLE X
16	ADDITIONAL GENERAL PROVISIONS
17	SPENDING REDUCTION ACCOUNT
18	SEC. 10001. The amount by which the applicable al-
19	location of new budget authority made by the Committee
20	on Appropriations of the House of Representatives under
21	section 302(b) of the Congressional Budget Act of 1974
22	exceeds the amount of proposed new budget authority is
23	\$0.
24	This Act may be cited as the "Department of Defense
25	Appropriations Act, 2013".

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[FULL COMMITTEE PRINT]

Union Calendar No.

112TH CONGRESS
2D SESSION

H R

[Report No. 112–

↑ BILI

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

, 2012

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed