

In the Senate of the United States,

September 7 (legislative day, September 6), 2006.

Resolved, That the bill from the House of Representatives (H.R. 5631) entitled “An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*
2 *money in the Treasury not otherwise appropriated, for the*
3 *fiscal year ending September 30, 2007, for military func-*
4 *tions administered by the Department of Defense and for*
5 *other purposes, namely:*

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TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$29,080,473,000.

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

1 *U.S.C. 402 note), and to the Department of Defense Mili-*
 2 *tary Retirement Fund, \$23,186,011,000.*

3 *MILITARY PERSONNEL, MARINE CORPS*

4 *For pay, allowances, individual clothing, subsistence,*
 5 *interest on deposits, gratuities, permanent change of station*
 6 *travel (including all expenses thereof for organizational*
 7 *movements), and expenses of temporary duty travel between*
 8 *permanent duty stations, for members of the Marine Corps*
 9 *on active duty (except members of the Reserve provided for*
 10 *elsewhere); and for payments pursuant to section 156 of*
 11 *Public Law 97–377, as amended (42 U.S.C. 402 note), and*
 12 *to the Department of Defense Military Retirement Fund,*
 13 *\$9,246,696,000.*

14 *MILITARY PERSONNEL, AIR FORCE*

15 *For pay, allowances, individual clothing, subsistence,*
 16 *interest on deposits, gratuities, permanent change of station*
 17 *travel (including all expenses thereof for organizational*
 18 *movements), and expenses of temporary duty travel between*
 19 *permanent duty stations, for members of the Air Force on*
 20 *active duty (except members of reserve components provided*
 21 *for elsewhere), cadets, and aviation cadets; for members of*
 22 *the Reserve Officers' Training Corps; and for payments*
 23 *pursuant to section 156 of Public Law 97–377, as amended*
 24 *(42 U.S.C. 402 note), and to the Department of Defense*
 25 *Military Retirement Fund, \$22,940,686,000.*

1 *RESERVE PERSONNEL, ARMY*

2 *For pay, allowances, clothing, subsistence, gratuities,*
3 *travel, and related expenses for personnel of the Army Re-*
4 *serve on active duty under sections 10211, 10302, and 3038*
5 *of title 10, United States Code, or while serving on active*
6 *duty under section 12301(d) of title 10, United States Code,*
7 *in connection with performing duty specified in section*
8 *12310(a) of title 10, United States Code, or while under-*
9 *going reserve training, or while performing drills or equiva-*
10 *lent duty or other duty, and expenses authorized by section*
11 *16131 of title 10, United States Code; and for payments*
12 *to the Department of Defense Military Retirement Fund,*
13 *\$3,304,247,000.*

14 *RESERVE PERSONNEL, NAVY*

15 *For pay, allowances, clothing, subsistence, gratuities,*
16 *travel, and related expenses for personnel of the Navy Re-*
17 *serve on active duty under section 10211 of title 10, United*
18 *States Code, or while serving on active duty under section*
19 *12301(d) of title 10, United States Code, in connection with*
20 *performing duty specified in section 12310(a) of title 10,*
21 *United States Code, or while undergoing reserve training,*
22 *or while performing drills or equivalent duty, and expenses*
23 *authorized by section 16131 of title 10, United States Code;*
24 *and for payments to the Department of Defense Military*
25 *Retirement Fund, \$1,760,676,000.*

1 *RESERVE PERSONNEL, MARINE CORPS*

2 *For pay, allowances, clothing, subsistence, gratuities,*
3 *travel, and related expenses for personnel of the Marine*
4 *Corps Reserve on active duty under section 10211 of title*
5 *10, United States Code, or while serving on active duty*
6 *under section 12301(d) of title 10, United States Code, in*
7 *connection with performing duty specified in section*
8 *12310(a) of title 10, United States Code, or while under-*
9 *going reserve training, or while performing drills or equiva-*
10 *lent duty, and for members of the Marine Corps platoon*
11 *leaders class, and expenses authorized by section 16131 of*
12 *title 10, United States Code; and for payments to the De-*
13 *partment of Defense Military Retirement Fund,*
14 *\$535,438,000.*

15 *RESERVE PERSONNEL, AIR FORCE*

16 *For pay, allowances, clothing, subsistence, gratuities,*
17 *travel, and related expenses for personnel of the Air Force*
18 *Reserve on active duty under sections 10211, 10305, and*
19 *8038 of title 10, United States Code, or while serving on*
20 *active duty under section 12301(d) of title 10, United States*
21 *Code, in connection with performing duty specified in sec-*
22 *tion 12310(a) of title 10, United States Code, or while un-*
23 *dergoing reserve training, or while performing drills or*
24 *equivalent duty or other duty, and expenses authorized by*
25 *section 16131 of title 10, United States Code; and for pay-*

1 *ments to the Department of Defense Military Retirement*
 2 *Fund, \$1,329,278,000.*

3 *NATIONAL GUARD PERSONNEL, ARMY*

4 *For pay, allowances, clothing, subsistence, gratuities,*
 5 *travel, and related expenses for personnel of the Army Na-*
 6 *tional Guard while on duty under section 10211, 10302,*
 7 *or 12402 of title 10 or section 708 of title 32, United States*
 8 *Code, or while serving on duty under section 12301(d) of*
 9 *title 10 or section 502(f) of title 32, United States Code,*
 10 *in connection with performing duty specified in section*
 11 *12310(a) of title 10, United States Code, or while under-*
 12 *going training, or while performing drills or equivalent*
 13 *duty or other duty, and expenses authorized by section*
 14 *16131 of title 10, United States Code; and for payments*
 15 *to the Department of Defense Military Retirement Fund,*
 16 *\$5,258,080,000.*

17 *NATIONAL GUARD PERSONNEL, AIR FORCE*

18 *For pay, allowances, clothing, subsistence, gratuities,*
 19 *travel, and related expenses for personnel of the Air Na-*
 20 *tional Guard on duty under section 10211, 10305, or 12402*
 21 *of title 10 or section 708 of title 32, United States Code,*
 22 *or while serving on duty under section 12301(d) of title 10*
 23 *or section 502(f) of title 32, United States Code, in connec-*
 24 *tion with performing duty specified in section 12310(a) of*
 25 *title 10, United States Code, or while undergoing training,*

1 *or while performing drills or equivalent duty or other duty,*
 2 *and expenses authorized by section 16131 of title 10, United*
 3 *States Code; and for payments to the Department of Defense*
 4 *Military Retirement Fund, \$2,369,255,000.*

5 *TITLE II*

6 *OPERATION AND MAINTENANCE*

7 *OPERATION AND MAINTENANCE, ARMY*

8 *For expenses, not otherwise provided for, necessary for*
 9 *the operation and maintenance of the Army, as authorized*
 10 *by law; and not to exceed \$11,478,000 can be used for emer-*
 11 *gencies and extraordinary expenses, to be expended on the*
 12 *approval or authority of the Secretary of the Army, and*
 13 *payments may be made on his certificate of necessity for*
 14 *confidential military purposes, \$23,980,180,000.*

15 *OPERATION AND MAINTENANCE, NAVY*

16 *For expenses, not otherwise provided for, necessary for*
 17 *the operation and maintenance of the Navy and the Marine*
 18 *Corps, as authorized by law; and not to exceed \$6,129,000*
 19 *can be used for emergencies and extraordinary expenses, to*
 20 *be expended on the approval or authority of the Secretary*
 21 *of the Navy, and payments may be made on his certificate*
 22 *of necessity for confidential military purposes,*
 23 *\$30,779,084,000.*

1 *OPERATION AND MAINTENANCE, MARINE CORPS*

2 *For expenses, not otherwise provided for, necessary for*
 3 *the operation and maintenance of the Marine Corps, as au-*
 4 *thorized by law, \$3,739,862,000.*

5 *OPERATION AND MAINTENANCE, AIR FORCE*

6 *For expenses, not otherwise provided for, necessary for*
 7 *the operation and maintenance of the Air Force, as author-*
 8 *ized by law; and not to exceed \$7,699,000 can be used for*
 9 *emergencies and extraordinary expenses, to be expended on*
 10 *the approval or authority of the Secretary of the Air Force,*
 11 *and payments may be made on his certificate of necessity*
 12 *for confidential military purposes, \$30,053,427,000.*

13 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For expenses, not otherwise provided for, necessary for*
 16 *the operation and maintenance of activities and agencies*
 17 *of the Department of Defense (other than the military de-*
 18 *partments), as authorized by law, \$19,919,175,000: Pro-*
 19 *vided, That not more than \$25,000,000 may be used for*
 20 *the Combatant Commander Initiative Fund authorized*
 21 *under section 166a of title 10, United States Code: Provided*
 22 *further, That not to exceed \$36,000,000 can be used for*
 23 *emergencies and extraordinary expenses, to be expended on*
 24 *the approval or authority of the Secretary of Defense, and*
 25 *payments may be made on his certificate of necessity for*

1 *confidential military purposes: Provided further, That of*
2 *the funds provided under this heading, not less than*
3 *\$27,037,000 shall be made available for the Procurement*
4 *Technical Assistance Cooperative Agreement Program, of*
5 *which not less than \$3,600,000 shall be available for centers*
6 *defined in 10 U.S.C. 2411(1)(D): Provided further, That*
7 *none of the funds appropriated or otherwise made available*
8 *by this Act may be used to plan or implement the consolida-*
9 *tion of a budget or appropriations liaison office of the Office*
10 *of the Secretary of Defense, the office of the Secretary of*
11 *a military department, or the service headquarters of one*
12 *of the Armed Forces into a legislative affairs or legislative*
13 *liaison office: Provided further, That \$4,000,000, to remain*
14 *available until expended, is available only for expenses re-*
15 *lating to certain classified activities, and may be trans-*
16 *ferred as necessary by the Secretary to operation and main-*
17 *tenance appropriations or research, development, test and*
18 *evaluation appropriations, to be merged with and to be*
19 *available for the same time period as the appropriations*
20 *to which transferred: Provided further, That any ceiling on*
21 *the investment item unit cost of items that may be pur-*
22 *chased with operation and maintenance funds shall not*
23 *apply to the funds described in the preceding proviso: Pro-*
24 *vided further, That the transfer authority provided under*

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

3 *OPERATION AND MAINTENANCE, ARMY RESERVE*

4 *For expenses, not otherwise provided for, necessary for*
5 *the operation and maintenance, including training, organi-*
6 *zation, and administration, of the Army Reserve; repair of*
7 *facilities and equipment; hire of passenger motor vehicles;*
8 *travel and transportation; care of the dead; recruiting; pro-*
9 *curement of services, supplies, and equipment; and commu-*
10 *nications, \$2,158,278,000.*

11 *OPERATION AND MAINTENANCE, NAVY RESERVE*

12 *For expenses, not otherwise provided for, necessary for*
13 *the operation and maintenance, including training, organi-*
14 *zation, and administration, of the Navy Reserve; repair of*
15 *facilities and equipment; hire of passenger motor vehicles;*
16 *travel and transportation; care of the dead; recruiting; pro-*
17 *curement of services, supplies, and equipment; and commu-*
18 *nications, \$1,275,764,000.*

19 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

20 *For expenses, not otherwise provided for, necessary for*
21 *the operation and maintenance, including training, organi-*
22 *zation, and administration, of the Marine Corps Reserve;*
23 *repair of facilities and equipment; hire of passenger motor*
24 *vehicles; travel and transportation; care of the dead; recruit-*

1 *ing; procurement of services, supplies, and equipment; and*
2 *communications, \$208,811,000.*

3 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

4 *For expenses, not otherwise provided for, necessary for*
5 *the operation and maintenance, including training, organi-*
6 *zation, and administration, of the Air Force Reserve; repair*
7 *of facilities and equipment; hire of passenger motor vehicles;*
8 *travel and transportation; care of the dead; recruiting; pro-*
9 *curement of services, supplies, and equipment; and commu-*
10 *nications, \$2,624,300,000.*

11 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

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

1 *modification, maintenance, and issue of supplies and*
2 *equipment (including aircraft), \$4,655,565,000.*

3 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

4 *For expenses of training, organizing, and admin-*
5 *istering the Air National Guard, including medical and*
6 *hospital treatment and related expenses in non-Federal hos-*
7 *pitals; maintenance, operation, and repairs to structures*
8 *and facilities; transportation of things, hire of passenger*
9 *motor vehicles; supplying and equipping the Air National*
10 *Guard, as authorized by law; expenses for repair, modifica-*
11 *tion, maintenance, and issue of supplies and equipment,*
12 *including those furnished from stocks under the control of*
13 *agencies of the Department of Defense; travel expenses (other*
14 *than mileage) on the same basis as authorized by law for*
15 *Air National Guard personnel on active Federal duty, for*
16 *Air National Guard commanders while inspecting units in*
17 *compliance with National Guard Bureau regulations when*
18 *specifically authorized by the Chief, National Guard Bu-*
19 *reau, \$5,008,392,000.*

20 *UNITED STATES COURT OF APPEALS FOR THE ARMED*
21 *FORCES*

22 *For salaries and expenses necessary for the United*
23 *States Court of Appeals for the Armed Forces, \$11,721,000,*
24 *of which not to exceed \$5,000 may be used for official rep-*
25 *resentation purposes.*

1 ENVIRONMENTAL RESTORATION, ARMY

2 (INCLUDING TRANSFER OF FUNDS)

3 *For the Department of the Army, \$413,794,000, to re-*
4 *main available until transferred: Provided, That the Sec-*
5 *retary of the Army shall, upon determining that such funds*
6 *are required for environmental restoration, reduction and*
7 *recycling of hazardous waste, removal of unsafe buildings*
8 *and debris of the Department of the Army, or for similar*
9 *purposes, transfer the funds made available by this appro-*
10 *priation to other appropriations made available to the De-*
11 *partment of the Army, to be merged with and to be available*
12 *for the same purposes and for the same time period as the*
13 *appropriations to which transferred: Provided further, That*
14 *upon a determination that all or part of the funds trans-*
15 *ferred from this appropriation are not necessary for the*
16 *purposes provided herein, such amounts may be transferred*
17 *back to this appropriation.*

18 ENVIRONMENTAL RESTORATION, NAVY

19 (INCLUDING TRANSFER OF FUNDS)

20 *For the Department of the Navy, \$304,409,000, to re-*
21 *main available until transferred: Provided, That the Sec-*
22 *retary of the Navy shall, upon determining that such funds*
23 *are required for environmental restoration, reduction and*
24 *recycling of hazardous waste, removal of unsafe buildings*
25 *and debris of the Department of the Navy, or for similar*

1 *purposes, transfer the funds made available by this appro-*
2 *priation to other appropriations made available to the De-*
3 *partment of the Navy, to be merged with and to be available*
4 *for the same purposes and for the same time period as the*
5 *appropriations to which transferred: Provided further, That*
6 *upon a determination that all or part of the funds trans-*
7 *ferred from this appropriation are not necessary for the*
8 *purposes provided herein, such amounts may be transferred*
9 *back to this appropriation.*

10 *ENVIRONMENTAL RESTORATION, AIR FORCE*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For the Department of the Air Force, \$423,871,000,*
13 *to remain available until transferred: Provided, That the*
14 *Secretary of the Air Force shall, upon determining that*
15 *such funds are required for environmental restoration, re-*
16 *duction and recycling of hazardous waste, removal of unsafe*
17 *buildings and debris of the Department of the Air Force,*
18 *or for similar purposes, transfer the funds made available*
19 *by this appropriation to other appropriations made avail-*
20 *able to the Department of the Air Force, to be merged with*
21 *and to be available for the same purposes and for the same*
22 *time period as the appropriations to which transferred:*
23 *Provided further, That upon a determination that all or*
24 *part of the funds transferred from this appropriation are*

1 *not necessary for the purposes provided herein, such*
2 *amounts may be transferred back to this appropriation.*

3 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For the Department of Defense, \$18,431,000, to remain*
6 *available until transferred: Provided, That the Secretary of*
7 *Defense shall, upon determining that such funds are re-*
8 *quired for environmental restoration, reduction and recy-*
9 *cling of hazardous waste, removal of unsafe buildings and*
10 *debris of the Department of Defense, or for similar purposes,*
11 *transfer the funds made available by this appropriation to*
12 *other appropriations made available to the Department of*
13 *Defense, to be merged with and to be available for the same*
14 *purposes and for the same time period as the appropria-*
15 *tions to which transferred: Provided further, That upon a*
16 *determination that all or part of the funds transferred from*
17 *this appropriation are not necessary for the purposes pro-*
18 *vided herein, such amounts may be transferred back to this*
19 *appropriation.*

20 *ENVIRONMENTAL RESTORATION, FORMERLY USED*

21 *DEFENSE SITES*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For the Department of the Army, \$282,790,000, to re-*
24 *main available until transferred: Provided, That the Sec-*
25 *retary of the Army shall, upon determining that such funds*

1 *are required for environmental restoration, reduction and*
 2 *recycling of hazardous waste, removal of unsafe buildings*
 3 *and debris at sites formerly used by the Department of De-*
 4 *fense, transfer the funds made available by this appropria-*
 5 *tion to other appropriations made available to the Depart-*
 6 *ment of the Army, to be merged with and to be available*
 7 *for the same purposes and for the same time period as the*
 8 *appropriations to which transferred: Provided further, That*
 9 *upon a determination that all or part of the funds trans-*
 10 *ferred from this appropriation are not necessary for the*
 11 *purposes provided herein, such amounts may be transferred*
 12 *back to this appropriation.*

13 *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*

14 *For expenses relating to the Overseas Humanitarian,*
 15 *Disaster, and Civic Aid programs of the Department of De-*
 16 *fense (consisting of the programs provided under sections*
 17 *401, 402, 404, 2557, and 2561 of title 10, United States*
 18 *Code), \$63,204,000, to remain available until September*
 19 *30, 2008.*

20 *FORMER SOVIET UNION THREAT REDUCTION ACCOUNT*

21 *For assistance to the republics of the former Soviet*
 22 *Union, including assistance provided by contract or by*
 23 *grants, for facilitating the elimination and the safe and se-*
 24 *cure transportation and storage of nuclear, chemical and*
 25 *other weapons; for establishing programs to prevent the pro-*

1 *liferation of weapons, weapons components, and weapon-*
 2 *related technology and expertise; for programs relating to*
 3 *the training and support of defense and military personnel*
 4 *for demilitarization and protection of weapons, weapons*
 5 *components and weapons technology and expertise, and for*
 6 *defense and military contacts, \$372,128,000, to remain*
 7 *available until September 30, 2009: Provided, That of the*
 8 *amounts provided under this heading, \$15,000,000 shall be*
 9 *available only to support the dismantling and disposal of*
 10 *nuclear submarines, submarine reactor components, and se-*
 11 *curity enhancements for transport and storage of nuclear*
 12 *warheads in the Russian Far East.*

13 *TITLE III*

14 *PROCUREMENT*

15 *AIRCRAFT PROCUREMENT, ARMY*

16 *For construction, procurement, production, modifica-*
 17 *tion, and modernization of aircraft, equipment, including*
 18 *ordnance, ground handling equipment, spare parts, and ac-*
 19 *cessories therefor; specialized equipment and training de-*
 20 *vices; expansion of public and private plants, including the*
 21 *land necessary therefor, for the foregoing purposes, and such*
 22 *lands and interests therein, may be acquired, and construc-*
 23 *tion prosecuted thereon prior to approval of title; and pro-*
 24 *curement and installation of equipment, appliances, and*
 25 *machine tools in public and private plants; reserve plant*

1 *and Government and contractor-owned equipment layaway;*
 2 *and other expenses necessary for the foregoing purposes,*
 3 *\$3,354,729,000, to remain available for obligation until*
 4 *September 30, 2009.*

5 *MISSILE PROCUREMENT, ARMY*

6 *For construction, procurement, production, modifica-*
 7 *tion, and modernization of missiles, equipment, including*
 8 *ordnance, ground handling equipment, spare parts, and ac-*
 9 *cessories therefor; specialized equipment and training de-*
 10 *vices; expansion of public and private plants, including the*
 11 *land necessary therefor, for the foregoing purposes, and such*
 12 *lands and interests therein, may be acquired, and construc-*
 13 *tion prosecuted thereon prior to approval of title; and pro-*
 14 *curement and installation of equipment, appliances, and*
 15 *machine tools in public and private plants; reserve plant*
 16 *and Government and contractor-owned equipment layaway;*
 17 *and other expenses necessary for the foregoing purposes,*
 18 *\$1,266,967,000, to remain available for obligation until*
 19 *September 30, 2009.*

20 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*

21 *VEHICLES, ARMY*

22 *For construction, procurement, production, and modi-*
 23 *fication of weapons and tracked combat vehicles, equipment,*
 24 *including ordnance, spare parts, and accessories therefor;*
 25 *specialized equipment and training devices; expansion of*

1 public and private plants, including the land necessary
2 therefor, for the foregoing purposes, and such lands and in-
3 terests therein, may be acquired, and construction pros-
4 ecuted thereon prior to approval of title; and procurement
5 and installation of equipment, appliances, and machine
6 tools in public and private plants; reserve plant and Gov-
7 ernment and contractor-owned equipment layaway; and
8 other expenses necessary for the foregoing purposes,
9 \$2,092,297,000, to remain available for obligation until
10 September 30, 2009.

11 *PROCUREMENT OF AMMUNITION, ARMY*

12 *For construction, procurement, production, and modi-*
13 *fication of ammunition, and accessories therefor; specialized*
14 *equipment and training devices; expansion of public and*
15 *private plants, including ammunition facilities, authorized*
16 *by section 2854 of title 10, United States Code, and the*
17 *land necessary therefor, for the foregoing purposes, and such*
18 *lands and interests therein, may be acquired, and construc-*
19 *tion prosecuted thereon prior to approval of title; and pro-*
20 *curement and installation of equipment, appliances, and*
21 *machine tools in public and private plants; reserve plant*
22 *and Government and contractor-owned equipment layaway;*
23 *and other expenses necessary for the foregoing purposes,*
24 *\$1,948,489,000, to remain available for obligation until*
25 *September 30, 2009.*

1 *OTHER PROCUREMENT, ARMY*

2 *For construction, procurement, production, and modi-*
3 *fication of vehicles, including tactical, support, and non-*
4 *tracked combat vehicles; the purchase of passenger motor ve-*
5 *hicles for replacement only; and the purchase of 3 vehicles*
6 *required for physical security of personnel, notwithstanding*
7 *price limitations applicable to passenger vehicles but not*
8 *to exceed \$255,000 per vehicle; communications and elec-*
9 *tronic equipment; other support equipment; spare parts,*
10 *ordnance, and accessories therefor; specialized equipment*
11 *and training devices; expansion of public and private*
12 *plants, including the land necessary therefor, for the fore-*
13 *going purposes, and such lands and interests therein, may*
14 *be acquired, and construction prosecuted thereon prior to*
15 *approval of title; and procurement and installation of*
16 *equipment, appliances, and machine tools in public and*
17 *private plants; reserve plant and Government and con-*
18 *tractor-owned equipment layaway; and other expenses nec-*
19 *essary for the foregoing purposes, \$7,724,878,000, to remain*
20 *available for obligation until September 30, 2009.*

21 *AIRCRAFT PROCUREMENT, NAVY*

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

1 *ing the land necessary therefor, and such lands and inter-*
 2 *ests therein, may be acquired, and construction prosecuted*
 3 *thereon prior to approval of title; and procurement and in-*
 4 *stallation of equipment, appliances, and machine tools in*
 5 *public and private plants; reserve plant and Government*
 6 *and contractor-owned equipment layaway,*
 7 *\$10,135,249,000, to remain available for obligation until*
 8 *September 30, 2009.*

9 *WEAPONS PROCUREMENT, NAVY*

10 *For construction, procurement, production, modifica-*
 11 *tion, and modernization of missiles, torpedoes, other weap-*
 12 *ons, and related support equipment including spare parts,*
 13 *and accessories therefor; expansion of public and private*
 14 *plants, including the land necessary therefor, and such*
 15 *lands and interests therein, may be acquired, and construc-*
 16 *tion prosecuted thereon prior to approval of title; and pro-*
 17 *curement and installation of equipment, appliances, and*
 18 *machine tools in public and private plants; reserve plant*
 19 *and Government and contractor-owned equipment layaway,*
 20 *\$2,558,020,000, to remain available for obligation until*
 21 *September 30, 2009.*

22 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*

23 *CORPS*

24 *For construction, procurement, production, and modi-*
 25 *fication of ammunition, and accessories therefor; specialized*

1 *equipment and training devices; expansion of public and*
 2 *private plants, including ammunition facilities, authorized*
 3 *by section 2854 of title 10, United States Code, and the*
 4 *land necessary therefor, for the foregoing purposes, and such*
 5 *lands and interests therein, may be acquired, and construc-*
 6 *tion prosecuted thereon prior to approval of title; and pro-*
 7 *curement and installation of equipment, appliances, and*
 8 *machine tools in public and private plants; reserve plant*
 9 *and Government and contractor-owned equipment layaway;*
 10 *and other expenses necessary for the foregoing purposes,*
 11 *\$799,943,000, to remain available for obligation until Sep-*
 12 *tember 30, 2009.*

13 *SHIPBUILDING AND CONVERSION, NAVY*

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

1 *Carrier Replacement Program (AP),*
 2 \$784,143,000;
 3 *NSSN, \$1,775,472,000;*
 4 *NSSN (AP), \$676,582,000;*
 5 *CVN Refuelings, \$954,495,000;*
 6 *CVN Refuelings (AP), \$117,139,000;*
 7 *SSBN Submarine Refuelings, \$189,022,000;*
 8 *SSBN Submarine Refuelings (AP), \$37,154,000;*
 9 *DD(X), \$2,568,111,000;*
 10 *DDG-51 Destroyer, \$355,849,000;*
 11 *LCS, \$300,670,000;*
 12 *LPD-17 (AP), \$297,492,000;*
 13 *LHA-R, \$1,135,917,000;*
 14 *T-AGS Oceanographic Survey Ship,*
 15 \$117,000,000;
 16 *LCAC Landing Craft Air Cushion,*
 17 \$110,692,000;
 18 *Prior year shipbuilding costs, \$557,849,000;*
 19 *Service Craft, \$45,245,000; and*
 20 *For outfitting, post delivery, conversions, and*
 21 *first destination transportation, \$370,643,000.*
 22 *In all: \$10,393,475,000, to remain available for obliga-*
 23 *tion until September 30, 2011: Provided, That additional*
 24 *obligations may be incurred after September 30, 2011, for*
 25 *engineering services, tests, evaluations, and other such budg-*

1 eted work that must be performed in the final stage of ship
 2 construction: Provided further, That none of the funds pro-
 3 vided under this heading for the construction or conversion
 4 of any naval vessel to be constructed in shipyards in the
 5 United States shall be expended in foreign facilities for the
 6 construction of major components of such vessel: Provided
 7 further, That none of the funds provided under this heading
 8 shall be used for the construction of any naval vessel in
 9 foreign shipyards.

10 OTHER PROCUREMENT, NAVY

11 For procurement, production, and modernization of
 12 support equipment and materials not otherwise provided
 13 for, Navy ordnance (except ordnance for new aircraft, new
 14 ships, and ships authorized for conversion); the purchase
 15 of passenger motor vehicles for replacement only, and the
 16 purchase of 10 vehicles required for physical security of per-
 17 sonnel, notwithstanding price limitations applicable to pas-
 18 senger vehicles but not to exceed \$255,000 per vehicle; ex-
 19 pansion of public and private plants, including the land
 20 necessary therefor, and such lands and interests therein,
 21 may be acquired, and construction prosecuted thereon prior
 22 to approval of title; and procurement and installation of
 23 equipment, appliances, and machine tools in public and
 24 private plants; reserve plant and Government and con-

1 *tractor-owned equipment layaway, \$4,731,831,000, to re-*
 2 *main available for obligation until September 30, 2009.*

3 *PROCUREMENT, MARINE CORPS*

4 *For expenses necessary for the procurement, manufac-*
 5 *ture, and modification of missiles, armament, military*
 6 *equipment, spare parts, and accessories therefor; plant*
 7 *equipment, appliances, and machine tools, and installation*
 8 *thereof in public and private plants; reserve plant and Gov-*
 9 *ernment and contractor-owned equipment layaway; vehicles*
 10 *for the Marine Corps, including the purchase of passenger*
 11 *motor vehicles for replacement only; and expansion of pub-*
 12 *lic and private plants, including land necessary therefor,*
 13 *and such lands and interests therein, may be acquired, and*
 14 *construction prosecuted thereon prior to approval of title,*
 15 *\$1,151,318,000, to remain available for obligation until*
 16 *September 30, 2009.*

17 *AIRCRAFT PROCUREMENT, AIR FORCE*

18 *For construction, procurement, and modification of*
 19 *aircraft and equipment, including armor and armament,*
 20 *specialized ground handling equipment, and training de-*
 21 *vices, spare parts, and accessories therefor; specialized*
 22 *equipment; expansion of public and private plants, Govern-*
 23 *ment-owned equipment and installation thereof in such*
 24 *plants, erection of structures, and acquisition of land, for*
 25 *the foregoing purposes, and such lands and interests therein,*

1 *may be acquired, and construction prosecuted thereon prior*
 2 *to approval of title; reserve plant and Government and con-*
 3 *tractor-owned equipment layaway; and other expenses nec-*
 4 *essary for the foregoing purposes including rents and trans-*
 5 *portation of things, \$11,096,406,000, to remain available*
 6 *for obligation until September 30, 2009.*

7 *MISSILE PROCUREMENT, AIR FORCE*

8 *For construction, procurement, and modification of*
 9 *missiles, spacecraft, rockets, and related equipment, includ-*
 10 *ing spare parts and accessories therefor, ground handling*
 11 *equipment, and training devices; expansion of public and*
 12 *private plants, Government-owned equipment and installa-*
 13 *tion thereof in such plants, erection of structures, and ac-*
 14 *quisition of land, for the foregoing purposes, and such lands*
 15 *and interests therein, may be acquired, and construction*
 16 *prosecuted thereon prior to approval of title; reserve plant*
 17 *and Government and contractor-owned equipment layaway;*
 18 *and other expenses necessary for the foregoing purposes in-*
 19 *cluding rents and transportation of things, \$3,975,407,000,*
 20 *to remain available for obligation until September 30,*
 21 *2009.*

22 *PROCUREMENT OF AMMUNITION, AIR FORCE*

23 *For construction, procurement, production, and modi-*
 24 *fication of ammunition, and accessories therefor; specialized*
 25 *equipment and training devices; expansion of public and*

1 *private plants, including ammunition facilities, authorized*
2 *by section 2854 of title 10, United States Code, and the*
3 *land necessary therefor, for the foregoing purposes, and such*
4 *lands and interests therein, may be acquired, and construc-*
5 *tion prosecuted thereon prior to approval of title; and pro-*
6 *curement and installation of equipment, appliances, and*
7 *machine tools in public and private plants; reserve plant*
8 *and Government and contractor-owned equipment layaway;*
9 *and other expenses necessary for the foregoing purposes,*
10 *\$1,046,802,000, to remain available for obligation until*
11 *September 30, 2009.*

12 *OTHER PROCUREMENT, AIR FORCE*

13 *For procurement and modification of equipment (in-*
14 *cluding ground guidance and electronic control equipment,*
15 *and ground electronic and communication equipment), and*
16 *supplies, materials, and spare parts therefor, not otherwise*
17 *provided for; the purchase of passenger motor vehicles for*
18 *replacement only, and the purchase of 2 vehicles required*
19 *for physical security of personnel, notwithstanding price*
20 *limitations applicable to passenger vehicles but not to ex-*
21 *ceed \$255,000 per vehicle; lease of passenger motor vehicles;*
22 *and expansion of public and private plants, Government-*
23 *owned equipment and installation thereof in such plants,*
24 *erection of structures, and acquisition of land, for the fore-*
25 *going purposes, and such lands and interests therein, may*

1 *be acquired, and construction prosecuted thereon, prior to*
 2 *approval of title; reserve plant and Government and con-*
 3 *tractor-owned equipment layaway, \$15,510,286,000, to re-*
 4 *main available for obligation until September 30, 2009.*

5 *PROCUREMENT, DEFENSE-WIDE*

6 *For expenses of activities and agencies of the Depart-*
 7 *ment of Defense (other than the military departments) nec-*
 8 *essary for procurement, production, and modification of*
 9 *equipment, supplies, materials, and spare parts therefor,*
 10 *not otherwise provided for; the purchase of passenger motor*
 11 *vehicles for replacement only, and the purchase of 5 vehicles*
 12 *required for physical security of personnel, notwithstanding*
 13 *prior limitations applicable to passenger vehicles but not*
 14 *to exceed \$255,000 per vehicle; expansion of public and pri-*
 15 *vate plants, equipment, and installation thereof in such*
 16 *plants, erection of structures, and acquisition of land for*
 17 *the foregoing purposes, and such lands and interests therein,*
 18 *may be acquired, and construction prosecuted thereon prior*
 19 *to approval of title; reserve plant and Government and con-*
 20 *tractor-owned equipment layaway, \$2,763,071,000, to re-*
 21 *main available for obligation until September 30, 2009.*

22 *NATIONAL GUARD AND RESERVE EQUIPMENT*

23 *For procurement of aircraft, missiles, tracked combat*
 24 *vehicles, ammunition, other weapons, and other procure-*
 25 *ment for the reserve components of the Armed Forces,*

1 \$340,000,000, to remain available for obligation until Sep-
 2 tember 30, 2009: Provided, That the Chiefs of the Reserve
 3 and National Guard components shall, not later than 30
 4 days after the enactment of this Act, individually submit
 5 to the congressional defense committees the modernization
 6 priority assessment for their respective Reserve or National
 7 Guard component.

8 *DEFENSE PRODUCTION ACT PURCHASES*

9 *For activities by the Department of Defense pursuant*
 10 *to sections 108, 301, 302, and 303 of the Defense Production*
 11 *Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093),*
 12 *\$68,884,000, to remain available until expended.*

13 *TITLE IV*

14 *RESEARCH, DEVELOPMENT, TEST AND*

15 *EVALUATION*

16 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

17 *For expenses necessary for basic and applied scientific*
 18 *research, development, test and evaluation, including main-*
 19 *tenance, rehabilitation, lease, and operation of facilities*
 20 *and equipment, \$11,245,040,000, to remain available for*
 21 *obligation until September 30, 2008.*

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

23 *For expenses necessary for basic and applied scientific*
 24 *research, development, test and evaluation, including main-*
 25 *tenance, rehabilitation, lease, and operation of facilities*

1 *and equipment, \$17,048,238,000, to remain available for*
 2 *obligation until September 30, 2008: Provided, That funds*
 3 *appropriated in this paragraph which are available for the*
 4 *V-22 may be used to meet unique operational requirements*
 5 *of the Special Operations Forces: Provided further, That*
 6 *funds appropriated in this paragraph shall be available for*
 7 *the Cobra Judy program.*

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

10 *For expenses necessary for basic and applied scientific*
 11 *research, development, test and evaluation, including main-*
 12 *tenance, rehabilitation, lease, and operation of facilities*
 13 *and equipment, \$23,974,081,000, to remain available for*
 14 *obligation until September 30, 2008.*

15 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
 16 *DEFENSE-WIDE*

17 *For expenses of activities and agencies of the Depart-*
 18 *ment of Defense (other than the military departments), nec-*
 19 *essary for basic and applied scientific research, develop-*
 20 *ment, test and evaluation; advanced research projects as*
 21 *may be designated and determined by the Secretary of De-*
 22 *fense, pursuant to law; maintenance, rehabilitation, lease,*
 23 *and operation of facilities and equipment, \$20,543,393,000,*
 24 *to remain available for obligation until September 30,*
 25 *2008.*

12 *REVOLVING AND MANAGEMENT FUNDS*

14 *For the Defense Working Capital Funds,*
15 *\$1,345,998,000.*

17 *For National Defense Sealift Fund programs, projects,*
18 *and activities, and for expenses of the National Defense Re-*
19 *serve Fleet, as established by section 11 of the Merchant*
20 *Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the*
21 *necessary expenses to maintain and preserve a U.S.-flag*
22 *merchant fleet to serve the national security needs of the*
23 *United States, \$616,932,000, to remain available until ex-*
24 *pended: Provided, That none of the funds provided in this*
25 *paragraph shall be used to award a new contract that pro-*

1 *vides for the acquisition of any of the following major com-*
2 *ponents unless such components are manufactured in the*
3 *United States: auxiliary equipment, including pumps, for*
4 *all shipboard services; propulsion system components (that*
5 *is; engines, reduction gears, and propellers); shipboard*
6 *cranes; and spreaders for shipboard cranes: Provided fur-*
7 *ther, That the exercise of an option in a contract awarded*
8 *through the obligation of previously appropriated funds*
9 *shall not be considered to be the award of a new contract:*
10 *Provided further, That the Secretary of the military depart-*
11 *ment responsible for such procurement may waive the re-*
12 *strictions in the first proviso on a case-by-case basis by cer-*
13 *tifying in writing to the Committees on Appropriations of*
14 *the House of Representatives and the Senate that adequate*
15 *domestic supplies are not available to meet Department of*
16 *Defense requirements on a timely basis and that such an*
17 *acquisition must be made in order to acquire capability for*
18 *national security purposes.*

19 *PENTAGON RESERVATION MAINTENANCE REVOLVING FUND*

20 *For the Pentagon Reservation Maintenance Revolving*
21 *Fund, \$18,500,000, to remain available until September 30,*
22 *2011.*

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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, \$21,409,863,000, of which \$20,544,605,000 shall be for Operation and maintenance, and of which up to \$10,887,784,000 may be available for contracts entered into under the TRICARE program; of which \$397,355,000, to remain available for obligation until September 30, 2009, shall be for Procurement; and of which \$467,903,000, to remain available for obligation until September 30, 2008, shall be for Research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

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, \$1,277,304,000, of which \$1,046,290,000 shall be for Operation and maintenance; \$231,014,000 shall be for Research, development, test and evaluation, of which

1 \$215,944,000 shall only be for the Assembled Chemical
 2 Weapons Alternatives (ACWA) program, to remain avail-
 3 able until September 30, 2008; and no less than
 4 \$111,283,000 may be for the Chemical Stockpile Emergency
 5 Preparedness Program, of which \$41,074,000 shall be for
 6 activities on military installations and of which
 7 \$70,209,000, to remain available until September 30, 2008,
 8 shall be to assist State and local governments.

9 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*

10 *DEFENSE*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For drug interdiction and counter-drug activities of*
 13 *the Department of Defense, for transfer to appropriations*
 14 *available to the Department of Defense for military per-*
 15 *sonnel of the reserve components serving under the provi-*
 16 *sions of title 10 and title 32, United States Code; for Oper-*
 17 *ation and maintenance; for Procurement; and for Research,*
 18 *development, test and evaluation, \$978,212,000: Provided,*
 19 *That the funds appropriated under this heading shall be*
 20 *available for obligation for the same time period and for*
 21 *the same purpose as the appropriation to which transferred:*
 22 *Provided further, That upon a determination that all or*
 23 *part of the funds transferred from this appropriation are*
 24 *not necessary for the purposes provided herein, such*
 25 *amounts may be transferred back to this appropriation:*

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

4 *OFFICE OF THE INSPECTOR GENERAL*

5 *For expenses and activities of the Office of the Inspec-*
6 *tor General in carrying out the provisions of the Inspector*
7 *General Act of 1978, as amended, \$216,297,000, of which*
8 *\$214,897,000 shall be for Operation and maintenance, of*
9 *which not to exceed \$700,000 is available for emergencies*
10 *and extraordinary expenses to be expended on the approval*
11 *or authority of the Inspector General, and payments may*
12 *be made on the Inspector General's certificate of necessity*
13 *for confidential military purposes; and of which \$1,400,000,*
14 *to remain available until September 30, 2009, shall be for*
15 *Procurement.*

16 *TITLE VII*

17 *RELATED AGENCIES*

18 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*

19 *DISABILITY SYSTEM FUND*

20 *For payment to the Central Intelligence Agency Retire-*
21 *ment and Disability System Fund, to maintain the proper*
22 *funding level for continuing the operation of the Central*
23 *Intelligence Agency Retirement and Disability System,*
24 *\$256,400,000.*

1 *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*
2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For necessary expenses of the Intelligence Community*
4 *Management Account, \$597,011,000, of which \$36,268,000*
5 *for the Advanced Research and Development Committee*
6 *shall remain available until September 30, 2008: Provided,*
7 *That the Director of National Intelligence shall, utilizing*
8 *amounts appropriated by this heading, prepare as soon as*
9 *practicable but not later than 90 days after the date of en-*
10 *actment of this Act, a new National Intelligence Estimate*
11 *on prospects for security and stability in Iraq, which shall*
12 *address such matters as the Director of National Intel-*
13 *ligence considers appropriate, including (1) an assessment*
14 *of whether Iraq is succeeding in creating a stable and effec-*
15 *tive unity government, and the likelihood that government*
16 *will address the concerns of the Sunni community, (2) the*
17 *prospects for Iraq's ethnic, religious and tribal divisions,*
18 *(3) the prospects for controlling severe sectarian violence*
19 *that could lead to civil war, (4) an assessment whether Iraq*
20 *is succeeding in standing up effective security forces, in-*
21 *cluding an assessment of (A) the extent to which militias*
22 *are providing security in Iraq, and (B) the extent to which*
23 *the Government of Iraq has developed and implemented a*
24 *credible plan to disarm and demobilize and reintegrate mi-*
25 *litias into government security forces and is working to ob-*

tain a political commitment from political parties to ban militias, and (5) the prospects for economic reconstruction and the impact that will have on security and stability: Provided further, That the Director of National Intelligence shall submit to Congress the National Intelligence Estimate prepared under the preceding proviso and this document shall be submitted in classified form, except that, consistent with the protection of intelligence sources and methods, an unclassified summary of key judgments of the National Intelligence Estimate should be submitted: Provided further, That if the Director of National Intelligence is unable to submit the National Intelligence Estimate by the date specified in the preceding proviso, the Director shall submit to Congress, not later than that date, a report setting forth the reasons for being unable to do so and the date on which such National Intelligence Estimate will be provided.

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:

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

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

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

1 of reserve components or summer camp training of the Re-
2 serve Officers' Training Corps.

3 (TRANSFER OF FUNDS)

4 SEC. 8005. Upon determination by the Secretary of
5 Defense that such action is necessary in the national inter-
6 est, he may, with the approval of the Office of Management
7 and Budget, transfer not to exceed \$4,500,000,000 of work-
8 ing capital funds of the Department of Defense or funds
9 made available in this Act to the Department of Defense
10 for military functions (except military construction) be-
11 tween such appropriations or funds or any subdivision
12 thereof, to be merged with and to be available for the same
13 purposes, and for the same time period, as the appropria-
14 tion or fund to which transferred: Provided, That such au-
15 thority to transfer may not be used unless for higher pri-
16 ority items, based on unforeseen military requirements,
17 than those for which originally appropriated and in no case
18 where the item for which funds are requested has been de-
19 nied by the Congress: Provided further, That the Secretary
20 of Defense shall notify the Congress promptly of all transfers
21 made pursuant to this authority or any other authority in
22 this Act: Provided further, That no part of the funds in
23 this Act shall be available to prepare or present a request
24 to the Committees on Appropriations for reprogramming
25 of funds, unless for higher priority items, based on unfore-
26 seen military requirements, than those for which originally

1 *appropriated and in no case where the item for which re-*
2 *programming is requested has been denied by the Congress:*
3 *Provided further, That a request for multiple*
4 *reprogrammings of funds using authority provided in this*
5 *section must be made prior to June 30, 2007: Provided fur-*
6 *ther, That transfers among military personnel appropria-*
7 *tions shall not be taken into account for purposes of the*
8 *limitation on the amount of funds that may be transferred*
9 *under this section.*

10 (TRANSFER OF FUNDS)

11 *SEC. 8006. During the current fiscal year, cash bal-*
12 *ances in working capital funds of the Department of De-*
13 *fense established pursuant to section 2208 of title 10, United*
14 *States Code, may be maintained in only such amounts as*
15 *are necessary at any time for cash disbursements to be made*
16 *from such funds: Provided, That transfers may be made be-*
17 *tween such funds: Provided further, That transfers may be*
18 *made between working capital funds and the “Foreign Cur-*
19 *rency Fluctuations, Defense” appropriation and the “Oper-*
20 *ation and Maintenance” appropriation accounts in such*
21 *amounts as may be determined by the Secretary of Defense,*
22 *with the approval of the Office of Management and Budget,*
23 *except that such transfers may not be made unless the Sec-*
24 *retary of Defense has notified the Congress of the proposed*
25 *transfer. Except in amounts equal to the amounts appro-*
26 *riated to working capital funds in this Act, no obligations*

1 *may be made against a working capital fund to procure*
2 *or increase the value of war reserve material inventory, un-*
3 *less the Secretary of Defense has notified the Congress prior*
4 *to any such obligation.*

5 *SEC. 8007. Funds appropriated by this Act may not*
6 *be used to initiate a special access program without prior*
7 *notification 30 calendar days in session in advance to the*
8 *congressional defense committees.*

9 *SEC. 8008. None of the funds provided in this Act shall*
10 *be available to initiate: (1) a multiyear contract that em-*
11 *loys economic order quantity procurement in excess of*
12 *\$20,000,000 in any one year of the contract or that includes*
13 *an unfunded contingent liability in excess of \$20,000,000;*
14 *or (2) a contract for advance procurement leading to a*
15 *multiyear contract that employs economic order quantity*
16 *procurement in excess of \$20,000,000 in any one year, un-*
17 *less the congressional defense committees have been notified*
18 *at least 30 days in advance of the proposed contract award:*
19 *Provided, That no part of any appropriation contained in*
20 *this Act shall be available to initiate a multiyear contract*
21 *for which the economic order quantity advance procurement*
22 *is not funded at least to the limits of the Government's li-*
23 *ability: Provided further, That no part of any appropria-*
24 *tion contained in this Act shall be available to initiate*
25 *multiyear procurement contracts for any systems or compo-*

1 *nent thereof if the value of the multiyear contract would*
 2 *exceed \$500,000,000 unless specifically provided in this Act:*
 3 *Provided further, That no multiyear procurement contract*
 4 *can be terminated without 10-day prior notification to the*
 5 *congressional defense committees: Provided further, That the*
 6 *execution of multiyear authority shall require the use of a*
 7 *present value analysis to determine lowest cost compared*
 8 *to an annual procurement: Provided further, That none of*
 9 *the funds provided in this Act may be used for a multiyear*
 10 *contract executed after the date of the enactment of this Act*
 11 *unless in the case of any such contract—*

12 *(1) the Secretary of Defense has submitted to*
 13 *Congress a budget request for full funding of units to*
 14 *be procured through the contract;*

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

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

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

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

3 *C-17 Globemaster;*

4 *F-22A;*

5 *MH-60R Helicopters;*

6 *MH-60R Helicopter mission equipment; and*

7 *V-22 Osprey.*

8 *SEC. 8009. Within the funds appropriated for the oper-*
9 *ation and maintenance of the Armed Forces, funds are here-*
10 *by appropriated pursuant to section 401 of title 10, United*
11 *States Code, for humanitarian and civic assistance costs*
12 *under chapter 20 of title 10, United States Code. Such funds*
13 *may also be obligated for humanitarian and civic assist-*
14 *ance costs incidental to authorized operations and pursuant*
15 *to authority granted in section 401 of chapter 20 of title*
16 *10, United States Code, and these obligations shall be re-*
17 *ported as required by section 401(d) of title 10, United*
18 *States Code: Provided, That funds available for operation*
19 *and maintenance shall be available for providing humani-*
20 *tarian and similar assistance by using Civic Action Teams*
21 *in the Trust Territories of the Pacific Islands and freely*
22 *associated states of Micronesia, pursuant to the Compact*
23 *of Free Association as authorized by Public Law 99-239:*
24 *Provided further, That upon a determination by the Sec-*
25 *retary of the Army that such action is beneficial for grad-*

1 uate medical education programs conducted at Army med-
2 ical facilities located in Hawaii, the Secretary of the Army
3 may authorize the provision of medical services at such fa-
4 cilities and transportation to such facilities, on a non-
5 reimbursable basis, for civilian patients from American
6 Samoa, the Commonwealth of the Northern Mariana Is-
7 lands, the Marshall Islands, the Federated States of Micro-
8 nesia, Palau, and Guam.

9 SEC. 8010. (a) During fiscal year 2007, the civilian
10 personnel of the Department of Defense may not be man-
11 aged on the basis of any end-strength, and the management
12 of such personnel during that fiscal year shall not be subject
13 to any constraint or limitation (known as an end-strength)
14 on the number of such personnel who may be employed on
15 the last day of such fiscal year.

16 (b) The fiscal year 2008 budget request for the Depart-
17 ment of Defense as well as all justification material and
18 other documentation supporting the fiscal year 2008 De-
19 partment of Defense budget request shall be prepared and
20 submitted to the Congress as if subsections (a) and (b) of
21 this provision were effective with regard to fiscal year 2008.

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

24 SEC. 8011. None of the funds appropriated in this or
25 any other Act may be used to initiate a new installation

1 overseas without 30-day advance notification to the Com-
2 mittees on Appropriations.

3 *SEC. 8012. None of the funds made available by this*
4 *Act shall be used in any way, directly or indirectly, to in-*
5 *fluence congressional action on any legislation or appro-*
6 *priation matters pending before the Congress.*

7 *SEC. 8013. None of the funds appropriated by this Act*
8 *shall be available for the basic pay and allowances of any*
9 *member of the Army participating as a full-time student*
10 *and receiving benefits paid by the Secretary of Veterans Af-*
11 *fairs from the Department of Defense Education Benefits*
12 *Fund when time spent as a full-time student is credited*
13 *toward completion of a service commitment: Provided, That*
14 *this subsection shall not apply to those members who have*
15 *reenlisted with this option prior to October 1, 1987: Pro-*
16 *vided further, That this subsection applies only to active*
17 *components of the Army.*

18 *SEC. 8014. (a) LIMITATION ON CONVERSION TO CON-*
19 *TRACTOR PERFORMANCE.—None of the funds appropriated*
20 *by this Act shall be available to convert to contractor per-*
21 *formance an activity or function of the Department of De-*
22 *fense that, on or after the date of the enactment of this Act,*
23 *is performed by more than 10 Department of Defense civil-*
24 *ian employees unless—*

1 (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 (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—*

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

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

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

6 (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;*

7 (B) *offering to such workers an employer-sponsored health benefits plan that requires the*

1 *employer to contribute less towards the premium*
 2 *or subscription share than the amount that is*
 3 *paid by the Department of Defense for health*
 4 *benefits for civilian employees under chapter 89*
 5 *of title 5, United States Code; or*

6 *(C) offering to such workers a retirement*
 7 *benefit that in any year costs less than the an-*
 8 *nual retirement cost factor applicable to Depart-*
 9 *ment of Defense civilian employees under chapter*
 10 *84 of title 5, United States Code.*

11 *(b) EXCEPTIONS.—*

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

20 *(A) is included on the procurement list es-*
 21 *tablished pursuant to section 2 of the Javits-*
 22 *Wagner-O'Day Act (41 U.S.C. 47);*

23 *(B) is planned to be converted to perform-*
 24 *ance by a qualified nonprofit agency for the*
 25 *blind or by a qualified nonprofit agency for*

1 *other severely handicapped individuals in ac-*
 2 *cordance with that Act; or*

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

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

15 *(c) TREATMENT OF CONVERSION.—The conversion of*
 16 *any activity or function of the Department of Defense under*
 17 *the authority provided by this section shall be credited to-*
 18 *ward any competitive or outsourcing goal, target, or meas-*
 19 *urement that may be established by statute, regulation, or*
 20 *policy and is deemed to be awarded under the authority*
 21 *of, and in compliance with, subsection (h) of section 2304*
 22 *of title 10, United States Code, for the competition or*
 23 *outsourcing of commercial activities.*

24 *(TRANSFER OF FUNDS)*

25 *SEC. 8015. Funds appropriated in title III of this Act*
 26 *for the Department of Defense Pilot Mentor-Protege Pro-*

1 *gram may be transferred to any other appropriation con-*
2 *tained in this Act solely for the purpose of implementing*
3 *a Mentor-Protege Program developmental assistance agree-*
4 *ment pursuant to section 831 of the National Defense Au-*
5 *thorization Act for Fiscal Year 1991 (Public Law 101-510;*
6 *10 U.S.C. 2302 note), as amended, under the authority of*
7 *this provision or any other transfer authority contained in*
8 *this Act.*

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

1 *domestic supplies are not available to meet Department of*
2 *Defense requirements on a timely basis, the Secretary of the*
3 *service responsible for the procurement may waive this re-*
4 *striction on a case-by-case basis by certifying in writing*
5 *to the Committees on Appropriations that such an acquisi-*
6 *tion must be made in order to acquire capability for na-*
7 *tional security purposes.*

8 *SEC. 8017. None of the funds available to the Depart-*
9 *ment of Defense may be used to demilitarize or dispose of*
10 *M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber*
11 *rifles, .30 caliber rifles, or M-1911 pistols.*

12 *SEC. 8018. None of the funds appropriated by this Act*
13 *available for the Civilian Health and Medical Program of*
14 *the Uniformed Services (CHAMPUS) or TRICARE shall*
15 *be available for the reimbursement of any health care pro-*
16 *vider for inpatient mental health service for care received*
17 *when a patient is referred to a provider of inpatient mental*
18 *health care or residential treatment care by a medical or*
19 *health care professional having an economic interest in the*
20 *facility to which the patient is referred: Provided, That this*
21 *limitation does not apply in the case of inpatient mental*
22 *health services provided under the program for persons with*
23 *disabilities under subsection (d) of section 1079 of title 10,*
24 *United States Code, provided as partial hospital care, or*
25 *provided pursuant to a waiver authorized by the Secretary*

1 *of Defense because of medical or psychological circumstances*
2 *of the patient that are confirmed by a health professional*
3 *who is not a Federal employee after a review, pursuant to*
4 *rules prescribed by the Secretary, which takes into account*
5 *the appropriate level of care for the patient, the intensity*
6 *of services required by the patient, and the availability of*
7 *that care.*

8 *SEC. 8019. No more than \$500,000 of the funds appro-*
9 *priated or made available in this Act shall be used during*
10 *a single fiscal year for any single relocation of an organiza-*
11 *tion, unit, activity or function of the Department of Defense*
12 *into or within the National Capital Region: Provided, That*
13 *the Secretary of Defense may waive this restriction on a*
14 *case-by-case basis by certifying in writing to the congres-*
15 *sional defense committees that such a relocation is required*
16 *in the best interest of the Government.*

17 *SEC. 8020. In addition to the funds provided elsewhere*
18 *in this Act, \$8,000,000 is appropriated only for incentive*
19 *payments authorized by section 504 of the Indian Financ-*
20 *ing Act of 1974 (25 U.S.C. 1544): Provided, That a prime*
21 *contractor or a subcontractor at any tier that makes a sub-*
22 *contract award to any subcontractor or supplier as defined*
23 *in section 1544 of title 25, United States Code or a small*
24 *business owned and controlled by an individual or individ-*
25 *uals defined under section 4221(9) of title 25, United States*

1 Code shall be considered a contractor for the purposes of
2 being allowed additional compensation under section 504
3 of the Indian Financing Act of 1974 (25 U.S.C. 1544)
4 whenever the prime contract or subcontract amount is over
5 \$500,000 and involves the expenditure of funds appro-
6 priated by an Act making Appropriations for the Depart-
7 ment of Defense with respect to any fiscal year: Provided
8 further, That notwithstanding section 430 of title 41,
9 United States Code, this section shall be applicable to any
10 Department of Defense acquisition of supplies or services,
11 including any contract and any subcontract at any tier for
12 acquisition of commercial items produced or manufactured,
13 in whole or in part by any subcontractor or supplier de-
14 fined in section 1544 of title 25, United States Code or a
15 small business owned and controlled by an individual or
16 individuals defined under section 4221(9) of title 25,
17 United States Code: Provided further, That, during the cur-
18 rent fiscal year and hereafter, businesses certified as 8(a)
19 by the Small Business Administration pursuant to section
20 8(a)(15) of Public Law 85–536, as amended, shall have the
21 same status as other program participants under section
22 602 of Public Law 100–656, 102 Stat. 3825 (Business Op-
23 portunity Development Reform Act of 1988) for purposes
24 of contracting with agencies of the Department of Defense.

1 *SEC. 8021. None of the funds appropriated by this Act*
2 *shall be available to perform any cost study pursuant to*
3 *the provisions of OMB Circular A-76 if the study being*
4 *performed exceeds a period of 24 months after initiation*
5 *of such study with respect to a single function activity or*
6 *30 months after initiation of such study for a multi-func-*
7 *tion activity.*

8 *SEC. 8022. Funds appropriated by this Act for the*
9 *American Forces Information Service shall not be used for*
10 *any national or international political or psychological ac-*
11 *tivities.*

12 *SEC. 8023. Notwithstanding any other provision of*
13 *law or regulation, the Secretary of Defense may adjust wage*
14 *rates for civilian employees hired for certain health care*
15 *occupations as authorized for the Secretary of Veterans Af-*
16 *fairs by section 7455 of title 38, United States Code.*

17 *SEC. 8024. During the current fiscal year, the Depart-*
18 *ment of Defense is authorized to incur obligations of not*
19 *to exceed \$350,000,000 for purposes specified in section*
20 *2350j(c) of title 10, United States Code, in anticipation of*
21 *receipt of contributions, only from the Government of Ku-*
22 *wait, under that section: Provided, That upon receipt, such*
23 *contributions from the Government of Kuwait shall be cred-*
24 *ited to the appropriations or fund which incurred such obli-*
25 *gations.*

1 *SEC. 8025. (a) Of the funds made available in this*
2 *Act, not less than \$35,975,000 shall be available for the*
3 *Civil Air Patrol Corporation, of which—*

4 *(1) \$25,087,000 shall be available from “Oper-*
5 *ation and Maintenance, Air Force” to support Civil*
6 *Air Patrol Corporation operation and maintenance,*
7 *readiness, counterdrug activities, and drug demand*
8 *reduction activities involving youth programs;*

9 *(2) \$10,193,000 shall be available from “Aircraft*
10 *Procurement, Air Force”; and*

11 *(3) \$695,000 shall be available from “Other Pro-*
12 *curement, Air Force” for vehicle procurement.*

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

17 *SEC. 8026. (a) None of the funds appropriated in this*
18 *Act are available to establish a new Department of Defense*
19 *(department) federally funded research and development*
20 *center (FFRDC), either as a new entity, or as a separate*
21 *entity administrated by an organization managing another*
22 *FFRDC, or as a nonprofit membership corporation con-*
23 *sisting of a consortium of other FFRDCs and other non-*
24 *profit entities.*

1 (b) No member of a Board of Directors, Trustees, Over-
2 seers, Advisory Group, Special Issues Panel, Visiting Com-
3 mittee, or any similar entity of a defense FFRDC, and no
4 paid consultant to any defense FFRDC, except when acting
5 in a technical advisory capacity, may be compensated for
6 his or her services as a member of such entity, or as a paid
7 consultant by more than one FFRDC in a fiscal year: Pro-
8 vided, That a member of any such entity referred to pre-
9 viously in this subsection shall be allowed travel expenses
10 and per diem as authorized under the Federal Joint Travel
11 Regulations, when engaged in the performance of member-
12 ship duties.

13 (c) Notwithstanding any other provision of law, none
14 of the funds available to the department from any source
15 during fiscal year 2007 may be used by a defense FFRDC,
16 through a fee or other payment mechanism, for construction
17 of new buildings, for payment of cost sharing for projects
18 funded by Government grants, for absorption of contract
19 overruns, or for certain charitable contributions, not to in-
20 clude employee participation in community service and/or
21 development.

22 (d) Notwithstanding any other provision of law, of the
23 funds available to the department during fiscal year 2007,
24 not more than 5,517 staff years of technical effort (staff
25 years) may be funded for defense FFRDCs: Provided, That

1 of the specific amount referred to previously in this sub-
2 section, not more than 1,050 staff years may be funded for
3 the defense studies and analysis FFRDCs: Provided further,
4 That this subsection shall not apply to staff years funded
5 in the National Intelligence Program (NIP).

6 (e) The Secretary of Defense shall, with the submission
7 of the department's fiscal year 2008 budget request, submit
8 a report presenting the specific amounts of staff years of
9 technical effort to be allocated for each defense FFRDC dur-
10 ing that fiscal year.

11 (f) Notwithstanding any other provision of this Act,
12 the total amount appropriated in this Act for FFRDCs is
13 hereby reduced by \$53,200,000.

14 SEC. 8027. None of the funds appropriated or made
15 available in this Act shall be used to procure carbon, alloy
16 or armor steel plate for use in any Government-owned facil-
17 ity or property under the control of the Department of De-
18 fense which were not melted and rolled in the United States
19 or Canada: Provided, That these procurement restrictions
20 shall apply to any and all Federal Supply Class 9515,
21 American Society of Testing and Materials (ASTM) or
22 American Iron and Steel Institute (AISI) specifications of
23 carbon, alloy or armor steel plate: Provided further, That
24 the Secretary of the military department responsible for the
25 procurement may waive this restriction on a case-by-case

1 basis by certifying in writing to the Committees on Appro-
2 priations of the House of Representatives and the Senate
3 that adequate domestic supplies are not available to meet
4 Department of Defense requirements on a timely basis and
5 that such an acquisition must be made in order to acquire
6 capability for national security purposes: Provided further,
7 That these restrictions shall not apply to contracts which
8 are in being as of the date of the enactment of this Act.

9 SEC. 8028. For the purposes of this Act, the term “con-
10 gressional defense committees” means the Armed Services
11 Committee of the House of Representatives, the Armed Serv-
12 ices Committee of the Senate, the Subcommittee on Defense
13 of the Committee on Appropriations of the Senate, and the
14 Subcommittee on Defense of the Committee on Appropria-
15 tions of the House of Representatives. In addition, for any
16 matter pertaining to basic allowance for housing, facilities
17 sustainment, restoration and modernization, environmental
18 restoration and the Defense Health Program, “congressional
19 defense committees” also means the Subcommittee on Mili-
20 tary Quality of Life and Veterans Affairs, and Related
21 Agencies of the Committee on Appropriations of the House
22 of Representatives.

23 SEC. 8029. During the current fiscal year, the Depart-
24 ment of Defense may acquire the modification, depot main-
25 tenance and repair of aircraft, vehicles and vessels as well

1 *as the production of components and other Defense-related*
2 *articles, through competition between Department of De-*
3 *fense depot maintenance activities and private firms: Pro-*
4 *vided, That the Senior Acquisition Executive of the military*
5 *department or Defense Agency concerned, with power of del-*
6 *egation, shall certify that successful bids include comparable*
7 *estimates of all direct and indirect costs for both public and*
8 *private bids: Provided further, That Office of Management*
9 *and Budget Circular A-76 shall not apply to competitions*
10 *conducted under this section.*

11 *SEC. 8030. (a)(1) If the Secretary of Defense, after con-*
12 *sultation with the United States Trade Representative, de-*
13 *termines that a foreign country which is party to an agree-*
14 *ment described in paragraph (2) has violated the terms of*
15 *the agreement by discriminating against certain types of*
16 *products produced in the United States that are covered by*
17 *the agreement, the Secretary of Defense shall rescind the*
18 *Secretary's blanket waiver of the Buy American Act with*
19 *respect to such types of products produced in that foreign*
20 *country.*

21 *(2) An agreement referred to in paragraph (1) is any*
22 *reciprocal defense procurement memorandum of under-*
23 *standing, between the United States and a foreign country*
24 *pursuant to which the Secretary of Defense has prospec-*

1 *tively waived the Buy American Act for certain products*
2 *in that country.*

3 **(b)** *The Secretary of Defense shall submit to the Con-*
4 *gress a report on the amount of Department of Defense pur-*
5 *chases from foreign entities in fiscal year 2007. Such report*
6 *shall separately indicate the dollar value of items for which*
7 *the Buy American Act was waived pursuant to any agree-*
8 *ment described in subsection (a)(2), the Trade Agreement*
9 *Act of 1979 (19 U.S.C. 2501 et seq.), or any international*
10 *agreement to which the United States is a party.*

11 **(c)** *For purposes of this section, the term “Buy Amer-*
12 *ican Act” means title III of the Act entitled “An Act mak-*
13 *ing appropriations for the Treasury and Post Office De-*
14 *partments for the fiscal year ending June 30, 1934, and*
15 *for other purposes”, approved March 3, 1933 (41 U.S.C.*
16 *10a et seq.).*

17 **SEC. 8031.** *Notwithstanding any other provision of*
18 *law, funds available during the current fiscal year and*
19 *hereafter for “Drug Interdiction and Counter-Drug Activi-*
20 *ties, Defense” may be obligated for the Young Marines pro-*
21 *gram.*

22 **(INCLUDING TRANSFER OF FUNDS)**

23 **SEC. 8032.** *During the current fiscal year, amounts*
24 *contained in the Department of Defense Overseas Military*
25 *Facility Investment Recovery Account established by section*
26 *2921(c)(1) of the National Defense Authorization Act of*

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

4 SEC. 8033. (a) *IN GENERAL.*—Notwithstanding any
5 other provision of law, the Secretary of the Air Force may
6 convey at no cost to the Air Force, without consideration,
7 to Indian tribes located in the States of North Dakota,
8 South Dakota, Montana, and Minnesota relocatable mili-
9 tary housing units located at Grand Forks Air Force Base
10 and Minot Air Force Base that are excess to the needs of
11 the Air Force.

12 (b) *PROCESSING OF REQUESTS.*—The Secretary of the
13 Air Force shall convey, at no cost to the Air Force, military
14 housing units under subsection (a) in accordance with the
15 request for such units that are submitted to the Secretary
16 by the Operation Walking Shield Program on behalf of In-
17 dian tribes located in the States of North Dakota, South
18 Dakota, Montana, and Minnesota.

19 (c) *RESOLUTION OF HOUSING UNIT CONFLICTS.*—The
20 Operation Walking Shield Program shall resolve any con-
21 flicts among requests of Indian tribes for housing units
22 under subsection (a) before submitting requests to the Sec-
23 retary of the Air Force under subsection (b).

24 (d) *INDIAN TRIBE DEFINED.*—In this section, the term
25 “Indian tribe” means any recognized Indian tribe included

1 *on the current list published by the Secretary of the Interior*
2 *under section 104 of the Federally Recognized Indian Tribe*
3 *Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25*
4 *U.S.C. 479a–1).*

5 *SEC. 8034. During the current fiscal year, appropria-*
6 *tions which are available to the Department of Defense for*
7 *operation and maintenance may be used to purchase items*
8 *having an investment item unit cost of not more than*
9 *\$250,000.*

10 *SEC. 8035. (a) During the current fiscal year, none*
11 *of the appropriations or funds available to the Department*
12 *of Defense Working Capital Funds shall be used for the pur-*
13 *chase of an investment item for the purpose of acquiring*
14 *a new inventory item for sale or anticipated sale during*
15 *the current fiscal year or a subsequent fiscal year to cus-*
16 *tomers of the Department of Defense Working Capital*
17 *Funds if such an item would not have been chargeable to*
18 *the Department of Defense Business Operations Fund dur-*
19 *ing fiscal year 1994 and if the purchase of such an invest-*
20 *ment item would be chargeable during the current fiscal*
21 *year to appropriations made to the Department of Defense*
22 *for procurement.*

23 *(b) The fiscal year 2008 budget request for the Depart-*
24 *ment of Defense as well as all justification material and*
25 *other documentation supporting the fiscal year 2008 De-*

1 *partment of Defense budget shall be prepared and submitted*
2 *to the Congress on the basis that any equipment which was*
3 *classified as an end item and funded in a procurement ap-*
4 *propriation contained in this Act shall be budgeted for in*
5 *a proposed fiscal year 2008 procurement appropriation and*
6 *not in the supply management business area or any other*
7 *area or category of the Department of Defense Working*
8 *Capital Funds.*

9 *SEC. 8036. None of the funds appropriated by this Act*
10 *for programs of the Central Intelligence Agency shall re-*
11 *main available for obligation beyond the current fiscal year,*
12 *except for funds appropriated for the Reserve for Contin-*
13 *gencies, which shall remain available until September 30,*
14 *2008: Provided, That funds appropriated, transferred, or*
15 *otherwise credited to the Central Intelligence Agency Cen-*
16 *tral Services Working Capital Fund during this or any*
17 *prior or subsequent fiscal year shall remain available until*
18 *expended: Provided further, That any funds appropriated*
19 *or transferred to the Central Intelligence Agency for ad-*
20 *vanced research and development acquisition, for agent op-*
21 *erations, and for covert action programs authorized by the*
22 *President under section 503 of the National Security Act*
23 *of 1947, as amended, shall remain available until Sep-*
24 *tember 30, 2008.*

1 *SEC. 8037. Notwithstanding any other provision of*
2 *law, funds made available in this Act for the Defense Intel-*
3 *ligence Agency may be used for the design, development, and*
4 *deployment of General Defense Intelligence Program intel-*
5 *ligence communications and intelligence information sys-*
6 *tems for the Services, the Unified and Specified Commands,*
7 *and the component commands.*

8 *SEC. 8038. Of the funds appropriated to the Depart-*
9 *ment of Defense under the heading “Operation and Mainte-*
10 *nance, Defense-Wide”, not less than \$10,000,000 shall be*
11 *made available only for the mitigation of environmental*
12 *impacts, including training and technical assistance to*
13 *tribes, related administrative support, the gathering of in-*
14 *formation, documenting of environmental damage, and de-*
15 *veloping a system for prioritization of mitigation and cost*
16 *to complete estimates for mitigation, on Indian lands re-*
17 *sulting from Department of Defense activities.*

18 *SEC. 8039. (a) None of the funds appropriated in this*
19 *Act may be expended by an entity of the Department of*
20 *Defense unless the entity, in expending the funds, complies*
21 *with the Buy American Act. For purposes of this subsection,*
22 *the term “Buy American Act” means title III of the Act*
23 *entitled “An Act making appropriations for the Treasury*
24 *and Post Office Departments for the fiscal year ending June*

1 30, 1934, and for other purposes”, approved March 3, 1933
2 (41 U.S.C. 10a et seq.).

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

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

18 SEC. 8040. None of the funds appropriated by this Act
19 shall be available for a contract for studies, analysis, or
20 consulting services entered into without competition on the
21 basis of an unsolicited proposal unless the head of the activ-
22 ity responsible for the procurement determines—

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

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

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

18 SEC. 8041. (a) *Except as provided in subsection (b)*
19 *and (c), none of the funds made available by this Act may*
20 *be used—*

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

22 (2) *to pay the basic pay of a member of the*
23 *Armed Forces or civilian employee of the department*
24 *who is transferred or reassigned from a headquarters*

1 *activity if the member or employee's place of duty re-*
2 *mains at the location of that headquarters.*

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

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

11 *(1) field operating agencies funded within the*
12 *National Intelligence Program; or*

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

17 *SEC. 8042. The Secretary of Defense, notwithstanding*
18 *any other provision of law, acting through the Office of Eco-*
19 *nomics Adjustment of the Department of Defense, may use*
20 *funds made available in this Act under the heading "Oper-*
21 *ation and Maintenance, Defense-Wide" to make grants and*
22 *supplement other Federal funds in accordance with the*
23 *guidance provided in the report of the Committee on Appro-*
24 *priations of the Senate accompanying this Act.*

(RESCISSIONS)

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SEC. 8043. 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:

*“Other Procurement, Army, 2006/2008”,
\$20,000,000;*

*“Aircraft Procurement, Navy, 2006/2008”,
\$40,700,000;*

*“Shipbuilding and Conversion, Navy, 2006/
2010”, \$220,000,000;*

*“Aircraft Procurement, Air Force, 2006/2008”,
\$141,100,000;*

*“Missile Procurement, Air Force, 2006/2008”,
\$100,000,000;*

*“Other Procurement, Air Force, 2006/2008”,
\$125,000,000;*

*“Research, Development, Test and Evaluation,
Navy, 2006/2007”, \$27,282,000;*

*“Research, Development, Test and Evaluation,
Air Force, 2006/2007”, \$92,800,000;*

*“Research, Development, Test and Evaluation,
Defense-Wide, 2006/2007”, \$100,000,000;*

*“Aircraft Procurement, Air Force, 2005/2007”,
\$107,200,000; and*

1 “*Shipbuilding and Conversion Navy, 2005/*
2 *2009*”, \$11,245,000.

3 *SEC. 8044. None of the funds available in this Act may*
4 *be used to reduce the authorized positions for military (ci-*
5 *vilian) technicians of the Army National Guard, the Air*
6 *National Guard, Army Reserve and Air Force Reserve for*
7 *the purpose of applying any administratively imposed ci-*
8 *vilian personnel ceiling, freeze, or reduction on military (ci-*
9 *vilian) technicians, unless such reductions are a direct re-*
10 *sult of a reduction in military force structure.*

11 *SEC. 8045. None of the funds appropriated or other-*
12 *wise made available in this Act may be obligated or ex-*
13 *pended for assistance to the Democratic People’s Republic*
14 *of North Korea unless specifically appropriated for that*
15 *purpose.*

16 *SEC. 8046. Funds appropriated in this Act for oper-*
17 *ation and maintenance of the Military Departments, Com-*
18 *batant Commands and Defense Agencies shall be available*
19 *for reimbursement of pay, allowances and other expenses*
20 *which would otherwise be incurred against appropriations*
21 *for the National Guard and Reserve when members of the*
22 *National Guard and Reserve provide intelligence or coun-*
23 *terintelligence support to Combatant Commands, Defense*
24 *Agencies and Joint Intelligence Activities, including the ac-*
25 *tivities and programs included within the National Intel-*

1 *ligence Program and the Military Intelligence Program:*
2 *Provided, That nothing in this section authorizes deviation*
3 *from established Reserve and National Guard personnel and*
4 *training procedures.*

5 *SEC. 8047. During the current fiscal year, none of the*
6 *funds appropriated in this Act may be used to reduce the*
7 *civilian medical and medical support personnel assigned to*
8 *military treatment facilities below the September 30, 2003,*
9 *level: Provided, That the Service Surgeons General may*
10 *waive this section by certifying to the congressional defense*
11 *committees that the beneficiary population is declining in*
12 *some catchment areas and civilian strength reductions may*
13 *be consistent with responsible resource stewardship and*
14 *capitation-based budgeting.*

15 *SEC. 8048. Notwithstanding any other provision of*
16 *law, that not more than 35 percent of funds provided in*
17 *this Act for environmental remediation may be obligated*
18 *under indefinite delivery/indefinite quantity contracts with*
19 *a total contract value of \$130,000,000 or higher.*

20 *SEC. 8049. (a) None of the funds available to the De-*
21 *partment of Defense for any fiscal year for drug interdic-*
22 *tion or counter-drug activities may be transferred to any*
23 *other department or agency of the United States except as*
24 *specifically provided in an appropriations law.*

1 (b) *None of the funds available to the Central Intel-*
2 *ligence Agency for any fiscal year for drug interdiction and*
3 *counter-drug activities may be transferred to any other de-*
4 *partment or agency of the United States except as specifi-*
5 *cally provided in an appropriations law.*

6 *SEC. 8050. None of the funds appropriated by this Act*
7 *may be used for the procurement of ball and roller bearings*
8 *other than those produced by a domestic source and of do-*
9 *mestic origin: Provided, That the Secretary of the military*
10 *department responsible for such procurement may waive*
11 *this restriction on a case-by-case basis by certifying in writ-*
12 *ing to the Committees on Appropriations of the House of*
13 *Representatives and the Senate, that adequate domestic*
14 *supplies are not available to meet Department of Defense*
15 *requirements on a timely basis and that such an acquisition*
16 *must be made in order to acquire capability for national*
17 *security purposes: Provided further, That this restriction*
18 *shall not apply to the purchase of “commercial items”, as*
19 *defined by section 4(12) of the Office of Federal Procure-*
20 *ment Policy Act, except that the restriction shall apply to*
21 *ball or roller bearings purchased as end items.*

22 *SEC. 8051. None of the funds in this Act may be used*
23 *to purchase any supercomputer which is not manufactured*
24 *in the United States, unless the Secretary of Defense cer-*
25 *tifies to the congressional defense committees that such an*

1 acquisition must be made in order to acquire capability for
2 national security purposes that is not available from
3 United States manufacturers.

4 SEC. 8052. Notwithstanding any other provision of
5 law, each contract awarded by the Department of Defense
6 during the current fiscal year and hereafter for construction
7 or service performed in whole or in part in a State (as
8 defined in section 381(d) of title 10, United States Code)
9 which is not contiguous with another State and has an un-
10 employment rate in excess of the national average rate of
11 unemployment as determined by the Secretary of Labor,
12 shall include a provision requiring the contractor to em-
13 ploy, for the purpose of performing that portion of the con-
14 tract in such State that is not contiguous with another
15 State, individuals who are residents of such State and who,
16 in the case of any craft or trade, possess or would be able
17 to acquire promptly the necessary skills: Provided, That the
18 Secretary of Defense may waive the requirements of this
19 section, on a case-by-case basis, in the interest of national
20 security.

21 SEC. 8053. None of the funds made available in this
22 or any other Act may be used to pay the salary of any
23 officer or employee of the Department of Defense who ap-
24 proves or implements the transfer of administrative respon-
25 sibilities or budgetary resources of any program, project,

1 *or activity financed by this Act to the jurisdiction of an-*
 2 *other Federal agency not financed by this Act without the*
 3 *express authorization of Congress: Provided, That this limi-*
 4 *tation shall not apply to transfers of funds expressly pro-*
 5 *vided for in Defense Appropriations Acts, or provisions of*
 6 *Acts providing supplemental appropriations for the De-*
 7 *partment of Defense.*

8 SEC. 8054. (a) *LIMITATION ON TRANSFER OF DE-*
 9 *FENSE ARTICLES AND SERVICES.*—*Notwithstanding any*
 10 *other provision of law, none of the funds available to the*
 11 *Department of Defense for the current fiscal year may be*
 12 *obligated or expended to transfer to another nation or an*
 13 *international organization any defense articles or services*
 14 *(other than intelligence services) for use in the activities de-*
 15 *scribed in subsection (b) unless the congressional defense*
 16 *committees, the Committee on International Relations of*
 17 *the House of Representatives, and the Committee on For-*
 18 *ign Relations of the Senate are notified 15 days in advance*
 19 *of such transfer.*

20 (b) *COVERED ACTIVITIES.*—*This section applies to—*
 21 (1) *any international peacekeeping or peace-en-*
 22 *forcement operation under the authority of chapter VI*
 23 *or chapter VII of the United Nations Charter under*
 24 *the authority of a United Nations Security Council*
 25 *resolution; and*

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

3 (c) *REQUIRED NOTICE.*—*A notice under subsection (a)*
 4 *shall include the following:*

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

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

9 (3) *In the case of a proposed transfer of equip-*
 10 *ment or supplies—*

11 (A) *a statement of whether the inventory re-*
 12 *quirements of all elements of the Armed Forces*
 13 *(including the reserve components) for the type*
 14 *of equipment or supplies to be transferred have*
 15 *been met; and*

16 (B) *a statement of whether the items pro-*
 17 *posed to be transferred will have to be replaced*
 18 *and, if so, how the President proposes to provide*
 19 *funds for such replacement.*

20 SEC. 8055. *None of the funds available to the Depart-*
 21 *ment of Defense under this Act shall be obligated or ex-*
 22 *pended to pay a contractor under a contract with the De-*
 23 *partment of Defense for costs of any amount paid by the*
 24 *contractor to an employee when—*

1 (1) *such costs are for a bonus or otherwise in ex-*
 2 *cess of the normal salary paid by the contractor to the*
 3 *employee; and*

4 (2) *such bonus is part of restructuring costs asso-*
 5 *ciated with a business combination.*

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8056. *During the current fiscal year, no more*
 8 *than \$30,000,000 of appropriations made in this Act under*
 9 *the heading “Operation and Maintenance, Defense-Wide”*
 10 *may be transferred to appropriations available for the pay*
 11 *of military personnel, to be merged with, and to be available*
 12 *for the same time period as the appropriations to which*
 13 *transferred, to be used in support of such personnel in con-*
 14 *nection with support and services for eligible organizations*
 15 *and activities outside the Department of Defense pursuant*
 16 *to section 2012 of title 10, United States Code.*

17 SEC. 8057. *During the current fiscal year, in the case*
 18 *of an appropriation account of the Department of Defense*
 19 *for which the period of availability for obligation has ex-*
 20 *pired or which has closed under the provisions of section*
 21 *1552 of title 31, United States Code, and which has a nega-*
 22 *tive unliquidated or unexpended balance, an obligation or*
 23 *an adjustment of an obligation may be charged to any cur-*
 24 *rent appropriation account for the same purpose as the ex-*
 25 *pired or closed account if—*

1 (1) *the obligation would have been properly*
2 *chargeable (except as to amount) to the expired or*
3 *closed account before the end of the period of avail-*
4 *ability or closing of that account;*

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

8 (3) *in the case of an expired account, the obliga-*
9 *tion is not chargeable to a current appropriation of*
10 *the Department of Defense under the provisions of sec-*
11 *tion 1405(b)(8) of the National Defense Authorization*
12 *Act for Fiscal Year 1991, Public Law 101–510, as*
13 *amended (31 U.S.C. 1551 note): Provided, That in*
14 *the case of an expired account, if subsequent review*
15 *or investigation discloses that there was not in fact a*
16 *negative unliquidated or unexpended balance in the*
17 *account, any charge to a current account under the*
18 *authority of this section shall be reversed and re-*
19 *corded against the expired account: Provided further,*
20 *That the total amount charged to a current appro-*
21 *priation under this section may not exceed an*
22 *amount equal to 1 percent of the total appropriation*
23 *for that account.*

24 SEC. 8058. (a) *Notwithstanding any other provision*
25 *of law, the Chief of the National Guard Bureau may permit*

1 *the use of equipment of the National Guard Distance Learn-*
 2 *ing Project by any person or entity on a space-available,*
 3 *reimbursable basis. The Chief of the National Guard Bu-*
 4 *reau shall establish the amount of reimbursement for such*
 5 *use on a case-by-case basis.*

6 *(b) Amounts collected under subsection (a) shall be*
 7 *credited to funds available for the National Guard Distance*
 8 *Learning Project and be available to defray the costs associ-*
 9 *ated with the use of equipment of the project under that*
 10 *subsection. Such funds shall be available for such purposes*
 11 *without fiscal year limitation.*

12 *SEC. 8059. Using funds available by this Act or any*
 13 *other Act, the Secretary of the Air Force, pursuant to a*
 14 *determination under section 2690 of title 10, United States*
 15 *Code, may implement cost-effective agreements for required*
 16 *heating facility modernization in the Kaiserslautern Mili-*
 17 *tary Community in the Federal Republic of Germany: Pro-*
 18 *vided, That in the City of Kaiserslautern such agreements*
 19 *will include the use of United States anthracite as the base*
 20 *load energy for municipal district heat to the United States*
 21 *Defense installations: Provided further, That at Landstuhl*
 22 *Army Regional Medical Center and Ramstein Air Base,*
 23 *furnished heat may be obtained from private, regional or*
 24 *municipal services, if provisions are included for the con-*
 25 *sideration of United States coal as an energy source.*

1 *SEC. 8060. None of the funds appropriated in title IV*
2 *of this Act may be used to procure end-items for delivery*
3 *to military forces for operational training, operational use*
4 *or inventory requirements: Provided, That this restriction*
5 *does not apply to end-items used in development, proto-*
6 *typing, and test activities preceding and leading to accept-*
7 *ance for operational use: Provided further, That this restric-*
8 *tion does not apply to programs funded within the National*
9 *Intelligence Program: Provided further, That the Secretary*
10 *of Defense may waive this restriction on a case-by-case basis*
11 *by certifying in writing to the Committees on Appropria-*
12 *tions of the House of Representatives and the Senate that*
13 *it is in the national security interest to do so.*

14 *SEC. 8061. Notwithstanding any other provision of*
15 *law, funds available to the Department of Defense shall be*
16 *made available to provide transportation of medical sup-*
17 *plies and equipment, on a nonreimbursable basis, to Amer-*
18 *ican Samoa, and funds available to the Department of De-*
19 *fense shall be made available to provide transportation of*
20 *medical supplies and equipment, on a nonreimbursable*
21 *basis, to the Indian Health Service when it is in conjunc-*
22 *tion with a civil-military project.*

23 *SEC. 8062. None of the funds made available in this*
24 *Act may be used to approve or license the sale of the F-*
25 *22A advanced tactical fighter to any foreign government.*

1 *SEC. 8063. (a) The Secretary of Defense may, on a*
2 *case-by-case basis, waive with respect to a foreign country*
3 *each limitation on the procurement of defense items from*
4 *foreign sources provided in law if the Secretary determines*
5 *that the application of the limitation with respect to that*
6 *country would invalidate cooperative programs entered into*
7 *between the Department of Defense and the foreign country,*
8 *or would invalidate reciprocal trade agreements for the pro-*
9 *curement of defense items entered into under section 2531*
10 *of title 10, United States Code, and the country does not*
11 *discriminate against the same or similar defense items pro-*
12 *duced in the United States for that country.*

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

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

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

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

1 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through
2 7229, 7304.41 through 7304.49, 7306.40, 7502 through
3 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

4 *SEC. 8064. (a) PROHIBITION.—None of the funds made*
5 *available by this Act may be used to support any training*
6 *program involving a unit of the security forces of a foreign*
7 *country if the Secretary of Defense has received credible in-*
8 *formation from the Department of State that the unit has*
9 *committed a gross violation of human rights, unless all nec-*
10 *essary corrective steps have been taken.*

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

17 *(c) WAIVER.—The Secretary of Defense, after consulta-*
18 *tion with the Secretary of State, may waive the prohibition*
19 *in subsection (a) if he determines that such waiver is re-*
20 *quired by extraordinary circumstances.*

21 *(d) REPORT.—Not more than 15 days after the exercise*
22 *of any waiver under subsection (c), the Secretary of Defense*
23 *shall submit a report to the congressional defense commit-*
24 *tees describing the extraordinary circumstances, the purpose*
25 *and duration of the training program, the United States*

1 *forces and the foreign security forces involved in the train-*
2 *ing program, and the information relating to human rights*
3 *violations that necessitates the waiver.*

4 *SEC. 8065. None of the funds appropriated or made*
5 *available in this Act to the Department of the Navy shall*
6 *be used to develop, lease or procure the T-AKE class of ships*
7 *unless the main propulsion diesel engines and propulsors*
8 *are manufactured in the United States by a domestically*
9 *operated entity: Provided, That the Secretary of Defense*
10 *may waive this restriction on a case-by-case basis by certi-*
11 *fying in writing to the Committees on Appropriations of*
12 *the House of Representatives and the Senate that adequate*
13 *domestic supplies are not available to meet Department of*
14 *Defense requirements on a timely basis and that such an*
15 *acquisition must be made in order to acquire capability for*
16 *national security purposes or there exists a significant cost*
17 *or quality difference.*

18 *SEC. 8066. None of the funds appropriated or other-*
19 *wise made available by this or other Department of Defense*
20 *Appropriations Acts may be obligated or expended for the*
21 *purpose of performing repairs or maintenance to military*
22 *family housing units of the Department of Defense, includ-*
23 *ing areas in such military family housing units that may*
24 *be used for the purpose of conducting official Department*
25 *of Defense business.*

1 *SEC. 8067. Notwithstanding any other provision of*
2 *law, funds appropriated in this Act under the heading “Re-*
3 *search, Development, Test and Evaluation, Defense-Wide”*
4 *for any new start advanced concept technology demonstra-*
5 *tion project may only be obligated 30 days after a report,*
6 *including a description of the project, the planned acquisi-*
7 *tion and transition strategy and its estimated annual and*
8 *total cost, has been provided in writing to the congressional*
9 *defense committees: Provided, That the Secretary of Defense*
10 *may waive this restriction on a case-by-case basis by certi-*
11 *fying to the congressional defense committees that it is in*
12 *the national interest to do so.*

13 *SEC. 8068. The Secretary of Defense shall provide a*
14 *classified quarterly report beginning 30 days after enact-*
15 *ment of this Act, to the House and Senate Appropriations*
16 *Committees, Subcommittees on Defense on certain matters*
17 *as directed in the classified annex accompanying this Act.*

18 *SEC. 8069. During the current fiscal year, refunds at-*
19 *tributable to the use of the Government travel card, refunds*
20 *attributable to the use of the Government Purchase Card*
21 *and refunds attributable to official Government travel ar-*
22 *ranged by Government Contracted Travel Management*
23 *Centers may be credited to operation and maintenance, and*
24 *research, development, test and evaluation accounts of the*

1 *Department of Defense which are current when the refunds*
 2 *are received.*

3 *SEC. 8070. (a) REGISTERING FINANCIAL MANAGE-*
 4 *MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD*
 5 *CHIEF INFORMATION OFFICER.—None of the funds appro-*
 6 *priated in this Act may be used for a mission critical or*
 7 *mission essential financial management information tech-*
 8 *nology system (including a system funded by the defense*
 9 *working capital fund) that is not registered with the Chief*
 10 *Information Officer of the Department of Defense. A system*
 11 *shall be considered to be registered with that officer upon*
 12 *the furnishing to that officer of notice of the system, together*
 13 *with such information concerning the system as the Sec-*
 14 *retary of Defense may prescribe. A financial management*
 15 *information technology system shall be considered a mission*
 16 *critical or mission essential information technology system*
 17 *as defined by the Under Secretary of Defense (Comptroller).*

18 *(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINAN-*
 19 *CIAL MANAGEMENT MODERNIZATION PLAN.—*

20 *(1) During the current fiscal year, a financial*
 21 *management automated information system, a mixed*
 22 *information system supporting financial and non-fi-*
 23 *nancial systems, or a system improvement of more*
 24 *than \$1,000,000 may not receive Milestone A ap-*
 25 *proval, Milestone B approval, or full rate production,*

1 *or their equivalent, within the Department of Defense*
 2 *until the Under Secretary of Defense (Comptroller)*
 3 *certifies, with respect to that milestone, that the sys-*
 4 *tem is being developed and managed in accordance*
 5 *with the Department's Financial Management Mod-*
 6 *ernization Plan. The Under Secretary of Defense*
 7 *(Comptroller) may require additional certifications,*
 8 *as appropriate, with respect to any such system.*

9 *(2) The Chief Information Officer shall provide*
 10 *the congressional defense committees timely notifica-*
 11 *tion of certifications under paragraph (1).*

12 *(c) CERTIFICATIONS AS TO COMPLIANCE WITH*
 13 *CLINGER-COHEN ACT.—*

14 *(1) During the current fiscal year, a major auto-*
 15 *mated information system may not receive Milestone*
 16 *A approval, Milestone B approval, or full rate pro-*
 17 *duction approval, or their equivalent, within the De-*
 18 *partment of Defense until the Chief Information Offi-*
 19 *cer certifies, with respect to that milestone, that the*
 20 *system is being developed in accordance with the*
 21 *Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.).*
 22 *The Chief Information Officer may require additional*
 23 *certifications, as appropriate, with respect to any*
 24 *such system.*

1 (2) *The Chief Information Officer shall provide*
2 *the congressional defense committees timely notifica-*
3 *tion of certifications under paragraph (1). Each such*
4 *notification shall include a statement confirming that*
5 *the following steps have been taken with respect to the*
6 *system:*

7 (A) *Business process reengineering.*

8 (B) *An analysis of alternatives.*

9 (C) *An economic analysis that includes a*
10 *calculation of the return on investment.*

11 (D) *Performance measures.*

12 (E) *An information assurance strategy con-*
13 *sistent with the Department's Global Informa-*
14 *tion Grid.*

15 (d) *DEFINITIONS.—For purposes of this section:*

16 (1) *The term “Chief Information Officer” means*
17 *the senior official of the Department of Defense des-*
18 *ignated by the Secretary of Defense pursuant to sec-*
19 *tion 3506 of title 44, United States Code.*

20 (2) *The term “information technology system”*
21 *has the meaning given the term “information tech-*
22 *nology” in section 5002 of the Clinger-Cohen Act of*
23 *1996 (40 U.S.C. 1401).*

24 SEC. 8071. *During the current fiscal year, none of the*
25 *funds available to the Department of Defense may be used*

1 *to provide support to another department or agency of the*
2 *United States if such department or agency is more than*
3 *90 days in arrears in making payment to the Department*
4 *of Defense for goods or services previously provided to such*
5 *department or agency on a reimbursable basis: Provided,*
6 *That this restriction shall not apply if the department is*
7 *authorized by law to provide support to such department*
8 *or agency on a nonreimbursable basis, and is providing the*
9 *requested support pursuant to such authority: Provided fur-*
10 *ther, That the Secretary of Defense may waive this restric-*
11 *tion on a case-by-case basis by certifying in writing to the*
12 *Committees on Appropriations of the House of Representa-*
13 *tives and the Senate that it is in the national security inter-*
14 *est to do so.*

15 *SEC. 8072. Notwithstanding section 12310(b) of title*
16 *10, United States Code, a Reserve who is a member of the*
17 *National Guard serving on full-time National Guard duty*
18 *under section 502(f) of title 32 may perform duties in sup-*
19 *port of the ground-based elements of the National Ballistic*
20 *Missile Defense System.*

21 *SEC. 8073. None of the funds provided in this Act may*
22 *be used to transfer to any nongovernmental entity ammuni-*
23 *tion held by the Department of Defense that has a center-*
24 *fire cartridge and a United States military nomenclature*
25 *designation of “armor penetrator”, “armor piercing (AP)”,*

1 “armor piercing incendiary (API)”, or “armor-piercing in-
2 cendiary-tracer (API-T)”, except to an entity performing
3 demilitarization services for the Department of Defense
4 under a contract that requires the entity to demonstrate to
5 the satisfaction of the Department of Defense that armor
6 piercing projectiles are either: (1) rendered incapable of
7 reuse by the demilitarization process; or (2) used to manu-
8 facture ammunition pursuant to a contract with the De-
9 partment of Defense or the manufacture of ammunition for
10 export pursuant to a License for Permanent Export of Un-
11 classified Military Articles issued by the Department of
12 State.

13 SEC. 8074. Notwithstanding any other provision of
14 law, the Chief of the National Guard Bureau, or his des-
15 ignee, may waive payment of all or part of the consider-
16 ation that otherwise would be required under section 2667
17 of title 10, United States Code, in the case of a lease of
18 personal property for a period not in excess of 1 year to
19 any organization specified in section 508(d) of title 32,
20 United States Code, or any other youth, social, or fraternal
21 non-profit organization as may be approved by the Chief
22 of the National Guard Bureau, or his designee, on a case-
23 by-case basis.

24 SEC. 8075. None of the funds appropriated by this Act
25 shall be used for the support of any nonappropriated funds

1 activity of the Department of Defense that procures malt
 2 beverages and wine with nonappropriated funds for resale
 3 (including such alcoholic beverages sold by the drink) on
 4 a military installation located in the United States unless
 5 such malt beverages and wine are procured within that
 6 State, or in the case of the District of Columbia, within
 7 the District of Columbia, in which the military installation
 8 is located: Provided, That in a case in which the military
 9 installation is located in more than one State, purchases
 10 may be made in any State in which the installation is lo-
 11 cated: Provided further, That such local procurement re-
 12 quirements for malt beverages and wine shall apply to all
 13 alcoholic beverages only for military installations in States
 14 which are not contiguous with another State: Provided fur-
 15 ther, That alcoholic beverages other than wine and malt bev-
 16 erages, in contiguous States and the District of Columbia
 17 shall be procured from the most competitive source, price
 18 and other factors considered.

19 SEC. 8076. Funds available to the Department of De-
 20 fense for the Global Positioning System during the current
 21 fiscal year may be used to fund civil requirements associ-
 22 ated with the satellite and ground control segments of such
 23 system's modernization program.

24 (INCLUDING TRANSFER OF FUNDS)

25 SEC. 8077. Of the amounts appropriated in this Act
 26 under the heading "Operation and Maintenance, Army",

1 \$78,300,000 shall remain available until expended: Pro-
2 vided, That notwithstanding any other provision of law, the
3 Secretary of Defense is authorized to transfer such funds
4 to other activities of the Federal Government: Provided fur-
5 ther, That the Secretary of Defense is authorized to enter
6 into and carry out contracts for the acquisition of real
7 property, construction, personal services, and operations re-
8 lated to projects carrying out the purposes of this section:
9 Provided further, That contracts entered into under the au-
10 thority of this section may provide for such indemnification
11 as the Secretary determines to be necessary: Provided fur-
12 ther, That projects authorized by this section shall comply
13 with applicable Federal, State, and local law to the max-
14 imum extent consistent with the national security, as deter-
15 mined by the Secretary of Defense.

16 SEC. 8078. Section 8106 of the Department of Defense
17 Appropriations Act, 1997 (titles I through VIII of the mat-
18 ter under subsection 101(b) of Public Law 104–208; 110
19 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect
20 to apply to disbursements that are made by the Department
21 of Defense in fiscal year 2007.

22 SEC. 8079. (a) The Secretary of Defense, in coordina-
23 tion with the Secretary of Health and Human Services,
24 may carry out a program to distribute surplus dental and
25 medical equipment of the Department of Defense, at no cost

1 *to the Department of Defense, to Indian Health Service fa-*
2 *cilities and to federally-qualified health centers (within the*
3 *meaning of section 1905(l)(2)(B) of the Social Security Act*
4 *(42 U.S.C. 1396d(l)(2)(B))).*

5 *(b) In carrying out this provision, the Secretary of De-*
6 *fense shall give the Indian Health Service a property dis-*
7 *posal priority equal to the priority given to the Department*
8 *of Defense and its twelve special screening programs in dis-*
9 *tribution of surplus dental and medical supplies and equip-*
10 *ment.*

11 *SEC. 8080. Amounts appropriated in title II of this*
12 *Act are hereby reduced by \$92,000,000 to reflect savings at-*
13 *tributable to efficiencies and management improvements in*
14 *the funding of miscellaneous or other contracts in the mili-*
15 *tary departments, as follows:*

16 *(1) From “Operation and Maintenance, Army”,*
17 *\$5,000,000.*

18 *(2) From “Operation and Maintenance, Air*
19 *Force”, \$87,000,000.*

20 *SEC. 8081. The total amount appropriated or other-*
21 *wise made available in this Act is hereby reduced by*
22 *\$71,000,000 to limit excessive growth in the procurement*
23 *of advisory and assistance services, to be distributed as fol-*
24 *lows:*

25 *“Operation and Maintenance, Army”, \$32,000,000.*

1 *“Operation and Maintenance, Navy”, \$34,000,000.*

2 *“Operation and Maintenance, Marine Corps”,*
3 *\$5,000,000.*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *SEC. 8082. Of the amounts appropriated in this Act*
6 *under the heading “Research, Development, Test and Eval-*
7 *uation, Defense-Wide”, \$152,494,000 shall be made avail-*
8 *able for the Arrow missile defense program: Provided, That*
9 *of this amount, \$63,000,000 shall be available for the pur-*
10 *pose of producing Arrow missile components in the United*
11 *States and Arrow missile components and missiles in Israel*
12 *to meet Israel’s defense requirements, consistent with each*
13 *nation’s laws, regulations and procedures, and \$25,000,000*
14 *shall be available for the purpose of the initiation of a joint*
15 *feasibility study designated the Short Range Ballistic Mis-*
16 *sile Defense (SRBMD) initiative: Provided further, That*
17 *funds made available under this provision for production*
18 *of missiles and missile components may be transferred to*
19 *appropriations available for the procurement of weapons*
20 *and equipment, to be merged with and to be available for*
21 *the same time period and the same purposes as the appro-*
22 *priation to which transferred: Provided further, That the*
23 *transfer authority provided under this provision is in addi-*
24 *tion to any other transfer authority contained in this Act.*

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8083. *Of the amounts appropriated in this Act*
3 *under the heading “Shipbuilding and Conversion, Navy”,*
4 *\$557,849,000 shall be available until September 30, 2007,*
5 *to fund prior year shipbuilding cost increases: Provided,*
6 *That upon enactment of this Act, the Secretary of the Navy*
7 *shall transfer such funds to the following appropriations in*
8 *the amounts specified: Provided further, That the amounts*
9 *transferred shall be merged with and be available for the*
10 *same purposes as the appropriations to which transferred:*

11 To:

12 Under the heading “Shipbuilding and Con-
13 version, Navy, 1999/2007”:

14 New SSN, \$25,000,000;

15 Under the heading “Shipbuilding and Con-
16 version, Navy, 2000/2007”:

17 LPD-17 Amphibious Transport Dock
18 Ship Program, \$66,049,000;

19 Under the heading “Shipbuilding and Con-
20 version, Navy, 2001/2007”:

21 New SSN, \$41,000,000;

22 Carrier Replacement Program,
23 \$338,400,000;

24 Under the heading “Shipbuilding and Con-
25 version, Navy, 2002/2007”:

1 *New SSN, \$43,000,000;*

2 *Under the heading “Shipbuilding and Con-*
3 *version, Navy, 2003/2007”:*

4 *New SSN, \$22,000,000; and*

5 *Under the heading “Shipbuilding and Con-*
6 *version, Navy, 2005/2009”:*

7 *LPD–17 Amphibious Transport Dock*
8 *Ship Program, \$22,400,000.*

9 *SEC. 8084. The Secretary of the Navy may settle, or*
10 *compromise, and pay any and all admiralty claims under*
11 *section 7622 of title 10, United States Code arising out of*
12 *the collision involving the U.S.S. GREENEVILLE and the*
13 *EHIME MARU, in any amount and without regard to the*
14 *monetary limitations in subsections (a) and (b) of that sec-*
15 *tion: Provided, That such payments shall be made from*
16 *funds available to the Department of the Navy for operation*
17 *and maintenance.*

18 *SEC. 8085. Notwithstanding any other provision of*
19 *law or regulation, the Secretary of Defense may exercise the*
20 *provisions of section 7403(g) of title 38, United States Code*
21 *for occupations listed in section 7403(a)(2) of title 38,*
22 *United States Code as well as the following:*

23 *Pharmacists, Audiologists, and Dental Hygien-*
24 *ists.*

1 (A) *The requirements of section*
 2 7403(g)(1)(A) *of title 38, United States Code*
 3 *shall apply.*

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

6 SEC. 8086. *Funds appropriated by this Act, or made*
 7 *available by the transfer of funds in this Act, for intelligence*
 8 *activities are deemed to be specifically authorized by the*
 9 *Congress for purposes of section 504 of the National Secu-*
 10 *rity Act of 1947 (50 U.S.C. 414) during fiscal year 2007*
 11 *until the enactment of the Intelligence Authorization Act*
 12 *for fiscal year 2007.*

13 SEC. 8087. *None of the funds in this Act may be used*
 14 *to initiate a new start program without prior written noti-*
 15 *fication to the Office of Secretary of Defense and the con-*
 16 *gressional defense committees.*

17 SEC. 8088. *FINANCING AND FIELDING OF KEY ARMY*
 18 *CAPABILITIES.—The Department of Defense and the De-*
 19 *partment of the Army shall make future budgetary and pro-*
 20 *gramming plans to fully finance the Non-Line of Sight Fu-*
 21 *ture Force cannon and resupply vehicle program (NLOS—*
 22 *C) in order to field this system in fiscal year 2010, con-*
 23 *sistent with the broader plan to field the Future Combat*
 24 *System (FCS) in fiscal year 2010: Provided, That if the*
 25 *Army is precluded from fielding the FCS program by fiscal*

1 year 2010, then the Army shall develop the NLOS-C inde-
2 pendent of the broader FCS development timeline to achieve
3 fielding by fiscal year 2010. In addition the Army will de-
4 liver eight (8) combat operational pre-production NLOS-
5 C systems by the end of calendar year 2008. These systems
6 shall be in addition to those systems necessary for develop-
7 mental and operational testing: Provided further, That the
8 Army shall ensure that budgetary and programmatic plans
9 will provide for no fewer than seven (7) Stryker Brigade
10 Combat Teams.

11 SEC. 8089. Up to \$2,000,000 of the funds appropriated
12 under the heading “Operation and Maintenance, Navy” in
13 this Act for the Pacific Missile Range Facility may be made
14 available to contract for the repair, maintenance, and oper-
15 ation of adjacent off-base water, drainage, and flood control
16 systems, electrical upgrade to support additional missions
17 critical to base operations, and support for a range foot-
18 print expansion to further guard against encroachment.

19 SEC. 8090. The budget of the President for fiscal year
20 2008 submitted to the Congress pursuant to section 1105
21 of title 31, United States Code shall include separate budget
22 justification documents for costs of United States Armed
23 Forces’ participation in contingency operations for the
24 Military Personnel accounts, the Operation and Mainte-
25 nance accounts, and the Procurement accounts: Provided,

1 *That these documents shall include a description of the*
2 *funding requested for each contingency operation, for each*
3 *military service, to include all Active and Reserve compo-*
4 *nents, and for each appropriations account: Provided fur-*
5 *ther, That these documents shall include estimated costs for*
6 *each element of expense or object class, a reconciliation of*
7 *increases and decreases for each contingency operation, and*
8 *programmatic data including, but not limited to, troop*
9 *strength for each Active and Reserve component, and esti-*
10 *mates of the major weapons systems deployed in support*
11 *of each contingency: Provided further, That these documents*
12 *shall include budget exhibits OP–5 and OP–32 (as defined*
13 *in the Department of Defense Financial Management Regu-*
14 *lation) for all contingency operations for the budget year*
15 *and the two preceding fiscal years.*

16 *SEC. 8091. None of the funds in this Act may be used*
17 *for research, development, test, evaluation, procurement or*
18 *deployment of nuclear armed interceptors of a missile de-*
19 *fense system.*

20 *SEC. 8092. Of the amounts provided in title II of this*
21 *Act under the heading “Operation and Maintenance, De-*
22 *fense-Wide”, \$20,000,000 is available for the Regional De-*
23 *fense Counter-terrorism Fellowship Program, to fund the*
24 *education and training of foreign military officers, min-*
25 *istry of defense civilians, and other foreign security offi-*

1 cials, to include United States military officers and civilian
2 officials whose participation directly contributes to the edu-
3 cation and training of these foreign students.

4 *SEC. 8093. None of the funds appropriated or made*
5 *available in this Act shall be used to reduce or disestablish*
6 *the operation of the 53rd Weather Reconnaissance Squad-*
7 *ron of the Air Force Reserve, if such action would reduce*
8 *the WC-130 Weather Reconnaissance mission below the lev-*
9 *els funded in this Act: Provided, That the Air Force shall*
10 *allow the 53rd Weather Reconnaissance Squadron to per-*
11 *form other missions in support of national defense require-*
12 *ments during the non-hurricane season.*

13 *SEC. 8094. None of the funds provided in this Act shall*
14 *be available for integration of foreign intelligence informa-*
15 *tion unless the information has been lawfully collected and*
16 *processed during the conduct of authorized foreign intel-*
17 *ligence activities: Provided, That information pertaining to*
18 *United States persons shall only be handled in accordance*
19 *with protections provided in the Fourth Amendment of the*
20 *United States Constitution as implemented through Execu-*
21 *tive Order No. 12333.*

22 *SEC. 8095. None of the funds available to the Depart-*
23 *ment of Defense may be obligated to modify command and*
24 *control relationships to give Fleet Forces Command admin-*
25 *istrative and operational control of U.S. Navy forces as-*

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

5 *SEC. 8096. (a) At the time members of reserve compo-*
6 *nents of the Armed Forces are called or ordered to active*
7 *duty under section 12302(a) of title 10, United States Code,*
8 *each member shall be notified in writing of the expected*
9 *period during which the member will be mobilized.*

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

15 *(TRANSFER OF FUNDS)*

16 *SEC. 8097. The Secretary of Defense may transfer*
17 *funds from any currently available Department of the Navy*
18 *appropriation to any available Navy shipbuilding and con-*
19 *version appropriation for the purpose of funding ship-*
20 *building cost increases for any ship construction program,*
21 *to be merged with and to be available for the same purposes*
22 *and for the same time period as the appropriation to which*
23 *transferred: Provided, That all transfers under this section*
24 *shall be subject to the notification requirements applicable*
25 *to transfers under section 8005 of this Act.*

1 *SEC. 8098. (a) The total amount appropriated or oth-*
2 *erwise made available in title II of this Act is hereby re-*
3 *duced by \$85,000,000 to limit excessive growth in the travel*
4 *and transportation of persons.*

5 *(b) The Secretary of Defense shall allocate this reduc-*
6 *tion proportionately to each budget activity, activity group,*
7 *subactivity group, and each program, project, and activity*
8 *within each applicable appropriation account.*

9 *SEC. 8099. In addition to funds made available else-*
10 *where in this Act, \$5,500,000 is hereby appropriated and*
11 *shall remain available until expended to provide assistance,*
12 *by grant or otherwise (such as, but not limited to, the provi-*
13 *sion of funds for repairs, maintenance, construction, and/*
14 *or for the purchase of information technology, text books,*
15 *teaching resources), to public schools that have unusually*
16 *high concentrations of special needs military dependents en-*
17 *rolled: Provided, That in selecting school systems to receive*
18 *such assistance, special consideration shall be given to*
19 *school systems in States that are considered overseas assign-*
20 *ments, and all schools within these school systems shall be*
21 *eligible for assistance: Provided further, That up to 2 per-*
22 *cent of the total appropriated funds under this section shall*
23 *be available to support the administration and execution*
24 *of the funds or program and/or events that promote the pur-*
25 *pose of this appropriation (e.g. payment of travel and per*

1 *diem of school teachers attending conferences or a meeting*
2 *that promotes the purpose of this appropriation and/or con-*
3 *sultant fees for on-site training of teachers, staff, or Joint*
4 *Venture Education Forum (JVEF) Committee members):*
5 *Provided further, That up to \$2,000,000 shall be available*
6 *for the Department of Defense to establish a non-profit trust*
7 *fund to assist in the public-private funding of public school*
8 *repair and maintenance projects, or provide directly to*
9 *non-profit organizations who in return will use these mon-*
10 *ies to provide assistance in the form of repair, maintenance,*
11 *or renovation to public school systems that have high con-*
12 *centrations of special needs military dependents and are lo-*
13 *cated in States that are considered overseas assignments:*
14 *Provided further, That to the extent a Federal agency pro-*
15 *vides this assistance, by contract, grant, or otherwise, it*
16 *may accept and expend non-Federal funds in combination*
17 *with these Federal funds to provide assistance for the au-*
18 *thorized purpose, if the non-Federal entity requests such as-*
19 *sistance and the non-Federal funds are provided on a reim-*
20 *bursable basis.*

21 *SEC. 8100. The Secretary of the Air Force is author-*
22 *ized, using funds available under the heading “Operation*
23 *and Maintenance, Air Force”, to complete a phased repair*
24 *project, which repairs may include upgrades and additions,*
25 *to the infrastructure of the operational ranges managed by*

1 *the Air Force in Alaska: Provided, That the total cost of*
2 *such phased projects shall not exceed \$50,000,000.*

3 *SEC. 8101. For purposes of section 612 of title 41,*
4 *United States Code, any subdivision of appropriations*
5 *made under the heading “Shipbuilding and Conversion,*
6 *Navy” that is not closed at the time reimbursement is made*
7 *shall be available to reimburse the Judgment Fund and*
8 *shall be considered for the same purposes as any subdivision*
9 *under the heading “Shipbuilding and Conversion, Navy”*
10 *appropriations in the current fiscal year or any prior fiscal*
11 *year.*

12 *SEC. 8102. (a) None of the funds appropriated by this*
13 *Act may be used to transfer research and development, ac-*
14 *quisition, or other program authority relating to current*
15 *tactical unmanned aerial vehicles (TUAVs) from the Army.*

16 *(b) The Army shall retain responsibility for and oper-*
17 *ational control of the Extended Range Multi-Purpose*
18 *(ERMP) Unmanned Aerial Vehicle (UAV) in order to sup-*
19 *port the Secretary of Defense in matters relating to the em-*
20 *ployment of unmanned aerial vehicles.*

21 *SEC. 8103. Of the funds provided in this Act,*
22 *\$10,000,000 shall be available for the operations and devel-*
23 *opment of training and technology for the Joint Inter-*
24 *agency Training Center-East and the affiliated Center for*
25 *National Response at the Memorial Tunnel and for pro-*

1 *viding homeland defense/security and traditional*
2 *warfighting training to the Department of Defense, other*
3 *Federal agency, and State and local first responder per-*
4 *sonnel at the Joint Interagency Training Center-East.*

5 *SEC. 8104. The authority to conduct a cooperative pro-*
6 *gram in the proviso in title II of Public Law 102–368*
7 *under the heading “Research, Development, Test and Eval-*
8 *uation, Defense Agencies” (106 Stat. 1121) shall be ex-*
9 *tended through September 30, 2008.*

10 *SEC. 8105. Up to \$10,000,000 of the funds appro-*
11 *priated under the heading, “Operation and Maintenance,*
12 *Navy” may be made available for the Asia Pacific Regional*
13 *Initiative Program for the purpose of enabling the Pacific*
14 *Command to execute Theater Security Cooperation activi-*
15 *ties such as humanitarian assistance, and payment of in-*
16 *cremental and personnel costs of training and exercising*
17 *with foreign security forces: Provided, That funds made*
18 *available for this purpose may be used, notwithstanding*
19 *any other funding authorities for humanitarian assistance,*
20 *security assistance or combined exercise expenses: Provided*
21 *further, That funds may not be obligated to provide assist-*
22 *ance to any foreign country that is otherwise prohibited*
23 *from receiving such type of assistance under any other pro-*
24 *vision of law.*

1 *SEC. 8106. The Secretary of Defense may present pro-*
2 *motional materials, including a United States flag, to any*
3 *member of an Active or Reserve component under the Sec-*
4 *retary's jurisdiction who, as determined by the Secretary,*
5 *participates in Operation Enduring Freedom or Operation*
6 *Iraqi Freedom, along with other recognition items in con-*
7 *junction with any week-long national observation and day*
8 *of national celebration, if established by Presidential proc-*
9 *lamation, for any such members returning from such oper-*
10 *ations.*

11 *SEC. 8107. Notwithstanding any other provision of*
12 *this Act, to reflect savings from revised economic assump-*
13 *tions the total amount appropriated in title II of this Act*
14 *is hereby reduced by \$520,300,000, the total amount appro-*
15 *priated in title III of this Act is hereby reduced by*
16 *\$331,600,000, the total amount appropriated in title IV of*
17 *this Act is hereby reduced by \$317,000,000, the total*
18 *amount appropriated in title V of this Act is hereby reduced*
19 *by \$9,700,000, and the total amount appropriated in title*
20 *VI of this Act is hereby reduced by \$93,700,000: Provided,*
21 *That the Secretary of Defense shall allocate this reduction*
22 *proportionally to each budget activity, activity group, sub-*
23 *activity group, and each program, project, and activity,*
24 *within each appropriation account.*

1 *SEC. 8108. (a) LIMITATION ON RETIREMENT PENDING*
2 *REPORT ON BOMBER FORCE STRUCTURE.—No funds ap-*
3 *propriated for the Department of Defense may be obligated*
4 *or expended for retiring or dismantling any of the 93 B-*
5 *52H bomber aircraft in service in the Air Force as of June*
6 *1, 2006, until 30 days after the Secretary of the Air Force*
7 *transmits to the congressional defense committees a report*
8 *on the bomber force structure of the Air Force meeting the*
9 *requirements of subsection (b).*

10 *(b) ELEMENTS.—The report under subsection (a) shall*
11 *set forth the following:*

12 *(1) The plan of the Air Force for the moderniza-*
13 *tion of the B-52H bomber aircraft fleet.*

14 *(2) The plans of the Air Force for the moderniza-*
15 *tion of the balance of the bomber force structure.*

16 *(3) The amount and type of bombers in the*
17 *bomber force structure that is appropriate to meet the*
18 *requirements of the national security strategy of the*
19 *United States.*

20 *(4) An analysis and justification of the cost and*
21 *projected savings of any reductions to the B-52H*
22 *bomber fleet as a result of the retirement or dis-*
23 *mantlement of the B-52H bomber aircraft covered by*
24 *the report.*

1 (5) *The current assessments for the useful life of*
2 *each of the bomber aircraft in the Air Force inventory*
3 *under the Aircraft Structural Integrity Program, any*
4 *flight restrictions against each of the bomber aircraft*
5 *in the Air Force inventory, and an analysis of any*
6 *funding required for modifications designed to correct*
7 *a problem that threatens grounding all or a portion*
8 *of that aircraft fleet.*

9 (6) *The date by which any new bomber aircraft*
10 *must reach initial operational capability and the ca-*
11 *pabilities of the bomber force structure that would be*
12 *replaced or superseded by any new bomber aircraft.*

13 (7) *An assessment of the likelihood that the devel-*
14 *opment of a new bomber aircraft will meet the cur-*
15 *rent schedule of reaching initial operational capa-*
16 *bility by 2018.*

17 (8) *An assessment of the risk to national security*
18 *of retiring a substantial portion of our bomber fleet,*
19 *including a consideration of the additional risk if the*
20 *development of a new bomber aircraft does not meet*
21 *the current schedule of reaching initial operational*
22 *capability by 2018.*

23 (c) *PREPARATION OF REPORT.*—*A report under this*
24 *section shall be prepared and submitted by the Institute of*

1 *Defense Analysis to the Secretary of the Air Force for trans-*
 2 *mittal by the Secretary in accordance with subsection (a).*

3 (d) *FORM.*—*The report under subsection (a) shall be*
 4 *in unclassified form, but may include a classified annex.*

5 *SEC. 8109. Not later than December 31, 2006, the Sec-*
 6 *retary of Defense shall submit to the congressional defense*
 7 *committees a report setting forth the assessment of the Sec-*
 8 *retary regarding the Depleted Uranium Sensing and Treat-*
 9 *ment for Removal program of the Department of Defense.*

10 *SEC. 8110. Of the amount appropriated or otherwise*
 11 *made available by title III under the heading “OTHER PRO-*
 12 *CUREMENT, ARMY”, up to \$2,600,000 may be available for*
 13 *the Virtual Interactive Combat Environment for the New*
 14 *Jersey National Guard.*

15 *SEC. 8111. Of the amount appropriated or otherwise*
 16 *made available by title III under the heading “OTHER PRO-*
 17 *CUREMENT, NAVY”, up to \$3,000,000 may be available for*
 18 *the Man Overboard Identification System (MOBI) pro-*
 19 *gram.*

20 *SEC. 8112. PROHIBITION ON PAYMENT OF AWARD*
 21 *FEES TO DEFENSE CONTRACTORS IN CASES OF CONTRACT*
 22 *NON-PERFORMANCE.*—*None of the funds appropriated or*
 23 *otherwise made available by this Act may be obligated or*
 24 *expended to provide award fees to any defense contractor*

1 *for performance that does not meet the requirements of the*
2 *contract.*

3 *SEC. 8113. Of the amount appropriated or otherwise*
4 *made available by title II under the heading “OPERATION*
5 *AND MAINTENANCE, AIR FORCE”, up to \$10,000,000 may*
6 *be available to provide the United States Northern Com-*
7 *mand with an interoperable mobile wireless communica-*
8 *tions capability to effectively communicate with Federal,*
9 *State, and local authorities.*

10 *SEC. 8114. Of the amount appropriated or otherwise*
11 *made available by title IV under the heading “RESEARCH,*
12 *DEVELOPMENT, TEST AND EVALUATION, NAVY”, up to*
13 *\$2,000,000 may be available for the Advanced Airship Fly-*
14 *ing Laboratory.*

15 *SEC. 8115. Of the amount appropriated by title IV*
16 *under the heading “RESEARCH, DEVELOPMENT, TEST AND*
17 *EVALUATION, ARMY”, up to \$2,000,000 may be available*
18 *for support of design enhancements and continued testing*
19 *of the Para foil Joint Precision Air Drop System (JPADS)*
20 *design parachute system for the drop of 5-ton and 15-ton*
21 *loads to precise locations from high altitude and greater off-*
22 *set distance.*

23 *SEC. 8116. Of the amount appropriated or otherwise*
24 *made available by title IV under the heading “RESEARCH,*
25 *DEVELOPMENT, TEST AND EVALUATION, AIR FORCE”, up*

1 to \$6,000,000 may be available for Military-Standard-1760
2 (MIL-STD 1760) integration for the internal weapons bays
3 of B-52 aircraft.

4 SEC. 8117. Notwithstanding the first section of Public
5 Law 85-804 (50 U.S.C. 1431), in the event a notice on the
6 modification of a contract described in that section is sub-
7 mitted to the Committees on Armed Services of the Senate
8 and the House of Representatives by the Army Contract Ad-
9 justment Board during the period beginning on July 28,
10 2006, and ending on the date of the adjournment of the
11 109th Congress sine die, such contract may be modified in
12 accordance with such notice commencing on the earlier of—

13 (1) the date that is 60 calendar days after the
14 date of such notice; or

15 (2) the date of the adjournment of the 109th Con-
16 gress sine die.

17 SEC. 8118. From funds available in this Act, an addi-
18 tional \$6,700,000,000 may be available to fund equipment
19 reset requirements resulting from continuing combat oper-
20 ations, including repair, depot, and procurement activities.

21 SEC. 8119. (a) INTERIM REPORT ON MANAGEMENT OF
22 BIOMETRICS PROGRAM.—Not later than September 8, 2006,
23 the Secretary of Defense shall submit to the congressional
24 defense committees an interim report on the management
25 of the biometrics program of the Department of Defense.

1 (b) *FINAL REPORT*.—Not later than October 15, 2006,
 2 the Secretary shall submit to the congressional defense com-
 3 mittees a final report on the management of the biometrics
 4 program of the Department of Defense.

5 (c) *REPORT ELEMENTS*.—Each report under this sec-
 6 tion shall include, current as of the date of such report, the
 7 following:

8 (1) A detailed description of the recommenda-
 9 tions of the Defense Science Board regarding the
 10 management of the biometrics program of the Depart-
 11 ment of Defense.

12 (2) Such recommendations as the Defense
 13 Science Board considers appropriate regarding
 14 changes of mission for the existing biometrics support
 15 officers.

16 SEC. 8120. (a) *JOINT ADVERTISING, MARKET RE-*
 17 *SEARCH AND STUDIES PROGRAM*.—Of the amount appro-
 18 priated or otherwise made available by title II under the
 19 heading “OPERATION AND MAINTENANCE, DEFENSE-
 20 WIDE”, up to \$7,500,000 may be available for the Joint
 21 Advertising, Market Research and Studies (JAMRS) pro-
 22 gram.

23 (b) *SUPPLEMENT NOT SUPPLANT*.—The amount avail-
 24 able under subsection (a) for the program referred to in that

1 subsection is in addition to any other amounts available
2 in this Act for that program.

3 SEC. 8121. Of the amount appropriated or otherwise
4 made available by title II under the heading “OPERATION
5 AND MAINTENANCE, ARMY”, up to \$500,000 may be avail-
6 able for the United States Army Center of Military History
7 to support a traveling exhibit on military experience in
8 World War II.

9 SEC. 8122. Of the amount appropriated or otherwise
10 made available by title IV under the heading “RESEARCH,
11 DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to
12 \$1,000,000 may be available for environmental manage-
13 ment and compliance information.

14 SEC. 8123. The Secretary of Defense shall submit to
15 the congressional defense committees, at the same time the
16 budget of the President for fiscal year 2008 is submitted
17 to Congress pursuant to section 1105(a) of title 31, United
18 States Code, a report setting forth the following:

19 (1) A plan to procure medical countermeasures
20 for purposes of treating forward deployed members of
21 the Armed Forces against the lethal effects of acute ra-
22 diation syndrome, including neutropenia and
23 thrombocytopenia.

1 (2) *An identification of the countermeasures re-*
 2 *quired to protect members of the Armed Forces in the*
 3 *event of a nuclear or bioterrorist attack.*

4 (3) *A plan for the forward deployment of the*
 5 *countermeasures identified under paragraph (2), in-*
 6 *cluding an assessment of the costs associated with im-*
 7 *plementing such plan.*

8 *SEC. 8124. Of the amount appropriated or otherwise*
 9 *made available by title IV under the heading “RESEARCH,*
 10 *DEVELOPMENT, TEST AND EVALUATION, AIR FORCE”, up*
 11 *to \$1,500,000 may be available for Commercialization and*
 12 *Industrialization of Adaptive Optics (PE #0602890F).*

13 *SEC. 8125. Of the amount appropriated or otherwise*
 14 *made available by title IV under the heading “RESEARCH,*
 15 *DEVELOPMENT, TEST AND EVALUATION, NAVY” up to*
 16 *\$1,000,000 may be available for an integrated, low-cost,*
 17 *low-power Multibeam Side Scan Sonar System for Un-*
 18 *manned Underwater Vehicles (UUVs).*

19 *SEC. 8126. Of the amount appropriated or otherwise*
 20 *made available by title III under the heading “PROCURE-*
 21 *MENT OF AMMUNITION, AIR FORCE”, up to \$5,000,000 may*
 22 *be available for the procurement of Radiation Hardened*
 23 *Microelectronics (HX5000).*

24 *SEC. 8127. Of the amount appropriated or otherwise*
 25 *made available by title IV under the heading “RESEARCH,*

1 *DEVELOPMENT, TEST AND EVALUATION, AIR FORCE*", up
 2 to \$4,000,000 may be available for the Transportable
 3 Transponder Landing System.

4 *SEC. 8128. Of the amount appropriated or otherwise*
 5 *made available by title II under the heading "OPERATION*
 6 *AND MAINTENANCE, MARINE CORPS RESERVE", up to*
 7 *\$3,500,000 may be available for the Individual First Aid*
 8 *Kit (IFAK).*

9 *SEC. 8129. Of the amount appropriated or otherwise*
 10 *made available by title IV under the heading "RESEARCH,*
 11 *DEVELOPMENT, TEST AND EVALUATION, ARMY", up to*
 12 *\$8,000,000 may be available for the Advanced Tank Arma-*
 13 *ment System.*

14 *SEC. 8130. Of the amount appropriated or otherwise*
 15 *made available by title IV under the heading "RESEARCH,*
 16 *DEVELOPMENT, TEST AND EVALUATION, ARMY", up to*
 17 *\$1,000,000 may be available for the development of a Light-*
 18 *weight All Terrain Vehicle (LATV).*

19 *SEC. 8131. Of the amount appropriated or otherwise*
 20 *made available by title VI under the heading "DEFENSE*
 21 *HEALTH PROGRAM", up to \$500,000 may be available for*
 22 *a pilot program on troops to nurse teachers.*

23 *SEC. 8132. The aggregate amount available in this Act*
 24 *for expenses of the Department of Defense relating to con-*
 25 *ferences in fiscal year 2007, including expenses relating to*

1 conference programs, staff, travel costs, and other conference
2 matters, may not exceed \$70,000,000.

3 *SEC. 8133. (a) POSTING OF CERTAIN REPORTS ON DE-*
4 *PARTMENT OF DEFENSE INTERNET WEBSITE.—Each re-*
5 *port described in subsection (b) shall be posted on the Inter-*
6 *net website of the Department of Defense for the public not*
7 *later than 48 hours after the submittal of such report to*
8 *Congress.*

9 *(b) COVERED REPORTS.—The reports described in this*
10 *subsection are the reports as follows:*

11 *Each report required by a provision of this Act to be*
12 *submitted by the Department of Defense to the Committees*
13 *on Appropriations of the Senate and the House of Rep-*
14 *resentatives.*

15 *(c) REDACTION OF CERTAIN INFORMATION.—In post-*
16 *ing a report on the Internet website of the Department*
17 *under subsection (a), the Secretary of Defense may redact*
18 *any information whose release to the public would, as deter-*
19 *mined by the Secretary, compromise the national security*
20 *of the United States.*

21 *SEC. 8134. Not later than 90 days after the date of*
22 *the enactment of this Act, the Secretary of Defense shall*
23 *with regard to payments made with funds provided by this*
24 *Act submit to the congressional defense committees and the*
25 *Committee on Homeland Security and Governmental Af-*

1 *fairs of the Senate and the Committee on Government Re-*
 2 *form of the House of Representatives a report—*

3 (1) *describing risk assessments performed by the*
 4 *Department of Defense on payments made by the De-*
 5 *partment for travel, as required under section 2 of the*
 6 *Improper Payments Information Act of 2002 (Public*
 7 *Law 107–300; 31 U.S.C. 3321 note);*

8 (2) *including an estimate, using statistically*
 9 *valid methods, of improper payments for travel that*
 10 *have been processed by the Defense Finance and Ac-*
 11 *counting Service (DFAS); and*

12 (3) *including an explanation that the methods*
 13 *used to perform risk assessments are statistically*
 14 *valid in accordance with Office of Management and*
 15 *Budget Memorandum 30–13 issued pursuant to the*
 16 *Improper Payments Information Act of 2002 (Public*
 17 *Law 107–300; 31 U.S.C. 3321 note).*

18 *SEC. 8135. Of the amount appropriated or otherwise*
 19 *made available by title IV under the heading “RESEARCH,*
 20 *DEVELOPMENT, TEST AND EVALUATION, NAVY”, up to*
 21 *\$2,500,000 may be available for the Wireless Maritime In-*
 22 *spection System as part of the Smartship Wireless Project*
 23 *of the Navy.*

24 *SEC. 8136. Of the amount appropriated in title IV*
 25 *under the heading “RESEARCH, DEVELOPMENT, TEST AND*

1 *EVALUATION, ARMY*”, up to \$5,000,000 may be made avail-
 2 *able for the Virtual Training and Airspace Management*
 3 *Simulation for Unmanned Aerial Vehicles.*

4 *SEC. 8137. Of the amount appropriated or otherwise*
 5 *made available by title IV under the heading “RESEARCH,*
 6 *DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE”,*
 7 *up to \$3,000,000 may be available for Small and Medium*
 8 *Caliber Recoil Mitigation Technologies (PE #1160402BB).*

9 *SEC. 8138. Of the amount appropriated or otherwise*
 10 *made available by title IV under the heading “RESEARCH,*
 11 *DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to*
 12 *\$1,000,000 may be available for the Automated Commu-*
 13 *nications Support System for WARFIGHTERS, Intel-*
 14 *ligence Community, Linguists, and Analysts.*

15 *SEC. 8139. No funds appropriated or otherwise made*
 16 *available by this Act may be used by the Government of*
 17 *the United States to enter into an agreement with the Gov-*
 18 *ernment of Iraq that would subject members of the Armed*
 19 *Forces of the United States to the jurisdiction of Iraq crimi-*
 20 *nal courts or punishment under Iraq law.*

21 *SEC. 8140. (a) REPORTS TO CONGRESS AND NOTICE*
 22 *TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE*
 23 *DEPARTMENT OF DEFENSE.—The Secretary of Defense*
 24 *shall submit to Congress, and post on the Internet website*

1 *of the Department of Defense available to the public, infor-*
2 *mation as follows:*

3 *(1) A description of each earmark of funds made*
4 *available to the Department of Defense by this Act,*
5 *including the location (by city, State, country, and*
6 *congressional district if relevant) in which the ear-*
7 *marked funds are to be utilized, the purpose of such*
8 *earmark (if known), and the recipient of such ear-*
9 *mark.*

10 *(2) The total cost of administering each such ear-*
11 *mark including the amount of such earmark, staff*
12 *time, administrative expenses, and other costs.*

13 *(3) The total cost of administering all such ear-*
14 *marks.*

15 *(4) An assessment of the utility of each such ear-*
16 *mark in meeting the goals of the Department, set*
17 *forth using a rating system as follows:*

18 *(A) A for an earmark that directly advances*
19 *the primary goals of the Department or an agen-*
20 *cy, element, or component of the Department.*

21 *(B) B for an earmark that advances many*
22 *of the primary goals of the Department or an*
23 *agency, element, or component of the Depart-*
24 *ment.*

1 (C) *C for an earmark that may advance*
 2 *some of the primary goals of the Department or*
 3 *an agency, element, or component of the Depart-*
 4 *ment.*

5 (D) *D for an earmark that cannot be dem-*
 6 *onstrated as being cost-effective in advancing the*
 7 *primary goals of the Department or any agency,*
 8 *element, or component of the Department.*

9 (E) *F for an earmark that distracts from or*
 10 *otherwise impedes that capacity of the Depart-*
 11 *ment to meet the primary goals of the Depart-*
 12 *ment.*

13 (b) *EARMARK DEFINED.—In this section, the term*
 14 *“earmark” means a provision of law, or a directive con-*
 15 *tained within a joint explanatory statement or report ac-*
 16 *companying a conference report or bill (as applicable), that*
 17 *specifies the identity of an entity, program, project, or serv-*
 18 *ice, including a defense system, to receive assistance not re-*
 19 *quested by the President and the amount of the assistance*
 20 *to be so received.*

21 SEC. 8141. *Of the amount appropriated or otherwise*
 22 *made available by title IV under the heading “RESEARCH,*
 23 *DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to*
 24 *\$1,000,000 may be available for Program Element*
 25 *0602787A for blast protection research.*

1 *SEC. 8142. Of the amount appropriated or otherwise*
2 *made available by title IV under the heading “RESEARCH,*
3 *DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to*
4 *\$10,000,000 may be available for the Combat Support Hos-*
5 *pital-Mobile Support Hospital.*

6 *SEC. 8143. Of the amounts available for the activity*
7 *described on pages 149 through 159 of Volume VI, Book I*
8 *of the Fiscal Year 2007 Congressional Budget Justification*
9 *Book of the Intelligence Community, up to \$8,000,000 may*
10 *be available for personnel for that activity.*

11 *SEC. 8144. None of the funds appropriated or other-*
12 *wise made available by this Act may be obligated or ex-*
13 *pended by the United States Government for a purpose as*
14 *follows:*

15 *(1) To establish any military installation or base*
16 *for the purpose of providing for the permanent sta-*
17 *tioning of United States Armed Forces in Iraq.*

18 *(2) To exercise United States control over any*
19 *oil resource of Iraq.*

20 *SEC. 8145. Of the amount appropriated by title IV*
21 *under the heading “RESEARCH, DEVELOPMENT, TEST AND*
22 *EVALUATION, ARMY”, up to \$10,000,000 may be available*
23 *for experimentation and refinement of tactics and doctrine*
24 *in the use of the Class IV unmanned aerial vehicles and*
25 *ground stations associated with such vehicles.*

1 *SEC. 8146. Of the amount appropriated by title IV*
2 *under the heading “RESEARCH, DEVELOPMENT, TEST AND*
3 *EVALUATION, ARMY”, up to \$10,000,000 may be available*
4 *for Combat Vehicle and Automotive Technology.*

5 *SEC. 8147. Of the amount appropriated or otherwise*
6 *made available by title III under the heading “SHIP-*
7 *BUILDING AND CONVERSION, NAVY”, up to \$10,000,000 may*
8 *be available for the Carrier Replacement Program for ad-*
9 *vance procurement of nuclear propulsion equipment.*

10 *SEC. 8148. (a) Except as provided in subsection (b),*
11 *the Secretary of the Air Force shall, not later than March*
12 *31, 2007, submit to the congressional defense committees a*
13 *cost-benefit analysis of significant proposed realignments or*
14 *closures of research and development or test and evaluation*
15 *installations, activities, facilities, laboratories, units, func-*
16 *tions, or capabilities of the Air Force. The analysis shall*
17 *include an evaluation of missions served and alternatives*
18 *considered and of the benefits, costs, risks, and other consid-*
19 *erations associated with each such proposed realignment or*
20 *closure.*

21 *(b) The requirement under subsection (a) does not*
22 *apply to realignment and closure activities carried out in*
23 *accordance with the final recommendations of the Defense*
24 *Base Closure and Realignment Commission under the 2005*
25 *round of defense base closure and realignment.*

1 *SEC. 8149. (a) Of the amount appropriated or other-*
 2 *wise made available by title II under the heading “OPER-*
 3 *ATION AND MAINTENANCE, DEFENSE-WIDE”, up to*
 4 *\$2,000,000 may be available for the Office of Economic Ad-*
 5 *justment of the Department of Defense to conduct a traffic*
 6 *study on the improvements that are required to be carried*
 7 *out to the transportation infrastructure around Fort*
 8 *Belvoir, Virginia, to accommodate the increase in the work-*
 9 *force located on and around Fort Belvoir resulting from de-*
 10 *cisions implemented under the 2005 round of defense base*
 11 *closure and realignment. The study shall incorporate the*
 12 *input of the Virginia Department of Transportation and*
 13 *other State and local governments and agencies.*

14 *(b) Not later than one year after the date of the enact-*
 15 *ment of this Act, the Secretary of Defense shall submit to*
 16 *the congressional defense committees a report on the study*
 17 *conducted under subsection (a), including a cost estimate*
 18 *for such improvements and the funding sources, including*
 19 *the Defense Access Road Program, proposed for such im-*
 20 *provements.*

21 *SEC. 8150. Of the amount appropriated or otherwise*
 22 *made available by title III under the heading “PROCURE-*
 23 *MENT, DEFENSE-WIDE”, up to \$12,600,000 may be avail-*
 24 *able for the completion of the final phase of the activity*
 25 *described on pages 337 through 339 of Volume II of Book*

1 *1 of the Fiscal Year 2007 Congressional Budget Justifica-*
2 *tion Book of a component of the intelligence community.*

3 *SEC. 8151. Of the amount appropriated or otherwise*
4 *made available by title IV under the heading “RESEARCH,*
5 *DEVELOPMENT, TEST AND EVALUATION, ARMY”,*
6 *\$1,000,000 may be available for the Portable Battery Oper-*
7 *ated Solid-State Electrochemical Oxygen Generator project*
8 *for the purpose of developing a field-portable oxygen genera-*
9 *tion device to enable the quick administration of oxygen to*
10 *members of the Armed Forces wounded in action.*

11 *SEC. 8152. Of the amount appropriated or otherwise*
12 *made available by title IV under the heading “RESEARCH,*
13 *DEVELOPMENT, TEST AND EVALUATION, NAVY”, up to*
14 *\$1,000,000 may be available for Energy Regeneration and*
15 *Conversion Fuel Cell Systems to address Navy Unmanned*
16 *Underwater Vehicle requirements.*

17 *SEC. 8153. ROYALTY RELIEF FOR PRODUCTION OF OIL*
18 *AND GAS.—(a) PRICE THRESHOLDS.—Notwithstanding*
19 *any other provision of law, the Secretary of the Interior*
20 *shall place limitations based on market price on the royalty*
21 *relief granted under any lease for the production of oil or*
22 *natural gas on Federal land (including submerged land)*
23 *entered into by the Secretary of the Interior on or after the*
24 *date of enactment of this Act.*

1 (b) *CLARIFICATION OF AUTHORITY TO IMPOSE PRICE*
 2 *THRESHOLDS FOR CERTAIN LEASE SALES.*—Congress reaf-
 3 *firms the authority of the Secretary of the Interior under*
 4 *section 8(a)(1)(H) of the Outer Continental Shelf Lands Act*
 5 *(43 U.S.C. 1337(a)(1)(H)) to vary, based on the price of*
 6 *production from a lease, the suspension of royalties under*
 7 *any lease subject to section 304 of the Outer Continental*
 8 *Shelf Deep Water Royalty Relief Act (Public Law 104–58;*
 9 *43 U.S.C. 1337 note).*

10 *SEC. 8154. Of the amount appropriated or otherwise*
 11 *made available by title IV under the heading “RESEARCH,*
 12 *DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to*
 13 *\$1,000,000 may be available for Program Element*
 14 *0602105A for Thermoplastic Composite Body Armor re-*
 15 *search.*

16 *SEC. 8155. Of the amount appropriated or otherwise*
 17 *made available by title II under the heading “OPERATION*
 18 *AND MAINTENANCE, ARMY NATIONAL GUARD”, up to*
 19 *\$7,500,000 may be available to renovate and repair existing*
 20 *barracks at Camp Perry, Port Clinton, Ohio.*

21 *SEC. 8156. Of the amount appropriated or otherwise*
 22 *made available by title IV under the heading “RESEARCH,*
 23 *DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to*
 24 *\$3,000,000 may be available for Weapons and Munitions*
 25 *Advanced Technology (PE #603004A) for Advanced*

1 *Switching and Cooling Concepts for Electromagnetic Gun*
 2 *Applications.*

3 *SEC. 8157. Of the amount appropriated by title IX*
 4 *under the heading “OPERATION AND MAINTENANCE, DE-*
 5 *FENSE-WIDE”, up to \$5,000,000 may be used for commu-*
 6 *nity-based programs that provide mental health and read-*
 7 *justment assistance to members of the National Guard and*
 8 *Reserve and their families on their return from deployment.*

9 *SEC. 8158. Of the amount appropriated or otherwise*
 10 *made available by title II under the heading “OPERATION*
 11 *AND MAINTENANCE, NAVY”, up to \$3,000,000 may be avail-*
 12 *able to the Navy to fund improvements to physical security*
 13 *at Navy recruiting stations and to improve data security.*

14 *SEC. 8159. Of the amount appropriated or otherwise*
 15 *made available by title VI under the heading “DEFENSE*
 16 *HEALTH PROGRAM”, \$19,000,000 shall be available for the*
 17 *Defense and Veterans Brain Injury Center.*

18 *SEC. 8160. (a) ADDITIONAL AMOUNT FOR DRUG*
 19 *INTERDICTION AND COUNTER-DRUG ACTIVITIES.—The*
 20 *amount appropriated by title VI under the heading “DRUG*
 21 *INTERDICTION AND COUNTER-DRUG ACTIVITIES” is hereby*
 22 *increased by \$700,000,000, with the amount of the increase*
 23 *designated as an emergency requirement pursuant to sec-*
 24 *tion 402 of S. Con. Res. 83 (109th Congress), the concurrent*
 25 *resolution on the budget for fiscal year 2007, as made appli-*

1 cable in the Senate by section 7035 of Public Law 109–
2 234.

3 (b) *AVAILABILITY*.—Of the amount appropriated or
4 otherwise made available by title VI under the heading
5 “*DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES*”,
6 as increased by subsection (a), up to an additional
7 \$700,000,000 may be available to combat the growth of pop-
8 pies in Afghanistan, to eliminate the production and trade
9 of opium and heroin, and to prevent terrorists from using
10 the proceeds for terrorist activities in Afghanistan, Iraq,
11 and elsewhere.

12 (c) *SUPPLEMENT NOT SUPPLANT*.—The amount avail-
13 able under subsection (b) for the purpose set forth in that
14 subsection is in addition to any other amounts available
15 in this Act for that purpose.

16 *SEC. 8161. Of the amounts appropriated or otherwise*
17 *made available by this Act, up to \$2,000,000 may be avail-*
18 *able for infrastructure for the Afghanistan military legal*
19 *system.*

20 *SEC. 8162. Of the amount appropriated or otherwise*
21 *made available by title III under the heading “OTHER PRO-*
22 *CUREMENT, ARMY”, up to \$1,500,000 may be available for*
23 *a Convoy Training Simulator for the Montana Army Na-*
24 *tional Guard.*

1 *SEC. 8163. Of the amount appropriated or otherwise*
2 *made available by title IV under the heading “RESEARCH,*
3 *DEVELOPMENT, TEST AND EVALUATION, NAVY”, up to*
4 *\$300,000 may be available for independent testing of the*
5 *Joint Improvised Explosive Device Neutralizer III, with*
6 *such test to be designed and conducted by the Marine Corps*
7 *Warfighting Laboratory.*

8 *SEC. 8164. Of the amount appropriated or otherwise*
9 *made available by title IV under the heading “RESEARCH,*
10 *DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE”,*
11 *up to \$1,500,000 may be available for the development of*
12 *a field-deployable hydrogen fueling station.*

13 *SEC. 8165. Of the amount appropriated or otherwise*
14 *made available by title IV under the heading “RESEARCH,*
15 *DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE”,*
16 *up to \$6,000,000 may be available for bioterrorism protec-*
17 *tion research (PE #0601384BP).*

18 *SEC. 8166. Notwithstanding any other provision of*
19 *law, the Secretary of the Army may reimburse a member*
20 *for expenses incurred by the member or family member*
21 *when such expenses are otherwise not reimbursable under*
22 *law: Provided, That such expenses must have been incurred*
23 *in good faith as a direct consequence of reasonable prepara-*
24 *tion for, or execution of, military orders: Provided further,*
25 *That reimbursement under this section shall be allowed only*

1 *in situations wherein other authorities are insufficient to*
 2 *remedy a hardship determined by the Secretary, and only*
 3 *when the Secretary determines that reimbursement of the*
 4 *expense is in the best interest of the member and the United*
 5 *States: Provided further, That this provision shall only*
 6 *apply to soldiers assigned to the 172nd Stryker Brigade*
 7 *Combat Team.*

8 *SEC. 8167. Of the amount appropriated or otherwise*
 9 *made available by title IV under the heading “RESEARCH,*
 10 *DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE”*
 11 *for DARPA Management Headquarters, up to \$1,000,000*
 12 *may be available for the Heavy Fuel Diesel Engine (PE*
 13 *#0603286E).*

14 *TITLE IX*

15 *ADDITIONAL APPROPRIATIONS*

16 *CHAPTER 1*

17 *MILITARY PERSONNEL*

18 *MILITARY PERSONNEL, ARMY*

19 *For an additional amount for “Military Personnel,*
 20 *Army”, \$5,054,502,000.*

21 *MILITARY PERSONNEL, NAVY*

22 *For an additional amount for “Military Personnel,*
 23 *Navy”, \$114,500,000.*

1 *MILITARY PERSONNEL, MARINE CORPS*

2 *For an additional amount for “Military Personnel,*
 3 *Marine Corps”, \$142,320,000.*

4 *MILITARY PERSONNEL, AIR FORCE*

5 *For an additional amount for “Military Personnel,*
 6 *Air Force”, \$129,000,000.*

7 *RESERVE PERSONNEL, ARMY*

8 *For an additional amount for “Reserve Personnel,*
 9 *Army”, \$90,910,000.*

10 *RESERVE PERSONNEL, MARINE CORPS*

11 *For an additional amount for “Reserve Personnel, Ma-*
 12 *rine Corps”, \$15,420,000.*

13 *NATIONAL GUARD PERSONNEL, ARMY*

14 *For an additional amount for “National Guard Per-*
 15 *sonnel, Army”, \$214,100,000.*

16 *CHAPTER 2*

17 *OPERATION AND MAINTENANCE*

18 *OPERATION AND MAINTENANCE, ARMY*

19 *For an additional amount for “Operation and Mainte-*
 20 *nance, Army”, \$24,037,232,000.*

21 *OPERATION AND MAINTENANCE, NAVY*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For an additional amount for “Operation and Mainte-*
 24 *nance, Navy”, \$1,284,172,000: Provided, That up to*

1 \$90,000,000 shall be transferred to the Coast Guard “Oper-
 2 ating Expenses” account.

3 *OPERATION AND MAINTENANCE, MARINE CORPS*

4 *For an additional amount for “Operation and Mainte-*
 5 *nance, Marine Corps”, \$1,809,466,000.*

6 *OPERATION AND MAINTENANCE, AIR FORCE*

7 *For an additional amount for “Operation and Mainte-*
 8 *nance, Air Force”, \$1,940,553,000.*

9 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

10 *For an additional amount for “Operation and Mainte-*
 11 *nance, Defense-Wide”, \$2,383,189,000 of which up to*
 12 *\$760,000,000, to remain available until expended, may be*
 13 *used for payments to reimburse Pakistan, Jordan, and*
 14 *other key cooperating nations, for logistical, military, and*
 15 *other support provided, or to be provided, to United States*
 16 *military operations, notwithstanding any other provision*
 17 *of law: Provided, That such payments may be made in such*
 18 *amounts as the Secretary of Defense, with the concurrence*
 19 *of the Secretary of State, and in consultation with the Di-*
 20 *rector of the Office of Management and Budget, may deter-*
 21 *mine, in his discretion, based on documentation determined*
 22 *by the Secretary of Defense to adequately account for the*
 23 *support provided, and such determination is final and con-*
 24 *clusive upon the accounting officers of the United States,*
 25 *and 15 days following notification to the appropriate con-*

1 *gressional committees: Provided further, That the Secretary*
 2 *of Defense shall provide quarterly reports to the congres-*
 3 *sional defense committees on the use of funds provided in*
 4 *this paragraph.*

5 *OPERATION AND MAINTENANCE, ARMY RESERVE*

6 *For an additional amount for “Operation and Mainte-*
 7 *nance, Army Reserve”, \$211,600,000.*

8 *OPERATION AND MAINTENANCE, NAVY RESERVE*

9 *For an additional amount for “Operation and Mainte-*
 10 *nance, Navy Reserve”, \$8,036,000.*

11 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

12 *For an additional amount for “Operation and Mainte-*
 13 *nance, Air Force Reserve”, \$65,000,000.*

14 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

15 *For an additional amount for “Operation and Mainte-*
 16 *nance, Army National Guard”, \$2,033,100,000, which shall*
 17 *be designated as an emergency pursuant to section 402 of*
 18 *S. Con. Res. 83 (109th Congress), the concurrent resolution*
 19 *on the budget for fiscal year 2007, as made applicable in*
 20 *the Senate by section 7035 of Public Law 109–234.*

21 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

22 *For an additional amount for “Operation and Mainte-*
 23 *nance, Air National Guard”, \$200,000,000.*

1 IRAQ FREEDOM FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 *For an additional amount for “Iraq Freedom Fund”,*
4 *\$50,000,000, to remain available for transfer until Sep-*
5 *tember 30, 2008, only to support operations in Iraq or Af-*
6 *ghanistan: Provided, That the Secretary of Defense may*
7 *transfer the funds provided herein to appropriations for*
8 *military personnel; operation and maintenance; Overseas*
9 *Humanitarian, Disaster, and Civic Aid; procurement; re-*
10 *search, development, test and evaluation; and working cap-*
11 *ital funds: Provided further, That funds transferred shall*
12 *be merged with and be available for the same purposes and*
13 *for the same time period as the appropriation or fund to*
14 *which transferred: Provided further, That this transfer au-*
15 *thority is in addition to any other transfer authority avail-*
16 *able to the Department of Defense: Provided further, That*
17 *upon a determination that all or part of the funds trans-*
18 *ferred from this appropriation are not necessary for the*
19 *purposes provided herein, such amounts may be transferred*
20 *back to this appropriation: Provided further, That the Sec-*
21 *retary of Defense shall, not fewer than 5 days prior to mak-*
22 *ing transfers from this appropriation, notify the congres-*
23 *sional defense committees in writing of the details of any*
24 *such transfer: Provided further, That the Secretary shall*
25 *submit a report no later than 30 days after the end of each*

1 *fiscal quarter to the congressional defense committees sum-*
2 *marizing the details of the transfer of funds from this ap-*
3 *propriation.*

4 *AFGHANISTAN SECURITY FORCES FUND*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For the “Afghanistan Security Forces Fund”,*
7 *\$1,200,000,000, to remain available until September 30,*
8 *2008: Provided, That such funds shall be available to the*
9 *Secretary of Defense, notwithstanding any other provision*
10 *of law, for the purpose of allowing the Commander, Office*
11 *of Security Cooperation—Afghanistan, or the Secretary’s*
12 *designee, to provide assistance, with the concurrence of the*
13 *Secretary of State, to the security forces of Afghanistan, in-*
14 *cluding the provision of equipment, supplies, services,*
15 *training, facility and infrastructure repair, renovation,*
16 *and construction, and funding: Provided further, That the*
17 *authority to provide assistance under this heading is in ad-*
18 *dition to any other authority to provide assistance to for-*
19 *ign nations: Provided further, That the Secretary of De-*
20 *fense may transfer such funds to appropriations for mili-*
21 *tary personnel; operation and maintenance; Overseas Hu-*
22 *manitarian, Disaster, and Civic Aid; procurement; re-*
23 *search, development, test and evaluation; and defense work-*
24 *ing capital funds to accomplish the purposes provided here-*
25 *in: Provided further, That this transfer authority is in ad-*

1 dition to any other transfer authority available to the De-
2 partment of Defense: Provided further, That upon a deter-
3 mination that all or part of the funds so transferred from
4 this appropriation are not necessary for the purposes pro-
5 vided herein, such amounts may be transferred back to this
6 appropriation: Provided further, That contributions of
7 funds for the purposes provided herein from any person,
8 foreign government, or international organization may be
9 credited to this Fund, and used for such purposes: Provided
10 further, That the Secretary shall notify the congressional
11 defense committees in writing upon the receipt and upon
12 the transfer of any contribution delineating the sources and
13 amounts of the funds received and the specific use of such
14 contributions: Provided further, That the Secretary of De-
15 fense shall, not fewer than five days prior to making trans-
16 fers from this appropriation account, notify the congres-
17 sional defense committees in writing of the details of any
18 such transfer: Provided further, That the Secretary shall
19 submit a report no later than 30 days after the end of each
20 fiscal quarter to the congressional defense committees sum-
21 marizing the details of the transfer of funds from this ap-
22 propriation.

1 *IRAQ SECURITY FORCES FUND*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For the “Iraq Security Forces Fund”, \$1,400,000,000,*
4 *to remain available until September 30, 2008: Provided,*
5 *That such funds shall be available to the Secretary of De-*
6 *fense, notwithstanding any other provision of law, for the*
7 *purpose of allowing the Commander, Multi-National Secu-*
8 *rity Transition Command—Iraq, or the Secretary’s des-*
9 *ignee, to provide assistance, with the concurrence of the Sec-*
10 *retary of State, to the security forces of Iraq, including the*
11 *provision of equipment, supplies, services, training, facility*
12 *and infrastructure repair, renovation, and construction,*
13 *and funding: Provided further, That the authority to pro-*
14 *vide assistance under this heading is in addition to any*
15 *other authority to provide assistance to foreign nations:*
16 *Provided further, That the Secretary of Defense may trans-*
17 *fer such funds to appropriations for military personnel; op-*
18 *eration and maintenance; Overseas Humanitarian, Dis-*
19 *aster, and Civic Aid; procurement; research, development,*
20 *test and evaluation; and defense working capital funds to*
21 *accomplish the purposes provided herein: Provided further,*
22 *That this transfer authority is in addition to any other*
23 *transfer authority available to the Department of Defense:*
24 *Provided further, That upon a determination that all or*
25 *part of the funds so transferred from this appropriation are*

1 *not necessary for the purposes provided herein, such*
 2 *amounts may be transferred back to this appropriation:*
 3 *Provided further, That contributions of funds for the pur-*
 4 *poses provided herein from any person, foreign government,*
 5 *or international organization may be credited to this Fund,*
 6 *and used for such purposes: Provided further, That the Sec-*
 7 *retary shall notify the congressional defense committees in*
 8 *writing upon the receipt and upon the transfer of any con-*
 9 *tribution delineating the sources and amounts of the funds*
 10 *received and the specific use of such contributions: Provided*
 11 *further, That the Secretary of Defense shall, not fewer than*
 12 *five days prior to making transfers from this appropriation*
 13 *account, notify the congressional defense committees in*
 14 *writing of the details of any such transfer: Provided further,*
 15 *That the Secretary shall submit a report no later than 30*
 16 *days after the end of each fiscal quarter to the congressional*
 17 *defense committees summarizing the details of the transfer*
 18 *of funds from this appropriation.*

19 *JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND*
 20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For the “Joint Improvised Explosive Device Defeat*
 22 *Fund”, \$1,500,000,000, to remain available until Sep-*
 23 *tember 30, 2009: Provided, That such funds shall be avail-*
 24 *able to the Secretary of Defense, notwithstanding any other*
 25 *provision of law, for the purpose of allowing the Director*

1 *of the Joint Improvised Explosive Device Defeat Organiza-*
2 *tion to investigate, develop and provide equipment, sup-*
3 *plies, services, training, facilities, personnel and funds to*
4 *assist United States forces in the defeat of improvised explo-*
5 *sive devices: Provided further, That within 60 days of the*
6 *enactment of this Act, a plan for the intended management*
7 *and use of the Fund is provided to the congressional defense*
8 *committees: Provided further, That the Secretary of Defense*
9 *shall submit a report not later than 30 days after the end*
10 *of each fiscal quarter to the congressional defense commit-*
11 *tees providing assessments of the evolving threats, indi-*
12 *vidual service requirements to counter the threats, the cur-*
13 *rent strategy for predeployment training of members of the*
14 *Armed Forces on improvised explosive devices, and details*
15 *on the execution of this Fund: Provided further, That the*
16 *Secretary of Defense may transfer funds provided herein to*
17 *appropriations for military personnel; operation and main-*
18 *tenance; procurement; research, development, test and eval-*
19 *uation; and defense working capital funds to accomplish the*
20 *purpose provided herein: Provided further, That this trans-*
21 *fer authority is in addition to any other transfer authority*
22 *available to the Department of Defense: Provided further,*
23 *That upon determination that all or part of the funds so*
24 *transferred from this appropriation are not necessary for*
25 *the purpose provided herein, such amounts may be trans-*

1 *ferred back to this appropriation: Provided further, That*
 2 *the Secretary of Defense shall, not fewer than 5 days prior*
 3 *to making transfers from this appropriation, notify the con-*
 4 *gressional defense committees in writing of the details of*
 5 *any such transfer.*

6 *CHAPTER 3*

7 *PROCUREMENT*

8 *AIRCRAFT PROCUREMENT, ARMY*

9 *For an additional amount for “Aircraft Procurement,*
 10 *Army”, \$556,000,000, to remain available until September*
 11 *30, 2009.*

12 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*

13 *VEHICLES, ARMY*

14 *For an additional amount for “Procurement of Weap-*
 15 *ons and Tracked Combat Vehicles, Army”, \$1,048,280,000,*
 16 *to remain available until September 30, 2009.*

17 *OTHER PROCUREMENT, ARMY*

18 *For an additional amount for “Other Procurement,*
 19 *Army”, \$1,817,527,000, to remain available until Sep-*
 20 *tember 30, 2009.*

21 *AIRCRAFT PROCUREMENT, NAVY*

22 *For an additional amount for “Aircraft Procurement,*
 23 *Navy”, \$153,700,000, to remain available until September*
 24 *30, 2009.*

1 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*
 2 *CORPS*

3 *For an additional amount for “Procurement of Am-*
 4 *munition, Navy and Marine Corps”, \$99,930,000, to re-*
 5 *main available until September 30, 2009.*

6 *OTHER PROCUREMENT, NAVY*

7 *For an additional amount for “Other Procurement,*
 8 *Navy”, \$276,500,000, to remain available until September*
 9 *30, 2009.*

10 *PROCUREMENT, MARINE CORPS*

11 *For an additional amount for “Procurement, Marine*
 12 *Corps”, \$1,281,068,000, to remain available until Sep-*
 13 *tember 30, 2009.*

14 *AIRCRAFT PROCUREMENT, AIR FORCE*

15 *For an additional amount for “Aircraft Procurement,*
 16 *Air Force”, \$720,100,000, to remain available until Sep-*
 17 *tember 30, 2009.*

18 *MISSILE PROCUREMENT, AIR FORCE*

19 *For an additional amount for “Missile Procurement,*
 20 *Air Force”, \$25,400,000, to remain available until Sep-*
 21 *tember 30, 2009.*

22 *OTHER PROCUREMENT, AIR FORCE*

23 *For an additional amount for “Other Procurement,*
 24 *Air Force”, \$1,220,293,000, to remain available until Sep-*
 25 *tember 30, 2009.*

1 *PROCUREMENT, DEFENSE-WIDE*

2 *For an additional amount for “Procurement, Defense-*
 3 *Wide”, \$56,255,000, to remain available until September*
 4 *30, 2009.*

5 *CHAPTER 4*

6 *RESEARCH, DEVELOPMENT, TEST AND*
 7 *EVALUATION*

8 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*
 9 *For an additional amount for “Research, Develop-*
 10 *ment, Test and Evaluation, Navy”, \$110,000,000, to re-*
 11 *main available until September 30, 2008.*

12 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*
 13 *FORCE*

14 *For an additional amount for “Research, Develop-*
 15 *ment, Test and Evaluation, Air Force”, \$33,064,000, to re-*
 16 *main available until September 30, 2008.*

17 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
 18 *DEFENSE-WIDE*

19 *For an additional amount for “Research, Develop-*
 20 *ment, Test and Evaluation, Defense-Wide”, \$155,144,000,*
 21 *to remain available until September 30, 2008.*

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CHAPTER 5

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds”, \$373,474,000.

CHAPTER 6

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for “Intelligence Community Management Account”, \$219,265,000, to remain available until September 30, 2008: Provided, That \$200,000,000 of such funds is available only for a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda: Provided further, That the Secretary of Defense shall, not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in this Act, including an assessment of the likely current location of terrorist leaders, including Osama bin Laden and other key leaders of al Qaeda, a description of ongoing efforts to bring to justice such terrorists, a description of the cooperation

1 *provided by the governments of any countries assessed as*
 2 *likely locations of top leaders of al Qaeda and by other rel-*
 3 *evant countries, a description of diplomatic efforts cur-*
 4 *rently being made to improve the cooperation of any such*
 5 *governments, and a description of the status of, and strat-*
 6 *egy for bringing to justice, perpetrators of terrorism includ-*
 7 *ing the top leadership of al Qaeda: Provided further, That*
 8 *the Secretary of Defense shall prepare such reports in con-*
 9 *sultation with other appropriate officials with regard to*
 10 *funds appropriated under this chapter: Provided further,*
 11 *That the amount provided under this heading is designated*
 12 *as making appropriations for contingency operations di-*
 13 *rectly related to the global war on terrorism, and other un-*
 14 *anticipated defense-related operations, pursuant to section*
 15 *402 of H. Con. Res. 376 (109th Congress), as made applica-*
 16 *ble to the House of Representatives by H. Res. 818 (109th*
 17 *Congress) and is designated as an emergency requirement*
 18 *pursuant to section 402 of S. Con. Res. 83 (109th Congress),*
 19 *the concurrent resolution on the budget for fiscal year 2007,*
 20 *as made applicable in the Senate by section 7035 of Public*
 21 *Law 109–234.*

22 *DEPARTMENT OF THE INTERIOR*

23 *For an additional amount for “WILDLAND FIRE MAN-*
 24 *AGEMENT” under the heading “DEPARTMENT OF THE*
 25 *INTERIOR” of title I of the Department of the Interior,*
 26 *Environment, and Related Agencies Appropriations Act,*

1 2006 (Public Law 109–54), \$100,000,000 for the conduct
 2 of emergency wildfire suppression activities of the Secretary
 3 of the Interior: Provided, That the amount provided under
 4 this heading is designated as an emergency requirement
 5 pursuant to section 402 of S. Con. Res. 83 (109th Congress),
 6 the concurrent resolution on the budget for fiscal year 2007,
 7 as made applicable in the Senate by section 7035 of Public
 8 Law 109–234.

9 *DEPARTMENT OF AGRICULTURE*

10 *For an additional amount for “WILDLAND FIRE MAN-*
 11 *AGEMENT” under the heading “DEPARTMENT OF AGRI-*
 12 *CULTURE” of title III of the Department of the Interior,*
 13 *Environment, and Related Agencies Appropriations Act,*
 14 *2006 (Public Law 109–54), \$175,000,000 for the conduct*
 15 *of emergency wildfire suppression activities of the Secretary*
 16 *of Agriculture, acting through the Chief of the Forest Serv-*
 17 *ice: Provided, That the amount provided under this heading*
 18 *is designated as an emergency requirement pursuant to sec-*
 19 *tion 402 of S. Con. Res. 83 (109th Congress), the concurrent*
 20 *resolution on the budget for fiscal year 2007, as made appli-*
 21 *cable in the Senate by section 7035 of Public Law 109–*
 22 *234.*

23 *GENERAL PROVISIONS, THIS TITLE*

24 *SEC. 9001. Appropriations provided in this title are*
 25 *available for obligation until September 30, 2007, unless*
 26 *otherwise so provided in this title.*

1 *SEC. 9002. Notwithstanding any other provision of*
2 *law or of this Act, funds made available in this title are*
3 *in addition to amounts provided elsewhere in this Act.*

4 *(TRANSFER OF FUNDS)*

5 *SEC. 9003. Upon his determination that such action*
6 *is necessary in the national interest, the Secretary of De-*
7 *fense may transfer between appropriations up to*
8 *\$2,500,000,000 of the funds made available to the Depart-*
9 *ment of Defense in this title: Provided, That the Secretary*
10 *shall notify the Congress promptly of each transfer made*
11 *pursuant to the authority in this section: Provided further,*
12 *That the authority provided in this section is in addition*
13 *to any other transfer authority available to the Department*
14 *of Defense and is subject to the same terms and conditions*
15 *as the authority provided in section 8005 of this Act.*

16 *SEC. 9004. Funds appropriated in this title, or made*
17 *available by the transfer of funds in or pursuant to this*
18 *title, for intelligence activities are deemed to be specifically*
19 *authorized by the Congress for purposes of section 504 of*
20 *the National Security Act of 1947 (50 U.S.C. 414).*

21 *SEC. 9005. None of the funds provided in this title may*
22 *be used to finance programs or activities denied by Congress*
23 *in fiscal years 2006 or 2007 appropriations to the Depart-*
24 *ment of Defense or to initiate a procurement or research,*
25 *development, test and evaluation new start program with-*

1 out prior written notification to the congressional defense
2 committees.

3 SEC. 9006. (a) From funds made available in this title
4 to the Department of Defense, not to exceed \$500,000,000
5 may be used, notwithstanding any other provision of law,
6 to fund the Commander's Emergency Response Program,
7 for the purpose of enabling military commanders in Iraq
8 to respond to urgent humanitarian relief and reconstruction
9 requirements within their areas of responsibility by car-
10 rying out programs that will immediately assist the Iraqi
11 people, and to fund a similar program to assist the people
12 of Afghanistan.

13 (b) QUARTERLY REPORTS.—Not later than 15 days
14 after the end of each fiscal year quarter (beginning with
15 the first quarter of fiscal year 2007), the Secretary of De-
16 fense shall submit to the congressional defense committees
17 a report regarding the source of funds and the allocation
18 and use of funds during that quarter that were made avail-
19 able pursuant to the authority provided in this section or
20 under any other provision of law for the purposes of the
21 programs under subsection (a).

22 SEC. 9007. Amounts provided in this title for oper-
23 ations in Iraq and Afghanistan may be used by the Depart-
24 ment of Defense for the purchase of up to 20 heavy and
25 light armored vehicles for force protection purposes, not-

1 *withstanding price or other limitations specified elsewhere*
2 *in this Act, or any other provision of law: Provided, That*
3 *the Secretary of Defense shall submit a report in writing*
4 *no later than 30 days after the end of each fiscal quarter*
5 *notifying the congressional defense committees of any pur-*
6 *chase described in this section, including the cost, purposes,*
7 *and quantities of vehicles purchased.*

8 *SEC. 9008. During the current fiscal year, funds avail-*
9 *able to the Department of Defense for operation and mainte-*
10 *nance may be used, notwithstanding any other provision*
11 *of law, to provide supplies, services, transportation, includ-*
12 *ing airlift and sealift, and other logistical support to coal-*
13 *ition forces supporting military and stability operations in*
14 *Iraq and Afghanistan: Provided, That the Secretary of De-*
15 *fense shall provide quarterly reports to the congressional de-*
16 *fense committees regarding support provided under this sec-*
17 *tion.*

18 *SEC. 9009. Supervision and administration costs asso-*
19 *ciated with a construction project funded with appropria-*
20 *tions available for operation and maintenance, and exe-*
21 *cuted in direct support of the Global War on Terrorism only*
22 *in Iraq and Afghanistan, may be obligated at the time a*
23 *construction contract is awarded: Provided, That for the*
24 *purpose of this section, supervision and administration*
25 *costs include all in-house Government costs.*

1 *SEC. 9010. (a) Not later than 60 days after the date*
2 *of the enactment of this Act and every 90 days thereafter*
3 *through the end of fiscal year 2007, the Secretary of Defense*
4 *shall set forth in a report to Congress a comprehensive set*
5 *of performance indicators and measures for progress toward*
6 *military and political stability in Iraq.*

7 *(b) The report shall include performance standards*
8 *and goals for security, economic, and security force training*
9 *objectives in Iraq together with a notional timetable for*
10 *achieving these goals.*

11 *(c) In specific, the report requires, at a minimum, the*
12 *following:*

13 *(1) With respect to stability and security in*
14 *Iraq, the following:*

15 *(A) Key measures of political stability, in-*
16 *cluding the important political milestones that*
17 *must be achieved over the next several years.*

18 *(B) The primary indicators of a stable secu-*
19 *rity environment in Iraq, such as number of en-*
20 *gagements per day, numbers of trained Iraqi*
21 *forces, and trends relating to numbers and types*
22 *of ethnic and religious-based hostile encounters.*

23 *(C) An assessment of the estimated strength*
24 *of the insurgency in Iraq and the extent to which*
25 *it is composed of non-Iraqi fighters.*

1 (D) *A description of all militias operating*
 2 *in Iraq, including the number, size, equipment*
 3 *strength, military effectiveness, sources of sup-*
 4 *port, legal status, and efforts to disarm or re-*
 5 *integrate each militia.*

6 (E) *Key indicators of economic activity that*
 7 *should be considered the most important for de-*
 8 *termining the prospects of stability in Iraq,*
 9 *including—*

- 10 (i) *unemployment levels;*
- 11 (ii) *electricity, water, and oil produc-*
 12 *tion rates; and*
- 13 (iii) *hunger and poverty levels.*

14 (F) *The criteria the Administration will use*
 15 *to determine when it is safe to begin with-*
 16 *drawing United States forces from Iraq.*

17 (2) *With respect to the training and performance*
 18 *of security forces in Iraq, the following:*

19 (A) *The training provided Iraqi military*
 20 *and other Ministry of Defense forces and the*
 21 *equipment used by such forces.*

22 (B) *Key criteria for assessing the capabili-*
 23 *ties and readiness of the Iraqi military and*
 24 *other Ministry of Defense forces, goals for achiev-*
 25 *ing certain capability and readiness levels (as*

1 *well as for recruiting, training, and equipping*
2 *these forces), and the milestones and notional*
3 *timetable for achieving these goals.*

4 *(C) The operational readiness status of the*
5 *Iraqi military forces, including the type, num-*
6 *ber, size, and organizational structure of Iraqi*
7 *battalions that are—*

8 *(i) capable of conducting*
9 *counterinsurgency operations independ-*
10 *ently;*

11 *(ii) capable of conducting*
12 *counterinsurgency operations with the sup-*
13 *port of United States or coalition forces; or*

14 *(iii) not ready to conduct*
15 *counterinsurgency operations.*

16 *(D) The rates of absenteeism in the Iraqi*
17 *military forces and the extent to which insur-*
18 *gents have infiltrated such forces.*

19 *(E) The training provided Iraqi police and*
20 *other Ministry of Interior forces and the equip-*
21 *ment used by such forces.*

22 *(F) Key criteria for assessing the capabili-*
23 *ties and readiness of the Iraqi police and other*
24 *Ministry of Interior forces, goals for achieving*
25 *certain capability and readiness levels (as well*

1 *as for recruiting, training, and equipping), and*
2 *the milestones and notional timetable for achiev-*
3 *ing these goals, including—*

4 *(i) the number of police recruits that*
5 *have received classroom training and the*
6 *duration of such instruction;*

7 *(ii) the number of veteran police offi-*
8 *cers who have received classroom instruction*
9 *and the duration of such instruction;*

10 *(iii) the number of police candidates*
11 *screened by the Iraqi Police Screening Serv-*
12 *ice, the number of candidates derived from*
13 *other entry procedures, and the success rates*
14 *of those groups of candidates;*

15 *(iv) the number of Iraqi police forces*
16 *who have received field training by inter-*
17 *national police trainers and the duration of*
18 *such instruction; and*

19 *(v) attrition rates and measures of ab-*
20 *senteeism and infiltration by insurgents.*

21 *(G) The estimated total number of Iraqi*
22 *battalions needed for the Iraqi security forces to*
23 *perform duties now being undertaken by coal-*
24 *ition forces, including defending the borders of*

1 *Iraq and providing adequate levels of law and*
 2 *order throughout Iraq.*

3 *(H) The effectiveness of the Iraqi military*
 4 *and police officer cadres and the chain of com-*
 5 *mand.*

6 *(I) The number of United States and coal-*
 7 *ition advisors needed to support the Iraqi secu-*
 8 *rity forces and associated ministries.*

9 *(J) An assessment, in a classified annex if*
 10 *necessary, of United States military require-*
 11 *ments, including planned force rotations,*
 12 *through the end of calendar year 2007.*

13 *SEC. 9011. Amounts provided in chapters 1 and 2 of*
 14 *this title are designated as making appropriations for con-*
 15 *tingency operations directly related to the global war on*
 16 *terrorism, and other unanticipated defense-related oper-*
 17 *ations, pursuant to section 402 of H. Con. Res. 376 (109th*
 18 *Congress), as made applicable to the House of Representa-*
 19 *tives by H. Res. 818 (109th Congress) and are designated*
 20 *as an emergency requirement pursuant to section 402 of*
 21 *S. Con. Res. 83 (109th Congress), the concurrent resolution*
 22 *on the budget for fiscal year 2007, as made applicable in*
 23 *the Senate by section 7035 of Public Law 109–234: Pro-*
 24 *vided, That the amounts provided in chapters 3, 4, 5, and*

1 6 of this title are available immediately upon enactment
 2 of this Act.

3 SEC. 9012. (a) *ADDITIONAL AMOUNT FOR ARMY AND*
 4 *MARINE CORPS FOR EQUIPMENT RESET.*—*In addition to*
 5 *amounts provided by other provisions of this title,*
 6 *\$7,800,000,000 is provided to the Army, and*
 7 *\$5,300,000,000 is provided to the Marine Corps, to fund*
 8 *equipment reset requirements resulting from continuing*
 9 *combat operations.*

10 (b) *DESIGNATION AS EMERGENCY REQUIREMENTS.*—
 11 *The amounts provided under subsection (a) are designated*
 12 *as appropriations for contingency operations directly re-*
 13 *lated to the Global War on Terrorism, and other unantici-*
 14 *pated defense-related operations, pursuant to section 402 of*
 15 *H. Con. Res. 376 (109th Congress), as made applicable to*
 16 *the House of Representatives by H. Con. Res. 818 (109th*
 17 *Congress), and are designated as an emergency requirement*
 18 *pursuant to section 402 of S. Con. Res. 83 (109th Congress),*
 19 *the concurrent resolution on the budget for fiscal year 2007,*
 20 *as made applicable in the Senate by section 7035 of Public*
 21 *Law 109–234.*

22 SEC. 9013. *Of the amount appropriated or otherwise*
 23 *made available by chapter 2 of this title under the heading*
 24 *“OPERATION AND MAINTENANCE, ARMY NATIONAL*
 25 *GUARD”, up to \$6,700,000 may be available for the pilot*

1 *program of the Army National Guard on the reintegration*
2 *of members of the National Guard into civilian life after*
3 *deployment.*

4 *SEC. 9014. (a) Of the amount appropriated or other-*
5 *wise made available by chapter 2 of this title under the*
6 *heading “OPERATION AND MAINTENANCE, ARMY”, up to*
7 *\$9,000,000 may be made available for the procurement of*
8 *hemostatic agents, including blood clotting bandages and*
9 *invasive hemostatic agents, for use by members of the Armed*
10 *Forces in the field.*

11 *(b) Of the amount appropriated or otherwise made*
12 *available by such chapter under the heading “OPERATION*
13 *AND MAINTENANCE, MARINE CORPS”, up to \$2,000,000*
14 *may be made available for the procurement of hemostatic*
15 *agents and invasive hemostatic agents, including blood clot-*
16 *ting bandages, for use by members of the Armed Forces in*
17 *the field.*

18 *SEC. 9015. Of the amount appropriated or otherwise*
19 *made available by this Act by reason of the adoption of*
20 *Senate Amendment 4751 (referred to as the “Stevens*
21 *amendment”), \$2,440,000,000 is available for the National*
22 *Guard for National Guard and Reserve equipment. Such*
23 *amount is in addition to any other amounts available in*
24 *this title, or under title III under the heading “OTHER*

1 *PROCUREMENT, ARMY*”, for *National Guard and Reserve*
2 *equipment*.

3 *SEC. 9016. (a) Not later than 30 days after the date*
4 *of the enactment of this Act, the Secretary of Defense shall*
5 *submit to the appropriate committees of Congress a report*
6 *setting forth procedures and guidelines of the Department*
7 *of Defense to protect United States military and civilian*
8 *personnel should sectarian violence further increase in Iraq.*

9 *(b) FORM.—The report required by subsection (a) may*
10 *be submitted in classified form.*

11 *(c) APPROPRIATE COMMITTEES OF CONGRESS DE-*
12 *FINED.—In this section, the term “appropriate committees*
13 *of Congress” means—*

14 *(1) the Committee on Armed Services, the Com-*
15 *mittee on Foreign Relations, the Select Committee on*
16 *Intelligence, and the Committee on Appropriations of*
17 *the Senate; and*

18 *(2) the Committee on Armed Services, the Com-*
19 *mittee on International Relations, the Permanent Se-*
20 *lect Committee on Intelligence, and the Committee on*
21 *Appropriations of the House of Representatives.*

22 *SEC. 9017. (a) Congress makes the following findings:*

23 *(1) Despite the signing of the Darfur Peace*
24 *Agreement on May 5, 2006, the violence in Darfur,*

1 *Sudan, continues to escalate and threatens to spread*
 2 *to other areas of Sudan and throughout the region.*

3 *(2) The African Union Mission in Sudan*
 4 *(AMIS) currently serves as the primary security force*
 5 *in Sudan, but is undermanned and under-equipped.*

6 *(3) Although the United Nations has approved*
 7 *sending a peacekeeping force to Darfur, the African*
 8 *Union Mission in Sudan (AMIS) will need to expand*
 9 *its manpower and capability in order to assist or*
 10 *serve as a bridge force until the United Nations*
 11 *peacekeeping force can be deployed.*

12 *(b) The amount appropriated or otherwise made avail-*
 13 *able by chapter 2 of this title under the heading “OPER-*
 14 *ATION AND MAINTENANCE, DEFENSE-WIDE” is hereby in-*
 15 *creased by \$20,000,000.*

16 *(c) Of the amount appropriated or otherwise made*
 17 *available by chapter 2 of this title under the heading “OP-*
 18 *ERATION AND MAINTENANCE, DEFENSE-WIDE”, as in-*
 19 *creased by subsection (b), \$20,000,000 may be available—*

20 *(1) to assist in the training, support, and equip-*
 21 *ping of the African Union Mission in Sudan (AMIS)*
 22 *to bolster its efforts to protect the civilian population*
 23 *in Darfur;*

24 *(2) to facilitate the air-lifting of AMIS forces*
 25 *into the Darfur region as quickly as possible; and*

1 (3) to assist and expand the logistics capability
2 of the African Union Mission in Sudan (AMIS).

3 (d) The amount made available by subsection (b) is
4 designated as appropriations for contingency operations di-
5 rectly related to the global war on terrorism, and other un-
6 anticipated defense-related operations, pursuant to section
7 402 of H. Con. Res. 376 (109th Congress), as made applica-
8 ble to the House of Representatives by H. Res. 818 (109th
9 Congress) and is designated as an emergency requirement
10 pursuant to section 402 of S. Con. Res. 83 (109th Congress),
11 the concurrent resolution on the budget for fiscal year 2007,
12 as made applicable in the Senate by section 7035 of Public
13 Law 109–234.

14 (e) The Secretary of Defense may transfer funds made
15 available by subsection (b) to other appropriations to ac-
16 complish the purposes of this section. This transfer author-
17 ity is in addition to any other transfer authority available
18 to the Department of Defense. The Secretary shall, not fewer
19 than five days prior to making transfers from this appro-
20 priation account, notify the congressional defense commit-
21 tees in writing of the details of any such transfer.

22 SEC. 9018. (a) ADDITIONAL AMOUNT FOR AIRCRAFT
23 PROCUREMENT, AIR FORCE.—The amount appropriated by
24 chapter 3 of this title under the heading “AIRCRAFT PRO-
25 CUREMENT, AIR FORCE” is hereby increased by

1 \$65,400,000, with the amount of the increase designated as
2 appropriations for contingency operations directly related
3 to the Global War on Terrorism, and other unanticipated
4 defense-related operations, pursuant to section 402 of H.
5 Con. Res. 376 (109th Congress), as made applicable to the
6 House of Representatives by H. Con. Res. 818 (109th Con-
7 gress) and designated as an emergency requirement pursu-
8 ant to section 402 of S. Con. Res. 83 (109th Congress), the
9 concurrent resolution on the budget for fiscal year 2007, as
10 made applicable in the Senate by Section 7035 of Public
11 Law 109–234.

12 (b) *AVAILABILITY FOR PROCUREMENT OF PREDA-*
13 *TORS.*—Of the amount appropriated by chapter 3 of this
14 title under the heading “*AIRCRAFT PROCUREMENT, AIR*
15 *FORCE*”, as increased by subsection (a), up to \$65,400,000
16 may be available for procurement of Predators for Special
17 Operations forces.

18 (c) *SUPPLEMENT NOT SUPPLANT.*—The amount avail-
19 able under subsection (b) for the purpose specified in that
20 subsection is in addition to any other amounts available
21 in this Act for that purpose.

1 *This Act may be cited as the “Department of Defense*
2 *Appropriations Act, 2007”.*

Attest:

Secretary.

109TH CONGRESS
2D SESSION

H. R. 5631

AMENDMENT