

113TH CONGRESS
1ST SESSION

S. 444

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

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2013

Ms. COLLINS (for herself and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Appropriations

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 Department of Defense for the fiscal year ending Sep-
6 tember 30, 2013, and for other purposes, namely:

TITLE I**MILITARY PERSONNEL****MILITARY PERSONNEL, ARMY**

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$40,157,392,000.

MILITARY PERSONNEL, NAVY

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

1 as amended (42 U.S.C. 402 note), and to the Department
 2 of Defense Military Retirement Fund, \$26,989,384,000.

3 MILITARY PERSONNEL, MARINE CORPS

4 For pay, allowances, individual clothing, subsistence,
 5 interest on deposits, gratuities, permanent change of sta-
 6 tion travel (including all expenses thereof for organiza-
 7 tional movements), and expenses of temporary duty travel
 8 between permanent duty stations, for members of the Ma-
 9 rine Corps on active duty (except members of the Reserve
 10 provided for elsewhere); and for payments pursuant to sec-
 11 tion 156 of Public Law 97-377, as amended (42 U.S.C.
 12 402 note), and to the Department of Defense Military Re-
 13 tirement Fund, \$12,529,469,000.

14 MILITARY PERSONNEL, AIR FORCE

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

1 ment of Defense Military Retirement Fund,
2 \$28,053,829,000.

3 RESERVE PERSONNEL, ARMY

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

16 RESERVE PERSONNEL, NAVY

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

1 10, United States Code; and for payments to the Depart-
 2 ment of Defense Military Retirement Fund,
 3 \$1,875,598,000.

4 RESERVE PERSONNEL, MARINE CORPS

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

18 RESERVE PERSONNEL, AIR FORCE

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

1 while undergoing reserve training, or while performing
2 drills or equivalent duty or other duty, and expenses au-
3 thorized by section 16131 of title 10, United States Code;
4 and for payments to the Department of Defense Military
5 Retirement Fund, \$1,728,505,000.

6 NATIONAL GUARD PERSONNEL, ARMY

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

20 NATIONAL GUARD PERSONNEL, AIR FORCE

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

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

9 TITLE II

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

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

20 OPERATION AND MAINTENANCE, NAVY

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

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

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$5,894,963,000.

OPERATION AND MAINTENANCE, AIR FORCE

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

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$31,331,839,000: *Provided*, That not more than \$30,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Pro-*

1 *vided further*, That not to exceed \$36,000,000 can be used
2 for emergencies and extraordinary expenses, to be ex-
3 pended on the approval or authority of the Secretary of
4 Defense, and payments may be made on his certificate of
5 necessity for confidential military purposes: *Provided fur-*
6 *ther*, That of the funds provided under this heading, not
7 less than \$36,480,000 shall be made available for the Pro-
8 curement Technical Assistance Cooperative Agreement
9 Program, of which not less than \$3,600,000 shall be avail-
10 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
11 *vided further*, That none of the funds appropriated or oth-
12 erwise made available by this Act may be used to plan
13 or implement the consolidation of a budget or appropria-
14 tions liaison office of the Office of the Secretary of De-
15 fense, the office of the Secretary of a military department,
16 or the service headquarters of one of the Armed Forces
17 into a legislative affairs or legislative liaison office: *Pro-*
18 *vided further*, That \$8,563,000, to remain available until
19 expended, is available only for expenses relating to certain
20 classified activities, and may be transferred as necessary
21 by the Secretary of Defense to operation and maintenance
22 appropriations or research, development, test and evalua-
23 tion appropriations, to be merged with and to be available
24 for the same time period as the appropriations to which
25 transferred: *Provided further*, That any ceiling on the in-

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

7 OPERATION AND MAINTENANCE, ARMY RESERVE

8 For expenses, not otherwise provided for, necessary
 9 for the operation and maintenance, including training, or-
 10 ganization, and administration, of the Army Reserve; re-
 11 pair of facilities and equipment; hire of passenger motor
 12 vehicles; travel and transportation; care of the dead; re-
 13 cruiting; procurement of services, supplies, and equip-
 14 ment; and communications, \$3,140,508,000.

15 OPERATION AND MAINTENANCE, NAVY RESERVE

16 For expenses, not otherwise provided for, necessary
 17 for the operation and maintenance, including training, or-
 18 ganization, and administration, of the Navy Reserve; re-
 19 pair of facilities and equipment; hire of passenger motor
 20 vehicles; travel and transportation; care of the dead; re-
 21 cruiting; procurement of services, supplies, and equip-
 22 ment; and communications, \$1,246,982,000.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance, including training, or-
5 ganization, and administration, of the Marine Corps Re-
6 serve; repair of facilities and equipment; hire of passenger
7 motor vehicles; travel and transportation; care of the dead;
8 recruiting; procurement of services, supplies, and equip-
9 ment; and communications, \$272,285,000.

10 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance, including training, or-
13 ganization, and administration, of the Air Force Reserve;
14 repair of facilities and equipment; hire of passenger motor
15 vehicles; travel and transportation; care of the dead; re-
16 cruiting; procurement of services, supplies, and equip-
17 ment; and communications, \$3,227,382,000.

18 OPERATION AND MAINTENANCE, ARMY NATIONAL

19 GUARD

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

1 penses (other than mileage), as authorized by law for
2 Army personnel on active duty, for Army National Guard
3 division, regimental, and battalion commanders while in-
4 specting units in compliance with National Guard Bureau
5 regulations when specifically authorized by the Chief, Na-
6 tional Guard Bureau; supplying and equipping the Army
7 National Guard as authorized by law; and expenses of re-
8 pair, modification, maintenance, and issue of supplies and
9 equipment (including aircraft), \$7,075,042,000.

10 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

1 Bureau regulations when specifically authorized by the
 2 Chief, National Guard Bureau, \$6,493,155,000.

3 UNITED STATES COURT OF APPEALS FOR THE ARMED
 4 FORCES

5 For salaries and expenses necessary for the United
 6 States Court of Appeals for the Armed Forces,
 7 \$13,516,000, of which not to exceed \$5,000 may be used
 8 for official representation purposes.

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

11 For the Department of the Army, \$335,921,000, to
 12 remain available until transferred: *Provided*, That the Sec-
 13 retary of the Army shall, upon determining that such
 14 funds are required for environmental restoration, reduc-
 15 tion and recycling of hazardous waste, removal of unsafe
 16 buildings and debris of the Department of the Army, or
 17 for similar purposes, transfer the funds made available by
 18 this appropriation to other appropriations made available
 19 to the Department of the Army, to be merged with and
 20 to be available for the same purposes and for the same
 21 time period as the appropriations to which transferred:
 22 *Provided further*, That upon a determination that all or
 23 part of the funds transferred from this appropriation are
 24 not necessary for the purposes provided herein, such
 25 amounts may be transferred back to this appropriation:

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

4 ENVIRONMENTAL RESTORATION, NAVY

5 (INCLUDING TRANSFER OF FUNDS)

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

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

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

21 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of Defense, \$11,133,000, to re-
24 main available until transferred: *Provided*, That the Sec-
25 retary of Defense shall, upon determining that such funds

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

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

19 For the Department of the Army, \$287,543,000, to
 20 remain available until transferred: *Provided*, That the Sec-
 21 retary of the Army shall, upon determining that such
 22 funds are required for environmental restoration, reduc-
 23 tion and recycling of hazardous waste, removal of unsafe
 24 buildings and debris at sites formerly used by the Depart-
 25 ment of Defense, transfer the funds made available by this

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

12 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

13 For expenses relating to the Overseas Humanitarian,
 14 Disaster, and Civic Aid programs of the Department of
 15 Defense (consisting of the programs provided under sec-
 16 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
 17 United States Code), \$108,759,000, to remain available
 18 until September 30, 2014.

19 COOPERATIVE THREAT REDUCTION ACCOUNT

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

1 storage of nuclear, chemical and other weapons; for estab-
 2 lishing programs to prevent the proliferation of weapons,
 3 weapons components, and weapon-related technology and
 4 expertise; for programs relating to the training and sup-
 5 port of defense and military personnel for demilitarization
 6 and protection of weapons, weapons components and
 7 weapons technology and expertise, and for defense and
 8 military contacts, \$519,111,000, to remain available until
 9 September 30, 2015.

10 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
 11 DEVELOPMENT FUND

12 For the Department of Defense Acquisition Work-
 13 force Development Fund, \$720,000,000.

14 TITLE III

15 PROCUREMENT

16 AIRCRAFT PROCUREMENT, ARMY

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

1 pliances, and machine tools in public and private plants;
 2 reserve plant and Government and contractor-owned
 3 equipment layaway; and other expenses necessary for the
 4 foregoing purposes, \$5,414,061,000, to remain available
 5 for obligation until September 30, 2015.

6 MISSILE PROCUREMENT, ARMY

7 For construction, procurement, production, modifica-
 8 tion, and modernization of missiles, equipment, including
 9 ordnance, ground handling equipment, spare parts, and
 10 accessories therefor; specialized equipment and training
 11 devices; expansion of public and private plants, including
 12 the land necessary therefor, for the foregoing purposes,
 13 and such lands and interests therein, may be acquired,
 14 and construction prosecuted thereon prior to approval of
 15 title; and procurement and installation of equipment, ap-
 16 pliances, and machine tools in public and private plants;
 17 reserve plant and Government and contractor-owned
 18 equipment layaway; and other expenses necessary for the
 19 foregoing purposes, \$1,429,665,000, to remain available
 20 for obligation until September 30, 2015.

21 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

22 VEHICLES, ARMY

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

1 sories therefor; specialized equipment and training devices;
 2 expansion of public and private plants, including the land
 3 necessary therefor, for the foregoing purposes, and such
 4 lands and interests therein, may be acquired, and con-
 5 struction prosecuted thereon prior to approval of title; and
 6 procurement and installation of equipment, appliances,
 7 and machine tools in public and private plants; reserve
 8 plant and Government and contractor-owned equipment
 9 layaway; and other expenses necessary for the foregoing
 10 purposes, \$1,687,823,000, to remain available for obliga-
 11 tion until September 30, 2015.

12 PROCUREMENT OF AMMUNITION, ARMY

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

1 for the foregoing purposes, \$1,624,380,000, to remain
2 available for obligation until September 30, 2015.

3 OTHER PROCUREMENT, ARMY

4 For construction, procurement, production, and
5 modification of vehicles, including tactical, support, and
6 non-tracked combat vehicles; the purchase of passenger
7 motor vehicles for replacement only; communications and
8 electronic equipment; other support equipment; spare
9 parts, ordnance, and accessories therefor; specialized
10 equipment and training devices; expansion of public and
11 private plants, including the land necessary therefor, for
12 the foregoing purposes, and such lands and interests
13 therein, may be acquired, and construction prosecuted
14 thereon prior to approval of title; and procurement and
15 installation of equipment, appliances, and machine tools
16 in public and private plants; reserve plant and Govern-
17 ment and contractor-owned equipment layaway; and other
18 expenses necessary for the foregoing purposes,
19 \$4,980,209,000, to remain available for obligation until
20 September 30, 2015.

21 AIRCRAFT PROCUREMENT, NAVY

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

1 ing the land necessary therefor, and such lands and inter-
 2 ests therein, may be acquired, and construction prosecuted
 3 thereon prior to approval of title; and procurement and
 4 installation of equipment, appliances, and machine tools
 5 in public and private plants; reserve plant and Govern-
 6 ment and contractor-owned equipment layaway,
 7 \$16,936,358,000, to remain available for obligation until
 8 September 30, 2015.

9 WEAPONS PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-
 11 tion, and modernization of missiles, torpedoes, other weap-
 12 ons, and related support equipment including spare parts,
 13 and accessories therefor; expansion of public and private
 14 plants, including the land necessary therefor, and such
 15 lands and interests therein, may be acquired, and con-
 16 struction prosecuted thereon prior to approval of title; and
 17 procurement and installation of equipment, appliances,
 18 and machine tools in public and private plants; reserve
 19 plant and Government and contractor-owned equipment
 20 layaway, \$3,066,919,000, to remain available for obliga-
 21 tion until September 30, 2015.

22 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
 23 CORPS

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

1 cialized equipment and training devices; expansion of pub-
 2 lic and private plants, including ammunition facilities, au-
 3 thorized by section 2854 of title 10, United States Code,
 4 and the land necessary therefor, for the foregoing pur-
 5 poses, and such lands and interests therein, may be ac-
 6 quired, and construction prosecuted thereon prior to ap-
 7 proval of title; and procurement and installation of equip-
 8 ment, appliances, and machine tools in public and private
 9 plants; reserve plant and Government and contractor-
 10 owned equipment layaway; and other expenses necessary
 11 for the foregoing purposes, \$719,154,000, to remain avail-
 12 able for obligation until September 30, 2015.

13 SHIPBUILDING AND CONVERSION, NAVY

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

1 Carrier Replacement Program, \$564,371,000;
 2 Virginia Class Submarine, \$3,217,601,000;
 3 Virginia Class Submarine (AP),
 4 \$1,652,557,000;
 5 CVN Refueling Overhaul, \$1,613,392,000;
 6 CVN Refueling Overhauls (AP), \$70,010,000;
 7 DDG-1000 Program, \$669,222,000;
 8 DDG-51 Destroyer, \$4,048,658,000;
 9 DDG-51 Destroyer (AP), \$466,283,000;
 10 Littoral Combat Ship, \$1,784,959,000;
 11 LPD-17 (AP), \$263,255,000;
 12 Joint High Speed Vessel, \$189,196,000;
 13 Moored Training Ship, \$307,300,000;
 14 LCAC Service Life Extension Program,
 15 \$85,830,000; and
 16 For outfitting, post delivery, conversions, and
 17 first destination transportation, \$309,648,000.
 18 Completion of Prior Year Shipbuilding Pro-
 19 grams, \$372,573,000.
 20 In all: \$15,614,855,000, to remain available for obli-
 21 gation until September 30, 2017: *Provided*, That addi-
 22 tional obligations may be incurred after September 30,
 23 2017, for engineering services, tests, evaluations, and
 24 other such budgeted work that must be performed in the
 25 final stage of ship construction: *Provided further*, That

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

9 OTHER PROCUREMENT, NAVY

10 For procurement, production, and modernization of
 11 support equipment and materials not otherwise provided
 12 for, Navy ordnance (except ordnance for new aircraft, new
 13 ships, and ships authorized for conversion); the purchase
 14 of passenger motor vehicles for replacement only; expan-
 15 sion of public and private plants, including the land nec-
 16 essary therefor, and such lands and interests therein, may
 17 be acquired, and construction prosecuted thereon prior to
 18 approval of title; and procurement and installation of
 19 equipment, appliances, and machine tools in public and
 20 private plants; reserve plant and Government and con-
 21 tractor-owned equipment layaway, \$6,170,286,000, to re-
 22 main available for obligation until September 30, 2015.

23 PROCUREMENT, MARINE CORPS

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

1 equipment, spare parts, and accessories therefor; plant
 2 equipment, appliances, and machine tools, and installation
 3 thereof in public and private plants; reserve plant and
 4 Government and contractor-owned equipment layaway; ve-
 5 hicles for the Marine Corps, including the purchase of pas-
 6 senger motor vehicles for replacement only; and expansion
 7 of public and private plants, including land necessary
 8 therefor, and such lands and interests therein, may be ac-
 9 quired, and construction prosecuted thereon prior to ap-
 10 proval of title, \$1,334,448,000, to remain available for ob-
 11 ligation until September 30, 2015.

12 AIRCRAFT PROCUREMENT, AIR FORCE

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

1 \$11,260,646,000, to remain available for obligation until
2 September 30, 2015.

3 MISSILE PROCUREMENT, AIR FORCE

4 For construction, procurement, and modification of
5 missiles, spacecraft, rockets, and related equipment, in-
6 cluding spare parts and accessories therefor, ground han-
7 dling equipment, and training devices; expansion of public
8 and private plants, Government-owned equipment and in-
9 stallation thereof in such plants, erection of structures,
10 and acquisition of land, for the foregoing purposes, and
11 such lands and interests therein, may be acquired, and
12 construction prosecuted thereon prior to approval of title;
13 reserve plant and Government and contractor-owned
14 equipment layaway; and other expenses necessary for the
15 foregoing purposes including rents and transportation of
16 things, \$4,913,276,000, to remain available for obligation
17 until September 30, 2015.

18 PROCUREMENT OF AMMUNITION, AIR FORCE

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

1 quired, and construction prosecuted thereon prior to ap-
2 proval of title; and procurement and installation of equip-
3 ment, appliances, and machine tools in public and private
4 plants; reserve plant and Government and contractor-
5 owned equipment layaway; and other expenses necessary
6 for the foregoing purposes, \$593,194,000, to remain avail-
7 able for obligation until September 30, 2015.

8 OTHER PROCUREMENT, AIR FORCE

9 For procurement and modification of equipment (in-
10 cluding ground guidance and electronic control equipment,
11 and ground electronic and communication equipment),
12 and supplies, materials, and spare parts therefor, not oth-
13 erwise provided for; the purchase of passenger motor vehi-
14 cles for replacement only; lease of passenger motor vehi-
15 cles; and expansion of public and private plants, Govern-
16 ment-owned equipment and installation thereof in such
17 plants, erection of structures, and acquisition of land, for
18 the foregoing purposes, and such lands and interests
19 therein, may be acquired, and construction prosecuted
20 thereon, prior to approval of title; reserve plant and Gov-
21 ernment and contractor-owned equipment layaway,
22 \$17,008,348,000, to remain available for obligation until
23 September 30, 2015.

1 PROCUREMENT, DEFENSE-WIDE

2 For expenses of activities and agencies of the Depart-
3 ment of Defense (other than the military departments)
4 necessary for procurement, production, and modification
5 of equipment, supplies, materials, and spare parts there-
6 for, not otherwise provided for; the purchase of passenger
7 motor vehicles for replacement only; expansion of public
8 and private plants, equipment, and installation thereof in
9 such plants, erection of structures, and acquisition of land
10 for the foregoing purposes, and such lands and interests
11 therein, may be acquired, and construction prosecuted
12 thereon prior to approval of title; reserve plant and Gov-
13 ernment and contractor-owned equipment layaway,
14 \$4,692,685,000, to remain available for obligation until
15 September 30, 2015.

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), \$189,189,000, to remain available until expended.

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

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$8,427,588,000, to remain avail-
10 able for obligation until September 30, 2014.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$16,646,307,000, to remain avail-
17 able for obligation until September 30, 2014: *Provided*,
18 That funds appropriated in this paragraph which are
19 available for the V-22 may be used to meet unique oper-
20 ational requirements of the Special Operations Forces:
21 *Provided further*, That funds appropriated in this para-
22 graph shall be available for the Cobra Judy program.

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

3 For expenses necessary for basic and applied sci-
 4 entific research, development, test and evaluation, includ-
 5 ing maintenance, rehabilitation, lease, and operation of fa-
 6 cilities and equipment, \$25,374,286,000, 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 \$18,419,129,000, to remain available for obligation until
 19 September 30, 2014: *Provided*, That of the funds made
 20 available in this paragraph, \$200,000,000 for the Defense
 21 Rapid Innovation Program shall only be available for ex-
 22 penses, not otherwise provided for, to include program
 23 management and oversight, to conduct research, develop-
 24 ment, test and evaluation to include proof of concept dem-
 25 onstration; engineering, testing, and validation; and tran-

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

12 OPERATIONAL TEST AND EVALUATION, DEFENSE

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

1 TITLE V

2 REVOLVING AND MANAGEMENT FUNDS

3 DEFENSE WORKING CAPITAL FUNDS

4 For the Defense Working Capital Funds,

5 \$1,516,184,000.

6 NATIONAL DEFENSE SEALIFT FUND

7 For National Defense Sealift Fund programs,

8 projects, and activities, and for expenses of the National

9 Defense Reserve Fleet, as established by section 11 of the

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

11 and for the necessary expenses to maintain and preserve

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

13 needs of the United States, \$697,840,000, to remain avail-

14 able until expended: *Provided*, That none of the funds pro-

15 vided in this paragraph shall be used to award a new con-

16 tract that provides for the acquisition of any of the fol-

17 lowing major components unless such components are

18 manufactured in the United States: auxiliary equipment,

19 including pumps, for all shipboard services; propulsion

20 system components (engines, reduction gears, and propel-

21 lers); shipboard cranes; and spreaders for shipboard

22 cranes: *Provided further*, That the exercise of an option

23 in a contract awarded through the obligation of previously

24 appropriated funds shall not be considered to be the award

25 of a new contract: *Provided further*, That the Secretary

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

10 TITLE VI
11 OTHER DEPARTMENT OF DEFENSE PROGRAMS

12 DEFENSE HEALTH PROGRAM

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

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21 OFFICE OF THE INSPECTOR GENERAL

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

8 TITLE VII

9 RELATED AGENCIES

10 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

11 DISABILITY SYSTEM FUND

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

17 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

18 For necessary expenses of the Intelligence Commu-
 19 nity Management Account, \$542,346,000.

20 TITLE VIII

21 GENERAL PROVISIONS

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

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

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

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

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

6 (TRANSFER OF FUNDS)

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

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

14 SEC. 8006. (a) With regard to the list of specific pro-
15 grams, projects, and activities (and the dollar amounts
16 and adjustments to budget activities corresponding to
17 such programs, projects, and activities) contained in the
18 tables titled “Committee Recommended Adjustments” in
19 the explanatory statement regarding this Act, the obliga-
20 tion and expenditure of amounts appropriated or other-
21 wise made available in this Act for those programs,
22 projects, and activities for which the amounts appro-
23 priated exceed the amounts requested are hereby required
24 by law to be carried out in the manner provided by such

1 tables to the same extent as if the tables were included
2 in the text of this Act.

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

9 SEC. 8007. (a) Not later than 60 days after enact-
10 ment of this Act, the Department of Defense shall submit
11 a report to the congressional defense committees to estab-
12 lish the baseline for application of reprogramming and
13 transfer authorities for fiscal year 2013: *Provided*, That
14 the report shall include—

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

20 (2) a delineation in the table for each appro-
21 priation both by budget activity and program,
22 project, and activity as detailed in the Budget Ap-
23 pendix; and

24 (3) an identification of items of special congres-
25 sional interest.

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

9 (TRANSFER OF FUNDS)

10 SEC. 8008. During the current fiscal year, cash bal-
11 ances in working capital funds of the Department of De-
12 fense established pursuant to section 2208 of title 10,
13 United States Code, may be maintained in only such
14 amounts as are necessary at any time for cash disburse-
15 ments to be made from such funds: *Provided*, That trans-
16 fers may be made between such funds: *Provided further*,
17 That transfers may be made between working capital
18 funds and the “Foreign Currency Fluctuations, Defense”
19 appropriation and the “Operation and Maintenance” ap-
20 propriation accounts in such amounts as may be deter-
21 mined by the Secretary of Defense, with the approval of
22 the Office of Management and Budget, except that such
23 transfers may not be made unless the Secretary of Defense
24 has notified the Congress of the proposed transfer. Except
25 in amounts equal to the amounts appropriated to working

1 capital funds in this Act, no obligations may be made
2 against a working capital fund to procure or increase the
3 value of war reserve material inventory, unless the Sec-
4 retary of Defense has notified the Congress prior to any
5 such obligation.

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

10 SEC. 8010. (a) None of the funds provided in this
11 Act shall be available to initiate: (1) a multiyear contract
12 that employs economic order quantity procurement in ex-
13 cess of \$20,000,000 in any one year of the contract or
14 that includes an unfunded contingent liability in excess of
15 \$20,000,000; or (2) a contract for advance procurement
16 leading to a multiyear contract that employs economic
17 order quantity procurement in excess of \$20,000,000 in
18 any one year, unless the congressional defense committees
19 have been notified at least 30 days in advance of the pro-
20 posed contract award: *Provided*, That no part of any ap-
21 propriation contained in this Act shall be available to ini-
22 tiate a multiyear contract for which the economic order
23 quantity advance procurement is not funded at least to
24 the limits of the Government's liability: *Provided further*,
25 That no part of any appropriation contained in this Act

1 shall be available to initiate multiyear procurement con-
2 tracts for any systems or component thereof if the value
3 of the multiyear contract would exceed \$500,000,000 un-
4 less specifically provided in this Act: *Provided further*,
5 That no multiyear procurement contract can be termi-
6 nated without 10-day prior notification to the congres-
7 sional defense committees: *Provided further*, That the exe-
8 cution of multiyear authority shall require the use of a
9 present value analysis to determine lowest cost compared
10 to an annual procurement: *Provided further*, That none of
11 the funds provided in this Act may be used for a multiyear
12 contract executed after the date of the enactment of this
13 Act unless in the case of any such contract—

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

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

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

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

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

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

12 F/A-18E, F/A-18F, and EA-18G aircraft; up to 10
13 DDG-51 Arleigh Burke class Flight IIA guided missile
14 destroyers, as well as the AEGIS Weapon Systems, MK
15 41 Vertical Launching Systems, and Commercial
16 Broadband Satellite Systems associated with those vessels;
17 SSN-774 Virginia class submarine and government-fur-
18 nished equipment; CH-47 Chinook helicopter; and V-22
19 Osprey aircraft variants.

20 (b) The Secretary of Defense may employ incre-
21 mental funding for the procurement of Virginia class sub-
22 marines and government-furnished equipment associated
23 with the Virginia class submarines to be procured during
24 fiscal years 2013 through 2018 if the Secretary of De-
25 fense:

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

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

5 SEC. 8011. Within the funds appropriated for the op-
6 eration and maintenance of the Armed Forces, funds are
7 hereby appropriated pursuant to section 401 of title 10,
8 United States Code, for humanitarian and civic assistance
9 costs under chapter 20 of title 10, United States Code.
10 Such funds may also be obligated for humanitarian and
11 civic assistance costs incidental to authorized operations
12 and pursuant to authority granted in section 401 of chap-
13 ter 20 of title 10, United States Code, and these obliga-
14 tions shall be reported as required by section 401(d) of
15 title 10, United States Code: *Provided*, That funds avail-
16 able for operation and maintenance shall be available for
17 providing humanitarian and similar assistance by using
18 Civic Action Teams in the Trust Territories of the Pacific
19 Islands and freely associated states of Micronesia, pursu-
20 ant to the Compact of Free Association as authorized by
21 Public Law 99–239: *Provided further*, That upon a deter-
22 mination by the Secretary of the Army that such action
23 is beneficial for graduate medical education programs con-
24 ducted at Army medical facilities located in Hawaii, the
25 Secretary of the Army may authorize the provision of med-

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

6 SEC. 8012. (a) During fiscal year 2013, the civilian
7 personnel of the Department of Defense may not be man-
8 aged on the basis of any end-strength, and the manage-
9 ment of such personnel during that fiscal year shall not
10 be subject to any constraint or limitation (known as an
11 end-strength) on the number of such personnel who may
12 be employed on the last day of such fiscal year.

13 (b) The fiscal year 2014 budget request for the De-
14 partment of Defense as well as all justification material
15 and other documentation supporting the fiscal year 2014
16 Department of Defense budget request shall be prepared
17 and submitted to the Congress as if subsections (a) and
18 (b) of this provision were effective with regard to fiscal
19 year 2014.

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

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

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protégé Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protégé Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

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1 anchor and mooring chain 4 inches in diameter and under
2 unless the anchor and mooring chain are manufactured
3 in the United States from components which are substan-
4 tially manufactured in the United States: *Provided*, That
5 for the purpose of this section, the term “manufactured”
6 shall include cutting, heat treating, quality control, testing
7 of chain and welding (including the forging and shot blast-
8 ing process): *Provided further*, That for the purpose of this
9 section substantially all of the components of anchor and
10 mooring chain shall be considered to be produced or manu-
11 factured in the United States if the aggregate cost of the
12 components produced or manufactured in the United
13 States exceeds the aggregate cost of the components pro-
14 duced or manufactured outside the United States: *Pro-*
15 *vided further*, That when adequate domestic supplies are
16 not available to meet Department of Defense requirements
17 on a timely basis, the Secretary of the service responsible
18 for the procurement may waive this restriction on a case-
19 by-case basis by certifying in writing to the Committees
20 on Appropriations that such an acquisition must be made
21 in order to acquire capability for national security pur-
22 poses.

23 SEC. 8017. None of the funds available to the De-
24 partment of Defense may be used to demilitarize or dis-
25 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,

1 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
2 to demilitarize or destroy small arms ammunition or am-
3 munition components that are not otherwise prohibited
4 from commercial sale under Federal law, unless the small
5 arms ammunition or ammunition components are certified
6 by the Secretary of the Army or designee as unserviceable
7 or unsafe for further use.

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

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

1 of title 25, United States Code, shall be considered a con-
2 tractor for the purposes of being allowed additional com-
3 pensation under section 504 of the Indian Financing Act
4 of 1974 (25 U.S.C. 1544) whenever the prime contract
5 or subcontract amount is over \$500,000 and involves the
6 expenditure of funds appropriated by an Act making Ap-
7 propriations for the Department of Defense with respect
8 to any fiscal year: *Provided further*, That notwithstanding
9 section 1906 of title 41, United States Code, this section
10 shall be applicable to any Department of Defense acquisi-
11 tion of supplies or services, including any contract and any
12 subcontract at any tier for acquisition of commercial items
13 produced or manufactured, in whole or in part, by any
14 subcontractor or supplier defined in section 1544 of title
15 25, United States Code, or a small business owned and
16 controlled by an individual or individuals defined under
17 section 4221(9) of title 25, United States Code.

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

21 SEC. 8021. During the current fiscal year, the De-
22 partment of Defense is authorized to incur obligations of
23 not to exceed \$350,000,000 for purposes specified in sec-
24 tion 2350j(c) of title 10, United States Code, in anticipa-
25 tion of receipt of contributions, only from the Government

1 of Kuwait, under that section: *Provided*, That upon re-
2 ceipt, such contributions from the Government of Kuwait
3 shall be credited to the appropriations or fund which in-
4 curred such obligations.

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

8 (1) \$28,404,000 shall be available from “Oper-
9 ation and Maintenance, Air Force” to support Civil
10 Air Patrol Corporation operation and maintenance,
11 readiness, counterdrug activities, and drug demand
12 reduction activities involving youth programs;

13 (2) \$9,298,000 shall be available from “Aircraft
14 Procurement, Air Force”; and

15 (3) \$932,000 shall be available from “Other
16 Procurement, Air Force” for vehicle procurement.

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

21 SEC. 8023. (a) None of the funds appropriated in this
22 Act are available to establish a new Department of De-
23 fense (department) federally funded research and develop-
24 ment center (FFRDC), either as a new entity, or as a
25 separate entity administrated by an organization man-

1 aging another FFRDC, or as a nonprofit membership cor-
2 poration consisting of a consortium of other FFRDCs and
3 other nonprofit entities.

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

16 (c) Notwithstanding any other provision of law, none
17 of the funds available to the department from any source
18 during fiscal year 2013 may be used by a defense FFRDC,
19 through a fee or other payment mechanism, for construc-
20 tion of new buildings, for payment of cost sharing for
21 projects funded by Government grants, for absorption of
22 contract overruns, or for certain charitable contributions,
23 not to include employee participation in community service
24 and/or development.

1 (d) Notwithstanding any other provision of law, of
2 the funds available to the department during fiscal year
3 2013, not more than 5,750 staff years of technical effort
4 (staff years) may be funded for defense FFRDCs: *Pro-*
5 *vided*, That of the specific amount referred to previously
6 in this subsection, not more than 1,125 staff years may
7 be funded for the defense studies and analysis FFRDCs:
8 *Provided further*, That this subsection shall not apply to
9 staff years funded in the National Intelligence Program
10 (NIP) and the Military Intelligence Program (MIP).

11 (e) The Secretary of Defense shall, with the submis-
12 sion of the department's fiscal year 2014 budget request,
13 submit a report presenting the specific amounts of staff
14 years of technical effort to be allocated for each defense
15 FFRDC during that fiscal year and the associated budget
16 estimates.

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

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

13 SEC. 8025. For the purposes of this Act, the term
14 “congressional defense committees” means the Armed
15 Services Committee of the House of Representatives, the
16 Armed Services Committee of the Senate, the Sub-
17 committee on Defense of the Committee on Appropriations
18 of the Senate, and the Subcommittee on Defense of the
19 Committee on Appropriations of the House of Representa-
20 tives.

21 SEC. 8026. During the current fiscal year, the De-
22 partment of Defense may acquire the modification, depot
23 maintenance and repair of aircraft, vehicles and vessels
24 as well as the production of components and other De-
25 fense-related articles, through competition between De-

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

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

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

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

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

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

20 SEC. 8029. (a) Notwithstanding any other provision
21 of law, the Secretary of the Air Force may convey at no
22 cost to the Air Force, without consideration, to Indian
23 tribes located in the States of Nevada, Idaho, North Da-
24 kota, South Dakota, Montana, Oregon, Minnesota, and
25 Washington relocatable military housing units located at

1 Grand Forks Air Force Base, Malmstrom Air Force Base,
2 Mountain Home Air Force Base, Ellsworth Air Force
3 Base, and Minot Air Force Base that are excess to the
4 needs of the Air Force.

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

15 (c) The Operation Walking Shield Program shall re-
16 solve any conflicts among requests of Indian tribes for
17 housing units under subsection (a) before submitting re-
18 quests to the Secretary of the Air Force under subsection
19 (b).

20 (d) In this section, the term “Indian tribe” means
21 any recognized Indian tribe included on the current list
22 published by the Secretary of the Interior under section
23 104 of the Federally Recognized Indian Tribe Act of 1994
24 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–
25 1).

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

6 SEC. 8031. (a) During the current fiscal year, none
7 of the appropriations or funds available to the Department
8 of Defense Working Capital Funds shall be used for the
9 purchase of an investment item for the purpose of acquir-
10 ing a new inventory item for sale or anticipated sale dur-
11 ing the current fiscal year or a subsequent fiscal year to
12 customers of the Department of Defense Working Capital
13 Funds if such an item would not have been chargeable
14 to the Department of Defense Business Operations Fund
15 during fiscal year 1994 and if the purchase of such an
16 investment item would be chargeable during the current
17 fiscal year to appropriations made to the Department of
18 Defense for procurement.

19 (b) The fiscal year 2014 budget request for the De-
20 partment of Defense as well as all justification material
21 and other documentation supporting the fiscal year 2014
22 Department of Defense budget shall be prepared and sub-
23 mitted to the Congress on the basis that any equipment
24 which was classified as an end item and funded in a pro-
25 curement appropriation contained in this Act shall be

1 budgeted for in a proposed fiscal year 2014 procurement
2 appropriation and not in the supply management business
3 area or any other area or category of the Department of
4 Defense Working Capital Funds.

5 SEC. 8032. None of the funds appropriated by this
6 Act for programs of the Central Intelligence Agency shall
7 remain available for obligation beyond the current fiscal
8 year, except for funds appropriated for the Reserve for
9 Contingencies, which shall remain available until Sep-
10 tember 30, 2014: *Provided*, That funds appropriated,
11 transferred, or otherwise credited to the Central Intel-
12 ligence Agency Central Services Working Capital Fund
13 during this or any prior or subsequent fiscal year shall
14 remain available until expended: *Provided further*, That
15 any funds appropriated or transferred to the Central Intel-
16 ligence Agency for advanced research and development ac-
17 quisition, for agent operations, and for covert action pro-
18 grams authorized by the President under section 503 of
19 the National Security Act of 1947, as amended, shall re-
20 main available until September 30, 2014.

21 SEC. 8033. Notwithstanding any other provision of
22 law, funds made available in this Act for the Defense In-
23 telligence Agency may be used for the design, develop-
24 ment, and deployment of General Defense Intelligence
25 Program intelligence communications and intelligence in-

1 formation systems for the Services, the Unified and Speci-
2 fied Commands, and the component commands.

3 SEC. 8034. Of the funds appropriated to the Depart-
4 ment of Defense under the heading “Operation and Main-
5 tenance, Defense-Wide”, not less than \$12,000,000 shall
6 be made available only for the mitigation of environmental
7 impacts, including training and technical assistance to
8 tribes, related administrative support, the gathering of in-
9 formation, documenting of environmental damage, and de-
10 veloping a system for prioritization of mitigation and cost
11 to complete estimates for mitigation, on Indian lands re-
12 sulting from Department of Defense activities.

13 SEC. 8035. (a) None of the funds appropriated in this
14 Act may be expended by an entity of the Department of
15 Defense unless the entity, in expending the funds, com-
16 plies with the Buy American Act. For purposes of this
17 subsection, the term “Buy American Act” means chapter
18 83 of title 41, United States Code.

19 (b) If the Secretary of Defense determines that a per-
20 son has been convicted of intentionally affixing a label
21 bearing a “Made in America” inscription to any product
22 sold in or shipped to the United States that is not made
23 in America, the Secretary shall determine, in accordance
24 with section 2410f of title 10, United States Code, wheth-

1 er the person should be debarred from contracting with
2 the Department of Defense.

3 (c) In the case of any equipment or products pur-
4 chased with appropriations provided under this Act, it is
5 the sense of the Congress that any entity of the Depart-
6 ment of Defense, in expending the appropriation, purchase
7 only American-made equipment and products, provided
8 that American-made equipment and products are cost-
9 competitive, quality competitive, and available in a timely
10 fashion.

11 SEC. 8036. None of the funds appropriated by this
12 Act shall be available for a contract for studies, analysis,
13 or consulting services entered into without competition on
14 the basis of an unsolicited proposal unless the head of the
15 activity responsible for the procurement determines—

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

19 (2) the purpose of the contract is to explore an
20 unsolicited proposal which offers significant sci-
21 entific or technological promise, represents the prod-
22 uct of original thinking, and was submitted in con-
23 fidence by one source; or

24 (3) the purpose of the contract is to take ad-
25 vantage of unique and significant industrial accom-

1 plishment by a specific concern, or to insure that a
2 new product or idea of a specific concern is given fi-
3 nancial support: *Provided*, That this limitation shall
4 not apply to contracts in an amount of less than
5 \$25,000, contracts related to improvements of equip-
6 ment that is in development or production, or con-
7 tracts as to which a civilian official of the Depart-
8 ment of Defense, who has been confirmed by the
9 Senate, determines that the award of such contract
10 is in the interest of the national defense.

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

14 (1) to establish a field operating agency; or
15 (2) to pay the basic pay of a member of the
16 Armed Forces or civilian employee of the depart-
17 ment who is transferred or reassigned from a head-
18 quarters activity if the member or employee's place
19 of duty remains at the location of that headquarters.

20 (b) The Secretary of Defense or Secretary of a mili-
21 tary department may waive the limitations in subsection
22 (a), on a case-by-case basis, if the Secretary determines,
23 and certifies to the Committees on Appropriations of the
24 House of Representatives and Senate that the granting

1 of the waiver will reduce the personnel requirements or
2 the financial requirements of the department.

3 (c) This section does not apply to—

4 (1) field operating agencies funded within the
5 National Intelligence Program;

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

10 (3) an Army field operating agency established
11 to improve the effectiveness and efficiencies of bio-
12 metric activities and to integrate common biometric
13 technologies throughout the Department of Defense.

14 SEC. 8038. None of the funds made available in this
15 Act may be used to approve or license the sale of the F-
16 22A advanced tactical fighter to any foreign government:
17 *Provided*, That the Department of Defense may conduct
18 or participate in studies, research, design and other activi-
19 ties to define and develop a future export version of the
20 F-22A that protects classified and sensitive information,
21 technologies and U.S. warfighting capabilities.

22 SEC. 8039. (a) None of the funds appropriated by
23 this Act shall be available to convert to contractor per-
24 formance an activity or function of the Department of De-
25 fense that, on or after the date of the enactment of this

1 Act, is performed by Department of Defense civilian em-
2 ployees unless—

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

7 (2) the Competitive Sourcing Official deter-
8 mines that, over all performance periods stated in
9 the solicitation of offers for performance of the ac-
10 tivity or function, the cost of performance of the ac-
11 tivity or function by a contractor would be less costly
12 to the Department of Defense by an amount that
13 equals or exceeds the lesser of—

14 (A) 10 percent of the most efficient organi-
15 zation's personnel-related costs for performance
16 of that activity or function by Federal employ-
17 ees; or

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

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

22 (A) not making an employer-sponsored
23 health insurance plan available to the workers
24 who are to be employed in the performance of
25 that activity or function under the contract; or

1 (B) offering to such workers an employer-
2 sponsored health benefits plan that requires the
3 employer to contribute less towards the pre-
4 mium or subscription share than the amount
5 that is paid by the Department of Defense for
6 health benefits for civilian employees under
7 chapter 89 of title 5, United States Code.

8 (b)(1) The Department of Defense, without regard
9 to subsection (a) of this section or subsection (a), (b), or
10 (c) of section 2461 of title 10, United States Code, and
11 notwithstanding any administrative regulation, require-
12 ment, or policy to the contrary shall have full authority
13 to enter into a contract for the performance of any com-
14 mercial or industrial type function of the Department of
15 Defense that—

16 (A) is included on the procurement list estab-
17 lished pursuant to section 2 of the Javits-Wagner-
18 O'Day Act (section 8503 of title 41, United States
19 Code);

20 (B) is planned to be converted to performance
21 by a qualified nonprofit agency for the blind or by
22 a qualified nonprofit agency for other severely handi-
23 capped individuals in accordance with that Act; or

24 (C) is planned to be converted to performance
25 by a qualified firm under at least 51 percent owner-

1 ship by an Indian tribe, as defined in section 4(e)
 2 of the Indian Self-Determination and Education As-
 3 sistance Act (25 U.S.C. 450b(e)), or a Native Ha-
 4 waiian Organization, as defined in section 8(a)(15)
 5 of the Small Business Act (15 U.S.C. 637(a)(15)).

6 (2) This section shall not apply to depot contracts
 7 or contracts for depot maintenance as provided in sections
 8 2469 and 2474 of title 10, United States Code.

9 (c) The conversion of any activity or function of the
 10 Department of Defense under the authority provided by
 11 this section shall be credited toward any competitive or
 12 outsourcing goal, target, or measurement that may be es-
 13 tablished by statute, regulation, or policy and is deemed
 14 to be awarded under the authority of, and in compliance
 15 with, subsection (h) of section 2304 of title 10, United
 16 States Code, for the competition or outsourcing of com-
 17 mercial activities.

18 (RESCISSIONS)

19 SEC. 8040. 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:

23 “Shipbuilding and Conversion, Navy, 2007/
 24 2018”: DDG-51 Destroyer, \$98,400,000;

1 “Shipbuilding and Conversion, Navy, 2007/
2 2018”: DDG–51 Destroyer Advance Procurement,
3 \$2,500,000;

4 “Shipbuilding and Conversion, Navy, 2007/
5 2018”: CVN Refueling Overhaul, \$14,100,000;

6 “Procurement of Ammunition, Army, 2011/
7 2013”, \$4,500,000;

8 “Other Procurement, Army, 2011/2013”,
9 \$114,848,000;

10 “Aircraft Procurement, Navy, 2011/2013”,
11 \$13,760,000;

12 “Shipbuilding and Conversion, Navy, 2011/
13 2015”: DDG–51 Destroyer, \$215,300,000;

14 “Weapons Procurement, Navy, 2011/2013”,
15 \$21,086,000;

16 “Aircraft Procurement, Air Force, 2011/2013”,
17 \$93,400,000;

18 “Missile Procurement, Air Force, 2011/2013”,
19 \$8,709,000;

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

22 “Operation and Maintenance, Defense Wide,
23 2012/XXXX”, \$21,000,000;

24 “Aircraft Procurement, Army, 2012/2014”,
25 \$47,400,000;

1 “Other Procurement, Army, 2012/2014”,
2 \$99,608,000;
3 “Aircraft Procurement, Navy, 2012/2014”,
4 \$4,640,000;
5 “Shipbuilding and Conversion, Navy, 2012/
6 2016”: Littoral Combat Ship, \$28,800,000;
7 “Shipbuilding and Conversion, Navy, 2012/
8 2016”: DDG-51 Destroyer, \$83,000,000;
9 “Weapons Procurement, Navy, 2012/2014”,
10 \$25,015,000;
11 “Other Procurement, Navy, 2012/2014”,
12 \$4,800,000;
13 “Procurement of Ammunition, Navy and Ma-
14 rine Corps, 2012/2014”, \$50,703,000;
15 “Procurement, Marine Corps, 2012/2014”,
16 \$135,331,000;
17 “Aircraft Procurement, Air Force, 2012/2014”,
18 \$581,699,000;
19 “Missile Procurement, Air Force, 2012/2014”,
20 \$45,898,000;
21 “Other Procurement, Air Force, 2012/2014”,
22 \$55,800,000;
23 “Procurement, Defense Wide, 2012/2014”,
24 \$16,000,000;

1 “Research, Development, Test and Evaluation,
2 Army, 2012/2013”, \$8,000,000;

3 “Research, Development, Test and Evaluation,
4 Navy, 2012/2013”, \$245,254,000;

5 “Research, Development, Test and Evaluation,
6 Air Force, 2012/2013”, \$56,704,000.

7 SEC. 8041. None of the funds available in this Act
8 may be used to reduce the authorized positions for mili-
9 tary technicians (dual status) of the Army National
10 Guard, Air National Guard, Army Reserve and Air Force
11 Reserve for the purpose of applying any administratively
12 imposed civilian personnel ceiling, freeze, or reduction on
13 military technicians (dual status), unless such reductions
14 are a direct result of a reduction in military force struc-
15 ture.

16 SEC. 8042. None of the funds appropriated or other-
17 wise made available in this Act may be obligated or ex-
18 pended for assistance to the Democratic People’s Republic
19 of Korea unless specifically appropriated for that purpose.

20 SEC. 8043. Funds appropriated in this Act for oper-
21 ation and maintenance of the Military Departments, Com-
22 batant Commands and Defense Agencies shall be available
23 for reimbursement of pay, allowances and other expenses
24 which would otherwise be incurred against appropriations
25 for the National Guard and Reserve when members of the

1 National Guard and Reserve provide intelligence or coun-
2 terintelligence support to Combatant Commands, Defense
3 Agencies and Joint Intelligence Activities, including the
4 activities and programs included within the National Intel-
5 ligence Program and the Military Intelligence Program:
6 *Provided*, That nothing in this section authorizes deviation
7 from established Reserve and National Guard personnel
8 and training procedures.

9 SEC. 8044. During the current fiscal year, none of
10 the funds appropriated in this Act may be used to reduce
11 the civilian medical and medical support personnel as-
12 signed to military treatment facilities below the September
13 30, 2003, level: *Provided*, That the Service Surgeons Gen-
14 eral may waive this section by certifying to the congres-
15 sional defense committees that the beneficiary population
16 is declining in some catchment areas and civilian strength
17 reductions may be consistent with responsible resource
18 stewardship and capitation-based budgeting.

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

24 (b) None of the funds available to the Central Intel-
25 ligence Agency for any fiscal year for drug interdiction

1 and counter-drug activities may be transferred to any
2 other department or agency of the United States except
3 as specifically provided in an appropriations law.

4 SEC. 8046. None of the funds appropriated by this
5 Act may be used for the procurement of ball and roller
6 bearings other than those produced by a domestic source
7 and of domestic origin: *Provided*, That the Secretary of
8 the military department responsible for such procurement
9 may waive this restriction on a case-by-case basis by certi-
10 fying in writing to the Committees on Appropriations of
11 the House of Representatives and the Senate, that ade-
12 quate domestic supplies are not available to meet Depart-
13 ment of Defense requirements on a timely basis and that
14 such an acquisition must be made in order to acquire ca-
15 pability for national security purposes: *Provided further*,
16 That this restriction shall not apply to the purchase of
17 “commercial items”, as defined by section 4(12) of the
18 Office of Federal Procurement Policy Act, except that the
19 restriction shall apply to ball or roller bearings purchased
20 as end items.

21 SEC. 8047. None of the funds in this Act may be
22 used to purchase any supercomputer which is not manu-
23 factured in the United States, unless the Secretary of De-
24 fense certifies to the congressional defense committees
25 that such an acquisition must be made in order to acquire

1 capability for national security purposes that is not avail-
2 able from United States manufacturers.

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

15 SEC. 8049. (a) Notwithstanding any other provision
16 of law, none of the funds available to the Department of
17 Defense for the current fiscal year may be obligated or
18 expended to transfer to another nation or an international
19 organization any defense articles or services (other than
20 intelligence services) for use in the activities described in
21 subsection (b) unless the congressional defense commit-
22 tees, the Committee on Foreign Affairs of the House of
23 Representatives, and the Committee on Foreign Relations
24 of the Senate are notified 15 days in advance of such
25 transfer.

1 (b) This section applies to—

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

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

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

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

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

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

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

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

1 SEC. 8050. None of the funds available to the De-
2 partment of Defense under this Act shall be obligated or
3 expended to pay a contractor under a contract with the
4 Department of Defense for costs of any amount paid by
5 the contractor to an employee when—

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

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

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8051. During the current fiscal year, no more
13 than \$30,000,000 of appropriations made in this Act
14 under the heading “Operation and Maintenance, Defense-
15 Wide” may be transferred to appropriations available for
16 the pay of military personnel, to be merged with, and to
17 be available for the same time period as the appropriations
18 to which transferred, to be used in support of such per-
19 sonnel in connection with support and services for eligible
20 organizations and activities outside the Department of De-
21 fense pursuant to section 2012 of title 10, United States
22 Code.

23 SEC. 8052. During the current fiscal year, in the case
24 of an appropriation account of the Department of Defense
25 for which the period of availability for obligation has ex-

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

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

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

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

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

5 SEC. 8053. (a) Notwithstanding any other provision
6 of law, the Chief of the National Guard Bureau may per-
7 mit the use of equipment of the National Guard Distance
8 Learning Project by any person or entity on a space-avail-
9 able, reimbursable basis. The Chief of the National Guard
10 Bureau shall establish the amount of reimbursement for
11 such use on a case-by-case basis.

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

18 SEC. 8054. Using funds made available by this Act
19 or any other Act, the Secretary of the Air Force, pursuant
20 to a determination under section 2690 of title 10, United
21 States Code, may implement cost-effective agreements for
22 required heating facility modernization in the
23 Kaiserslautern Military Community in the Federal Repub-
24 lic of Germany: *Provided*, That in the City of
25 Kaiserslautern and at the Rhine Ordnance Barracks area,

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

9 SEC. 8055. None of the funds appropriated in title
10 IV of this Act may be used to procure end-items for deliv-
11 ery to military forces for operational training, operational
12 use or inventory requirements: *Provided*, That this restric-
13 tion does not apply to end-items used in development,
14 prototyping, and test activities preceding and leading to
15 acceptance for operational use: *Provided further*, That this
16 restriction does not apply to programs funded within the
17 National Intelligence Program: *Provided further*, That the
18 Secretary of Defense may waive this restriction on a case-
19 by-case basis by certifying in writing to the Committees
20 on Appropriations of the House of Representatives and the
21 Senate that it is in the national security interest to do
22 so.

23 SEC. 8056. (a) The Secretary of Defense may, on a
24 case-by-case basis, waive with respect to a foreign country
25 each limitation on the procurement of defense items from

1 foreign sources provided in law if the Secretary determines
 2 that the application of the limitation with respect to that
 3 country would invalidate cooperative programs entered
 4 into between the Department of Defense and the foreign
 5 country, or would invalidate reciprocal trade agreements
 6 for the procurement of defense items entered into under
 7 section 2531 of title 10, United States Code, and the
 8 country does not discriminate against the same or similar
 9 defense items produced in the United States for that coun-
 10 try.

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

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

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

19 (c) Subsection (a) does not apply to a limitation re-
 20 garding construction of public vessels, ball and roller bear-
 21 ings, food, and clothing or textile materials as defined by
 22 section 11 (chapters 50–65) of the Harmonized Tariff
 23 Schedule and products classified under headings 4010,
 24 4202, 4203, 6401 through 6406, 6505, 7019, 7218

1 through 7229, 7304.41 through 7304.49, 7306.40, 7502
2 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

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

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

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

20 (d) Not more than 15 days after the exercise of any
21 waiver under subsection (c), the Secretary of Defense shall
22 submit a report to the congressional defense committees
23 describing the extraordinary circumstances, the purpose
24 and duration of the training program, the United States
25 forces and the foreign security forces involved in the train-

1 ing program, and the information relating to human rights
2 violations that necessitates the waiver.

3 SEC. 8058. None of the funds appropriated or other-
4 wise made available by this or other Department of De-
5 fense Appropriations Acts may be obligated or expended
6 for the purpose of performing repairs or maintenance to
7 military family housing units of the Department of De-
8 fense, including areas in such military family housing
9 units that may be used for the purpose of conducting offi-
10 cial Department of Defense business.

11 SEC. 8059. Notwithstanding any other provision of
12 law, funds appropriated in this Act under the heading
13 “Research, Development, Test and Evaluation, Defense-
14 Wide” for any new start advanced concept technology
15 demonstration project or joint capability demonstration
16 project may only be obligated 45 days after a report, in-
17 cluding a description of the project, the planned acquisi-
18 tion and transition strategy and its estimated annual and
19 total cost, has been provided in writing to the congres-
20 sional defense committees: *Provided*, That the Secretary
21 of Defense may waive this restriction on a case-by-case
22 basis by certifying to the congressional defense committees
23 that it is in the national interest to do so.

24 SEC. 8060. The Secretary of Defense shall provide
25 a classified quarterly report beginning 30 days after enact-

1 ment of this Act, to the House and Senate Appropriations
2 Committees, Subcommittees on Defense on certain mat-
3 ters as directed in the classified annex accompanying this
4 Act.

5 SEC. 8061. During the current fiscal year, none of
6 the funds available to the Department of Defense may be
7 used to provide support to another department or agency
8 of the United States if such department or agency is more
9 than 90 days in arrears in making payment to the Depart-
10 ment of Defense for goods or services previously provided
11 to such department or agency on a reimbursable basis:
12 *Provided*, That this restriction shall not apply if the de-
13 partment is authorized by law to provide support to such
14 department or agency on a nonreimbursable basis, and is
15 providing the requested support pursuant to such author-
16 ity: *Provided further*, That the Secretary of Defense may
17 waive this restriction on a case-by-case basis by certifying
18 in writing to the Committees on Appropriations of the
19 House of Representatives and the Senate that it is in the
20 national security interest to do so.

21 SEC. 8062. Notwithstanding section 12310(b) of title
22 10, United States Code, a Reserve who is a member of
23 the National Guard serving on full-time National Guard
24 duty under section 502(f) of title 32, United States Code,

1 may perform duties in support of the ground-based ele-
2 ments of the National Ballistic Missile Defense System.

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

20 SEC. 8064. Notwithstanding any other provision of
21 law, the Chief of the National Guard Bureau, or his des-
22 ignee, may waive payment of all or part of the consider-
23 ation that otherwise would be required under section 2667
24 of title 10, United States Code, in the case of a lease of
25 personal property for a period not in excess of 1 year to

1 any organization specified in section 508(d) of title 32,
2 United States Code, or any other youth, social, or fra-
3 ternal nonprofit organization as may be approved by the
4 Chief of the National Guard Bureau, or his designee, on
5 a case-by-case basis.

6 SEC. 8065. None of the funds appropriated by this
7 Act shall be used for the support of any nonappropriated
8 funds activity of the Department of Defense that procures
9 malt beverages and wine with nonappropriated funds for
10 resale (including such alcoholic beverages sold by the
11 drink) on a military installation located in the United
12 States unless such malt beverages and wine are procured
13 within that State, or in the case of the District of Colum-
14 bia, within the District of Columbia, in which the military
15 installation is located: *Provided*, That in a case in which
16 the military installation is located in more than one State,
17 purchases may be made in any State in which the installa-
18 tion is located: *Provided further*, That such local procure-
19 ment requirements for malt beverages and wine shall
20 apply to all alcoholic beverages only for military installa-
21 tions in States which are not contiguous with another
22 State: *Provided further*, That alcoholic beverages other
23 than wine and malt beverages, in contiguous States and
24 the District of Columbia shall be procured from the most
25 competitive source, price and other factors considered.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8066. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Army”, \$133,381,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

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

1 (INCLUDING TRANSFER OF FUNDS)

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

15 (INCLUDING TRANSFER OF FUNDS)

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

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

19 SEC. 8070. (a) None of the funds available to the
20 Department of Defense may be obligated to modify com-
21 mand and control relationships to give Fleet Forces Com-
22 mand operational and administrative control of U.S. Navy
23 forces assigned to the Pacific fleet.

24 (b) None of the funds available to the Department
25 of Defense may be obligated to modify command and con-

1 trol relationships to give United States Transportation
 2 Command operational and administrative control of C-
 3 130 and KC-135 forces assigned to the Pacific and Euro-
 4 pean Air Force Commands.

5 (c) The command and control relationships in sub-
 6 sections (a) and (b) which existed on March 13, 2011,
 7 shall remain in force unless changes are specifically au-
 8 thorized in a subsequent Act.

9 (d) This subsection does not apply to administrative
 10 control of Navy Air and Missile Defense Command.

11 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

14 SEC. 8073. None of the funds provided in this Act
15 shall be available for obligation or expenditure through a
16 reprogramming of funds that creates or initiates a new
17 program, project, or activity unless such program, project,
18 or activity must be undertaken immediately in the interest
19 of national security and only after written prior notifica-
20 tion to the congressional defense committees.

21 SEC. 8074. The budget of the President for fiscal
22 year 2014 submitted to the Congress pursuant to section
23 1105 of title 31, United States Code, shall include sepa-
24 rate budget justification documents for costs of United
25 States Armed Forces’ participation in contingency oper-

1 ations for the Military Personnel accounts, the Operation
2 and Maintenance accounts, and the Procurement ac-
3 counts: *Provided*, That these documents shall include a de-
4 scription of the funding requested for each contingency op-
5 eration, for each military service, to include all Active and
6 Reserve components, and for each appropriations account:
7 *Provided further*, That these documents shall include esti-
8 mated costs for each element of expense or object class,
9 a reconciliation of increases and decreases for each contin-
10 gency operation, and programmatic data including, but
11 not limited to, troop strength for each Active and Reserve
12 component, and estimates of the major weapons systems
13 deployed in support of each contingency: *Provided further*,
14 That these documents shall include budget exhibits OP-
15 5 and OP-32 (as defined in the Department of Defense
16 Financial Management Regulation) for all contingency op-
17 erations for the budget year and the two preceding fiscal
18 years.

19 SEC. 8075. None of the funds in this Act may be
20 used for research, development, test, evaluation, procure-
21 ment or deployment of nuclear armed interceptors of a
22 missile defense system.

23 SEC. 8076. In addition to the amounts appropriated
24 or otherwise made available elsewhere in this Act,
25 \$20,000,000 is hereby appropriated to the Department of

1 Defense: *Provided*, That upon the determination of the
 2 Secretary of Defense that it shall serve the national inter-
 3 est, he shall make grants in the amount specified as fol-
 4 lows: \$20,000,000 to the United Service Organizations.

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

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

23 SEC. 8079. (a) At the time members of reserve com-
 24 ponents of the Armed Forces are called or ordered to ac-
 25 tive duty under section 12302(a) of title 10, United States

1 Code, each member shall be notified in writing of the ex-
 2 pected period during which the member will be mobilized.

3 (b) The Secretary of Defense may waive the require-
 4 ments of subsection (a) in any case in which the Secretary
 5 determines that it is necessary to do so to respond to a
 6 national security emergency or to meet dire operational
 7 requirements of the Armed Forces.

8 (INCLUDING TRANSFER OF FUNDS)

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

1 to any other transfer authority contained elsewhere in this
2 Act.

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

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

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

22 SEC. 8083. Up to \$15,000,000 of the funds appro-
23 priated under the heading “Operation and Maintenance,
24 Navy” may be made available for the Asia Pacific Re-
25 gional Initiative Program for the purpose of enabling the

1 Pacific Command to execute Theater Security Cooperation
2 activities such as humanitarian assistance, and payment
3 of incremental and personnel costs of training and exer-
4 cising with foreign security forces: *Provided*, That funds
5 made available for this purpose may be used, notwith-
6 standing any other funding authorities for humanitarian
7 assistance, security assistance or combined exercise ex-
8 penses: *Provided further*, That funds may not be obligated
9 to provide assistance to any foreign country that is other-
10 wise prohibited from receiving such type of assistance
11 under any other provision of law.

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

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

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

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

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

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8087. Notwithstanding any other provision of
22 law, the Secretary of the Army may use up to \$25,000,000
23 of funds appropriated for Operation and Maintenance,
24 Army in this Act for real property maintenance and repair
25 projects and activities at Arlington National Cemetery.

1 SEC. 8088. (a) Not later than 60 days after enact-
2 ment of this Act, the Director of National Intelligence
3 shall submit a report to the congressional intelligence com-
4 mittees to establish the baseline for application of re-
5 programming and transfer authorities for fiscal year
6 2013: *Provided*, That the report shall include—

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

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

14 (3) an identification of items of special congres-
15 sional interest.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8089. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, \$20,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8090. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8091. For the purposes of this Act, the term "congressional intelligence committees" means the Perma-

1 nent Select Committee on Intelligence of the House of
 2 Representatives, the Select Committee on Intelligence of
 3 the Senate, the Subcommittee on Defense of the Com-
 4 mittee on Appropriations of the House of Representatives,
 5 and the Subcommittee on Defense of the Committee on
 6 Appropriations of the Senate.

7 SEC. 8092. The Department of Defense shall con-
 8 tinue to report incremental contingency operations costs
 9 for Operation New Dawn and Operation Enduring Free-
 10 dom on a monthly basis in the Cost of War Execution
 11 Report as prescribed in the Department of Defense Finan-
 12 cial Management Regulation Department of Defense In-
 13 struction 7000.14, Volume 12, Chapter 23 “Contingency
 14 Operations”, Annex 1, dated September 2005.

15 (INCLUDING TRANSFER OF FUNDS)

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8094. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

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

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

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

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

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

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

11 (2) take any action to enforce any provision of
12 an existing agreement with an employee or inde-
13 pendent contractor that mandates that the employee
14 or independent contractor resolve through arbitra-
15 tion any claim under title VII of the Civil Rights Act
16 of 1964 or any tort related to or arising out of sex-
17 ual assault or harassment, including assault and
18 battery, intentional infliction of emotional distress,
19 false imprisonment, or negligent hiring, supervision,
20 or retention.

21 (b) None of the funds appropriated or otherwise
22 made available by this Act may be expended for any Fed-
23 eral contract unless the contractor certifies that it requires
24 each covered subcontractor to agree not to enter into, and
25 not to take any action to enforce any provision of, any

1 agreement as described in paragraphs (1) and (2) of sub-
2 section (a), with respect to any employee or independent
3 contractor performing work related to such subcontract.
4 For purposes of this subsection, a “covered subcon-
5 tractor” is an entity that has a subcontract in excess of
6 \$1,000,000 on a contract subject to subsection (a).

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

11 (d) The Secretary of Defense may waive the applica-
12 tion of subsection (a) or (b) to a particular contractor or
13 subcontractor for the purposes of a particular contract or
14 subcontract if the Secretary or the Deputy Secretary per-
15 sonally determines that the waiver is necessary to avoid
16 harm to national security interests of the United States,
17 and that the term of the contract or subcontract is not
18 longer than necessary to avoid such harm. The determina-
19 tion shall set forth with specificity the grounds for the
20 waiver and for the contract or subcontract term selected,
21 and shall state any alternatives considered in lieu of a
22 waiver and the reasons each such alternative would not
23 avoid harm to national security interests of the United
24 States. The Secretary of Defense shall transmit to Con-
25 gress, and simultaneously make public, any determination

1 under this subsection not less than 15 business days be-
2 fore the contract or subcontract addressed in the deter-
3 mination may be awarded.

4 SEC. 8097. None of the funds made available under
5 this Act may be distributed to the Association of Commu-
6 nity Organizations for Reform Now (ACORN) or its sub-
7 sidiaries.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8098. From within the funds appropriated for
10 operation and maintenance for the Defense Health Pro-
11 gram in this Act, up to \$139,204,000, shall be available
12 for transfer to the Joint Department of Defense-Depart-
13 ment of Veterans Affairs Medical Facility Demonstration
14 Fund in accordance with the provisions of section 1704
15 of the National Defense Authorization Act for Fiscal Year
16 2010, Public Law 111–84: *Provided*, That for purposes
17 of section 1704(b), the facility operations funded are oper-
18 ations of the integrated Captain James A. Lovell Federal
19 Health Care Center, consisting of the North Chicago Vet-
20 erans Affairs Medical Center, the Navy Ambulatory Care
21 Center, and supporting facilities designated as a combined
22 Federal medical facility as described by section 706 of
23 Public Law 110–417: *Provided further*, That additional
24 funds may be transferred from funds appropriated for op-
25 eration and maintenance for the Defense Health Program

1 to the Joint Department of Defense-Department of Vet-
2 erans Affairs Medical Facility Demonstration Fund upon
3 written notification by the Secretary of Defense to the
4 Committees on Appropriations of the House of Represent-
5 atives and the Senate.

6 SEC. 8099. (a) In this section the term “conference”
7 has the meaning given that term under section 300-3.1
8 of title 41, Code of Federal Regulations, or any successor
9 thereto.

10 (b) A grant or contract funded by amounts made
11 available under this Act may not be used for the purpose
12 of defraying the cost of a conference that is not directly
13 and programmatically related to the purpose of the pro-
14 gram under which the grant or contract was awarded.

15 (c)(1) Except as provided in paragraph (3), the De-
16 partment of Defense may not sponsor or host a conference
17 for which the cost to the Department is expected to be
18 more than \$100,000 using amounts made available under
19 this Act, unless the Deputy Secretary of Defense approves
20 sponsoring or hosting the conference.

21 (2)(A) Except as provided in subparagraph (B) or
22 paragraph (3), the Department of Defense may not spon-
23 sor or host a conference for which the cost to the Depart-
24 ment is expected to be more than \$500,000 using amounts
25 made available under this Act.

1 (B) The Deputy Secretary of Defense may
2 waive the prohibition under subparagraph (A) if the
3 Deputy Secretary determines that it is in the inter-
4 est of national security to spend more than
5 \$500,000 on a conference.

6 (3) For purposes of a conference sponsored or hosted
7 by the Office of the Inspector General of the Department
8 of Defense, the Inspector General shall discharge the au-
9 thorities and responsibilities of the Deputy Secretary of
10 Defense under this subsection.

11 (d) Not later than October 31, 2013, the Deputy Sec-
12 retary of Defense shall provide a publicly available report
13 of all Department-sponsored conferences during fiscal year
14 2013 where the cost to the Department is more than
15 \$100,000 using amounts made available under this Act,
16 which—

17 (1) shall include, for each such conference—

18 (A) the cost of the conference to the De-
19 partment of Defense;

20 (B) the location of the conference;

21 (C) the date of the conference;

22 (D) a brief explanation of how the con-
23 ference advanced the mission of the Depart-
24 ment of Defense;

1 (E) the total number of individuals whose
2 travel expenses or other conference expenses
3 were paid by the Department of Defense; and

4 (F) any waiver made under subsection
5 (c)(2)(B); and

6 (2) shall not include any confidential or simi-
7 larly sensitive information.

8 SEC. 8100. None of the funds appropriated or other-
9 wise made available by this Act may be obligated or ex-
10 pended to pay a retired general or flag officer to serve
11 as a senior mentor advising the Department of Defense
12 unless such retired officer files a Standard Form 278 (or
13 successor form concerning public financial disclosure
14 under part 2634 of title 5, Code of Federal Regulations)
15 to the Office of Government Ethics.

16 SEC. 8101. Appropriations available to the Depart-
17 ment of Defense may be used for the purchase of heavy
18 and light armored vehicles for the physical security of per-
19 sonnel or for force protection purposes up to a limit of
20 \$250,000 per vehicle, notwithstanding price or other limi-
21 tations applicable to the purchase of passenger carrying
22 vehicles.

23 SEC. 8102. Of the amounts appropriated for “Oper-
24 ation and Maintenance, Defense-Wide”, \$106,482,000
25 shall be available to the Secretary of Defense, notwith-

1 standing any other provision of law, acting through the
 2 Office of Economic Adjustment of the Department of De-
 3 fense, to make grants, conclude cooperative agreements,
 4 and supplement other Federal funds, to remain available
 5 until expended, to assist the civilian population of Guam
 6 in response to the military buildup of Guam, for address-
 7 ing the need for civilian water and wastewater improve-
 8 ments: *Provided*, That the Secretary of Defense shall, not
 9 fewer than 15 days prior to obligating funds for this pur-
 10 pose, notify the congressional defense committees in writ-
 11 ing of the details of any such obligation.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 8103. There is hereby established in the Treas-
 14 ury of the United States the “Ship Modernization, Oper-
 15 ations and Sustainment Fund”. There is appropriated
 16 \$2,382,100,000, for the “Ship Modernization, Operations
 17 and Sustainment Fund”, to remain available until Sep-
 18 tember 30, 2014: *Provided*, That the Secretary of the
 19 Navy shall transfer funds from the “Ship Modernization,
 20 Operations and Sustainment Fund” to appropriations for
 21 military personnel; operation and maintenance; research,
 22 development, test and evaluation; and procurement, only
 23 for the purposes of manning, operating, sustaining, equip-
 24 ping and modernizing the Ticonderoga-class guided mis-
 25 sile cruisers CG–63, CG–64, CG–65, CG–66, CG–68, CG–

1 69, CG-73, and the Whidbey Island-class dock landing
 2 ships LSD-41 and LSD-46: *Provided further*, That funds
 3 transferred shall be merged with and be available for the
 4 same purposes and for the same time period as the appro-
 5 priation to which they are transferred: *Provided further*,
 6 That the transfer authority provided herein shall be in ad-
 7 dition to any other transfer authority available to the De-
 8 partment of Defense: *Provided further*, That the Secretary
 9 of the Navy shall, not less than 30 days prior to making
 10 any transfer from the “Ship Modernization, Operations
 11 and Sustainment Fund”, notify the congressional defense
 12 committees in writing of the details of such transfer.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8104. Of the amounts made available in this
 15 Act under the heading “Operation and Maintenance, De-
 16 fense-Wide”, there is appropriated \$51,000,000, to be
 17 available until expended: *Provided*, That such funds shall
 18 only be available to the Secretary of Defense, acting
 19 through the Office of Economic Adjustment of the Depart-
 20 ment of Defense, or for transfer to the Secretary of Edu-
 21 cation, notwithstanding any other provision of law, to
 22 make grants, conclude cooperative agreements, or supple-
 23 ment other Federal funds to construct, renovate, repair,
 24 or expand elementary and secondary public schools on
 25 military installations in order to address capacity or facil-

1 ity condition deficiencies at such schools: *Provided further*,
2 That in making such funds available, the Office of Eco-
3 nomic Adjustment or the Secretary of Education shall give
4 priority consideration to those military installations with
5 schools having the most serious capacity or facility condi-
6 tion deficiencies as determined by the Secretary of De-
7 fense: *Provided further*, That funds may not be made
8 available for a school unless its enrollment of Department
9 of Defense-connected children is greater than 50 percent.

10 SEC. 8105. None of the funds appropriated or other-
11 wise made available in this or any other Act may be used
12 to transfer, release, or assist in the transfer or release to
13 or within the United States, its territories, or possessions
14 Khalid Sheikh Mohammed or any other detainee who—

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

17 (2) is or was held on or after June 24, 2009,
18 at the United States Naval Station, Guantánamo
19 Bay, Cuba, by the Department of Defense.

20 SEC. 8106. (a)(1) Except as provided in paragraph
21 (2) and subsection (d), none of the funds appropriated or
22 otherwise made available in this or any other Act may be
23 used to transfer any individual detained at Guantánamo
24 to the custody or control of the individual's country of ori-
25 gin, any other foreign country, or any other foreign entity

1 unless the Secretary of Defense submits to Congress the
2 certification described in subsection (b) not later than 30
3 days before the transfer of the individual.

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

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

12 (B) a pre-trial agreement entered in a military
13 commission case prior to the date of the enactment
14 of this Act.

15 (b) A certification described in this subsection is a
16 written certification made by the Secretary of Defense,
17 with the concurrence of the Secretary of State and in con-
18 sultation with the Director of National Intelligence, that—

19 (1) the government of the foreign country or
20 the recognized leadership of the foreign entity to
21 which the individual detained at Guantánamo is to
22 be transferred—

23 (A) is not a designated state sponsor of
24 terrorism or a designated foreign terrorist orga-
25 nization;

1 (B) maintains control over each detention
2 facility in which the individual is to be detained
3 if the individual is to be housed in a detention
4 facility;

5 (C) is not, as of the date of the certifi-
6 cation, facing a threat that is likely to substan-
7 tially affect its ability to exercise control over
8 the individual;

9 (D) has taken or agreed to take effective
10 actions to ensure that the individual cannot
11 take action to threaten the United States, its
12 citizens, or its allies in the future;

13 (E) has taken or agreed to take such ac-
14 tions as the Secretary of Defense determines
15 are necessary to ensure that the individual can-
16 not engage or re-engage in any terrorist activ-
17 ity; and

18 (F) has agreed to share with the United
19 States any information that—

20 (i) is related to the individual or any
21 associates of the individual; and

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

24 (2) includes an assessment, in classified or un-
25 classified form, of the capacity, willingness, and past

1 practices (if applicable) of the foreign country or en-
2 tity in relation to the Secretary's certifications.

3 (c)(1) Except as provided in paragraph (2) and sub-
4 section (d), none of the funds appropriated or otherwise
5 made available in this or any other Act may be used to
6 transfer any individual detained at Guantánamo to the
7 custody or control of the individual's country of origin, any
8 other foreign country, or any other foreign entity if there
9 is a confirmed case of any individual who was detained
10 at United States Naval Station, Guantánamo Bay, Cuba,
11 at any time after September 11, 2001, who was trans-
12 ferred to such foreign country or entity and subsequently
13 engaged in any terrorist activity.

14 (2) Paragraph (1) shall not apply to any action taken
15 by the Secretary to transfer any individual detained at
16 Guantánamo to effectuate—

17 (A) an order affecting the disposition of the in-
18 dividual that is issued by a court or competent tri-
19 bunal of the United States having lawful jurisdiction
20 (which the Secretary shall notify Congress of
21 promptly after issuance); or

22 (B) a pre-trial agreement entered in a military
23 commission case prior to the date of the enactment
24 of this Act.

1 (d)(1) The Secretary of Defense may waive the appli-
2 cability to a detainee transfer of a certification require-
3 ment specified in subparagraph (D) or (E) of subsection
4 (b)(1) or the prohibition in subsection (c), if the Secretary
5 certifies the rest of the criteria required by subsection (b)
6 for transfers prohibited by (c) and, with the concurrence
7 of the Secretary of State and in consultation with the Di-
8 rector of National Intelligence, determines that—

9 (A) alternative actions will be taken to address
10 the underlying purpose of the requirement or re-
11 quirements to be waived;

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

19 (C) in the case of a waiver of subsection (c), the
20 Secretary has considered any confirmed case in
21 which an individual who was transferred to the
22 country subsequently engaged in terrorist activity,
23 and the actions to be taken under subparagraph (A)
24 will substantially mitigate the risk of recidivism with
25 regard to the individual to be transferred; and

1 (D) the transfer is in the national security in-
2 terests of the United States.

3 (2) Whenever the Secretary makes a determination
4 under paragraph (1), the Secretary shall submit to the ap-
5 propriate committees of Congress, not later than 30 days
6 before the transfer of the individual concerned, the fol-
7 lowing:

8 (A) A copy of the determination and the waiver
9 concerned.

10 (B) A statement of the basis for the determina-
11 tion, including—

12 (i) an explanation why the transfer is in
13 the national security interests of the United
14 States; and

15 (ii) in the case of a waiver of subparagraph
16 (D) or (E) of subsection (b)(1), an explanation
17 why it is not possible to certify that the risks
18 addressed in the subparagraph to be waived
19 have been completely eliminated.

20 (C) A summary of the alternative actions to be
21 taken to address the underlying purpose of, and to
22 mitigate the risks addressed in, the subparagraph or
23 subsection to be waived.

24 (D) The assessment required by subsection
25 (b)(2).

1 (e) In this section:

2 (1) The term “appropriate committees of Con-
3 gress” means—

4 (A) the Committee on Armed Services, the
5 Committee on Appropriations, and the Select
6 Committee on Intelligence of the Senate; and

7 (B) the Committee on Armed Services, the
8 Committee on Appropriations, and the Perma-
9 nent Select Committee on Intelligence of the
10 House of Representatives.

11 (2) The term “individual detained at
12 Guantánamo” means any individual located at
13 United States Naval Station, Guantánamo Bay,
14 Cuba, as of October 1, 2009, who—

15 (A) is not a citizen of the United States or
16 a member of the Armed Forces of the United
17 States; and

18 (B) is—

19 (i) in the custody or under the control
20 of the Department of Defense; or

21 (ii) otherwise under detention at
22 United States Naval Station, Guantánamo
23 Bay, Cuba.

24 (3) The term “foreign terrorist organization”
25 means any organization so designated by the Sec-

1 retary of State under section 219 of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1189).

3 SEC. 8107. (a) None of the funds appropriated or
4 otherwise made available in this or any other Act may be
5 used to construct, acquire, or modify any facility in the
6 United States, its territories, or possessions to house any
7 individual described in subsection (c) for the purposes of
8 detention or imprisonment in the custody or under the ef-
9 fective control of the Department of Defense.

10 (b) The prohibition in subsection (a) shall not apply
11 to any modification of facilities at United States Naval
12 Station, Guantánamo Bay, Cuba.

13 (c) An individual described in this subsection is any
14 individual who, as of June 24, 2009, is located at United
15 States Naval Station, Guantánamo Bay, Cuba, and who—

16 (1) is not a citizen of the United States or a
17 member of the Armed Forces of the United States;
18 and

19 (2) is—

20 (A) in the custody or under the effective
21 control of the Department of Defense; or

22 (B) otherwise under detention at United
23 States Naval Station, Guantánamo Bay, Cuba.

24 SEC. 8108. None of the funds made available by this
25 Act may be used to enter into a contract, memorandum

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

13 SEC. 8109. None of the funds made available by this
14 Act may be used to enter into a contract, memorandum
15 of understanding, or cooperative agreement with, make a
16 grant to, or provide a loan or loan guarantee to, any cor-
17 poration that was convicted of a felony criminal violation
18 under any Federal law within the preceding 24 months,
19 where the awarding agency is aware of the conviction, un-
20 less the agency has considered suspension or debarment
21 of the corporation and made a determination that this fur-
22 ther action is not necessary to protect the interests of the
23 Government.

24 SEC. 8110. 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. 8111. It is the Sense of the Senate that the
 5 next available capital warship of the U.S. Navy be named
 6 the USS Ted Stevens to recognize the public service
 7 achievements, military service sacrifice, and undaunted
 8 heroism and courage of the long-serving United States
 9 Senator for Alaska.

10 TITLE IX

11 OVERSEAS CONTINGENCY OPERATIONS

12 MILITARY PERSONNEL

13 MILITARY PERSONNEL, ARMY

14 For an additional amount for “Military Personnel,
 15 Army”, \$9,790,082,000: *Provided*, That such amount is
 16 designated by the Congress for Overseas Contingency Op-
 17 erations/Global War on Terrorism pursuant to section
 18 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
 19 Deficit Control Act of 1985.

20 MILITARY PERSONNEL, NAVY

21 For an additional amount for “Military Personnel,
 22 Navy”, \$869,625,000: *Provided*, That such amount is des-
 23 ignated by the Congress for Overseas Contingency Oper-
 24 ations/Global War on Terrorism pursuant to section

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

3 MILITARY PERSONNEL, MARINE CORPS

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

10 MILITARY PERSONNEL, AIR FORCE

11 For an additional amount for “Military Personnel,
12 Air Force”, \$1,286,783,000: *Provided*, That such amount
13 is designated by the Congress for Overseas Contingency
14 Operations/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 RESERVE PERSONNEL, ARMY

18 For an additional amount for “Reserve Personnel,
19 Army”, \$156,893,000: *Provided*, That such amount is
20 designated by the Congress for Overseas Contingency Op-
21 erations/Global War on Terrorism pursuant to section
22 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

1 RESERVE PERSONNEL, NAVY

2 For an additional amount for “Reserve Personnel,
3 Navy”, \$39,335,000: *Provided*, That such amount is des-
4 ignated by the Congress for Overseas Contingency Oper-
5 ations/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, MARINE CORPS

9 For an additional amount for “Reserve Personnel,
10 Marine Corps”, \$24,722,000: *Provided*, That such amount
11 is designated by the Congress for Overseas Contingency
12 Operations/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, AIR FORCE

16 For an additional amount for “Reserve Personnel,
17 Air Force”\$25,348,000: *Provided*, That such amount is
18 designated by the Congress for Overseas Contingency Op-
19 erations/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 NATIONAL GUARD PERSONNEL, ARMY

23 For an additional amount for “National Guard Per-
24 sonnel, Army”, \$583,804,000: *Provided*, That such
25 amount is designated by the Congress for Overseas Con-

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

4 NATIONAL GUARD PERSONNEL, AIR FORCE

5 For an additional amount for “National Guard Per-
 6 sonnel, Air Force”, \$10,473,000: *Provided*, That such
 7 amount is designated by the Congress for Overseas Con-
 8 tingency Operations/Global War on Terrorism pursuant to
 9 section 251(b)(2)(A)(ii) of the Balanced Budget and
 10 Emergency Deficit Control Act of 1985.

11 OPERATION AND MAINTENANCE

12 OPERATION AND MAINTENANCE, ARMY

13 For an additional amount for “Operation and Main-
 14 tenance, Army”, \$30,578,256,000: *Provided*, That such
 15 amount is designated by the Congress for Overseas Con-
 16 tingency Operations/Global War on Terrorism pursuant to
 17 section 251(b)(2)(A)(ii) of the Balanced Budget and
 18 Emergency Deficit Control Act of 1985.

19 OPERATION AND MAINTENANCE, NAVY

20 For an additional amount for “Operation and Main-
 21 tenance, Navy”, \$6,968,812,000: *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 OPERATION AND MAINTENANCE, MARINE CORPS

2 For an additional amount for “Operation and Main-
3 tenance, Marine Corps”, \$4,108,340,000: *Provided*, That
4 such amount is designated by the Congress for Overseas
5 Contingency Operations/Global War on Terrorism pursu-
6 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 OPERATION AND MAINTENANCE, AIR FORCE

9 For an additional amount for “Operation and Main-
10 tenance, Air Force”, \$9,291,493,000: *Provided*, That such
11 amount is designated by the Congress for Overseas Con-
12 tingency Operations/Global War on Terrorism pursuant to
13 section 251(b)(2)(A)(ii) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985.

15 OPERATION AND MAINTENANCE, DEFENSE-WIDE

16 For an additional amount for “Operation and Main-
17 tenance, Defense-Wide”, \$8,274,052,000: *Provided*, That
18 of the funds provided under this heading, not to exceed
19 \$1,750,000,000, to remain available until September 30,
20 2014, shall be for payments to reimburse key cooperating
21 nations for logistical, military, and other support, includ-
22 ing access, provided to United States military operations
23 in support of Operation Enduring Freedom and post-oper-
24 ation Iraq border security related to the activities of the
25 Office of Security Cooperation in Iraq, notwithstanding

1 any other provision of law: *Provided further*, That such
2 reimbursement payments may be made in such amounts
3 as the Secretary of Defense, with the concurrence of the
4 Secretary of State, and in consultation with the Director
5 of the Office of Management and Budget, may determine,
6 in his discretion, based on documentation determined by
7 the Secretary of Defense to adequately account for the
8 support provided, and such determination is final and con-
9 clusive upon the accounting officers of the United States,
10 and 15 days following notification to the appropriate con-
11 gressional committees: *Provided further*, That the require-
12 ment under this heading to provide notification to the ap-
13 propriate congressional committees shall not apply with
14 respect to a reimbursement for access based on an inter-
15 national agreement: *Provided further*, That these funds
16 may be used for the purpose of providing specialized train-
17 ing and procuring supplies and specialized equipment and
18 providing such supplies and loaning such equipment on a
19 non-reimbursable basis to coalition forces supporting
20 United States military operations in Afghanistan, and 15
21 days following notification to the appropriate congres-
22 sional committees: *Provided further*, That the Secretary of
23 Defense shall provide quarterly reports to the congres-
24 sional defense committees on the use of funds provided
25 in this paragraph: *Provided further*, That such amount in

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

5 OPERATION AND MAINTENANCE, ARMY RESERVE

6 For an additional amount for “Operation and Main-
 7 tenance, Army Reserve”, \$154,537,000: *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 OPERATION AND MAINTENANCE, NAVY RESERVE

13 For an additional amount for “Operation and Main-
 14 tenance, Navy Reserve”, \$55,924,000: *Provided*, That
 15 such amount is designated by the Congress for Overseas
 16 Contingency Operations/Global War on Terrorism pursu-
 17 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
 18 and Emergency Deficit Control Act of 1985.

19 OPERATION AND MAINTENANCE, MARINE CORPS

20 RESERVE

21 For an additional amount for “Operation and Main-
 22 tenance, Marine Corps Reserve”, \$25,477,000: *Provided*,
 23 That such amount is designated by the Congress for Over-
 24 seas Contingency Operations/Global War on Terrorism

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

3 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

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

10 OPERATION AND MAINTENANCE, ARMY NATIONAL

11 GUARD

12 For an additional amount for “Operation and Main-
 13 tenance, Army National Guard”, \$382,448,000: *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 NATIONAL GUARD

19 For an additional amount for “Operation and Main-
 20 tenance, Air National Guard”, \$19,975,000: *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 AFGHANISTAN INFRASTRUCTURE FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For the “Afghanistan Infrastructure Fund”,
4 \$350,000,000, to remain available until September 30,
5 2014: *Provided*, That such sums shall be available to the
6 Secretary of Defense for infrastructure projects in Af-
7 ghanistan, notwithstanding any other provision of law,
8 which shall be undertaken by the Secretary of State, un-
9 less the Secretary of State and the Secretary of Defense
10 jointly decide that a specific project will be undertaken
11 by the Department of Defense: *Provided further*, That the
12 infrastructure referred to in the preceding proviso is in
13 support of the counterinsurgency strategy, which may re-
14 quire funding for facility and infrastructure projects, in-
15 cluding, but not limited to, water, power, and transpor-
16 tation projects and related maintenance and sustainment
17 costs: *Provided further*, That the authority to undertake
18 such infrastructure projects is in addition to any other au-
19 thority to provide assistance to foreign nations: *Provided*
20 *further*, That any projects funded under this heading shall
21 be jointly formulated and concurred in by the Secretary
22 of State and Secretary of Defense: *Provided further*, That
23 funds may be transferred to the Department of State for
24 purposes of undertaking projects, which funds shall be
25 considered to be economic assistance under the Foreign

1 Assistance Act of 1961 for purposes of making available
2 the administrative authorities contained in that Act: *Pro-*
3 *vided further*, That the transfer authority in the preceding
4 proviso is in addition to any other authority available to
5 the Department of Defense to transfer funds: *Provided*
6 *further*, That any unexpended funds transferred to the
7 Secretary of State under this authority shall be returned
8 to the Afghanistan Infrastructure Fund if the Secretary
9 of State, in coordination with the Secretary of Defense,
10 determines that the project cannot be implemented for any
11 reason, or that the project no longer supports the counter-
12 insurgency strategy in Afghanistan: *Provided further*, That
13 any funds returned to the Secretary of Defense under the
14 previous proviso shall be available for use under this ap-
15 propriation and shall be treated in the same manner as
16 funds not transferred to the Secretary of State: *Provided*
17 *further*, That contributions of funds for the purposes pro-
18 vided herein to the Secretary of State in accordance with
19 section 635(d) of the Foreign Assistance Act from any
20 person, foreign government, or international organization
21 may be credited to this Fund, to remain available until
22 expended, and used for such purposes: *Provided further*,
23 That the Secretary of Defense shall, not fewer than 15
24 days prior to making transfers to or from, or obligations
25 from the Fund, notify the appropriate committees of Con-

gress in writing of the details of any such transfer: *Provided further*, That the “appropriate committees of Congress” are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the “Afghanistan Security Forces Fund”, \$5,149,167,000, to remain available until September 30, 2013: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That con-

1 tributions of funds for the purposes provided herein from
 2 any person, foreign government, or international organiza-
 3 tion may be credited to this Fund, to remain available
 4 until expended, and used for such purposes: *Provided fur-*
 5 *ther*, That the Secretary of Defense shall notify the con-
 6 gressional defense committees in writing upon the receipt
 7 and upon the obligation of any contribution, delineating
 8 the sources and amounts of the funds received and the
 9 specific use of such contributions: *Provided further*, That
 10 the Secretary of Defense shall, not fewer than 15 days
 11 prior to obligating from this appropriation account, notify
 12 the congressional defense committees in writing of the de-
 13 tails of any such obligation: *Provided further*, That the
 14 Secretary of Defense shall notify the congressional defense
 15 committees of any proposed new projects or transfer of
 16 funds between budget sub-activity groups in excess of
 17 \$20,000,000: *Provided further*, 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 PROCUREMENT

23 AIRCRAFT PROCUREMENT, ARMY

24 For an additional amount for “Aircraft Procurement,
 25 Army”, \$1,140,294,000, to remain available until Sep-

1 tember 30, 2015: *Provided*, That such amount is des-
 2 ignated by the Congress for Overseas Contingency Oper-
 3 ations/Global War on Terrorism pursuant to section
 4 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
 5 Deficit Control Act of 1985.

6 MISSILE PROCUREMENT, ARMY

7 For an additional amount for “Missile Procurement,
 8 Army”, \$67,951,000, to remain available until September
 9 30, 2015: *Provided*, That such amount is designated by
 10 the Congress for Overseas Contingency Operations/Global
 11 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
 12 the Balanced Budget and Emergency Deficit Control Act
 13 of 1985.

14 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

15 VEHICLES, ARMY

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

23 PROCUREMENT OF AMMUNITION, ARMY

24 For an additional amount for “Procurement of Am-
 25 munition, Army”, \$326,193,000, to remain available until

1 September 30, 2015: *Provided*, That such amount is des-
 2 ignated by the Congress for Overseas Contingency Oper-
 3 ations/Global War on Terrorism pursuant to section
 4 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
 5 Deficit Control Act of 1985.

6 OTHER PROCUREMENT, ARMY

7 For an additional amount for “Other Procurement,
 8 Army”, \$2,284,190,000, to remain available until Sep-
 9 tember 30, 2015: *Provided*, That such amount is des-
 10 ignated by the Congress for Overseas Contingency Oper-
 11 ations/Global War on Terrorism pursuant to section
 12 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
 13 Deficit Control Act of 1985.

14 AIRCRAFT PROCUREMENT, NAVY

15 For an additional amount for “Aircraft Procurement,
 16 Navy”, \$426,436,000, to remain available until September
 17 30, 2015: *Provided*, That such amount is designated by
 18 the Congress for Overseas Contingency Operations/Global
 19 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
 20 the Balanced Budget and Emergency Deficit Control Act
 21 of 1985.

22 WEAPONS PROCUREMENT, NAVY

23 For an additional amount for “Weapons Procure-
 24 ment, Navy”, \$23,500,000, to remain available until Sep-
 25 tember 30, 2015: *Provided*, That such amount is des-

7 For an additional amount for “Procurement of Am-
8 munition, Navy and Marine Corps”, \$284,356,000, to re-
9 main available until September 30, 2015: *Provided*, That
10 such amount is designated by the Congress for Overseas
11 Contingency Operations/Global War on Terrorism pursu-
12 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
13 and Emergency Deficit Control Act of 1985.

15 For an additional amount for “Other Procurement,
16 Navy”, \$98,882,000, to remain available until September
17 30, 2015: *Provided*, That such amount is designated by
18 the Congress for Overseas Contingency Operations/Global
19 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
20 the Balanced Budget and Emergency Deficit Control Act
21 of 1985.

For an additional amount for “Procurement, Marine Corps”, \$865,977,000, to remain available until September 30, 2015: *Provided*, That such amount is des-

1 ignated by the Congress for Overseas Contingency Oper-
 2 ations/Global War on Terrorism pursuant to section
 3 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
 4 Deficit Control Act of 1985.

5 AIRCRAFT PROCUREMENT, AIR FORCE

6 For an additional amount for “Aircraft Procurement,
 7 Air Force”, \$395,327,000, to remain available until Sep-
 8 tember 30, 2015: *Provided*, That such amount is des-
 9 ignated by the Congress for Overseas Contingency Oper-
 10 ations/Global War on Terrorism pursuant to section
 11 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
 12 Deficit Control Act of 1985.

13 MISSILE PROCUREMENT, AIR FORCE

14 For an additional amount for “Missile Procurement,
 15 Air Force”, \$34,350,000, to remain available until Sep-
 16 tember 30, 2015: *Provided*, That such amount is des-
 17 ignated by the Congress for Overseas Contingency Oper-
 18 ations/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 PROCUREMENT OF AMMUNITION, AIR FORCE

22 For an additional amount for “Procurement of Am-
 23 munition, Air Force”, \$116,203,000, to remain available
 24 until September 30, 2015: *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 OTHER PROCUREMENT, AIR FORCE

5 For an additional amount for “Other Procurement,
 6 Air Force”, \$2,684,470,000, to remain available until
 7 September 30, 2015: *Provided*, That such amount is des-
 8 ignated by the Congress for Overseas Contingency Oper-
 9 ations/Global War on Terrorism pursuant to section
 10 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
 11 Deficit Control Act of 1985.

12 PROCUREMENT, DEFENSE-WIDE

13 For an additional amount for “Procurement, De-
 14 fense-Wide”, \$362,749,000, to remain available until Sep-
 15 tember 30, 2015: *Provided*, That such amount is des-
 16 ignated by the Congress for Overseas Contingency Oper-
 17 ations/Global War on Terrorism pursuant to section
 18 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
 19 Deficit Control Act of 1985.

20 NATIONAL GUARD AND RESERVE EQUIPMENT

21 For procurement of aircraft, missiles, tracked combat
 22 vehicles, ammunition, other weapons and other procure-
 23 ment for the reserve components of the Armed Forces,
 24 \$1,000,000,000, to remain available for obligation until
 25 September 30, 2015: *Provided*, That the Chiefs of Na-

1 tional Guard and Reserve components shall, not later than
 2 30 days after the enactment of this Act, individually sub-
 3 mit to the congressional defense committees the mod-
 4 ernization priority assessment for their respective Na-
 5 tional Guard or Reserve component: *Provided further*,
 6 That such amount is designated by the Congress for Over-
 7 seas Contingency Operations/Global War on Terrorism
 8 pursuant to section 251(b)(2)(A)(ii) of the Balanced
 9 Budget and Emergency Deficit Control Act of 1985.

10 RESEARCH, DEVELOPMENT, TEST AND
 11 EVALUATION

12 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
 13 ARMY

14 For an additional amount for “Research, Develop-
 15 ment, Test and Evaluation, Army”, \$42,357,000, to re-
 16 main available until September 30, 2014: *Provided*, That
 17 such amount is designated by the Congress for Overseas
 18 Contingency Operations/Global War on Terrorism pursu-
 19 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
 20 and Emergency Deficit Control Act of 1985.

21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
 22 NAVY

23 For an additional amount for “Research, Develop-
 24 ment, Test and Evaluation, Navy”, \$52,519,000, to re-
 25 main available until September 30, 2014: *Provided*, That

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

5 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
 6 AIR FORCE

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

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

16 For an additional amount for “Research, Develop-
 17 ment, Test and Evaluation, Defense-Wide”,
 18 \$112,387,000, 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 REVOLVING AND MANAGEMENT FUNDS

2 DEFENSE WORKING CAPITAL FUNDS

3 For an additional amount for “Defense Working
 4 Capital Funds”, \$1,467,864,000: *Provided*, 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 OTHER DEPARTMENT OF DEFENSE PROGRAMS

10 DEFENSE HEALTH PROGRAM

11 For an additional amount for “Defense Health Pro-
 12 gram”, \$993,898,000, which shall be for operation and
 13 maintenance: *Provided*, That such amount is designated
 14 by the Congress for Overseas Contingency Operations/
 15 Global War on Terrorism pursuant to section
 16 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
 17 Deficit Control Act of 1985.

18 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

19 DEFENSE

20 For an additional amount for “Drug Interdiction and
 21 Counter-Drug Activities, Defense”, \$469,025,000, to re-
 22 main available until September 30, 2014: *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 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND
4 (INCLUDING TRANSFER OF FUNDS)

5 For the “Joint Improvised Explosive Device Defeat
6 Fund”, \$1,514,114,000, to remain available until Sep-
7 tember 30, 2015: *Provided*, That such funds shall be avail-
8 able to the Secretary of Defense, notwithstanding any
9 other provision of law, for the purpose of allowing the Di-
10 rector of the Joint Improvised Explosive Device Defeat
11 Organization to investigate, develop and provide equip-
12 ment, supplies, services, training, facilities, personnel and
13 funds to assist United States forces in the defeat of impro-
14 vised explosive devices: *Provided further*, That the Sec-
15 retary of Defense may transfer funds provided herein to
16 appropriations for military personnel; operation and main-
17 tenance; procurement; research, development, test and
18 evaluation; and defense working capital funds to accom-
19 plish the purpose provided herein: *Provided further*, That
20 this transfer authority is in addition to any other transfer
21 authority available to the Department of Defense: *Pro-*
22 *vided further*, That the Secretary of Defense shall, not
23 fewer than 15 days prior to making transfers from this
24 appropriation, notify the congressional defense committees
25 in writing of the details of any such transfer: *Provided*

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

5 OFFICE OF THE INSPECTOR GENERAL

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

12 GENERAL PROVISIONS—THIS TITLE

13 SEC. 9001. Notwithstanding any other provision of
 14 law, funds made available in this title are in addition to
 15 amounts appropriated or otherwise made available for the
 16 Department of Defense for fiscal year 2013.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 9002. Upon the determination of the Secretary
 19 of Defense that such action is necessary in the national
 20 interest, the Secretary may, with the approval of the Of-
 21 fice of Management and Budget, transfer up to
 22 \$4,000,000,000 between the appropriations or funds made
 23 available to the Department of Defense in this title: *Pro-*
 24 *vided*, That the Secretary shall notify the Congress
 25 promptly of each transfer made pursuant to the authority

1 in this section: *Provided further*, That the authority pro-
2 vided in this section is in addition to any other transfer
3 authority available to the Department of Defense and is
4 subject to the same terms and conditions as the authority
5 provided in the Department of Defense Appropriations
6 Act, 2013.

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

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

1 or other limitations applicable to the purchase of pas-
2 senger carrying vehicles.

3 SEC. 9005. Not to exceed \$200,000,000 of the
4 amount appropriated in this title under the heading “Op-
5 eration and Maintenance, Army” may be used, notwith-
6 standing any other provision of law, to fund the Com-
7 mander’s Emergency Response Program (CERP), for the
8 purpose of enabling military commanders in Afghanistan
9 to respond to urgent, small-scale, humanitarian relief and
10 reconstruction requirements within their areas of responsi-
11 bility: *Provided*, That each project (including any ancillary
12 or related elements in connection with such project) exe-
13 cuted under this authority shall not exceed \$20,000,000:
14 *Provided further*, That not later than 45 days after the
15 end of each fiscal year quarter, the Secretary of Defense
16 shall submit to the congressional defense committees a re-
17 port regarding the source of funds and the allocation and
18 use of funds during that quarter that were made available
19 pursuant to the authority provided in this section or under
20 any other provision of law for the purposes described here-
21 in: *Provided further*, That, not later than 30 days after
22 the end of each month, the Army shall submit to the con-
23 gressional defense committees monthly commitment, obli-
24 gation, and expenditure data for the Commander’s Emer-
25 gency Response Program in Afghanistan: *Provided further*,

1 That not less than 15 days before making funds 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 for a project with a total anticipated cost for completion
5 of \$5,000,000 or more, the Secretary shall submit to the
6 congressional defense committees a written notice con-
7 taining each of the following:

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

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

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

24 SEC. 9006. Funds available to the Department of De-
25 fense for operation and maintenance may be used, not-

1 withstanding any other provision of law, to provide sup-
2 plies, services, transportation, including airlift and sealift,
3 and other logistical support to coalition forces supporting
4 military and stability operations in Afghanistan: *Provided*,
5 That the Secretary of Defense shall provide quarterly re-
6 ports to the congressional defense committees regarding
7 support provided under this section.

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

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

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

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

21 SEC. 9008. None of the funds made available in this
22 Act may be used in contravention of the following laws
23 enacted or regulations promulgated to implement the
24 United Nations Convention Against Torture and Other

1 Cruel, Inhuman or Degrading Treatment or Punishment
2 (done at New York on December 10, 1984):

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

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

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

17 SEC. 9009. None of the funds provided for the “Af-
18 ghanistan Security Forces Fund” (ASFF) may be obli-
19 gated prior to the approval of a financial and activity plan
20 by the Afghanistan Resources Oversight Council (AROC)
21 of the Department of Defense: *Provided*, That the AROC
22 must approve the requirement and acquisition plan for any
23 service requirements in excess of \$50,000,000 annually
24 and any non-standard equipment requirements in excess
25 of \$100,000,000 using ASFF: *Provided further*, That the

1 AROC must approve all projects and the execution plan
2 under the “Afghanistan Infrastructure Fund” (AIF) and
3 any project in excess of \$5,000,000 from the Commanders
4 Emergency Response Program (CERP): *Provided further*,
5 That the Department of Defense must certify to the con-
6 gressional defense committees that the AROC has con-
7 vened and approved a process for ensuring compliance
8 with the requirements in the preceding provisos and ac-
9 companying report language for the ASFF, AIF, and
10 CERP.

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

21 SEC. 9011. Notwithstanding any other provision of
22 law, up to \$93,000,000 of funds made available in this
23 title under the heading “Operation and Maintenance,
24 Army” may be obligated and expended for purposes of the
25 Task Force for Business and Stability Operations, subject

1 to the direction and control of the Secretary of Defense,
2 with concurrence of the Secretary of State, to carry out
3 strategic business and economic assistance activities in Af-
4 ghanistan in support of Operation Enduring Freedom:
5 *Provided*, That not less than 15 days before making funds
6 available pursuant to the authority provided in this section
7 for any project with a total anticipated cost of \$5,000,000
8 or more, the Secretary shall submit to the congressional
9 defense committees a written notice containing a detailed
10 justification and timeline for each proposed project.

11 SEC. 9012. From funds made available to the De-
12 partment of Defense in this title under the heading “Oper-
13 ation and Maintenance, Air Force” up to \$508,000,000
14 may be used by the Secretary of Defense, notwithstanding
15 any other provision of law, to support United States Gov-
16 ernment transition activities in Iraq by funding the oper-
17 ations and activities of the Office of Security Cooperation
18 in Iraq and security assistance teams, including life sup-
19 port, transportation and personal security, and facilities
20 renovation and construction: *Provided*, That to the extent
21 authorized under the National Defense Authorization Act
22 for Fiscal Year 2013, the operations and activities that
23 may be carried out by the Office of Security Cooperation
24 in Iraq may, with the concurrence of the Secretary of
25 State, include training and assisting Iraqi Ministry of De-

1 fense personnel to address gaps in capability of such per-
2 sonnel to manage defense-related institutions and inte-
3 grate processes relating to intelligence, air sovereignty,
4 combined arms, logistics and maintenance, and counter-
5 terrorism: *Provided further*, That not later than October
6 30, 2012, the Secretary of Defense and the Secretary of
7 State shall submit to the congressional defense committees
8 a plan for transitioning any such training and assisting
9 activities that they determine are needed after the end of
10 fiscal year 2013, to existing or new contracts for the sale
11 of defense articles or defense services consistent with the
12 provisions of the Arms Export Control Act (22 U.S.C.
13 2751 et seq.): *Provided further*, That not less than 15 days
14 before making funds available pursuant to the authority
15 provided in this section, the Secretary shall submit to the
16 congressional defense committees a written notice con-
17 taining a detailed justification and timeline for the oper-
18 ations and activities of the Office of Security Cooperation
19 Iraq at each site where such operations and activities will
20 be conducted during fiscal year 2013.

21 SEC. 9013. Of the funds appropriated in Department
22 of Defense Appropriations Acts, the following funds are
23 hereby rescinded from the following accounts and pro-
24 grams in the specified amounts: *Provided*, That such
25 amounts are designated by the Congress for Overseas

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

4 “Other Procurement, Army, 2012/2014”,
5 \$207,600,000;

6 “Mine Resistant Ambush Protected Vehicle
7 Fund, 2012/2013”, \$400,000,000;

8 “Research, Development, Test and Evaluation,
9 Air Force, 2012/2013”, \$58,000,000;

10 “Afghanistan Security Forces Fund, 2012/
11 2013”, \$1,000,000,000;

12 “Joint Improvised Explosive Device Defeat
13 Fund, 2012/2014”, \$40,300,000.

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

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