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Calendar No. 169

112TH CONGRESS
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H. R. 2219

[Report No. 112–77]

IN THE SENATE OF THE UNITED STATES

JULY 11, 2011

Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 15, 2011

Reported by Mr. INOUYE, with an amendment

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

AN ACT

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

~~That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2012, for military functions administered by the Department of Defense 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, $43,859,709,000.~~

~~MILITARY PERSONNEL, NAVY~~

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

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

~~MILITARY PERSONNEL, MARINE CORPS~~

~~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 Marine Corps on active duty (except members of the Reserve provided for elsewhere); 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, $13,480,436,000.~~

~~MILITARY PERSONNEL, AIR FORCE~~

~~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 Air Force 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 Depart-~~

~~ment of Defense Military Retirement Fund, $28,264,646,000.~~

~~RESERVE PERSONNEL, ARMY~~

~~For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,333,507,000.~~

~~RESERVE PERSONNEL, NAVY~~

~~For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title~~

~~10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,948,544,000.~~

~~RESERVE PERSONNEL, MARINE CORPS~~

~~For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $645,422,000.~~

~~RESERVE PERSONNEL, AIR FORCE~~

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

~~while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,711,653,000.~~

~~NATIONAL GUARD PERSONNEL, ARMY~~

~~For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,607,345,000.~~

~~NATIONAL GUARD PERSONNEL, AIR FORCE~~

~~For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of~~

~~title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,099,629,000.~~

~~TITLE II~~

~~OPERATION AND MAINTENANCE~~

~~OPERATION AND MAINTENANCE, ARMY~~

~~For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $34,581,321,000.~~

~~OPERATION AND MAINTENANCE, NAVY~~

~~For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,804,000 can be used for emergencies and extraordinary 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, $39,385,685,000.~~

~~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, $6,036,996,000.~~

~~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, $36,065,107,000.~~

~~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, $30,682,265,000 (reduced by $650,000) (reduced by $3,600,000): *Provided*, That not more than $47,026,000 may be used for the Combatant Commander Initiative Fund authorized under~~

~~section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $34,311,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $8,420,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred:~~

~~*Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.~~

~~OPERATION AND MAINTENANCE, ARMY RESERVE~~

~~For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,047,033,000.~~

~~OPERATION AND MAINTENANCE, NAVY RESERVE~~

~~For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,323,134,000.~~

~~OPERATION AND MAINTENANCE, MARINE CORPS RESERVE~~

~~For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $271,443,000.~~

~~OPERATION AND MAINTENANCE, AIR FORCE RESERVE~~

~~For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,310,459,000.~~

~~OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD~~

~~For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel ex-~~

~~penses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $6,979,232,000.~~

~~OPERATION AND MAINTENANCE, AIR NATIONAL GUARD~~

~~For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard~~

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

~~UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES~~

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

~~ENVIRONMENTAL RESTORATION, ARMY (INCLUDING TRANSFER OF FUNDS)~~

~~For the Department of the Army, $346,031,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation:~~

~~*Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.~~

~~ENVIRONMENTAL RESTORATION, NAVY~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For the Department of the Navy, $308,668,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.~~

~~ENVIRONMENTAL RESTORATION, AIR FORCE~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For the Department of the Air Force, $525,453,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.~~

~~ENVIRONMENTAL RESTORATION, DEFENSE-WIDE~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For the Department of Defense, $10,716,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds~~

~~are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.~~

~~ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For the Department of the Army, $276,495,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this~~

~~appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.~~

~~OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID~~

~~For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $107,662,000, to remain available until September 30, 2013.~~

~~COOPERATIVE THREAT REDUCTION ACCOUNT~~

~~For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and~~

~~storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $508,219,000, to remain available until September 30, 2014.~~

~~DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND~~

~~For the Department of Defense Acquisition Workforce Development Fund, $105,501,000.~~

~~TITLE III~~

~~PROCUREMENT~~

~~AIRCRAFT PROCUREMENT, ARMY~~

~~For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, ap-~~

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

~~MISSILE PROCUREMENT, ARMY~~

~~For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,464,223,000, to remain available for obligation until September 30, 2014.~~

~~PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY~~

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

~~sories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,178,886,000, to remain available for obligation until September 30, 2014.~~

~~PROCUREMENT OF AMMUNITION, ARMY~~

~~For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary~~

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

~~OTHER PROCUREMENT, ARMY~~

~~For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $9,371,952,000, to remain available for obligation until September 30, 2014.~~

~~AIRCRAFT PROCUREMENT, NAVY~~

~~For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, includ-~~

~~ing the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $17,804,750,000, to remain available for obligation until September 30, 2014.~~

~~WEAPONS PROCUREMENT, NAVY~~

~~For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,975,749,000, to remain available for obligation until September 30, 2014.~~

~~PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS~~

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

~~cialized equipment and training devices, expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $633,048,000, to remain available for obligation until September 30, 2014.~~

~~SHIPBUILDING AND CONVERSION, NAVY~~

~~For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:~~

~~Carrier Replacement Program (AP), $554,798,000.~~

~~Virginia Class Submarine, $3,221,314,000.~~

~~Virginia Class Submarine (AP), $1,461,361,000.~~

~~CVN Refueling (AP), $529,652,000.~~

~~DDG–1000, $453,727,000.~~

~~DDG–51, $1,978,314,000.~~

~~DDG–51 (AP), $100,723,000.~~

~~Littoral Combat Ship, $1,755,093,000.~~

~~LHA Replacement, $1,999,191,000.~~

~~LPD–17, $1,833,444,000.~~

~~Joint High Speed Vessel, $185,106,000.~~

~~Oceanographic Ships, $89,000,000.~~

~~Moored Training Ship (AP), $131,200,000.~~

~~Service Craft, $3,863,000.~~

~~LCAC Service Life Extension Program, $84,076,000.~~

~~For outfitting, post delivery, conversions, and first destination transportation, $270,639,000.~~

~~Completion of Prior Year Shipbuilding Programs, $73,992,000.~~

~~In all: $14,725,493,000, to remain available for obligation until September 30, 2016: *Provided*, That additional obligations may be incurred after September 30, 2016, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That~~

none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel. *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,996,459,000, to remain available for obligation until September 30, 2014.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military

~~equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,453,602,000, to remain available for obligation until September 30, 2014.~~

~~AIRCRAFT PROCUREMENT, AIR FORCE~~

~~For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things,~~

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

~~MISSILE PROCUREMENT, AIR FORCE~~

~~For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $5,689,998,000, to remain available for obligation until September 30, 2014.~~

~~PROCUREMENT OF AMMUNITION, AIR FORCE~~

~~For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be ac-~~

~~quired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $522,565,000, to remain available for obligation until September 30, 2014.~~

~~OTHER PROCUREMENT, AIR FORCE~~

~~For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,260,619,000, to remain available for obligation until September 30, 2014.~~

~~PROCUREMENT, DEFENSE-WIDE~~

~~For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $5,046,447,000, to remain available for obligation until September 30, 2014.~~

~~DEFENSE PRODUCTION ACT PURCHASES~~

~~For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $29,964,000, to remain available until expended.~~

~~TITLE IV~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY~~

~~For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $9,381,166,000, to remain available for obligation until September 30, 2013.~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY~~

~~For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,798,950,000, to remain available for obligation until September 30, 2013. *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces. *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE~~

~~For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $26,313,196,000, to remain available for obligation until September 30, 2013.~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE~~

~~For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $19,324,865,000 (reduced by $16,000,000) (reduced by $10,000,000), to remain available for obligation until September 30, 2013.~~

~~OPERATIONAL TEST AND EVALUATION, DEFENSE~~

~~For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to,~~

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

~~TITLE V~~

~~REVOLVING AND MANAGEMENT FUNDS~~

~~DEFENSE WORKING CAPITAL FUNDS~~

~~For the Defense Working Capital Funds, $1,575,010,000.~~

~~NATIONAL DEFENSE SEALIFT FUND~~

~~For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,100,519,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard~~

~~cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.~~

~~TITLE VI~~

~~OTHER DEPARTMENT OF DEFENSE PROGRAMS~~

~~DEFENSE HEALTH PROGRAM~~

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

~~into under the TRICARE program; of which $632,518,000, to remain available for obligation until September 30, 2014, shall be for procurement; and of which $1,187,206,000 (increased by $500,000) (increased by $16,000,000) (increased by $10,000,000) (increased by $3,600,000), to remain available for obligation until September 30, 2013, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations.~~

~~CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE~~

~~For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,554,422,000, of which $1,147,691,000 shall be for operation and mainte-~~

~~nance, of which no less than $103,097,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $30,615,000, for activities on military installations and $72,482,000, to remain available until September 30, 2013, to assist state and local governments; and $406,731,000 to remain available until September 30, 2013, shall be for research, development, test and evaluation, of which $401,768,000 shall be only for the Assembled Chemical Weapons Alternatives (ACWA) Program.~~

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

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,208,147,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appro-~~

priation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act: *Provided further*, That $23,000,000 may not be obligated or expended until the Secretary of Defense submits an implementation plan for the expansion of prescription drug testing to the congressional defense committees.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", $220,634,000, to remain available until September 30, 2014, for Staff and Infrastructure: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That not later than 60 days of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the intended management and use of the amounts provided

~~under this heading: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That amounts transferred shall be merged with and available for the same purposes and time period as the appropriations to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.~~

~~OFFICE OF THE INSPECTOR GENERAL~~

~~For expenses and activities of the Office of the Inspector General in carrying out the provisions of the In-~~

~~spector General Act of 1978, as amended, $346,919,000, of which $286,919,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; of which $1,000,000, to remain available until September 30, 2014, shall be for procurement; and of which $1,600,000, to remain available until September 30, 2013, shall be for research, development, testing, and evaluation.~~

~~TITLE VII~~

~~RELATED AGENCIES~~

~~CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND~~

~~For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $513,700,000.~~

~~INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT~~

~~For necessary expenses of the Intelligence Community Management Account, $458,225,000.~~

~~TITLE VIII~~

~~GENERAL PROVISIONS~~

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

~~SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.~~

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

~~SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated~~

~~and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2012: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.~~

~~SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled "Explanation of Project Level Adjustments" in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or other-~~

~~wise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.~~

~~(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act. *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.~~

~~SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2012. *Provided*, That the report shall include—~~

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

~~(2) a delineation in the table for each appropriation both by budget activity and program,~~

~~project, and activity as detailed in the Budget Appendix; and~~

~~(3) an identification of items of special congressional interest.~~

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

~~(TRANSFER OF FUNDS)~~

~~SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of~~

~~the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.~~

~~SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.~~

~~SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award. *Provided*, That no part of any appropriation contained in this Act shall be available to ini-~~

~~tiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—~~

~~(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advanced procurement activities in the fiscal~~

~~year covered by the budget, full funding of procurement of such unit in that fiscal year;~~

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

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

~~(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.~~

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

~~UH–60M/HH–60M and MH–60R/MH–60S Helicopter Airframes; and MH–60R/S Mission Avionics and Common Cockpits.~~

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

~~and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239. *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.~~

~~SEC. 8012. (a) During fiscal year 2012, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an~~

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

~~(b) The fiscal year 2013 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2013 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2013.~~

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

~~SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.~~

~~SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1,~~

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

~~(TRANSFER OF FUNDS)~~

~~SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege 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.~~

~~SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term "manufactured" shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section, substantially all of the components of anchor and~~

~~mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.~~

~~SEC. 8017. None of the funds available to the Department of Defense, herein and hereafter, may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.~~

~~SEC. 8018. No more than $500,000 of the funds appropriated or made available in this Act shall be used dur-~~

~~ing a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.~~

~~SEC. 8019. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544). *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 1906 of title 41, United States Code, this section~~

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

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

~~SEC. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.~~

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

~~(1) $27,838,000 shall be available from "Operation and Maintenance, Air Force" to support Civil~~

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

~~(2) $2,190,000 shall be available from "Aircraft Procurement, Air Force"; and~~

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

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

~~SEC. 8023. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.~~

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

~~ty, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.~~

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

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

~~(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2013 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.~~

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

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

~~basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.~~

~~SEC. 8025. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.~~

~~SEC. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–~~

~~76 shall not apply to competitions conducted under this section.~~

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

~~(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.~~

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

~~international agreement to which the United States is a party.~~

~~(c) For purposes of this section, the term "Buy American Act" means chapter 83 of title 41, United States Code.~~

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

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

~~(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units~~

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

~~(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).~~

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

~~SEC. 8030. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.~~

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

~~of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.~~

~~(b) The fiscal year 2013 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2013 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2013 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.~~

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

~~year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2013: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2013.~~

~~SEC. 8033. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.~~

~~SEC. 8034. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to~~

~~tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.~~

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

~~(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.~~

~~(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-~~

~~competitive, quality-competitive, and available in a timely fashion.~~

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

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

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

~~(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to ensure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the~~

~~Senate, determines that the award of such contract is in the interest of the national defense.~~

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

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

~~(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.~~

~~(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.~~

~~(c) This section does not apply to—~~

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

~~(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats; or~~

~~(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense.~~

~~SEC. 8038. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.~~

~~(RESCISSIONS)~~

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

~~"National Defense Sealift Fund", 2002/XXXX, $20,444,000.~~

~~"National Defense Sealift Fund", 2003/XXXX, $8,500,000.~~

~~"National Defense Sealift Fund", 2004/XXXX, $6,500,000.~~

~~"Aircraft Procurement, Navy", 2010/2012, $90,000,000.~~

~~"Aircraft Procurement, Navy", 2011/2013, $55,000,000.~~

~~"Weapons Procurement, Navy", 2011/2013, $35,427,000.~~

~~"Procurement of Ammunition, Navy and Marine Corps", 2011/2013, $8,612,000.~~

~~"Shipbuilding and Conversion, Navy", 2011/2015, $110,351,000.~~

~~"Aircraft Procurement, Air Force", 2011/2013, $30,000,000.~~

~~"Missile Procurement, Air Force", 2011/2013, $122,500,000.~~

~~"Other Procurement, Air Force", 2011/2013, $90,000,000.~~

~~"Procurement, Defense-Wide", 2011/2013, $45,000,000.~~

~~"Research, Development, Test and Evaluation, Navy", 2011/2012, $34,771,000.~~

~~"Research, Development, Test and Evaluation, Air Force", 2011/2012, $105,000,000.~~

~~"Research, Development, Test and Evaluation, Defense-Wide", 2011/2012, $318,000,000.~~

~~Notwithstanding any other provision of law, none of the funds provided may be used for the construction of additional sealift capacity, as described under the heading~~

~~"National Defense Sealift Fund" in Public Law 107–117, Public Law 107–248, and Public Law 108–87, or for the purposes described in section 115 of division H of Public Law 108–199, as amended by section 1017 of division A of Public Law 109–13.~~

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

~~SEC. 8041. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.~~

~~SEC. 8042. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense~~

~~Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided,* That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.~~

~~SEC. 8043. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level. *Provided,* That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.~~

~~SEC. 8044. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.~~

~~(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any~~

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

~~SEC. 8045. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 103 of title 41, United States Code, except that the restriction shall apply to ball or roller bearings purchased as end items.~~

~~SEC. 8046. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.~~

~~SEC. 8047. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.~~

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

~~(b) This section applies to—~~

~~(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and~~

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

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

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

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

~~(3) In the case of a proposed transfer of equipment or supplies—~~

~~(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and~~

~~(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.~~

~~SEC. 8049. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—~~

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

~~(2) such bonus is part of restructuring costs associated with a business combination.~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~SEC. 8050. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.~~

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

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

~~(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;~~

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

~~(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note).~~ ~~*Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired ac-~~

~~count. *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.~~

~~SEC. 8052. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.~~

~~(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.~~

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

~~such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.~~

~~SEC. 8054. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.~~

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

Provided, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F–22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

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

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

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

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

~~are adjusted for any reason other than the application of a waiver granted under subsection (a).~~

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

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

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

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

~~section (a) if he determines that such waiver is required by extraordinary circumstances.~~

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

~~SEC. 8058. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.~~

~~SEC. 8059. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisi-~~

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

~~SEC. 8060. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.~~

~~SEC. 8061. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying~~

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

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

~~SEC. 8063. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Per-~~

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

~~SEC. 8064. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.~~

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

~~tion is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most 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", $124,493,000 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 2012.~~

~~SEC. 8068. In addition to amounts provided elsewhere in this Act, $4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended. *Provided*, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~SEC. 8069. Of the amounts appropriated in this Act under the headings "Procurement, Defense-Wide" and "Research, Development, Test and Evaluation, Defense-Wide", $235,700,000 shall be for the Israeli Cooperative~~

~~Programs: *Provided*, That of this amount, $110,500,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $15,000,000 shall be for production activities of David Sling Weapon System missiles in the United States and in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations, and procedures, $66,200,000 shall be available for an upper-tier component to the Israeli Missile Defense architecture, and $59,000,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further,* That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further,* That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.~~

~~SEC. 8070. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of United States~~

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

~~(INCLUDING TRANSFER OF FUNDS)~~

~~SEC. 8071. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $73,992,000 shall be available until September 30, 2012, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:~~

~~To:~~

~~Under the heading "Shipbuilding and Conversion, Navy, 2005/2012": LPD–17 Amphibious Transport Dock Program $18,627,000.~~

~~Under the heading "Shipbuilding and Conversion, Navy, 2006/2012": LPD–17 Amphibious Transport Dock Program $23,437,000.~~

~~Under the heading "Shipbuilding and Conversion, Navy, 2008/2012": LPD–17 Amphibious Transport Dock Program $31,928,000.~~

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

~~Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:~~

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

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

~~SEC. 8073. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal~~

~~year 2012 until the enactment of the Intelligence Authorization Act for Fiscal Year 2012.~~

~~SEC. 8074. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.~~

~~SEC. 8075. The budget of the President for fiscal year 2013 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve~~

~~component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.~~

~~SEC. 8076. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~SEC. 8077. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $44,000,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the Secretary of Defense that it shall serve the national interest, he shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations and $24,000,000 to the Red Cross.~~

~~SEC. 8078. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the~~

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

~~SEC. 8079. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.~~

~~SEC. 8080. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.~~

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

~~(INCLUDING TRANSFER OF FUNDS)~~

~~SEC. 8081. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate unless a response from the Committees is received sooner: *Provided further*, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.~~

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

~~and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.~~

~~SEC. 8083. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.~~

~~(b) The Army shall retain responsibility for and operational control of the MQ–1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.~~

~~SEC. 8084. Up to $15,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise ex-~~

~~penses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.~~

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

~~SEC. 8086. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.~~

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

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

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

~~(1) For procurement programs requesting more than $10,000,000 in any fiscal year, the P–1, Procurement Program; P–5, Cost Analysis; P–5a, Procurement History and Planning; P–21, Production Schedule; and P–40, Budget Item Justification.~~

~~(2) For research, development, test and evaluation projects requesting more than $5,000,000 in any fiscal year, the R–1, RDT&E Program; R–2, RDT&E Budget Item Justification; R–3, RDT&E Project Cost Analysis; and R–4, RDT&E Program Schedule Profile.~~

~~SEC. 8089. The Secretary of Defense shall create a major force program category for space for each future-years defense program of the Department of Defense submitted to Congress under section 221 of title 10, United States Code, during fiscal year 2012. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.~~

~~SEC. 8090. (a) Not later than 60 days after enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities pursuant to section 8092 of this Act for fiscal year 2012: *Provided*, That the report shall include—~~

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

~~(2) a delineation in the table for each appropriation by Expenditure Center, project, and subproject; and~~

~~(3) an identification of items of special congressional interest.~~

~~(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer pursuant to section 8092 of this Act until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing 15 days in advance to the congressional intelligence com-~~

~~mittees that such reprogramming or transfer is necessary as an emergency requirement.~~

~~SEC. 8091. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403–1(d)) that—~~

~~(1) creates a new program, project, or subproject;~~

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

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

~~(4) for which funds have been denied or restricted;~~

~~(5) relocates an office or employees; or~~

~~(6) reorganizes or renames an office,~~

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

~~(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50~~

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

~~(1) augments existing programs, projects, or subprojects;~~

~~(2) reduces by 10 percent funding for any existing program, project, or subproject or the number of personnel by 10 percent as approved by Congress; or~~

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

~~unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.~~

~~SEC. 8092. 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. 8093. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.~~

~~SEC. 8094. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 "Contingency Operations", Annex 1, dated September 2005.~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~SEC. 8095. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~SEC. 8096. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $22,000,000 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 section: *Provided further*, That the Director of National Intelligence shall notify the Committees on Appropriations of the House of Representatives and the Senate of such transfers pursuant to section pursuant to the reprogramming procedures established in sections 8090 and 8091.~~

~~SEC. 8097. 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. 8098. (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. 8099. (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) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or~~

~~(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.~~

~~(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a "covered subcontractor" is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).~~

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

~~(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.~~

~~SEC. 8100. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such informa-~~

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

~~(2) During the fiscal year 2012 no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than $3,000,000, within the intelligence community without the approval of the Business Transformation Investment Review Board.~~

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

~~SEC. 8101. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~SEC. 8102. Within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $132,200,000, shall be available for transfer to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84. *Provided*, That for purposes~~

~~of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417. *Provided further,* That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.~~

~~SEC. 8103. The Secretaries of the Army, Navy, Air Force, and the Directors of the Defense Agencies and Field Activities (in coordination with the appropriate Principal Staff Assistant), in coordination with the Under Secretary of Defense for Personnel and Readiness, shall report to the congressional defense committees within 60 days of enactment of this Act their plan for documenting the number of full-time contractor employees (or its equivalent), as required by United States Code title 10, section 2330a.~~

~~SEC. 8104. Section 310(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 124 Stat. 1871), as amended by Public Law 112–10, is amended by striking "2 years" both places it appears and inserting "3 years".~~

~~SEC. 8105. The Office of the Director of National Intelligence shall not employ more Senior Executive and General Schedule 15 equivalent employees than are specified in the classified annex: *Provided*, That, notwithstanding any other provision of law, the Office of the Director of National Intelligence shall select individuals for Senior Executive positions in a manner consistent with all requirements established in statute and all Office of Personnel Management regulations, guidance and procedures governing the appointment of individuals to the Senior Executive Service for other Federal agencies: *Provided further*, That the Director of National Intelligence shall certify within 90 days of enactment of this Act to the Committees on Appropriations of the House of Representatives and the Senate that the Office of the Director of National Intelligence, in consultation with the Director of the Office of Personnel Management, has revised it selection process for Senior Executive positions to conform with Office of Personnel Management regulations, requirements, and procedures: *Provided further*, That during fiscal year~~

~~2012, the Office of the Director of National Intelligence shall not appoint any individual to a Senior Executive position if that person was not serving in a Senior Executive position in fiscal year 2011 until the Director of National Intelligence has submitted its new policies and procedures to the Committees on Appropriations of the House of Representatives and the Senate.~~

~~SEC. 8106. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.~~

~~SEC. 8107. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.~~

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

~~of each appropriation shall remain available until September 30, 2013.~~

~~SEC. 8109. Of the amounts appropriated for "Operation and Maintenance, Defense-Wide", $33,000,000 shall be available to the Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, to make grants, conclude cooperative agreements, and supplement other Federal funds, to remain available until expended, to assist the civilian population of Guam in response to the military buildup of Guam, to include addressing the need for vehicles and supplies for civilian student transportation, preservation and repository of artifacts unearthed during military construction, and construction of a mental health and substance abuse facility.~~

~~SEC. 8110. None of the funds made available by this Act may be used by the Secretary of Defense to operate more than 1,000 parking spaces provided by the combination spaces provided by the BRAC 133 project and the lease of spaces in the immediate vicinity of the BRAC 133 project.~~

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

~~weapons systems, to a central location, or to any location other than the Air Force Material Command site where they are currently located until 30 days after the Secretary of the Air Force submits the initial report under subsection (b).~~

~~(b) The Secretary of the Air Force shall submit to the congressional defense committees a report which includes the following: a listing of all Air Force Material Command functions to be transferred and an identification of the locations where these functions will be transferred from and to; a listing of all Air Force Material Command personnel positions to be transferred and an identification of the locations these positions will be transferred from and to; and the cost benefit analysis and the life-cycle cost analysis underpinning the Secretary of the Air Forces decisions to relocate Air Force Material Command functions and personnel.~~

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

~~SEC. 8113. In addition to amounts provided elsewhere in this Act, $10,000,000 is hereby appropriated, for an additional amount for "Research, Development, Test and Evaluation, Army", to remain available until September 30, 2013. Such funds may be available for the Secretary of the Army to conduct research on alternative energy resources for deployed forces.~~

~~SEC. 8114. (a) None of the funds appropriated in this Act for the National Intelligence Program or the Military Intelligence Program are available to establish a new federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.~~

~~(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense or intelligence FFRDC, and no paid consultant to any defense or intelligence FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem~~

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

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

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

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

~~That such information shall be provided in a classified manner.~~

~~(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for National Intelligence Program and Military Intelligence Program FFRDCs is hereby reduced by the amount specified in the classified annex.~~

~~SEC. 8115. The Secretary of Defense shall study and report to the Congressional Defense Committees the feasibility of using commercially available telecommunications expense management solutions across the Department of Defense by March 1, 2012.~~

~~SEC. 8116. None of the funds appropriated in this or any other Act may be used to plan, prepare for, or otherwise take any action to undertake or implement the separation of the National Intelligence Program budget from the Department of Defense budget.~~

~~SEC. 8117. None of the funds appropriated in title II in this Act for "Operation and Maintenance" may be used for Information Operations/Military Information Support Operations activities.~~

~~(INCLUDING TRANSFER OF FUNDS)~~

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

~~of the Office of Management and Budget, transfer not to exceed $1,000,000,000 of the funds made available in this Act to the intelligence community and the associated Agencies for intelligence functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That such transfers shall be made only in accordance with sections 8091 and 8092 of the Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations of the House of Representatives and Senate for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2012.~~

~~SEC. 8119. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions, the total amount appropriated in title II of this Act is hereby reduced by $501,800,000, the total amount appropriated in title III of this Act is hereby reduced by $484,800,000, and the total amount appropriated in title IV of this Act is hereby reduced by $323,500,000. Provided, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~SEC. 8120. In addition to amounts provided elsewhere in this Act, there is appropriated $250,000,000, for an additional amount for "Operation and Maintenance, Defense-Wide", to be available until expended. *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools:~~

Provided further, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

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

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

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

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

~~(2) Paragraph (1) shall not apply to any action taken by the Secretary of Defense to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary of Defense shall notify Congress promptly upon issuance of any such order.~~

~~(b) The certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—~~

~~(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;~~

~~(2) maintains effective control over each detention facility in which an individual is to be detained if the individual is to be housed in a detention facility;~~

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

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

~~the United States, its citizens, or its allies in the future;~~

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

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

~~(A) is related to the individual or any associates of the individual; and~~

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

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

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

~~(2) The Secretary of Defense may waive the prohibition in paragraph (1) if the Secretary determines that such a transfer is in the national security interests of the United States and includes, as part of the certification described in subsection (b) relating to such transfer, the determination of the Secretary under this paragraph.~~

~~(3) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary shall notify Congress promptly upon issuance of any such order.~~

~~(d) For the purposes of this section:~~

~~(1) The term "individual detained at Guantanamo" means any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—~~

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

~~(B) is—~~

~~(i) in the custody or under the effective control of the Department of Defense; or~~

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

~~(2) The term "foreign terrorist organization" means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).~~

~~SEC. 8123. (a) None of the funds appropriated or otherwise made available by this or any other Act may be used to modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.~~

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

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

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

~~(2) is—~~

1 ~~(A) in the custody or under the effective~~
2 ~~control of the Department of Defense; or~~
3 ~~(B) otherwise under detention at United~~
4 ~~States Naval Station, Guantanamo Bay, Cuba.~~
5 ~~SEC. 8124. (a) IN GENERAL.—Of the funds made~~
6 ~~available to the Department of Defense under "Operation~~
7 ~~and Maintenance, Defense-Wide" in title II, $1,000,000~~
8 ~~shall be available to the Department to commission~~
9 ~~through a competitive, independent, private sector entity~~
10 ~~that is an organization described in section 501(c)(3) of~~
11 ~~the Internal Revenue Code of 1986 and exempt from tax~~
12 ~~under section 501(a) of such Code, and has recognized~~
13 ~~credentials and expertise in military affairs, to conduct a~~
14 ~~forward-looking, independent assessment of the current~~
15 ~~and prospective situation on the ground in Afghanistan~~
16 ~~and Pakistan, its impact on the surrounding region, and~~
17 ~~its consequences for United States interests. The entity~~
18 ~~shall examine 4 broad topic areas to include the strategic~~
19 ~~environment in and around Afghanistan and Pakistan, as~~
20 ~~well as security, political, and economic and reconstruction~~
21 ~~developments in those 2 countries.~~
22 ~~(b) REPORT.—Not later than 120 days after the date~~
23 ~~of the enactment of this Act, the entity described in sub-~~
24 ~~section (a) shall submit to the President and the Congress~~
25 ~~a report on the assessment conducted under subsection~~

~~(a), including relevant policy recommendations relating thereto.~~

~~(c) SENSE OF CONGRESS.—It is the sense of Congress that the entity described in subsection (a) should be modeled on the Iraq Study Group.~~

~~SEC. 8125. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the approximately $100,000,000,000 in efficiency savings identified by the military departments in the defense budget covering fiscal years 2012 through 2016 that are to be reinvested in the priorities of the military departments. Such report shall include an analysis of—~~

~~(1) each savings identified by the military departments, including—~~

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

~~(B) the number of military personnel and full-time civilian employees of the Federal Government affected by such savings;~~

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

~~(D) a specific description of activities or services that will be affected by such savings,~~

~~including the locations of such activities or services; and~~

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

~~(A) with respect to such reinvestment in procurement and research, development, test and evaluation accounts, the budget account to which such savings will be reinvested, including, by line item, the number of items to be procured, as shown in annual P–1 and R–1 documents;~~

~~(B) with respect to such reinvestment in military personnel and operation and maintenance accounts, the budget account and the subactivity (as shown in annual–1 and O–1 budget documents) to which such savings will be reinvested;~~

~~(C) the number of military personnel and full-time civilian employees of the Federal Government affected by such reinvestment;~~

~~(D) the estimated number and funding of contractor personnel affected by such reinvestment; and~~

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

~~ment, including the locations of such activities or services.~~

~~SEC. 8126. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.~~

~~SEC. 8127. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months.~~

~~TITLE IX~~

~~OVERSEAS CONTINGENCY OPERATIONS~~

~~MILITARY PERSONNEL~~

~~MILITARY PERSONNEL, ARMY~~

~~For an additional amount for "Military Personnel, Army", $6,822,635,000. *Provided*, That each amount in this paragraph is designated as being for the global war~~

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

~~MILITARY PERSONNEL, NAVY~~

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

~~MILITARY PERSONNEL, MARINE CORPS~~

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

~~MILITARY PERSONNEL, AIR FORCE~~

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

~~RESERVE PERSONNEL, ARMY~~

~~For an additional amount for "Reserve Personnel, Army", $207,162,000: *Provided*, That each amount in this paragraph is designated as being for the global war on~~

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

~~RESERVE PERSONNEL, NAVY~~

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

~~RESERVE PERSONNEL, MARINE CORPS~~

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

~~RESERVE PERSONNEL, AIR FORCE~~

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

~~NATIONAL GUARD PERSONNEL, ARMY~~

~~For an additional amount for "National Guard Personnel, Army", $646,879,000: *Provided*, That each amount in this paragraph is designated as being for the~~

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

~~NATIONAL GUARD PERSONNEL, AIR FORCE~~

~~For an additional amount for "National Guard Personnel, Air Force", $9,435,000: *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~OPERATION AND MAINTENANCE~~

~~OPERATION AND MAINTENANCE, ARMY~~

~~For an additional amount for "Operation and Maintenance, Army", $39,175,755,000: *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~OPERATION AND MAINTENANCE, NAVY~~

~~For an additional amount for "Operation and Maintenance, Navy", $6,749,489,000: *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~OPERATION AND MAINTENANCE, MARINE CORPS~~

~~For an additional amount for "Operation and Maintenance, Marine Corps", $3,571,210,000: *Provided*, That each amount in this paragraph is designated as being for~~

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

~~OPERATION AND MAINTENANCE, AIR FORCE~~

~~For an additional amount for "Operation and Maintenance, Air Force", $10,739,587,000: *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~OPERATION AND MAINTENANCE, DEFENSE-WIDE~~

~~For an additional amount for "Operation and Maintenance, Defense-Wide", $9,312,876,000: *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress): *Provided further*, That of the funds provided under this heading:~~

~~(1) Not to exceed $12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation New Dawn and Operation Enduring Freedom.~~

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

~~withstanding any other provision of law: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the requirement to provide notification shall not apply with respect to a reimbursement for access based on an international agreement: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports~~

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

~~OPERATION AND MAINTENANCE, ARMY RESERVE~~

~~For an additional amount for "Operation and Maintenance, Army Reserve", $217,500,000: *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~OPERATION AND MAINTENANCE, NAVY RESERVE~~

~~For an additional amount for "Operation and Maintenance, Navy Reserve", $74,148,000: *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~OPERATION AND MAINTENANCE, MARINE CORPS RESERVE~~

~~For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $36,084,000: *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~OPERATION AND MAINTENANCE, AIR FORCE RESERVE~~

~~For an additional amount for "Operation and Maintenance, Air Force Reserve", $142,050,000: *Provided*, That each amount in this paragraph is designated as~~

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

~~OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD~~

~~For an additional amount for "Operation and Maintenance, Army National Guard", $387,544,000: *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~OPERATION AND MAINTENANCE, AIR NATIONAL GUARD~~

~~For an additional amount for "Operation and Maintenance, Air National Guard", $34,050,000: *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND (INCLUDING TRANSFER OF FUNDS)~~

~~In addition to amounts provided elsewhere in this Act, there is appropriated $5,000,000,000 for the "Overseas Contingency Operations Transfer Fund" for expenses directly relating to overseas contingency operations by United States military forces, to be available until expended: *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress):~~

~~*Provided further*, That of the funds made available in this section, the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, procurement accounts, and working capital fund accounts: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, that the Secretary shall notify the congressional defense committees 15 days prior to such transfer: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated.~~

~~AFGHANISTAN INFRASTRUCTURE FUND~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~There is hereby established in the Treasury of the United States the "Afghanistan Infrastructure Fund". For the "Afghanistan Infrastructure Fund", $475,000,000, to remain available until September 30,~~

~~2013: *Provided,* That such sums shall be available for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: *Provided further,* That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, requiring funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: *Provided further,* That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: *Provided further,* That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: *Provided further,* That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: *Provided further,* That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to trans-~~

~~fer funds: *Provided further,* That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: *Provided further,* That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: *Provided further,* That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further,* That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: *Provided further,* That for the purpose of the section 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 each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~AFGHANISTAN SECURITY FORCES FUND~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For the "Afghanistan Security Forces Fund", $12,800,000,000 (reduced by $35,000,000), 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 up to $15,000,000 of these funds may be available for coalition police trainer life support costs: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign~~

~~government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~PAKISTAN COUNTERINSURGENCY FUND~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For the "Pakistan Counterinsurgency Fund", $1,100,000,000, to remain available until September 30, 2013: *Provided*, That such funds shall be available to the Secretary of Defense, with the concurrence of the Secretary of State, notwithstanding any other provision of~~

~~law, for the purpose of allowing the Secretary of Defense, or the Secretary's designee, to provide assistance to Pakistan's security forces; including program management and the provision of equipment, supplies, services, training, and funds; and facility and infrastructure repair, renovation, and construction to build the counterinsurgency capability of Pakistan's military and Frontier Corps: *Provided further*, That the authority to provide assistance under this provision is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; defense working capital funds; and to the Department of State, Pakistan Counterinsurgency Capability Fund to accomplish the purpose provided herein: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: *Provided further*, That funds so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the Committees on Appro-~~

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

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $387,900,000, to remain available until September 30, 2014: *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $118,412,000, to remain available until September 30, 2014: *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $37,117,000, to remain available until September 30, 2014: *Provided*, That each amount in this paragraph is designated as

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

~~PROCUREMENT OF AMMUNITION, ARMY~~

~~For an additional amount for "Procurement of Ammunition, Army", $208,381,000, to remain available until September 30, 2014. *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~OTHER PROCUREMENT, ARMY~~

~~For an additional amount for "Other Procurement, Army", $1,398,195,000, to remain available until September 30, 2014. *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~AIRCRAFT PROCUREMENT, NAVY~~

~~For an additional amount for "Aircraft Procurement, Navy", $492,060,000, to remain available until September 30, 2014. *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~WEAPONS PROCUREMENT, NAVY~~

~~For an additional amount for "Weapons Procurement, Navy", $41,070,000, to remain available until Sep-~~

~~tember 30, 2014. *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS~~

~~For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $317,100,000, to remain available until September 30, 2014. *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~OTHER PROCUREMENT, NAVY~~

~~For an additional amount for "Other Procurement, Navy", $249,514,000, to remain available until September 30, 2014. *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~PROCUREMENT, MARINE CORPS~~

~~For an additional amount for "Procurement, Marine Corps", $1,183,996,000, to remain available until September 30, 2014. *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~AIRCRAFT PROCUREMENT, AIR FORCE~~

~~For an additional amount for "Aircraft Procurement, Air Force", $440,265,000, to remain available until September 30, 2014. *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~MISSILE PROCUREMENT, AIR FORCE~~

~~For an additional amount for "Missile Procurement, Air Force", $46,920,000, to remain available until September 30, 2014. *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~PROCUREMENT OF AMMUNITION, AIR FORCE~~

~~For an additional amount for "Procurement of Ammunition, Air Force", $139,510,000, to remain available until September 30, 2014. *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~OTHER PROCUREMENT, AIR FORCE~~

~~For an additional amount for "Other Procurement, Air Force", $3,213,010,000, to remain available until September 30, 2014. *Provided*, That each amount in this~~

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

~~PROCUREMENT, DEFENSE-WIDE~~

~~For an additional amount for "Procurement, Defense-Wide", $406,668,000, to remain available until September 30, 2014. *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~NATIONAL GUARD AND RESERVE EQUIPMENT~~

~~For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $1,500,000,000, to remain available for obligation until September 30, 2014, of which $490,000,000 shall be available only for the Army National Guard. *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component. *Provided further*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For the Mine Resistant Ambush Protected Vehicle Fund, $3,195,170,000, 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, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That such funds transferred shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~RESEARCH, DEVELOPMENT, TEST, AND EVALUATION~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY~~

~~For an additional amount for "Research, Development, Test and Evaluation, Army", $8,513,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY~~

~~For an additional amount for "Research, Development, Test and Evaluation, Navy", $53,884,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE~~

~~For an additional amount for "Research, Development, Test and Evaluation, Air Force", $182,000,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as~~

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

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE~~

~~For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $192,361,000, to remain available until September 30, 2013. *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~REVOLVING AND MANAGEMENT FUNDS~~

~~DEFENSE WORKING CAPITAL FUNDS~~

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

~~OTHER DEPARTMENT OF DEFENSE PROGRAMS~~

~~DEFENSE HEALTH PROGRAM~~

~~For an additional amount for "Defense Health Program", $1,228,288,000 (increased by $20,000,000), which shall be for operation and maintenance. *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES~~

~~For an additional amount for "Drug Interdiction and Counter-Drug Activities", $469,458,000, to remain available until September 30, 2013: *Provided,* That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $2,577,500,000, to remain available until September 30, 2014: *Provided,* That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further,* That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further,* That this transfer authority is in addition to any~~

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

~~OFFICE OF THE INSPECTOR GENERAL~~

~~For an additional amount for the "Office of the Inspector General", $11,055,000: *Provided*, That each amount in this paragraph is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress).~~

~~GENERAL PROVISIONS—THIS TITLE~~

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

~~(INCLUDING TRANSFER OF FUNDS)~~

~~SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $3,000,000,000 between the appropriations or funds made~~

~~available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2012.~~

~~SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, "Afghanistan Infrastructure Fund" or the "Afghanistan Security Forces Fund" provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.~~

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

~~security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.~~

~~SEC. 9005. Not to exceed $400,000,000 of the amount appropriated in this title under the heading "Operation and Maintenance, Army" may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small scale, humanitarian relief and reconstruction requirements within their areas of responsibility. *Provided,* That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $20,000,000. *Provided further,* That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein. *Provided further,* That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obli-~~

~~gation, and expenditure data for the Commander's Emergency Response Program in Afghanistan: *Provided further,* That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:~~

~~(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.~~

~~(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.~~

~~(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.~~

~~SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.~~

~~SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:~~

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

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

~~(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.~~

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

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

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

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

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

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

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

~~(b) The report required by this subsection shall include the following:~~

~~(1) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in subsection (a) were obligated prior to the submission of the report, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.~~

~~(2) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in subsection (a) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.~~

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

~~SEC. 9010. (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON RE-~~

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

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

~~SEC. 9011. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.~~

~~SEC. 9012. (a) The Task Force for Business and Stability Operations in Afghanistan may, subject to the direction and control of the Secretary of Defense and with the concurrence of the Secretary of State, carry out projects~~

~~in fiscal year 2012 to assist the commander of the United States Central Command in developing a link between United States military operations in Afghanistan under Operation Enduring Freedom and the economic elements of United States national power in order to reduce violence, enhance stability, and restore economic normalcy in Afghanistan through strategic business and economic opportunities.~~

~~(b) The projects carried out under paragraph (a) may include projects that facilitate private investment, industrial development, banking and financial system development, agricultural diversification and revitalization, and energy development in and with respect to Afghanistan.~~

~~(c) The Secretary may use up to $150,000,000 of the funds available for overseas contingency operations in "Operation and Maintenance, Army" for additional activities to carry out projects under paragraph (a).~~

~~SEC. 9013. From funds made available in this title to the Department of Defense for operation and maintenance, up to $524,000,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support the United States Government transition activities in Iraq by undertaking facilities renovation and construction associated with establishing Office of Security Cooperation locations, at no more than ten sites, in Iraq:~~

Provided, That not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed site and the source of funds.

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

(b) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on contractor employees in the United States Central Command, including—

(1) the number of employees of a contractor awarded a contract by the Department of Defense (including subcontractor employees) who are employed at the time of the report in the area of operations of the United States Central Command, including a list of the number of such employees in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

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

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

~~(B) an explanation of how the number of such employees listed under subparagraph (A) relates to the planned number of military personnel in such locations.~~

~~SEC. 9015. Of the amounts appropriated or transferred to the Pakistan Counterinsurgency Fund (hereafter in this subsection referred to as the 'Fund') for any fiscal year after fiscal year 2011—~~

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

~~(A) submits to the appropriate congressional committees a report on the strategy to utilize the Fund and the metrics used to determine progress with respect to the Fund; and~~

~~(B) notifies the appropriate congressional committees of the intent of the Secretary to obligate or expend amounts that are in excess of such 25 percent and a period of 30 days has elapsed following such notification.~~

~~(2) Notwithstanding any other provision of law, none of the amounts described in the matter preceding paragraph (1) shall be available for reprogramming.~~

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

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

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

~~(C) A discussion of the gaps in capabilities of Pakistani security units that hamper the ability of the Government of Pakistan to take action against the organizations listed in subparagraph (B).~~

~~(D) A discussion of how assistance provided utilizing the Fund will address the gaps in capabilities listed in subparagraph (C).~~

~~(E) A discussion of other efforts undertaken by other United States Government departments and agencies to address the gaps in capabilities listed in subparagraph (C) or complementary activities of the Department of Defense and how those efforts are coordinated with the activities undertaken to utilize the Fund.~~

~~(F) Metrics that will be used to track progress in achieving the United States strategic objectives in Pakistan, to track progress of the Government of Pakistan in combating the organizations listed in subparagraph (B), and to address the gaps in capabilities listed in subparagraph (C).~~

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

~~"Operations and Maintenance, Army", $104,675,000.~~

~~"Operations and Maintenance, Navy", $1,200,000.~~

~~"Operations and Maintenance, Air Force", $20,400,000.~~

~~"Operations and Maintenance, Defense Wide", $50,300,000.~~

~~(b) Such amounts are to be allocated only in accordance with the direction and for the purposes specified in the classified annex accompanying this Act.~~

~~(RESCISSIONS)~~

~~SEC. 9017. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following account in the specified amount:~~

~~"Mine Resistant Ambush Protection Vehicle Fund", 2011/2013, $595,000,000.~~

~~TITLE X—ADDITIONAL GENERAL PROVISIONS~~

~~SPENDING REDUCTION ACCOUNT~~

~~SEC. 10001. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974~~

~~exceeds the amount of proposed new budget authority is $0.~~

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

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

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

~~SEC. 10005. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, or provide a loan or loan guarantee to, any United States commercial air carrier if that contract, memorandum of understanding, cooperative agreement, loan, or loan guarantee allows the air carrier to charge baggage fees to any member of the Armed Forces who is traveling on official~~

~~military orders and is being deployed overseas or is returning from an overseas deployment.~~

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

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

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

~~SEC. 10009. None of the funds made available by this Act may be used to reduce the number of B–1 aircraft of the Armed Forces.~~

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

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

~~(2) Hamas.~~

~~(3) Hizbullah.~~

~~(4) The Muslim Brotherhood.~~

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

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

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

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

~~SEC. 10015. None of the funds made available by this Act may be used to implement any rule, regulation, or executive order regarding the disclosure of political contributions that takes effect on or after the date of enactment of this Act.~~

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

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

~~(1) deploying members of the Armed Forces on to the ground of Libya for the purposes of engaging in military operations unless the purpose of such deployment is limited solely to rescuing members of the United States Armed Forces;~~

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

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

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

~~SEC. 10019. None of the funds made available by this Act may be used to enter into a contract that allows the contractor to use amounts paid to the contractor under such contract to pay a tax to the Afghan Ministry of Finance.~~

~~SEC. 10020. None of the funds made available by this Act may be used to implement the curriculum of the Chaplain Corps Tier 1 DADT repeal training dated April 11, 2011.~~

~~This Act may be cited as the "Department of Defense Appropriations Act, 2012".~~

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military functions administered by the Department of Defense 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, $43,291,009,000.

MILITARY PERSONNEL, NAVY

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

U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $26,801,134,000.

MILITARY PERSONNEL, MARINE CORPS

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 Marine Corps on active duty (except members of the Reserve provided for elsewhere); 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, $13,653,366,000.

MILITARY PERSONNEL, AIR FORCE

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 Air Force 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, $28,038,108,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,280,507,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,933,544,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $643,422,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for pay-

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

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,562,645,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training,

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

TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

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

Operation and Maintenance, Navy

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

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, $5,545,437,000.

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, $35,252,873,000.

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, $30,450,742,000: Provided, That not more than $47,026,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed $40,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for

confidential military purposes: Provided further, That of the funds provided under this heading, not less than $34,311,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $8,420,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under

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

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,092,176,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,305,134,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruit-

ing; procurement of services, supplies, and equipment; and communications, $271,443,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,274,359,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair,

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

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,094,780,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

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

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $346,031,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $308,668,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds

are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $525,453,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made avail-

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

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $10,716,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes pro-

vided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $326,495,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $107,662,000, to remain available until September 30, 2013.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $508,219,000, to remain available until September 30, 2014: Provided, That of the amounts provided under this heading, not less than $13,500,000 shall be available only to support the dismantling and disposal of nuclear sub-

marines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $175,501,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,410,334,000, to remain available for obligation until September 30, 2014.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,461,223,000, to remain available for obligation until September 30, 2014.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement

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

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,876,724,000, to remain available for obligation until September 30, 2014.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor ve-

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

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway,

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

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,281,432,000, to remain available for obligation until September 30, 2014.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and pro-

curement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $689,751,000, to remain available for obligation until September 30, 2014.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $554,798,000;

Virginia Class Submarine, $3,232,215,000;

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

CVN Refuelings (AP), $529,652,000;

DDG–1000 Program, $453,727,000;

DDG–51 Destroyer, $1,980,709,000;

DDG–51 Destroyer (AP), $100,723,000;

Littoral Combat Ship, $1,802,093,000;

LPD–17, $1,847,444,000;

LHA–R, $2,018,691,000;

Joint High Speed Vessel, $370,206,000;

Oceanographic Ships, $89,000,000;

Moored Training Ship, $155,200,000;

LCAC Service Life Extension Program, $84,076,000;

Service Craft, $3,863,000; and

For outfitting, post delivery, conversions, and first destination transportation, $292,871,000.

Completion of Prior Year Shipbuilding Programs, $73,992,000.

In all: $15,114,021,000, to remain available for obligation until September 30, 2016: Provided, That additional obligations may be incurred after September 30, 2016, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided

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

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $6,135,465,000, to remain available for obligation until September 30, 2014.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger

motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,377,570,000, to remain available for obligation until September 30, 2014.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $12,174,885,000, to remain available for obligation until September 30, 2014.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling

equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $5,924,017,000, to remain available for obligation until September 30, 2014.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes,

$485,005,000, to remain available for obligation until September 30, 2014.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,376,695,000, to remain available for obligation until September 30, 2014.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such

plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,573,608,000, to remain available for obligation until September 30, 2014.

DEFENSE PRODUCTION ACT PURCHASES

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

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $8,311,011,000, to remain available for obligation until September 30, 2013.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,406,689,000, to remain available for

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

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $26,007,694,000, to remain available for obligation until September 30, 2013.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $19,117,270,000, to remain available for obligation until September 30, 2013: Provided, That of the funds made available in this

paragraph, $200,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: Provided further, That the Secretary of Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection

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

TITLE V

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For the Defense Working Capital Funds, $1,562,010,000.

National Defense Sealift Fund

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $700,519,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be

considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

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

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,554,422,000, of which $1,147,691,000 shall be for operation and maintenance, of which no less than $71,211,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $19,211,000 for activities on military installations and $52,000,000, to remain available until September 30, 2013, to assist State and local governments and $406,731,000, to remain available until September 30, 2013, shall be for research, development, test and evaluation, of which $401,768,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations

available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,205,072,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $332,919,000, of which $327,419,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; of which $1,000,000, to

remain available until September 30, 2014, shall be for procurement; and of which $4,500,000, to remain available until September 30, 2013, shall be for research, development, testing, and evaluation.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $513,700,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $593,713,000.

TITLE VIII

GENERAL PROVISIONS

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

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense:

Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

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

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

of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $3,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unfore-

seen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2012: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled "Explanation of Project Level Adjustments" in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

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

vided, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2012: Provided, That the report shall include—

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

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

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

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to

the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

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

notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a

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

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

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

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

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

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

UH–60M/HH–60M and MH–60R/MH–60S Helicopter Airframes; and MH–60R/S Mission Avionics and Common Cockpits.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army

may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

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

(b) The fiscal year 2013 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2013 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2013.

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

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active components of the Army.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege 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.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor

and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section, the term "manufactured" shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demili-

tarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8018. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of

being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

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

SEC. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such

contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

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

(1) $27,838,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $8,990,000 shall be available from "Aircraft Procurement, Air Force"; and

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

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

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

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

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

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

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

not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

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

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

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

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

SEC. 8025. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military

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

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

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2012. Such report

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

(c) For purposes of this section, the term "Buy American Act" means chapter 83 of title 41, United States Code.

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

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

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

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

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

SEC. 8030. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8031. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2013 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2013 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2013 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8032. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2013: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2013.

SEC. 8033. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8034. Of the funds appropriated to the Department of Defense under the heading "Operation and Mainte-

nance, Defense-Wide", not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

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

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

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

fense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

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

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

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

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to

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

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

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

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

(c) This section does not apply to—

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

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

vised explosive devices, and, as determined by the Secretary of the Army, other similar threats; or

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense.

SEC. 8038. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

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

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance

of that activity or function by Federal employees; or

(B) $10,000,000; and

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

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

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

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

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

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

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

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

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

lished by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(RESCISSIONS)

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

"Aircraft Procurement, Army, 2010/2012", $5,100,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2010/2012", $4,353,000;

"Procurement of Ammunition, Army, 2010/2012", $21,674,000;

"Other Procurement, Army, 2010/2012", $58,647,000;

"Weapons Procurement, Navy, 2010/2012", $8,500,000;

"Aircraft Procurement, Air Force, 2010/2012", $32,897,000;

"Missile Procurement, Air Force, 2010/2012", $3,889,000;

"Other Procurement, Air Force, 2010/2012", $12,200,000;

"Procurement, Defense-Wide, 2010/2012", $716,000;

"Aircraft Procurement, Army, 2011/2013", $21,500,000;

"Missile Procurement, Army, 2011/2013", $99,800,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2011/2013", $18,834,000;

"Procurement of Ammunition, Army, 2011/2013", $15,000,000;

"Other Procurement, Army, 2011/2013", $444,171,000;

"Aircraft Procurement, Navy, 2011/2013", $53,144,000;

"Weapons Procurement, Navy, 2011/2013", $12,849,000;

"Procurement of Ammunition, Navy and Marine Corps, 2011/2013", $28,262,000;

"Other Procurement, Navy, 2011/2013", $59,598,000;

"Aircraft Procurement, Air Force, 2011/2013", $223,213,000;

"Missile Procurement, Air Force, 2011/2013", $192,774,000;

"Other Procurement, Air Force, 2011/2013", $52,868,000;

"Procurement, Defense-Wide, 2011/2013", $4,312,000;

"Research, Development, Test and Evaluation, Army, 2011/2012", $358,625,000;

"Research, Development, Test and Evaluation, Navy, 2011/2012", $43,516,000;

"Research, Development, Test and Evaluation, Air Force, 2011/2012", $273,994,000;

"Research, Development, Test and Evaluation, Defense-Wide, 2011/2012", $254,284,000;

"Defense Health Program, 2011/2012", $257,000.

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

SEC. 8041. None of the funds appropriated or otherwise made available in this Act may be obligated or ex-

pended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8042. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8043. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may

be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8044. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

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

SEC. 8045. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of "commercial items", as

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

SEC. 8046. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8047. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8048. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or ex-

pended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

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

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

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

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

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces

(including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

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

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

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8050. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in con-

nection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8051. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

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

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in

the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8052. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8053. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant

to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8054. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropria-

tions of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8055. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government: Provided, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F–22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

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

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

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

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

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

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

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

able to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

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

SEC. 8058. (a) PROHIBITION ON CONVERSION OF FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO CONTRACTOR PERFORMANCE.—None of the funds appropriated or otherwise made available by this Act, or that remain available for obligation for the Department of Defense under any prior appropriations act, may be used to begin or announce the competition to award to a contractor or convert to performance by a contractor any functions performed by Federal employees pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to the award of a function to a contractor or the conversion of a function to performance by a contractor pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76 once all reporting and certifications required by section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) have been satisfactorily completed.

SEC. 8059. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8060. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations

Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8061. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

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

SEC. 8063. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary tracer (API–T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8064. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal

nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8065. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most 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", $124,493,000 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 2012.

SEC. 8068. (a) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by adding the following new section at its end—

"§ 1790. MILITARY PERSONNEL CITIZENSHIP PROCESSING.

"AUTHORIZATION OF PAYMENTS.—Using funds provided for operations and maintenance and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may reimburse the Secretary of Homeland Security for costs associated with the processing and adjudication by the United States Citizenship and Immigration Services (USCIS) of applications for naturalization described in sections 328(b)(4) and 329(b)(4) of the Immigration and Nationality Act (8 U.S.C. §§ 1439(b)(4) and 1440(b)(4)). Such reimbursements shall be deposited and remain available as provided by sections 286(m) and (n) of such Act (8 U.S.C. § 1356(m). Such reimbursements shall be based on actual costs incurred by USCIS for processing applications for naturalization, and shall not exceed $7,500,000 per fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after the item relating to section 1789 the following new item:

"1790. Military personnel citizenship processing.".

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $235,700,000 shall be for the Israeli Cooperative Programs: Provided, That of this amount, $110,525,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $15,000,000 shall be for production activities of SRBMD missiles in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, $66,220,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $58,955,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8070. (a) None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of U.S. Navy forces assigned to the Pacific fleet.

(b) None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give United States Transportation Command operational and administrative control of C–130 and KC–135 forces assigned to the Pacific and European Air Force Commands.

(c) The command and control relationships in subsections (a) and (b) which existed on March 13, 2011, shall remain in force unless changes are specifically authorized in a subsequent Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $73,992,000 shall be available until September 30, 2012, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the

same purposes as the appropriations to which transferred to:

(1) Under the heading "Shipbuilding and Conversion, Navy, 2005/2012": LPD–17 Amphibious Transport Dock Program $18,627,000;

(2) Under the heading "Shipbuilding and Conversion, Navy, 2006/2012": LPD–17 Amphibious Transport Dock Program $23,437,000; and

(3) Under the heading "Shipbuilding and Conversion, Navy, 2008/2012": LPD–17 Amphibious Transport Dock Program $31,928,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. (a) Of the amounts appropriated in title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", for Budget Activities 4, 5 and 7, $50,000,000 shall be transferred to Program Element 0605807A: Provided, That no funds may be transferred until 30 days after the Secretary of the Army provides to the congressional defense committees a report including the details of any such transfer: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(b) Of the amounts appropriated in title IV of this Act under the heading "Research, Development, Test and Evaluation, Air Force", for Budget Activities 4, 5 and 7,

$34,000,000 shall be transferred to Program Element 0605807F: Provided, That no funds may be transferred until 30 days after the Secretary of the Air Force provides to the congressional defense committees a report including the details of any such transfer: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8073. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for Fiscal Year 2012.

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

SEC. 8075. The budget of the President for fiscal year 2013 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed

Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8076. None of the funds available to the Department of Defense in the current fiscal year, and hereafter, may be obligated or expended for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8077. In addition to the amounts appropriated or otherwise made available elsewhere in this Act,

$20,000,000 is hereby appropriated to the Department of Defense: Provided, That upon the determination of the Secretary of Defense that it shall serve the national interest, he shall make a grant in the amount specified as follows: $20,000,000 to the United Service Organizations.

SEC. 8078. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8079. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8080. (a) At the time members of reserve components of the Armed Forces are called or ordered to active

duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8081. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: Provided further, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: Provided further, That the transfer authority pro-

vided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8082. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

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

(b) The Army shall retain responsibility for and operational control of the MQ–1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8084. Up to $15,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activi-

ties such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

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

SEC. 8086. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8087. During the current fiscal year, not to exceed $200,000,000 from funds available under "Operation and Maintenance, Defense-Wide" under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456; relating to program to build the capacity of foreign military forces) may be transferred to the Department of State "Global Security Contingency Fund": Provided, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to the Department of State, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That none of the funds available under "Operation and Maintenance, Defense-Wide" under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456; relating to program to build the capacity of foreign military forces) may be obligated prior to the Department of Defense formally submitting a request for authority to transfer funds to the "Global Security Contingency Fund" to the Subcommittees on Defense of the Committees on Appropriations of the House and Senate.

SEC. 8088. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and

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

(1) For procurement programs requesting more than $20,000,000 in any fiscal year, the P–1, Procurement Program; P–5, Cost Analysis; P–5a, Procurement History and Planning; P–21, Production Schedule; and P–40, Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than $10,000,000 in any fiscal year, the R–1, RDT&E Program; R–2, RDT&E Budget Item Justification; R–3, RDT&E Project Cost Analysis; and R–4, RDT&E Program Schedule Profile.

SEC. 8089. The amounts appropriated in title II of this Act are hereby reduced by $515,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows: From "Operation and Maintenance, Army", $515,000,000.

SEC. 8090. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2012: Provided, That the report shall include—

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

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

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

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

SEC. 8091. 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. 8092. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8093. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 "Contingency Operations", Annex 1, dated September 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8094. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established

for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. 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. 8096. 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. 8097. (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. 8098. (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) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee

or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a "covered subcontractor" is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

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

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or

subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

SEC. 8099. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the fiscal year 2012 no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than $3,000,000, within the Intelligence Community without the approval of the Business Transformation Investment Review Board.

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

SEC. 8100. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8101. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $135,631,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: Provided, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, con-

sisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: Provided further, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8102. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8103. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8104. Of the amounts appropriated in "Operation and Maintenance, Defense-wide", $22,930,000 shall be available to the Secretary of Defense for transfer to "Community Development Fund", Department of Housing and Urban Development, to remain available until expended to address community development needs associated with the relocation of various facilities and functions eligible for assistance under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) to assist the civilian population of Guam in its response to the military buildup of Guam: Provided, That the funds shall be deemed to be Community Development Block Grant funds available under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) and shall be made available to the Guam Housing and Urban Renewal Authority: Provided further, That, in administering funds appropriated or otherwise made available under this section, the Secretary of Housing and Urban Development may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation or the use of the funds except for requirements relating to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that such a waiver is necessary to expedite or facilitate the use of

such funds: Provided further, That, with respect to the previous proviso, the Secretary of Housing and Urban Development shall publish any such waiver or alternative requirement in the Federal Register no later than 30 days before the effective date of such waiver or alternative requirement: Provided further, That the transfer authority in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 8105. Of the amounts appropriated for "Operation and Maintenance, Defense-wide", $10,070,000 shall be available to the Secretary of Defense for transfer to "Assistance to Territories", Department of the Interior, to remain available until expended, to be used to assist the civilian population of Guam in its response to the military buildup of Guam: Provided, That the funds so transferred shall be available for technical assistance, as authorized by section 1469d of title 48, United States Code, involving provision of vehicles and supplies for student transportation: Provided further, That the transfer authority in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 8106. None of the funds appropriated or otherwise made available in this Act may be used to transfer, release, or assist in the transfer or release to or within the

United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

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

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

SEC. 8107. (a)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this Act may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) by not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary of Defense to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction or a pre-trial agreement entered into before a military commission before the date of the enactment of this Act. The Secretary of Defense shall notify Congress promptly upon issuance of any such order.

(b) The certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains effective control over each detention facility in which an individual is to be detained if the individual is to be housed in a detention facility;

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

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

(5) has taken or agreed to take such steps as the Secretary determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

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

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(c)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this Act may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.

(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction or a pre-trial agreement entered into before a military commission before the date of the enactment of this Act. The Secretary shall notify Congress promptly upon issuance of any such order.

(d)(1) The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in paragraph (4) or (5) of subsection (b), or the prohibition in subsection (c), if the Secretary, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

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

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

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

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

(2) Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the congressional defense committees, not later than 30 days before the transfer of the individual concerned the following:

(A) A copy of the determination and the waiver concerned;

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

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

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

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

(e) In this section:

(1) The term "individual detained at Guantanamo" means any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

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

(B) is—

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

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

(2) The term "foreign terrorist organization" means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 8108. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantanamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

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

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $7,195,335,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $1,259,234,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $717,360,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency

Deficit Control Act of 1985 (Public Law 99–177), as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,492,381,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $207,162,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $44,530,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency

Deficit Control Act of 1985 (Public Law 99–177), as amended.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $25,421,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force" $26,815,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $679,579,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency

Deficit Control Act of 1985 (Public Law 99–177), as amended.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $9,435,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $46,406,481,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $7,670,026,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emer-

gency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $3,918,210,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $10,851,547,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $9,219,211,000: Provided, That each amount in this section is designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as

amended: Provided further, That of the funds provided under this heading: Not to exceed $1,690,000,000, to remain available until September 30, 2013, for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military operations in support of Operation Enduring Freedom, Operation New Dawn, and post-operation Iraq border security related to the activities of the Office of Security Cooperation in Iraq, notwithstanding any other provision of law: Provided further, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the requirement to provide notification shall not apply with respect to a reimbursement for access based on an international agreement: Provided further, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and

loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Afghanistan, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $217,500,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $74,148,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $36,084,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $142,050,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $377,544,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $34,050,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

AFGHANISTAN INFRASTRUCTURE FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Infrastructure Fund", $400,000,000, to remain available until September 30, 2013: Provided, That such sums shall be available for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: Provided further, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, requiring funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: Provided further, That the authority to undertake such infrastructure projects is in addition to any other au-

thority to provide assistance to foreign nations: Provided further, That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: Provided further, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: Provided further, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: Provided further, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: Provided further, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: Provided further, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the For-

eign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress 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 amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

AFGHANISTAN SECURITY FORCES FUND

For the "Afghanistan Security Forces Fund", $11,200,000,000, 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 concur-

rence 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 contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: Provided further, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: Provided further, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: Provided further, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Bal-

anced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $1,137,381,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $126,556,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $130,141,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by Congress

as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $208,381,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $2,326,376,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $750,633,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph

are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $41,070,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $317,100,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $259,881,000, to remain available until September

30, 2014: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $1,233,996,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $1,299,777,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $28,420,000, to remain available until September 30, 2014: Provided, That such amounts in this para-

graph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $92,510,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $3,194,641,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $426,668,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph

are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $500,000,000, to remain available for obligation until September 30, 2014: Provided, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: Provided further, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $3,445,170,000, 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, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That such transferred funds shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $18,513,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $158,484,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $207,600,000, to remain available until September 30, 2013: Provided, That

such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $197,361,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $396,513,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,228,288,000, which shall be for operation and maintenance, to remain available until September 30, 2012: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $463,458,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", $2,441,984,000, to remain available until September 30, 2014: Provided, That such funds shall be avail-

able to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the "Office of the Inspector General", $11,055,000: Provided, That such amounts in this paragraph are designated by Congress as being for the overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

GENERAL PROVISIONS—THIS TITLE

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and

conditions as the authority provided in the Department of Defense Appropriations Act, 2012.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, "Afghanistan Infrastructure Fund", or the "Afghanistan Security Forces Fund" provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

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

SEC. 9005. Not to exceed $400,000,000 of the amount appropriated in this title under the heading "Operation and Maintenance, Army" may be used, notwithstanding

any other provision of law, to fund the Commander's Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: Provided, That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $20,000,000: Provided further, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: Provided further, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander's Emergency Response Program in Afghanistan: Provided further, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $5,000,000 or more, the Secretary shall submit to the congressional de-

fense committees a written notice containing each of the following:

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

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

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third-party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly

reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

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

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

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

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

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

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

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

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

SEC. 9009. None of the funds provided for the "Afghanistan Security Forces Fund" (ASFF) may be obligated for a revised spend plan prior to the meeting and approval of the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: Provided, That the AROC must review and approve the requirement and acquisition plan for any contract or task order in excess of $10,000,000 using ASFF: Provided further, That in approving the acquisition plan, the AROC shall consider the extent of competition for the purchase, any relevant qualifications or requirements for eligible contractors for the purchase, the adequacy of steps to ensure that the purchase meets cost, schedule, and performance requirements, and the adequacy of steps to manage and oversee contractor performance: Provided further, That the AROC must review and approve all projects and contracting under the "Afghanistan Infrastructure

Fund" (AIF) and any project in excess of $1,000,000 from the Commanders Emergency Response Program (CERP): Provided further, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding provisos for the ASFF, AIF, and CERP.

SEC. 9010. (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.—Of the amounts appropriated or otherwise made available by title IX, up to $20,000,000 may be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 125; 10 U.S.C. 10101 note).

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

SEC. 9011. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That, upon determination by the Secretary of Defense that such action is

necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 9012. Notwithstanding any other provision of law, up to $150,000,000 of funds made available in this title under the heading "Operation and Maintenance, Army" may be obligated and expended for purposes of the Task Force for Business and Stability Operations, subject to the direction and control of the Secretary of Defense, with concurrence of the Secretary of State, to carry out strategic business and economic assistance activities in Afghanistan in support of Operation Enduring Freedom: Provided, That not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed project.

SEC. 9013. From funds made available to the Department of Defense in this title under the heading "Operation and Maintenance, Air Force" up to $524,000,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support United States Government transition activities in Iraq by funding the operations and

activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: Provided, That not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed site.

SEC. 9014. The amounts appropriated in title IX of this Act are hereby reduced by $5,000,000,000 to reflect reduced troop strength in theater: Provided, That the reductions shall be applied to the military personnel and operation and maintenance appropriations only: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to reducing funds for this purpose, notify the congressional defense committees in writing of the details of any such reduction by appropriation and budget line item.

SEC. 9015. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Overseas Contingency Operations Transfer Fund, 2010", $356,810,000;

"Procurement of Ammunition, Army, 2010/2012", $21,000,000;

"Other Procurement, Air Force, 2010/2012", $2,250,000.

This Act may be cited as the "Department of Defense Appropriations Act, 2012".

Calendar No. 169

112th CONGRESS
1st Session

H. R. 2219

[Report No. 112–77]

AN ACT

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

July 11, 2011

Received; read twice and referred to the Committee on Appropriations

September 15, 2011

Reported with an amendment