

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2219

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IN THE SENATE OF THE UNITED STATES

JULY 11, 2011

Received; read twice and referred to the Committee on Appropriations

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## AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, 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,*

1 That the following sums are appropriated, out of any  
2 money in the Treasury not otherwise appropriated, for the  
3 fiscal year ending September 30, 2012, for military func-  
4 tions administered by the Department of Defense and for  
5 other purposes, namely:

6

## TITLE I

7

## MILITARY PERSONNEL

8

## MILITARY PERSONNEL, ARMY

9 For pay, allowances, individual clothing, subsistence,  
10 interest on deposits, gratuities, permanent change of sta-  
11 tion travel (including all expenses thereof for organiza-  
12 tional movements), and expenses of temporary duty travel  
13 between permanent duty stations, for members of the  
14 Army on active duty, (except members of reserve compo-  
15 nents provided for elsewhere), cadets, and aviation cadets;  
16 for members of the Reserve Officers' Training Corps; and  
17 for payments pursuant to section 156 of Public Law 97-  
18 377, as amended (42 U.S.C. 402 note), and to the Depart-  
19 ment of Defense Military Retirement Fund,  
20 \$43,859,709,000.

21

## MILITARY PERSONNEL, NAVY

22 For pay, allowances, individual clothing, subsistence,  
23 interest on deposits, gratuities, permanent change of sta-  
24 tion travel (including all expenses thereof for organiza-  
25 tional movements), and expenses of temporary duty travel

1 between permanent duty stations, for members of the  
2 Navy on active duty (except members of the Reserve pro-  
3 vided for elsewhere), midshipmen, and aviation cadets; for  
4 members of the Reserve Officers' Training Corps; and for  
5 payments pursuant to section 156 of Public Law 97-377,  
6 as amended (42 U.S.C. 402 note), and to the Department  
7 of Defense Military Retirement Fund, \$27,141,334,000.

8           MILITARY PERSONNEL, MARINE CORPS

9           For pay, allowances, individual clothing, subsistence,  
10 interest on deposits, gratuities, permanent change of sta-  
11 tion travel (including all expenses thereof for organiza-  
12 tional movements), and expenses of temporary duty travel  
13 between permanent duty stations, for members of the Ma-  
14 rine Corps on active duty (except members of the Reserve  
15 provided for elsewhere); and for payments pursuant to sec-  
16 tion 156 of Public Law 97-377, as amended (42 U.S.C.  
17 402 note), and to the Department of Defense Military Re-  
18 tirement Fund, \$13,480,436,000.

19           MILITARY PERSONNEL, AIR FORCE

20           For pay, allowances, individual clothing, subsistence,  
21 interest on deposits, gratuities, permanent change of sta-  
22 tion travel (including all expenses thereof for organiza-  
23 tional movements), and expenses of temporary duty travel  
24 between permanent duty stations, for members of the Air  
25 Force on active duty (except members of reserve compo-

1 nents provided for elsewhere), cadets, and aviation cadets;  
2 for members of the Reserve Officers' Training Corps; and  
3 for payments pursuant to section 156 of Public Law 97–  
4 377, as amended (42 U.S.C. 402 note), and to the Depart-  
5 ment of Defense Military Retirement Fund,  
6 \$28,264,646,000.

7                   RESERVE PERSONNEL, ARMY

8           For pay, allowances, clothing, subsistence, gratuities,  
9 travel, and related expenses for personnel of the Army Re-  
10 serve on active duty under sections 10211, 10302, and  
11 3038 of title 10, United States Code, or while serving on  
12 active duty under section 12301(d) of title 10, 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 reserve training, or while performing  
16 drills or equivalent duty or other duty, and expenses au-  
17 thorized by section 16131 of title 10, United States Code;  
18 and for payments to the Department of Defense Military  
19 Retirement Fund, \$4,333,507,000.

20                   RESERVE PERSONNEL, NAVY

21           For pay, allowances, clothing, subsistence, gratuities,  
22 travel, and related expenses for personnel of the Navy Re-  
23 serve on active duty under section 10211 of title 10,  
24 United States Code, or while serving on active duty under  
25 section 12301(d) of title 10, United States Code, in con-

1 nection with performing duty specified in section 12310(a)  
2 of title 10, United States Code, or while undergoing re-  
3 serve training, or while performing drills or equivalent  
4 duty, and expenses authorized by section 16131 of title  
5 10, United States Code; and for payments to the Depart-  
6 ment of Defense Military Retirement Fund,  
7 \$1,948,544,000.

8           RESERVE PERSONNEL, MARINE CORPS

9       For pay, allowances, clothing, subsistence, gratuities,  
10 travel, and related expenses for personnel of the Marine  
11 Corps Reserve on active duty under section 10211 of title  
12 10, United States Code, or while serving on active duty  
13 under section 12301(d) of title 10, United States Code,  
14 in connection with performing duty specified in section  
15 12310(a) of title 10, United States Code, or while under-  
16 going reserve training, or while performing drills or equiv-  
17 alent duty, and for members of the Marine Corps platoon  
18 leaders class, and expenses authorized by section 16131  
19 of title 10, United States Code; and for payments to the  
20 Department of Defense Military Retirement Fund,  
21 \$645,422,000.

22           RESERVE PERSONNEL, AIR FORCE

23       For pay, allowances, clothing, subsistence, gratuities,  
24 travel, and related expenses for personnel of the Air Force  
25 Reserve on active duty under sections 10211, 10305, and

1 8038 of title 10, United States Code, or while serving on  
2 active duty under section 12301(d) of title 10, United  
3 States Code, in connection with performing duty specified  
4 in section 12310(a) of title 10, United States Code, or  
5 while undergoing reserve training, or while performing  
6 drills or equivalent duty or other duty, and expenses au-  
7 thorized by section 16131 of title 10, United States Code;  
8 and for payments to the Department of Defense Military  
9 Retirement Fund, \$1,711,653,000.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For pay, allowances, clothing, subsistence, gratuities,  
12 travel, and related expenses for personnel of the Army Na-  
13 tional Guard while on duty under section 10211, 10302,  
14 or 12402 of title 10 or section 708 of title 32, United  
15 States Code, or while serving on duty under section  
16 12301(d) of title 10 or section 502(f) of title 32, United  
17 States Code, in connection with performing duty specified  
18 in section 12310(a) of title 10, United States Code, or  
19 while undergoing training, or while performing drills or  
20 equivalent duty or other duty, and expenses authorized by  
21 section 16131 of title 10, United States Code; and for pay-  
22 ments to the Department of Defense Military Retirement  
23 Fund, \$7,607,345,000.

## 1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,  
3 travel, and related expenses for personnel of the Air Na-  
4 tional Guard on duty under section 10211, 10305, or  
5 12402 of title 10 or section 708 of title 32, United States  
6 Code, or while serving on duty under section 12301(d) of  
7 title 10 or section 502(f) of title 32, United States Code,  
8 in connection with performing duty specified in section  
9 12310(a) of title 10, United States Code, or while under-  
10 going training, or while performing drills or equivalent  
11 duty or other duty, and expenses authorized by section  
12 16131 of title 10, United States Code; and for payments  
13 to the Department of Defense Military Retirement Fund,  
14 \$3,099,629,000.

## 15 TITLE II

## 16 OPERATION AND MAINTENANCE

## 17 OPERATION AND MAINTENANCE, ARMY

18 For expenses, not otherwise provided for, necessary  
19 for the operation and maintenance of the Army, as author-  
20 ized by law; and not to exceed \$12,478,000 can be used  
21 for emergencies and extraordinary expenses, to be ex-  
22 pended on the approval or authority of the Secretary of  
23 the Army, and payments may be made on his certificate  
24 of necessity for confidential military purposes,  
25 \$34,581,321,000.

## 1           OPERATION AND MAINTENANCE, NAVY

2           For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance of the Navy and the  
4 Marine Corps, as authorized by law; and not to exceed  
5 \$14,804,000 can be used for emergencies and extraor-  
6 dinary expenses, to be expended on the approval or author-  
7 ity of the Secretary of the Navy, and payments may be  
8 made on his certificate of necessity for confidential mili-  
9 tary purposes, \$39,385,685,000.

## 10          OPERATION AND MAINTENANCE, MARINE CORPS

11          For expenses, not otherwise provided for, necessary  
12 for the operation and maintenance of the Marine Corps,  
13 as authorized by law, \$6,036,996,000.

## 14          OPERATION AND MAINTENANCE, AIR FORCE

15          For expenses, not otherwise provided for, necessary  
16 for the operation and maintenance of the Air Force, as  
17 authorized by law; and not to exceed \$7,699,000 can be  
18 used for emergencies and extraordinary expenses, to be ex-  
19 pended on the approval or authority of the Secretary of  
20 the Air Force, and payments may be made on his certifi-  
21 cate of necessity for confidential military purposes,  
22 \$36,065,107,000.





1 headquarters of one of the Armed Forces into a legislative  
2 affairs or legislative liaison office: *Provided further*, That  
3 \$8,420,000, to remain available until expended, is avail-  
4 able only for expenses relating to certain classified activi-  
5 ties, and may be transferred as necessary by the Secretary  
6 of Defense to operation and maintenance appropriations  
7 or research, development, test and evaluation appropria-  
8 tions, to be merged with and to be available for the same  
9 time period as the appropriations to which transferred:  
10 *Provided further*, That any ceiling on the investment item  
11 unit cost of items that may be purchased with operation  
12 and maintenance funds shall not apply to the funds de-  
13 scribed in the preceding proviso: *Provided further*, That  
14 the transfer authority provided under this heading is in  
15 addition to any other transfer authority provided else-  
16 where in this Act.

17 OPERATION AND MAINTENANCE, ARMY RESERVE

18 For expenses, not otherwise provided for, necessary  
19 for the operation and maintenance, including training, or-  
20 ganization, and administration, of the Army Reserve; re-  
21 pair of facilities and equipment; hire of passenger motor  
22 vehicles; travel and transportation; care of the dead; re-  
23 cruiting; procurement of services, supplies, and equip-  
24 ment; and communications, \$3,047,033,000.

## 1 OPERATION AND MAINTENANCE, NAVY RESERVE

2 For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance, including training, or-  
4 ganization, and administration, of the Navy Reserve; re-  
5 pair of facilities and equipment; hire of passenger motor  
6 vehicles; travel and transportation; care of the dead; re-  
7 cruiting; procurement of services, supplies, and equip-  
8 ment; and communications, \$1,323,134,000.

## 9 OPERATION AND MAINTENANCE, MARINE CORPS

## 10 RESERVE

11 For expenses, not otherwise provided for, necessary  
12 for the operation and maintenance, including training, or-  
13 ganization, and administration, of the Marine Corps Re-  
14 serve; repair of facilities and equipment; hire of passenger  
15 motor vehicles; travel and transportation; care of the dead;  
16 recruiting; procurement of services, supplies, and equip-  
17 ment; and communications, \$271,443,000.

## 18 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

19 For expenses, not otherwise provided for, necessary  
20 for the operation and maintenance, including training, or-  
21 ganization, and administration, of the Air Force Reserve;  
22 repair of facilities and equipment; hire of passenger motor  
23 vehicles; travel and transportation; care of the dead; re-  
24 cruiting; procurement of services, supplies, and equip-  
25 ment; and communications, \$3,310,459,000.



1 modification, maintenance, and issue of supplies and  
2 equipment, including those furnished from stocks under  
3 the control of agencies of the Department of Defense;  
4 travel expenses (other than mileage) on the same basis as  
5 authorized by law for Air National Guard personnel on  
6 active Federal duty, for Air National Guard commanders  
7 while inspecting units in compliance with National Guard  
8 Bureau regulations when specifically authorized by the  
9 Chief, National Guard Bureau, \$6,094,380,000.

10 UNITED STATES COURT OF APPEALS FOR THE ARMED  
11 FORCES

12 For salaries and expenses necessary for the United  
13 States Court of Appeals for the Armed Forces,  
14 \$13,861,000, of which not to exceed \$5,000 may be used  
15 for official representation purposes.

16 ENVIRONMENTAL RESTORATION, ARMY  
17 (INCLUDING TRANSFER OF FUNDS)

18 For the Department of the Army, \$346,031,000, to  
19 remain available until transferred: *Provided*, That the Sec-  
20 retary of the Army shall, upon determining that such  
21 funds are required for environmental restoration, reduc-  
22 tion and recycling of hazardous waste, removal of unsafe  
23 buildings and debris of the Department of the Army, or  
24 for similar purposes, transfer the funds made available by  
25 this appropriation to other appropriations made available

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

11 ENVIRONMENTAL RESTORATION, NAVY

12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of the Navy, \$308,668,000, to  
14 remain available until transferred: *Provided*, That the Sec-  
15 retary of the Navy shall, upon determining that such  
16 funds are required for environmental restoration, reduc-  
17 tion and recycling of hazardous waste, removal of unsafe  
18 buildings and debris of the Department of the Navy, or  
19 for similar purposes, transfer the funds made available by  
20 this appropriation to other appropriations made available  
21 to the Department of the Navy, to be merged with and  
22 to be available for the same purposes and for the same  
23 time period as the appropriations to which transferred:  
24 *Provided further*, That upon a determination that all or  
25 part of the funds transferred from this appropriation are

1 not necessary for the purposes provided herein, such  
2 amounts may be transferred back to this appropriation:  
3 *Provided further*, That the transfer authority provided  
4 under this heading is in addition to any other transfer au-  
5 thority provided elsewhere in this Act.

6 ENVIRONMENTAL RESTORATION, AIR FORCE

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Department of the Air Force, \$525,453,000,  
9 to remain available until transferred: *Provided*, That the  
10 Secretary of the Air Force shall, upon determining that  
11 such funds are required for environmental restoration, re-  
12 duction and recycling of hazardous waste, removal of un-  
13 safe buildings and debris of the Department of the Air  
14 Force, or for similar purposes, transfer the funds made  
15 available by this appropriation to other appropriations  
16 made available to the Department of the Air Force, to be  
17 merged with and to be available for the same purposes  
18 and for the same time period as the appropriations to  
19 which transferred: *Provided further*, That upon a deter-  
20 mination that all or part of the funds transferred from  
21 this appropriation are not necessary for the purposes pro-  
22 vided herein, such amounts may be transferred back to  
23 this appropriation: *Provided further*, That the transfer au-  
24 thority provided under this heading is in addition to any  
25 other transfer authority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE  
2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of Defense, \$10,716,000, to re-  
4 main available until transferred: *Provided*, That the Sec-  
5 retary of Defense shall, upon determining that such funds  
6 are required for environmental restoration, reduction and  
7 recycling of hazardous waste, removal of unsafe buildings  
8 and debris of the Department of Defense, or for similar  
9 purposes, transfer the funds made available by this appro-  
10 priation to other appropriations made available to the De-  
11 partment of Defense, to be merged with and to be avail-  
12 able for the same purposes and for the same time period  
13 as the appropriations to which transferred: *Provided fur-*  
14 *ther*, That upon a determination that all or part of the  
15 funds transferred from this appropriation are not nec-  
16 essary for the purposes provided herein, such amounts  
17 may be transferred back to this appropriation: *Provided*  
18 *further*, That the transfer authority provided under this  
19 heading is in addition to any other transfer authority pro-  
20 vided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, FORMERLY USED  
22 DEFENSE SITES  
23 (INCLUDING TRANSFER OF FUNDS)

24 For the Department of the Army, \$276,495,000, to  
25 remain available until transferred: *Provided*, That the Sec-



1 retary of the Army shall, upon determining that such  
2 funds are required for environmental restoration, reduc-  
3 tion and recycling of hazardous waste, removal of unsafe  
4 buildings and debris at sites formerly used by the Depart-  
5 ment of Defense, transfer the funds made available by this  
6 appropriation to other appropriations made available to  
7 the Department of the Army, to be merged with and to  
8 be available for the same purposes and for the same time  
9 period as the appropriations to which transferred: *Pro-*  
10 *vided further*, That upon a determination that all or part  
11 of the funds transferred from this appropriation are not  
12 necessary for the purposes provided herein, such amounts  
13 may be transferred back to this appropriation: *Provided*  
14 *further*, That the transfer authority provided under this  
15 heading is in addition to any other transfer authority pro-  
16 vided elsewhere in this Act.

17 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

18 For expenses relating to the Overseas Humanitarian,  
19 Disaster, and Civic Aid programs of the Department of  
20 Defense (consisting of the programs provided under sec-  
21 tions 401, 402, 404, 407, 2557, and 2561 of title 10,  
22 United States Code), \$107,662,000, to remain available  
23 until September 30, 2013.

## 1 COOPERATIVE THREAT REDUCTION ACCOUNT

2 For assistance to the republics of the former Soviet  
3 Union and, with appropriate authorization by the Depart-  
4 ment of Defense and Department of State, to countries  
5 outside of the former Soviet Union, including assistance  
6 provided by contract or by grants, for facilitating the  
7 elimination and the safe and secure transportation and  
8 storage of nuclear, chemical and other weapons; for estab-  
9 lishing programs to prevent the proliferation of weapons,  
10 weapons components, and weapon-related technology and  
11 expertise; for programs relating to the training and sup-  
12 port of defense and military personnel for demilitarization  
13 and protection of weapons, weapons components and  
14 weapons technology and expertise, and for defense and  
15 military contacts, \$508,219,000, to remain available until  
16 September 30, 2014.

## 17 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

## 18 DEVELOPMENT FUND

19 For the Department of Defense Acquisition Work-  
20 force Development Fund, \$105,501,000.

## 21 TITLE III

## 22 PROCUREMENT

## 23 AIRCRAFT PROCUREMENT, ARMY

24 For construction, procurement, production, modifica-  
25 tion, and modernization of aircraft, equipment, including

1 ordnance, ground handling equipment, spare parts, and  
2 accessories therefor; specialized equipment and training  
3 devices; expansion of public and private plants, including  
4 the land necessary therefor, for the foregoing purposes,  
5 and such lands and interests therein, may be acquired,  
6 and construction prosecuted thereon prior to approval of  
7 title; and procurement and installation of equipment, ap-  
8 pliances, and machine tools in public and private plants;  
9 reserve plant and Government and contractor-owned  
10 equipment layaway; and other expenses necessary for the  
11 foregoing purposes, \$6,487,481,000, to remain available  
12 for obligation until September 30, 2014.

13                   MISSILE PROCUREMENT, ARMY

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



1 poses, and such lands and interests therein, may be ac-  
2 quired, and construction prosecuted thereon prior to ap-  
3 proval of title; and procurement and installation of equip-  
4 ment, appliances, and machine tools in public and private  
5 plants; reserve plant and Government and contractor-  
6 owned equipment layaway; and other expenses necessary  
7 for the foregoing purposes, \$1,952,625,000, to remain  
8 available for obligation until September 30, 2014.

9                   OTHER PROCUREMENT, ARMY

10       For construction, procurement, production, and  
11 modification of vehicles, including tactical, support, and  
12 non-tracked combat vehicles; the purchase of passenger  
13 motor vehicles for replacement only; communications and  
14 electronic equipment; other support equipment; spare  
15 parts, ordnance, and accessories therefor; specialized  
16 equipment and training devices; expansion of public and  
17 private plants, including the land necessary therefor, for  
18 the foregoing purposes, and such lands and interests  
19 therein, may be acquired, and construction prosecuted  
20 thereon prior to approval of title; and procurement and  
21 installation of equipment, appliances, and machine tools  
22 in public and private plants; reserve plant and Govern-  
23 ment and contractor-owned equipment layaway; and other  
24 expenses necessary for the foregoing purposes,

1 \$9,371,952,000, to remain available for obligation until  
2 September 30, 2014.

3 AIRCRAFT PROCUREMENT, NAVY

4 For construction, procurement, production, modifica-  
5 tion, and modernization of aircraft, equipment, including  
6 ordnance, spare parts, and accessories therefor; specialized  
7 equipment; expansion of public and private plants, includ-  
8 ing the land necessary therefor, and such lands and inter-  
9 ests therein, may be acquired, and construction prosecuted  
10 thereon prior to approval of title; and procurement and  
11 installation of equipment, appliances, and machine tools  
12 in public and private plants; reserve plant and Govern-  
13 ment and contractor-owned equipment layaway,  
14 \$17,804,750,000, to remain available for obligation until  
15 September 30, 2014.

16 WEAPONS PROCUREMENT, NAVY

17 For construction, procurement, production, modifica-  
18 tion, and modernization of missiles, torpedoes, other weap-  
19 ons, and related support equipment including spare parts,  
20 and accessories therefor; expansion of public and private  
21 plants, including the land necessary therefor, and such  
22 lands and interests therein, may be acquired, and con-  
23 struction prosecuted thereon prior to approval of title; and  
24 procurement and installation of equipment, appliances,  
25 and machine tools in public and private plants; reserve



1 tractor-owned equipment layaway; procurement of critical,  
2 long lead time components and designs for vessels to be  
3 constructed or converted in the future; and expansion of  
4 public and private plants, including land necessary there-  
5 for, and such lands and interests therein, may be acquired,  
6 and construction prosecuted thereon prior to approval of  
7 title, as follows:

8 Carrier Replacement Program (AP), \$554,798,000.  
9 Virginia Class Submarine, \$3,221,314,000.  
10 Virginia Class Submarine (AP), \$1,461,361,000.  
11 CVN Refueling (AP), \$529,652,000.  
12 DDG-1000, \$453,727,000.  
13 DDG-51, \$1,978,314,000.  
14 DDG-51 (AP), \$100,723,000.  
15 Littoral Combat Ship, \$1,755,093,000.  
16 LHA Replacement, \$1,999,191,000.  
17 LPD-17, \$1,833,444,000.  
18 Joint High Speed Vessel, \$185,106,000.  
19 Oceanographic Ships, \$89,000,000.  
20 Moored Training Ship (AP), \$131,200,000.  
21 Service Craft, \$3,863,000.  
22 LCAC Service Life Extension Program, \$84,076,000.  
23 For outfitting, post delivery, conversions, and first  
24 destination transportation, \$270,639,000.



1       Completion of Prior Year Shipbuilding Programs,  
2     \$73,992,000.

3       In all: \$14,725,493,000, to remain available for obli-  
4     gation until September 30, 2016: *Provided*, That addi-  
5     tional obligations may be incurred after September 30,  
6     2016, for engineering services, tests, evaluations, and  
7     other such budgeted work that must be performed in the  
8     final stage of ship construction: *Provided further*, That  
9     none of the funds provided under this heading for the con-  
10    struction or conversion of any naval vessel to be con-  
11    structed in shipyards in the United States shall be ex-  
12    pended in foreign facilities for the construction of major  
13    components of such vessel: *Provided further*, That none  
14    of the funds provided under this heading shall be used  
15    for the construction of any naval vessel in foreign ship-  
16    yards.

17                                   OTHER PROCUREMENT, NAVY

18       For procurement, production, and modernization of  
19     support equipment and materials not otherwise provided  
20     for, Navy ordnance (except ordnance for new aircraft, new  
21     ships, and ships authorized for conversion); the purchase  
22     of passenger motor vehicles for replacement only; expan-  
23     sion of public and private plants, including the land nec-  
24     essary therefor, and such lands and interests therein, may  
25     be acquired, and construction prosecuted thereon prior to

1 approval of title; and procurement and installation of  
2 equipment, appliances, and machine tools in public and  
3 private plants; reserve plant and Government and con-  
4 tractor-owned equipment layaway, \$5,996,459,000, to re-  
5 main available for obligation until September 30, 2014.

6                   PROCUREMENT, MARINE CORPS

7           For expenses necessary for the procurement, manu-  
8 facture, and modification of missiles, armament, military  
9 equipment, spare parts, and accessories therefor; plant  
10 equipment, appliances, and machine tools, and installation  
11 thereof in public and private plants; reserve plant and  
12 Government and contractor-owned equipment layaway; ve-  
13 hicles for the Marine Corps, including the purchase of pas-  
14 senger motor vehicles for replacement only; and expansion  
15 of public and private plants, including 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, \$1,453,602,000, to remain available for ob-  
19 ligation until September 30, 2014.

20                   AIRCRAFT PROCUREMENT, AIR FORCE

21           For construction, procurement, and modification of  
22 aircraft and equipment, including armor and armament,  
23 specialized ground handling equipment, and training de-  
24 vices, spare parts, and accessories therefor; specialized  
25 equipment; expansion of public and private plants, Gov-

1 ernment-owned equipment and installation thereof in such  
2 plants, erection of structures, and acquisition of land, for  
3 the foregoing purposes, and such lands and interests  
4 therein, may be acquired, and construction prosecuted  
5 thereon prior to approval of title; reserve plant and Gov-  
6 ernment and contractor-owned equipment layaway; and  
7 other expenses necessary for the foregoing purposes in-  
8 cluding rents and transportation of things,  
9 \$13,987,613,000, to remain available for obligation until  
10 September 30, 2014.

11 MISSILE PROCUREMENT, AIR FORCE

12 For construction, procurement, and modification of  
13 missiles, spacecraft, rockets, and related equipment, in-  
14 cluding spare parts and accessories therefor, ground han-  
15 dling equipment, and training devices; expansion of public  
16 and private plants, Government-owned equipment and in-  
17 stallation thereof in such plants, erection of structures,  
18 and acquisition of land, for the foregoing purposes, and  
19 such lands and interests therein, may be acquired, and  
20 construction prosecuted thereon prior to approval of title;  
21 reserve plant and Government and contractor-owned  
22 equipment layaway; and other expenses necessary for the  
23 foregoing purposes including rents and transportation of  
24 things, \$5,689,998,000, to remain available for obligation  
25 until September 30, 2014.

## 1           PROCUREMENT OF AMMUNITION, AIR FORCE

2           For construction, procurement, production, and  
3 modification of ammunition, and accessories therefor; spe-  
4 cialized equipment and training devices; expansion of pub-  
5 lic and private plants, including ammunition facilities, au-  
6 thorized by section 2854 of title 10, United States Code,  
7 and the land necessary therefor, for the foregoing pur-  
8 poses, and such lands and interests therein, may be ac-  
9 quired, and construction prosecuted thereon prior to ap-  
10 proval of title; and procurement and installation of equip-  
11 ment, appliances, and machine tools in public and private  
12 plants; reserve plant and Government and contractor-  
13 owned equipment layaway; and other expenses necessary  
14 for the foregoing purposes, \$522,565,000, to remain avail-  
15 able for obligation until September 30, 2014.

## 16           OTHER PROCUREMENT, AIR FORCE

17           For procurement and modification of equipment (in-  
18 cluding ground guidance and electronic control equipment,  
19 and ground electronic and communication equipment),  
20 and supplies, materials, and spare parts therefor, not oth-  
21 erwise provided for; the purchase of passenger motor vehi-  
22 cles for replacement only; lease of passenger motor vehi-  
23 cles; and expansion of public and private plants, Govern-  
24 ment-owned equipment and installation thereof in such  
25 plants, erection of structures, and acquisition of land, for

1 the foregoing purposes, and such lands and interests  
2 therein, may be acquired, and construction prosecuted  
3 thereon, prior to approval of title; reserve plant and Gov-  
4 ernment and contractor-owned equipment layaway,  
5 \$17,260,619,000, to remain available for obligation until  
6 September 30, 2014.

7                   PROCUREMENT, DEFENSE-WIDE

8           For expenses of activities and agencies of the Depart-  
9 ment of Defense (other than the military departments)  
10 necessary for procurement, production, and modification  
11 of equipment, supplies, materials, and spare parts there-  
12 for, not otherwise provided for; the purchase of passenger  
13 motor vehicles for replacement only; expansion of public  
14 and private plants, equipment, and installation thereof in  
15 such plants, erection of structures, and acquisition of land  
16 for the foregoing purposes, and such lands and interests  
17 therein, may be acquired, and construction prosecuted  
18 thereon prior to approval of title; reserve plant and Gov-  
19 ernment and contractor-owned equipment layaway,  
20 \$5,046,447,000, to remain available for obligation until  
21 September 30, 2014.

22                   DEFENSE PRODUCTION ACT PURCHASES

23           For activities by the Department of Defense pursuant  
24 to sections 108, 301, 302, and 303 of the Defense Produc-

1 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and  
2 2093), \$29,964,000, to remain available until expended.

3 TITLE IV

4 RESEARCH, DEVELOPMENT, TEST AND  
5 EVALUATION

6 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

7 ARMY

8 For expenses necessary for basic and applied sci-  
9 entific research, development, test and evaluation, includ-  
10 ing maintenance, rehabilitation, lease, and operation of fa-  
11 cilities and equipment, \$9,381,166,000, to remain avail-  
12 able for obligation until September 30, 2013.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

14 NAVY

15 For expenses necessary for basic and applied sci-  
16 entific research, development, test and evaluation, includ-  
17 ing maintenance, rehabilitation, lease, and operation of fa-  
18 cilities and equipment, \$17,798,950,000, to remain avail-  
19 able for obligation until September 30, 2013: *Provided*,  
20 That funds appropriated in this paragraph which are  
21 available for the V-22 may be used to meet unique oper-  
22 ational requirements of the Special Operations Forces:  
23 *Provided further*, That funds appropriated in this para-  
24 graph shall be available for the Cobra Judy program.

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

3 For expenses necessary for basic and applied sci-  
4 entific research, development, test and evaluation, includ-  
5 ing maintenance, rehabilitation, lease, and operation of fa-  
6 cilities and equipment, \$26,313,196,000, to remain avail-  
7 able for obligation until September 30, 2013.

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

10 For expenses of activities and agencies of the Depart-  
11 ment of Defense (other than the military departments),  
12 necessary for basic and applied scientific research, devel-  
13 opment, test and evaluation; advanced research projects  
14 as may be designated and determined by the Secretary  
15 of Defense, pursuant to law; maintenance, rehabilitation,  
16 lease, and operation of facilities and equipment,  
17 \$19,324,865,000 (reduced by \$16,000,000) (reduced by  
18 \$10,000,000), to remain available for obligation until Sep-  
19 tember 30, 2013.

20 OPERATIONAL TEST AND EVALUATION, DEFENSE

21 For expenses, not otherwise provided for, necessary  
22 for the independent activities of the Director, Operational  
23 Test and Evaluation, in the direction and supervision of  
24 operational test and evaluation, including initial oper-  
25 ational test and evaluation which is conducted prior to,

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

5

## TITLE V

6

## REVOLVING AND MANAGEMENT FUNDS

7

## DEFENSE WORKING CAPITAL FUNDS

8

For the Defense Working Capital Funds,

9

\$1,575,010,000.

10

## NATIONAL DEFENSE SEALIFT FUND

11

For National Defense Sealift Fund programs,

12

projects, and activities, and for expenses of the National

13

Defense Reserve Fleet, as established by section 11 of the

14

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

15

and for the necessary expenses to maintain and preserve

16

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

17

needs of the United States, \$1,100,519,000, to remain

18

available until expended: *Provided*, That none of the funds

19

provided in this paragraph shall be used to award a new

20

contract that provides for the acquisition of any of the

21

following major components unless such components are

22

manufactured in the United States: auxiliary equipment,

23

including pumps, for all shipboard services; propulsion

24

system components (engines, reduction gears, and propel-

25

lers); shipboard cranes; and spreaders for shipboard



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

## 14 TITLE VI

### 15 OTHER DEPARTMENT OF DEFENSE PROGRAMS

#### 16 DEFENSE HEALTH PROGRAM

17 For expenses, not otherwise provided for, for medical  
18 and health care programs of the Department of Defense  
19 as authorized by law, \$32,317,459,000 (increased by  
20 \$500,000) (increased by \$16,000,000) (increased by  
21 \$10,000,000) (increased by \$3,600,000); of which  
22 \$30,497,735,000 shall be for operation and maintenance,  
23 of which not to exceed 1 percent shall remain available  
24 until September 30, 2013, and of which up to  
25 \$16,092,272,000 may be available for contracts entered

1 into under the TRICARE program; of which  
2 \$632,518,000, to remain available for obligation until Sep-  
3 tember 30, 2014, shall be for procurement; and of which  
4 \$1,187,206,000 (increased by \$500,000) (increased by  
5 \$16,000,000) (increased by \$10,000,000) (increased by  
6 \$3,600,000), to remain available for obligation until Sep-  
7 tember 30, 2013, shall be for research, development, test  
8 and evaluation: *Provided*, That, notwithstanding any other  
9 provision of law, of the amount made available under this  
10 heading for research, development, test and evaluation,  
11 not less than \$8,000,000 shall be available for HIV pre-  
12 vention educational activities undertaken in connection  
13 with United States military training, exercises, and hu-  
14 manitarian assistance activities conducted primarily in Af-  
15 rican nations.

16 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,  
17 DEFENSE

18 For expenses, not otherwise provided for, necessary  
19 for the destruction of the United States stockpile of lethal  
20 chemical agents and munitions in accordance with the pro-  
21 visions of section 1412 of the Department of Defense Au-  
22 thorization Act, 1986 (50 U.S.C. 1521), and for the de-  
23 struction of other chemical warfare materials that are not  
24 in the chemical weapon stockpile, \$1,554,422,000, of  
25 which \$1,147,691,000 shall be for operation and mainte-

1 nance, of which no less than \$103,097,000 shall be for  
2 the Chemical Stockpile Emergency Preparedness Pro-  
3 gram, consisting of \$30,615,000, for activities on military  
4 installations and \$72,482,000, to remain available until  
5 September 30, 2013, to assist state and local govern-  
6 ments; and \$406,731,000 to remain available until Sep-  
7 tember 30, 2013, shall be for research, development, test  
8 and evaluation, of which \$401,768,000 shall be only for  
9 the Assembled Chemical Weapons Alternatives (ACWA)  
10 Program.

11 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

12 DEFENSE

13 (INCLUDING TRANSFER OF FUNDS)

14 For drug interdiction and counter-drug activities of  
15 the Department of Defense, for transfer to appropriations  
16 available to the Department of Defense for military per-  
17 sonnel of the reserve components serving under the provi-  
18 sions of title 10 and title 32, United States Code; for oper-  
19 ation and maintenance; for procurement; and for research,  
20 development, test and evaluation, \$1,208,147,000: *Pro-*  
21 *vided*, That the funds appropriated under this heading  
22 shall be available for obligation for the same time period  
23 and for the same purpose as the appropriation to which  
24 transferred: *Provided further*, That upon a determination  
25 that all or part of the funds transferred from this appro-

1 priation are not necessary for the purposes provided here-  
2 in, such amounts may be transferred back to this appro-  
3 priation: *Provided further*, That the transfer authority pro-  
4 vided under this heading is in addition to any other trans-  
5 fer authority contained elsewhere in this Act: *Provided fur-*  
6 *ther*, That \$23,000,000 may not be obligated or expended  
7 until the Secretary of Defense submits an implementation  
8 plan for the expansion of prescription drug testing to the  
9 congressional defense committees.

10 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

11 (INCLUDING TRANSFER OF FUNDS)

12 For the “Joint Improvised Explosive Device Defeat  
13 Fund”, \$220,634,000, to remain available until Sep-  
14 tember 30, 2014, for Staff and Infrastructure: *Provided*,  
15 That such funds shall be available to the Secretary of De-  
16 fense, notwithstanding any other provision of law, for the  
17 purpose of allowing the Director of the Joint Improvised  
18 Explosive Device Defeat Organization to investigate, de-  
19 velop and provide equipment, supplies, services, training,  
20 facilities, personnel and funds to assist United States  
21 forces in the defeat of improvised explosive devices: *Pro-*  
22 *vided further*, That not later than 60 days of the enact-  
23 ment of this Act, the Secretary of Defense shall submit  
24 to the congressional defense committees a plan for the in-  
25 tended management and use of the amounts provided

1 under this heading: *Provided further*, That the Secretary  
2 of Defense shall submit a report not later than 60 days  
3 after the end of each fiscal quarter to the congressional  
4 defense committees providing assessments of the evolving  
5 threats, individual service requirements to counter the  
6 threats, the current strategy for predeployment training  
7 of members of the Armed Forces on improvised explosive  
8 devices, and details on the execution of the Fund: *Provided*  
9 *further*, That the Secretary of Defense may transfer funds  
10 provided herein to appropriations for operation and main-  
11 tenance; procurement; research, development, test and  
12 evaluation; and defense working capital funds to accom-  
13 plish the purpose provided herein: *Provided further*, That  
14 amounts transferred shall be merged with and available  
15 for the same purposes and time period as the appropria-  
16 tions to which transferred: *Provided further*, That this  
17 transfer authority is in addition to any other transfer au-  
18 thority available to the Department of Defense: *Provided*  
19 *further*, That the Secretary of Defense shall, not fewer  
20 than 15 days prior to making transfers from this appro-  
21 priation, notify the congressional defense committees in  
22 writing of the details of any such transfer.

23 OFFICE OF THE INSPECTOR GENERAL

24 For expenses and activities of the Office of the In-  
25 spector General in carrying out the provisions of the In-

1 spector General Act of 1978, as amended, \$346,919,000,  
2 of which \$286,919,000 shall be for operation and mainte-  
3 nance, of which not to exceed \$700,000 is available for  
4 emergencies and extraordinary expenses to be expended on  
5 the approval or authority of the Inspector General, and  
6 payments may be made on the Inspector General's certifi-  
7 cate of necessity for confidential military purposes; of  
8 which \$1,000,000, to remain available until September 30,  
9 2014, shall be for procurement; and of which \$1,600,000,  
10 to remain available until September 30, 2013, shall be for  
11 research, development, testing, and evaluation.

## 12 TITLE VII

### 13 RELATED AGENCIES

#### 14 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

#### 15 DISABILITY SYSTEM FUND

16 For payment to the Central Intelligence Agency Re-  
17 tirement and Disability System Fund, to maintain the  
18 proper funding level for continuing the operation of the  
19 Central Intelligence Agency Retirement and Disability  
20 System, \$513,700,000.

#### 21 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

22 For necessary expenses of the Intelligence Commu-  
23 nity Management Account, \$458,225,000.

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## TITLE VIII

### GENERAL PROVISIONS

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

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

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

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

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

11                                   (INCLUDING TRANSFER OF FUNDS)

12       SEC. 8005. Upon determination by the Secretary of  
13 Defense that such action is necessary in the national inter-  
14 est, he may, with the approval of the Office of Manage-  
15 ment and Budget, transfer not to exceed \$4,000,000,000  
16 of working capital funds of the Department of Defense  
17 or funds made available in this Act to the Department  
18 of Defense for military functions (except military con-  
19 struction) between such appropriations or funds or any  
20 subdivision thereof, to be merged with and to be available  
21 for the same purposes, and for the same time period, as  
22 the appropriation or fund to which transferred: *Provided*,  
23 That such authority to transfer may not be used unless  
24 for higher priority items, based on unforeseen military re-  
25 quirements, than those for which originally appropriated



1 and in no case where the item for which funds are re-  
2 quested has been denied by the Congress: *Provided further*,  
3 That the Secretary of Defense shall notify the Congress  
4 promptly of all transfers made pursuant to this authority  
5 or any other authority in this Act: *Provided further*, That  
6 no part of the funds in this Act shall be available to pre-  
7 pare or present a request to the Committees on Appropria-  
8 tions for reprogramming of funds, unless for higher pri-  
9 ority items, based on unforeseen military requirements,  
10 than those for which originally appropriated and in no  
11 case where the item for which reprogramming is requested  
12 has been denied by the Congress: *Provided further*, That  
13 a request for multiple reprogrammings of funds using au-  
14 thority provided in this section shall be made prior to June  
15 30, 2012: *Provided further*, That transfers among military  
16 personnel appropriations shall not be taken into account  
17 for purposes of the limitation on the amount of funds that  
18 may be transferred under this section.

19       SEC. 8006. (a) With regard to the list of specific pro-  
20 grams, projects, and activities (and the dollar amounts  
21 and adjustments to budget activities corresponding to  
22 such programs, projects, and activities) contained in the  
23 tables titled “Explanation of Project Level Adjustments”  
24 in the explanatory statement regarding this Act, the obli-  
25 gation and expenditure of amounts appropriated or other-

1 wise made available in this Act for those programs,  
2 projects, and activities for which the amounts appro-  
3 priated exceed the amounts requested are hereby required  
4 by law to be carried out in the manner provided by such  
5 tables to the same extent as if the tables were included  
6 in the text of this Act.

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

13 SEC. 8007. (a) Not later than 60 days after enact-  
14 ment of this Act, the Department of Defense shall submit  
15 a report to the congressional defense committees to estab-  
16 lish the baseline for application of reprogramming and  
17 transfer authorities for fiscal year 2012: *Provided*, That  
18 the report shall include—

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

24 (2) a delineation in the table for each appro-  
25 priation both by budget activity and program,

1 project, and activity as detailed in the Budget Ap-  
2 pendix; and

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

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

13 (TRANSFER OF FUNDS)

14 SEC. 8008. 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,  
17 United States Code, may be maintained in only such  
18 amounts as are necessary at any time for cash disburse-  
19 ments to be made from such funds: *Provided*, That trans-  
20 fers may be made between such funds: *Provided further*,  
21 That transfers may be made between working capital  
22 funds and the “Foreign Currency Fluctuations, Defense”  
23 appropriation and the “Operation and Maintenance” ap-  
24 propriation accounts in such amounts as may be deter-  
25 mined by the Secretary of Defense, with the approval of

1 the Office of Management and Budget, except that such  
2 transfers may not be made unless the Secretary of Defense  
3 has notified the Congress of the proposed transfer. Except  
4 in amounts equal to the amounts appropriated to working  
5 capital funds in this Act, no obligations may be made  
6 against a working capital fund to procure or increase the  
7 value of war reserve material inventory, unless the Sec-  
8 retary of Defense has notified the Congress prior to any  
9 such obligation.

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

14 SEC. 8010. None of the funds provided in this Act  
15 shall be available to initiate: (1) a multiyear contract that  
16 employs economic order quantity procurement in excess of  
17 \$20,000,000 in any one year of the contract or that in-  
18 cludes an unfunded contingent liability in excess of  
19 \$20,000,000; or (2) a contract for advance procurement  
20 leading to a multiyear contract that employs economic  
21 order quantity procurement in excess of \$20,000,000 in  
22 any one year, unless the congressional defense committees  
23 have been notified at least 30 days in advance of the pro-  
24 posed contract award: *Provided*, That no part of any ap-  
25 propriation contained in this Act shall be available to ini-

1 tiate a multiyear contract for which the economic order  
2 quantity advance procurement is not funded at least to  
3 the limits of the Government's liability: *Provided further*,  
4 That no part of any appropriation contained in this Act  
5 shall be available to initiate multiyear procurement con-  
6 tracts for any systems or component thereof if the value  
7 of the multiyear contract would exceed \$500,000,000 un-  
8 less specifically provided in this Act: *Provided further*,  
9 That no multiyear procurement contract can be termi-  
10 nated without 10-day prior notification to the congres-  
11 sional defense committees: *Provided further*, That the exe-  
12 cution of multiyear authority shall require the use of a  
13 present value analysis to determine lowest cost compared  
14 to an annual procurement: *Provided further*, That none of  
15 the funds provided in this Act may be used for a multiyear  
16 contract executed after the date of the enactment of this  
17 Act unless in the case of any such contract—

18           (1) the Secretary of Defense has submitted to  
19           Congress a budget request for full funding of units  
20           to be procured through the contract and, in the case  
21           of a contract for procurement of aircraft, that in-  
22           cludes, for any aircraft unit to be procured through  
23           the contract for which procurement funds are re-  
24           quested in that budget request for production be-  
25           yond advanced procurement activities in the fiscal

1 year covered by the budget, full funding of procure-  
2 ment of such unit in that fiscal year;

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

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

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

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

16 UH-60M/HH-60M and MH-60R/MH-60S Heli-  
17 copter Airframes; and MH-60R/S Mission Avionics and  
18 Common Cockpits.

19 SEC. 8011. Within the funds appropriated for the op-  
20 eration and maintenance of the Armed Forces, funds are  
21 hereby appropriated pursuant to section 401 of title 10,  
22 United States Code, for humanitarian and civic assistance  
23 costs under chapter 20 of title 10, United States Code.  
24 Such funds may also be obligated for humanitarian and  
25 civic assistance costs incidental to authorized operations

1 and pursuant to authority granted in section 401 of chap-  
2 ter 20 of title 10, United States Code, and these obliga-  
3 tions shall be reported as required by section 401(d) of  
4 title 10, United States Code: *Provided*, That funds avail-  
5 able for operation and maintenance shall be available for  
6 providing humanitarian and similar assistance by using  
7 Civic Action Teams in the Trust Territories of the Pacific  
8 Islands and freely associated states of Micronesia, pursu-  
9 ant to the Compact of Free Association as authorized by  
10 Public Law 99–239: *Provided further*, That upon a deter-  
11 mination by the Secretary of the Army that such action  
12 is beneficial for graduate medical education programs con-  
13 ducted at Army medical facilities located in Hawaii, the  
14 Secretary of the Army may authorize the provision of med-  
15 ical services at such facilities and transportation to such  
16 facilities, on a nonreimbursable basis, for civilian patients  
17 from American Samoa, the Commonwealth of the North-  
18 ern Mariana Islands, the Marshall Islands, the Federated  
19 States of Micronesia, Palau, and Guam.

20 SEC. 8012. (a) During fiscal year 2012, the civilian  
21 personnel of the Department of Defense may not be man-  
22 aged on the basis of any end-strength, and the manage-  
23 ment of such personnel during that fiscal year shall not  
24 be subject to any constraint or limitation (known as an

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

3 (b) The fiscal year 2013 budget request for the De-  
4 partment of Defense as well as all justification material  
5 and other documentation supporting the fiscal year 2013  
6 Department of Defense budget request shall be prepared  
7 and submitted to the Congress as if subsections (a) and  
8 (b) of this provision were effective with regard to fiscal  
9 year 2013.

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

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

16 SEC. 8014. None of the funds appropriated by this  
17 Act shall be available for the basic pay and allowances of  
18 any member of the Army participating as a full-time stu-  
19 dent and receiving benefits paid by the Secretary of Vet-  
20 erans Affairs from the Department of Defense Education  
21 Benefits Fund when time spent as a full-time student is  
22 credited toward completion of a service commitment: *Pro-*  
23 *vided*, That this section shall not apply to those members  
24 who have reenlisted with this option prior to October 1,



1 1987: *Provided further*, That this section applies only to  
2 active components of the Army.

3 (TRANSFER OF FUNDS)

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

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

1 mooring chain shall be considered to be produced or manu-  
2 factured in the United States if the aggregate cost of the  
3 components produced or manufactured in the United  
4 States exceeds the aggregate cost of the components pro-  
5 duced or manufactured outside the United States: *Pro-*  
6 *vided further*, That when adequate domestic supplies are  
7 not available to meet Department of Defense requirements  
8 on a timely basis, the Secretary of the service responsible  
9 for the procurement may waive this restriction on a case-  
10 by-case basis by certifying in writing to the Committees  
11 on Appropriations that such an acquisition must be made  
12 in order to acquire capability for national security pur-  
13 poses.

14       SEC. 8017. None of the funds available to the De-  
15 partment of Defense, herein and hereafter, may be used  
16 to demilitarize or dispose of M-1 Carbines, M-1 Garand  
17 rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or  
18 M-1911 pistols, or to demilitarize or destroy small arms  
19 ammunition or ammunition components that are not oth-  
20 erwise prohibited from commercial sale under Federal law,  
21 unless the small arms ammunition or ammunition compo-  
22 nents are certified by the Secretary of the Army or des-  
23 ignee as unserviceable or unsafe for further use.

24       SEC. 8018. No more than \$500,000 of the funds ap-  
25 propriated or made available in this Act shall be used dur-

1 ing a single fiscal year for any single relocation of an orga-  
2 nization, unit, activity or function of the Department of  
3 Defense into or within the National Capital Region: *Pro-*  
4 *vided*, That the Secretary of Defense may waive this re-  
5 striction on a case-by-case basis by certifying in writing  
6 to the congressional defense committees that such a relo-  
7 cation is required in the best interest of the Government.

8       SEC. 8019. In addition to the funds provided else-  
9 where in this Act, \$15,000,000 is appropriated only for  
10 incentive payments authorized by section 504 of the In-  
11 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,  
12 That a prime contractor or a subcontractor at any tier  
13 that makes a subcontract award to any subcontractor or  
14 supplier as defined in section 1544 of title 25, United  
15 States Code, or a small business owned and controlled by  
16 an individual or individuals defined under section 4221(9)  
17 of title 25, United States Code, shall be considered a con-  
18 tractor for the purposes of being allowed additional com-  
19 pensation under section 504 of the Indian Financing Act  
20 of 1974 (25 U.S.C. 1544) whenever the prime contract  
21 or subcontract amount is over \$500,000 and involves the  
22 expenditure of funds appropriated by an Act making Ap-  
23 propriations for the Department of Defense with respect  
24 to any fiscal year: *Provided further*, That notwithstanding  
25 section 1906 of title 41, United States Code, this section

1 shall be applicable to any Department of Defense acquisi-  
2 tion of supplies or services, including any contract and any  
3 subcontract at any tier for acquisition of commercial items  
4 produced or manufactured, in whole or in part, by any  
5 subcontractor or supplier defined in section 1544 of title  
6 25, United States Code, or a small business owned and  
7 controlled by an individual or individuals defined under  
8 section 4221(9) of title 25, United States Code.

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

12       SEC. 8021. During the current fiscal year, the De-  
13 partment of Defense is authorized to incur obligations of  
14 not to exceed \$350,000,000 for purposes specified in sec-  
15 tion 2350j(c) of title 10, United States Code, in anticipa-  
16 tion of receipt of contributions, only from the Government  
17 of Kuwait, under that section: *Provided*, That upon re-  
18 ceipt, such contributions from the Government of Kuwait  
19 shall be credited to the appropriations or fund which in-  
20 curred such obligations.

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

24               (1) \$27,838,000 shall be available from “Oper-  
25       ation and Maintenance, Air Force” to support Civil

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

4 (2) \$2,190,000 shall be available from “Aircraft  
5 Procurement, Air Force”; and

6 (3) \$917,000 shall be available from “Other  
7 Procurement, Air Force” for vehicle procurement.

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

12 SEC. 8023. (a) None of the funds appropriated in this  
13 Act are available to establish a new Department of De-  
14 fense (department) federally funded research and develop-  
15 ment center (FFRDC), either as a new entity, or as a  
16 separate entity administrated by an organization man-  
17 aging another FFRDC, or as a nonprofit membership cor-  
18 poration consisting of a consortium of other FFRDCs and  
19 other nonprofit entities.

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

1 ty, or as a paid consultant by more than one FFRDC in  
2 a fiscal year: *Provided*, That a member of any such entity  
3 referred to previously in this subsection shall be allowed  
4 travel expenses and per diem as authorized under the Fed-  
5 eral Joint Travel Regulations, when engaged in the per-  
6 formance of membership duties.

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

16 (d) Notwithstanding any other provision of law, of  
17 the funds available to the department during fiscal year  
18 2012, not more than 5,750 staff years of technical effort  
19 (staff years) may be funded for defense FFRDCs: *Pro-*  
20 *vided*, That of the specific amount referred to previously  
21 in this subsection, not more than 1,125 staff years may  
22 be funded for the defense studies and analysis FFRDCs:  
23 *Provided further*, That this subsection shall not apply to  
24 staff years funded in the National Intelligence Program  
25 (NIP) and the Military Intelligence Program (MIP).

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

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

10 SEC. 8024. None of the funds appropriated or made  
11 available in this Act shall be used to procure carbon, alloy  
12 or armor steel plate for use in any Government-owned fa-  
13 cility or property under the control of the Department of  
14 Defense which were not melted and rolled in the United  
15 States or Canada: *Provided*, That these procurement re-  
16 strictions shall apply to any and all Federal Supply Class  
17 9515, American Society of Testing and Materials (ASTM)  
18 or American Iron and Steel Institute (AISI) specifications  
19 of carbon, alloy or armor steel plate: *Provided further*,  
20 That the Secretary of the military department responsible  
21 for the procurement may waive this restriction on a case-  
22 by-case basis by certifying in writing to the Committees  
23 on Appropriations of the House of Representatives and the  
24 Senate that adequate domestic supplies are not available  
25 to meet Department of Defense requirements on a timely

1 basis and that such an acquisition must be made in order  
2 to acquire capability for national security purposes: *Pro-*  
3 *vided further*, That these restrictions shall not apply to  
4 contracts which are in being as of the date of the enact-  
5 ment of this Act.

6       SEC. 8025. For the purposes of this Act, the term  
7 “congressional defense committees” means the Armed  
8 Services Committee of the House of Representatives, the  
9 Armed Services Committee of the Senate, the Sub-  
10 committee on Defense of the Committee on Appropriations  
11 of the Senate, and the Subcommittee on Defense of the  
12 Committee on Appropriations of the House of Representa-  
13 tives.

14       SEC. 8026. During the current fiscal year, the De-  
15 partment of Defense may acquire the modification, depot  
16 maintenance and repair of aircraft, vehicles and vessels  
17 as well as the production of components and other De-  
18 fense-related articles, through competition between De-  
19 partment of Defense depot maintenance activities and pri-  
20 vate firms: *Provided*, That the Senior Acquisition Execu-  
21 tive of the military department or Defense Agency con-  
22 cerned, with power of delegation, shall certify that success-  
23 ful bids include comparable estimates of all direct and in-  
24 direct costs for both public and private bids: *Provided fur-*  
25 *ther*, That Office of Management and Budget Circular A-



1 76 shall not apply to competitions conducted under this  
2 section.

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

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

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

1 international agreement to which the United States is a  
2 party.

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

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

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

23 (b) The Secretary of the Air Force shall convey, at  
24 no cost to the Air Force, military housing units under sub-  
25 section (a) in accordance with the request for such units

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

8 (c) The Operation Walking Shield Program shall re-  
9 solve any conflicts among requests of Indian tribes for  
10 housing units under subsection (a) before submitting re-  
11 quests to the Secretary of the Air Force under subsection  
12 (b).

13 (d) In this section, the term “Indian tribe” means  
14 any recognized Indian tribe included on the current list  
15 published by the Secretary of the Interior under section  
16 104 of the Federally Recognized Indian Tribe Act of 1994  
17 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–  
18 1).

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

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

1 of Defense Working Capital Funds shall be used for the  
2 purchase of an investment item for the purpose of acquir-  
3 ing a new inventory item for sale or anticipated sale dur-  
4 ing the current fiscal year or a subsequent fiscal year to  
5 customers of the Department of Defense Working Capital  
6 Funds if such an item would not have been chargeable  
7 to the Department of Defense Business Operations Fund  
8 during fiscal year 1994 and if the purchase of such an  
9 investment item would be chargeable during the current  
10 fiscal year to appropriations made to the Department of  
11 Defense for procurement.

12 (b) The fiscal year 2013 budget request for the De-  
13 partment of Defense as well as all justification material  
14 and other documentation supporting the fiscal year 2013  
15 Department of Defense budget shall be prepared and sub-  
16 mitted to the Congress on the basis that any equipment  
17 which was classified as an end item and funded in a pro-  
18 curement appropriation contained in this Act shall be  
19 budgeted for in a proposed fiscal year 2013 procurement  
20 appropriation and not in the supply management business  
21 area or any other area or category of the Department of  
22 Defense Working Capital Funds.

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

1 year, except for funds appropriated for the Reserve for  
2 Contingencies, which shall remain available until Sep-  
3 tember 30, 2013: *Provided*, That funds appropriated,  
4 transferred, or otherwise credited to the Central Intel-  
5 ligence Agency Central Services Working Capital Fund  
6 during this or any prior or subsequent fiscal year shall  
7 remain available until expended: *Provided further*, That  
8 any funds appropriated or transferred to the Central Intel-  
9 ligence Agency for advanced research and development ac-  
10 quisition, for agent operations, and for covert action pro-  
11 grams authorized by the President under section 503 of  
12 the National Security Act of 1947, as amended, shall re-  
13 main available until September 30, 2013.

14       SEC. 8033. Notwithstanding any other provision of  
15 law, funds made available in this Act for the Defense In-  
16 telligence Agency may be used for the design, develop-  
17 ment, and deployment of General Defense Intelligence  
18 Program intelligence communications and intelligence in-  
19 formation systems for the Services, the Unified and Speci-  
20 fied Commands, and the component commands.

21       SEC. 8034. Of the funds appropriated to the Depart-  
22 ment of Defense under the heading “Operation and Main-  
23 tenance, Defense-Wide”, not less than \$12,000,000 shall  
24 be made available only for the mitigation of environmental  
25 impacts, including training and technical assistance to

1 tribes, related administrative support, the gathering of in-  
2 formation, documenting of environmental damage, and de-  
3 veloping a system for prioritization of mitigation and cost  
4 to complete estimates for mitigation, on Indian lands re-  
5 sulting from Department of Defense activities.

6       SEC. 8035. (a) None of the funds appropriated in this  
7 Act may be expended by an entity of the Department of  
8 Defense unless the entity, in expending the funds, com-  
9 plies with the Buy American Act. For purposes of this  
10 subsection, the term “Buy American Act” means chapter  
11 83 of title 41, United States Code.

12       (b) If the Secretary of Defense determines that a per-  
13 son has been convicted of intentionally affixing a label  
14 bearing a “Made in America” inscription to any product  
15 sold in or shipped to the United States that is not made  
16 in America, the Secretary shall determine, in accordance  
17 with section 2410f of title 10, United States Code, wheth-  
18 er the person should be debarred from contracting with  
19 the Department of Defense.

20       (c) In the case of any equipment or products pur-  
21 chased with appropriations provided under this Act, it is  
22 the sense of the Congress that any entity of the Depart-  
23 ment of Defense, in expending the appropriation, purchase  
24 only American-made equipment and products, provided  
25 that American-made equipment and products are cost-

1 competitive, quality-competitive, and available in a timely  
2 fashion.

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

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

11 (2) the purpose of the contract is to explore an  
12 unsolicited proposal which offers significant sci-  
13 entific or technological promise, represents the prod-  
14 uct of original thinking, and was submitted in con-  
15 fidence by one source; or

16 (3) the purpose of the contract is to take ad-  
17 vantage of unique and significant industrial accom-  
18 plishment by a specific concern, or to ensure that a  
19 new product or idea of a specific concern is given fi-  
20 nancial support: *Provided*, That this limitation shall  
21 not apply to contracts in an amount of less than  
22 \$25,000, contracts related to improvements of equip-  
23 ment that is in development or production, or con-  
24 tracts as to which a civilian official of the Depart-  
25 ment of Defense, who has been confirmed by the

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

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

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

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

12 (b) The Secretary of Defense or Secretary of a mili-  
13 tary department may waive the limitations in subsection  
14 (a), on a case-by-case basis, if the Secretary determines,  
15 and certifies to the Committees on Appropriations of the  
16 House of Representatives and Senate that the granting  
17 of the waiver will reduce the personnel requirements or  
18 the financial requirements of the department.

19 (c) This section does not apply to—

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

22 (2) an Army field operating agency established  
23 to eliminate, mitigate, or counter the effects of im-  
24 provised explosive devices, and, as determined by the  
25 Secretary of the Army, other similar threats; or





1 “Aircraft Procurement, Navy”, 2011/2013,  
2 \$55,000,000.

3 “Weapons Procurement, Navy”, 2011/2013,  
4 \$35,427,000.

5 “Procurement of Ammunition, Navy and Marine  
6 Corps”, 2011/2013, \$8,612,000.

7 “Shipbuilding and Conversion, Navy”, 2011/2015,  
8 \$110,351,000.

9 “Aircraft Procurement, Air Force”, 2011/2013,  
10 \$30,000,000.

11 “Missile Procurement, Air Force”, 2011/2013,  
12 \$122,500,000.

13 “Other Procurement, Air Force”, 2011/2013,  
14 \$90,000,000.

15 “Procurement, Defense-Wide”, 2011/2013,  
16 \$45,000,000.

17 “Research, Development, Test and Evaluation,  
18 Navy”, 2011/2012, \$34,771,000.

19 “Research, Development, Test and Evaluation, Air  
20 Force”, 2011/2012, \$105,000,000.

21 “Research, Development, Test and Evaluation, De-  
22 fense-Wide”, 2011/2012, \$318,000,000.

23 Notwithstanding any other provision of law, none of the  
24 funds provided may be used for the construction of addi-  
25 tional sealift capacity, as described under the heading

1 “National Defense Sealift Fund” in Public Law 107–117,  
2 Public Law 107–248, and Public Law 108–87, or for the  
3 purposes described in section 115 of division H of Public  
4 Law 108–199, as amended by section 1017 of division A  
5 of Public Law 109–13.

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

14       SEC. 8041. None of the funds appropriated or other-  
15 wise made available in this Act may be obligated or ex-  
16 pended for assistance to the Democratic People’s Republic  
17 of Korea unless specifically appropriated for that purpose.

18       SEC. 8042. Funds appropriated in this Act for oper-  
19 ation and maintenance of the Military Departments, Com-  
20 batant Commands and Defense Agencies shall be available  
21 for reimbursement of pay, allowances and other expenses  
22 which would otherwise be incurred against appropriations  
23 for the National Guard and Reserve when members of the  
24 National Guard and Reserve provide intelligence or coun-  
25 terintelligence support to Combatant Commands, Defense

1 Agencies and Joint Intelligence Activities, including the  
2 activities and programs included within the National Intel-  
3 ligence Program and the Military Intelligence Program:  
4 *Provided*, That nothing in this section authorizes deviation  
5 from established Reserve and National Guard personnel  
6 and training procedures.

7       SEC. 8043. During the current fiscal year, none of  
8 the funds appropriated in this Act may be used to reduce  
9 the civilian medical and medical support personnel as-  
10 signed to military treatment facilities below the September  
11 30, 2003, level: *Provided*, That the Service Surgeons Gen-  
12 eral may waive this section by certifying to the congres-  
13 sional defense committees that the beneficiary population  
14 is declining in some catchment areas and civilian strength  
15 reductions may be consistent with responsible resource  
16 stewardship and capitation-based budgeting.

17       SEC. 8044. (a) None of the funds available to the  
18 Department of Defense for any fiscal year for drug inter-  
19 diction or counter-drug activities may be transferred to  
20 any other department or agency of the United States ex-  
21 cept as specifically provided in an appropriations law.

22       (b) None of the funds available to the Central Intel-  
23 ligence Agency for any fiscal year for drug interdiction  
24 and counter-drug activities may be transferred to any

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

3       SEC. 8045. None of the funds appropriated by this  
4 Act may be used for the procurement of ball and roller  
5 bearings other than those produced by a domestic source  
6 and of domestic origin: *Provided*, That the Secretary of  
7 the military department responsible for such procurement  
8 may waive this restriction on a case-by-case basis by certi-  
9 fying in writing to the Committees on Appropriations of  
10 the House of Representatives and the Senate, that ade-  
11 quate domestic supplies are not available to meet Depart-  
12 ment of Defense requirements on a timely basis and that  
13 such an acquisition must be made in order to acquire ca-  
14 pability for national security purposes: *Provided further*,  
15 That this restriction shall not apply to the purchase of  
16 “commercial items”, as defined by section 103 of title 41,  
17 United States Code, except that the restriction shall apply  
18 to ball or roller bearings purchased as end items.

19       SEC. 8046. None of the funds in this Act may be  
20 used to purchase any supercomputer which is not manu-  
21 factured in the United States, unless the Secretary of De-  
22 fense certifies to the congressional defense committees  
23 that such an acquisition must be made in order to acquire  
24 capability for national security purposes that is not avail-  
25 able from United States manufacturers.

1        SEC. 8047. None of the funds made available in this  
2 or any other Act may be used to pay the salary of any  
3 officer or employee of the Department of Defense who ap-  
4 proves or implements the transfer of administrative re-  
5 sponsibilities or budgetary resources of any program,  
6 project, or activity financed by this Act to the jurisdiction  
7 of another Federal agency not financed by this Act with-  
8 out the express authorization of Congress: *Provided*, That  
9 this limitation shall not apply to transfers of funds ex-  
10 pressly provided for in Defense Appropriations Acts, or  
11 provisions of Acts providing supplemental appropriations  
12 for the Department of Defense.

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

24        (b) This section applies to—

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

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

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

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

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

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

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

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

1       SEC. 8049. None of the funds available to the De-  
2   partment of Defense under this Act shall be obligated or  
3   expended to pay a contractor under a contract with the  
4   Department of Defense for costs of any amount paid by  
5   the contractor to an employee when—

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

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

11                   (INCLUDING TRANSFER OF FUNDS)

12       SEC. 8050. During the current fiscal year, no more  
13   than \$30,000,000 of appropriations made in this Act  
14   under the heading “Operation and Maintenance, Defense-  
15   Wide” may be transferred to appropriations available for  
16   the pay of military personnel, to be merged with, and to  
17   be available for the same time period as the appropriations  
18   to which transferred, to be used in support of such per-  
19   sonnel in connection with support and services for eligible  
20   organizations and activities outside the Department of De-  
21   fense pursuant to section 2012 of title 10, United States  
22   Code.

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



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

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

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

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

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

5 SEC. 8052. (a) Notwithstanding any other provision  
6 of law, the Chief of the National Guard Bureau may per-  
7 mit the use of equipment of the National Guard Distance  
8 Learning Project by any person or entity on a space-avail-  
9 able, reimbursable basis. The Chief of the National Guard  
10 Bureau shall establish the amount of reimbursement for  
11 such use on a case-by-case basis.

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

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

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

9       SEC. 8054. None of the funds appropriated in title  
10 IV of this Act may be used to procure end-items for deliv-  
11 ery to military forces for operational training, operational  
12 use or inventory requirements: *Provided*, That this restric-  
13 tion does not apply to end-items used in development,  
14 prototyping, and test activities preceding and leading to  
15 acceptance for operational use: *Provided further*, That this  
16 restriction does not apply to programs funded within the  
17 National Intelligence Program: *Provided further*, That the  
18 Secretary of Defense may waive this restriction on a case-  
19 by-case basis by certifying in writing to the Committees  
20 on Appropriations of the House of Representatives and the  
21 Senate that it is in the national security interest to do  
22 so.

23       SEC. 8055. None of the funds made available in this  
24 Act may be used to approve or license the sale of the F-  
25 22A advanced tactical fighter to any foreign government:

1 *Provided*, That the Department of Defense may conduct  
2 or participate in studies, research, design and other activi-  
3 ties to define and develop a future export version of the  
4 F-22A that protects classified and sensitive information,  
5 technologies and U.S. warfighting capabilities.

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

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

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

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

1       are adjusted for any reason other than the applica-  
2       tion of a waiver granted under subsection (a).

3       (c) Subsection (a) does not apply to a limitation re-  
4       garding construction of public vessels, ball and roller bear-  
5       ings, food, and clothing or textile materials as defined by  
6       section 11 (chapters 50–65) of the Harmonized Tariff  
7       Schedule and products classified under headings 4010,  
8       4202, 4203, 6401 through 6406, 6505, 7019, 7218  
9       through 7229, 7304.41 through 7304.49, 7306.40, 7502  
10      through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

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

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

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

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

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

11 SEC. 8058. None of the funds appropriated or other-  
12 wise made available by this or other Department of De-  
13 fense Appropriations Acts may be obligated or expended  
14 for the purpose of performing repairs or maintenance to  
15 military family housing units of the Department of De-  
16 fense, including areas in such military family housing  
17 units that may be used for the purpose of conducting offi-  
18 cial Department of Defense business.

19 SEC. 8059. Notwithstanding any other provision of  
20 law, funds appropriated in this Act under the heading  
21 “Research, Development, Test and Evaluation, Defense-  
22 Wide” for any new start advanced concept technology  
23 demonstration project or joint capability demonstration  
24 project may only be obligated 30 days after a report, in-  
25 cluding a description of the project, the planned acquisi-

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

7       SEC. 8060. The Secretary of Defense shall provide  
8 a classified quarterly report beginning 30 days after enact-  
9 ment of this Act, to the House and Senate Appropriations  
10 Committees, Subcommittees on Defense on certain mat-  
11 ters as directed in the classified annex accompanying this  
12 Act.

13       SEC. 8061. During the current fiscal year, none of  
14 the funds available to the Department of Defense may be  
15 used to provide support to another department or agency  
16 of the United States if such department or agency is more  
17 than 90 days in arrears in making payment to the Depart-  
18 ment of Defense for goods or services previously provided  
19 to such department or agency on a reimbursable basis:  
20 *Provided*, That this restriction shall not apply if the de-  
21 partment is authorized by law to provide support to such  
22 department or agency on a nonreimbursable basis, and is  
23 providing the requested support pursuant to such author-  
24 ity: *Provided further*, That the Secretary of Defense may  
25 waive this restriction on a case-by-case basis by certifying

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

4       SEC. 8062. Notwithstanding section 12310(b) of title  
5 10, United States Code, a Reserve who is a member of  
6 the National Guard serving on full-time National Guard  
7 duty under section 502(f) of title 32, United States Code,  
8 may perform duties in support of the ground-based ele-  
9 ments of the National Ballistic Missile Defense System.

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



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

3       SEC. 8064. Notwithstanding any other provision of  
4 law, the Chief of the National Guard Bureau, or his des-  
5 ignee, may waive payment of all or part of the consider-  
6 ation that otherwise would be required under section 2667  
7 of title 10, United States Code, in the case of a lease of  
8 personal property for a period not in excess of 1 year to  
9 any organization specified in section 508(d) of title 32,  
10 United States Code, or any other youth, social, or fra-  
11 ternal nonprofit organization as may be approved by the  
12 Chief of the National Guard Bureau, or his designee, on  
13 a case-by-case basis.

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

1 tion is located: *Provided further*, That such local procure-  
2 ment requirements for malt beverages and wine shall  
3 apply to all alcoholic beverages only for military installa-  
4 tions in States which are not contiguous with another  
5 State: *Provided further*, That alcoholic beverages other  
6 than wine and malt beverages, in contiguous States and  
7 the District of Columbia shall be procured from the most  
8 competitive source, price and other factors considered.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8066. Of the amounts appropriated in this Act  
11 under the heading “Operation and Maintenance, Army”,  
12 \$124,493,000 shall remain available until expended: *Pro-*  
13 *vided*, That notwithstanding any other provision of law,  
14 the Secretary of Defense is authorized to transfer such  
15 funds to other activities of the Federal Government: *Pro-*  
16 *vided further*, That the Secretary of Defense is authorized  
17 to enter into and carry out contracts for the acquisition  
18 of real property, construction, personal services, and oper-  
19 ations related to projects carrying out the purposes of this  
20 section: *Provided further*, That contracts entered into  
21 under the authority of this section may provide for such  
22 indemnification as the Secretary determines to be nec-  
23 essary: *Provided further*, That projects authorized by this  
24 section shall comply with applicable Federal, State, and

1 local law to the maximum extent consistent with the na-  
2 tional security, as determined by the Secretary of Defense.

3 SEC. 8067. Section 8106 of the Department of De-  
4 fense Appropriations Act, 1997 (titles I through VIII of  
5 the matter under subsection 101(b) of Public Law 104-  
6 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-  
7 tinue in effect to apply to disbursements that are made  
8 by the Department of Defense in fiscal year 2012.

9 SEC. 8068. In addition to amounts provided else-  
10 where in this Act, \$4,000,000 is hereby appropriated to  
11 the Department of Defense, to remain available for obliga-  
12 tion until expended: *Provided*, That notwithstanding any  
13 other provision of law, that upon the determination of the  
14 Secretary of Defense that it shall serve the national inter-  
15 est, these funds shall be available only for a grant to the  
16 Fisher House Foundation, Inc., only for the construction  
17 and furnishing of additional Fisher Houses to meet the  
18 needs of military family members when confronted with  
19 the illness or hospitalization of an eligible military bene-  
20 ficiary.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8069. Of the amounts appropriated in this Act  
23 under the headings “Procurement, Defense-Wide” and  
24 “Research, Development, Test and Evaluation, Defense-  
25 Wide”, \$235,700,000 shall be for the Israeli Cooperative

1 Programs: *Provided*, That of this amount, \$110,500,000  
2 shall be for the Short Range Ballistic Missile Defense  
3 (SRBMD) program, including cruise missile defense re-  
4 search and development under the SRBMD program, of  
5 which \$15,000,000 shall be for production activities of  
6 David Sling Weapon System missiles in the United States  
7 and in Israel to meet Israel's defense requirements, con-  
8 sistent with each nation's laws, regulations, and proce-  
9 dures, \$66,200,000 shall be available for an upper-tier  
10 component to the Israeli Missile Defense architecture, and  
11 \$59,000,000 shall be for the Arrow System Improvement  
12 Program including development of a long range, ground  
13 and airborne, detection suite: *Provided further*, That funds  
14 made available under this provision for production of mis-  
15 siles and missile components may be transferred to appro-  
16 priations available for the procurement of weapons and  
17 equipment, to be merged with and to be available for the  
18 same time period and the same purposes as the appropria-  
19 tion to which transferred: *Provided further*, That the  
20 transfer authority provided under this provision is in addi-  
21 tion to any other transfer authority contained in this Act.

22 SEC. 8070. None of the funds available to the De-  
23 partment of Defense may be obligated to modify command  
24 and control relationships to give Fleet Forces Command  
25 administrative and operational control of United States

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

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 8071. Of the amounts appropriated in this Act  
7 under the heading “Shipbuilding and Conversion, Navy”,  
8 \$73,992,000 shall be available until September 30, 2012,  
9 to fund prior year shipbuilding cost increases: *Provided*,  
10 That upon enactment of this Act, the Secretary of the  
11 Navy shall transfer funds to the following appropriations  
12 in the amounts specified: *Provided further*, That the  
13 amounts transferred shall be merged with and be available  
14 for the same purposes as the appropriations to which  
15 transferred:

16 To:

17 Under the heading “Shipbuilding and Conver-  
18 sion, Navy, 2005/2012”: LPD-17 Amphibious  
19 Transport Dock Program \$18,627,000.

20 Under the heading “Shipbuilding and Conver-  
21 sion, Navy, 2006/2012”: LPD-17 Amphibious  
22 Transport Dock Program \$23,437,000.

23 Under the heading “Shipbuilding and Conver-  
24 sion, Navy, 2008/2012”: LPD-17 Amphibious  
25 Transport Dock Program \$31,928,000.

1       SEC. 8072. Notwithstanding any other provision of  
2 law or regulation, the Secretary of Defense may exercise  
3 the provisions of section 7403(g) of title 38, United States  
4 Code, for occupations listed in section 7403(a)(2) of title  
5 38, United States Code, as well as the following:

6           Pharmacists, Audiologists, Psychologists, Social  
7       Workers,     Othotists/Prosthetists,     Occupational  
8       Therapists,   Physical   Therapists,   Rehabilitation  
9       Therapists, Respiratory Therapists, Speech Patholo-  
10      gists, Dietitian/Nutritionists, Industrial Hygienists,  
11      Psychology Technicians, Social Service Assistants,  
12      Practical Nurses, Nursing Assistants, and Dental  
13      Hygienists:

14                   (1) The requirements of section  
15                   7403(g)(1)(A) of title 38, United States  
16                   Code, shall apply.

17                   (2) The limitations of section  
18                   7403(g)(1)(B) of title 38, United States  
19                   Code, shall not apply.

20       SEC. 8073. Funds appropriated by this Act, or made  
21 available by the transfer of funds in this Act, for intel-  
22 ligence activities are deemed to be specifically authorized  
23 by the Congress for purposes of section 504 of the Na-  
24 tional Security Act of 1947 (50 U.S.C. 414) during fiscal

1 year 2012 until the enactment of the Intelligence Author-  
2 ization Act for Fiscal Year 2012.

3 SEC. 8074. None of the funds provided in this Act  
4 shall be available for obligation or expenditure through a  
5 reprogramming of funds that creates or initiates a new  
6 program, project, or activity unless such program, project,  
7 or activity must be undertaken immediately in the interest  
8 of national security and only after written prior notifica-  
9 tion to the congressional defense committees.

10 SEC. 8075. The budget of the President for fiscal  
11 year 2013 submitted to the Congress pursuant to section  
12 1105 of title 31, United States Code, shall include sepa-  
13 rate budget justification documents for costs of United  
14 States Armed Forces' participation in contingency oper-  
15 ations for the Military Personnel accounts, the Operation  
16 and Maintenance accounts, and the Procurement ac-  
17 counts: *Provided*, That these documents shall include a de-  
18 scription of the funding requested for each contingency op-  
19 eration, for each military service, to include all Active and  
20 Reserve components, and for each appropriations account:  
21 *Provided further*, That these documents shall include esti-  
22 mated costs for each element of expense or object class,  
23 a reconciliation of increases and decreases for each contin-  
24 gency operation, and programmatic data including, but  
25 not limited to, troop strength for each Active and Reserve

1 component, and estimates of the major weapons systems  
2 deployed in support of each contingency: *Provided further*,  
3 That these documents shall include budget exhibits OP–  
4 5 and OP–32 (as defined in the Department of Defense  
5 Financial Management Regulation) for all contingency op-  
6 erations for the budget year and the two preceding fiscal  
7 years.

8       SEC. 8076. None of the funds in this Act may be  
9 used for research, development, test, evaluation, procure-  
10 ment or deployment of nuclear armed interceptors of a  
11 missile defense system.

12                               (INCLUDING TRANSFER OF FUNDS)

13       SEC. 8077. In addition to the amounts appropriated  
14 or otherwise made available elsewhere in this Act,  
15 \$44,000,000 is hereby appropriated to the Department of  
16 Defense: *Provided*, That upon the determination of the  
17 Secretary of Defense that it shall serve the national inter-  
18 est, he shall make grants in the amounts specified as fol-  
19 lows: \$20,000,000 to the United Service Organizations  
20 and \$24,000,000 to the Red Cross.

21       SEC. 8078. None of the funds appropriated or made  
22 available in this Act shall be used to reduce or disestablish  
23 the operation of the 53rd Weather Reconnaissance Squad-  
24 ron of the Air Force Reserve, if such action would reduce  
25 the WC–130 Weather Reconnaissance mission below the



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

5       SEC. 8079. None of the funds provided in this Act  
6 shall be available for integration of foreign intelligence in-  
7 formation unless the information has been lawfully col-  
8 lected and processed during the conduct of authorized for-  
9 eign intelligence activities: *Provided*, That information  
10 pertaining to United States persons shall only be handled  
11 in accordance with protections provided in the Fourth  
12 Amendment of the United States Constitution as imple-  
13 mented through Executive Order No. 12333.

14       SEC. 8080. (a) At the time members of reserve com-  
15 ponents of the Armed Forces are called or ordered to ac-  
16 tive duty under section 12302(a) of title 10, United States  
17 Code, each member shall be notified in writing of the ex-  
18 pected period during which the member will be mobilized.

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8081. The Secretary of Defense may transfer  
3 funds from any available Department of the Navy appro-  
4 priation to any available Navy ship construction appro-  
5 priation for the purpose of liquidating necessary changes  
6 resulting from inflation, market fluctuations, or rate ad-  
7 justments for any ship construction program appropriated  
8 in law: *Provided*, That the Secretary may transfer not to  
9 exceed \$100,000,000 under the authority provided by this  
10 section: *Provided further*, That the Secretary may not  
11 transfer any funds until 30 days after the proposed trans-  
12 fer has been reported to the Committees on Appropria-  
13 tions of the House of Representatives and the Senate un-  
14 less a response from the Committees is received sooner:  
15 *Provided further*, That any funds transferred pursuant to  
16 this section shall retain the same period of availability as  
17 when originally appropriated: *Provided further*, That the  
18 transfer authority provided by this section is in addition  
19 to any other transfer authority contained elsewhere in this  
20 Act.

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

1 and shall be considered for the same purposes as any sub-  
2 division under the heading “Shipbuilding and Conversion,  
3 Navy” appropriations in the current fiscal year or any  
4 prior fiscal year.

5 SEC. 8083. (a) None of the funds appropriated by  
6 this Act may be used to transfer research and develop-  
7 ment, acquisition, or other program authority relating to  
8 current tactical unmanned aerial vehicles (TUAVs) from  
9 the Army.

10 (b) The Army shall retain responsibility for and oper-  
11 ational control of the MQ-1C Sky Warrior Unmanned  
12 Aerial Vehicle (UAV) in order to support the Secretary  
13 of Defense in matters relating to the employment of un-  
14 manned aerial vehicles.

15 SEC. 8084. Up to \$15,000,000 of the funds appro-  
16 priated under the heading “Operation and Maintenance,  
17 Navy” may be made available for the Asia Pacific Re-  
18 gional Initiative Program for the purpose of enabling the  
19 Pacific Command to execute Theater Security Cooperation  
20 activities such as humanitarian assistance, and payment  
21 of incremental and personnel costs of training and exer-  
22 cising with foreign security forces: *Provided*, That funds  
23 made available for this purpose may be used, notwith-  
24 standing any other funding authorities for humanitarian  
25 assistance, security assistance or combined exercise ex-

1 penses: *Provided further*, That funds may not be obligated  
2 to provide assistance to any foreign country that is other-  
3 wise prohibited from receiving such type of assistance  
4 under any other provision of law.

5       SEC. 8085. 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, 2013.

11       SEC. 8086. For purposes of section 1553(b) of title  
12 31, United States Code, any subdivision of appropriations  
13 made in this Act under the heading “Shipbuilding and  
14 Conversion, Navy” shall be considered to be for the same  
15 purpose as any subdivision under the heading “Ship-  
16 building and Conversion, Navy” appropriations in any  
17 prior fiscal year, and the 1 percent limitation shall apply  
18 to the total amount of the appropriation.

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

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

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

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

9 (2) For research, development, test and evalua-  
10 tion projects requesting more than \$5,000,000 in  
11 any fiscal year, the R-1, RDT&E Program; R-2,  
12 RDT&E Budget Item Justification; R-3, RDT&E  
13 Project Cost Analysis; and R-4, RDT&E Program  
14 Schedule Profile.

15 SEC. 8089. The Secretary of Defense shall create a  
16 major force program category for space for each future-  
17 years defense program of the Department of Defense sub-  
18 mitted to Congress under section 221 of title 10, United  
19 States Code, during fiscal year 2012. The Secretary of De-  
20 fense shall designate an official in the Office of the Sec-  
21 retary of Defense to provide overall supervision of the  
22 preparation and justification of program recommendations  
23 and budget proposals to be included in such major force  
24 program category.

1        SEC. 8090. (a) Not later than 60 days after enact-  
2 ment of this Act, the Director of National Intelligence  
3 shall submit a report to the congressional intelligence com-  
4 mittees to establish the baseline for application of re-  
5 programming and transfer authorities pursuant to section  
6 8092 of this Act for fiscal year 2012: *Provided*, That the  
7 report shall include—

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

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

16            (3) an identification of items of special congres-  
17 sional interest.

18        (b) None of the funds provided for the National Intel-  
19 ligence Program in this Act shall be available for re-  
20 programming or transfer pursuant to section 8092 of this  
21 Act until the report identified in subsection (a) is sub-  
22 mitted to the congressional intelligence committees, unless  
23 the Director of National Intelligence certifies in writing  
24 15 days in advance to the congressional intelligence com-

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

3 SEC. 8091. (a) None of the funds provided for the  
4 National Intelligence Program in this or any prior appro-  
5 priations Act shall be available for obligation or expendi-  
6 ture through a reprogramming or transfer of funds in ac-  
7 cordance with section 102A(d) of the National Security  
8 Act of 1947 (50 U.S.C. 403–1(d)) that—

9 (1) creates a new program, project, or sub-  
10 project;

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

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

14 (4) for which funds have been denied or re-  
15 stricted;

16 (5) relocates an office or employees; or

17 (6) reorganizes or renames an office,

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

21 (b) None of the funds provided for the National Intel-  
22 ligence Program in this or any prior appropriations Act  
23 shall be available for obligation or expenditure through a  
24 reprogramming or transfer of funds in accordance with  
25 section 102A(d) of the National Security Act of 1947 (50

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

3 (1) augments existing programs, projects, or  
4 subprojects;

5 (2) reduces by 10 percent funding for any exist-  
6 ing program, project, or subproject or the number of  
7 personnel by 10 percent as approved by Congress; or

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

12 unless the Appropriations Committees of both Houses of  
13 Congress are notified 15 days in advance of such re-  
14 programming of funds.

15 SEC. 8092. The Director of National Intelligence  
16 shall submit to Congress each year, at or about the time  
17 that the President’s budget is submitted to Congress that  
18 year under section 1105(a) of title 31, United States  
19 Code, a future-years intelligence program (including asso-  
20 ciated annexes) reflecting the estimated expenditures and  
21 proposed appropriations included in that budget. Any such  
22 future-years intelligence program shall cover the fiscal  
23 year with respect to which the budget is submitted and  
24 at least the four succeeding fiscal years.





1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8096. Of the funds appropriated in the Intel-  
3 ligence Community Management Account for the Program  
4 Manager for the Information Sharing Environment,  
5 \$22,000,000 is available for transfer by the Director of  
6 National Intelligence to other departments and agencies  
7 for purposes of Government-wide information sharing ac-  
8 tivities: *Provided*, That funds transferred under this provi-  
9 sion are to be merged with and available for the same pur-  
10 poses and time period as the appropriation to which trans-  
11 ferred: *Provided further*, That the Office of Management  
12 and Budget must approve any transfers made under this  
13 section: *Provided further*, That the Director of National  
14 Intelligence shall notify the Committees on Appropriations  
15 of the House of Representatives and the Senate of such  
16 transfers pursuant to section pursuant to the reprogram-  
17 ming procedures established in sections 8090 and 8091.

18 SEC. 8097. Funds appropriated by this Act for oper-  
19 ation and maintenance may be available for the purpose  
20 of making remittances to the Defense Acquisition Work-  
21 force Development Fund in accordance with the require-  
22 ments of section 1705 of title 10, United States Code.

23 SEC. 8098. (a) Any agency receiving funds made  
24 available in this Act, shall, subject to subsections (b) and  
25 (c), post on the public website of that agency any report

1 required to be submitted by the Congress in this or any  
2 other Act, upon the determination by the head of the agen-  
3 cy that it shall serve the national interest.

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

5 (1) the public posting of the report com-  
6 promises national security; or

7 (2) the report contains proprietary information.

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

12 SEC. 8099. (a) None of the funds appropriated or  
13 otherwise made available by this Act may be expended for  
14 any Federal contract for an amount in excess of  
15 \$1,000,000, unless the contractor agrees not to—

16 (1) enter into any agreement with any of its  
17 employees or independent contractors that requires,  
18 as a condition of employment, that the employee or  
19 independent contractor agree to resolve through ar-  
20 bitration any claim under title VII of the Civil  
21 Rights Act of 1964 or any tort related to or arising  
22 out of sexual assault or harassment, including as-  
23 sault and battery, intentional infliction of emotional  
24 distress, false imprisonment, or negligent hiring, su-  
25 pervision, or retention; or

1           (2) take any action to enforce any provision of  
2           an existing agreement with an employee or inde-  
3           pendent contractor that mandates that the employee  
4           or independent contractor resolve through arbitra-  
5           tion any claim under title VII of the Civil Rights Act  
6           of 1964 or any tort related to or arising out of sex-  
7           ual assault or harassment, including assault and  
8           battery, intentional infliction of emotional distress,  
9           false imprisonment, or negligent hiring, supervision,  
10          or retention.

11          (b) None of the funds appropriated or otherwise  
12          made available by this Act may be expended for any Fed-  
13          eral contract unless the contractor certifies that it requires  
14          each covered subcontractor to agree not to enter into, and  
15          not to take any action to enforce any provision of, any  
16          agreement as described in paragraphs (1) and (2) of sub-  
17          section (a), with respect to any employee or independent  
18          contractor performing work related to such subcontract.  
19          For purposes of this subsection, a “covered subcon-  
20          tractor” is an entity that has a subcontract in excess of  
21          \$1,000,000 on a contract subject to subsection (a).

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

1 (d) The Secretary of Defense may waive the applica-  
2 tion of subsection (a) or (b) to a particular contractor or  
3 subcontractor for the purposes of a particular contract or  
4 subcontract if the Secretary or the Deputy Secretary per-  
5 sonally determines that the waiver is necessary to avoid  
6 harm to national security interests of the United States,  
7 and that the term of the contract or subcontract is not  
8 longer than necessary to avoid such harm. The determina-  
9 tion shall set forth with specificity the grounds for the  
10 waiver and for the contract or subcontract term selected,  
11 and shall state any alternatives considered in lieu of a  
12 waiver and the reasons each such alternative would not  
13 avoid harm to national security interests of the United  
14 States. The Secretary of Defense shall transmit to Con-  
15 gress, and simultaneously make public, any determination  
16 under this subsection not less than 15 business days be-  
17 fore the contract or subcontract addressed in the deter-  
18 mination may be awarded.

19 SEC. 8100. (a)(1) No National Intelligence Program  
20 funds appropriated in this Act may be used for a mission  
21 critical or mission essential business management infor-  
22 mation technology system that is not registered with the  
23 Director of National Intelligence. A system shall be con-  
24 sidered to be registered with that officer upon the fur-  
25 nishing notice of the system, together with such informa-

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

3 (2) During the fiscal year 2012 no funds may be obli-  
4 gated or expended for a financial management automated  
5 information system, a mixed information system sup-  
6 porting financial and non-financial systems, or a business  
7 system improvement of more than \$3,000,000, within the  
8 intelligence community without the approval of the Busi-  
9 ness Transformation Investment Review Board.

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

13 SEC. 8101. None of the funds made available under  
14 this Act may be distributed to the Association of Commu-  
15 nity Organizations for Reform Now (ACORN) or its sub-  
16 sidiaries.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8102. Within the funds appropriated for oper-  
19 ation and maintenance for the Defense Health Program  
20 in this Act, up to \$132,200,000, shall be available for  
21 transfer to the Joint Department of Defense—Depart-  
22 ment of Veterans Affairs Medical Facility Demonstration  
23 Fund in accordance with the provisions of section 1704  
24 of the National Defense Authorization Act for Fiscal Year  
25 2010, Public Law 111–84: *Provided*, That for purposes

1 of section 1704(b), the facility operations funded are oper-  
2 ations of the integrated Captain James A. Lovell Federal  
3 Health Care Center, consisting of the North Chicago Vet-  
4 erans Affairs Medical Center, the Navy Ambulatory Care  
5 Center, and supporting facilities designated as a combined  
6 Federal medical facility as described by section 706 of  
7 Public Law 110–417: *Provided further*, That additional  
8 funds may be transferred from funds appropriated for op-  
9 eration and maintenance for the Defense Health Program  
10 to the Joint Department of Defense-Department of Vet-  
11 erans Affairs Medical Facility Demonstration Fund upon  
12 written notification by the Secretary of Defense to the  
13 Committees on Appropriations of the House of Represent-  
14 atives and the Senate.

15       SEC. 8103. The Secretaries of the Army, Navy, Air  
16 Force, and the Directors of the Defense Agencies and  
17 Field Activities (in coordination with the appropriate Prin-  
18 cipal Staff Assistant), in coordination with the Under Sec-  
19 retary of Defense for Personnel and Readiness, shall re-  
20 port to the congressional defense committees within 60  
21 days of enactment of this Act their plan for documenting  
22 the number of full-time contractor employees (or its equiv-  
23 alent), as required by United States Code title 10, section  
24 2330a.

1        SEC. 8104. Section 310(b) of the Supplemental Ap-  
2 propriations Act, 2009 (Public Law 111–32; 124 Stat.  
3 1871), as amended by Public Law 112–10, is amended  
4 by striking “2 years” both places it appears and inserting  
5 “3 years”.

6        SEC. 8105. The Office of the Director of National  
7 Intelligence shall not employ more Senior Executive and  
8 General Schedule 15 equivalent employees than are speci-  
9 fied in the classified annex: *Provided*, That, notwith-  
10 standing any other provision of law, the Office of the Di-  
11 rector of National Intelligence shall select individuals for  
12 Senior Executive positions in a manner consistent with all  
13 requirements established in statute and all Office of Per-  
14 sonnel Management regulations, guidance and procedures  
15 governing the appointment of individuals to the Senior Ex-  
16 ecutive Service for other Federal agencies: *Provided fur-*  
17 *ther*, That the Director of National Intelligence shall cer-  
18 tify within 90 days of enactment of this Act to the Com-  
19 mittees on Appropriations of the House of Representatives  
20 and the Senate that the Office of the Director of National  
21 Intelligence, in consultation with the Director of the Office  
22 of Personnel Management, has revised its selection process  
23 for Senior Executive positions to conform with Office of  
24 Personnel Management regulations, requirements, and  
25 procedures: *Provided further*, That during fiscal year



1 2012, the Office of the Director of National Intelligence  
2 shall not appoint any individual to a Senior Executive po-  
3 sition if that person was not serving in a Senior Executive  
4 position in fiscal year 2011 until the Director of National  
5 Intelligence has submitted its new policies and procedures  
6 to the Committees on Appropriations of the House of Rep-  
7 resentatives and the Senate.

8       SEC. 8106. None of the funds appropriated or other-  
9 wise made available by this Act may be obligated or ex-  
10 pended to pay a retired general or flag officer to serve  
11 as a senior mentor advising the Department of Defense  
12 unless such retired officer files a Standard Form 278 (or  
13 successor form concerning public financial disclosure  
14 under part 2634 of title 5, Code of Federal Regulations)  
15 to the Office of Government Ethics.

16       SEC. 8107. Appropriations available to the Depart-  
17 ment of Defense may be used for the purchase of heavy  
18 and light armored vehicles for the physical security of per-  
19 sonnel or for force protection purposes up to a limit of  
20 \$250,000 per vehicle, notwithstanding price or other limi-  
21 tations applicable to the purchase of passenger carrying  
22 vehicles.

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

1 of each appropriation shall remain available until Sep-  
2 tember 30, 2013.

3       SEC. 8109. Of the amounts appropriated for “Oper-  
4 ation and Maintenance, Defense-Wide”, \$33,000,000 shall  
5 be available to the Secretary of Defense, notwithstanding  
6 any other provision of law, acting through the Office of  
7 Economic Adjustment of the Department of Defense, to  
8 make grants, conclude cooperative agreements, and sup-  
9 plement other Federal funds, to remain available until ex-  
10 pended, to assist the civilian population of Guam in re-  
11 sponse to the military buildup of Guam, to include ad-  
12 dressing the need for vehicles and supplies for civilian stu-  
13 dent transportation, preservation and repository of arti-  
14 facts unearthed during military construction, and con-  
15 struction of a mental health and substance abuse facility.

16       SEC. 8110. None of the funds made available by this  
17 Act may be used by the Secretary of Defense to operate  
18 more than 1,000 parking spaces provided by the combina-  
19 tion spaces provided by the BRAC 133 project and the  
20 lease of spaces in the immediate vicinity of the BRAC 133  
21 project.

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

1 weapons systems, to a central location, or to any location  
2 other than the Air Force Material Command site where  
3 they are currently located until 30 days after the Sec-  
4 retary of the Air Force submits the initial report under  
5 subsection (b).

6 (b) The Secretary of the Air Force shall submit to  
7 the congressional defense committees a report which in-  
8 cludes the following: a listing of all Air Force Material  
9 Command functions to be transferred and an identifica-  
10 tion of the locations where these functions will be trans-  
11 ferred from and to; a listing of all Air Force Material  
12 Command personnel positions to be transferred and an  
13 identification of the locations these positions will be trans-  
14 ferred from and to; and the cost benefit analysis and the  
15 life-cycle cost analysis underpinning the Secretary of the  
16 Air Forces decisions to relocate Air Force Material Com-  
17 mand functions and personnel.

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

1       SEC. 8113. In addition to amounts provided else-  
2 where in this Act, \$10,000,000 is hereby appropriated, for  
3 an additional amount for “Research, Development, Test  
4 and Evaluation, Army”, to remain available until Sep-  
5 tember 30, 2013. Such funds may be available for the Sec-  
6 retary of the Army to conduct research on alternative en-  
7 ergy resources for deployed forces.

8       SEC. 8114. (a) None of the funds appropriated in this  
9 Act for the National Intelligence Program or the Military  
10 Intelligence Program are available to establish a new fed-  
11 erally funded research and development center (FFRDC),  
12 either as a new entity, or as a separate entity adminis-  
13 trated by an organization managing another FFRDC, or  
14 as a nonprofit membership corporation consisting of a con-  
15 sortium of other FFRDCs and other nonprofit entities.

16       (b) No member of a Board of Directors, Trustees,  
17 Overseers, Advisory Group, Special Issues Panel, Visiting  
18 Committee, or any similar entity of a defense or intel-  
19 ligence FFRDC, and no paid consultant to any defense  
20 or intelligence FFRDC, except when acting in a technical  
21 advisory capacity, may be compensated for his or her serv-  
22 ices as a member of such entity, or as a paid consultant  
23 by more than one FFRDC in a fiscal year: *Provided*, That  
24 a member of any such entity referred to previously in this  
25 subsection shall be allowed travel expenses and per diem

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

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

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

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

1 That such information shall be provided in a classified  
2 manner.

3 (f) Notwithstanding any other provision of this Act,  
4 the total amount appropriated in this Act for National In-  
5 telligence Program and Military Intelligence Program  
6 FFRDCs is hereby reduced by the amount specified in the  
7 classified annex.

8 SEC. 8115. The Secretary of Defense shall study and  
9 report to the Congressional Defense Committees the feasi-  
10 bility of using commercially available telecommunications  
11 expense management solutions across the Department of  
12 Defense by March 1, 2012.

13 SEC. 8116. None of the funds appropriated in this  
14 or any other Act may be used to plan, prepare for, or oth-  
15 erwise take any action to undertake or implement the sep-  
16 aration of the National Intelligence Program budget from  
17 the Department of Defense budget.

18 SEC. 8117. None of the funds appropriated in title  
19 II in this Act for “Operation and Maintenance” may be  
20 used for Information Operations/Military Information  
21 Support Operations activities.

22 (INCLUDING TRANSFER OF FUNDS)

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

1 of the Office of Management and Budget, transfer not to  
2 exceed \$1,000,000,000 of the funds made available in this  
3 Act to the intelligence community and the associated  
4 Agencies for intelligence functions (except military con-  
5 struction) between such appropriations or funds or any  
6 subdivision thereof, to be merged with and to be available  
7 for the same purposes, and for the same time period, as  
8 the appropriation or fund to which transferred: *Provided*,  
9 That such authority to transfer may not be used unless  
10 for higher priority items, based on unforeseen intelligence  
11 requirements, than those for which originally appropriated  
12 and in no case where the item for which funds are re-  
13 quested has been denied by the Congress: *Provided further*,  
14 That such transfers shall be made only in accordance with  
15 sections 8091 and 8092 of the Act: *Provided further*, That  
16 no part of the funds in this Act shall be available to pre-  
17 pare or present a request to the Committees on Appropria-  
18 tions of the House of Representatives and Senate for re-  
19 programming of funds, unless for higher priority items,  
20 based on unforeseen military requirements, than those for  
21 which originally appropriated and in no case where the  
22 item for which reprogramming is requested has been de-  
23 nied by the Congress: *Provided further*, That a request for  
24 multiple reprogrammings of funds using authority pro-  
25 vided in this section shall be made prior to June 30, 2012.

1       SEC. 8119. Notwithstanding any other provision of  
2 this Act, to reflect savings from revised economic assump-  
3 tions, the total amount appropriated in title II of this Act  
4 is hereby reduced by \$501,800,000, the total amount ap-  
5 propriated in title III of this Act is hereby reduced by  
6 \$484,800,000, and the total amount appropriated in title  
7 IV of this Act is hereby reduced by \$323,500,000: Pro-  
8 vided, That the Secretary of Defense shall allocate this  
9 reduction proportionally to each budget activity, activity  
10 group, subactivity group, and each program, project, and  
11 activity, within each appropriation account.

12                               (INCLUDING TRANSFER OF FUNDS)

13       SEC. 8120. In addition to amounts provided else-  
14 where in this Act, there is appropriated \$250,000,000, for  
15 an additional amount for “Operation and Maintenance,  
16 Defense-Wide”, to be available until expended: *Provided*,  
17 That such funds shall only be available to the Secretary  
18 of Defense, acting through the Office of Economic Adjust-  
19 ment of the Department of Defense, or for transfer to the  
20 Secretary of Education, notwithstanding any other provi-  
21 sion of law, to make grants, conclude cooperative agree-  
22 ments, or supplement other Federal funds to construct,  
23 renovate, repair, or expand elementary and secondary pub-  
24 lic schools on military installations in order to address ca-  
25 pacity or facility condition deficiencies at such schools:



1 *Provided further*, That in making such funds available, the  
2 Office of Economic Adjustment or the Secretary of Edu-  
3 cation shall give priority consideration to those military  
4 installations with schools having the most serious capacity  
5 or facility condition deficiencies as determined by the Sec-  
6 retary of Defense.

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

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

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

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

1           (2) Paragraph (1) shall not apply to any action taken  
2 by the Secretary of Defense to transfer any individual de-  
3 tained at Guantanamo to effectuate an order affecting the  
4 disposition of the individual that is issued by a court or  
5 competent tribunal of the United States having lawful ju-  
6 risdiction. The Secretary of Defense shall notify Congress  
7 promptly upon issuance of any such order.

8           (b) The certification described in this subsection is  
9 a written certification made by the Secretary of Defense,  
10 with the concurrence of the Secretary of State, that the  
11 government of the foreign country or the recognized lead-  
12 ership of the foreign entity to which the individual de-  
13 tained at Guantanamo is to be transferred—

14           (1) is not a designated state sponsor of ter-  
15 rorism or a designated foreign terrorist organization;

16           (2) maintains effective control over each deten-  
17 tion facility in which an individual is to be detained  
18 if the individual is to be housed in a detention facil-  
19 ity;

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

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

1 the United States, its citizens, or its allies in the fu-  
2 ture;

3 (5) has taken such steps as the Secretary deter-  
4 mines are necessary to ensure that the individual  
5 cannot engage or reengage in any terrorist activity;

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

8 (A) is related to the individual or any asso-  
9 ciates of the individual; and

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

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

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

1           (2) The Secretary of Defense may waive the prohibi-  
2 tion in paragraph (1) if the Secretary determines that  
3 such a transfer is in the national security interests of the  
4 United States and includes, as part of the certification de-  
5 scribed in subsection (b) relating to such transfer, the de-  
6 termination of the Secretary under this paragraph.

7           (3) Paragraph (1) shall not apply to any action taken  
8 by the Secretary to transfer any individual detained at  
9 Guantanamo to effectuate an order affecting the disposi-  
10 tion of the individual that is issued by a court or com-  
11 petent tribunal of the United States having lawful jurisdic-  
12 tion. The Secretary shall notify Congress promptly upon  
13 issuance of any such order.

14           (d) For the purposes of this section:

15                 (1) The term “individual detained at Guanta-  
16 namo” means any individual who is located at  
17 United States Naval Station, Guantanamo Bay,  
18 Cuba, as of October 1, 2009, who—

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

22                         (B) is—

23                                 (i) in the custody or under the effec-  
24 tive control of the Department of Defense;

25                                 or

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

4           (2) The term “foreign terrorist organization”  
5           means any organization so designated by the Sec-  
6           retary of State under section 219 of the Immigra-  
7           tion and Nationality Act (8 U.S.C. 1189).

8           SEC. 8123. (a) None of the funds appropriated or  
9           otherwise made available by this or any other Act may  
10          be used to modify any facility in the United States, its  
11          territories, or possessions to house any individual de-  
12          scribed in subsection (c) for the purposes of detention or  
13          imprisonment in the custody or under the effective control  
14          of the Department of Defense.

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

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

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

24                  (2) is—

1 (A) in the custody or under the effective  
2 control of the Department of Defense; or

3 (B) otherwise under detention at United  
4 States Naval Station, Guantanamo Bay, Cuba.

5 SEC. 8124. (a) IN GENERAL.—Of the funds made  
6 available to the Department of Defense under “Operation  
7 and Maintenance, Defense-Wide” in title II, \$1,000,000  
8 shall be available to the Department to commission  
9 through a competitive, independent, private sector entity  
10 that is an organization described in section 501(c)(3) of  
11 the Internal Revenue Code of 1986 and exempt from tax  
12 under section 501(a) of such Code, and has recognized  
13 credentials and expertise in military affairs, to conduct a  
14 forward-looking, independent assessment of the current  
15 and prospective situation on the ground in Afghanistan  
16 and Pakistan, its impact on the surrounding region, and  
17 its consequences for United States interests. The entity  
18 shall examine 4 broad topic areas to include the strategic  
19 environment in and around Afghanistan and Pakistan, as  
20 well as security, political, and economic and reconstruction  
21 developments in those 2 countries.

22 (b) REPORT.—Not later than 120 days after the date  
23 of the enactment of this Act, the entity described in sub-  
24 section (a) shall submit to the President and the Congress  
25 a report on the assessment conducted under subsection

1 (a), including relevant policy recommendations relating  
2 thereto.

3 (c) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that the entity described in subsection (a) should  
5 be modeled on the Iraq Study Group.

6 SEC. 8125. Not later than 90 days after the date of  
7 the enactment of this Act, the Secretary of Defense shall  
8 submit to the congressional defense committees a report  
9 on the approximately \$100,000,000,000 in efficiency sav-  
10 ings identified by the military departments in the defense  
11 budget covering fiscal years 2012 through 2016 that are  
12 to be reinvested in the priorities of the military depart-  
13 ments. Such report shall include an analysis of—

14 (1) each savings identified by the military de-  
15 partments, including—

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

18 (B) the number of military personnel and  
19 full-time civilian employees of the Federal Gov-  
20 ernment affected by such savings;

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

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

1 including the locations of such activities or serv-  
2 ices; and

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

5 (A) with respect to such reinvestment in  
6 procurement and research, development, test  
7 and evaluation accounts, the budget account to  
8 which such savings will be reinvested, including,  
9 by line item, the number of items to be pro-  
10 cured, as shown in annual P–1 and R–1 docu-  
11 ments;

12 (B) with respect to such reinvestment in  
13 military personnel and operation and mainte-  
14 nance accounts, the budget account and the  
15 subactivity (as shown in annual–1 and O–1  
16 budget documents) to which such savings will  
17 be reinvested;

18 (C) the number of military personnel and  
19 full-time civilian employees of the Federal Gov-  
20 ernment affected by such reinvestment;

21 (D) the estimated number and funding of  
22 contractor personnel affected by such reinvest-  
23 ment; and

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





1 on terrorism pursuant to section 301 of H. Con. Res. 34  
2 (112th Congress).

3                   MILITARY PERSONNEL, NAVY

4       For an additional amount for “Military Personnel,  
5 Navy”, \$919,034,000: *Provided*, That each amount in this  
6 paragraph is designated as being for the global war on  
7 terrorism pursuant to section 301 of H. Con. Res. 34  
8 (112th Congress).

9                   MILITARY PERSONNEL, MARINE CORPS

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

15                   MILITARY PERSONNEL, AIR FORCE

16       For an additional amount for “Military Personnel,  
17 Air Force”, \$1,436,353,000: *Provided*, That each amount  
18 in this paragraph is designated as being for the global war  
19 on terrorism pursuant to section 301 of H. Con. Res. 34  
20 (112th Congress).

21                   RESERVE PERSONNEL, ARMY

22       For an additional amount for “Reserve Personnel,  
23 Army”, \$207,162,000: *Provided*, That each amount in this  
24 paragraph is designated as being for the global war on

1 terrorism pursuant to section 301 of H. Con. Res. 34  
2 (112th Congress).

3 RESERVE PERSONNEL, NAVY

4 For an additional amount for “Reserve Personnel,  
5 Navy”, \$44,530,000: *Provided*, That each amount in this  
6 paragraph is designated as being for the global war on  
7 terrorism pursuant to section 301 of H. Con. Res. 34  
8 (112th Congress).

9 RESERVE PERSONNEL, MARINE CORPS

10 For an additional amount for “Reserve Personnel,  
11 Marine Corps”, \$25,421,000: *Provided*, That each amount  
12 in this paragraph is designated as being for the global war  
13 on terrorism pursuant to section 301 of H. Con. Res. 34  
14 (112th Congress).

15 RESERVE PERSONNEL, AIR FORCE

16 For an additional amount for “Reserve Personnel,  
17 Air Force”, \$26,815,000: *Provided*, That each amount in  
18 this paragraph is designated as being for the global war  
19 on terrorism pursuant to section 301 of H. Con. Res. 34  
20 (112th Congress).

21 NATIONAL GUARD PERSONNEL, ARMY

22 For an additional amount for “National Guard Per-  
23 sonnel, Army”, \$646,879,000: *Provided*, That each  
24 amount in this paragraph is designated as being for the

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

3 NATIONAL GUARD PERSONNEL, AIR FORCE

4 For an additional amount for “National Guard Per-  
5 sonnel, Air Force”, \$9,435,000: *Provided*, That each  
6 amount in this paragraph is designated as being for the  
7 global war on terrorism pursuant to section 301 of H.  
8 Con. Res. 34 (112th Congress).

9 OPERATION AND MAINTENANCE

10 OPERATION AND MAINTENANCE, ARMY

11 For an additional amount for “Operation and Main-  
12 tenance, Army”, \$39,175,755,000: *Provided*, That each  
13 amount in this paragraph is designated as being for the  
14 global war on terrorism pursuant to section 301 of H.  
15 Con. Res. 34 (112th Congress).

16 OPERATION AND MAINTENANCE, NAVY

17 For an additional amount for “Operation and Main-  
18 tenance, Navy”, \$6,749,489,000: *Provided*, That each  
19 amount in this paragraph is designated as being for the  
20 global war on terrorism pursuant to section 301 of H.  
21 Con. Res. 34 (112th Congress).

22 OPERATION AND MAINTENANCE, MARINE CORPS

23 For an additional amount for “Operation and Main-  
24 tenance, Marine Corps”, \$3,571,210,000: *Provided*, That  
25 each amount in this paragraph is designated as being for

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

3 OPERATION AND MAINTENANCE, AIR FORCE

4 For an additional amount for “Operation and Main-  
5 tenance, Air Force”, \$10,739,587,000: *Provided*, That  
6 each amount in this paragraph is designated as being for  
7 the global war on terrorism pursuant to section 301 of  
8 H. Con. Res. 34 (112th Congress).

9 OPERATION AND MAINTENANCE, DEFENSE-WIDE

10 For an additional amount for “Operation and Main-  
11 tenance, Defense-Wide”, \$9,312,876,000: *Provided*, That  
12 each amount in this paragraph is designated as being for  
13 the global war on terrorism pursuant to section 301 of  
14 H. Con. Res. 34 (112th Congress): *Provided further*, That  
15 of the funds provided under this heading:

16 (1) Not to exceed \$12,500,000 for the Combat-  
17 ant Commander Initiative Fund, to be used in sup-  
18 port of Operation New Dawn and Operation Endur-  
19 ing Freedom.

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

1 withstanding any other provision of law: *Provided*,  
2 That such reimbursement payments may be made in  
3 such amounts as the Secretary of Defense, with the  
4 concurrence of the Secretary of State, and in con-  
5 sultation with the Director of the Office of Manage-  
6 ment and Budget, may determine, in his discretion,  
7 based on documentation determined by the Secretary  
8 of Defense to adequately account for the support  
9 provided, and such determination is final and con-  
10 clusive upon the accounting officers of the United  
11 States, and 15 days following notification to the ap-  
12 propriate congressional committees: *Provided further*,  
13 That the requirement to provide notification shall  
14 not apply with respect to a reimbursement for access  
15 based on an international agreement: *Provided fur-*  
16 *ther*, That these funds may be used for the purpose  
17 of providing specialized training and procuring sup-  
18 plies and specialized equipment and providing such  
19 supplies and loaning such equipment on a non-reim-  
20 bursable basis to coalition forces supporting United  
21 States military operations in Iraq and Afghanistan,  
22 and 15 days following notification to the appropriate  
23 congressional committees: *Provided further*, That the  
24 Secretary of Defense shall provide quarterly reports

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

3 OPERATION AND MAINTENANCE, ARMY RESERVE

4 For an additional amount for “Operation and Main-  
5 tenance, Army Reserve”, \$217,500,000: *Provided*, That  
6 each amount in this paragraph is designated as being for  
7 the global war on terrorism pursuant to section 301 of  
8 H. Con. Res. 34 (112th Congress).

9 OPERATION AND MAINTENANCE, NAVY RESERVE

10 For an additional amount for “Operation and Main-  
11 tenance, Navy Reserve”, \$74,148,000: *Provided*, That  
12 each amount in this paragraph is designated as being for  
13 the global war on terrorism pursuant to section 301 of  
14 H. Con. Res. 34 (112th Congress).

15 OPERATION AND MAINTENANCE, MARINE CORPS

16 RESERVE

17 For an additional amount for “Operation and Main-  
18 tenance, Marine Corps Reserve”, \$36,084,000: *Provided*,  
19 That each amount in this paragraph is designated as  
20 being for the global war on terrorism pursuant to section  
21 301 of H. Con. Res. 34 (112th Congress).

22 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

23 For an additional amount for “Operation and Main-  
24 tenance, Air Force Reserve”, \$142,050,000: *Provided*,  
25 That each amount in this paragraph is designated as

1 being for the global war on terrorism pursuant to section  
2 301 of H. Con. Res. 34 (112th Congress).

3 OPERATION AND MAINTENANCE, ARMY NATIONAL  
4 GUARD

5 For an additional amount for “Operation and Main-  
6 tenance, Army National Guard”, \$387,544,000: *Provided*,  
7 That each amount in this paragraph is designated as  
8 being for the global war on terrorism pursuant to section  
9 301 of H. Con. Res. 34 (112th Congress).

10 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

11 For an additional amount for “Operation and Main-  
12 tenance, Air National Guard”, \$34,050,000: *Provided*,  
13 That each amount in this paragraph is designated as  
14 being for the global war on terrorism pursuant to section  
15 301 of H. Con. Res. 34 (112th Congress).

16 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND  
17 (INCLUDING TRANSFER OF FUNDS)

18 In addition to amounts provided elsewhere in this  
19 Act, there is appropriated \$5,000,000,000 for the “Over-  
20 seas Contingency Operations Transfer Fund” for expenses  
21 directly relating to overseas contingency operations by  
22 United States military forces, to be available until ex-  
23 pended: *Provided*, That each amount in this paragraph is  
24 designated as being for the global war on terrorism pursu-  
25 ant to section 301 of H. Con. Res. 34 (112th Congress):



1 *Provided further*, That of the funds made available in this  
2 section, the Secretary of Defense may transfer these funds  
3 only to military personnel accounts, operation and mainte-  
4 nance accounts, procurement accounts, and working cap-  
5 ital fund accounts: *Provided further*, That the funds trans-  
6 ferred shall be merged with and shall be available for the  
7 same purposes and for the same time period, as the appro-  
8 priation to which transferred: *Provided further*, that the  
9 Secretary shall notify the congressional defense commit-  
10 tees 15 days prior to such transfer: *Provided further*, That  
11 the transfer authority provided under this heading is in  
12 addition to any other transfer authority available to the  
13 Department of Defense: *Provided further*, That upon a de-  
14 termination that all or part of the funds transferred from  
15 this appropriation are not necessary for the purposes pro-  
16 vided herein, such amounts may be transferred back to  
17 this appropriation and shall be available for the same pur-  
18 poses and for the same time period as originally appro-  
19 priated.

20 AFGHANISTAN INFRASTRUCTURE FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 There is hereby established in the Treasury of the  
23 United States the “Afghanistan Infrastructure Fund”.  
24 For the “Afghanistan Infrastructure Fund”,  
25 \$475,000,000, to remain available until September 30,

1 2013: *Provided*, That such sums shall be available for in-  
2 frastructure projects in Afghanistan, notwithstanding any  
3 other provision of law, which shall be undertaken by the  
4 Secretary of State, unless the Secretary of State and the  
5 Secretary of Defense jointly decide that a specific project  
6 will be undertaken by the Department of Defense: *Pro-*  
7 *vided further*, That the infrastructure referred to in the  
8 preceding proviso is in support of the counterinsurgency  
9 strategy, requiring funding for facility and infrastructure  
10 projects, including, but not limited to, water, power, and  
11 transportation projects and related maintenance and  
12 sustainment costs: *Provided further*, That the authority to  
13 undertake such infrastructure projects is in addition to  
14 any other authority to provide assistance to foreign na-  
15 tions: *Provided further*, That any projects funded by this  
16 appropriation shall be jointly formulated and concurred in  
17 by the Secretary of State and Secretary of Defense: *Pro-*  
18 *vided further*, That funds may be transferred to the De-  
19 partment of State for purposes of undertaking projects,  
20 which funds shall be considered to be economic assistance  
21 under the Foreign Assistance Act of 1961 for purposes  
22 of making available the administrative authorities con-  
23 tained in that Act: *Provided further*, That the transfer au-  
24 thority in the preceding proviso is in addition to any other  
25 authority available to the Department of Defense to trans-

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

1 Armed Services, Foreign Affairs and Appropriations of the  
2 House of Representatives: *Provided further*, That each  
3 amount in this paragraph is designated as being for the  
4 global war on terrorism pursuant to section 301 of H.  
5 Con. Res. 34 (112th Congress).

6 AFGHANISTAN SECURITY FORCES FUND

7 (INCLUDING TRANSFER OF FUNDS)

8 For the “Afghanistan Security Forces Fund”,  
9 \$12,800,000,000 (reduced by \$35,000,000), to remain  
10 available until September 30, 2013: *Provided*, That such  
11 funds shall be available to the Secretary of Defense, not-  
12 withstanding any other provision of law, for the purpose  
13 of allowing the Commander, Combined Security Transi-  
14 tion Command—Afghanistan, or the Secretary’s designee,  
15 to provide assistance, with the concurrence of the Sec-  
16 retary of State, to the security forces of Afghanistan, in-  
17 cluding the provision of equipment, supplies, services,  
18 training, facility and infrastructure repair, renovation, and  
19 construction, and funding: *Provided further*, That the au-  
20 thority to provide assistance under this heading is in addi-  
21 tion to any other authority to provide assistance to foreign  
22 nations: *Provided further*, That up to \$15,000,000 of these  
23 funds may be available for coalition police trainer life sup-  
24 port costs: *Provided further*, That contributions of funds  
25 for the purposes provided herein from any person, foreign

1 government, or international organization may be credited  
2 to this Fund and used for such purposes: *Provided further*,  
3 That the Secretary of Defense shall notify the congress-  
4 sional defense committees in writing upon the receipt and  
5 upon the obligation of any contribution, delineating the  
6 sources and amounts of the funds received and the specific  
7 use of such contributions: *Provided further*, That the Sec-  
8 retary of Defense shall, not fewer than 15 days prior to  
9 obligating from this appropriation account, notify the con-  
10 gressional defense committees in writing of the details of  
11 any such obligation: *Provided further*, That the Secretary  
12 of Defense shall notify the congressional defense commit-  
13 tees of any proposed new projects or transfer of funds be-  
14 tween budget sub-activity groups in excess of  
15 \$20,000,000: *Provided further*, That each amount in this  
16 paragraph is designated as being for the global war on  
17 terrorism pursuant to section 301 of H. Con. Res. 34  
18 (112th Congress).

19 PAKISTAN COUNTERINSURGENCY FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 For the “Pakistan Counterinsurgency Fund”,  
22 \$1,100,000,000, to remain available until September 30,  
23 2013: *Provided*, That such funds shall be available to the  
24 Secretary of Defense, with the concurrence of the Sec-  
25 retary of State, notwithstanding any other provision of

1 law, for the purpose of allowing the Secretary of Defense,  
2 or the Secretary's designee, to provide assistance to Paki-  
3 stan's security forces; including program management and  
4 the provision of equipment, supplies, services, training,  
5 and funds; and facility and infrastructure repair, renova-  
6 tion, and construction to build the counterinsurgency ca-  
7 pability of Pakistan's military and Frontier Corps: *Pro-*  
8 *vided further*, That the authority to provide assistance  
9 under this provision is in addition to any other authority  
10 to provide assistance to foreign nations: *Provided further*,  
11 That the Secretary of Defense may transfer funds pro-  
12 vided herein to appropriations for operation and mainte-  
13 nance; procurement; research, development, test and eval-  
14 uation; defense working capital funds; and to the Depart-  
15 ment of State, Pakistan Counterinsurgency Capability  
16 Fund to accomplish the purpose provided herein: *Provided*  
17 *further*, That the transfer authority in the preceding pro-  
18 viso is in addition to any other authority available to the  
19 Department of Defense to transfer funds: *Provided fur-*  
20 *ther*, That funds so transferred shall be merged with and  
21 be available for the same purposes and for the same time  
22 period as the appropriation or fund to which transferred:  
23 *Provided further*, That the Secretary of Defense shall, not  
24 fewer than 15 days prior to making transfers from this  
25 appropriation account, notify the Committees on Appro-

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

## 5 PROCUREMENT

### 6 AIRCRAFT PROCUREMENT, ARMY

7 For an additional amount for “Aircraft Procurement,  
8 Army”, \$387,900,000, to remain available until Sep-  
9 tember 30, 2014: *Provided*, That each amount in this  
10 paragraph is designated as being for the global war on  
11 terrorism pursuant to section 301 of H. Con. Res. 34  
12 (112th Congress).

### 13 MISSILE PROCUREMENT, ARMY

14 For an additional amount for “Missile Procurement,  
15 Army”, \$118,412,000, to remain available until Sep-  
16 tember 30, 2014: *Provided*, That each amount in this  
17 paragraph is designated as being for the global war on  
18 terrorism pursuant to section 301 of H. Con. Res. 34  
19 (112th Congress).

### 20 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

### 21 VEHICLES, ARMY

22 For an additional amount for “Procurement of Weap-  
23 ons and Tracked Combat Vehicles, Army”, \$37,117,000,  
24 to remain available until September 30, 2014: *Provided*,  
25 That each amount in this paragraph is designated as

1 being for the global war on terrorism pursuant to section  
2 301 of H. Con. Res. 34 (112th Congress).

3           PROCUREMENT OF AMMUNITION, ARMY

4           For an additional amount for “Procurement of Am-  
5 munition, Army”, \$208,381,000, to remain available until  
6 September 30, 2014: *Provided*, That each amount in this  
7 paragraph is designated as being for the global war on  
8 terrorism pursuant to section 301 of H. Con. Res. 34  
9 (112th Congress).

10           OTHER PROCUREMENT, ARMY

11           For an additional amount for “Other Procurement,  
12 Army”, \$1,398,195,000, to remain available until Sep-  
13 tember 30, 2014: *Provided*, That each amount in this  
14 paragraph is designated as being for the global war on  
15 terrorism pursuant to section 301 of H. Con. Res. 34  
16 (112th Congress).

17           AIRCRAFT PROCUREMENT, NAVY

18           For an additional amount for “Aircraft Procurement,  
19 Navy”, \$492,060,000, to remain available until September  
20 30, 2014: *Provided*, That each amount in this paragraph  
21 is designated as being for the global war on terrorism pur-  
22 suant to section 301 of H. Con. Res. 34 (112th Congress).

23           WEAPONS PROCUREMENT, NAVY

24           For an additional amount for “Weapons Procure-  
25 ment, Navy”, \$41,070,000, to remain available until Sep-



1 tember 30, 2014: *Provided*, That each amount in this  
2 paragraph is designated as being for the global war on  
3 terrorism pursuant to section 301 of H. Con. Res. 34  
4 (112th Congress).

5 PROCUREMENT OF AMMUNITION, NAVY AND MARINE  
6 CORPS

7 For an additional amount for “Procurement of Am-  
8 munition, Navy and Marine Corps”, \$317,100,000, to re-  
9 main available until September 30, 2014: *Provided*, That  
10 each amount in this paragraph is designated as being for  
11 the global war on terrorism pursuant to section 301 of  
12 H. Con. Res. 34 (112th Congress).

13 OTHER PROCUREMENT, NAVY

14 For an additional amount for “Other Procurement,  
15 Navy”, \$249,514,000, to remain available until September  
16 30, 2014: *Provided*, That each amount in this paragraph  
17 is designated as being for the global war on terrorism pur-  
18 suant to section 301 of H. Con. Res. 34 (112th Congress).

19 PROCUREMENT, MARINE CORPS

20 For an additional amount for “Procurement, Marine  
21 Corps”, \$1,183,996,000, to remain available until Sep-  
22 tember 30, 2014: *Provided*, That each amount in this  
23 paragraph is designated as being for the global war on  
24 terrorism pursuant to section 301 of H. Con. Res. 34  
25 (112th Congress).

## 1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For an additional amount for “Aircraft Procurement,  
3 Air Force”, \$440,265,000, to remain available until Sep-  
4 tember 30, 2014: *Provided*, That each amount in this  
5 paragraph is designated as being for the global war on  
6 terrorism pursuant to section 301 of H. Con. Res. 34  
7 (112th Congress).

## 8 MISSILE PROCUREMENT, AIR FORCE

9 For an additional amount for “Missile Procurement,  
10 Air Force”, \$46,920,000, to remain available until Sep-  
11 tember 30, 2014: *Provided*, That each amount in this  
12 paragraph is designated as being for the global war on  
13 terrorism pursuant to section 301 of H. Con. Res. 34  
14 (112th Congress).

## 15 PROCUREMENT OF AMMUNITION, AIR FORCE

16 For an additional amount for “Procurement of Am-  
17 munity, Air Force”, \$139,510,000, to remain available  
18 until September 30, 2014: *Provided*, That each amount  
19 in this paragraph is designated as being for the global war  
20 on terrorism pursuant to section 301 of H. Con. Res. 34  
21 (112th Congress).

## 22 OTHER PROCUREMENT, AIR FORCE

23 For an additional amount for “Other Procurement,  
24 Air Force”, \$3,213,010,000, to remain available until  
25 September 30, 2014: *Provided*, That each amount in this

1 paragraph is designated as being for the global war on  
2 terrorism pursuant to section 301 of H. Con. Res. 34  
3 (112th Congress).

4                   PROCUREMENT, DEFENSE-WIDE

5           For an additional amount for “Procurement, De-  
6 fense-Wide”, \$406,668,000, to remain available until Sep-  
7 tember 30, 2014: *Provided*, That each amount in this  
8 paragraph is designated as being for the global war on  
9 terrorism pursuant to section 301 of H. Con. Res. 34  
10 (112th Congress).

11                   NATIONAL GUARD AND RESERVE EQUIPMENT

12           For procurement of aircraft, missiles, tracked combat  
13 vehicles, ammunition, other weapons and other procure-  
14 ment for the reserve components of the Armed Forces,  
15 \$1,500,000,000, to remain available for obligation until  
16 September 30, 2014, of which \$490,000,000 shall be  
17 available only for the Army National Guard: *Provided*,  
18 That the Chiefs of National Guard and Reserve compo-  
19 nents shall, not later than 30 days after the enactment  
20 of this Act, individually submit to the congressional de-  
21 fense committees the modernization priority assessment  
22 for their respective National Guard or Reserve component:  
23 *Provided further*, That each amount in this paragraph is  
24 designated as being for the global war on terrorism pursu-  
25 ant to section 301 of H. Con. Res. 34 (112th Congress).

1 MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND  
2 (INCLUDING TRANSFER OF FUNDS)

3 For the Mine Resistant Ambush Protected Vehicle  
4 Fund, \$3,195,170,000, to remain available until Sep-  
5 tember 30, 2013: *Provided*, That such funds shall be avail-  
6 able to the Secretary of Defense, notwithstanding any  
7 other provision of law, to procure, sustain, transport, and  
8 field Mine Resistant Ambush Protected vehicles: *Provided*  
9 *further*, That the Secretary shall transfer such funds only  
10 to appropriations made available in this or any other Act  
11 for operation and maintenance; procurement; research, de-  
12 velopment, test and evaluation; and defense working cap-  
13 ital funds to accomplish the purpose provided herein: *Pro-*  
14 *vided further*, That such funds transferred shall be merged  
15 with and be available for the same purposes and the same  
16 time period as the appropriation to which transferred:  
17 *Provided further*, That this transfer authority is in addi-  
18 tion to any other transfer authority available to the De-  
19 partment of Defense: *Provided further*, That the Secretary  
20 shall, not fewer than 10 days prior to making transfers  
21 from this appropriation, notify the congressional defense  
22 committees in writing of the details of any such transfer:  
23 *Provided further*, That each amount in this paragraph is  
24 designated as being for the global war on terrorism pursu-  
25 ant to section 301 of H. Con. Res. 34 (112th Congress).

1 RESEARCH, DEVELOPMENT, TEST, AND  
2 EVALUATION

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
4 ARMY

5 For an additional amount for “Research, Develop-  
6 ment, Test and Evaluation, Army”, \$8,513,000, to remain  
7 available until September 30, 2013: *Provided*, That each  
8 amount in this paragraph is designated as being for the  
9 global war on terrorism pursuant to section 301 of H.  
10 Con. Res. 34 (112th Congress).

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
12 NAVY

13 For an additional amount for “Research, Develop-  
14 ment, Test and Evaluation, Navy”, \$53,884,000, to re-  
15 main available until September 30, 2013: *Provided*, That  
16 each amount in this paragraph is designated as being for  
17 the global war on terrorism pursuant to section 301 of  
18 H. Con. Res. 34 (112th Congress).

19 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
20 AIR FORCE

21 For an additional amount for “Research, Develop-  
22 ment, Test and Evaluation, Air Force”, \$182,000,000, to  
23 remain available until September 30, 2013: *Provided*,  
24 That each amount in this paragraph is designated as

1 being for the global war on terrorism pursuant to section  
2 301 of H. Con. Res. 34 (112th Congress).

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
4 DEFENSE-WIDE

5 For an additional amount for “Research, Develop-  
6 ment, Test and Evaluation, Defense-Wide”,  
7 \$192,361,000, to remain available until September 30,  
8 2013: *Provided*, That each amount in this paragraph is  
9 designated as being for the global war on terrorism pursu-  
10 ant to section 301 of H. Con. Res. 34 (112th Congress).

11 REVOLVING AND MANAGEMENT FUNDS

12 DEFENSE WORKING CAPITAL FUNDS

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

18 OTHER DEPARTMENT OF DEFENSE PROGRAMS

19 DEFENSE HEALTH PROGRAM

20 For an additional amount for “Defense Health Pro-  
21 gram”, \$1,228,288,000 (increased by \$20,000,000),  
22 which shall be for operation and maintenance: *Provided*,  
23 That each amount in this paragraph is designated as  
24 being for the global war on terrorism pursuant to section  
25 301 of H. Con. Res. 34 (112th Congress).

## 1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

2 For an additional amount for “Drug Interdiction and  
3 Counter-Drug Activities”, \$469,458,000, to remain avail-  
4 able until September 30, 2013: *Provided*, That each  
5 amount in this paragraph is designated as being for the  
6 global war on terrorism pursuant to section 301 of H.  
7 Con. Res. 34 (112th Congress).

## 8 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

9 (INCLUDING TRANSFER OF FUNDS)

10 For an additional amount for “Joint Improvised Ex-  
11 plosive Device Defeat Fund”, \$2,577,500,000, to remain  
12 available until September 30, 2014: *Provided*, That such  
13 funds shall be available to the Secretary of Defense, not-  
14 withstanding any other provision of law, for the purpose  
15 of allowing the Director of the Joint Improvised Explosive  
16 Device Defeat Organization to investigate, develop and  
17 provide equipment, supplies, services, training, facilities,  
18 personnel and funds to assist United States forces in the  
19 defeat of improvised explosive devices: *Provided further*,  
20 That the Secretary of Defense may transfer funds pro-  
21 vided herein to appropriations for military personnel; oper-  
22 ation and maintenance; procurement; research, develop-  
23 ment, test and evaluation; and defense working capital  
24 funds to accomplish the purpose provided herein: *Provided*  
25 *further*, That this transfer authority is in addition to any

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

9 OFFICE OF THE INSPECTOR GENERAL

10 For an additional amount for the “Office of the In-  
11 spector General”, \$11,055,000: *Provided*, That each  
12 amount in this paragraph is designated as being for the  
13 global war on terrorism pursuant to section 301 of H.  
14 Con. Res. 34 (112th Congress).

15 GENERAL PROVISIONS—THIS TITLE

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

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 9002. Upon the determination of the Secretary  
22 of Defense that such action is necessary in the national  
23 interest, the Secretary may, with the approval of the Of-  
24 fice of Management and Budget, transfer up to  
25 \$3,000,000,000 between the appropriations or funds made



1 available to the Department of Defense in this title: *Pro-*  
2 *vided*, That the Secretary shall notify the Congress  
3 promptly of each transfer made pursuant to the authority  
4 in this section: *Provided further*, That the authority pro-  
5 vided in this section is in addition to any other transfer  
6 authority available to the Department of Defense and is  
7 subject to the same terms and conditions as the authority  
8 provided in the Department of Defense Appropriations  
9 Act, 2012.

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

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

1 security of personnel or for force protection purposes up  
2 to a limit of \$250,000 per vehicle, notwithstanding price  
3 or other limitations applicable to the purchase of pas-  
4 senger carrying vehicles.

5       SEC. 9005. Not to exceed \$400,000,000 of the  
6 amount appropriated in this title under the heading “Op-  
7 eration and Maintenance, Army” may be used, notwith-  
8 standing any other provision of law, to fund the Com-  
9 mander’s Emergency Response Program (CERP), for the  
10 purpose of enabling military commanders in Afghanistan  
11 to respond to urgent, small scale, humanitarian relief and  
12 reconstruction requirements within their areas of responsi-  
13 bility: *Provided*, That each project (including any ancillary  
14 or related elements in connection with such project) exe-  
15 cuted under this authority shall not exceed \$20,000,000:  
16 *Provided further*, That not later than 45 days after the  
17 end of each fiscal year quarter, the Secretary of Defense  
18 shall submit to the congressional defense committees a re-  
19 port regarding the source of funds and the allocation and  
20 use of funds during that quarter that were made available  
21 pursuant to the authority provided in this section or under  
22 any other provision of law for the purposes described here-  
23 in: *Provided further*, That, not later than 30 days after  
24 the end of each month, the Army shall submit to the con-  
25 gressional defense committees monthly commitment, obli-

1 gation, and expenditure data for the Commander's Emer-  
2 gency Response Program in Afghanistan: *Provided further*,  
3 That not less than 15 days before making funds available  
4 pursuant to the authority provided in this section or under  
5 any other provision of law for the purposes described here-  
6 in for a project with a total anticipated cost for completion  
7 of \$5,000,000 or more, the Secretary shall submit to the  
8 congressional defense committees a written notice con-  
9 taining each of the following:

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

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

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

1        SEC. 9006. Funds available to the Department of De-  
2 fense for operation and maintenance may be used, not-  
3 withstanding any other provision of law, to provide sup-  
4 plies, services, transportation, including airlift and sealift,  
5 and other logistical support to coalition forces supporting  
6 military and stability operations in Iraq and Afghanistan:  
7 *Provided*, That the Secretary of Defense shall provide  
8 quarterly reports to the congressional defense committees  
9 regarding support provided under this section.

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

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

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

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

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

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

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

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

13 (3) Sections 1002 and 1003 of the Department  
14 of Defense, Emergency Supplemental Appropriations  
15 to Address Hurricanes in the Gulf of Mexico, and  
16 Pandemic Influenza Act, 2006 (Public Law 109–  
17 148).

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

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

4 (b) The report required by this subsection shall in-  
5 clude the following:

6 (1) The use of all funds on a project-by-project  
7 basis for which funds appropriated under the head-  
8 ings referred to in subsection (a) were obligated  
9 prior to the submission of the report, including esti-  
10 mates for the accounts referred to in subsection (a)  
11 of the costs to complete each project.

12 (2) The use of all funds on a project-by-project  
13 basis for which funds were appropriated under the  
14 headings referred to in subsection (a) in prior appro-  
15 priations Acts, or for which funds were made avail-  
16 able by transfer, reprogramming, or allocation from  
17 other headings in prior appropriations Acts, includ-  
18 ing estimates for the accounts referred to in sub-  
19 section (a) of the costs to complete each project.

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

24 SEC. 9010. (a) FUNDING FOR OUTREACH AND RE-  
25 INTEGRATION SERVICES UNDER YELLOW RIBBON RE-

1 INTEGRATION PROGRAM.—Of the amounts appropriated  
2 or otherwise made available by title IX, up to \$20,000,000  
3 may be available for outreach and reintegration services  
4 under the Yellow Ribbon Reintegration Program under  
5 section 582(h) of the National Defense Authorization Act  
6 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.  
7 125; 10 U.S.C. 10101 note).

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

12 SEC. 9011. Funds made available in this title to the  
13 Department of Defense for operation and maintenance  
14 may be used to purchase items having an investment unit  
15 cost of not more than \$250,000: *Provided*, That, upon de-  
16 termination by the Secretary of Defense that such action  
17 is necessary to meet the operational requirements of a  
18 Commander of a Combatant Command engaged in contin-  
19 uous operations overseas, such funds may be used to pur-  
20 chase items having an investment item unit cost of not  
21 more than \$500,000.

22 SEC. 9012. (a) The Task Force for Business and Sta-  
23 bility Operations in Afghanistan may, subject to the direc-  
24 tion and control of the Secretary of Defense and with the  
25 concurrence of the Secretary of State, carry out projects

1 in fiscal year 2012 to assist the commander of the United  
2 States Central Command in developing a link between  
3 United States military operations in Afghanistan under  
4 Operation Enduring Freedom and the economic elements  
5 of United States national power in order to reduce vio-  
6 lence, enhance stability, and restore economic normalcy in  
7 Afghanistan through strategic business and economic op-  
8 portunities.

9 (b) The projects carried out under paragraph (a) may  
10 include projects that facilitate private investment, indus-  
11 trial development, banking and financial system develop-  
12 ment, agricultural diversification and revitalization, and  
13 energy development in and with respect to Afghanistan.

14 (c) The Secretary may use up to \$150,000,000 of the  
15 funds available for overseas contingency operations in  
16 “Operation and Maintenance, Army” for additional activi-  
17 ties to carry out projects under paragraph (a).

18 SEC. 9013. From funds made available in this title  
19 to the Department of Defense for operation and mainte-  
20 nance, up to \$524,000,000 may be used by the Secretary  
21 of Defense, notwithstanding any other provision of law,  
22 to support the United States Government transition activi-  
23 ties in Iraq by undertaking facilities renovation and con-  
24 struction associated with establishing Office of Security  
25 Cooperation locations, at no more than ten sites, in Iraq:



1 *Provided*, That not less than 15 days before making funds  
2 available pursuant to the authority provided in this sec-  
3 tion, the Secretary shall submit to the congressional de-  
4 fense committees a written notice containing a detailed  
5 justification and timeline for each proposed site and the  
6 source of funds.

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

12 (b) Not later than 120 days after the date of the en-  
13 actment of this Act, the Secretary of Defense shall submit  
14 to the congressional defense committees a report on con-  
15 tractor employees in the United States Central Command,  
16 including—

17 (1) the number of employees of a contractor  
18 awarded a contract by the Department of Defense  
19 (including subcontractor employees) who are em-  
20 ployed at the time of the report in the area of oper-  
21 ations of the United States Central Command, in-  
22 cluding a list of the number of such employees in  
23 each of Iraq, Afghanistan, and all other areas of op-  
24 erations of the United States Central Command; and

1           (2) for each fiscal year quarter beginning on  
2           the date of the report and ending on September 30,  
3           2012—

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

9                   (B) an explanation of how the number of  
10                  such employees listed under subparagraph (A)  
11                  relates to the planned number of military per-  
12                  sonnel in such locations.

13          SEC. 9015. Of the amounts appropriated or trans-  
14          ferred to the Pakistan Counterinsurgency Fund (hereafter  
15          in this subsection referred to as the ‘Fund’) for any fiscal  
16          year after fiscal year 2011—

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

21                          (A) submits to the appropriate congres-  
22                          sional committees a report on the strategy to  
23                          utilize the Fund and the metrics used to deter-  
24                          mine progress with respect to the Fund; and

1 (B) notifies the appropriate congressional  
2 committees of the intent of the Secretary to ob-  
3 ligate or expend amounts that are in excess of  
4 such 25 percent and a period of 30 days has  
5 elapsed following such notification.

6 (2) Notwithstanding any other provision of law,  
7 none of the amounts described in the matter pre-  
8 ceding paragraph (1) shall be available for re-  
9 programming.

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

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

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

19 (C) A discussion of the gaps in capabilities  
20 of Pakistani security units that hamper the  
21 ability of the Government of Pakistan to take  
22 action against the organizations listed in sub-  
23 paragraph (B).

1 (D) A discussion of how assistance pro-  
2 vided utilizing the Fund will address the gaps  
3 in capabilities listed in subparagraph (C).

4 (E) A discussion of other efforts under-  
5 taken by other United States Government de-  
6 partments and agencies to address the gaps in  
7 capabilities listed in subparagraph (C) or com-  
8plementary activities of the Department of De-  
9fense and how those efforts are coordinated  
10 with the activities undertaken to utilize the  
11 Fund.

12 (F) Metrics that will be used to track  
13 progress in achieving the United States stra-  
14tegic objectives in Pakistan, to track progress  
15 of the Government of Pakistan in combating  
16 the organizations listed in subparagraph (B),  
17 and to address the gaps in capabilities listed in  
18 subparagraph (C).

19 SEC. 9016. (a) Not to exceed \$176,575,000 from  
20 amounts made available to the Department of Defense in  
21 this Act or any other Act for fiscal year 2012 may be obli-  
22gated for information operations or military information  
23 support operations: *Provided*, That such amount is to be  
24 derived from the amounts provided in title IX of this Act  
25 for the following accounts in this title as follows:

1           “Operations and Maintenance, Army”,  
2       \$104,675,000.

3           “Operations and Maintenance, Navy”,  
4       \$1,200,000.

5           “Operations and Maintenance, Air Force”,  
6       \$20,400,000.

7           “Operations and Maintenance, Defense Wide”,  
8       \$50,300,000.

9       (b) Such amounts are to be allocated only in accord-  
10     ance with the direction and for the purposes specified in  
11     the classified annex accompanying this Act.

12   (RESCISSIONS)

13       SEC. 9017. Of the funds appropriated in Department  
14     of Defense Appropriations Acts, the following funds are  
15     hereby rescinded from the following account in the speci-  
16     fied amount:

17       “Mine Resistant Ambush Protection Vehicle Fund”,  
18     2011/2013, \$595,000,000.

19     TITLE X—ADDITIONAL GENERAL PROVISIONS  
20   SPENDING REDUCTION ACCOUNT

21       SEC. 10001. The amount by which the applicable al-  
22     location of new budget authority made by the Committee  
23     on Appropriations of the House of Representatives under  
24     section 302(b) of the Congressional Budget Act of 1974

1 exceeds the amount of proposed new budget authority is  
2 \$0.

3       SEC. 10002. The total amount of appropriations  
4 made available by this Act is hereby reduced by  
5 \$124,800,000.

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

13       SEC. 10004. None of the funds made available by this  
14 Act may be used in contravention of section 2533a of title  
15 10, United States Code (popularly known as the "Berry  
16 Amendment").

17       SEC. 10005. None of the funds made available by this  
18 Act may be used to enter into a contract, memorandum  
19 of understanding, or cooperative agreement with, or pro-  
20 vide a loan or loan guarantee to, any United States com-  
21 mercial air carrier if that contract, memorandum of un-  
22 derstanding, cooperative agreement, loan, or loan guar-  
23 antee allows the air carrier to charge baggage fees to any  
24 member of the Armed Forces who is traveling on official

1 military orders and is being deployed overseas or is return-  
2 ing from an overseas deployment.

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

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

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

23 SEC. 10009. None of the funds made available by this  
24 Act may be used to reduce the number of B-1 aircraft  
25 of the Armed Forces.

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

4           (1) The Government of Iran.

5           (2) Hamas.

6           (3) Hizbullah.

7           (4) The Muslim Brotherhood.

8       SEC. 10011. None of the funds made available by this  
9 Act may be used to enforce section 526 of the Energy  
10 Independence and Security Act of 2007 (Public Law 110–  
11 140; 42 U.S.C. 17142).

12       SEC. 10012. None of the funds made available by this  
13 Act for international military education and training, for-  
14 eign military financing, excess defense articles, assistance  
15 under section 1206 of the National Defense Authorization  
16 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.  
17 3456), issuance for direct commercial sales of military  
18 equipment, or peacekeeping operations for the countries  
19 of Chad, Yemen, Somalia, Sudan, Democratic Republic of  
20 the Congo, and Burma may be used to support any mili-  
21 tary training or operations that include child soldiers, as  
22 defined by the Child Soldiers Prevention Act of 2008, and  
23 except if such assistance is otherwise permitted under sec-  
24 tion 404 of the Child Soldiers Prevention Act of 2008  
25 (Public Law 110–457; 22 U.S.C. 2370c–1).



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

4       SEC. 10014. None of the funds made available by this  
5 Act may be used in contravention of the War Powers Res-  
6 olution (50 U.S.C. 1541 et seq.).

7       SEC. 10015. None of the funds made available by this  
8 Act may be used to implement any rule, regulation, or ex-  
9 ecutive order regarding the disclosure of political contribu-  
10 tions that takes effect on or after the date of enactment  
11 of this Act.

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

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

18           (1) deploying members of the Armed Forces on  
19 to the ground of Libya for the purposes of engaging  
20 in military operations unless the purpose of such de-  
21 ployment is limited solely to rescuing members of  
22 the United States Armed Forces;

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

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

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

11          SEC. 10019. None of the funds made available by this  
12          Act may be used to enter into a contract that allows the  
13          contractor to use amounts paid to the contractor under  
14          such contract to pay a tax to the Afghan Ministry of Fi-  
15          nance.

16          SEC. 10020. None of the funds made available by this  
17          Act may be used to implement the curriculum of the Chap-  
18          lain Corps Tier 1 DADT repeal training dated April 11,  
19          2011.

1        This Act may be cited as the “Department of Defense  
2 Appropriations Act, 2012”.

Passed the House of Representatives July 8, 2011.

Attest:

KAREN L. HAAS,

*Clerk.*