

## Calendar No. 353

110TH CONGRESS  
1ST SESSION**H.R. 3222****[Report No. 110–155]**

## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 4, 2007

Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 14, 2007

Reported, under authority of the order of the Senate of January 4, 2007, by  
Mr. BYRD (for Mr. INOUE), with an amendment

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

**AN ACT**

Making appropriations for the Department of Defense for  
the fiscal year ending September 30, 2008, and for other  
purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       fiscal year ending September 30, 2008, for military func-  
6       tions administered by the Department of Defense and for  
7       other purposes, namely:

## 1 TITLE I

## 2 MILITARY PERSONNEL

3 ~~MILITARY PERSONNEL, ARMY~~

4 For pay, allowances, individual clothing, subsistence,  
5 interest on deposits, gratuities, permanent change of sta-  
6 tion travel (including all expenses thereof for organiza-  
7 tional movements), and expenses of temporary duty travel  
8 between permanent duty stations, for members of the  
9 Army on active duty (except members of reserve compo-  
10 nents provided for elsewhere), cadets, and aviation cadets;  
11 for members of the Reserve Officers' Training Corps; and  
12 for payments pursuant to section 156 of Public Law 97-  
13 377, as amended (42 U.S.C. 402 note), and to the Depart-  
14 ment of Defense Military Retirement Fund,  
15 \$31,346,005,000.

16 ~~MILITARY PERSONNEL, NAVY~~

17 For pay, allowances, individual clothing, subsistence,  
18 interest on deposits, gratuities, permanent change of sta-  
19 tion travel (including all expenses thereof for organiza-  
20 tional movements), and expenses of temporary duty travel  
21 between permanent duty stations, for members of the  
22 Navy on active duty (except members of the Reserve pro-  
23 vided for elsewhere), midshipmen, and aviation cadets; for  
24 members of the Reserve Officers' Training Corps; and for  
25 payments pursuant to section 156 of Public Law 97-377,

1 as amended (42 U.S.C. 402 note), and to the Department  
2 of Defense Military Retirement Fund, \$23,300,801,000.

3 ~~MILITARY PERSONNEL, MARINE CORPS~~

4 ~~For pay, allowances, individual clothing, subsistence,~~  
5 ~~interest on deposits, gratuities, permanent change of sta-~~  
6 ~~tion travel (including all expenses thereof for organiza-~~  
7 ~~tional movements), and expenses of temporary duty travel~~  
8 ~~between permanent duty stations, for members of the Ma-~~  
9 ~~rine Corps on active duty (except members of the Reserve~~  
10 ~~provided for elsewhere); and for payments pursuant to sec-~~  
11 ~~tion 156 of Public Law 97-377, as amended (42 U.S.C.~~  
12 ~~402 note), and to the Department of Defense Military Re-~~  
13 ~~tirement Fund, \$10,269,914,000.~~

14 ~~MILITARY PERSONNEL, AIR FORCE~~

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

1 ment of Defense Military Retirement Fund,  
2 \$24,379,214,000.

3 ~~RESERVE PERSONNEL, ARMY~~

4 For pay, allowances, clothing, subsistence, gratuities,  
5 travel, and related expenses for personnel of the Army Re-  
6 serve on active duty under sections ~~10211~~, ~~10302~~, and  
7 ~~3038~~ of title 10, United States Code, or while serving on  
8 active duty under section ~~12301(d)~~ of title 10, United  
9 States Code, in connection with performing duty specified  
10 in section ~~12310(a)~~ of title 10, United States Code, or  
11 while undergoing reserve training, or while performing  
12 drills or equivalent duty or other duty, and expenses au-  
13 thorized by section ~~16131~~ of title 10, United States Code;  
14 and for payments to the Department of Defense Military  
15 Retirement Fund, \$3,629,620,000.

16 ~~RESERVE PERSONNEL, NAVY~~

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

1 10, United States Code; and for payments to the Depart-  
2 ment of Defense Military Retirement Fund,  
3 \$1,776,885,000.

4 RESERVE PERSONNEL, MARINE CORPS

5 For pay, allowances, clothing, subsistence, gratuities,  
6 travel, and related expenses for personnel of the Marine  
7 Corps Reserve on active duty under section 10211 of title  
8 10, United States Code, or while serving on active duty  
9 under section 12301(d) of title 10, United States Code,  
10 in connection with performing duty specified in section  
11 12310(a) of title 10, United States Code, or while under-  
12 going reserve training, or while performing drills or equiv-  
13 alent duty, and for members of the Marine Corps platoon  
14 leaders class, and expenses authorized by section 16131  
15 of title 10, United States Code; and for payments to the  
16 Department of Defense Military Retirement Fund,  
17 \$513,472,000.

18 RESERVE PERSONNEL, AIR FORCE

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

1 while undergoing reserve training, or while performing  
 2 drills or equivalent duty or other duty, and expenses au-  
 3 thorized by section 16131 of title 10, United States Code;  
 4 and for payments to the Department of Defense Military  
 5 Retirement Fund, \$1,365,679,000.

6 NATIONAL GUARD PERSONNEL, ARMY

7 For pay, allowances, clothing, subsistence, gratuities,  
 8 travel, and related expenses for personnel of the Army Na-  
 9 tional Guard while on duty under section 10211, 10302,  
 10 or 12402 of title 10 or section 708 of title 32, United  
 11 States Code, or while serving on duty under section  
 12 12301(d) of title 10 or section 502(f) of title 32, United  
 13 States Code, in connection with performing duty specified  
 14 in section 12310(a) of title 10, United States Code, or  
 15 while undergoing training, or while performing drills or  
 16 equivalent duty or other duty, and expenses authorized by  
 17 section 16131 of title 10, United States Code; and for pay-  
 18 ments to the Department of Defense Military Retirement  
 19 Fund, \$5,815,017,000.

20 NATIONAL GUARD PERSONNEL, AIR FORCE

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

1 title 10 or section 502(f) of title 32, United States Code;  
 2 in connection with performing duty specified in section  
 3 12310(a) of title 10, United States Code, or while under-  
 4 going training, or while performing drills or equivalent  
 5 duty or other duty, and expenses authorized by section  
 6 16131 of title 10, United States Code; and for payments  
 7 to the Department of Defense Military Retirement Fund,  
 8 \$2,621,169,000.

## 9 TITLE II

### 10 OPERATION AND MAINTENANCE

#### 11 OPERATION AND MAINTENANCE, ARMY

#### 12 (INCLUDING TRANSFER OF FUNDS)

13 For expenses, not otherwise provided for, necessary  
 14 for the operation and maintenance of the Army, as author-  
 15 ized by law; and not to exceed \$11,478,000 can be used  
 16 for emergencies and extraordinary expenses, to be ex-  
 17 pended on the approval or authority of the Secretary of  
 18 the Army; and payments may be made on his certificate  
 19 of necessity for confidential military purposes;  
 20 \$26,404,495,000: *Provided,* That, notwithstanding any  
 21 other provision of law, up to \$12,500,000 shall be trans-  
 22 ferred to "U.S. Army Corps of Engineers, Operation and  
 23 Maintenance" for expenses related to the dredging of the  
 24 Hudson River Channel and its adjacent areas; to be  
 25 merged with and to be available for the same time period

1 as the appropriations to which transferred: *Provided fur-*  
2 *ther*, That the transfer authority provided in this para-  
3 graph shall be in addition to any other transfer authority  
4 elsewhere provided in this Act.

5           OPERATION AND MAINTENANCE, NAVY

6           For expenses, not otherwise provided for, necessary  
7 for the operation and maintenance of the Navy and the  
8 Marine Corps, as authorized by law; and not to exceed  
9 \$6,257,000 can be used for emergencies and extraordinary  
10 expenses, to be expended on the approval or authority of  
11 the Secretary of the Navy, and payments may be made  
12 on his certificate of necessity for confidential military pur-  
13 poses, \$32,851,468,000.

14          OPERATION AND MAINTENANCE, MARINE CORPS

15          For expenses, not otherwise provided for, necessary  
16 for the operation and maintenance of the Marine Corps,  
17 as authorized by law, \$4,471,858,000.

18          OPERATION AND MAINTENANCE, AIR FORCE

19          For expenses, not otherwise provided for, necessary  
20 for the operation and maintenance of the Air Force, as  
21 authorized by law; and not to exceed \$7,699,000 can be  
22 used for emergencies and extraordinary expenses, to be ex-  
23 pended on the approval or authority of the Secretary of  
24 the Air Force, and payments may be made on his certifi-



1 eate of necessity for confidential military purposes;  
 2 \$31,613,981,000.

3       ~~OPERATION AND MAINTENANCE, DEFENSE-WIDE~~  
 4               ~~(INCLUDING TRANSFER OF FUNDS)~~

5       For expenses, not otherwise provided for, necessary  
 6 for the operation and maintenance of activities and agen-  
 7 cies of the Department of Defense (other than the military  
 8 departments), as authorized by law, \$22,343,180,000:  
 9 *Provided*, That not more than \$25,000,000 may be used  
 10 for the Combatant Commander Initiative Fund authorized  
 11 under section 166a of title 10, United States Code: *Pro-*  
 12 *vided further*, That not to exceed \$36,000,000 can be used  
 13 for emergencies and extraordinary expenses, to be ex-  
 14 pended on the approval or authority of the Secretary of  
 15 Defense, and payments may be made on his certificate of  
 16 necessity for confidential military purposes: *Provided fur-*  
 17 *ther*, That of the funds provided under this heading, not  
 18 less than \$27,380,000 shall be made available for the Pro-  
 19 curement Technical Assistance Cooperative Agreement  
 20 Program, of which not less than \$7,000,000 shall be avail-  
 21 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*  
 22 *vided further*, That of the funds provided under this head-  
 23 ing, not less than \$245,075,000 shall be available only for  
 24 the Combatant Commander's Exercise Engagement and  
 25 Training Transformation program: *Provided further*, That

1 none of the funds appropriated or otherwise made avail-  
2 able by this Act may be used to plan or implement the  
3 consolidation of a budget or appropriations liaison office  
4 of the Office of the Secretary of Defense, the office of the  
5 Secretary of a military department, or the service head-  
6 quarters of one of the Armed Forces into a legislative af-  
7 fairs or legislative liaison office: *Provided further,* That no  
8 more than \$1,900,000 shall be available for the Office of  
9 Legislative Affairs within the Office of the Secretary of  
10 Defense: *Provided further,* That, notwithstanding section  
11 130(a) of title 10, United States Code, not less than  
12 \$41,293,000 shall be available for the Office of the Under-  
13 secretary of Defense, Comptroller and Chief Financial Of-  
14 ficer: *Provided further,* That, notwithstanding any other  
15 provision of law, funds provided under this heading for  
16 personnel security investigations of the Defense Security  
17 Service shall be paid at rates not in excess of those rates  
18 in effect as of August 1, 2006: *Provided further,* That  
19 \$4,000,000, to remain available until expended, is avail-  
20 able only for expenses relating to certain classified activi-  
21 ties, and may be transferred as necessary by the Secretary  
22 to operation and maintenance appropriations or research,  
23 development, test and evaluation appropriations, to be  
24 merged with and to be available for the same time period  
25 as the appropriations to which transferred: *Provided fur-*

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

7       ~~OPERATION AND MAINTENANCE, ARMY RESERVE~~

8       For expenses, not otherwise provided for, necessary  
9 for the operation and maintenance, including training, or-  
10 ganization, and administration, of the Army Reserve; re-  
11 pair of facilities and equipment; hire of passenger motor  
12 vehicles; travel and transportation; care of the dead; re-  
13 cruiting; procurement of services, supplies, and equip-  
14 ment; and communications, ~~\$2,510,890,000.~~

15       ~~OPERATION AND MAINTENANCE, NAVY RESERVE~~

16       For expenses, not otherwise provided for, necessary  
17 for the operation and maintenance, including training, or-  
18 ganization, and administration, of the Navy Reserve; re-  
19 pair of facilities and equipment; hire of passenger motor  
20 vehicles; travel and transportation; care of the dead; re-  
21 cruiting; procurement of services, supplies, and equip-  
22 ment; and communications, ~~\$1,144,454,000.~~

1       ~~OPERATION AND MAINTENANCE, MARINE CORPS~~

2                               ~~RESERVE~~

3       ~~For expenses, not otherwise provided for, necessary~~  
4 ~~for the operation and maintenance, including training, or-~~  
5 ~~ganization, and administration, of the Marine Corps Re-~~  
6 ~~serve; repair of facilities and equipment; hire of passenger~~  
7 ~~motor vehicles; travel and transportation; care of the dead;~~  
8 ~~recruiting; procurement of services, supplies, and equip-~~  
9 ~~ment; and communications, \$207,087,000.~~

10   ~~OPERATION AND MAINTENANCE, AIR FORCE RESERVE~~

11       ~~For expenses, not otherwise provided for, necessary~~  
12 ~~for the operation and maintenance, including training, or-~~  
13 ~~ganization, and administration, of the Air Force Reserve;~~  
14 ~~repair of facilities and equipment; hire of passenger motor~~  
15 ~~vehicles; travel and transportation; care of the dead; re-~~  
16 ~~cruiting; procurement of services, supplies, and equip-~~  
17 ~~ment; and communications, \$2,684,577,000.~~

18   ~~OPERATION AND MAINTENANCE, ARMY NATIONAL~~

19                               ~~GUARD~~

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

1 penses (other than mileage), as authorized by law for  
2 Army personnel on active duty, for Army National Guard  
3 division, regimental, and battalion commanders while in-  
4 specting units in compliance with National Guard Bureau  
5 regulations when specifically authorized by the Chief, Na-  
6 tional Guard Bureau; supplying and equipping the Army  
7 National Guard as authorized by law; and expenses of re-  
8 pair, modification, maintenance, and issue of supplies and  
9 equipment (including aircraft), \$5,893,843,000.

10 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

1 Bureau regulations when specifically authorized by the  
2 Chief, National Guard Bureau, \$5,021,077,000.

3 UNITED STATES COURT OF APPEALS FOR THE ARMED  
4 FORCES

5 For salaries and expenses necessary for the United  
6 States Court of Appeals for the Armed Forces,  
7 \$11,971,000, of which not to exceed \$5,000 may be used  
8 for official representation purposes.

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

11 For the Department of the Army, \$434,879,000, to  
12 remain available until transferred: *Provided*, That the Sec-  
13 retary of the Army shall, upon determining that such  
14 funds are required for environmental restoration, reduc-  
15 tion and recycling of hazardous waste, removal of unsafe  
16 buildings and debris of the Department of the Army, or  
17 for similar purposes, transfer the funds made available by  
18 this appropriation to other appropriations made available  
19 to the Department of the Army, to be merged with and  
20 to be available for the same purposes and for the same  
21 time period as the appropriations to which transferred:  
22 *Provided further*, That upon a determination that all or  
23 part of the funds transferred from this appropriation are  
24 not necessary for the purposes provided herein, such  
25 amounts may be transferred back to this appropriation:

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

4 ENVIRONMENTAL RESTORATION, NAVY  
5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of the Navy, \$300,591,000, to  
7 remain available until transferred: *Provided,* That the Sec-  
8 retary of the Navy shall, upon determining that such  
9 funds are required for environmental restoration, reduc-  
10 tion and recycling of hazardous waste, removal of unsafe  
11 buildings and debris of the Department of the Navy, or  
12 for similar purposes, transfer the funds made available by  
13 this appropriation to other appropriations made available  
14 to the Department of the Navy, to be merged with and  
15 to be available for the same purposes and for the same  
16 time period as the appropriations to which transferred:  
17 *Provided further,* That upon a determination that all or  
18 part of the funds transferred from this appropriation are  
19 not necessary for the purposes provided herein, such  
20 amounts may be transferred back to this appropriation:  
21 *Provided further,* That the transfer authority provided  
22 under this heading is in addition to any other transfer au-  
23 thority provided elsewhere in this Act.

## 1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$458,428,000,  
4 to remain available until transferred: *Provided*, That the  
5 Secretary of the Air Force shall, upon determining that  
6 such funds are required for environmental restoration, re-  
7 duction and recycling of hazardous waste, removal of un-  
8 safe buildings and debris of the Department of the Air  
9 Force, or for similar purposes, transfer the funds made  
10 available by this appropriation to other appropriations  
11 made available to the Department of the Air Force, to be  
12 merged with and to be available for the same purposes  
13 and for the same time period as the appropriations to  
14 which transferred: *Provided further*, That upon a deter-  
15 mination that all or part of the funds transferred from  
16 this appropriation are not necessary for the purposes pro-  
17 vided herein, such amounts may be transferred back to  
18 this appropriation: *Provided further*, That the transfer au-  
19 thority provided under this heading is in addition to any  
20 other transfer authority provided elsewhere in this Act.

## 21 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of Defense, \$12,751,000, to re-  
24 main available until transferred: *Provided*, That the Sec-  
25 retary of Defense shall, upon determining that such funds



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

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

19 For the Department of the Army, \$268,249,000, to  
 20 remain available until transferred: *Provided,* That the Sec-  
 21 retary of the Army shall, upon determining that such  
 22 funds are required for environmental restoration, reduc-  
 23 tion and recycling of hazardous waste, removal of unsafe  
 24 buildings and debris at sites formerly used by the Depart-  
 25 ment of Defense, transfer the funds made available by this

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

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

13 For expenses relating to the Overseas Humanitarian,  
 14 Disaster, and Civic Aid programs of the Department of  
 15 Defense (consisting of the programs provided under sec-  
 16 tions 401, 402, 404, 407, 2557, and 2561 of title 10,  
 17 United States Code), \$103,300,000, of which \$63,300,000  
 18 shall remain available until September 30, 2009, and of  
 19 which \$40,000,000 shall be available solely for foreign dis-  
 20 aster relief and response activities and shall remain avail-  
 21 able until expended.

#### 22 ~~FORMER SOVIET UNION THREAT REDUCTION ACCOUNT~~

23 For assistance to the republics of the former Soviet  
 24 Union, including assistance provided by contract or by  
 25 grants, for facilitating the elimination and the safe and

1 secure transportation and storage of nuclear, chemical and  
2 other weapons; for establishing programs to prevent the  
3 proliferation of weapons, weapons components, and weap-  
4 on-related technology and expertise; for programs relating  
5 to the training and support of defense and military per-  
6 sonnel for demilitarization and protection of weapons;  
7 weapons components and weapons technology and exper-  
8 tise; and for defense and military contacts, \$398,048,000,  
9 to remain available until September 30, 2010.

### 10 TITLE III

### 11 PROCUREMENT

#### 12 AIRCRAFT PROCUREMENT, ARMY

13 For construction, procurement, production, modifica-  
14 tion, and modernization of aircraft, equipment, including  
15 ordnance, ground handling equipment, spare parts, and  
16 accessories therefor, specialized equipment and training  
17 devices; expansion of public and private plants, including  
18 the land necessary therefor, for the foregoing purposes,  
19 and such lands and interests therein, may be acquired,  
20 and construction prosecuted thereon prior to approval of  
21 title; and procurement and installation of equipment, ap-  
22 pliances, and machine tools in public and private plants;  
23 reserve plant and Government and contractor-owned  
24 equipment layaway; and other expenses necessary for the

1 foregoing purposes, \$3,891,539,000, to remain available  
2 for obligation until September 30, 2010.

3 ~~MISSILE PROCUREMENT, ARMY~~

4 For construction, procurement, production, modifica-  
5 tion, and modernization of missiles, equipment, including  
6 ordnance, ground handling equipment, spare parts, and  
7 accessories therefor, specialized equipment and training  
8 devices; expansion of public and private plants, including  
9 the land necessary therefor, for the foregoing purposes,  
10 and such lands and interests therein, may be acquired,  
11 and construction prosecuted thereon prior to approval of  
12 title; and procurement and installation of equipment, ap-  
13 pliances, and machine tools in public and private plants;  
14 reserve plant and Government and contractor-owned  
15 equipment layaway; and other expenses necessary for the  
16 foregoing purposes, \$2,103,102,000, to remain available  
17 for obligation until September 30, 2010.

18 ~~PROCUREMENT OF WEAPONS AND TRACKED COMBAT~~

19 ~~VEHICLES, ARMY~~

20 For construction, procurement, production, and  
21 modification of weapons and tracked combat vehicles,  
22 equipment, including ordnance, spare parts, and acces-  
23 sories therefor, specialized equipment and training devices;  
24 expansion of public and private plants, including the land  
25 necessary therefor, for the foregoing purposes, and such

1 lands and interests therein, may be acquired, and con-  
2 struction prosecuted thereon prior to approval of title; and  
3 procurement and installation of equipment, appliances,  
4 and machine tools in public and private plants; reserve  
5 plant and Government and contractor-owned equipment  
6 layaway; and other expenses necessary for the foregoing  
7 purposes, \$4,077,189,000, to remain available for obliga-  
8 tion until September 30, 2010.

9           PROCUREMENT OF AMMUNITION, ARMY

10       For construction, procurement, production, and  
11 modification of ammunition, and accessories therefor, spe-  
12 cialized equipment and training devices; expansion of pub-  
13 lic and private plants, including ammunition facilities, au-  
14 thorized by section 2854 of title 10, United States Code,  
15 and the land necessary therefor, for the foregoing pur-  
16 poses, and such lands and interests therein, may be ac-  
17 quired, and construction prosecuted thereon prior to ap-  
18 proval of title; and procurement and installation of equip-  
19 ment, appliances, and machine tools in public and private  
20 plants; reserve plant and Government and contractor-  
21 owned equipment layaway; and other expenses necessary  
22 for the foregoing purposes, \$2,215,976,000, to remain  
23 available for obligation until September 30, 2010.

## OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$11,217,945,000, to remain available for obligation until September 30, 2010.

## AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted

1 thereon prior to approval of title; and procurement and  
2 installation of equipment, appliances, and machine tools  
3 in public and private plants; reserve plant and Govern-  
4 ment and contractor-owned equipment layaway;  
5 \$12,470,280,000, to remain available for obligation until  
6 September 30, 2010.

7 WEAPONS PROCUREMENT, NAVY

8 For construction, procurement, production, modifica-  
9 tion, and modernization of missiles, torpedoes, other weap-  
10 ons, and related support equipment including spare parts,  
11 and accessories therefor; expansion of public and private  
12 plants, including the land necessary therefor, and such  
13 lands and interests therein, may be acquired, and con-  
14 struction prosecuted thereon prior to approval of title; and  
15 procurement and installation of equipment, appliances,  
16 and machine tools in public and private plants; reserve  
17 plant and Government and contractor-owned equipment  
18 layaway, \$2,928,126,000, to remain available for obliga-  
19 tion until September 30, 2010.

20 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

21 CORPS

22 For construction, procurement, production, and  
23 modification of ammunition, and accessories therefor; spe-  
24 cialized equipment and training devices; expansion of pub-  
25 lic and private plants, including ammunition facilities, au-

1 thorized by section 2854 of title 10, United States Code,  
2 and the land necessary therefor, for the foregoing pur-  
3 poses, and such lands and interests therein, may be ac-  
4 quired, and construction prosecuted thereon prior to ap-  
5 proval of title; and procurement and installation of equip-  
6 ment, appliances, and machine tools in public and private  
7 plants; reserve plant and Government and contractor-  
8 owned equipment layaway; and other expenses necessary  
9 for the foregoing purposes, \$1,067,484,000, to remain  
10 available for obligation until September 30, 2010.

11 SHIPBUILDING AND CONVERSION, NAVY

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

24 Carrier Replacement Program, \$2,703,953,000;



1           Carrier Replacement Program (AP),  
 2     \$124,401,000;  
 3           NSSN, \$1,796,191,000;  
 4           NSSN (AP), \$1,290,710,000;  
 5           CVN Refuelings (AP), \$297,344,000;  
 6           SSBN Submarine Refuelings, \$187,652,000;  
 7           SSBN Submarine Refuelings (AP),  
 8     \$42,744,000;  
 9           DDG-1000 Program, \$2,772,637,000;  
 10          DDG-1000 Program (AP), \$150,886,000;  
 11          DDG-51 Destroyer, \$78,078,000;  
 12          Littoral Combat Ship, \$339,482,000;  
 13          LPD-17, \$3,091,922,000;  
 14          LHA-R, \$1,375,414,000;  
 15          Special Purpose Craft, \$4,500,000;  
 16          LCAC Service Life Extension Program,  
 17     \$98,518,000;  
 18          Prior year shipbuilding costs, \$511,474,000;  
 19          Service Craft, \$32,903,000; and  
 20          For outfitting, post delivery, conversions, and  
 21     first destination transportation, \$405,011,000.  
 22     In all: \$15,303,820,000, to remain available for obli-  
 23     gation until September 30, 2012: *Provided*, That addi-  
 24     tional obligations may be incurred after September 30,  
 25     2012, for engineering services, tests, evaluations, and

1 other such budgeted work that must be performed in the  
 2 final stage of ship construction: *Provided further*, That  
 3 none of the funds provided under this heading for the con-  
 4 struction or conversion of any naval vessel to be con-  
 5 structed in shipyards in the United States shall be ex-  
 6 pended in foreign facilities for the construction of major  
 7 components of such vessel: *Provided further*, That none of  
 8 the funds provided under this heading shall be used for  
 9 the construction of any naval vessel in 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); expansion of  
 15 public and private plants, including the land necessary  
 16 therefor, and such lands and interests therein, may be ac-  
 17 quired, and construction prosecuted thereon prior to ap-  
 18 proval of title; and procurement and installation of equip-  
 19 ment, appliances, and machine tools in public and private  
 20 plants; reserve plant and Government and contractor-  
 21 owned equipment layaway, \$5,298,238,000, to remain  
 22 available for obligation until September 30, 2010.

#### 23 PROCUREMENT, MARINE CORPS

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

1 equipment, spare parts, and accessories therefor; plant  
 2 equipment, appliances, and machine tools, and installation  
 3 thereof in public and private plants; reserve plant and  
 4 Government and contractor-owned equipment layaway; ve-  
 5 hicles for the Marine Corps, including the purchase of pas-  
 6 senger motor vehicles for replacement only; and expansion  
 7 of public and private plants, including land necessary  
 8 therefor, and such lands and interests therein, may be ac-  
 9 quired, and construction prosecuted thereon prior to ap-  
 10 proval of title, \$2,500,882,000, to remain available for ob-  
 11 ligation until September 30, 2010.

12           AIRCRAFT PROCUREMENT, AIR FORCE

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

1 ~~\$11,690,220,000, to remain available for obligation until~~  
2 ~~September 30, 2010.~~

3 ~~MISSILE PROCUREMENT, AIR FORCE~~

4 ~~For construction, procurement, and modification of~~  
5 ~~missiles, spacecraft, rockets, and related equipment, in-~~  
6 ~~cluding spare parts and accessories therefor, ground han-~~  
7 ~~dling equipment, and training devices; expansion of public~~  
8 ~~and private plants, Government-owned equipment and in-~~  
9 ~~stallation thereof in such plants, erection of structures,~~  
10 ~~and acquisition of land, for the foregoing purposes, and~~  
11 ~~such lands and interests therein, may be acquired, and~~  
12 ~~construction prosecuted thereon prior to approval of title;~~  
13 ~~reserve plant and Government and contractor-owned~~  
14 ~~equipment layaway; and other expenses necessary for the~~  
15 ~~foregoing purposes including rents and transportation of~~  
16 ~~things, \$4,920,959,000, to remain available for obligation~~  
17 ~~until September 30, 2010.~~

18 ~~PROCUREMENT OF AMMUNITION, AIR FORCE~~

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

1 quired, and construction prosecuted thereon prior to ap-  
2 proval of title; and procurement and installation of equip-  
3 ment, appliances, and machine tools in public and private  
4 plants; reserve plant and Government and contractor-  
5 owned equipment layaway; and other expenses necessary  
6 for the foregoing purposes, \$342,494,000, to remain avail-  
7 able for obligation until September 30, 2010.

8                   OTHER PROCUREMENT, AIR FORCE

9           For procurement and modification of equipment (in-  
10 cluding ground guidance and electronic control equipment;  
11 and ground electronic and communication equipment);  
12 and supplies, materials, and spare parts therefor, not oth-  
13 erwise provided for; the purchase of passenger motor vehi-  
14 cles for replacement only; lease of passenger motor vehi-  
15 cles; and expansion of public and private plants, Govern-  
16 ment-owned equipment and installation thereof in such  
17 plants; erection of structures; and acquisition of land, for  
18 the foregoing purposes; and such lands and interests  
19 therein, may be acquired, and construction prosecuted  
20 thereon, prior to approval of title; reserve plant and Gov-  
21 ernment and contractor-owned equipment layaway;  
22 \$15,255,186,000, to remain available for obligation until  
23 September 30, 2010.

## 1                   PROCUREMENT, DEFENSE-WIDE

2           For expenses of activities and agencies of the Depart-  
3 ment of Defense (other than the military departments)  
4 necessary for procurement, production, and modification  
5 of equipment, supplies, materials, and spare parts there-  
6 for, not otherwise provided for; expansion of public and  
7 private plants, equipment, and installation thereof in such  
8 plants, erection of structures, and acquisition of land for  
9 the foregoing purposes, and such lands and interests  
10 therein, may be acquired, and construction prosecuted  
11 thereon prior to approval of title; reserve plant and Gov-  
12 ernment and contractor-owned equipment layaway;  
13 \$3,335,637,000, to remain available for obligation until  
14 September 30, 2010.

## 15                   NATIONAL GUARD AND RESERVE EQUIPMENT

16          For procurement of aircraft, missiles, tracked combat  
17 vehicles, ammunition, other weapons, and other procure-  
18 ment for the reserve components of the Armed Forces;  
19 \$925,000,000, to remain available for obligation until Sep-  
20 tember 30, 2010, of which \$700,000,000 shall be available  
21 only for the Army National Guard: *Provided*, That the  
22 Chiefs of the Reserve and National Guard components  
23 shall, not later than 30 days after the enactment of this  
24 Act, individually submit to the congressional defense com-

1 mitted the modernization priority assessment for their re-  
 2 spective Reserve or National Guard component.

### 3 DEFENSE PRODUCTION ACT PURCHASES

4 For activities by the Department of Defense pursuant  
 5 to sections 108, 301, 302, and 303 of the Defense Produc-  
 6 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and  
 7 2093), \$64,092,000, to remain available until expended.

### 8 TITLE IV

### 9 RESEARCH, DEVELOPMENT, TEST AND

### 10 EVALUATION

### 11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

### 12 ARMY

13 For expenses necessary for basic and applied sci-  
 14 entific research, development, test and evaluation, includ-  
 15 ing maintenance, rehabilitation, lease, and operation of fa-  
 16 cilities and equipment, \$11,509,540,000, to remain avail-  
 17 able for obligation until September 30, 2009.

### 18 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

### 19 NAVY

20 For expenses necessary for basic and applied sci-  
 21 entific research, development, test and evaluation, includ-  
 22 ing maintenance, rehabilitation, lease, and operation of fa-  
 23 cilities and equipment, \$17,718,624,000, to remain avail-  
 24 able for obligation until September 30, 2009: *Provided,*  
 25 That funds appropriated in this paragraph which are

1 available for the V-22 may be used to meet unique oper-  
 2 ational requirements of the Special Operations Forces:  
 3 *Provided further,* That funds appropriated in this para-  
 4 graph shall be available for the Cobra Judy program.

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

7 For expenses necessary for basic and applied sci-  
 8 entific research, development, test and evaluation, includ-  
 9 ing maintenance, rehabilitation, lease, and operation of fa-  
 10 cilities and equipment, \$26,163,917,000, to remain avail-  
 11 able for obligation until September 30, 2009.

12 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
 13 DEFENSE-WIDE

14 For expenses of activities and agencies of the Depart-  
 15 ment of Defense (other than the military departments),  
 16 necessary for basic and applied scientific research, devel-  
 17 opment, test and evaluation; advanced research projects  
 18 as may be designated and determined by the Secretary  
 19 of Defense, pursuant to law; maintenance, rehabilitation,  
 20 lease, and operation of facilities and equipment,  
 21 \$20,659,095,000, to remain available for obligation until  
 22 September 30, 2009.

23 OPERATIONAL TEST AND EVALUATION, DEFENSE

24 For expenses, not otherwise provided for, necessary  
 25 for the independent activities of the Director, Operational



1 Test and Evaluation, in the direction and supervision of  
 2 operational test and evaluation, including initial oper-  
 3 ational test and evaluation which is conducted prior to,  
 4 and in support of, production decisions; joint operational  
 5 testing and evaluation; and administrative expenses in  
 6 connection therewith, \$180,264,000, to remain available  
 7 for obligation until September 30, 2009.

## 8 TITLE V

### 9 REVOLVING AND MANAGEMENT FUNDS

#### 10 DEFENSE WORKING CAPITAL FUNDS

11 For the Defense Working Capital Funds,  
 12 \$1,352,746,000.

#### 13 NATIONAL DEFENSE SEALIFT FUND

14 For National Defense Sealift Fund programs,  
 15 projects, and activities, and for expenses of the National  
 16 Defense Reserve Fleet, as established by section 11 of the  
 17 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),  
 18 and for the necessary expenses to maintain and preserve  
 19 a U.S.-flag merchant fleet to serve the national security  
 20 needs of the United States, \$2,489,094,000, to remain  
 21 available until expended: *Provided*, That none of the funds  
 22 provided in this paragraph shall be used to award a new  
 23 contract that provides for the acquisition of any of the  
 24 following major components unless such components are  
 25 manufactured in the United States: auxiliary equipment,

1 including pumps, for all shipboard services; propulsion  
 2 system components (that is; engines, reduction gears, and  
 3 propellers); shipboard cranes; and spreaders for shipboard  
 4 cranes: *Provided further,* That the exercise of an option  
 5 in a contract awarded through the obligation of previously  
 6 appropriated funds shall not be considered to be the award  
 7 of a new contract: *Provided further,* That the Secretary  
 8 of the military department responsible for such procure-  
 9 ment may waive the restrictions in the first proviso on  
 10 a case-by-case basis by certifying in writing to the Com-  
 11 mittees on Appropriations of the House of Representatives  
 12 and the Senate that adequate domestic supplies are not  
 13 available to meet Department of Defense requirements on  
 14 a timely basis and that such an acquisition must be made  
 15 in order to acquire capability for national security pur-  
 16 poses.

## 17 TITLE VI

### 18 OTHER DEPARTMENT OF DEFENSE PROGRAMS

#### 19 DEFENSE HEALTH PROGRAM

20 For expenses, not otherwise provided for, for medical  
 21 and health care programs of the Department of Defense,  
 22 as authorized by law, \$22,957,184,000, of which  
 23 \$22,140,381,000 shall be for operation and maintenance,  
 24 of which not to exceed one percent shall remain available  
 25 until September 30, 2009; of which \$363,011,000, to re-

1 main available for obligation until September 30, 2010;  
 2 shall be for procurement; and of which \$453,792,000, to  
 3 remain available for obligation until September 30, 2009,  
 4 shall be for research, development, test and evaluation:  
 5 *Provided*, That, notwithstanding any other provision of  
 6 law, of the amount made available under this heading for  
 7 research, development, test and evaluation, not less than  
 8 \$10,000,000 shall be available for HIV prevention edu-  
 9 cational activities undertaken in connection with U.S. mili-  
 10 tary training, exercises, and humanitarian assistance ac-  
 11 tivities conducted primarily in African nations.

12       CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

13                               ARMY

14       For expenses, not otherwise provided for, necessary  
 15 for the destruction of the United States stockpile of lethal  
 16 chemical agents and munitions, to include construction of  
 17 facilities, in accordance with the provisions of section 1412  
 18 of the Department of Defense Authorization Act, 1986  
 19 (50 U.S.C. 1521), and for the destruction of other chem-  
 20 ical warfare materials that are not in the chemical weapon  
 21 stockpile, \$1,455,724,000, of which \$1,198,086,000 shall  
 22 be for operation and maintenance; \$36,426,000 shall be  
 23 for procurement, to remain available until September 30,  
 24 2010; \$221,212,000 shall be for research, development,  
 25 test and evaluation, of which \$211,190,000 shall only be

1 for the Assembled Chemical Weapons Alternatives  
 2 (ACWA) program, to remain available until September 30,  
 3 2009; and no less than \$124,618,000 shall be for the  
 4 Chemical Stockpile Emergency Preparedness Program, of  
 5 which \$36,373,000 shall be for activities on military in-  
 6 stallations and of which \$88,245,000, to remain available  
 7 until September 30, 2009, shall be to assist State and  
 8 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, \$945,772,000: *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 trans-  
 22 ferred: *Provided further,* That upon a determination that  
 23 all or part of the funds transferred from this appropriation  
 24 are 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 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND  
5 (INCLUDING TRANSFER OF FUNDS)

6 For the “Joint Improvised Explosive Device Defeat  
7 Fund”, \$500,000,000, to remain available until Sep-  
8 tember 30, 2010: *Provided,* That of the amounts provided  
9 under this heading, not more than \$110,000,000 shall be  
10 available for operating and administrative expenses: *Pro-*  
11 *vided further,* That such funds shall be available to the  
12 Secretary of Defense, notwithstanding any other provision  
13 of law, for the purpose of allowing the Director of the  
14 Joint Improvised Explosive Device Defeat Organization to  
15 investigate, develop and provide equipment, supplies, serv-  
16 ices, training, facilities, personnel and funds to assist  
17 United States forces in the defeat of improvised explosive  
18 devices: *Provided further,* That within 60 days of the en-  
19 actment of this Act, a plan for the intended management  
20 and use of the amounts provided under this heading shall  
21 be submitted to the congressional defense committees:  
22 *Provided further,* That the Secretary of Defense shall sub-  
23 mit a report not later than 30 days after the end of each  
24 fiscal quarter to the congressional defense committees pro-  
25 viding assessments of the evolving threats, individual serv-

1 ice requirements to counter the threats, the current strat-  
 2 egy for predeployment training of members of the Armed  
 3 Forces on improvised explosive devices, and details on the  
 4 execution of this Fund: *Provided further*, That the Sec-  
 5 retary of Defense may transfer funds provided herein to  
 6 appropriations for military personnel; operation and main-  
 7 tenance; procurement; research, development, test and  
 8 evaluation; and defense working capital funds to accom-  
 9 plish the purpose provided herein: *Provided further*, That  
 10 this transfer authority is in addition to any other transfer  
 11 authority available to the Department of Defense: *Pro-*  
 12 *vided further*, That upon determination that all or part  
 13 of the funds so transferred from this appropriation are  
 14 not necessary for the purpose provided herein, such  
 15 amounts may be transferred back to this appropriation:  
 16 *Provided further*, That the Secretary of Defense shall, not  
 17 fewer than 5 days prior to making transfers from this ap-  
 18 propriation, notify the congressional defense committees  
 19 in writing of the details of any such transfer.

20 OFFICE OF THE INSPECTOR GENERAL

21 For expenses and activities of the Office of the In-  
 22 spector General in carrying out the provisions of the In-  
 23 spector General Act of 1978, as amended, \$239,995,000,  
 24 of which \$238,995,000 shall be for operation and mainte-  
 25 nance, of which not to exceed \$1,000,000 is available for

1 emergencies and extraordinary expenses to be expended on  
 2 the approval or authority of the Inspector General, and  
 3 payments may be made on the Inspector General's certifi-  
 4 cate of necessity for confidential military purposes; and  
 5 of which \$1,000,000, to remain available until September  
 6 30, 2010, shall be for procurement.

## 7 TITLE VII

### 8 RELATED AGENCIES

#### 9 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND 10 DISABILITY SYSTEM FUND

11 For payment to the Central Intelligence Agency Re-  
 12 tirement and Disability System Fund, to maintain the  
 13 proper funding level for continuing the operation of the  
 14 Central Intelligence Agency Retirement and Disability  
 15 System, \$262,500,000.

#### 16 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT 17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses of the Intelligence Commu-  
 19 nity Management Account, \$683,276,000: *Provided*, That  
 20 of the funds appropriated under this heading,  
 21 \$39,000,000 shall be transferred to the Department of  
 22 Justice for the National Drug Intelligence Center to sup-  
 23 port the Department of Defense's counter-drug intel-  
 24 ligence responsibilities, and of the said amount,  
 25 \$1,500,000 for procurement shall remain available until

1 September 30, 2010 and \$1,000,000 for research, develop-  
2 ment, test and evaluation shall remain available until Sep-  
3 tember 30, 2009: *Provided further,* That the National  
4 Drug Intelligence Center shall maintain the personnel and  
5 technical resources to provide timely support to law en-  
6 forcement authorities and the intelligence community by  
7 conducting document and computer exploitation of mate-  
8 rials collected in Federal, State, and local law enforcement  
9 activity associated with counter-drug, counter-terrorism,  
10 and national security investigations and operations.

## 11 TITLE VIII

### 12 GENERAL PROVISIONS

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

16 SEC. 8002. During the current fiscal year, provisions  
17 of law prohibiting the payment of compensation to, or em-  
18 ployment of, any person not a citizen of the United States  
19 shall not apply to personnel of the Department of Defense:  
20 *Provided,* That salary increases granted to direct and indi-  
21 rect hire foreign national employees of the Department of  
22 Defense funded by this Act shall not be at a rate in excess  
23 of the percentage increase authorized by law for civilian  
24 employees of the Department of Defense whose pay is  
25 computed under the provisions of section 5332 of title 5,



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

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

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

21 (TRANSFER OF FUNDS)

22 SEC. 8005. Upon determination by the Secretary of  
 23 Defense that such action is necessary in the national inter-  
 24 est, he may, with the approval of the Office of Manage-  
 25 ment and Budget, transfer not to exceed \$3,200,000,000  
 26 of working capital funds of the Department of Defense

1 or funds made available in this Act to the Department  
2 of Defense for military functions (except military con-  
3 struction) between such appropriations or funds or any  
4 subdivision thereof, to be merged with and to be available  
5 for the same purposes, and for the same time period, as  
6 the appropriation or fund to which transferred: *Provided,*  
7 That such authority to transfer may not be used unless  
8 for higher priority items, based on unforeseen military re-  
9 quirements, than those for which originally appropriated  
10 and in no case where the item for which funds are re-  
11 quested has been denied by the Congress: *Provided further,*  
12 That the Secretary of Defense shall notify the Congress  
13 promptly of all transfers made pursuant to this authority  
14 or any other authority in this Act: *Provided further,* That  
15 no part of the funds in this Act shall be available to pre-  
16 pare or present a request to the Committees on Appropria-  
17 tions for reprogramming of funds, unless for higher pri-  
18 ority items, based on unforeseen military requirements,  
19 than those for which originally appropriated and in no  
20 case where the item for which reprogramming is requested  
21 has been denied by the Congress: *Provided further,* That  
22 a request for multiple reprogrammings of funds using au-  
23 thority provided in this section must be made prior to  
24 June 30, 2008: *Provided further,* That transfers among  
25 military personnel appropriations shall not be taken into

1 account for purposes of the limitation on the amount of  
2 funds that may be transferred under this section: *Provided*  
3 *further*, That no obligation of funds may be made pursu-  
4 ant to section 1206 of Public Law 109–163 (or any suc-  
5 cessor provision) unless the Secretary of Defense has noti-  
6 fied the congressional defense committees prior to any  
7 such obligation.

8       SEC. 8006. (a) Not later than 60 days after enact-  
9 ment of this Act, the Department of Defense shall submit  
10 a report to the congressional defense committees to estab-  
11 lish the baseline for application of reprogramming and  
12 transfer authorities for fiscal year 2008: *Provided*, That  
13 the report shall include—

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

19               (2) a delineation in the table for each appro-  
20 priation both by budget activity and program,  
21 project, and activity as detailed in the Budget Ap-  
22 pendix and the supporting justification materials  
23 submitted to the Committees on Appropriations of  
24 the Senate and the House of Representatives for the  
25 respective appropriations; and

1           ~~(3)~~ an identification of items of special congress-  
2           sional interest.

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

11                               (TRANSFER OF FUNDS)

12       ~~SEC. 8007.~~ During the current fiscal year, cash bal-  
13 ances in working capital funds of the Department of De-  
14 fense established pursuant to section 2208 of title 10,  
15 United States Code, may be maintained in only such  
16 amounts as are necessary at any time for cash disburse-  
17 ments to be made from such funds: *Provided*, That trans-  
18 fers may be made between such funds: *Provided further*,  
19 That transfers may be made between working capital  
20 funds and the “Foreign Currency Fluctuations, Defense”  
21 appropriation and the “Operation and Maintenance” ap-  
22 propriation accounts in such amounts as may be deter-  
23 mined by the Secretary of Defense, with the approval of  
24 the Office of Management and Budget, except that such  
25 transfers may not be made unless the Secretary of Defense  
26 has notified the Congress of the proposed transfer. Except

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

7       SEC. 8008. Funds appropriated by this Act may not  
8 be used to initiate a special access program without prior  
9 notification 30 calendar days in advance to the congres-  
10 sional defense committees.

11       SEC. 8009. None of the funds provided in this Act  
12 shall be available to initiate: (1) a multiyear contract that  
13 employs economic order quantity procurement in excess of  
14 \$20,000,000 in any 1 year of the contract or that includes  
15 an unfunded contingent liability in excess of \$20,000,000;  
16 or (2) a contract for advance procurement leading to a  
17 multiyear contract that employs economic order quantity  
18 procurement in excess of \$20,000,000 in any 1 year, un-  
19 less the congressional defense committees have been noti-  
20 fied at least 30 days in advance of the proposed contract  
21 award: *Provided*, That no part of any appropriation con-  
22 tained in this Act shall be available to initiate a multiyear  
23 contract for which the economic order quantity advance  
24 procurement is not funded at least to the limits of the  
25 Government's liability: *Provided further*, That no part of

1 any appropriation contained in this Act shall be available  
2 to initiate multiyear procurement contracts for any sys-  
3 tems or component thereof if the value of the multiyear  
4 contract would exceed \$500,000,000 unless specifically  
5 provided in this Act: *Provided further*, That no multiyear  
6 procurement contract can be terminated without 10-day  
7 prior notification to the congressional defense committees:  
8 *Provided further*, That the execution of multiyear author-  
9 ity shall require the use of a present value analysis to de-  
10 termine lowest cost compared to an annual procurement:  
11 *Provided further*, That none of the funds provided in this  
12 Act may be used for a multiyear contract executed after  
13 the date of the enactment of this Act unless in the case  
14 of any such contract—

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

1           (2) cancellation provisions in the contract do  
2           not include consideration of recurring manufacturing  
3           costs of the contractor associated with the produc-  
4           tion of unfunded units to be delivered under the con-  
5           tract;

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

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

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

14          Army CH-47 Chinook Helicopter; M1A2 Abrams  
15          System Enhancement Package upgrades; M2A3/M3A3  
16          Bradley upgrades; and SSN Virginia Class Submarine.

17          SEC. 8010. Within the funds appropriated for the op-  
18          eration and maintenance of the Armed Forces, funds are  
19          hereby appropriated pursuant to section 401 of title 10,  
20          United States Code, for humanitarian and civic assistance  
21          costs under chapter 20 of title 10, United States Code.  
22          Such funds may also be obligated for humanitarian and  
23          civic assistance costs incidental to authorized operations  
24          and pursuant to authority granted in section 401 of chap-  
25          ter 20 of title 10, United States Code, and these obliga-

1 tions shall be reported as required by section 401(d) of  
2 title 10, United States Code: *Provided*, That funds avail-  
3 able for operation and maintenance shall be available for  
4 providing humanitarian and similar assistance by using  
5 Civic Action Teams in the Trust Territories of the Pacific  
6 Islands and freely associated states of Micronesia, pursu-  
7 ant to the Compact of Free Association as authorized by  
8 Public Law 99-239: *Provided further*, That upon a deter-  
9 mination by the Secretary of the Army that such action  
10 is beneficial for graduate medical education programs con-  
11 ducted at Army medical facilities located in Hawaii, the  
12 Secretary of the Army may authorize the provision of med-  
13 ical services at such facilities and transportation to such  
14 facilities, on a nonreimbursable basis, for civilian patients  
15 from American Samoa, the Commonwealth of the North-  
16 ern Mariana Islands, the Marshall Islands, the Federated  
17 States of Micronesia, Palau, and Guam.

18 SEC. 8011. (a) During fiscal year 2008, the civilian  
19 personnel of the Department of Defense may not be man-  
20 aged on the basis of any end-strength, and the manage-  
21 ment of such personnel during that fiscal year shall not  
22 be subject to any constraint or limitation (known as an  
23 end-strength) on the number of such personnel who may  
24 be employed on the last day of such fiscal year.



1       (b) The fiscal year 2009 budget request for the De-  
2       partment of Defense as well as all justification material  
3       and other documentation supporting the fiscal year 2009  
4       Department of Defense budget request shall be prepared  
5       and submitted to the Congress as if subsections (a) and  
6       (b) of this provision were effective with regard to fiscal  
7       year 2009.

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

10       ~~SEC. 8012: None of the funds made available by this~~  
11       ~~Act shall be used in any way, directly or indirectly, to in-~~  
12       ~~fluence congressional action on any legislation or appro-~~  
13       ~~priation matters pending before the Congress.~~

14       ~~SEC. 8013: None of the funds appropriated by this~~  
15       ~~Act shall be available for the basic pay and allowances of~~  
16       ~~any member of the Army participating as a full-time stu-~~  
17       ~~dent and receiving benefits paid by the Secretary of Vet-~~  
18       ~~erans Affairs from the Department of Defense Education~~  
19       ~~Benefits Fund when time spent as a full-time student is~~  
20       ~~credited toward completion of a service commitment: *Pro-*~~  
21       ~~*vided,* That this section shall not apply to those members~~  
22       ~~who have reenlisted with this option prior to October 1,~~  
23       ~~1987: *Provided further,* That this section applies only to~~  
24       ~~active components of the Army.~~

1       ~~SEC. 8014. (a) LIMITATION ON CONVERSION TO~~  
2 ~~CONTRACTOR PERFORMANCE.—None of the funds appro-~~  
3 ~~riated by this Act shall be available to convert to con-~~  
4 ~~tractor performance an activity or function of the Depart-~~  
5 ~~ment of Defense that, on or after the date of the enact-~~  
6 ~~ment of this Act, is performed by more than 10 Depart-~~  
7 ~~ment of Defense civilian employees unless—~~

8               ~~(1) the conversion is based on the result of a~~  
9               ~~public-private competition that includes a most effi-~~  
10              ~~cient and cost effective organization plan developed~~  
11              ~~by such activity or function;~~

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

19                      ~~(A) 10 percent of the most efficient organi-~~  
20                      ~~zation's personnel-related costs for performance~~  
21                      ~~of that activity or function by Federal employ-~~  
22                      ~~ees; or~~

23                      ~~(B) \$10,000,000; and~~

1           ~~(2)~~ the contractor does not receive an advantage for a proposal that would reduce costs for the  
2           Department of Defense by—

3                   ~~(A)~~ not making an employer-sponsored  
4                   health insurance plan available to the workers  
5                   who are to be employed in the performance of  
6                   that activity or function under the contract; or

7                   ~~(B)~~ offering to such workers an employer-  
8                   sponsored health benefits plan that requires the  
9                   employer to contribute less towards the pre-  
10                  mium or subscription share than the amount  
11                  that is paid by the Department of Defense for  
12                  health benefits for civilian employees under  
13                  chapter 89 of title 5, United States Code.

14           ~~(b)~~ EXCEPTIONS.—

15                   ~~(1)~~ The Department of Defense, without regard  
16                   to subsection ~~(a)~~ of this section or subsection ~~(a)~~,  
17                   ~~(b)~~, or ~~(c)~~ of section 2461 of title 10, United States  
18                   Code, and notwithstanding any administrative regu-  
19                   lation, requirement, or policy to the contrary shall  
20                   have full authority to enter into a contract for the  
21                   performance of any commercial or industrial type  
22                   function of the Department of Defense that—  
23

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

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

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

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regu-

1 lation, or policy and is deemed to be awarded under the  
 2 authority of, and in compliance with, subsection (h) of sec-  
 3 tion 2304 of title 10, United States Code, for the competi-  
 4 tion or outsourcing of commercial activities.

5 (TRANSFER OF FUNDS)

6 SEC. 8015. Funds appropriated in title III of this Act  
 7 for the Department of Defense Pilot Mentor-Protege Pro-  
 8 gram may be transferred to any other appropriation con-  
 9 tained in this Act solely for the purpose of implementing  
 10 a Mentor-Protege Program developmental assistance  
 11 agreement pursuant to section 831 of the National De-  
 12 fense Authorization Act for Fiscal Year 1991 (Public Law  
 13 101-510; 10 U.S.C. 2302 note), as amended, under the  
 14 authority of this provision or any other transfer authority  
 15 contained in this Act.

16 SEC. 8016. None of the funds in this Act may be  
 17 available for the purchase by the Department of Defense  
 18 (and its departments and agencies) of welded shipboard  
 19 anchor and mooring chain 4 inches in diameter and under  
 20 unless the anchor and mooring chain are manufactured  
 21 in the United States from components which are substan-  
 22 tially manufactured in the United States: *Provided*, That  
 23 for the purpose of this section manufactured will include  
 24 cutting, heat treating, quality control, testing of chain and  
 25 welding (including the forging and shot blasting process):  
 26 *Provided further*, That for the purpose of this section sub-

1   stantially all of the components of anchor and mooring  
2   chain shall be considered to be produced or manufactured  
3   in the United States if the aggregate cost of the compo-  
4   nents produced or manufactured in the United States ex-  
5   ceeds the aggregate cost of the components produced or  
6   manufactured outside the United States: *Provided further,*  
7   That when adequate domestic supplies are not available  
8   to meet Department of Defense requirements on a timely  
9   basis, the Secretary of the service responsible for the pro-  
10   curement may waive this restriction on a case-by-case  
11   basis by certifying in writing to the Committees on Appro-  
12   priations that such an acquisition must be made in order  
13   to acquire capability for national security purposes.

14       SEC. 8017. None of the funds available to the De-  
15   partment of Defense may be used to demilitarize or dis-  
16   pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,  
17   .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

18       SEC. 8018. No more than \$500,000 of the funds ap-  
19   propriated or made available in this Act shall be used dur-  
20   ing a single fiscal year for any single relocation of an orga-  
21   nization, unit, activity or function of the Department of  
22   Defense into or within the National Capital Region: *Pro-*  
23   *vided,* That the Secretary of Defense may waive this re-  
24   striction on a case-by-case basis by certifying in writing

1 to the congressional defense committees that such a relo-  
2 cation is required in the best interest of the Government.

3       SEC. 8019. In addition to the funds provided else-  
4 where in this Act, \$8,000,000 is appropriated only for in-  
5 centive payments authorized by section 504 of the Indian  
6 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That  
7 a prime contractor or a subcontractor at any tier that  
8 makes a subcontract award to any subcontractor or sup-  
9 plier as defined in section 1544 of title 25, United States  
10 Code, or a small business owned and controlled by an indi-  
11 vidual or individuals defined under section 4221(9) of title  
12 25, United States Code, shall be considered a contractor  
13 for the purposes of being allowed additional compensation  
14 under section 504 of the Indian Financing Act of 1974  
15 (25 U.S.C. 1544) whenever the prime contract or sub-  
16 contract amount is over \$500,000 and involves the ex-  
17 penditure of funds appropriated by an Act making Appro-  
18 priations for the Department of Defense with respect to  
19 any fiscal year: *Provided further*, That notwithstanding  
20 section 430 of title 41, United States Code, this section  
21 shall be applicable to any Department of Defense acquisi-  
22 tion of supplies or services, including any contract and any  
23 subcontract at any tier for acquisition of commercial items  
24 produced or manufactured, in whole or in part by any sub-  
25 contractor or supplier defined in section 1544 of title 25,

1 United States Code, or a small business owned and con-  
2 trolled by an individual or individuals defined under sec-  
3 tion 4221(9) of title 25, United States Code.

4       ~~SEC. 8020.~~ None of the funds appropriated by this  
5 Act shall be available to perform any cost study pursuant  
6 to the provisions of OMB Circular A-76 if the study being  
7 performed exceeds a period of 24 months after initiation  
8 of such study with respect to a single function activity or  
9 30 months after initiation of such study for a multi-func-  
10 tion activity.

11       ~~SEC. 8021.~~ Funds appropriated by this Act for the  
12 American Forces Information Service shall not be used for  
13 any national or international political or psychological ac-  
14 tivities.

15       ~~SEC. 8022.~~ During the current fiscal year, the De-  
16 partment of Defense is authorized to incur obligations of  
17 not to exceed \$350,000,000 for purposes specified in sec-  
18 tion 2350j(e) of title 10, United States Code, in anticipa-  
19 tion of receipt of contributions, only from the Government  
20 of Kuwait, under that section: *Provided*, That upon re-  
21 ceipt, such contributions from the Government of Kuwait  
22 shall be credited to the appropriations or fund which in-  
23 curred such obligations.



1       ~~SEC. 8023.~~ (a) Of the funds made available in this  
2 Act, not less than \$31,355,000 shall be available for the  
3 Civil Air Patrol Corporation, of which—

4           (1) \$23,753,000 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) \$6,727,000 shall be available from “Aircraft  
10 Procurement, Air Force”; and

11           (3) \$875,000 shall be available from “Other  
12 Procurement, 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. 8024.~~ (a) None of the funds appropriated in this  
18 Act are available to establish a new Department of De-  
19 fense (department) federally funded research and develop-  
20 ment center (FFRDC), either as a new entity, or as a  
21 separate entity administrated by an organization man-  
22 aging another FFRDC, or as a nonprofit membership cor-  
23 poration consisting of a consortium of other FFRDCs and  
24 other non-profit entities.

1       (b) No member of a Board of Directors, Trustees,  
2 Overseers, Advisory Group, Special Issues Panel, Visiting  
3 Committee, or any similar entity of a defense FFRDC,  
4 and no paid consultant to any defense FFRDC, except  
5 when acting in a technical advisory capacity, may be com-  
6 pensated for his or her services as a member of such enti-  
7 ty, or as a paid consultant by more than one FFRDC in  
8 a fiscal year: *Provided*, That a member of any such entity  
9 referred to previously in this subsection shall be allowed  
10 travel expenses and per diem as authorized under the Fed-  
11 eral Joint Travel Regulations, when engaged in the per-  
12 formance of membership 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 2008 may be used by a defense FFRDC,  
16 through a fee or other payment mechanism, for construc-  
17 tion of new buildings, for payment of cost sharing for  
18 projects funded by Government grants, for absorption of  
19 contract overruns, or for certain charitable contributions,  
20 not to include employee participation in community service  
21 and/or development.

22       (d) Notwithstanding any other provision of law, of  
23 the funds available to the department during fiscal year  
24 2008, not more than 5,517 staff years of technical effort  
25 (staff years) may be funded for defense FFRDCs: *Pro-*

1 ~~vided~~, That this subsection shall not apply to staff years  
2 funded in the National Intelligence Program (NIP) and  
3 the Military Intelligence Program (MIP).

4 (e) The Secretary of Defense shall, with the submis-  
5 sion of the department's fiscal year 2009 budget request,  
6 submit a report presenting the specific amounts of staff  
7 years of technical effort to be allocated for each defense  
8 FFRDC during that fiscal year.

9 (f) Notwithstanding any other provision of this Act,  
10 the total amount appropriated in this Act for FFRDCs  
11 is hereby reduced by \$57,725,000.

12 SEC. 8025. None of the funds appropriated or made  
13 available in this Act shall be used to procure carbon, alloy  
14 or armor steel plate for use in any Government-owned fa-  
15 cility or property under the control of the Department of  
16 Defense which were not melted and rolled in the United  
17 States or Canada: *Provided*, That these procurement re-  
18 strictions shall apply to any and all Federal Supply Class  
19 9515, American Society of Testing and Materials (ASTM)  
20 or American Iron and Steel Institute (AISI) specifications  
21 of carbon, alloy or armor steel plate: *Provided further*,  
22 That the Secretary of the military department responsible  
23 for the procurement may waive this restriction on a case-  
24 by-case basis by certifying in writing to the Committees  
25 on Appropriations of the House of Representatives and the

1 Senate that adequate domestic supplies are not available  
2 to meet Department of Defense requirements on a timely  
3 basis and that such an acquisition must be made in order  
4 to acquire capability for national security purposes: *Pro-*  
5 *vided further,* That these restrictions shall not apply to  
6 contracts which are in being as of the date of the enact-  
7 ment of this Act.

8       SEC. 8026. For the purposes of this Act, the term  
9 “congressional defense committees” means the Armed  
10 Services Committee of the House of Representatives, the  
11 Armed Services Committee of the Senate, the Sub-  
12 committee on Defense of the Committee on Appropriations  
13 of the Senate, and the Subcommittee on Defense of the  
14 Committee on Appropriations of the House of Representa-  
15 tives.

16       SEC. 8027. During the current fiscal year, the De-  
17 partment of Defense may acquire the modification, depot  
18 maintenance and repair of aircraft, vehicles and vessels  
19 as well as the production of components and other De-  
20 fense-related articles, through competition between De-  
21 partment of Defense depot maintenance activities and pri-  
22 vate firms: *Provided,* That the Senior Acquisition Execu-  
23 tive of the military department or Defense Agency con-  
24 cerned, with power of delegation, shall certify that success-  
25 ful bids include comparable estimates of all direct and in-

1 direct costs for both public and private bids: *Provided fur-*  
2 *ther*, That Office of Management and Budget Circular A-  
3 76 shall not apply to competitions conducted under this  
4 section.

5       SEC. 8028. (a)(1) If the Secretary of Defense, after  
6 consultation with the United States Trade Representative,  
7 determines that a foreign country which is party to an  
8 agreement described in paragraph (2) has violated the  
9 terms of the agreement by discriminating against certain  
10 types of products produced in the United States that are  
11 covered by the agreement, the Secretary of Defense shall  
12 rescind the Secretary's blanket waiver of the Buy Amer-  
13 ican Act with respect to such types of products produced  
14 in that foreign country.

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

21       (b) The Secretary of Defense shall submit to the Con-  
22 gress a report on the amount of Department of Defense  
23 purchases from foreign entities in fiscal year 2008. Such  
24 report shall separately indicate the dollar value of items  
25 for which the Buy American Act was waived pursuant to

1 any agreement described in subsection (a)(2), the Trade  
2 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any  
3 international agreement to which the United States is a  
4 party.

5 (c) For purposes of this section, the term “Buy  
6 American Act” means title III of the Act entitled “An Act  
7 making appropriations for the Treasury and Post Office  
8 Departments for the fiscal year ending June 30, 1934,  
9 and for other purposes”, approved March 3, 1933 (41  
10 U.S.C. 10a et seq.).

11 SEC. 8029. Notwithstanding any other provision of  
12 law, funds available during the current fiscal year and  
13 hereafter for “Drug Interdiction and Counter-Drug Activi-  
14 ties, Defense” may be obligated for the Young Marines  
15 program.

16 SEC. 8030. During the current fiscal year, amounts  
17 contained in the Department of Defense Overseas Military  
18 Facility Investment Recovery Account established by sec-  
19 tion 2921(c)(1) of the National Defense Authorization Act  
20 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall  
21 be available until expended for the payments specified by  
22 section 2921(c)(2) of that Act.

23 SEC. 8031. (a) Notwithstanding any other provision  
24 of law, the Secretary of the Air Force may convey at no  
25 cost to the Air Force, without consideration, to Indian

1 tribes located in the States of North Dakota, South Da-  
2 kota, Montana, and Minnesota relocatable military hous-  
3 ing units located at Grand Forks Air Force Base and  
4 Minot Air Force Base that are excess to the needs of the  
5 Air Force.

6 (b) The Secretary of the Air Force shall convey, at  
7 no cost to the Air Force, military housing units under sub-  
8 section (a) in accordance with the request for such units  
9 that are submitted to the Secretary by the Operation  
10 Walking Shield Program on behalf of Indian tribes located  
11 in the States of North Dakota, South Dakota, Montana,  
12 and Minnesota.

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

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

24 SEC. 8032. During the current fiscal year, appropria-  
25 tions which are available to the Department of Defense

1 for operation and maintenance may be used to purchase  
2 items having an investment item unit cost of not more  
3 than \$250,000: *Provided*, That upon determination by the  
4 Secretary of Defense that such action is necessary to meet  
5 the operational requirements of a Commander of a Com-  
6 batant Command engaged in contingency operations over-  
7 seas, such funds may be used to purchase items having  
8 an investment item unit cost of not more than \$500,000.

9       SEC. 8033. (a) During the current fiscal year, none  
10 of the appropriations or funds available to the Department  
11 of Defense Working Capital Funds shall be used for the  
12 purchase of an investment item for the purpose of acquir-  
13 ing a new inventory item for sale or anticipated sale dur-  
14 ing the current fiscal year or a subsequent fiscal year to  
15 customers of the Department of Defense Working Capital  
16 Funds if such an item would not have been chargeable  
17 to the Department of Defense Business Operations Fund  
18 during fiscal year 1994 and if the purchase of such an  
19 investment item would be chargeable during the current  
20 fiscal year to appropriations made to the Department of  
21 Defense for procurement.

22       (b) The fiscal year 2009 budget request for the De-  
23 partment of Defense as well as all justification material  
24 and other documentation supporting the fiscal year 2009  
25 Department of Defense budget shall be prepared and sub-



mitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2009 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2009: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2009.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense In-

1 telligence Agency may be used for the design, develop-  
2 ment, and deployment of General Defense Intelligence  
3 Program intelligence communications and intelligence in-  
4 formation systems for the Services, the Unified and Speci-  
5 fied Commands, and the component commands.

6       SEC. 8036. Of the funds made available in this Act  
7 under the heading “Defense Production Act Purchases”,  
8 not less than \$23,000,000 shall be made available for the  
9 competitive, domestic expansion of essential vacuum in-  
10 duction melting furnace capacity and vacuum arc re-  
11 melting furnace capacity for military aerospace and other  
12 defense applications: *Provided*, That the operator must be  
13 experienced and qualified in the production of iron-based  
14 vacuum induction melting steel and vacuum arc remelting  
15 steel: *Provided further*, That the facility must be owned  
16 and operated by an approved supplier to the military de-  
17 partments and to defense industry original equipment  
18 manufacturers.

19       SEC. 8037. (a) None of the funds appropriated in this  
20 Act may be expended by an entity of the Department of  
21 Defense unless the entity, in expending the funds, com-  
22 plies with the Buy American Act. For purposes of this  
23 subsection, the term “Buy American Act” means title III  
24 of the Act entitled “An Act making appropriations for the  
25 Treasury and Post Office Departments for the fiscal year

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

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

11 (c) In the case of any equipment or products pur-  
12 chased with appropriations provided under this Act, it is  
13 the sense of the Congress that any entity of the Depart-  
14 ment of Defense, in expending the appropriation, purchase  
15 only American-made equipment and products, provided  
16 that American-made equipment and products are cost-  
17 competitive, quality-competitive, and available in a timely  
18 fashion.

19 SEC. 8038. None of the funds appropriated by this  
20 Act shall be available for a contract for studies, analysis,  
21 or consulting services entered into without competition on  
22 the basis of an unsolicited proposal unless the head of the  
23 activity responsible for the procurement determines—

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

4           (2) the purpose of the contract is to explore an  
5           unsolicited proposal which offers significant sci-  
6           entific or technological promise; represents the prod-  
7           uct of original thinking; and was submitted in con-  
8           fidence by one source; or

9           (3) the purpose of the contract is to take ad-  
10          vantage of unique and significant industrial accom-  
11          plishment by a specific concern; or to ensure that a  
12          new product or idea of a specific concern is given fi-  
13          nancial support: *Provided*, That this limitation shall  
14          not apply to contracts in an amount of less than  
15          \$25,000; contracts related to improvements of equip-  
16          ment that is in development or production; or con-  
17          tracts as to which a civilian official of the Depart-  
18          ment of Defense, who has been confirmed by the  
19          Senate, determines that the award of such contract  
20          is in the interest of the national defense.

21          SEC. 8039. (a) Except as provided in subsection (b)  
22          and (c), none of the funds made available by this Act may  
23          be used—

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

1           (2) to pay the basic pay of a member of the  
2       Armed Forces or civilian employee of the depart-  
3       ment who is transferred or reassigned from a head-  
4       quarters activity if the member or employee's place  
5       of duty remains at the location of that headquarters.

6       (b) The Secretary of Defense or Secretary of a mili-  
7       tary department may waive the limitations in subsection  
8       (a), on a case-by-case basis, if the Secretary determines,  
9       and certifies to the Committees on Appropriations of the  
10      House of Representatives and the Senate that the grant-  
11      ing of the waiver will reduce the personnel requirements  
12      or the financial requirements of the department.

13      (c) This section does not apply to—

14           (1) field operating agencies funded within the  
15      National Intelligence Program; or

16           (2) an Army field operating agency established  
17      to eliminate, mitigate, or counter the effects of im-  
18      provised explosive devices; and, as determined by the  
19      Secretary of the Army, other similar threats.

20      SEC. 8040. The Secretary of Defense, notwith-  
21      standing any other provision of law, acting through the  
22      Office of Economic Adjustment of the Department of De-  
23      fense, may use funds made available in this Act under the  
24      heading "Operation and Maintenance, Defense-Wide" to  
25      make grants and supplement other Federal funds in ac-

1 cordance with the guidance provided in the Joint Explana-  
 2 tory Statement of the Committee of Conference to accom-  
 3 pany the conference report accompanying this Act.

4 (RESCISSIONS)

5 SEC. 8041. Of the funds appropriated in Department  
 6 of Defense Appropriations Acts, the following funds are  
 7 hereby rescinded from the following accounts and pro-  
 8 grams in the specified amounts:

9 “Aircraft Procurement, Air Force, 2006/2008”,  
 10 \$25,786,000;

11 “Aircraft Procurement, Air Force, 2007/2009”,  
 12 \$51,000,000;

13 “Research, Development, Test and Evaluation,  
 14 Navy, 2007/2008”, \$24,000,000;

15 “Research, Development, Test and Evaluation,  
 16 Air Force, 2007/2008”, \$142,000,000; and

17 “Research, Development, Test and Evaluation,  
 18 Defense-Wide, 2007/2008”, \$125,000,000.

19 SEC. 8042. None of the funds available in this Act  
 20 may be used to reduce the authorized positions for mili-  
 21 tary (civilian) technicians of the Army National Guard,  
 22 Air National Guard, Army Reserve and Air Force Reserve  
 23 for the purpose of applying any administratively imposed  
 24 civilian personnel ceiling, freeze, or reduction on military  
 25 (civilian) technicians, unless such reductions are a direct  
 26 result of a reduction in military force structure.

1       ~~SEC. 8043.~~ None of the funds appropriated or other-  
2 wise made available in this Act may be obligated or ex-  
3 pended for assistance to the Democratic People's Republic  
4 of Korea unless specifically appropriated for that purpose.

5       ~~SEC. 8044.~~ Funds appropriated in this Act for oper-  
6 ation and maintenance of the Military Departments, Com-  
7 batant Commands and Defense Agencies shall be available  
8 for reimbursement of pay, allowances and other expenses  
9 which would otherwise be incurred against appropriations  
10 for the National Guard and Reserve when members of the  
11 National Guard and Reserve provide intelligence or coun-  
12 terintelligence support to Combatant Commands, Defense  
13 Agencies and Joint Intelligence Activities, including the  
14 activities and programs included within the National Intel-  
15 ligence Program and the Military Intelligence Program:  
16 *Provided,* That nothing in this section authorizes deviation  
17 from established Reserve and National Guard personnel  
18 and training procedures.

19       ~~SEC. 8045.~~ During the current fiscal year, none of  
20 the funds appropriated in this Act may be used to reduce  
21 the civilian medical and medical support personnel as-  
22 signed to military treatment facilities below the September  
23 30, 2003, level: *Provided,* That the Service Surgeons Gen-  
24 eral may waive this section by certifying to the congres-  
25 sional defense committees that the beneficiary population

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

4       ~~SEC. 8046:~~ (a) None of the funds available to the  
5 Department of Defense for any fiscal year for drug inter-  
6 diction or counter-drug activities may be transferred to  
7 any other department or agency of the United States ex-  
8 cept as specifically provided in an appropriations law.

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

14       ~~SEC. 8047:~~ None of the funds appropriated by this  
15 Act may be used for the procurement of ball and roller  
16 bearings other than those produced by a domestic source  
17 and of domestic origin: *Provided,* That the Secretary of  
18 the military department responsible for such procurement  
19 may waive this restriction on a case-by-case basis by certi-  
20 fying in writing to the Committees on Appropriations of  
21 the House of Representatives and the Senate, that ade-  
22 quate domestic supplies are not available to meet Depart-  
23 ment of Defense requirements on a timely basis and that  
24 such an acquisition must be made in order to acquire ca-  
25 pability for national security purposes: *Provided further,*



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

6       SEC. 8048. None of the funds in this Act may be  
7 used to purchase any supercomputer which is not manu-  
8 factured in the United States, unless the Secretary of De-  
9 fense certifies to the congressional defense committees  
10 that such an acquisition must be made in order to acquire  
11 capability for national security purposes that is not avail-  
12 able from United States manufacturers.

13       SEC. 8049. None of the funds made available in this  
14 or any other Act may be used to pay the salary of any  
15 officer or employee of the Department of Defense who ap-  
16 proves or implements the transfer of administrative re-  
17 sponsibilities or budgetary resources of any program,  
18 project, or activity financed by this Act to the jurisdiction  
19 of another Federal agency not financed by this Act with-  
20 out the express authorization of the Congress: *Provided,*  
21 That this limitation shall not apply to transfers of funds  
22 expressly provided for in Defense Appropriations Acts, or  
23 provisions of Acts providing supplemental appropriations  
24 for the Department of Defense.

1       SEC. 8050. (a) Notwithstanding any other provision  
2 of law, none of the funds available to the Department of  
3 Defense for the current fiscal year may be obligated or  
4 expended to transfer to another nation or an international  
5 organization any defense articles or services (other than  
6 intelligence services) for use in the activities described in  
7 subsection (b) unless the congressional defense commit-  
8 tees, the Committee on International Relations of the  
9 House of Representatives, and the Committee on Foreign  
10 Relations of the Senate are notified 15 days in advance  
11 of such transfer.

12       (b) This section applies to—

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

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

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

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

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

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

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

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

12           ~~SEC. 8051.~~ None of the funds available to the De-  
 13           partment of Defense under this Act shall be obligated or  
 14           expended to pay a contractor under a contract with the  
 15           Department of Defense for costs of any amount paid by  
 16           the contractor to an employee when—

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

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

22                ~~(INCLUDING TRANSFER OF FUNDS)~~

23           ~~SEC. 8052.~~ During the current fiscal year, no more  
 24           than \$30,000,000 of appropriations made in this Act  
 25           under the heading “Operation and Maintenance, Defense-  
 26           Wide” may be transferred to appropriations available for

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

8       SEC. 8053. During the current fiscal year, in the case  
9 of an appropriation account of the Department of Defense  
10 for which the period of availability for obligation has ex-  
11 pired or which has closed under the provisions of section  
12 1552 of title 31, United States Code, and which has a  
13 negative unliquidated or unexpended balance, an obliga-  
14 tion or an adjustment of an obligation may be charged  
15 to any current appropriation account for the same purpose  
16 as the expired or closed account if—

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

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

24           (3) in the case of an expired account, the obli-  
25 gation is not chargeable to a current appropriation

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

15 SEC. 8054. (a) Notwithstanding any other provision  
16 of law, the Chief of the National Guard Bureau may per-  
17 mit the use of equipment of the National Guard Distance  
18 Learning Project by any person or entity on a space-avail-  
19 able, reimbursable basis. The Chief of the National Guard  
20 Bureau shall establish the amount of reimbursement for  
21 such use on a case-by-case basis.

22 (b) Amounts collected under subsection (a) shall be  
23 credited to funds available for the National Guard Dis-  
24 tance Learning Project and be available to defray the costs  
25 associated with the use of equipment of the project under

1 that subsection. Such funds shall be available for such  
2 purposes without fiscal year limitation.

3       SEC. 8055. Using funds available by this Act or any  
4 other Act, the Secretary of the Air Force, pursuant to a  
5 determination under section 2690 of title 10, United  
6 States Code, may implement cost-effective agreements for  
7 required heating facility modernization in the  
8 Kaiserslautern Military Community in the Federal Repub-  
9 lie of Germany: *Provided*, That in the City of  
10 Kaiserslautern such agreements will include the use of  
11 United States anthracite as the base load energy for mu-  
12 nicipal district heat to the United States Defense installa-  
13 tions: *Provided further*, That at Landstuhl Army Regional  
14 Medical Center and Ramstein Air Base, furnished heat  
15 may be obtained from private, regional or municipal serv-  
16 ices, if provisions are included for the consideration of  
17 United States coal as an energy source.

18       SEC. 8056. None of the funds appropriated in title  
19 IV of this Act may be used to procure end-items for deliv-  
20 ery to military forces for operational training, operational  
21 use or inventory requirements: *Provided*, That this restric-  
22 tion does not apply to end-items used in development,  
23 prototyping, and test activities preceding and leading to  
24 acceptance for operational use: *Provided further*, That this  
25 restriction does not apply to programs funded within the

1 National Intelligence Program: *Provided further*, That the  
2 Secretary of Defense may waive this restriction on a case-  
3 by-case basis by certifying in writing to the Committees  
4 on Appropriations of the House of Representatives and the  
5 Senate that it is in the national security interest to do  
6 so.

7       ~~SEC. 8057.~~ Notwithstanding any other provision of  
8 law, funds available to the Department of Defense in this  
9 Act shall be made available to provide transportation of  
10 medical supplies and equipment, on a nonreimbursable  
11 basis, to American Samoa, and funds available to the De-  
12 partment of Defense shall be made available to provide  
13 transportation of medical supplies and equipment, on a  
14 nonreimbursable basis, to the Indian Health Service when  
15 it is in conjunction with a civil-military project.

16       ~~SEC. 8058.~~ None of the funds made available in this  
17 Act may be used to approve or license the sale of the F-  
18 ~~22A~~ advanced tactical fighter to any foreign government.

19       ~~SEC. 8059.~~ (a) The Secretary of Defense may, on a  
20 case-by-case basis, waive with respect to a foreign country  
21 each limitation on the procurement of defense items from  
22 foreign sources provided in law if the Secretary determines  
23 that the application of the limitation with respect to that  
24 country would invalidate cooperative programs entered  
25 into between the Department of Defense and the foreign

1 country, or would invalidate reciprocal trade agreements  
 2 for the procurement of defense items entered into under  
 3 section ~~2531~~ of title 10, United States Code, and the  
 4 country does not discriminate against the same or similar  
 5 defense items produced in the United States for that coun-  
 6 try.

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

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

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

15 (c) Subsection (a) does not apply to a limitation re-  
 16 garding construction of public vessels, ball and roller bear-  
 17 ings, food, and clothing or textile materials as defined by  
 18 section 11 (chapters 50–65) of the Harmonized Tariff  
 19 Schedule and products classified under headings 4010,  
 20 4202, 4203, 6401 through 6406, 6505, 7019, 7218  
 21 through 7229, 7304.41 through 7304.49, 7306.40, 7502  
 22 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

23 SEC. 8060. (a) None of the funds made available by  
 24 this Act may be used to support any training program in-  
 25 volving a unit of the security forces of a foreign country



1 if the Secretary of Defense has received credible informa-  
2 tion from the Department of State that the unit has com-  
3 mitted a gross violation of human rights, unless all nec-  
4 essary corrective steps have been taken.

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

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

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

23 SEC. 8061. None of the funds appropriated or made  
24 available in this Act to the Department of the Navy shall  
25 be used to develop, lease or procure the T-AKE class of

1 ships unless the main propulsion diesel engines and  
2 propulsors are manufactured in the United States by a  
3 domestically operated entity: *Provided*, That the Secretary  
4 of Defense may waive this restriction on a case-by-case  
5 basis by certifying in writing to the Committees on Appro-  
6 priations of the House of Representatives and the Senate  
7 that adequate domestic supplies are not available to meet  
8 Department of Defense requirements on a timely basis  
9 and that such an acquisition must be made in order to  
10 acquire capability for national security purposes or there  
11 exists a significant cost or quality difference.

12       ~~SEC. 8062.~~ None of the funds appropriated or other-  
13 wise made available by this or other Department of De-  
14 fense Appropriations Acts may be obligated or expended  
15 for the purpose of performing repairs or maintenance to  
16 military family housing units of the Department of De-  
17 fense, including areas in such military family housing  
18 units that may be used for the purpose of conducting offi-  
19 cial Department of Defense business.

20       ~~SEC. 8063.~~ Notwithstanding any other provision of  
21 law or this Act, funds appropriated in this Act under the  
22 heading “Research, Development, Test and Evaluation,  
23 Defense-Wide” for any new start joint concept technology  
24 demonstration project may only be obligated 30 days after  
25 a report, including a description of the project, the

1 planned acquisition and transition strategy and its esti-  
2 mated annual and total cost, has been provided in writing  
3 to the congressional defense committees: *Provided*, That  
4 the Secretary of Defense may waive this restriction on a  
5 case-by-case basis by certifying to the congressional de-  
6 fense committees that it is in the national interest to do  
7 so.

8       SEC. 8064. The Secretary of Defense shall provide  
9 a classified quarterly report beginning 30 days after enact-  
10 ment of this Act, to the House and Senate Appropriations  
11 Committees, Subcommittees on Defense on certain mat-  
12 ters as directed in the classified annex accompanying this  
13 Act.

14       SEC. 8065. Beginning in the current fiscal year and  
15 thereafter, refunds attributable to the use of the Govern-  
16 ment travel card, refunds attributable to the use of the  
17 Government Purchase Card and refunds attributable to  
18 official Government travel arranged by Government Con-  
19 tracted Travel Management Centers may be credited to  
20 operation and maintenance, and research, development,  
21 test and evaluation accounts of the Department of Defense  
22 which are current when the refunds are received.

23       SEC. 8066. (a) REGISTERING FINANCIAL MANAGE-  
24 MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD  
25 CHIEF INFORMATION OFFICER.—None of the funds ap-

1   appropriated in this Act may be used for a mission critical  
2   or mission essential financial management information  
3   technology system (including a system funded by the de-  
4   fense working capital fund) that is not registered with the  
5   Chief Information Officer of the Department of Defense.  
6   A system shall be considered to be registered with that  
7   officer upon the furnishing to that officer of notice of the  
8   system, together with such information concerning the  
9   system as the Secretary of Defense may prescribe. A fi-  
10   nancial management information technology system shall  
11   be considered a mission critical or mission essential infor-  
12   mation technology system as defined by the Under Sec-  
13   retary of Defense (Comptroller).

14       (b) CERTIFICATIONS AS TO COMPLIANCE WITH FI-  
15   NANCIAL MANAGEMENT MODERNIZATION PLAN.—

16           (1) During the current fiscal year, a financial  
17       management automated information system, a mixed  
18       information system supporting financial and non-fi-  
19       nancial systems, or a system improvement of more  
20       than \$1,000,000 may not receive Milestone A ap-  
21       proval, Milestone B approval, or full rate production,  
22       or their equivalent, within the Department of De-  
23       fense until the Under Secretary of Defense (Comp-  
24       troller) certifies, with respect to that milestone, that  
25       the system is being developed and managed in ac-

1 eordance with the Department's Financial Manage-  
2 ment Modernization Plan. The Under Secretary of  
3 Defense (Comptroller) may require additional certifi-  
4 cations, as appropriate, with respect to any such sys-  
5 tem.

6 (2) The Chief Information Officer shall provide  
7 the congressional defense committees timely notifica-  
8 tion of certifications under paragraph (1).

9 (c) CERTIFICATIONS AS TO COMPLIANCE WITH  
10 CLINGER-COHEN ACT.—

11 (1) During the current fiscal year, a major  
12 automated information system may not receive Mile-  
13 stone A approval, Milestone B approval, or full rate  
14 production approval, or their equivalent, within the  
15 Department of Defense until the Chief Information  
16 Officer certifies, with respect to that milestone, that  
17 the system is being developed in accordance with the  
18 Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.).  
19 The Chief Information Officer may require addi-  
20 tional certifications, as appropriate, with respect to  
21 any such system.

22 (2) The Chief Information Officer shall provide  
23 the congressional defense committees timely notifica-  
24 tion of certifications under paragraph (1). Each  
25 such notification shall include a statement con-

1       firming that the following steps have been taken  
2       with respect to the system:

3               (A) ~~Business process reengineering.~~

4               (B) ~~An analysis of alternatives.~~

5               (C) ~~An economic analysis that includes a~~  
6               ~~calculation of the return on investment.~~

7               (D) ~~Performance measures.~~

8               (E) ~~An information assurance strategy~~  
9               ~~consistent with the Department's Global Infor-~~  
10              ~~mation Grid.~~

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

12              (1) ~~The term “Chief Information Officer”~~  
13              ~~means the senior official of the Department of De-~~  
14              ~~fense designated by the Secretary of Defense pursu-~~  
15              ~~ant to section 3506 of title 44, United States Code.~~

16              (2) ~~The term “information technology system”~~  
17              ~~has the meaning given the term “information tech-~~  
18              ~~nology” in section 5002 of the Clinger-Cohen Act of~~  
19              ~~1996 (40 U.S.C. 1401).~~

20       SEC. 8067. ~~During the current fiscal year, none of~~  
21       ~~the funds available to the Department of Defense may be~~  
22       ~~used to provide support to another department or agency~~  
23       ~~of the United States if such department or agency is more~~  
24       ~~than 90 days in arrears in making payment to the Depart-~~  
25       ~~ment of Defense for goods or services previously provided~~

1 to such department or agency on a reimbursable basis:  
2 *Provided*, That this restriction shall not apply if the de-  
3 partment is authorized by law to provide support to such  
4 department or agency on a nonreimbursable basis, and is  
5 providing the requested support pursuant to such author-  
6 ity: *Provided further*, That the Secretary of Defense may  
7 waive this restriction on a case-by-case basis by certifying  
8 in writing to the Committees on Appropriations of the  
9 House of Representatives and the Senate that it is in the  
10 national security interest to do so.

11 SEC. 8068. Notwithstanding section 12310(b) of title  
12 40, United States Code, a Reserve who is a member of  
13 the National Guard serving on full-time National Guard  
14 duty under section 502(f) of title 32, United States Code,  
15 may perform duties in support of the ground-based ele-  
16 ments of the National Ballistic Missile Defense System.

17 SEC. 8069. None of the funds provided in this Act  
18 may be used to transfer to any nongovernmental entity  
19 ammunition held by the Department of Defense that has  
20 a center-fire cartridge and a United States military no-  
21 menclature designation of “armor penetrator”, “armor  
22 piercing (AP)”, “armor piercing incendiary (API)”, or  
23 “armor-piercing incendiary-tracer (API-T)”, except to an  
24 entity performing demilitarization services for the Depart-  
25 ment of Defense under a contract that requires the entity

1 to demonstrate to the satisfaction of the Department of  
2 Defense that armor piercing projectiles are either: (1) ren-  
3 dered incapable of reuse by the demilitarization process;  
4 or (2) used to manufacture ammunition pursuant to a con-  
5 tract with the Department of Defense or the manufacture  
6 of ammunition for export pursuant to a License for Per-  
7 manent Export of Unclassified Military Articles issued by  
8 the Department of State.

9       SEC. 8070. Notwithstanding any other provision of  
10 law, the Chief of the National Guard Bureau, or his des-  
11 ignee, may waive payment of all or part of the consider-  
12 ation that otherwise would be required under section 2667  
13 of title 10, United States Code, in the case of a lease of  
14 personal property for a period not in excess of one year  
15 to any organization specified in section 508(d) of title 32,  
16 United States Code, or any other youth, social, or fra-  
17 ternal non-profit organization as may be approved by the  
18 Chief of the National Guard Bureau, or his designee, on  
19 a case-by-case basis.

20       SEC. 8071. None of the funds appropriated by this  
21 Act shall be used for the support of any nonappropriated  
22 funds activity of the Department of Defense that procures  
23 malt beverages and wine with nonappropriated funds for  
24 resale (including such alcoholic beverages sold by the  
25 drink) on a military installation located in the United



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

15 SEC. 8072. Funds available to the Department of De-  
16 fense for the Global Positioning System during the current  
17 fiscal year may be used to fund civil requirements associ-  
18 ated with the satellite and ground control segments of  
19 such system's modernization program.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8073. Of the amounts appropriated in this Act  
22 under the heading "Operation and Maintenance, Army",  
23 \$34,500,000 shall remain available until expended: *Pro-*  
24 *vided*, That notwithstanding any other provision of law,  
25 the Secretary of Defense is authorized to transfer such  
26 funds to other activities of the Federal Government: *Pro-*

1 ~~vided further,~~ That the Secretary of Defense is authorized  
2 to enter into and carry out contracts for the acquisition  
3 of real property, construction, personal services, and oper-  
4 ations related to projects carrying out the purposes of this  
5 section: *Provided further,* That contracts entered into  
6 under the authority of this section may provide for such  
7 indemnification as the Secretary determines to be nec-  
8 essary: *Provided further,* That projects authorized by this  
9 section shall comply with applicable Federal, State, and  
10 local law to the maximum extent consistent with the na-  
11 tional security, as determined by the Secretary of Defense.

12       ~~SEC. 8074.~~ Section 8106 of the Department of De-  
13 fense Appropriations Act, 1997 (titles I through VIII of  
14 the matter under subsection 101(b) of Public Law 104-  
15 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-  
16 tinue in effect to apply to disbursements that are made  
17 by the Department of Defense in fiscal year 2008.

18       ~~SEC. 8075.~~ In addition to amounts provided else-  
19 where in this Act, \$15,000,000 is hereby appropriated to  
20 the Department of Defense, to remain available for obliga-  
21 tion until expended: *Provided,* That notwithstanding any  
22 other provision of law, these funds shall be available only  
23 for a grant to the Fisher House Foundation, Inc., only  
24 for the construction and furnishing of additional Fisher  
25 Houses to meet the needs of military family members

1 when confronted with the illness or hospitalization of an  
 2 eligible military beneficiary.

3       ~~SEC. 8076. (a) The Secretary of Defense, in coordi-~~  
 4 ~~nation with the Secretary of Health and Human Services,~~  
 5 ~~may carry out a program to distribute surplus dental and~~  
 6 ~~medical equipment of the Department of Defense, at no~~  
 7 ~~cost to the Department of Defense, to Indian Health Serv-~~  
 8 ~~ice facilities and to federally-qualified health centers (with-~~  
 9 ~~in the meaning of section 1905(1)(2)(B) of the Social Se-~~  
 10 ~~curity Act (42 U.S.C. 1396d(1)(2)(B))).~~

11       ~~(b) In carrying out this provision, the Secretary of~~  
 12 ~~Defense shall give the Indian Health Service a property~~  
 13 ~~disposal priority equal to the priority given to the Depart-~~  
 14 ~~ment of Defense and its twelve special screening programs~~  
 15 ~~in distribution of surplus dental and medical supplies and~~  
 16 ~~equipment.~~

17                   ~~(INCLUDING TRANSFER OF FUNDS)~~

18       ~~SEC. 8077. Of the amounts appropriated in this Act~~  
 19 ~~under the heading “Research, Development, Test and~~  
 20 ~~Evaluation, Defense-Wide”, \$150,572,000 shall be for the~~  
 21 ~~Arrow missile defense program: *Provided*, That of this~~  
 22 ~~amount, \$37,383,000 shall be for the purpose of pro-~~  
 23 ~~ducing Arrow missile components in the United States and~~  
 24 ~~Arrow missile components and missiles in Israel to meet~~  
 25 ~~Israel’s defense requirements, consistent with each na-~~  
 26 ~~tion’s laws, regulations and procedures; \$26,000,000 shall~~

1 be available for the Short Range Ballistic Missile Defense  
 2 (SRBMD) program; and, \$26,000,000 shall be available  
 3 only for risk mitigation and preliminary design activities  
 4 for an upper-tier component to the Israeli Missile Defense  
 5 Architecture: *Provided further,* That funds made available  
 6 under this provision for production of missiles and missile  
 7 components may be transferred to appropriations available  
 8 for the procurement of weapons and equipment, to be  
 9 merged with and to be available for the same time period  
 10 and the same purposes as the appropriation to which  
 11 transferred: *Provided further,* That the transfer authority  
 12 provided under this provision is in addition to any other  
 13 transfer authority contained in this Act.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 8078. Of the amounts appropriated in this Act  
 16 under the heading “Shipbuilding and Conversion, Navy”,  
 17 \$511,474,000 shall be available until September 30, 2008,  
 18 to fund prior year shipbuilding cost increases: *Provided,*  
 19 That upon enactment of this Act, the Secretary of the  
 20 Navy shall transfer such funds to the following appropria-  
 21 tions in the amounts specified: *Provided further,* That the  
 22 amounts transferred shall be merged with and be available  
 23 for the same purposes as the appropriations to which  
 24 transferred:

25 To:

1 Under the heading “Shipbuilding and Conversion,  
2 Navy, 2001/2008”:

3 Carrier Replacement Program, \$336,475,000;

4 Under the heading “Shipbuilding and Conversion,  
5 Navy, 2002/2008”:

6 New SSN, \$45,000,000;

7 Under the heading “Shipbuilding and Conversion,  
8 Navy, 2003/2008”:

9 New SSN, \$40,000,000;

10 Under the heading “Shipbuilding and Conversion,  
11 Navy, 2004/2008”:

12 New SSN, \$24,000,000; and

13 Under the heading “Shipbuilding and Conversion,  
14 Navy, 2005/2009”:

15 LPD-17 Amphibious Transport Dock Ship  
16 Program, \$65,999,000.

17 SEC. 8079. Notwithstanding any other provision of  
18 law or regulation, the Secretary of Defense may exercise  
19 the provisions of section 7403(g) of title 38, United States  
20 Code, for occupations listed in section 7403(a)(2) of title  
21 38, United States Code, as well as the following:

22 Pharmacists, Audiologists, Psychologists, Psychology  
23 Aides and Technicians, Social Workers, Social Services  
24 Assistants and Dental Hygienists:

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

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

5           SEC. 8080. Funds appropriated by this Act, or made  
6           available by the transfer of funds in this Act, for intel-  
7           ligence activities are deemed to be specifically authorized  
8           by the Congress for purposes of section 504 of the Na-  
9           tional Security Act of 1947 (50 U.S.C. 414) during fiscal  
10          year 2008 until the enactment of the Intelligence Author-  
11          ization Act for fiscal year 2008.

12          SEC. 8081. None of the funds provided in this Act  
13          shall be available for obligation or expenditure through a  
14          reprogramming of funds that creates or initiates a new  
15          program, project, or activity unless such program, project,  
16          or activity must be undertaken immediately in the interest  
17          of national security and only after written prior notifica-  
18          tion to the congressional defense committees.

19          SEC. 8082. (a) In addition to the amounts provided  
20          elsewhere in this Act, the amount of \$990,000 is hereby  
21          appropriated to the Department of Defense for “Oper-  
22          ation and Maintenance, Army National Guard”. Such  
23          amount shall be made available to the Secretary of the  
24          Army only to make a grant in the amount of \$990,000  
25          to the entity specified in subsection (b) to facilitate access

1 by veterans to opportunities for skilled employment in the  
 2 construction industry.

3 (b) The entity referred to in subsection (a) is the  
 4 Center for Military Recruitment, Assessment and Vet-  
 5 erans Employment, a nonprofit labor-management co-op-  
 6 eration committee provided for by section 302(c)(9) of the  
 7 Labor-Management Relations Act, 1947 (29 U.S.C.  
 8 186(c)(9)), for the purposes set forth in section 6(b) of  
 9 the Labor Management Cooperation Act of 1978 (29  
 10 U.S.C. 175a note).

11 SEC. 8083. The Department of Defense and the De-  
 12 partment of the Army shall make future budgetary and  
 13 programming plans to fully finance the Non-Line of Sight  
 14 Future Force cannon (NLOS-C) and a compatible large  
 15 caliber ammunition resupply capability for this system  
 16 supported by the Future Combat Systems (FCS) Brigade  
 17 Combat Team (BCT) in order to field this system in fiscal  
 18 year 2010: *Provided*, That the Army shall develop the  
 19 NLOS-C independent of the broader FCS development  
 20 timeline to achieve fielding by fiscal year 2010. In addition  
 21 the Army will deliver eight combat operational pre-produce-  
 22 tion NLOS-C systems by the end of calendar year 2008.  
 23 These systems shall be in addition to those systems nec-  
 24 essary for developmental and operational testing: *Provided*  
 25 *further*, That the Army shall ensure that budgetary and

1 programmatic plans will provide for no fewer than eight  
 2 Stryker Brigade Combat Teams.

3       ~~SEC. 8084.~~ In addition to the amounts appropriated  
 4 or otherwise made available elsewhere in this Act,  
 5 \$70,000,000 is hereby appropriated to the Department of  
 6 Defense: *Provided,* That the Secretary of Defense shall  
 7 make grants in the amounts specified as follows:  
 8 \$25,000,000 to the United Service Organizations;  
 9 \$25,000,000 to the Red Cross; \$5,000,000 for the SOAR  
 10 Virtual School District; \$3,500,000 for Harnett County/  
 11 Fort Bragg, North Carolina infrastructure improvements;  
 12 \$2,500,000 to The Presidio Trust; \$1,500,000 to the Na-  
 13 tional Bureau of Asian Research; \$6,000,000 to the Ja-  
 14 maica Bay Unit of Gateway National Recreation Area;  
 15 and, \$1,500,000 to the Red Cross Consolidated Blood  
 16 Services Facility.

17       ~~SEC. 8085.~~ The budget of the President for fiscal  
 18 year 2009 submitted to the Congress pursuant to section  
 19 1105 of title 31, United States Code, shall include sepa-  
 20 rate budget justification documents for the costs of United  
 21 States Armed Forces' named operations exceeding an esti-  
 22 mated cost of \$100,000,000 for the Military Personnel ac-  
 23 counts, the Operation and Maintenance accounts, and the  
 24 Procurement accounts: *Provided,* That these documents  
 25 shall include a description of the funding requested for



1 each named operation, for each military service, to include  
2 all Active and Reserve components, and for each appro-  
3 priations account: *Provided further*, That these documents  
4 shall include estimated costs for each element of expense  
5 or object class, a reconciliation of increases and decreases  
6 for each named operation, and programmatic data includ-  
7 ing, but not limited to, troop strength for each Active and  
8 Reserve component, and estimates of the major weapons  
9 systems deployed in support of each named operation: *Pro-*  
10 *vided further*, That these documents shall include budget  
11 exhibits OP-5 and OP-32 (as defined in the Department  
12 of Defense Financial Management Regulation) for all  
13 named operations for the budget year and the two pre-  
14 ceding fiscal years.

15 SEC. 8086. None of the funds in this Act may be  
16 used for research, development, test, evaluation, procure-  
17 ment or deployment of nuclear armed interceptors of a  
18 missile defense system.

19 SEC. 8087. None of the funds appropriated or made  
20 available in this Act shall be used to reduce or disestablish  
21 the operation of the 53rd Weather Reconnaissance Squad-  
22 ron of the Air Force Reserve, if such action would reduce  
23 the WC-130 Weather Reconnaissance mission below the  
24 levels funded in this Act: *Provided*, That the Air Force  
25 shall allow the 53rd Weather Reconnaissance Squadron to

1 perform other missions in support of national defense re-  
 2 quirements during the non-hurricane season.

3       ~~SEC. 8088.~~ None of the funds provided in this Act  
 4 shall be available for integration of foreign intelligence in-  
 5 formation unless the information has been lawfully col-  
 6 lected and processed during the conduct of authorized for-  
 7 eign intelligence activities: *Provided,* That information  
 8 pertaining to United States persons shall only be handled  
 9 in accordance with protections provided in the Fourth  
 10 Amendment of the United States Constitution as imple-  
 11 mented through Executive Order No. 12333.

12       ~~SEC. 8089.~~ (a) At the time members of reserve com-  
 13 ponents of the Armed Forces are called or ordered to ac-  
 14 tive duty under section 12302(a) of title 10, United States  
 15 Code, each member shall be notified in writing of the ex-  
 16 pected period during which the member will be mobilized.

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

22                               (INCLUDING TRANSFER OF FUNDS)

23       ~~SEC. 8090.~~ The Secretary of Defense may transfer  
 24 funds from any available Department of the Navy appro-  
 25 priation to any available Navy ship construction appro-  
 26 priation for the purpose of liquidating necessary changes

1 resulting from inflation, market fluctuations, or rate ad-  
2 justments for any ship construction program appropriated  
3 in law: *Provided*, That the Secretary may transfer not to  
4 exceed \$100,000,000 under the authority provided by this  
5 section: *Provided further*, That the Secretary may not  
6 transfer any funds until 30 days after the proposed trans-  
7 fer has been reported to the Committees on Appropria-  
8 tions of the House of Representatives and the Senate, un-  
9 less a response from the Committees is received sooner:  
10 *Provided further*, That the transfer authority provided by  
11 this section is in addition to any other transfer authority  
12 contained elsewhere in this Act.

13       SEC. 8091. For purposes of section 612 of title 41,  
14 United States Code, any subdivision of appropriations  
15 made under the heading “Shipbuilding and Conversion,  
16 Navy” that is not closed at the time reimbursement is  
17 made shall be available to reimburse the Judgment Fund  
18 and shall be considered for the same purposes as any sub-  
19 division under the heading “Shipbuilding and Conversion,  
20 Navy” appropriations in the current fiscal year or any  
21 prior fiscal year.

22       SEC. 8092. Hereafter, the Secretary of Defense may  
23 present promotional materials, including a United States  
24 flag, to any member of an Active or Reserve component  
25 under the Secretary’s jurisdiction who, as determined by

1 the Secretary, participates in Operation Enduring Free-  
2 dom or Operation Iraqi Freedom, along with other rec-  
3 ognition items in conjunction with any week-long national  
4 observation and day of national celebration, if established  
5 by Presidential proclamation, for any such members re-  
6 turning from such operations.

7       ~~SEC. 8093.~~ Notwithstanding any other provision of  
8 this Act, to reflect savings from revised economic assump-  
9 tions, the total amount appropriated in title II of this Act  
10 is hereby reduced by \$126,787,000: *Provided*, That the  
11 Secretary of Defense shall allocate this reduction propor-  
12 tionally to each budget activity, activity group, subactivity  
13 group, and each program, project, and activity, within  
14 each appropriation account.

15       ~~SEC. 8094.~~ None of the funds appropriated by this  
16 Act available for the Civilian Health and Medical Program  
17 of the Uniformed Services (CHAMPUS) or TRICARE  
18 shall be available for the reimbursement of any health care  
19 provider for inpatient mental health service for care re-  
20 ceived when a patient is referred to a provider of inpatient  
21 mental health care or residential treatment care by a med-  
22 ical or health care professional having an economic inter-  
23 est in the facility to which the patient is referred: *Pro-*  
24 *vided*, That this limitation does not apply in the case of  
25 inpatient mental health services provided under the pro-

1 gram for persons with disabilities under subsection (d) of  
2 section 1079 of title 10, United States Code, provided as  
3 partial hospital care, or provided pursuant to a waiver au-  
4 thorized by the Secretary of Defense because of medical  
5 or psychological circumstances of the patient that are con-  
6 firmed by a health professional who is not a Federal em-  
7 ployee after a review, pursuant to rules prescribed by the  
8 Secretary, which takes into account the appropriate level  
9 of care for the patient, the intensity of services required  
10 by the patient, and the availability of that care.

11 SEC. 8095. Notwithstanding any other provision of  
12 law or regulation, the Secretary of Defense may adjust  
13 wage rates for civilian employees hired for certain health  
14 care occupations as authorized for the Secretary of Vet-  
15 erans Affairs by section 7455 of title 38, United States  
16 Code.

17 SEC. 8096. Appropriations available to the Depart-  
18 ment of Defense for the purchase of heavy and light ar-  
19 mored vehicles for force protection purposes may be used  
20 for such purchase, up to a limit of \$250,000 per vehicle,  
21 notwithstanding other limitations applicable to the pur-  
22 chase of passenger carrying vehicles.

23 SEC. 8097. Supervision and administration costs as-  
24 sociated with construction projects outside the United  
25 States funded with appropriations available for operation

1 and maintenance, may be obligated at the time a construc-  
2 tion contract is awarded: *Provided*, That for the purpose  
3 of this section, supervision and administration costs in-  
4 clude all in-house Government costs.

5 SEC. 8098. None of the funds appropriated by this  
6 Act for programs of the Office of the Director of National  
7 Intelligence shall remain available for obligation beyond  
8 the current fiscal year, except for funds appropriated for  
9 research and technology, which shall remain available until  
10 September 30, 2009.

11 SEC. 8099. For purposes of section 1553(b) of title  
12 31, United States Code, any subdivision of appropriations  
13 made in this Act under the heading “Shipbuilding and  
14 Conversion, Navy” shall be considered to be for the same  
15 purpose as any subdivision under the heading “Ship-  
16 building and Conversion, Navy” appropriations in any  
17 prior fiscal year, and the one percent limitation shall apply  
18 to the total amount of the appropriation.

19 SEC. 8100. Notwithstanding any other provision of  
20 law, that not more than 35 percent of funds provided in  
21 this Act for environmental remediation may be obligated  
22 under indefinite delivery/indefinite quantity contracts with  
23 a total contract value of \$130,000,000 or higher.

24 SEC. 8101. The Secretary of Defense shall create a  
25 major force program category for space for the Future

1 Years Defense Program of the Department of Defense.  
2 The Secretary of Defense shall designate an official in the  
3 Office of the Secretary of Defense to provide overall super-  
4 vision of the preparation and justification of program rec-  
5 ommendations and budget proposals to be included in such  
6 major force program category.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 8102. In addition to funds made available else-  
9 where in this Act, there is hereby appropriated  
10 \$200,000,000, to remain available until transferred: *Pro-*  
11 *vided*, That these funds are appropriated to the “Tanker  
12 Replacement Transfer Fund” (referred to as “the Fund”  
13 elsewhere in this section): *Provided further*, That the Sec-  
14 retary of the Air Force may transfer amounts in the Fund  
15 to “Operation and Maintenance, Air Force”, “Aircraft  
16 Procurement, Air Force”, and “Research, Development,  
17 Test and Evaluation, Air Force”, only for the purposes  
18 of proceeding with a tanker acquisition program: *Provided*  
19 *further*, That funds transferred shall be merged with and  
20 be available for the same purposes and for the same time  
21 period as the appropriation or fund to which transferred:  
22 *Provided further*, That this transfer authority is in addi-  
23 tion to any other transfer authority available to the De-  
24 partment of Defense: *Provided further*, That the Secretary  
25 of the Air Force shall, not fewer than 15 days prior to  
26 making transfers using funds provided in this section, no-

1 tify the congressional defense committees in writing of the  
 2 details of any such transfer: *Provided further*, That the  
 3 Secretary shall submit a report no later than 30 days after  
 4 the end of each fiscal quarter to the congressional defense  
 5 committees summarizing the details of the transfer of  
 6 funds from this appropriation.

7       ~~SEC. 8103.~~ None of the funds appropriated or other-  
 8 wise made available by this or any other Act shall be obli-  
 9 gated or expended by the United States Government for  
 10 a purpose as follows:

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

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

16       ~~SEC. 8104.~~ None of the funds made available in this  
 17 Act may be used in contravention of the following laws  
 18 enacted or regulations promulgated to implement the  
 19 United Nations Convention Against Torture and Other  
 20 Cruel, Inhuman or Degrading Treatment or Punishment  
 21 (done at New York on December 10, 1984):

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

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



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

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

11      SEC. 8105. Notwithstanding any other provision of  
12     law, none of the funds made available in this Act may be  
13     used to pay negotiated indirect cost rates on a contract,  
14     grant, or cooperative agreement (or similar arrangement)  
15     entered into by the Department of Defense and an entity  
16     in excess of 20 percent of the total direct cost of the con-  
17     tract, grant, or agreement (or similar arrangement) if the  
18     purpose of such contract, grant, or agreement (or similar  
19     arrangement) is to carry out a program or programs of  
20     mutual interest between the two parties: *Provided*, That  
21     this limitation shall apply only to funds made available  
22     in this Act for basic research.

23      SEC. 8106. Any request for funds for a fiscal year  
24     after fiscal year 2008 for an ongoing military operation  
25     overseas, including operations in Afghanistan and Iraq,

1 shall be included in the annual budget of the President  
2 for such fiscal year as submitted to Congress under section  
3 1105(a) of title 31, United States Code.

4       ~~SEC. 8107.~~ None of the funds appropriated or other-  
5 wise made available by this Act may be obligated or ex-  
6 pended to provide award fees to any defense contractor  
7 contrary to the provisions of section 814 of the National  
8 Defense Authorization Act, Fiscal Year 2007 (Public Law  
9 109-364).

10       ~~SEC. 8108.~~ Not more than 90 percent of the funds  
11 appropriated to the Department of Defense for contracted  
12 services under title II of this Act shall be available for  
13 obligation unless and until the Secretary of Defense sub-  
14 mits to the congressional defense committees the report  
15 required by section 3305 of title III of Public Law 110-  
16 28 (121 Stat. 136).

17       ~~SEC. 8109.~~ Of the funds made available under the  
18 heading “Operation and Maintenance, Defense-Wide”, up  
19 to \$30,000,000 may be available for financial assistance  
20 to eligible local education agencies pursuant to section 386  
21 of Public Law 102-484.

22       ~~SEC. 8110.~~ None of the funds made available in this  
23 Act may be used to disclose to the public the aggregate  
24 amount of funds appropriated by Congress for the Na-  
25 tional Intelligence Program (as defined in section 3(6) of

1 the National Security Act of 1947 (50 U.S.C. 401a(6)))  
2 for a fiscal year.

3 ~~SEC. 8111.~~ None of the funds appropriated by this  
4 Act may be used to waive or modify regulations promul-  
5 gated under chapter 43, 71, 75, or 77 of title 5, United  
6 States Code.

7 This Act may be cited as the “Department of Defense  
8 Appropriations Act, 2008”.

9 *That the following sums are appropriated, out of any*  
10 *money in the Treasury not otherwise appropriated, for the*  
11 *fiscal year ending September 30, 2008, for military func-*  
12 *tions administered by the Department of Defense and for*  
13 *other purposes, namely:*

14 *TITLE I*

15 *MILITARY PERSONNEL*

16 *MILITARY PERSONNEL, ARMY*

17 *For pay, allowances, individual clothing, subsistence,*  
18 *interest on deposits, gratuities, permanent change of station*  
19 *travel (including all expenses thereof for organizational*  
20 *movements), and expenses of temporary duty travel between*  
21 *permanent duty stations, for members of the Army on active*  
22 *duty, (except members of reserve components provided for*  
23 *elsewhere), cadets, and aviation cadets; for members of the*  
24 *Reserve Officers’ Training Corps; and for payments pursu-*  
25 *ant 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, \$31,734,076,000.*

3 *MILITARY PERSONNEL, NAVY*

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 Navy on active*  
9 *duty (except members of the Reserve provided for elsewhere),*  
10 *midshipmen, and aviation cadets; for members of the Re-*  
11 *serve Officers' Training Corps; and for payments pursuant*  
12 *to section 156 of Public Law 97-377, as amended (42*  
13 *U.S.C. 402 note), and to the Department of Defense Mili-*  
14 *tary Retirement Fund, \$23,338,772,000.*

15 *MILITARY PERSONNEL, MARINE CORPS*

16 *For pay, allowances, individual clothing, subsistence,*  
17 *interest on deposits, gratuities, permanent change of station*  
18 *travel (including all expenses thereof for organizational*  
19 *movements), and expenses of temporary duty travel between*  
20 *permanent duty stations, for members of the Marine Corps*  
21 *on active duty (except members of the Reserve provided for*  
22 *elsewhere); and for payments pursuant to section 156 of*  
23 *Public Law 97-377, as amended (42 U.S.C. 402 note), and*  
24 *to the Department of Defense Military Retirement Fund,*  
25 *\$10,291,831,000.*

*MILITARY PERSONNEL, AIR FORCE*

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$24,155,054,000.*

*RESERVE PERSONNEL, ARMY*

*For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,672,440,000.*

1 *RESERVE PERSONNEL, NAVY*

2 *For pay, allowances, clothing, subsistence, gratuities,*  
3 *travel, and related expenses for personnel of the Navy Re-*  
4 *serve on active duty under section 10211 of title 10, United*  
5 *States Code, or while serving on active duty under section*  
6 *12301(d) of title 10, United States Code, in connection with*  
7 *performing duty specified in section 12310(a) of title 10,*  
8 *United States Code, or while undergoing reserve training,*  
9 *or while performing drills or equivalent duty, and expenses*  
10 *authorized by section 16131 of title 10, United States Code;*  
11 *and for payments to the Department of Defense Military*  
12 *Retirement Fund, \$1,801,985,000.*

13 *RESERVE PERSONNEL, MARINE CORPS*

14 *For pay, allowances, clothing, subsistence, gratuities,*  
15 *travel, and related expenses for personnel of the Marine*  
16 *Corps Reserve on active duty under section 10211 of title*  
17 *10, United States Code, or while serving on active duty*  
18 *under section 12301(d) of title 10, United States Code, in*  
19 *connection with performing duty specified in section*  
20 *12310(a) of title 10, United States Code, or while under-*  
21 *going reserve training, or while performing drills or equiva-*  
22 *lent duty, and for members of the Marine Corps platoon*  
23 *leaders class, and expenses authorized by section 16131 of*  
24 *title 10, United States Code; and for payments to the De-*

1 *partment of Defense Military Retirement Fund,*  
2 *\$595,372,000.*

3 *RESERVE PERSONNEL, AIR FORCE*

4 *For pay, allowances, clothing, subsistence, gratuities,*  
5 *travel, and related expenses for personnel of the Air Force*  
6 *Reserve on active duty under sections 10211, 10305, and*  
7 *8038 of title 10, United States Code, or while serving on*  
8 *active duty under section 12301(d) of title 10, United States*  
9 *Code, in connection with performing duty specified in sec-*  
10 *tion 12310(a) of title 10, United States Code, or while un-*  
11 *dergoing reserve training, or while performing drills or*  
12 *equivalent duty or other duty, and expenses authorized by*  
13 *section 16131 of title 10, United States Code; and for pay-*  
14 *ments to the Department of Defense Military Retirement*  
15 *Fund, \$1,368,897,000.*

16 *NATIONAL GUARD PERSONNEL, ARMY*

17 *For pay, allowances, clothing, subsistence, gratuities,*  
18 *travel, and related expenses for personnel of the Army Na-*  
19 *tional Guard while on duty under section 10211, 10302,*  
20 *or 12402 of title 10 or section 708 of title 32, United States*  
21 *Code, or while serving on duty under section 12301(d) of*  
22 *title 10 or section 502(f) of title 32, United States Code,*  
23 *in connection with performing duty specified in section*  
24 *12310(a) of title 10, United States Code, or while under-*  
25 *going training, or while performing drills or equivalent*

1 *duty or other duty, and expenses authorized by section*  
 2 *16131 of title 10, United States Code; and for payments*  
 3 *to the Department of Defense Military Retirement Fund,*  
 4 *\$5,947,354,000.*

5 *NATIONAL GUARD PERSONNEL, AIR FORCE*

6 *For pay, allowances, clothing, subsistence, gratuities,*  
 7 *travel, and related expenses for personnel of the Air Na-*  
 8 *tional Guard on duty under section 10211, 10305, or 12402*  
 9 *of title 10 or section 708 of title 32, United States Code,*  
 10 *or while serving on duty under section 12301(d) of title 10*  
 11 *or section 502(f) of title 32, United States Code, in connec-*  
 12 *tion with performing duty specified in section 12310(a) of*  
 13 *title 10, United States Code, or while undergoing training,*  
 14 *or while performing drills or equivalent duty or other duty,*  
 15 *and expenses authorized by section 16131 of title 10, United*  
 16 *States Code; and for payments to the Department of Defense*  
 17 *Military Retirement Fund, \$2,616,560,000.*

18 *TITLE II*

19 *OPERATION AND MAINTENANCE*

20 *OPERATION AND MAINTENANCE, ARMY*

21 *For expenses, not otherwise provided for, necessary for*  
 22 *the operation and maintenance of the Army, as authorized*  
 23 *by law; and not to exceed \$11,478,000 can be used for emer-*  
 24 *gencies and extraordinary expenses, to be expended on the*  
 25 *approval or authority of the Secretary of the Army, and*



1 *payments may be made on his certificate of necessity for*  
2 *confidential military purposes, \$28,598,563,000.*

3 *OPERATION AND MAINTENANCE, NAVY*

4 *For expenses, not otherwise provided for, necessary for*  
5 *the operation and maintenance of the Navy and the Marine*  
6 *Corps, as authorized by law; and not to exceed \$6,257,000*  
7 *can be used for emergencies and extraordinary expenses, to*  
8 *be expended on the approval or authority of the Secretary*  
9 *of the Navy, and payments may be made on his certificate*  
10 *of necessity for confidential military purposes,*  
11 *\$33,150,380,000.*

12 *OPERATION AND MAINTENANCE, MARINE CORPS*

13 *For expenses, not otherwise provided for, necessary for*  
14 *the operation and maintenance of the Marine Corps, as au-*  
15 *thorized by law, \$5,061,649,000.*

16 *OPERATION AND MAINTENANCE, AIR FORCE*

17 *For expenses, not otherwise provided for, necessary for*  
18 *the operation and maintenance of the Air Force, as author-*  
19 *ized by law; and not to exceed \$7,699,000 can be used for*  
20 *emergencies and extraordinary expenses, to be expended on*  
21 *the approval or authority of the Secretary of the Air Force,*  
22 *and payments may be made on his certificate of necessity*  
23 *for confidential military purposes, \$32,599,333,000.*

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

3        *For expenses, not otherwise provided for, necessary for*  
4 *the operation and maintenance of activities and agencies*  
5 *of the Department of Defense (other than the military de-*  
6 *partments), as authorized by law, \$22,445,227,000: Pro-*  
7 *vided, That not more than \$25,000,000 may be used for*  
8 *the Combatant Commander Initiative Fund authorized*  
9 *under section 166a of title 10, United States Code: Provided*  
10 *further, That not to exceed \$36,000,000 can be used for*  
11 *emergencies and extraordinary expenses, to be expended on*  
12 *the approval or authority of the Secretary of Defense, and*  
13 *payments may be made on his certificate of necessity for*  
14 *confidential military purposes: Provided further, That of*  
15 *the funds provided under this heading, not less than*  
16 *\$27,380,000 shall be made available for the Procurement*  
17 *Technical Assistance Cooperative Agreement Program, of*  
18 *which not less than \$3,600,000 shall be available for centers*  
19 *defined in 10 U.S.C. 2411(1)(D): Provided further, That*  
20 *none of the funds appropriated or otherwise made available*  
21 *by this Act may be used to plan or implement the consolida-*  
22 *tion of a budget or appropriations liaison office of the Office*  
23 *of the Secretary of Defense, the office of the Secretary of*  
24 *a military department, or the service headquarters of one*  
25 *of the Armed Forces into a legislative affairs or legislative*

1 *liaison office: Provided further, That \$4,000,000, to remain*  
 2 *available until expended, is available only for expenses re-*  
 3 *lating to certain classified activities, and may be trans-*  
 4 *ferred as necessary by the Secretary to operation and main-*  
 5 *tenance appropriations or research, development, test and*  
 6 *evaluation appropriations, to be merged with and to be*  
 7 *available for the same time period as the appropriations*  
 8 *to which transferred: Provided further, That any ceiling on*  
 9 *the investment item unit cost of items that may be pur-*  
 10 *chased with operation and maintenance funds shall not*  
 11 *apply to the funds described in the preceding proviso: Pro-*  
 12 *vided further, That the transfer authority provided under*  
 13 *this heading is in addition to any other transfer authority*  
 14 *provided elsewhere in this Act.*

15       *OPERATION AND MAINTENANCE, ARMY RESERVE*

16       *For expenses, not otherwise provided for, necessary for*  
 17 *the operation and maintenance, including training, organi-*  
 18 *zation, and administration, of the Army Reserve; repair of*  
 19 *facilities and equipment; hire of passenger motor vehicles;*  
 20 *travel and transportation; care of the dead; recruiting; pro-*  
 21 *curement of services, supplies, and equipment; and commu-*  
 22 *nications, \$2,510,286,000.*

23       *OPERATION AND MAINTENANCE, NAVY RESERVE*

24       *For expenses, not otherwise provided for, necessary for*  
 25 *the operation and maintenance, including training, organi-*

1 zation, and administration, of the Navy Reserve; repair of  
 2 facilities and equipment; hire of passenger motor vehicles;  
 3 travel and transportation; care of the dead; recruiting; pro-  
 4 curement of services, supplies, and equipment; and commu-  
 5 nications, \$1,187,151,000.

6 OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

7 For expenses, not otherwise provided for, necessary for  
 8 the operation and maintenance, including training, organi-  
 9 zation, and administration, of the Marine Corps Reserve;  
 10 repair of facilities and equipment; hire of passenger motor  
 11 vehicles; travel and transportation; care of the dead; recruit-  
 12 ing; procurement of services, supplies, and equipment; and  
 13 communications, \$208,688,000.

14 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

15 For expenses, not otherwise provided for, necessary for  
 16 the operation and maintenance, including training, organi-  
 17 zation, and administration, of the Air Force Reserve; repair  
 18 of facilities and equipment; hire of passenger motor vehicles;  
 19 travel and transportation; care of the dead; recruiting; pro-  
 20 curement of services, supplies, and equipment; and commu-  
 21 nications, \$2,816,103,000.

22 OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

23 For expenses of training, organizing, and admin-  
 24 istering the Army National Guard, including medical and  
 25 hospital treatment and related expenses in non-Federal hos-

1    *pitals; maintenance, operation, and repairs to structures*  
2    *and facilities; hire of passenger motor vehicles; personnel*  
3    *services in the National Guard Bureau; travel expenses*  
4    *(other than mileage), as authorized by law for Army per-*  
5    *sonnel on active duty, for Army National Guard division,*  
6    *regimental, and battalion commanders while inspecting*  
7    *units in compliance with National Guard Bureau regula-*  
8    *tions when specifically authorized by the Chief, National*  
9    *Guard Bureau; supplying and equipping the Army Na-*  
10    *tional Guard as authorized by law; and expenses of repair,*  
11    *modification, maintenance, and issue of supplies and*  
12    *equipment (including aircraft), \$5,800,933,000.*

13    *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

14        *For expenses of training, organizing, and admin-*  
15    *istering the Air National Guard, including medical and*  
16    *hospital treatment and related expenses in non-Federal hos-*  
17    *pitals; maintenance, operation, and repairs to structures*  
18    *and facilities; transportation of things, hire of passenger*  
19    *motor vehicles; supplying and equipping the Air National*  
20    *Guard, as authorized by law; expenses for repair, modifica-*  
21    *tion, maintenance, and issue of supplies and equipment,*  
22    *including those furnished from stocks under the control of*  
23    *agencies of the Department of Defense; travel expenses (other*  
24    *than mileage) on the same basis as authorized by law for*  
25    *Air National Guard personnel on active Federal duty, for*

1 *Air National Guard commanders while inspecting units in*  
 2 *compliance with National Guard Bureau regulations when*  
 3 *specifically authorized by the Chief, National Guard Bu-*  
 4 *reau, \$5,471,745,000.*

5 *UNITED STATES COURT OF APPEALS FOR THE ARMED*  
 6 *FORCES*

7 *For salaries and expenses necessary for the United*  
 8 *States Court of Appeals for the Armed Forces, \$11,971,000,*  
 9 *of which not to exceed \$5,000 may be used for official rep-*  
 10 *resentation purposes.*

11 *ENVIRONMENTAL RESTORATION, ARMY*  
 12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For the Department of the Army, \$444,879,000, to re-*  
 14 *main available until transferred: Provided, That the Sec-*  
 15 *retary of the Army shall, upon determining that such funds*  
 16 *are required for environmental restoration, reduction and*  
 17 *recycling of hazardous waste, removal of unsafe buildings*  
 18 *and debris of the Department of the Army, or for similar*  
 19 *purposes, transfer the funds made available by this appro-*  
 20 *priation to other appropriations made available to the De-*  
 21 *partment of the Army, to be merged with and to be available*  
 22 *for the same purposes and for the same time period as the*  
 23 *appropriations to which transferred: Provided further, That*  
 24 *upon a determination that all or part of the funds trans-*  
 25 *ferred from this appropriation are not necessary for the*

1 *purposes provided herein, such amounts may be transferred*  
2 *back to this appropriation.*

3 *ENVIRONMENTAL RESTORATION, NAVY*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For the Department of the Navy, \$300,591,000, to re-*  
6 *main available until transferred: Provided, That the Sec-*  
7 *retary of the Navy shall, upon determining that such funds*  
8 *are required for environmental restoration, reduction and*  
9 *recycling of hazardous waste, removal of unsafe buildings*  
10 *and debris of the Department of the Navy, or for similar*  
11 *purposes, transfer the funds made available by this appro-*  
12 *priation to other appropriations made available to the De-*  
13 *partment of the Navy, to be merged with and to be available*  
14 *for the same purposes and for the same time period as the*  
15 *appropriations to which transferred: Provided further, That*  
16 *upon a determination that all or part of the funds trans-*  
17 *ferred from this appropriation are not necessary for the*  
18 *purposes provided herein, such amounts may be transferred*  
19 *back to this appropriation.*

20 *ENVIRONMENTAL RESTORATION, AIR FORCE*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For the Department of the Air Force, \$458,428,000,*  
23 *to remain available until transferred: Provided, That the*  
24 *Secretary of the Air Force shall, upon determining that*  
25 *such funds are required for environmental restoration, re-*

1 *duction and recycling of hazardous waste, removal of unsafe*  
2 *buildings and debris of the Department of the Air Force,*  
3 *or for similar purposes, transfer the funds made available*  
4 *by this appropriation to other appropriations made avail-*  
5 *able to the Department of the Air Force, to be merged with*  
6 *and to be available for the same purposes and for the same*  
7 *time period as the appropriations to which transferred:*  
8 *Provided further, That upon a determination that all or*  
9 *part of the funds transferred from this appropriation are*  
10 *not necessary for the purposes provided herein, such*  
11 *amounts may be transferred back to this appropriation.*

12 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *For the Department of Defense, \$12,751,000, to remain*  
15 *available until transferred: Provided, That the Secretary of*  
16 *Defense shall, upon determining that such funds are re-*  
17 *quired for environmental restoration, reduction and recy-*  
18 *cling of hazardous waste, removal of unsafe buildings and*  
19 *debris of the Department of Defense, or for similar purposes,*  
20 *transfer the funds made available by this appropriation to*  
21 *other appropriations made available to the Department of*  
22 *Defense, to be merged with and to be available for the same*  
23 *purposes and for the same time period as the appropria-*  
24 *tions to which transferred: Provided further, That upon a*  
25 *determination that all or part of the funds transferred from*



1 *this appropriation are not necessary for the purposes pro-*  
2 *vided herein, such amounts may be transferred back to this*  
3 *appropriation.*

4       *ENVIRONMENTAL RESTORATION, FORMERLY USED*  
5                       *DEFENSE SITES*  
6                       *(INCLUDING TRANSFER OF FUNDS)*

7       *For the Department of the Army, \$295,249,000, to re-*  
8 *main available until transferred: Provided, That the Sec-*  
9 *retary of the Army shall, upon determining that such funds*  
10 *are required for environmental restoration, reduction and*  
11 *recycling of hazardous waste, removal of unsafe buildings*  
12 *and debris at sites formerly used by the Department of De-*  
13 *fense, transfer the funds made available by this appropria-*  
14 *tion to other appropriations made available to the Depart-*  
15 *ment of the Army, to be merged with and to be available*  
16 *for the same purposes and for the same time period as the*  
17 *appropriations to which transferred: Provided further, That*  
18 *upon a determination that all or part of the funds trans-*  
19 *ferred from this appropriation are not necessary for the*  
20 *purposes provided herein, such amounts may be transferred*  
21 *back to this appropriation.*

22       *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*

23       *For expenses relating to the Overseas Humanitarian,*  
24 *Disaster, and Civic Aid programs of the Department of De-*  
25 *fense (consisting of the programs provided under sections*

1 401, 402, 404, 407, 2557, and 2561 of title 10, United  
2 States Code), \$63,300,000, to remain available until Sep-  
3 tember 30, 2009.

4 *FORMER SOVIET UNION THREAT REDUCTION ACCOUNT*

5 *For assistance to the republics of the former Soviet*  
6 *Union, including assistance provided by contract or by*  
7 *grants, for facilitating the elimination and the safe and se-*  
8 *cure transportation and storage of nuclear, chemical and*  
9 *other weapons; for establishing programs to prevent the pro-*  
10 *liferation of weapons, weapons components, and weapon-*  
11 *related technology and expertise; for programs relating to*  
12 *the training and support of defense and military personnel*  
13 *for demilitarization and protection of weapons, weapons*  
14 *components and weapons technology and expertise, and for*  
15 *defense and military contacts, \$448,048,000, to remain*  
16 *available until September 30, 2010: Provided, That of the*  
17 *amounts provided under this heading, \$12,000,000 shall be*  
18 *available only to support the dismantling and disposal of*  
19 *nuclear submarines, submarine reactor components, and se-*  
20 *curity enhancements for transport and storage of nuclear*  
21 *warheads in the Russian Far East.*

1 *TITLE III*  
2 *PROCUREMENT*

3 *AIRCRAFT PROCUREMENT, ARMY*

4 *For construction, procurement, production, modifica-*  
5 *tion, and modernization of aircraft, equipment, including*  
6 *ordnance, ground handling equipment, spare parts, and ac-*  
7 *cessories therefor; specialized equipment and training de-*  
8 *vices; expansion of public and private plants, including the*  
9 *land necessary therefor, for the foregoing purposes, and such*  
10 *lands and interests therein, may be acquired, and construc-*  
11 *tion prosecuted thereon prior to approval of title; and pro-*  
12 *curement and installation of equipment, appliances, and*  
13 *machine tools in public and private plants; reserve plant*  
14 *and Government and contractor-owned equipment layaway;*  
15 *and other expenses necessary for the foregoing purposes,*  
16 *\$4,273,998,000, to remain available for obligation until*  
17 *September 30, 2010.*

18 *MISSILE PROCUREMENT, ARMY*

19 *For construction, procurement, production, modifica-*  
20 *tion, and modernization of missiles, equipment, including*  
21 *ordnance, ground handling equipment, spare parts, and ac-*  
22 *cessories therefor; specialized equipment and training de-*  
23 *vices; expansion of public and private plants, including the*  
24 *land necessary therefor, for the foregoing purposes, and such*  
25 *lands and interests therein, may be acquired, and construc-*

1 *tion prosecuted thereon prior to approval of title; and pro-*  
 2 *curement and installation of equipment, appliances, and*  
 3 *machine tools in public and private plants; reserve plant*  
 4 *and Government and contractor-owned equipment layaway;*  
 5 *and other expenses necessary for the foregoing purposes,*  
 6 *\$1,756,979,000, to remain available for obligation until*  
 7 *September 30, 2010.*

8       *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*  
 9                               *VEHICLES, ARMY*

10       *For construction, procurement, production, and modi-*  
 11 *fication of weapons and tracked combat vehicles, equipment,*  
 12 *including ordnance, spare parts, and accessories therefor;*  
 13 *specialized equipment and training devices; expansion of*  
 14 *public and private plants, including the land necessary*  
 15 *therefor, for the foregoing purposes, and such lands and in-*  
 16 *terests therein, may be acquired, and construction pros-*  
 17 *ecuted thereon prior to approval of title; and procurement*  
 18 *and installation of equipment, appliances, and machine*  
 19 *tools in public and private plants; reserve plant and Gov-*  
 20 *ernment and contractor-owned equipment layaway; and*  
 21 *other expenses necessary for the foregoing purposes,*  
 22 *\$3,122,889,000, to remain available for obligation until*  
 23 *September 30, 2010.*

1                    *PROCUREMENT OF AMMUNITION, ARMY*

2            *For construction, procurement, production, and modi-*  
3 *fication of ammunition, and accessories therefor; specialized*  
4 *equipment and training devices; expansion of public and*  
5 *private plants, including ammunition facilities, authorized*  
6 *by section 2854 of title 10, United States Code, and the*  
7 *land necessary therefor, for the foregoing purposes, and such*  
8 *lands and interests therein, may be acquired, and construc-*  
9 *tion prosecuted thereon prior to approval of title; and pro-*  
10 *curement and installation of equipment, appliances, and*  
11 *machine tools in public and private plants; reserve plant*  
12 *and Government and contractor-owned equipment layaway;*  
13 *and other expenses necessary for the foregoing purposes,*  
14 *\$2,208,976,000, to remain available for obligation until*  
15 *September 30, 2010.*

16                    *OTHER PROCUREMENT, ARMY*

17            *For construction, procurement, production, and modi-*  
18 *fication of vehicles, including tactical, support, and non-*  
19 *tracked combat vehicles; the purchase of passenger motor ve-*  
20 *hicles for replacement only; and the purchase of 3 vehicles*  
21 *required for physical security of personnel, notwithstanding*  
22 *price limitations applicable to passenger vehicles but not*  
23 *to exceed \$255,000 per vehicle; communications and elec-*  
24 *tronic equipment; other support equipment; spare parts,*  
25 *ordnance, and accessories therefor; specialized equipment*

1 *and training devices; expansion of public and private*  
2 *plants, including the land necessary therefor, for the fore-*  
3 *going purposes, and such lands and interests therein, may*  
4 *be acquired, and construction prosecuted thereon prior to*  
5 *approval of title; and procurement and installation of*  
6 *equipment, appliances, and machine tools in public and*  
7 *private plants; reserve plant and Government and con-*  
8 *tractor-owned equipment layaway; and other expenses nec-*  
9 *essary for the foregoing purposes, \$11,697,265,000, to re-*  
10 *main available for obligation until September 30, 2010.*

11 *AIRCRAFT PROCUREMENT, NAVY*

12 *For construction, procurement, production, modifica-*  
13 *tion, and modernization of aircraft, equipment, including*  
14 *ordnance, spare parts, and accessories therefor; specialized*  
15 *equipment; expansion of public and private plants, includ-*  
16 *ing the land necessary therefor, and such lands and inter-*  
17 *ests therein, may be acquired, and construction prosecuted*  
18 *thereon prior to approval of title; and procurement and in-*  
19 *stallation of equipment, appliances, and machine tools in*  
20 *public and private plants; reserve plant and Government*  
21 *and contractor-owned equipment layaway,*  
22 *\$12,599,744,000, to remain available for obligation until*  
23 *September 30, 2010.*

1                    *WEAPONS PROCUREMENT, NAVY*

2            *For construction, procurement, production, modifica-*  
3 *tion, and modernization of missiles, torpedoes, other weap-*  
4 *ons, and related support equipment including spare parts,*  
5 *and accessories therefor; expansion of public and private*  
6 *plants, including the land necessary therefor, and such*  
7 *lands and interests therein, may be acquired, and construc-*  
8 *tion prosecuted thereon prior to approval of title; and pro-*  
9 *curement and installation of equipment, appliances, and*  
10 *machine tools in public and private plants; reserve plant*  
11 *and Government and contractor-owned equipment layaway,*  
12 *\$3,094,687,000, to remain available for obligation until*  
13 *September 30, 2010.*

14            *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*15                    *CORPS*

16            *For construction, procurement, production, and modi-*  
17 *fication of ammunition, and accessories therefor; specialized*  
18 *equipment and training devices; expansion of public and*  
19 *private plants, including ammunition facilities, authorized*  
20 *by section 2854 of title 10, United States Code, and 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 *\$1,058,832,000, to remain available for obligation until*  
 4 *September 30, 2010.*

5 *SHIPBUILDING AND CONVERSION, NAVY*

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

18 *Carrier Replacement Program, \$2,703,953,000;*  
 19 *Carrier Replacement Program (AP),*  
 20 *\$124,401,000;*  
 21 *NSSN, \$1,796,191,000;*  
 22 *NSSN (AP), \$1,172,710,000;*  
 23 *CVN Refuelings (AP), \$297,344,000;*  
 24 *SSBN Submarine Refuelings, \$187,652,000;*  
 25 *SSBN Submarine Refuelings (AP), \$42,744,000;*



1           *DDG-1000 Program, \$2,807,437,000;*  
2           *DDG-1000 Program (AP), \$150,886,000;*  
3           *DDG-51 Destroyer, \$48,078,000;*  
4           *Littoral Combat Ship (AP), \$75,000,000;*  
5           *LPD-17, \$1,398,922,000;*  
6           *LHA-R, \$1,377,414,000;*  
7           *LCAC Service Life Extension Program,*  
8           *\$98,518,000;*  
9           *Prior year shipbuilding costs, \$511,474,000;*  
10          *Service Craft, \$32,903,000; and*  
11          *For outfitting, post delivery, conversions, and*  
12          *first destination transportation, \$379,811,000.*  
13          *In all: \$13,205,438,000, to remain available for obliga-*  
14          *tion until September 30, 2012: Provided, That additional*  
15          *obligations may be incurred after September 30, 2012, for*  
16          *engineering services, tests, evaluations, and other such budg-*  
17          *eted work that must be performed in the final stage of ship*  
18          *construction: Provided further, That none of the funds pro-*  
19          *vided under this heading for the construction or conversion*  
20          *of any naval vessel to be constructed in shipyards in the*  
21          *United States shall be expended in foreign facilities for the*  
22          *construction of major components of such vessel: Provided*  
23          *further, That none of the funds provided under this heading*  
24          *shall be used for the construction of any naval vessel in*  
25          *foreign shipyards.*

1                    *OTHER PROCUREMENT, NAVY*

2            *For procurement, production, and modernization of*  
3 *support equipment and materials not otherwise provided*  
4 *for, Navy ordnance (except ordnance for new aircraft, new*  
5 *ships, and ships authorized for conversion); the purchase*  
6 *of passenger motor vehicles for replacement only, and the*  
7 *purchase of 10 vehicles required for physical security of per-*  
8 *sonnel, notwithstanding price limitations applicable to pas-*  
9 *senger vehicles but not to exceed \$255,000 per vehicle; ex-*  
10 *pansion of public and private plants, including the land*  
11 *necessary therefor, and such lands and interests therein,*  
12 *may be acquired, and construction prosecuted thereon prior*  
13 *to approval of title; and procurement and installation of*  
14 *equipment, appliances, and machine tools in public and*  
15 *private plants; reserve plant and Government and con-*  
16 *tractor-owned equipment layaway, \$5,376,530,000, to re-*  
17 *main available for obligation until September 30, 2010.*

18                    *PROCUREMENT, MARINE CORPS*

19            *For expenses necessary for the procurement, manufac-*  
20 *ture, and modification of missiles, armament, military*  
21 *equipment, spare parts, and accessories therefor; plant*  
22 *equipment, appliances, and machine tools, and installation*  
23 *thereof in public and private plants; reserve plant and Gov-*  
24 *ernment and contractor-owned equipment layaway; vehicles*  
25 *for the Marine Corps, including the purchase of passenger*

1 *motor vehicles for replacement only; and expansion of pub-*  
2 *lic and private plants, including land necessary therefor,*  
3 *and such lands and interests therein, may be acquired, and*  
4 *construction prosecuted thereon prior to approval of title,*  
5 *\$2,091,897,000, to remain available for obligation until*  
6 *September 30, 2010.*

7 *AIRCRAFT PROCUREMENT, AIR FORCE*

8 *For construction, procurement, and modification of*  
9 *aircraft and equipment, including armor and armament,*  
10 *specialized ground handling equipment, and training de-*  
11 *vices, spare parts, and accessories therefor; specialized*  
12 *equipment; expansion of public and private plants, Govern-*  
13 *ment-owned equipment and installation thereof in such*  
14 *plants, erection of structures, and acquisition of land, for*  
15 *the foregoing purposes, and such lands and interests therein,*  
16 *may be acquired, and construction prosecuted thereon prior*  
17 *to approval of title; reserve plant and Government and con-*  
18 *tractor-owned equipment layaway; and other expenses nec-*  
19 *essary for the foregoing purposes including rents and trans-*  
20 *portation of things, \$12,133,900,000, to remain available*  
21 *for obligation until September 30, 2010.*

22 *MISSILE PROCUREMENT, AIR FORCE*

23 *For construction, procurement, and modification of*  
24 *missiles, spacecraft, rockets, and related equipment, includ-*  
25 *ing spare parts and accessories therefor, ground handling*

1 *equipment, and training devices; expansion of public and*  
 2 *private plants, Government-owned equipment and installa-*  
 3 *tion thereof in such plants, erection of structures, and ac-*  
 4 *quisition of land, for the foregoing purposes, and such lands*  
 5 *and interests therein, may be acquired, and construction*  
 6 *prosecuted thereon prior to approval of title; reserve plant*  
 7 *and Government and contractor-owned equipment layaway;*  
 8 *and other expenses necessary for the foregoing purposes in-*  
 9 *cluding rents and transportation of things, \$4,920,219,000,*  
 10 *to remain available for obligation until September 30,*  
 11 *2010.*

12 *PROCUREMENT OF AMMUNITION, AIR FORCE*

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

1 \$854,167,000, to remain available for obligation until Sep-  
2 tember 30, 2010.

3 *OTHER PROCUREMENT, AIR FORCE*

4 *For procurement and modification of equipment (in-*  
5 *cluding ground guidance and electronic control equipment,*  
6 *and ground electronic and communication equipment), and*  
7 *supplies, materials, and spare parts therefor, not otherwise*  
8 *provided for; the purchase of passenger motor vehicles for*  
9 *replacement only, and the purchase of 2 vehicles required*  
10 *for physical security of personnel, notwithstanding price*  
11 *limitations applicable to passenger vehicles but not to ex-*  
12 *ceed \$255,000 per vehicle; lease of passenger motor vehicles;*  
13 *and expansion of public and private plants, Government-*  
14 *owned equipment and installation thereof in such plants,*  
15 *erection of structures, and acquisition of land, for the fore-*  
16 *going purposes, and such lands and interests therein, may*  
17 *be acquired, and construction prosecuted thereon, prior to*  
18 *approval of title; reserve plant and Government and con-*  
19 *tractor-owned equipment layaway, \$15,517,127,000, to re-*  
20 *main available for obligation until September 30, 2010.*

21 *PROCUREMENT, DEFENSE-WIDE*

22 *For expenses of activities and agencies of the Depart-*  
23 *ment of Defense (other than the military departments) nec-*  
24 *essary for procurement, production, and modification of*  
25 *equipment, supplies, materials, and spare parts therefor,*

1 *not otherwise provided for; the purchase of passenger motor*  
2 *vehicles for replacement only, and the purchase of 5 vehicles*  
3 *required for physical security of personnel, notwithstanding*  
4 *prior limitations applicable to passenger vehicles but not*  
5 *to exceed \$255,000 per vehicle; expansion of public and pri-*  
6 *vate plants, equipment, and installation thereof in such*  
7 *plants, erection of structures, and acquisition of land for*  
8 *the foregoing purposes, and such lands and interests therein,*  
9 *may be acquired, and construction prosecuted thereon prior*  
10 *to approval of title; reserve plant and Government and con-*  
11 *tractor-owned equipment layaway, \$3,246,843,000, to re-*  
12 *main available for obligation until September 30, 2010.*

13 *NATIONAL GUARD AND RESERVE EQUIPMENT*

14 *For procurement of aircraft, missiles, tracked combat*  
15 *vehicles, ammunition, other weapons, and other procure-*  
16 *ment for the reserve components of the Armed Forces,*  
17 *\$1,000,000,000, to remain available for obligation until*  
18 *September 30, 2010: Provided, That the Chiefs of the Re-*  
19 *serve and National Guard components shall, not later than*  
20 *30 days after the enactment of this Act, individually submit*  
21 *to the congressional defense committees the modernization*  
22 *priority assessment for their respective Reserve or National*  
23 *Guard component.*

1           *DEFENSE PRODUCTION ACT PURCHASES*

2           *For activities by the Department of Defense pursuant*  
3 *to sections 108, 301, 302, and 303 of the Defense Production*  
4 *Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093),*  
5 *\$65,092,000, to remain available until expended.*

6                           *TITLE IV*

7           *RESEARCH, DEVELOPMENT, TEST AND*

8                           *EVALUATION*

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

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, \$11,355,005,000, to remain available for*  
14 *obligation until September 30, 2009.*

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

16          *For expenses necessary for basic and applied scientific*  
17 *research, development, test and evaluation, including main-*  
18 *tenance, rehabilitation, lease, and operation of facilities*  
19 *and equipment, \$17,472,210,000, to remain available for*  
20 *obligation until September 30, 2009: Provided, That funds*  
21 *appropriated in this paragraph which are available for the*  
22 *V-22 may be used to meet unique operational requirements*  
23 *of the Special Operations Forces: Provided further, That*  
24 *funds appropriated in this paragraph shall be available for*  
25 *the Cobra Judy program.*

8     *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*  
9     *DEFENSE-WIDE*

19 *OPERATIONAL TEST AND EVALUATION, DEFENSE***HR 3222 RS**



1 *evaluation; and administrative expenses in connection*  
 2 *therewith, \$180,264,000, to remain available for obligation*  
 3 *until September 30, 2009.*

#### 4 *TITLE V*

#### 5 *REVOLVING AND MANAGEMENT FUNDS*

#### 6 *DEFENSE WORKING CAPITAL FUNDS*

7 *For the Defense Working Capital Funds,*  
 8 *\$1,352,746,000.*

#### 9 *NATIONAL DEFENSE SEALIFT FUND*

10 *For National Defense Sealift Fund programs, projects,*  
 11 *and activities, and for expenses of the National Defense Re-*  
 12 *serve Fleet, as established by section 11 of the Merchant*  
 13 *Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the*  
 14 *necessary expenses to maintain and preserve a U.S.-flag*  
 15 *merchant fleet to serve the national security needs of the*  
 16 *United States, \$1,044,194,000, to remain available until ex-*  
 17 *pende: Provided, That none of the funds provided in this*  
 18 *paragraph shall be used to award a new contract that pro-*  
 19 *vides for the acquisition of any of the following major com-*  
 20 *ponents unless such components are manufactured in the*  
 21 *United States: auxiliary equipment, including pumps, for*  
 22 *all shipboard services; propulsion system components (that*  
 23 *is; engines, reduction gears, and propellers); shipboard*  
 24 *cranes; and spreaders for shipboard cranes: Provided fur-*  
 25 *ther, That the exercise of an option in a contract awarded*

1 *through the obligation of previously appropriated funds*  
 2 *shall not be considered to be the award of a new contract:*  
 3 *Provided further, That the Secretary of the military depart-*  
 4 *ment responsible for such procurement may waive the re-*  
 5 *strictions in the first proviso on a case-by-case basis by cer-*  
 6 *tifying in writing to the Committees on Appropriations of*  
 7 *the House of Representatives and the Senate that adequate*  
 8 *domestic supplies are not available to meet Department of*  
 9 *Defense requirements on a timely basis and that such an*  
 10 *acquisition must be made in order to acquire capability for*  
 11 *national security purposes.*

## 12 *TITLE VI*

### 13 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

#### 14 *DEFENSE HEALTH PROGRAM*

15 *For expenses, not otherwise provided for, for medical*  
 16 *and health care programs of the Department of Defense, as*  
 17 *authorized by law, \$23,490,051,000, of which*  
 18 *\$22,650,758,000 shall be for Operation and maintenance,*  
 19 *of which not to exceed one percent shall remain available*  
 20 *until September 30, 2009, and of which up to*  
 21 *\$12,341,286,000 may be available for contracts entered into*  
 22 *under the TRICARE program; of which \$362,261,000, to*  
 23 *remain available for obligation until September 30, 2010,*  
 24 *shall be for Procurement; and of which \$477,032,000, to re-*

1 *main available for obligation until September 30, 2009,*  
2 *shall be for Research, development, test and evaluation.*

3 *CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,*  
4 *DEFENSE*

5 *For expenses, not otherwise provided for, necessary for*  
6 *the destruction of the United States stockpile of lethal chem-*  
7 *ical agents and munitions, to include construction of facili-*  
8 *ties, in accordance with the provisions of section 1412 of*  
9 *the Department of Defense Authorization Act, 1986 (50*  
10 *U.S.C. 1521), and for the destruction of other chemical war-*  
11 *fare materials that are not in the chemical weapon stock-*  
12 *pile, \$1,517,724,000, of which \$1,186,500,000 shall be for*  
13 *Operation and maintenance; \$18,424,000 shall be for Pro-*  
14 *curement, to remain available until September 30, 2010;*  
15 *\$312,800,000 shall be for Research, development, test and*  
16 *evaluation, of which \$302,900,000 shall only be for the As-*  
17 *sembled Chemical Weapons Alternatives (ACWA) program,*  
18 *to remain available until September 30, 2008; and no less*  
19 *than \$124,618,000 shall be for the Chemical Stockpile*  
20 *Emergency Preparedness Program, of which \$36,373,000*  
21 *shall be for activities on military installations and of which*  
22 *\$88,245,000, to remain available until September 30, 2008,*  
23 *shall be to assist State and local governments.*

1     *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*  
2                                     *DEFENSE*

3                     *(INCLUDING TRANSFER OF FUNDS)*

4         *For drug interdiction and counter-drug activities of*  
5 *the Department of Defense, for transfer to appropriations*  
6 *available to the Department of Defense for military per-*  
7 *sonnel of the reserve components serving under the provi-*  
8 *sions of title 10 and title 32, United States Code; for Oper-*  
9 *ation and maintenance; for Procurement; and for Research,*  
10 *development, test and evaluation, \$962,603,000: Provided,*  
11 *That the funds appropriated under this heading shall be*  
12 *available for obligation for the same time period and for*  
13 *the same purpose as the appropriation to which transferred:*  
14 *Provided further, That upon a determination that all or*  
15 *part of the funds transferred from this appropriation are*  
16 *not necessary for the purposes provided herein, such*  
17 *amounts may be transferred back to this appropriation:*  
18 *Provided further, That the transfer authority provided*  
19 *under this heading is in addition to any other transfer au-*  
20 *thority contained elsewhere in this Act.*

21     *JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND*

22                     *(INCLUDING TRANSFER OF FUNDS)*

23         *For the “Joint Improvised Explosive Device Defeat*  
24 *Fund, \$120,000,000: Provided, That such funds shall be*  
25 *available to the Secretary of Defense, notwithstanding any*

1 other provision of law, for the purpose of allowing the Di-  
2 rector of the Joint Improvised Explosive Device Defeat Or-  
3 ganization to investigate, develop and provide equipment,  
4 supplies, services, training, facilities, personnel and funds  
5 to assist United States forces in the defeat of improvised  
6 explosive devices: Provided further, That within 60 days of  
7 the enactment of this Act, a plan for the intended manage-  
8 ment and use of the Fund is provided to the congressional  
9 defense committees: Provided further, That the Secretary of  
10 Defense shall submit a report not later than 30 days after  
11 the end of each fiscal quarter to the congressional defense  
12 committees providing assessments of the evolving threats,  
13 individual service requirements to counter the threats, the  
14 current strategy for predeployment training of members of  
15 the Armed Forces on improvised explosive devices, and de-  
16 tails on the execution of this Fund: Provided further, That  
17 the Secretary of Defense may transfer funds provided herein  
18 to appropriations for Operation and maintenance; Procure-  
19 ment; Research, development, test and evaluation; and de-  
20 fense working capital funds to accomplish the purpose pro-  
21 vided herein: Provided further, That amounts transferred  
22 shall be merged with and available for the same purposes  
23 and time period as the appropriations to which transferred:  
24 Provided further, That this transfer authority is in addi-  
25 tion to any other transfer authority available to the Depart-

1 *ment of Defense: Provided further, That the Secretary of*  
2 *Defense shall, not fewer than 5 days prior to making trans-*  
3 *fers from this appropriation, notify the congressional de-*  
4 *fense committees in writing of the details of any such trans-*  
5 *fer.*

6 *OFFICE OF THE INSPECTOR GENERAL*

7 *For expenses and activities of the Office of the Inspec-*  
8 *tor General in carrying out the provisions of the Inspector*  
9 *General Act of 1978, as amended, \$225,995,000, of which*  
10 *\$224,995,000 shall be for Operation and maintenance, of*  
11 *which not to exceed \$700,000 is available for emergencies*  
12 *and extraordinary expenses to be expended on the approval*  
13 *or authority of the Inspector General, and payments may*  
14 *be made on the Inspector General's certificate of necessity*  
15 *for confidential military purposes; and of which \$1,000,000,*  
16 *to remain available until September 30, 2010, shall be for*  
17 *Procurement.*

18 *TITLE VII*

19 *RELATED AGENCIES*

20 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*

21 *DISABILITY SYSTEM FUND*

22 *For payment to the Central Intelligence Agency Retire-*  
23 *ment and Disability System Fund, to maintain the proper*  
24 *funding level for continuing the operation of the Central*

1 *Intelligence Agency Retirement and Disability System,*  
2 *\$262,500,000.*

3 *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For necessary expenses of the Intelligence Community*  
6 *Management Account, \$709,376,000: Provided, That of the*  
7 *funds appropriated under this heading, \$16,000,000 shall*  
8 *be transferred to the Department of Justice for the National*  
9 *Drug Intelligence Center.*

10 *TITLE VIII*

11 *GENERAL PROVISIONS*

12 *SEC. 8001. No part of any appropriation contained*  
13 *in this Act shall be used for publicity or propaganda pur-*  
14 *poses not authorized by the Congress.*

15 *SEC. 8002. During the current fiscal year, provisions*  
16 *of law prohibiting the payment of compensation to, or em-*  
17 *ployment of, any person not a citizen of the United States*  
18 *shall not apply to personnel of the Department of Defense:*  
19 *Provided, That salary increases granted to direct and indi-*  
20 *rect hire foreign national employees of the Department of*  
21 *Defense funded by this Act shall not be at a rate in excess*  
22 *of the percentage increase authorized by law for civilian*  
23 *employees of the Department of Defense whose pay is com-*  
24 *puted under the provisions of section 5332 of title 5, United*  
25 *States Code, or at a rate in excess of the percentage increase*

1 *provided by the appropriate host nation to its own employ-*  
2 *ees, whichever is higher: Provided further, That this section*  
3 *shall not apply to Department of Defense foreign service*  
4 *national employees serving at United States diplomatic*  
5 *missions whose pay is set by the Department of State under*  
6 *the Foreign Service Act of 1980: Provided further, That the*  
7 *limitations of this provision shall not apply to foreign na-*  
8 *tional employees of the Department of Defense in the Re-*  
9 *public of Turkey.*

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

13 *SEC. 8004. No more than 20 percent of the appropria-*  
14 *tions in this Act which are limited for obligation during*  
15 *the current fiscal year shall be obligated during the last 2*  
16 *months of the fiscal year: Provided, That this section shall*  
17 *not apply to obligations for support of active duty training*  
18 *of reserve components or summer camp training of the Re-*  
19 *serve Officers' Training Corps.*

20 *(TRANSFER OF FUNDS)*

21 *SEC. 8005. Upon determination by the Secretary of*  
22 *Defense that such action is necessary in the national inter-*  
23 *est, he may, with the approval of the Office of Management*  
24 *and Budget, transfer not to exceed \$3,700,000,000 of work-*  
25 *ing capital funds of the Department of Defense or funds*  
26 *made available in this Act to the Department of Defense*



1 *for military functions (except military construction) be-*  
2 *tween such appropriations or funds or any subdivision*  
3 *thereof, to be merged with and to be available for the same*  
4 *purposes, and for the same time period, as the appropria-*  
5 *tion or fund to which transferred: Provided, That such au-*  
6 *thority to transfer may not be used unless for higher pri-*  
7 *ority items, based on unforeseen military requirements,*  
8 *than those for which originally appropriated and in no case*  
9 *where the item for which funds are requested has been de-*  
10 *nied by the Congress: Provided further, That the Secretary*  
11 *of Defense shall notify the Congress promptly of all transfers*  
12 *made pursuant to this authority or any other authority in*  
13 *this Act: Provided further, That no part of the funds in*  
14 *this Act shall be available to prepare or present a request*  
15 *to the Committees on Appropriations for reprogramming*  
16 *of funds, unless for higher priority items, based on unfore-*  
17 *seen military requirements, than those for which originally*  
18 *appropriated and in no case where the item for which re-*  
19 *programming is requested has been denied by the Congress:*  
20 *Provided further, That a request for multiple*  
21 *reprogrammings of funds using authority provided in this*  
22 *section must be made prior to June 30, 2008: Provided fur-*  
23 *ther, That transfers among military personnel appropria-*  
24 *tions shall not be taken into account for purposes of the*  
25 *limitation on the amount of funds that may be transferred*

1 under this section: Provided further, That no obligation of  
2 funds may be made pursuant to section 1206 of Public Law  
3 109–163 (or any successor provision) unless the Secretary  
4 of Defense has notified the congressional defense committees  
5 prior to any such obligation.

6        SEC. 8006. *The Secretaries of the Air Force and the*  
7 *Army are authorized, using funds available under the head-*  
8 *ing “Operation and Maintenance, Air Force” and “Oper-*  
9 *ation and Maintenance, Army”, to complete phased repair*  
10 *projects, of which repairs may include upgrades and addi-*  
11 *tions to Alaskan range infrastructure and training areas,*  
12 *to include improved access to these ranges.*

13 *(TRANSFER OF FUNDS)*

14        *SEC. 8007. During the current fiscal year, cash bal-*  
15 *ances in working capital funds of the Department of De-*  
16 *fense established pursuant to section 2208 of title 10, United*  
17 *States Code, may be maintained in only such amounts as*  
18 *are necessary at any time for cash disbursements to be made*  
19 *from such funds: Provided, That transfers may be made be-*  
20 *tween such funds: Provided further, That transfers may be*  
21 *made between working capital funds and the “Foreign Cur-*  
22 *rency Fluctuations, Defense” appropriation and the “Oper-*  
23 *ation and Maintenance” appropriation accounts in such*  
24 *amounts as may be determined by the Secretary of Defense,*  
25 *with the approval of the Office of Management and Budget,*  
26 *except that such transfers may not be made unless the Sec-*

1   retary of Defense has notified the Congress of the proposed  
2   transfer. Except in amounts equal to the amounts appro-  
3   priated to working capital funds in this Act, no obligations  
4   may be made against a working capital fund to procure  
5   or increase the value of war reserve material inventory, un-  
6   less the Secretary of Defense has notified the Congress prior  
7   to any such obligation.

8       SEC. 8008. Funds appropriated by this Act may not  
9   be used to initiate a special access program without prior  
10   notification 30 calendar days in advance to the congres-  
11   sional defense committees.

12       SEC. 8009. None of the funds provided in this Act shall  
13   be available to initiate: (1) a multiyear contract that em-  
14   ploys economic order quantity procurement in excess of  
15   \$20,000,000 in any 1 year of the contract or that includes  
16   an unfunded contingent liability in excess of \$20,000,000;  
17   or (2) a contract for advance procurement leading to a  
18   multiyear contract that employs economic order quantity  
19   procurement in excess of \$20,000,000 in any 1 year, unless  
20   the congressional defense committees have been notified at  
21   least 30 days in advance of the proposed contract award:  
22   Provided, That no part of any appropriation contained in  
23   this Act shall be available to initiate a multiyear contract  
24   for which the economic order quantity advance procurement  
25   is not funded at least to the limits of the Government's li-

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

15           *(1) the Secretary of Defense has submitted to*  
16       *Congress a budget request for full funding of units to*  
17       *be procured through the contract and, in the case of*  
18       *a contract for procurement of aircraft, that includes,*  
19       *for any aircraft unit to be procured through the con-*  
20       *tract for which procurement funds are requested in*  
21       *that budget request for production beyond advance*  
22       *procurement activities in the fiscal year covered by*  
23       *the budget, full funding of procurement of such unit*  
24       *in that fiscal year;*

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

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

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

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

13          *M1A2 Abrams System Enhancement Package Up-*  
14          *grades; M2A3/M3A3 Bradley Upgrades; and SSN Virginia*  
15          *Class Submarine.*

16          *SEC. 8010. Within the funds appropriated for the oper-*  
17          *ation and maintenance of the Armed Forces, funds are here-*  
18          *by appropriated pursuant to section 401 of title 10, United*  
19          *States Code, for humanitarian and civic assistance costs*  
20          *under chapter 20 of title 10, United States Code. Such funds*  
21          *may also be obligated for humanitarian and civic assist-*  
22          *ance costs incidental to authorized operations and pursuant*  
23          *to authority granted in section 401 of chapter 20 of title*  
24          *10, United States Code, and these obligations shall be re-*  
25          *ported as required by section 401(d) of title 10, United*

1 *States Code: Provided, That funds available for operation*  
2 *and maintenance shall be available for providing humani-*  
3 *tarian and similar assistance by using Civic Action Teams*  
4 *in the Trust Territories of the Pacific Islands and freely*  
5 *associated states of Micronesia, pursuant to the Compact*  
6 *of Free Association as authorized by Public Law 99-239:*  
7 *Provided further, That upon a determination by the Sec-*  
8 *retary of the Army that such action is beneficial for grad-*  
9 *uate medical education programs conducted at Army med-*  
10 *ical facilities located in Hawaii, the Secretary of the Army*  
11 *may authorize the provision of medical services at such fa-*  
12 *cilities and transportation to such facilities, on a non-*  
13 *reimbursable basis, for civilian patients from American*  
14 *Samoa, the Commonwealth of the Northern Mariana Is-*  
15 *lands, the Marshall Islands, the Federated States of Micro-*  
16 *nesia, Palau, and Guam.*

17       *SEC. 8011. (a) During fiscal year 2008, the civilian*  
18 *personnel of the Department of Defense may not be man-*  
19 *aged on the basis of any end-strength, and the management*  
20 *of such personnel during that fiscal year shall not be subject*  
21 *to any constraint or limitation (known as an end-strength)*  
22 *on the number of such personnel who may be employed on*  
23 *the last day of such fiscal year.*

24       *(b) The fiscal year 2009 budget request for the Depart-*  
25 *ment of Defense as well as all justification material and*

1 *other documentation supporting the fiscal year 2009 De-*  
2 *partment of Defense budget request shall be prepared and*  
3 *submitted to the Congress as if subsections (a) and (b) of*  
4 *this provision were effective with regard to fiscal year 2009.*

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

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

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

22 *SEC. 8014. (a) None of the funds appropriated by this*  
23 *Act shall be available to convert to contractor performance*  
24 *an activity or function of the Department of Defense that,*  
25 *on or after the date of the enactment of this Act, is per-*

1 *formed by more than 10 Department of Defense civilian em-*  
2 *ployees unless—*

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

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

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

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

19 *(3) the contractor does not receive an advantage*  
20 *for a proposal that would reduce costs for the Depart-*  
21 *ment of Defense by—*

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



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

8           (b)(1) The Department of Defense, without regard to  
9           subsection (a) of this section or subsection (a), (b), or (c)  
10          of section 2461 of title 10, United States Code, and notwith-  
11          standing any administrative regulation, requirement, or  
12          policy to the contrary shall have full authority to enter into  
13          a contract for the performance of any commercial or indus-  
14          trial type function of the Department of Defense that—

15               (A) is included on the procurement list estab-  
16               lished pursuant to section 2 of the Javits-Wagner-  
17               O'Day Act (41 U.S.C. 47);

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

22               (C) is planned to be converted to performance by  
23               a qualified firm under at least 51 percent ownership  
24               by an Indian tribe, as defined in section 4(e) of the  
25               Indian Self-Determination and Education Assistance

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

17        *SEC. 8015. Funds appropriated in title III of this Act*  
18 *for the Department of Defense Pilot Mentor-Protege Pro-*  
19 *gram may be transferred to any other appropriation con-*  
20 *tained in this Act solely for the purpose of implementing*  
21 *a Mentor-Protege Program developmental assistance agree-*  
22 *ment pursuant to section 831 of the National Defense Au-*  
23 *thorization Act for Fiscal Year 1991 (Public Law 101–510;*  
24 *10 U.S.C. 2302 note), as amended, under the authority of*  
25 *this provision or any other transfer authority contained in*  
26 *this Act.*

1        *SEC. 8016. None of the funds in this Act may be avail-*  
2 *able for the purchase by the Department of Defense (and*  
3 *its departments and agencies) of welded shipboard anchor*  
4 *and mooring chain 4 inches in diameter and under unless*  
5 *the anchor and mooring chain are manufactured in the*  
6 *United States from components which are substantially*  
7 *manufactured in the United States: Provided, That for the*  
8 *purpose of this section manufactured will include cutting,*  
9 *heat treating, quality control, testing of chain and welding*  
10 *(including the forging and shot blasting process): Provided*  
11 *further, That for the purpose of this section substantially*  
12 *all of the components of anchor and mooring chain shall*  
13 *be considered to be produced or manufactured in the United*  
14 *States if the aggregate cost of the components produced or*  
15 *manufactured in the United States exceeds the aggregate*  
16 *cost of the components produced or manufactured outside*  
17 *the United States: Provided further, That when adequate*  
18 *domestic supplies are not available to meet Department of*  
19 *Defense requirements on a timely basis, the Secretary of the*  
20 *service responsible for the procurement may waive this re-*  
21 *striction on a case-by-case basis by certifying in writing*  
22 *to the Committees on Appropriations that such an acquisi-*  
23 *tion must be made in order to acquire capability for na-*  
24 *tional security purposes.*

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

5       *SEC. 8018. No more than \$500,000 of the funds appro-*  
6   *priated or made available in this Act shall be used during*  
7   *a single fiscal year for any single relocation of an organiza-*  
8   *tion, unit, activity or function of the Department of Defense*  
9   *into or within the National Capital Region: Provided, That*  
10   *the Secretary of Defense may waive this restriction on a*  
11   *case-by-case basis by certifying in writing to the congres-*  
12   *sional defense committees that such a relocation is required*  
13   *in the best interest of the Government.*

14       *SEC. 8019. In addition to the funds provided elsewhere*  
15   *in this Act, \$15,000,000 is appropriated only for incentive*  
16   *payments authorized by section 504 of the Indian Financ-*  
17   *ing Act of 1974 (25 U.S.C. 1544): Provided, That a prime*  
18   *contractor or a subcontractor at any tier that makes a sub-*  
19   *contract award to any subcontractor or supplier as defined*  
20   *in section 1544 of title 25, United States Code, or a small*  
21   *business owned and controlled by an individual or individ-*  
22   *uals defined under section 4221(9) of title 25, United States*  
23   *Code, shall be considered a contractor for the purposes of*  
24   *being allowed additional compensation under section 504*  
25   *of the Indian Financing Act of 1974 (25 U.S.C. 1544)*

1 *whenever the prime contract or subcontract amount is over*  
2 *\$500,000 and involves the expenditure of funds appro-*  
3 *priated by an Act making Appropriations for the Depart-*  
4 *ment of Defense with respect to any fiscal year: Provided*  
5 *further, That notwithstanding section 430 of title 41,*  
6 *United States Code, this section shall be applicable to any*  
7 *Department of Defense acquisition of supplies or services,*  
8 *including any contract and any subcontract at any tier for*  
9 *acquisition of commercial items produced or manufactured,*  
10 *in whole or in part by any subcontractor or supplier de-*  
11 *finied in section 1544 of title 25, United States Code, or*  
12 *a small business owned and controlled by an individual or*  
13 *individuals defined under section 4221(9) of title 25,*  
14 *United States Code.*

15       *SEC. 8020. None of the funds appropriated by this Act*  
16 *shall be available to perform any cost study pursuant to*  
17 *the provisions of OMB Circular A-76 if the study being*  
18 *performed exceeds a period of 24 months after initiation*  
19 *of such study with respect to a single function activity or*  
20 *30 months after initiation of such study for a multi-func-*  
21 *tion activity.*

22       *SEC. 8021. Funds appropriated by this Act for the*  
23 *American Forces Information Service shall not be used for*  
24 *any national or international political or psychological ac-*  
25 *tivities.*

1       *SEC. 8022. During the current fiscal year, the Depart-*  
2       *ment of Defense is authorized to incur obligations of not*  
3       *to exceed \$350,000,000 for purposes specified in section*  
4       *2350j(c) of title 10, United States Code, in anticipation of*  
5       *receipt of contributions, only from the Government of Ku-*  
6       *wait, under that section: Provided, That upon receipt, such*  
7       *contributions from the Government of Kuwait shall be cred-*  
8       *ited to the appropriations or fund which incurred such obli-*  
9       *gations.*

10       *SEC. 8023. (a) Of the funds made available in this*  
11       *Act, not less than \$31,905,000 shall be available for the*  
12       *Civil Air Patrol Corporation, of which—*

13               *(1) \$26,553,000 shall be available from “Oper-*  
14               *ation and Maintenance, Air Force” to support Civil*  
15               *Air Patrol Corporation operation and maintenance,*  
16               *readiness, counterdrug activities, and drug demand*  
17               *reduction activities involving youth programs;*

18               *(2) \$4,477,000 shall be available from “Aircraft*  
19               *Procurement, Air Force”; and*

20               *(3) \$875,000 shall be available from “Other Pro-*  
21               *curement, Air Force” for vehicle procurement.*

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

1        *SEC. 8024. (a) None of the funds appropriated in this*  
2 *Act are available to establish a new Department of Defense*  
3 *(department) federally funded research and development*  
4 *center (FFRDC), either as a new entity, or as a separate*  
5 *entity administrated by an organization managing another*  
6 *FFRDC, or as a nonprofit membership corporation con-*  
7 *sisting of a consortium of other FFRDCs and other non-*  
8 *profit entities.*

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

21        *(c) Notwithstanding any other provision of law, none*  
22 *of the funds available to the department from any source*  
23 *during fiscal year 2008 may be used by a defense FFRDC,*  
24 *through a fee or other payment mechanism, for construction*  
25 *of new buildings, for payment of cost sharing for projects*

1 *funded by Government grants, for absorption of contract*  
2 *overruns, or for certain charitable contributions, not to in-*  
3 *clude employee participation in community service and/or*  
4 *development.*

5       *(d) Notwithstanding any other provision of law, of the*  
6 *funds available to the department during fiscal year 2008,*  
7 *not more than 5,517 staff years of technical effort (staff*  
8 *years) may be funded for defense FFRDCs: Provided, That*  
9 *of the specific amount referred to previously in this sub-*  
10 *section, not more than 1,060 staff years may be funded for*  
11 *the defense studies and analysis FFRDCs: Provided further,*  
12 *That this subsection shall not apply to staff years funded*  
13 *in the National Intelligence Program (NIP) and the Mili-*  
14 *tary Intelligence Program (MIP).*

15       *(e) The Secretary of Defense shall, with the submission*  
16 *of the department's fiscal year 2009 budget request, submit*  
17 *a report presenting the specific amounts of staff years of*  
18 *technical effort to be allocated for each defense FFRDC dur-*  
19 *ing that fiscal year and the associated budget estimates.*

20       *(f) Notwithstanding any other provision of this Act,*  
21 *the total amount appropriated in this Act for FFRDCs is*  
22 *hereby reduced by \$53,428,000.*

23       *SEC. 8025. None of the funds appropriated or made*  
24 *available in this Act shall be used to procure carbon, alloy*  
25 *or armor steel plate for use in any Government-owned facil-*



1 *ity or property under the control of the Department of De-*  
2 *fense which were not melted and rolled in the United States*  
3 *or Canada: Provided, That these procurement restrictions*  
4 *shall apply to any and all Federal Supply Class 9515,*  
5 *American Society of Testing and Materials (ASTM) or*  
6 *American Iron and Steel Institute (AISI) specifications of*  
7 *carbon, alloy or armor steel plate: Provided further, That*  
8 *the Secretary of the military department responsible for the*  
9 *procurement may waive this restriction on a case-by-case*  
10 *basis by certifying in writing to the Committees on Appro-*  
11 *priations of the House of Representatives and the Senate*  
12 *that adequate domestic supplies are not available to meet*  
13 *Department of Defense requirements on a timely basis and*  
14 *that such an acquisition must be made in order to acquire*  
15 *capability for national security purposes: Provided further,*  
16 *That these restrictions shall not apply to contracts which*  
17 *are in being as of the date of the enactment of this Act.*

18       *SEC. 8026. For the purposes of this Act, the term “con-*  
19 *gressional defense committees” means the Armed Services*  
20 *Committee of the House of Representatives, the Armed Serv-*  
21 *ices Committee of the Senate, the Subcommittee on Defense*  
22 *of the Committee on Appropriations of the Senate, and the*  
23 *Subcommittee on Defense of the Committee on Appropria-*  
24 *tions of the House of Representatives.*

1       *SEC. 8027. During the current fiscal year, the Depart-*  
2       *ment of Defense may acquire the modification, depot main-*  
3       *tenance and repair of aircraft, vehicles and vessels as well*  
4       *as the production of components and other Defense-related*  
5       *articles, through competition between Department of De-*  
6       *fense depot maintenance activities and private firms: Pro-*  
7       *vided, That the Senior Acquisition Executive of the military*  
8       *department or Defense Agency concerned, with power of del-*  
9       *egation, shall certify that successful bids include comparable*  
10       *estimates of all direct and indirect costs for both public and*  
11       *private bids: Provided further, That Office of Management*  
12       *and Budget Circular A-76 shall not apply to competitions*  
13       *conducted under this section.*

14       *SEC. 8028. (a)(1) If the Secretary of Defense, after con-*  
15       *sultation with the United States Trade Representative, de-*  
16       *termines that a foreign country which is party to an agree-*  
17       *ment described in paragraph (2) has violated the terms of*  
18       *the agreement by discriminating against certain types of*  
19       *products produced in the United States that are covered by*  
20       *the agreement, the Secretary of Defense shall rescind the*  
21       *Secretary's blanket waiver of the Buy American Act with*  
22       *respect to such types of products produced in that foreign*  
23       *country.*

24       *(2) An agreement referred to in paragraph (1) is any*  
25       *reciprocal defense procurement memorandum of under-*

1 *standing, between the United States and a foreign country*  
2 *pursuant to which the Secretary of Defense has prospec-*  
3 *tively waived the Buy American Act for certain products*  
4 *in that country.*

5       **(b)** *The Secretary of Defense shall submit to the Con-*  
6 *gress a report on the amount of Department of Defense pur-*  
7 *chases from foreign entities in fiscal year 2008. Such report*  
8 *shall separately indicate the dollar value of items for which*  
9 *the Buy American Act was waived pursuant to any agree-*  
10 *ment described in subsection (a)(2), the Trade Agreement*  
11 *Act of 1979 (19 U.S.C. 2501 et seq.), or any international*  
12 *agreement to which the United States is a party.*

13       **(c)** *For purposes of this section, the term “Buy Amer-*  
14 *ican Act” means title III of the Act entitled “An Act mak-*  
15 *ing appropriations for the Treasury and Post Office De-*  
16 *partments for the fiscal year ending June 30, 1934, and*  
17 *for other purposes”, approved March 3, 1933 (41 U.S.C.*  
18 *10a et seq.).*

19       **SEC. 8029.** *Notwithstanding any other provision of*  
20 *law, funds available during the current fiscal year and*  
21 *hereafter for “Drug Interdiction and Counter-Drug Activi-*  
22 *ties, Defense” may be obligated for the Young Marines pro-*  
23 *gram.*

24       **SEC. 8030.** *During the current fiscal year, amounts*  
25 *contained in the Department of Defense Overseas Military*

1 *Facility Investment Recovery Account established by section*  
2 *2921(c)(1) of the National Defense Authorization Act of*  
3 *1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be*  
4 *available until expended for the payments specified by sec-*  
5 *tion 2921(c)(2) of that Act.*

6       *SEC. 8031. (a) Notwithstanding any other provision*  
7 *of law, the Secretary of the Air Force may convey at no*  
8 *cost to the Air Force, without consideration, to Indian*  
9 *tribes located in the States of North Dakota, South Dakota,*  
10 *Montana, and Minnesota relocatable military housing units*  
11 *located at Grand Forks Air Force Base and Minot Air*  
12 *Force Base that are excess to the needs of the Air Force.*

13       *(b) The Secretary of the Air Force shall convey, at no*  
14 *cost to the Air Force, military housing units under sub-*  
15 *section (a) in accordance with the request for such units*  
16 *that are submitted to the Secretary by the Operation Walk-*  
17 *ing Shield Program on behalf of Indian tribes located in*  
18 *the States of North Dakota, South Dakota, Montana, and*  
19 *Minnesota.*

20       *(c) The Operation Walking Shield Program shall re-*  
21 *solve any conflicts among requests of Indian tribes for hous-*  
22 *ing units under subsection (a) before submitting requests*  
23 *to the Secretary of the Air Force under subsection (b).*

24       *(d) In this section, the term “Indian tribe” means any*  
25 *recognized Indian tribe included on the current list pub-*

1 *lished by the Secretary of the Interior under section 104*  
2 *of the Federally Recognized Indian Tribe Act of 1994 (Pub-*  
3 *lic Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).*

4 *SEC. 8032. During the current fiscal year, appropria-*  
5 *tions which are available to the Department of Defense for*  
6 *operation and maintenance may be used to purchase items*  
7 *having an investment item unit cost of not more than*  
8 *\$250,000.*

9 *SEC. 8033. (a) During the current fiscal year, none*  
10 *of the appropriations or funds available to the Department*  
11 *of Defense Working Capital Funds shall be used for the pur-*  
12 *chase of an investment item for the purpose of acquiring*  
13 *a new inventory item for sale or anticipated sale during*  
14 *the current fiscal year or a subsequent fiscal year to cus-*  
15 *tomers of the Department of Defense Working Capital*  
16 *Funds if such an item would not have been chargeable to*  
17 *the Department of Defense Business Operations Fund dur-*  
18 *ing fiscal year 1994 and if the purchase of such an invest-*  
19 *ment item would be chargeable during the current fiscal*  
20 *year to appropriations made to the Department of Defense*  
21 *for procurement.*

22 *(b) The fiscal year 2009 budget request for the Depart-*  
23 *ment of Defense as well as all justification material and*  
24 *other documentation supporting the fiscal year 2009 De-*  
25 *partment of Defense budget shall be prepared and submitted*

1 *to the Congress on the basis that any equipment which was*  
2 *classified as an end item and funded in a procurement ap-*  
3 *propriation contained in this Act shall be budgeted for in*  
4 *a proposed fiscal year 2009 procurement appropriation and*  
5 *not in the supply management business area or any other*  
6 *area or category of the Department of Defense Working*  
7 *Capital Funds.*

8       *SEC. 8034. None of the funds appropriated by this Act*  
9 *for programs of the Central Intelligence Agency shall re-*  
10 *main available for obligation beyond the current fiscal year,*  
11 *except for funds appropriated for the Reserve for Contin-*  
12 *gencies, which shall remain available until September 30,*  
13 *2009: Provided, That funds appropriated, transferred, or*  
14 *otherwise credited to the Central Intelligence Agency Cen-*  
15 *tral Services Working Capital Fund during this or any*  
16 *prior or subsequent fiscal year shall remain available until*  
17 *expended: Provided further, That any funds appropriated*  
18 *or transferred to the Central Intelligence Agency for ad-*  
19 *vanced research and development acquisition, for agent op-*  
20 *erations, and for covert action programs authorized by the*  
21 *President under section 503 of the National Security Act*  
22 *of 1947, as amended, shall remain available until Sep-*  
23 *tember 30, 2009.*

24       *SEC. 8035. Notwithstanding any other provision of*  
25 *law, funds made available in this Act for the Defense Intel-*

1 *ligence Agency may be used for the design, development, and*  
2 *deployment of General Defense Intelligence Program intel-*  
3 *ligence communications and intelligence information sys-*  
4 *tems for the Services, the Unified and Specified Commands,*  
5 *and the component commands.*

6       *SEC. 8036. Of the funds appropriated to the Depart-*  
7 *ment of Defense under the heading “Operation and Mainte-*  
8 *nance, Defense-Wide”, not less than \$10,000,000 shall be*  
9 *made available only for the mitigation of environmental*  
10 *impacts, including training and technical assistance to*  
11 *tribes, related administrative support, the gathering of in-*  
12 *formation, documenting of environmental damage, and de-*  
13 *veloping a system for prioritization of mitigation and cost*  
14 *to complete estimates for mitigation, on Indian lands re-*  
15 *sulting from Department of Defense activities.*

16       *SEC. 8037. (a) None of the funds appropriated in this*  
17 *Act may be expended by an entity of the Department of*  
18 *Defense unless the entity, in expending the funds, complies*  
19 *with the Buy American Act. For purposes of this subsection,*  
20 *the term “Buy American Act” means title III of the Act*  
21 *entitled “An Act making appropriations for the Treasury*  
22 *and Post Office Departments for the fiscal year ending June*  
23 *30, 1934, and for other purposes”, approved March 3, 1933*  
24 *(41 U.S.C. 10a et seq.).*

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

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

16       *SEC. 8038. None of the funds appropriated by this Act*  
17 *shall be available for a contract for studies, analysis, or*  
18 *consulting services entered into without competition on the*  
19 *basis of an unsolicited proposal unless the head of the activ-*  
20 *ity responsible for the procurement determines—*

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

24               (2) *the purpose of the contract is to explore an*  
25       *unsolicited proposal which offers significant scientific*



1       or technological promise, represents the product of  
2       original thinking, and was submitted in confidence  
3       by one source; or

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

16       SEC. 8039. (a) *Except as provided in subsection (b)*  
17       *and (c), none of the funds made available by this Act may*  
18       *be used—*

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

20               (2) *to pay the basic pay of a member of the*  
21       *Armed Forces or civilian employee of the department*  
22       *who is transferred or reassigned from a headquarters*  
23       *activity if the member or employee's place of duty re-*  
24       *mains at the location of that headquarters.*

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

15        *SEC. 8040. The Secretary of Defense, notwithstanding*  
16   *any other provision of law, acting through the Office of Eco-*  
17   *nomic Adjustment of the Department of Defense, may use*  
18   *funds made available in this Act under the heading “Oper-*  
19   *ation and Maintenance, Defense-Wide” to make grants and*  
20   *supplement other Federal funds in accordance with the*  
21   *guidance provided in the report of the Committee on Appro-*  
22   *priations of the Senate accompanying this Act.*

24 SEC. 8041. Of the funds appropriated in Department  
25 of Defense Appropriations Acts, the following funds are

1 *hereby rescinded from the following accounts and programs*  
2 *in the specified amounts:*

3           *“Procurement, Marine Corps, 2006/2008”,*  
4           *\$15,000,000;*

5           *“Missile Procurement, Army, 2007/2009”,*  
6           *\$18,100,000;*

7           *“Procurement, Defense-Wide, 2007/2009”,*  
8           *\$15,913,000;*

9           *“Research, Development, Test and Evaluation,*  
10          *Army, 2007/2008”, \$13,300,000;*

11          *“Research, Development, Test and Evaluation,*  
12          *Air Force, 2007/2008”, \$75,000,000;*

13          *“Research, Development, Test and Evaluation,*  
14          *Defense-Wide, 2007/2008”, \$144,000,000;*

15          *“Shipbuilding and Conversion, Navy, 2007/*  
16          *2011”, \$300,000,000; and*

17          *“Aircraft Procurement, Air Force, 2007/2009”,*  
18          *\$72,000,000.*

19          *SEC. 8042. None of the funds available in this Act may*  
20          *be used to reduce the authorized positions for military (ci-*  
21          *vilian) technicians of the Army National Guard, the Air*  
22          *National Guard, Army Reserve and Air Force Reserve for*  
23          *the purpose of applying any administratively imposed ci-*  
24          *vilian personnel ceiling, freeze, or reduction on military (ci-*

1 *vilian) technicians, unless such reductions are a direct re-*  
2 *sult of a reduction in military force structure.*

3 *SEC. 8043. None of the funds appropriated or other-*  
4 *wise made available in this Act may be obligated or ex-*  
5 *pended for assistance to the Democratic People's Republic*  
6 *of Korea unless specifically appropriated for that purpose.*

7 *SEC. 8044. Funds appropriated in this Act for oper-*  
8 *ation and maintenance of the Military Departments, Com-*  
9 *batant Commands and Defense Agencies shall be available*  
10 *for reimbursement of pay, allowances and other expenses*  
11 *which would otherwise be incurred against appropriations*  
12 *for the National Guard and Reserve when members of the*  
13 *National Guard and Reserve provide intelligence or coun-*  
14 *terintelligence support to Combatant Commands, Defense*  
15 *Agencies and Joint Intelligence Activities, including the ac-*  
16 *tivities and programs included within the National Intel-*  
17 *ligence Program and the Military Intelligence Program:*  
18 *Provided, That nothing in this section authorizes deviation*  
19 *from established Reserve and National Guard personnel and*  
20 *training procedures.*

21 *SEC. 8045. During the current fiscal year, none of the*  
22 *funds appropriated in this Act may be used to reduce the*  
23 *civilian medical and medical support personnel assigned to*  
24 *military treatment facilities below the September 30, 2003,*  
25 *level: Provided, That the Service Surgeons General may*

1 *waive this section by certifying to the congressional defense*  
2 *committees that the beneficiary population is declining in*  
3 *some catchment areas and civilian strength reductions may*  
4 *be consistent with responsible resource stewardship and*  
5 *capitation-based budgeting.*

6 *SEC. 8046. (a) None of the funds available to the De-*  
7 *partment of Defense for any fiscal year for drug interdic-*  
8 *tion or counter-drug activities may be transferred to any*  
9 *other department or agency of the United States except as*  
10 *specifically provided in an appropriations law.*

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

16 *SEC. 8047. None of the funds appropriated by this Act*  
17 *may be used for the procurement of ball and roller bearings*  
18 *other than those produced by a domestic source and of do-*  
19 *mestic origin: Provided, That the Secretary of the military*  
20 *department responsible for such procurement may waive*  
21 *this restriction on a case-by-case basis by certifying in writ-*  
22 *ing to the Committees on Appropriations of the House of*  
23 *Representatives and the Senate, that adequate domestic*  
24 *supplies are not available to meet Department of Defense*  
25 *requirements on a timely basis and that such an acquisition*

1 *must be made in order to acquire capability for national*  
2 *security purposes: Provided further, That this restriction*  
3 *shall not apply to the purchase of “commercial items”, as*  
4 *defined by section 4(12) of the Office of Federal Procure-*  
5 *ment Policy Act, except that the restriction shall apply to*  
6 *ball or roller bearings purchased as end items.*

7       *SEC. 8048. None of the funds in this Act may be used*  
8 *to purchase any supercomputer which is not manufactured*  
9 *in the United States, unless the Secretary of Defense cer-*  
10 *tifies to the congressional defense committees that such an*  
11 *acquisition must be made in order to acquire capability for*  
12 *national security purposes that is not available from*  
13 *United States manufacturers.*

14       *SEC. 8049. None of the funds made available in this*  
15 *or any other Act may be used to pay the salary of any*  
16 *officer or employee of the Department of Defense who ap-*  
17 *proves or implements the transfer of administrative respon-*  
18 *sibilities or budgetary resources of any program, project,*  
19 *or activity financed by this Act to the jurisdiction of an-*  
20 *other Federal agency not financed by this Act without the*  
21 *express authorization of Congress: Provided, That this limi-*  
22 *tation shall not apply to transfers of funds expressly pro-*  
23 *vided for in Defense Appropriations Acts, or provisions of*  
24 *Acts providing supplemental appropriations for the De-*  
25 *partment of Defense.*

1        *SEC. 8050. (a) Notwithstanding any other provision*  
2 *of law, none of the funds available to the Department of*  
3 *Defense for the current fiscal year may be obligated or ex-*  
4 *pended to transfer to another nation or an international*  
5 *organization any defense articles or services (other than in-*  
6 *telligence services) for use in the activities described in sub-*  
7 *section (b) unless the congressional defense committees, the*  
8 *Committee on International Relations of the House of Rep-*  
9 *resentatives, and the Committee on Foreign Relations of the*  
10 *Senate are notified 15 days in advance of such transfer.*

11        *(b) This section applies to—*

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

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

19        *(c) A notice under subsection (a) shall include the fol-*  
20 *lowing:*

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

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

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

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

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

12          SEC. 8051. *None of the funds available to the Depart-*  
 13          *ment of Defense under this Act shall be obligated or ex-*  
 14          *pende to pay a contractor under a contract with the De-*  
 15          *partment of Defense for costs of any amount paid by the*  
 16          *contractor to an employee when—*

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

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

22                               (INCLUDING TRANSFER OF FUNDS)

23          SEC. 8052. *During the current fiscal year, no more*  
 24          *than \$30,000,000 of appropriations made in this Act under*  
 25          *the heading “Operation and Maintenance, Defense-Wide”*  
 26          *may be transferred to appropriations available for the pay*



1 of military personnel, to be merged with, and to be available  
2 for the same time period as the appropriations to which  
3 transferred, to be used in support of such personnel in con-  
4 nection with support and services for eligible organizations  
5 and activities outside the Department of Defense pursuant  
6 to section 2012 of title 10, United States Code.

7       SEC. 8053. During the current fiscal year, in the case  
8 of an appropriation account of the Department of Defense  
9 for which the period of availability for obligation has ex-  
10 pired or which has closed under the provisions of section  
11 1552 of title 31, United States Code, and which has a nega-  
12 tive unliquidated or unexpended balance, an obligation or  
13 an adjustment of an obligation may be charged to any cur-  
14 rent appropriation account for the same purpose as the ex-  
15 pired or closed account if—

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

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

23           (3) in the case of an expired account, the obliga-  
24 tion is not chargeable to a current appropriation of  
25 the Department of Defense under the provisions of sec-

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

14       *SEC. 8054. (a) Notwithstanding any other provision*  
15       *of law, the Chief of the National Guard Bureau may permit*  
16       *the use of equipment of the National Guard Distance Learn-*  
17       *ing Project by any person or entity on a space-available,*  
18       *reimbursable basis. The Chief of the National Guard Bu-*  
19       *reau shall establish the amount of reimbursement for such*  
20       *use on a case-by-case basis.*

21       *(b) Amounts collected under subsection (a) shall be*  
22       *credited to funds available for the National Guard Distance*  
23       *Learning Project and be available to defray the costs associ-*  
24       *ated with the use of equipment of the project under that*

1 subsection. Such funds shall be available for such purposes  
2 without fiscal year limitation.

3       SEC. 8055. Using funds available by this Act or any  
4 other Act, the Secretary of the Air Force, pursuant to a  
5 determination under section 2690 of title 10, United States  
6 Code, may implement cost-effective agreements for required  
7 heating facility modernization in the Kaiserslautern Mili-  
8 tary Community in the Federal Republic of Germany: Pro-  
9 vided, That in the City of Kaiserslautern such agreements  
10 will include the use of United States anthracite as the base  
11 load energy for municipal district heat to the United States  
12 Defense installations: Provided further, That at Landstuhl  
13 Army Regional Medical Center and Ramstein Air Base,  
14 furnished heat may be obtained from private, regional or  
15 municipal services, if provisions are included for the con-  
16 sideration of United States coal as an energy source.

17       SEC. 8056. None of the funds appropriated in title IV  
18 of this Act may be used to procure end-items for delivery  
19 to military forces for operational training, operational use  
20 or inventory requirements: Provided, That this restriction  
21 does not apply to end-items used in development, proto-  
22 typing, and test activities preceding and leading to accept-  
23 ance for operational use: Provided further, That this restric-  
24 tion does not apply to programs funded within the National  
25 Intelligence Program: Provided further, That the Secretary

1 *of Defense may waive this restriction on a case-by-case basis*  
2 *by certifying in writing to the Committees on Appropria-*  
3 *tions of the House of Representatives and the Senate that*  
4 *it is in the national security interest to do so.*

5 *SEC. 8057. Notwithstanding any other provision of*  
6 *law, funds available to the Department of Defense in this*  
7 *Act shall be made available to provide transportation of*  
8 *medical supplies and equipment, on a nonreimbursable*  
9 *basis, to American Samoa, and funds available to the De-*  
10 *partment of Defense shall be made available to provide*  
11 *transportation of medical supplies and equipment, on a*  
12 *nonreimbursable basis, to the Indian Health Service when*  
13 *it is in conjunction with a civil-military project.*

14 *SEC. 8058. None of the funds made available in this*  
15 *Act may be used to approve or license the sale of the F-*  
16 *22A advanced tactical fighter to any foreign government.*

17 *SEC. 8059. (a) The Secretary of Defense may, on a*  
18 *case-by-case basis, waive with respect to a foreign country*  
19 *each limitation on the procurement of defense items from*  
20 *foreign sources provided in law if the Secretary determines*  
21 *that the application of the limitation with respect to that*  
22 *country would invalidate cooperative programs entered into*  
23 *between the Department of Defense and the foreign country,*  
24 *or would invalidate reciprocal trade agreements for the pro-*  
25 *curement of defense items entered into under section 2531*

1 *of title 10, United States Code, and the country does not*  
2 *discriminate against the same or similar defense items pro-*  
3 *duced in the United States for that country.*

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

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

7 *(2) options for the procurement of items that are*  
8 *exercised after such date under contracts that are en-*  
9 *tered into before such date if the option prices are ad-*  
10 *justed for any reason other than the application of a*  
11 *waiver granted under subsection (a).*

12 *(c) Subsection (a) does not apply to a limitation re-*  
13 *garding construction of public vessels, ball and roller bear-*  
14 *ings, food, and clothing or textile materials as defined by*  
15 *section 11 (chapters 50–65) of the Harmonized Tariff*  
16 *Schedule and products classified under headings 4010,*  
17 *4202, 4203, 6401 through 6406, 6505, 7019, 7218 through*  
18 *7229, 7304.41 through 7304.49, 7306.40, 7502 through*  
19 *7508, 8105, 8108, 8109, 8211, 8215, and 9404.*

20 *SEC. 8060. (a) None of the funds made available by*  
21 *this Act may be used to support any training program in-*  
22 *volving a unit of the security forces of a foreign country*  
23 *if the Secretary of Defense has received credible information*  
24 *from the Department of State that the unit has committed*

1 *a gross violation of human rights, unless all necessary cor-*  
2 *rective steps have been taken.*

3 *(b) The Secretary of Defense, in consultation with the*  
4 *Secretary of State, shall ensure that prior to a decision to*  
5 *conduct any training program referred to in subsection (a),*  
6 *full consideration is given to all credible information avail-*  
7 *able to the Department of State relating to human rights*  
8 *violations by foreign security forces.*

9 *(c) The Secretary of Defense, after consultation with*  
10 *the Secretary of State, may waive the prohibition in sub-*  
11 *section (a) if he determines that such waiver is required*  
12 *by extraordinary circumstances.*

13 *(d) Not more than 15 days after the exercise of any*  
14 *waiver under subsection (c), the Secretary of Defense shall*  
15 *submit a report to the congressional defense committees de-*  
16 *scribing the extraordinary circumstances, the purpose and*  
17 *duration of the training program, the United States forces*  
18 *and the foreign security forces involved in the training pro-*  
19 *gram, and the information relating to human rights viola-*  
20 *tions that necessitates the waiver.*

21 *SEC. 8061. None of the funds appropriated or made*  
22 *available in this Act to the Department of the Navy shall*  
23 *be used to develop, lease or procure the T-AKE class of ships*  
24 *unless the main propulsion diesel engines and propulsors*  
25 *are manufactured in the United States by a domestically*

1 *operated entity: Provided, That the Secretary of Defense*  
2 *may waive this restriction on a case-by-case basis by certi-*  
3 *fying in writing to the Committees on Appropriations of*  
4 *the House of Representatives and the Senate that adequate*  
5 *domestic supplies are not available to meet Department of*  
6 *Defense requirements on a timely basis and that such an*  
7 *acquisition must be made in order to acquire capability for*  
8 *national security purposes or there exists a significant cost*  
9 *or quality difference.*

10 *SEC. 8062. None of the funds appropriated or other-*  
11 *wise made available by this or other Department of Defense*  
12 *Appropriations Acts may be obligated or expended for the*  
13 *purpose of performing repairs or maintenance to military*  
14 *family housing units of the Department of Defense, includ-*  
15 *ing areas in such military family housing units that may*  
16 *be used for the purpose of conducting official Department*  
17 *of Defense business.*

18 *SEC. 8063. Notwithstanding any other provision of*  
19 *law, funds appropriated in this Act under the heading “Re-*  
20 *search, Development, Test and Evaluation, Defense-Wide”*  
21 *for any new start advanced concept technology demonstra-*  
22 *tion project or joint capability demonstration project may*  
23 *only be obligated 30 days after a report, including a de-*  
24 *scription of the project, the planned acquisition and transi-*  
25 *tion strategy and its estimated annual and total cost, has*

1 *been provided in writing to the congressional defense com-*  
2 *mittees: Provided, That the Secretary of Defense may waive*  
3 *this restriction on a case-by-case basis by certifying to the*  
4 *congressional defense committees that it is in the national*  
5 *interest to do so.*

6       *SEC. 8064. The Secretary of Defense shall provide a*  
7 *classified quarterly report beginning 30 days after enact-*  
8 *ment of this Act, to the House and Senate Appropriations*  
9 *Committees, Subcommittees on Defense on certain matters*  
10 *as directed in the classified annex accompanying this Act.*

11       *SEC. 8065. Beginning in the current fiscal year and*  
12 *hereafter, refunds attributable to the use of the Government*  
13 *travel card, refunds attributable to the use of the Govern-*  
14 *ment Purchase Card and refunds attributable to official*  
15 *Government travel arranged by Government Contracted*  
16 *Travel Management Centers may be credited to operation*  
17 *and maintenance, and research, development, test and eval-*  
18 *uation accounts of the Department of Defense which are*  
19 *current when the refunds are received.*

20       *SEC. 8066. (a) None of the funds appropriated in this*  
21 *Act may be used for a mission critical or mission essential*  
22 *financial management information technology system (in-*  
23 *cluding a system funded by the defense working capital*  
24 *fund) that is not registered with the Chief Information Offi-*  
25 *cer of the Department of Defense. A system shall be consid-*



1 *ered to be registered with that officer upon the furnishing*  
2 *to that officer of notice of the system, together with such*  
3 *information concerning the system as the Secretary of De-*  
4 *fense may prescribe. A financial management information*  
5 *technology system shall be considered a mission critical or*  
6 *mission essential information technology system as defined*  
7 *by the Under Secretary of Defense (Comptroller).*

8       *(b)(1) During the current fiscal year, a financial man-*  
9 *agement automated information system, a mixed informa-*  
10 *tion system supporting financial and non-financial sys-*  
11 *tems, or a system improvement of more than \$1,000,000*  
12 *may not receive Milestone A approval, Milestone B ap-*  
13 *proval, or full rate production, or their equivalent, within*  
14 *the Department of Defense until the Under Secretary of De-*  
15 *fense (Comptroller) certifies, with respect to that milestone,*  
16 *that the system is being developed and managed in accord-*  
17 *ance with the Department's Financial Management Mod-*  
18 *ernization Plan. The Under Secretary of Defense (Comp-*  
19 *troller) may require additional certifications, as appro-*  
20 *priate, with respect to any such system.*

21       *(2) The Chief Information Officer shall provide the*  
22 *congressional defense committees timely notification of cer-*  
23 *tifications under paragraph (1).*

24       *(c)(1) During the current fiscal year, a major auto-*  
25 *mated information system may not receive Milestone A ap-*

1 *proval, Milestone B approval, or full rate production ap-*  
 2 *proval, or their equivalent, within the Department of De-*  
 3 *fense until the Chief Information Officer certifies, with re-*  
 4 *spect to that milestone, that the system is being developed*  
 5 *in accordance with the Clinger-Cohen Act of 1996 (40*  
 6 *U.S.C. 1401 et seq.). The Chief Information Officer may*  
 7 *require additional certifications, as appropriate, with re-*  
 8 *spect to any such system.*

9       (2) *The Chief Information Officer shall provide the*  
 10 *congressional defense committees timely notification of cer-*  
 11 *tifications under paragraph (1). Each such notification*  
 12 *shall include a statement confirming that the following*  
 13 *steps have been taken with respect to the system:*

14               (A) *Business process reengineering.*

15               (B) *An analysis of alternatives.*

16               (C) *An economic analysis that includes a cal-*  
 17 *culatation of the return on investment.*

18               (D) *Performance measures.*

19               (E) *An information assurance strategy con-*  
 20 *sistent with the Department's Global Information*  
 21 *Grid.*

22       (d) *For purposes of this section:*

23               (1) *The term "Chief Information Officer" means*  
 24 *the senior official of the Department of Defense des-*

1        *ignated by the Secretary of Defense pursuant to sec-*  
2        *tion 3506 of title 44, United States Code.*

3            (2) *The term “information technology system”*  
4        *has the meaning given the term “information tech-*  
5        *nology” in section 5002 of the Clinger-Cohen Act of*  
6        *1996 (40 U.S.C. 1401).*

7        *SEC. 8067. During the current fiscal year, none of the*  
8        *funds available to the Department of Defense may be used*  
9        *to provide support to another department or agency of the*  
10       *United States if such department or agency is more than*  
11       *90 days in arrears in making payment to the Department*  
12       *of Defense for goods or services previously provided to such*  
13       *department or agency on a reimbursable basis: Provided,*  
14       *That this restriction shall not apply if the department is*  
15       *authorized by law to provide support to such department*  
16       *or agency on a nonreimbursable basis, and is providing the*  
17       *requested support pursuant to such authority: Provided fur-*  
18       *ther, That the Secretary of Defense may waive this restric-*  
19       *tion on a case-by-case basis by certifying in writing to the*  
20       *Committees on Appropriations of the House of Representa-*  
21       *tives and the Senate that it is in the national security inter-*  
22       *est to do so.*

23        *SEC. 8068. Notwithstanding section 12310(b) of title*  
24       *10, United States Code, a Reserve who is a member of the*  
25       *National Guard serving on full-time National Guard duty*

1 *under section 502(f) of title 32 may perform duties in sup-*  
2 *port of the ground-based elements of the National Ballistic*  
3 *Missile Defense System.*

4       *SEC. 8069. None of the funds provided in this Act may*  
5 *be used to transfer to any nongovernmental entity ammuni-*  
6 *tion held by the Department of Defense that has a center-*  
7 *fire cartridge and a United States military nomenclature*  
8 *designation of “armor penetrator”, “armor piercing (AP)”,*  
9 *“armor piercing incendiary (API)”, or “armor-piercing in-*  
10 *cendiary-tracer (API-T)”, except to an entity performing*  
11 *demilitarization services for the Department of Defense*  
12 *under a contract that requires the entity to demonstrate to*  
13 *the satisfaction of the Department of Defense that armor*  
14 *piercing projectiles are either: (1) rendered incapable of*  
15 *reuse by the demilitarization process; or (2) used to manu-*  
16 *facture ammunition pursuant to a contract with the De-*  
17 *partment of Defense or the manufacture of ammunition for*  
18 *export pursuant to a License for Permanent Export of Un-*  
19 *classified Military Articles issued by the Department of*  
20 *State.*

21       *SEC. 8070. Notwithstanding any other provision of*  
22 *law, the Chief of the National Guard Bureau, or his des-*  
23 *ignee, may waive payment of all or part of the consider-*  
24 *ation that otherwise would be required under section 2667*  
25 *of title 10, United States Code, in the case of a lease of*

1 *personal property for a period not in excess of 1 year to*  
2 *any organization specified in section 508(d) of title 32,*  
3 *United States Code, or any other youth, social, or fraternal*  
4 *non-profit organization as may be approved by the Chief*  
5 *of the National Guard Bureau, or his designee, on a case-*  
6 *by-case basis.*

7       *SEC. 8071. None of the funds appropriated by this Act*  
8 *shall be used for the support of any nonappropriated funds*  
9 *activity of the Department of Defense that procures malt*  
10 *beverages and wine with nonappropriated funds for resale*  
11 *(including such alcoholic beverages sold by the drink) on*  
12 *a military installation located in the United States unless*  
13 *such malt beverages and wine are procured within that*  
14 *State, or in the case of the District of Columbia, within*  
15 *the District of Columbia, in which the military installation*  
16 *is located: Provided, That in a case in which the military*  
17 *installation is located in more than one State, purchases*  
18 *may be made in any State in which the installation is lo-*  
19 *cated: Provided further, That such local procurement re-*  
20 *quirements for malt beverages and wine shall apply to all*  
21 *alcoholic beverages only for military installations in States*  
22 *which are not contiguous with another State: Provided fur-*  
23 *ther, That alcoholic beverages other than wine and malt bev-*  
24 *erages, in contiguous States and the District of Columbia*

1 *shall be procured from the most competitive source, price*  
2 *and other factors considered.*

3 *SEC. 8072. Funds available to the Department of De-*  
4 *fense for the Global Positioning System during the current*  
5 *fiscal year may be used to fund civil requirements associ-*  
6 *ated with the satellite and ground control segments of such*  
7 *system's modernization program.*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *SEC. 8073. Of the amounts appropriated in this Act*  
10 *under the heading "Operation and Maintenance, Army",*  
11 *\$34,500,000 shall remain available until expended: Pro-*  
12 *vided, That notwithstanding any other provision of law, the*  
13 *Secretary of Defense is authorized to transfer such funds*  
14 *to other activities of the Federal Government: Provided fur-*  
15 *ther, That the Secretary of Defense is authorized to enter*  
16 *into and carry out contracts for the acquisition of real*  
17 *property, construction, personal services, and operations re-*  
18 *lated to projects carrying out the purposes of this section:*  
19 *Provided further, That contracts entered into under the au-*  
20 *thority of this section may provide for such indemnification*  
21 *as the Secretary determines to be necessary: Provided fur-*  
22 *ther, That projects authorized by this section shall comply*  
23 *with applicable Federal, State, and local law to the max-*  
24 *imum extent consistent with the national security, as deter-*  
25 *mined by the Secretary of Defense.*

1        *SEC. 8074. Section 8106 of the Department of Defense*  
2   *Appropriations Act, 1997 (titles I through VIII of the mat-*  
3   *ter under subsection 101(b) of Public Law 104–208; 110*  
4   *Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect*  
5   *to apply to disbursements that are made by the Department*  
6   *of Defense in fiscal year 2008.*

7        *SEC. 8075. The Secretary of the Air Force is author-*  
8   *ized, using funds available under the heading “Operation*  
9   *and Maintenance, Air Force”, to complete phased electrical*  
10   *infrastructure upgrades at Hickam Air Force Base.*

11        *SEC. 8076. (a) The Secretary of Defense, in coordina-*  
12   *tion with the Secretary of Health and Human Services,*  
13   *may carry out a program to distribute surplus dental and*  
14   *medical equipment of the Department of Defense, at no cost*  
15   *to the Department of Defense, to Indian Health Service fa-*  
16   *cilities and to federally-qualified health centers (within the*  
17   *meaning of section 1905(l)(2)(B) of the Social Security Act*  
18   *(42 U.S.C. 1396d(l)(2)(B))).*

19        *(b) In carrying out this provision, the Secretary of De-*  
20   *fense shall give the Indian Health Service a property dis-*  
21   *posal priority equal to the priority given to the Department*  
22   *of Defense and its twelve special screening programs in dis-*  
23   *tribution of surplus dental and medical supplies and equip-*  
24   *ment.*

(INCLUDING TRANSFER OF FUNDS)

1                   *SEC. 8077. Of the amounts appropriated in this Act*  
2                   *under the heading “Research, Development, Test and Eval-*  
3                   *uation, Defense-Wide”, \$155,572,000 shall be made avail-*  
4                   *able for the Arrow missile defense program: Provided, That*  
5                   *of this amount, \$37,383,000 shall be available for the pur-*  
6                   *pose of producing Arrow missile components in the United*  
7                   *States and Arrow missile components and missiles in Israel*  
8                   *to meet Israel’s defense requirements, consistent with each*  
9                   *nation’s laws, regulations and procedures, \$15,000,000*  
10                   *shall be available for an Arrow System Improvement Pro-*  
11                   *gram-Upper Tier program for risk mitigation and prelimi-*  
12                   *nary design activities to enhance the Arrow Weapon system,*  
13                   *and \$42,000,000 shall be available for the Short Range Bal-*  
14                   *listic Missile Defense (SRBMD) program: Provided further,*  
15                   *That funds made available under this provision for produc-*  
16                   *tion of missiles and missile components may be transferred*  
17                   *to appropriations available for the procurement of weapons*  
18                   *and equipment, to be merged with and to be available for*  
19                   *the same time period and the same purposes as the appro-*  
20                   *priation to which transferred: Provided further, That the*  
21                   *transfer authority provided under this provision is in addi-*  
22                   *tion to any other transfer authority contained in this Act.*  
23                   *SEC. 8078. None of the funds available to the Depart-*  
24                   *ment of Defense may be obligated to modify command and*  
25



1 *control relationships to give Fleet Forces Command admin-*  
 2 *istrative and operational control of U.S. Navy forces as-*  
 3 *signed to the Pacific fleet: Provided, That the command and*  
 4 *control relationships which existed on October 1, 2004, shall*  
 5 *remain in force unless changes are specifically authorized*  
 6 *in a subsequent Act.*

7 *SEC. 8079. Notwithstanding any other provision of*  
 8 *law or regulation, the Secretary of Defense may exercise the*  
 9 *provisions of section 7403(g) of title 38, United States Code,*  
 10 *for occupations listed in section 7403(a)(2) of title 38,*  
 11 *United States Code, as well as the following:*

12 *Pharmacists, Audiologists, Psychologists, Social*  
 13 *Workers, Othotists/Prosthetists, Occupational Thera-*  
 14 *pists, Physical Therapists, Rehabilitation Therapists,*  
 15 *Respiratory Therapists, Speech Pathologists, Dieti-*  
 16 *tian/Nutritionists, Industrial Hygienists, Psychology*  
 17 *Technicians, Social Service Assistants, Practical*  
 18 *Nurses, Nursing Assistants, and Dental Hygienists:*

19 *(A) The requirements of section*  
 20 *7403(g)(1)(A) of title 38, United States Code,*  
 21 *shall apply.*

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

24 *SEC. 8080. Funds appropriated by this Act, or made*  
 25 *available by the transfer of funds in this Act, for intelligence*

1 *activities are deemed to be specifically authorized by the*  
2 *Congress for purposes of section 504 of the National Secu-*  
3 *rity Act of 1947 (50 U.S.C. 414) during fiscal year 2008*  
4 *until the enactment of the Intelligence Authorization Act*  
5 *for fiscal year 2008.*

6 *SEC. 8081. None of the funds in this Act may be used*  
7 *to initiate a new start program without prior written noti-*  
8 *fication to the Office of Secretary of Defense and the con-*  
9 *gressional defense committees.*

10 *SEC. 8082. In addition to funds made available else-*  
11 *where in this Act, \$5,500,000 is hereby appropriated and*  
12 *shall remain available until expended to provide assistance,*  
13 *by grant or otherwise (such as, but not limited to, the provi-*  
14 *sion of funds for repairs, maintenance, construction, and/*  
15 *or for the purchase of information technology, text books,*  
16 *teaching resources), to public schools that have unusually*  
17 *high concentrations of special needs military dependents en-*  
18 *rolled: Provided, That in selecting school systems to receive*  
19 *such assistance, special consideration shall be given to*  
20 *school systems in States that are considered overseas assign-*  
21 *ments, and all schools within these school systems shall be*  
22 *eligible for assistance: Provided further, That up to 2 per-*  
23 *cent of the total appropriated funds under this section shall*  
24 *be available to support the administration and execution*  
25 *of the funds or program and/or events that promote the pur-*

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

22 SEC. 8083. The Department of Defense and the Depart-  
23 ment of the Army shall make future budgetary and pro-  
24 gramming plans to fully finance the Non-Line of Sight Fu-  
25 ture Force cannon (NLOS-C) and a compatible large cal-

1 *iber ammunition resupply capability for this system sup-*  
2 *ported by the Future Combat Systems (FCS) Brigade Com-*  
3 *bat Team (BCT) in order to field this system in fiscal year*  
4 *2010: Provided, That the Army shall develop the NLOS-*  
5 *C independent of the broader FCS development timeline to*  
6 *achieve fielding by fiscal year 2010. In addition the Army*  
7 *will deliver eight (8) combat operational pre-production*  
8 *NLOS-C systems by the end of calendar year 2008. These*  
9 *systems shall be in addition to those systems necessary for*  
10 *developmental and operational testing: Provided further,*  
11 *That the Army shall ensure that budgetary and pro-*  
12 *grammatic plans will provide for no fewer than seven (7)*  
13 *Stryker Brigade Combat Teams.*

14 *SEC. 8084. Up to \$3,000,000 of the funds appropriated*  
15 *under the heading “Operation and Maintenance, Navy” in*  
16 *this Act for the Pacific Missile Range Facility may be made*  
17 *available to contract for the repair, maintenance, and oper-*  
18 *ation of adjacent off-base water, drainage, and flood control*  
19 *systems, electrical upgrade to support additional missions*  
20 *critical to base operations, and support for a range foot-*  
21 *print expansion to further guard against encroachment.*

22 *SEC. 8085. The budget of the President for fiscal year*  
23 *2009 submitted to the Congress pursuant to section 1105*  
24 *of title 31, United States Code, shall include separate budget*  
25 *justification documents for costs of United States Armed*

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

19       *SEC. 8086. None of the funds in this Act may be used*  
20 *for research, development, test, evaluation, procurement or*  
21 *deployment of nuclear armed interceptors of a missile de-*  
22 *fense system.*

23       *SEC. 8087. None of the funds appropriated or made*  
24 *available in this Act shall be used to reduce or disestablish*  
25 *the operation of the 53rd Weather Reconnaissance Squad-*

1 ron of the Air Force Reserve, if such action would reduce  
2 the WC-130 Weather Reconnaissance mission below the lev-  
3 els funded in this Act: Provided, That the Air Force shall  
4 allow the 53rd Weather Reconnaissance Squadron to per-  
5 form other missions in support of national defense require-  
6 ments during the non-hurricane season.

7       SEC. 8088. None of the funds provided in this Act shall  
8 be available for integration of foreign intelligence informa-  
9 tion unless the information has been lawfully collected and  
10 processed during the conduct of authorized foreign intel-  
11 ligence activities: Provided, That information pertaining to  
12 United States persons shall only be handled in accordance  
13 with protections provided in the Fourth Amendment of the  
14 United States Constitution as implemented through Execu-  
15 tive Order No. 12333.

16       SEC. 8089. (a) At the time members of reserve compo-  
17 nents of the Armed Forces are called or ordered to active  
18 duty under section 12302(a) of title 10, United States Code,  
19 each member shall be notified in writing of the expected  
20 period during which the member will be mobilized.

21       (b) The Secretary of Defense may waive the require-  
22 ments of subsection (a) in any case in which the Secretary  
23 determines that it is necessary to do so to respond to a na-  
24 tional security emergency or to meet dire operational re-  
25 quirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

1  
2       *SEC. 8090. The Secretary of Defense may transfer*  
3 *funds from any available Department of the Navy appro-*  
4 *priation to any available Navy ship construction appro-*  
5 *priation for the purpose of liquidating necessary changes*  
6 *resulting from inflation, market fluctuations, or rate adjust-*  
7 *ments for any ship construction program appropriated in*  
8 *law: Provided, That the Secretary may transfer not to ex-*  
9 *ceed \$100,000,000 under the authority provided by this sec-*  
10 *tion: Provided further, That the Secretary may not transfer*  
11 *any funds until 30 days after the proposed transfer has been*  
12 *reported to the Committees on Appropriations of the Senate*  
13 *and the House of Representatives, unless sooner notified by*  
14 *the Committees that there is no objection to the proposed*  
15 *transfer: Provided further, That the transfer authority pro-*  
16 *vided by this section is in addition to any other transfer*  
17 *authority contained elsewhere in this Act.*

18       *SEC. 8091. (a) The total amount appropriated or oth-*  
19 *erwise made available in title II of this Act is hereby re-*  
20 *duced by \$39,693,000 to limit excessive growth in the travel*  
21 *and transportation of persons.*

22       *(b) The Secretary of Defense shall allocate this reduc-*  
23 *tion proportionately to each budget activity, activity group,*  
24 *subactivity group, and each program, project, and activity*  
25 *within each applicable appropriation account.*

1       *SEC. 8092. For purposes of section 612 of title 41,*  
2       *United States Code, any subdivision of appropriations*  
3       *made under the heading “Shipbuilding and Conversion,*  
4       *Navy” that is not closed at the time reimbursement is made*  
5       *shall be available to reimburse the Judgment Fund and*  
6       *shall be considered for the same purposes as any subdivision*  
7       *under the heading “Shipbuilding and Conversion, Navy”*  
8       *appropriations in the current fiscal year or any prior fiscal*  
9       *year.*

10       *SEC. 8093. (a) None of the funds appropriated by this*  
11       *Act may be used to transfer research and development, ac-*  
12       *quisition, or other program authority relating to current*  
13       *tactical unmanned aerial vehicles (TUAVs) from the Army.*

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

19       *SEC. 8094. Of the funds provided in this Act,*  
20       *\$10,000,000 shall be available for the operations and devel-*  
21       *opment of training and technology for the Joint Inter-*  
22       *agency Training Center-East and the affiliated Center for*  
23       *National Response at the Memorial Tunnel and for pro-*  
24       *viding homeland defense/security and traditional*  
25       *warfighting training to the Department of Defense, other*



1 *Federal agency, and State and local first responder per-*  
2 *sonnel at the Joint Interagency Training Center-East.*

3 *SEC. 8095. The authority to conduct a continuing co-*  
4 *operative program in the proviso in title II of Public Law*  
5 *102–368 under the heading “Research, Development, Test*  
6 *and Evaluation, Defense Agencies” (106 Stat. 1121) shall*  
7 *be extended through September 30, 2009, in cooperation*  
8 *with NELHA.*

9 *SEC. 8096. The Secretary of Defense may present pro-*  
10 *motional materials, including a United States flag, to any*  
11 *member of an Active or Reserve component under the Sec-*  
12 *retary’s jurisdiction who, as determined by the Secretary,*  
13 *participates in Operation Enduring Freedom or Operation*  
14 *Iraqi Freedom, along with other recognition items in con-*  
15 *junction with any week-long national observation and day*  
16 *of national celebration, if established by Presidential proc-*  
17 *lamation, for any such members returning from such oper-*  
18 *ations.*

19 *SEC. 8097. Up to \$15,000,000 of the funds appro-*  
20 *priated under the heading, “Operation and Maintenance,*  
21 *Navy” may be made available for the Asia Pacific Regional*  
22 *Initiative Program for the purpose of enabling the Pacific*  
23 *Command to execute Theater Security Cooperation activi-*  
24 *ties such as humanitarian assistance, and payment of in-*  
25 *cremental and personnel costs of training and exercising*

1 *with foreign security forces: Provided, That funds made*  
2 *available for this purpose may be used, notwithstanding*  
3 *any other funding authorities for humanitarian assistance,*  
4 *security assistance or combined exercise expenses: Provided*  
5 *further, That funds may not be obligated to provide assist-*  
6 *ance to any foreign country that is otherwise prohibited*  
7 *from receiving such type of assistance under any other pro-*  
8 *vision of law.*

9       *SEC. 8098. Notwithstanding any other provision of*  
10 *this Act, to reflect savings from revised economic assump-*  
11 *tions the total amount appropriated in title II of this Act*  
12 *is hereby reduced by \$470,000,000, the total amount appro-*  
13 *priated in title III of this Act is hereby reduced by*  
14 *\$506,000,000, the total amount appropriated in title IV of*  
15 *this Act is hereby reduced by \$367,000,000, and the total*  
16 *amount appropriated in title V of this Act is hereby reduced*  
17 *by \$10,000,000: Provided, That the Secretary of Defense*  
18 *shall allocate this reduction proportionally to each budget*  
19 *activity, activity group, subactivity group, and each pro-*  
20 *gram, project, and activity, within each appropriation ac-*  
21 *count.*

22       *SEC. 8099. None of the funds appropriated by this*  
23 *Act available for the Civilian Health and Medical Pro-*  
24 *gram of the Uniformed Services (CHAMPUS) or*  
25 *TRICARE shall be available for the reimbursement of any*

1 *health care provider for inpatient mental health service for*  
2 *care received when a patient is referred to a provider of*  
3 *inpatient mental health care or residential treatment care*  
4 *by a medical or health care professional having an eco-*  
5 *nomie interest in the facility to which the patient is re-*  
6 *ferred: Provided, That this limitation does not apply in*  
7 *the case of inpatient mental health services provided under*  
8 *the program for persons with disabilities under subsection*  
9 *(d) of section 1079 of title 10, United States Code, pro-*  
10 *vided as partial hospital care, or provided pursuant to a*  
11 *waiver authorized by the Secretary of Defense because of*  
12 *medical or psychological circumstances of the patient that*  
13 *are confirmed by a health professional who is not a Fed-*  
14 *eral employee after a review, pursuant to rules prescribed*  
15 *by the Secretary, which takes into account the appropriate*  
16 *level of care for the patient, the intensity of services re-*  
17 *quired by the patient, and the availability of that care.*

18 *SEC. 8100. Notwithstanding any other provision of*  
19 *law or regulation, the Secretary of Defense may adjust*  
20 *wage rates for civilian employees hired for certain health*  
21 *care occupations as authorized for the Secretary of Vet-*  
22 *erans Affairs by section 7455 of title 38, United States*  
23 *Code.*

24 *SEC. 8101. None of the funds appropriated by this Act*  
25 *for programs of the Office of the Director of National Intel-*

1 *ligence shall remain available for obligation beyond the cur-*  
2 *rent fiscal year, except for funds appropriated for research*  
3 *and technology, which shall remain available until Sep-*  
4 *tember 30, 2009.*

5       *SEC. 8102. For purposes of section 1553(b) of title 31,*  
6 *United States Code, any subdivision of appropriations*  
7 *made in this Act under the heading “Shipbuilding and*  
8 *Conversion, Navy” shall be considered to be for the same*  
9 *purpose as any subdivision under the heading “Ship-*  
10 *building and Conversion, Navy” appropriations in any*  
11 *prior fiscal year, and the 1 percent limitation shall apply*  
12 *to the total amount of the appropriation.*

13       *SEC. 8103. Notwithstanding any other provision of*  
14 *law, that not more than 35 percent of funds provided in*  
15 *this Act for environmental remediation may be obligated*  
16 *under indefinite delivery/indefinite quantity contracts with*  
17 *a total contract value of \$130,000,000 or higher.*

18       *SEC. 8104. From amounts appropriated in this or pre-*  
19 *vious Acts making appropriations for the Department of*  
20 *Defense which remain available for obligation, up to*  
21 *\$20,000,000 may be transferred by the Secretary of the*  
22 *Navy to the Secretary of the Department of the Interior for*  
23 *any expenses associated with the construction of the USS*  
24 *ARIZONA Memorial Museum and Visitors Center.*

1        *SEC. 8105. (a) Notwithstanding any other provision*  
2 *of law, the Department of Defense shall complete work on*  
3 *the destruction of the United States stockpile of lethal chem-*  
4 *ical agents and munitions, including those stored at Blue*  
5 *Grass Army Depot, Kentucky, and Pueblo Chemical Depot,*  
6 *Colorado, by the deadline established by the Chemical*  
7 *Weapons Convention, and in no circumstances later than*  
8 *December 31, 2017.*

9        *(b) REPORT.—*

10            *(1) Not later than December 31, 2007, and every*  
11 *180 days thereafter, the Secretary of Defense shall*  
12 *submit to the parties described in paragraph (2) a re-*  
13 *port on the progress of the Department of Defense to-*  
14 *ward compliance with this section.*

15            *(2) The parties referred to in paragraph (1) are*  
16 *the Speaker of the House of Representatives, the Ma-*  
17 *jority and Minority Leaders of the House of Rep-*  
18 *resentatives, the Majority and Minority Leaders of the*  
19 *Senate, and the congressional defense committees.*

20            *(3) Each report submitted under paragraph (1)*  
21 *shall include the updated and projected annual fund-*  
22 *ing levels necessary to achieve full compliance with*  
23 *this section. The projected funding levels for each re-*  
24 *port shall include a detailed accounting of the com-*

1       plete life-cycle costs for each of the chemical disposal  
2       projects.

3       (c) In this section, the term “Chemical Weapons Con-  
4       vention” means the Convention on the Prohibition of Devel-  
5       opment, Production, Stockpiling and Use of Chemical  
6       Weapons and on Their Destruction, with annexes, done at  
7       Paris, January 13, 1993, and entered into force April 29,  
8       1997 (T. Doc. 103–21).

9       SEC. 8106. Not later than 90 days after enactment of  
10      this Act, the Secretary of Defense and the Secretary of En-  
11      ergy shall jointly submit a classified report to the congres-  
12      sional defense committees and to the Subcommittees on En-  
13      ergy and Water Development of the Senate and House Ap-  
14      propriations Committees on the policies and procedures  
15      governing the storage and logistic movement of U.S. nuclear  
16      weapons and nuclear components through all phases of the  
17      nuclear weapons cycle from cradle to grave: Provided, That  
18      the report shall include a review and evaluation of the suit-  
19      ability and effectiveness of—

20               (1) The standards and procedures for ensuring  
21      accountability of nuclear weapons and components.

22               (2) The standards and procedures for the trans-  
23      fer of custody of nuclear weapons.

1           (3) *The documentation used for the purpose of*  
2           *property accountability, custody receipting, and ship-*  
3           *ping transactions.*

4           (4) *The standards and procedures for nuclear*  
5           *surety inspections.*

6           (5) *The training of all personnel involved in the*  
7           *handling, management, and accountability of nuclear*  
8           *weapons and components.*

9           *This Act may be cited as the “Department of Defense*  
10          *Appropriations Act, 2008”.*

Calendar No. 353

110TH CONGRESS  
1ST Session

**H.R. 3222**

[Report No. 110-155]

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## AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

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SEPTEMBER 4, 2007

Received; read twice and referred to the Committee on  
Appropriations

SEPTEMBER 14, 2007

Reported with an amendment