IN THE SENATE OF THE UNITED STATES

JULY 23, 2012

Received; read twice and referred to the Committee on Appropriations

AUGUST 2, 2012

Reported by Mr. Inouye, with an amendment

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

AN ACT

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

1  Be it enacted by the Senate and House of Representa-
2  tives of the United States of America in Congress assembled,
3  That the following sums are appropriated, out of any
4  money in the Treasury not otherwise appropriated, for the
5  fiscal year ending September 30, 2013, for military func-
6  tions administered by the Department of Defense and for
7  other purposes, namely:
TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations; for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note); and to the Department of Defense Military Retirement Fund, $40,730,014,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations; for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377,
as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $27,075,933,000.

**MILITARY PERSONNEL, MARINE CORPS**

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities; permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $12,560,999,000.

**MILITARY PERSONNEL, AIR FORCE**

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities; permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere); cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note); and to the Depart-
ment of Defense Military Retirement Fund,
$28,124,109,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,456,823,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code; in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title
For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10241 of title 10, United States Code; or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code; or while undergoing reserve training, or while performing drills or equivalent duty; and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $651,861,000.

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10241, 10305, and 8038 of title 10, United States Code; or while serving on active duty under section 12301(d) of title 10, United States Code; in connection with performing duty specified in section 12310(a) of title 10, United States Code; or
while undergoing reserve training, or while performing 
drills or equivalent duty or other duty, and expenses au-
thesized by section 16131 of title 10, United States Code; 
and for payments to the Department of Defense Military 
Retirement Fund, $1,743,875,000.

**National Guard Personnel, Army**

For pay, allowances, clothing, subsistence, gratuities, 
travel, and related expenses for personnel of the Army Na-
tional Guard while on duty under section 10211, 10302, 
or 12402 of title 10 or section 708 of title 32, United 
States Code; or while serving on duty under section 
12301(d) of title 10 or section 502(f) of title 32, United 
States Code; in connection with performing duty specified 
in section 12310(a) of title 10, United States Code; or 
while undergoing training, or while performing drills or 
equivalent duty or other duty, and expenses authorized by 
section 16131 of title 10, United States Code; and for pay-
ments to the Department of Defense Military Retirement 
Fund, $8,089,477,000.

**National Guard Personnel, Air Force**

For pay, allowances, clothing, subsistence, gratuities, 
travel, and related expenses for personnel of the Air Na-
tional Guard on duty under section 10211, 10305, or 
12402 of title 10 or section 708 of title 32, United States 
Code, or while serving on duty under section 12301(d) of
title 10 or section 502(f) of title 32, United States Code,
in connection with performing duty specified in section
12310(a) of title 10, United States Code; or while under-
going training; or while performing drills or equivalent
duty or other duty; and expenses authorized by section
16131 of title 10, United States Code; and for payments
to the Department of Defense Military Retirement Fund,
$3,158,015,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary
for the operation and maintenance of the Army, as autho-
ized by law; and not to exceed $12,478,000 can be used
for emergencies and extraordinary expenses, to be ex-
pended on the approval or authority of the Secretary of
the Army, and payments may be made on his certificate
of necessity for confidential military purposes,
$36,422,738,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary
for the operation and maintenance of the Navy and the
Marine Corps, as authorized by law; and not to exceed
$14,804,000 can be used for emergencies and extraor-
dinary expenses, to be expended on the approval or author-
ity of the Secretary of the Navy, and payments may be
made on his certificate of necessity for confidential mili-
tary purposes, $41,463,773,000.

Operation and Maintenance, Marine Corps
For expenses, not otherwise provided for, necessary
for the operation and maintenance of the Marine Corps,
as authorized by law, $6,075,667,000.

Operation and Maintenance, Air Force
For expenses, not otherwise provided for, necessary
for the operation and maintenance of the Air Force, as
authorized by law, and not to exceed $7,699,000 can be
used for emergencies and extraordinary expenses, to be ex-
pended on the approval or authority of the Secretary of
the Air Force, and payments may be made on his certifi-
cate of necessity for confidential military purposes,
$35,408,795,000 (reduced by $24,000,000).

Operation and Maintenance, Defense-Wide
(including transfer of funds)
For expenses, not otherwise provided for, necessary
for the operation and maintenance of activities and agen-
cies of the Department of Defense (other than the military
departments), as authorized by law, $31,780,813,000 (re-
duced by $10,000,000) (reduced by $15,000,000) (re-
duced by $10,000,000) (reduced by $5,000,000): Pro-
vided, That not more than $30,000,000 may be used for
the Combatant Commander Initiative Fund authorized
under section 166a of title 10, United States Code: Pro-
vided further, That not to exceed $36,000,000 can be used
for emergencies and extraordinary expenses, to be ex-
pended on the approval or authority of the Secretary of
Defense, and payments may be made on his certificate of
necessity for confidential military purposes: Provided fur-
ther, That of the funds provided under this heading; not
less than $35,897,000 shall be made available for the Pro-
curement Technical Assistance Cooperative Agreement
Program, of which not less than $3,600,000 shall be avail-
able for centers defined in 10 U.S.C. 2411(1)(D): Pro-
vided further, That none of the funds appropriated or oth-
erwise made available by this Act may be used to plan
or implement the consolidation of a budget or appropria-
tions liaison office of the Office of the Secretary of De-
fense, the office of the Secretary of a military department,
or the service headquarters of one of the Armed Forces
into a legislative affairs or legislative liaison office: Pro-
vided further, That $8,563,000, to remain available until
expended, is available only for expenses relating to certain
classified activities, and may be transferred as necessary
by the Secretary of Defense to operation and maintenance
appropriations or research, development, test and evalua-
tion appropriations, to be merged with and to be available
for the same time period as the appropriations to which
transferred: Provided further, That any ceiling on the in-
vestment item unit cost of items that may be purchased
with operation and maintenance funds shall not apply to
the funds described in the preceding proviso: Provided fur-
ther, That the transfer authority provided under this head-
ing is in addition to any other transfer authority provided
elsewhere in this Act.

Operation and Maintenance, Army Reserve
For expenses, not otherwise provided for, necessary
for the operation and maintenance, including training, or-
ganization, and administration, of the Army Reserve; re-
pair of facilities and equipment; hire of passenger motor
vehicles; travel and transportation; care of the dead; re-
cruiting; procurement of services, supplies, and equip-
ment; and communications, $3,199,423,000.

Operation and Maintenance, Navy Reserve
For expenses, not otherwise provided for, necessary
for the operation and maintenance, including training, or-
ganization, and administration, of the Navy Reserve; re-
pair of facilities and equipment; hire of passenger motor
vehicles; travel and transportation; care of the dead; re-
cruiting; procurement of services, supplies, and equip-
ment; and communications, $1,256,347,000.
Operation and Maintenance, Marine Corps Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $277,377,000.

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,362,041,000.

Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard; including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel ex-
penses (other than mileage), as authorized by law for
Army personnel on active duty, for Army National Guard
division, regimental, and battalion commanders while in-
specting units in compliance with National Guard Bureau
regulations when specifically authorized by the Chief, Na-
tional Guard Bureau; supplying and equipping the Army
National Guard as authorized by law; and expenses of re-
pair, modification, maintenance, and issue of supplies and
equipment (including aircraft), $7,187,731,000.

OPERATION AND MAINTENANCE; AIR NATIONAL GUARD

For expenses of training, organizing, and admin-
istering the Air National Guard, including medical and
hospital treatment and related expenses in non-Federal
hospitals; maintenance, operation, and repairs to struc-
tures and facilities; transportation of things, hire of pas-
senger motor vehicles; supplying and equipping the Air
National Guard, as authorized by law; expenses for repair,
modification, maintenance, and issue of supplies and
equipment, including those furnished from stocks under
the control of agencies of the Department of Defense;
travel expenses (other than mileage) on the same basis as
authorized by law for Air National Guard personnel on
active Federal duty, for Air National Guard commanders
while inspecting units in compliance with National Guard
Bureau regulations when specifically authorized by the
Chief, National Guard Bureau, $6,608,826,000 (increased by $8,000,000).

United States Court of Appeals for the Armed Forces

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

Environmental Restoration, Army

(Including Transfer of Funds)

For the Department of the Army, $335,921,000, to remain available until transferred. Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred. Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.
Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $310,594,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.
Environmental Restoration, Air Force
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $529,263,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Environmental Restoration, Defense-Wide
(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $11,133,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds
are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $237,543,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this
appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred. \textit{Provided further}, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: \textit{Provided further}, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

\textbf{OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID}

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $108,759,000, to remain available until September 30, 2014.

\textbf{COOPERATIVE THREAT REDUCTION ACCOUNT}

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and
storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $519,111,000, to remain available until September 30, 2015.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $50,198,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants; including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, ap-
appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $6,115,226,000, to remain available for obligation until September 30, 2015.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired; and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appli-iances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,602,689,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles; equipment, including ordnance, spare parts, and acces-
sories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor; for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,884,706,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants; including ammunition facilities; authorized by section 2854 of title 10, United States Code, and the land necessary therefor; for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary
for the foregoing purposes, $1,576,768,000, to remain available for obligation until September 30, 2015.

Other Procurement, Army

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts; ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants; including the land necessary therefor; for the foregoing purposes, and such lands and interests therein, may be acquired; and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $6,488,045,000 (reduced by $1) (increased by $1), to remain available for obligation until September 30, 2015.

Aircraft Procurement, Navy

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, includ-
ing the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $17,518,324,000, to remain available for obligation until September 30, 2015.

Weapons Procurement, Navy

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,072,112,000, to remain available for obligation until September 30, 2015.

Procurement of Ammunition, Navy and Marine Corps

For construction, procurement, production, and modification of ammunition, and accessories therefor, spe-
cialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes; and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $677,243,000, to remain available for obligation until September 30, 2015.

Shipbuilding and Conversion, Navy

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title—
Carrier Replacement Program, $578,295,000;
Virginia Class Submarine, $3,217,601,000;
Virginia Class Submarine (AP), $1,597,878,000;
CVN Refuelings, $1,613,392,000;
CVN Refuelings (AP), $70,010,000;
DDG–1000 Program, $669,222,000;
DDG–51 Destroyer, $1,036,628,000;
DDG–51 Destroyer (AP), $466,283,000;
Littoral Combat Ship, $1,784,959,000;
Joint High Speed Vessel, $189,196,000;
Moored Training Ship, $307,300,000;
LCAC Service Life Extension Program, $47,930,000;
and
For outfitting, post delivery, conversions, and first
destination transportation, $284,859,000.
Completion of Prior Year Shipbuilding Programs,
$372,573,000.
In all: $15,236,126,000; to remain available for obli-
gation until September 30, 2017: Provided, That addi-
tional obligations may be incurred after September 30,
2017, for engineering services, tests, evaluations, and
other such budgeted work that must be performed in the
final stage of ship construction: Provided further, That
none of the funds provided under this heading for the con-
struction or conversion of any naval vessel to be con-
constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel. Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $6,364,191,000, to remain available for obligation until September 30, 2015.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation...
thereof in public and private plants; reserve plant and
government and contractor-owned equipment layaway; ve-
hicles for the Marine Corps; including the purchase of pas-
senger motor vehicles for replacement only; and expansion
of public and private plants; including land necessary
therefore, and such lands and interests therein; may be ac-
quired; and construction prosecuted thereon prior to ap-
proval of title; $1,482,081,000; to remain available for ob-
ligation until September 30, 2015.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of
aircraft and equipment, including armor and armament,
specialized ground handling equipment, and training de-
vices; spare parts, and accessories therefor; specialized
equipment; expansion of public and private plants; Gov-
ernment-owned equipment and installation thereof in such
plants; erection of structures, and acquisition of land, for
the foregoing purposes; and such lands and interests
therein, may be acquired; and construction prosecuted
thereon prior to approval of title; reserve plant and Gov-
ernment and contractor-owned equipment layaway; and
other expenses necessary for the foregoing purposes in-
cluding rents and transportation of things;
$11,304,899,000 (increased by $16,000,000); to remain
available for obligation until September 30, 2015.
MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants; Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $5,449,146,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equip-
ment, appliances, and machine tools in public and private
plants; reserve plant and Government and contractor-
owned equipment layaway; and other expenses necessary
for the foregoing purposes, $599,194,000, to remain avail-
able for obligation until September 30, 2015.

Other Procurement, Air Force

For procurement and modification of equipment (in-
cluding ground guidance and electronic control equipment,
and ground electronic and communication equipment),
and supplies, materials, and spare parts therefor, not oth-
erwise provided for; the purchase of passenger motor vehi-
cles for replacement only; lease of passenger motor vehi-
cles; and expansion of public and private plants; Govern-
ment-owned equipment and installation thereof in such
plants; erection of structures, and acquisition of land, for
the foregoing purposes; and such lands and interests
therein, may be acquired, and construction prosecuted
thereon, prior to approval of title; reserve plant and Gov-
ernment and contractor-owned equipment layaway;
$16,632,575,000, to remain available for obligation until
September 30, 2015.

Procurement, Defense-Wide

For expenses of activities and agencies of the Depart-
ment of Defense (other than the military departments)
necessary for procurement, production, and modification
of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants; erection of structures, and acquisition of land for the foregoing purposes; and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,429,335,000, to remain available for obligation until September 30, 2015.

National Guard and Reserve Equipment

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $2,000,000,000, to remain available for obligation until September 30, 2015: Provided, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: Provided further, That during fiscal year 2013, the Chief of the National Guard Bureau and each Reserve Component Chief, may each use not more than 3 percent of the funds made avail-
able to the National Guard or such reserve component, as the case may be, under this heading to carry out research, development, test, and evaluation activities related to adding technological capability to platforms or to modernize existing systems.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 203 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $63,531,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $8,593,055,000 to remain available for obligation until September 30, 2014.

NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of fa-
For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $16,987,768,000, to remain available for obligation until September 30, 2014: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

Research, Development, Test and Evaluation;

Air Force

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $25,117,692,000, to remain available for obligation until September 30, 2014.

Research, Development, Test and Evaluation;

Defense-Wide

(Including Transfer of Funds)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $19,100,362,000, to remain available for obligation until
September 30, 2014: Provided, That of the funds made available in this paragraph, $250,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: Provided further, That the Secretary of Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

Operational Test and Evaluation, Defense

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational
testing and evaluation; and administrative expenses in connection therewith, $185,268,000, to remain available for obligation until September 30, 2014.

**TITLE V**

**REVOLVING AND MANAGEMENT FUNDS**

**DEFENSE WORKING CAPITAL FUNDS**

For the Defense Working Capital Funds, $1,516,184,000.

**NATIONAL DEFENSE SEALIFT FUND**

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $564,636,000, to remain available until expended. *Provided.* That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes. *Provided further.* That the exercise of an option
in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract. Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI
OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $32,862,234,000 (increased by $10,000,000) (increased by $15,000,000) (increased by $10,000,000) (increased by $5,000,000); of which $31,122,095,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2014, and of which up to $16,105,245,000 may be available for contracts entered into under the TRICARE program; of which
$521,762,000, to remain available for obligation until September 30, 2015, shall be for procurement; and of which $1,218,377,000 (increased by $10,000,000) (increased by $15,000,000) (increased by $10,000,000) (increased by $5,000,000), to remain available for obligation until September 30, 2014; shall be for research, development, test and evaluation. Provided, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations. Provided further, That of the funds provided to develop an integrated Department of Defense–Department of Veterans Affairs (DOD–VA) integrated health record, not more than twenty-five percent shall be available for obligation until the DOD–VA Interagency Program Office submits to the Committees on Appropriations of both Houses of Congress a completed fiscal year 2013 execution and spending plan and a long-term roadmap for the life of the project that includes, but is not limited to, the following: (a) annual and total spending for each Department; (b) a quarterly schedule of milestones for each Department over the life of the project; (c) detailed cost-
sharing business rules; and (d) data standardization
schedules between the Departments.

Chemical Agents and Munitions Destruction,
Defense

For expenses, not otherwise provided for, necessary
for the destruction of the United States stockpile of lethal
chemical agents and munitions in accordance with the pro-
visions of section 1412 of the Department of Defense Au-
thorization Act, 1986 (50 U.S.C. 1521), and for the de-
struction of other chemical warfare materials that are not
in the chemical weapon stockpile, $1,301,786,000; of
which $635,843,000 shall be for operation and mainte-
nance, of which no less than $53,948,000 shall be for the
Chemical Stockpile Emergency Preparedness Program,
consisting of $22,214,000 for activities on military instal-
lations and $31,734,000, to remain available until Sep-
tember 30, 2014, to assist State and local governments;
$18,592,000 shall be for procurement, to remain available
until September 30, 2015, of which $1,823,000 shall be
for the Chemical Stockpile Emergency Preparedness Pro-
gram to assist State and local governments; and
$647,351,000, to remain available until September 30,
2014, shall be for research, development, test and evalua-
tion; of which $627,705,000 shall only be for the Assem-
bled Chemical Weapons Alternatives (ACWA) program.
For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,133,363,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

For the "Joint Improvised Explosive Device Defeat Fund," $217,414,000, to remain available until September 30, 2015, for Staff and Infrastructure: Provided, That
such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices. Provided further, That, within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees. Provided further, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund. Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein. Provided further, That amounts transferred shall be merged with and available for the same purposes and
time period as the appropriations to which transferred:

Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

Office of the Inspector General

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $350,321,000, of which $347,621,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General; and payments may be made on the Inspector General’s certificate of necessity for confidential military purposes; and of which $2,700,000, to remain available until September 30, 2015, shall be for procurement.
TITLE VII

RELATED AGENCIES

Central Intelligence Agency Retirement and Disability System Fund

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $511,476,000.

TITLE VIII

GENERAL PROVISIONS

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

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

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

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

(TRANSFER OF FUNDS)

Sec. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national inter-
est, he may, with the approval of the Office of Management and Budget, transfer not to exceed $3,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using au-
thority provided in this section shall be made prior to June 30, 2013: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

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

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: Provided, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.
Sec. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2013. Provided: That the report shall include—

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

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

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

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

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

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior
Sec. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government’s liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That none of

notification 30 calendar days in advance to the congressional defense committees.
the funds appropriated by this Act shall be available for a contract that incrementally funds an end item purchased under multi-year procurement authority. Provided further, That the preceding limitation shall not apply to advance procurement funding and economic order quantity funding associated with a multi-year procurement. Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement. Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

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

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

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

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

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

F/A–18E, F/A–18F, and EA–18G aircraft; DDG–51 Arleigh Burke class destroyer and associated systems;

SSN–774 Virginia class submarine and government-furnished equipment; CH–47 Chinook helicopter; and V–22 Osprey aircraft variants.

Sec. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obliga-
tions shall be reported as required by section 401(d) of title 10, United States Code. Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239. Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii; the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

Sec. 8012. (a) During fiscal year 2013, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.
(b) The fiscal year 2014 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2014 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2014.

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

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

Sec. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active components of the Army.
Sec. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

Sec. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of fielded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States. Provided: That for the purpose of this section, the term “manufactured” shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the
components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: \textit{Provided further,} That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes:

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

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

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

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

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

Sec. 8022. (a) Of the funds made available in this
Act, not less than $38,619,000 shall be available for the
Civil Air Patrol Corporation, of which—

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

(2) $9,298,000 shall be available from "Aircraft
Procurement, Air Force"; and

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

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

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

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

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

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2013, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs. Provided, That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs. Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).
(e) The Secretary of Defense shall, with the submission of the department’s fiscal year 2014 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

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

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

Sec. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

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

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

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2013. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.
(c) For purposes of this section, the term "Buy American Act" means chapter 83 of title 41, United States Code.

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

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

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

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

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

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

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

(b) The fiscal year 2014 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2014 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2014 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

Sec. 8032. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until Sep-
tember 30, 2014: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2014.

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

Sec. 8034. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $12,000,000 shall be made available only for the mitigation of environmental impacts; including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and de-
developing a system for prioritization of mitigation and cost
to complete estimates for mitigation, on Indian lands re-
sulting from Department of Defense activities.

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

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

(c) In the case of any equipment or products pur-
chased with appropriations provided under this Act, it is
the sense of the Congress that any entity of the Depart-
ment of Defense, in expending the appropriation, purchase
only American-made equipment and products; provided
that American-made equipment and products are cost-
competitive, quality competitive, and available in a timely
fashion.
Sec. 8036. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

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

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

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support. Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.
Sec. 8037. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

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

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

(c) This section does not apply to—

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

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

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

Sec. 8038. The Secretary of Defense, notwith-
standing any other provision of law, acting through the
Office of Economic Adjustment of the Department of De-
fense, may use funds made available in this Act under the
heading “Operation and Maintenance, Defense-Wide” to
make grants and supplement other Federal funds in ac-
cordance with the guidance provided in the explanatory
statement regarding this Act.

Sec. 8039. (a) None of the funds appropriated by
this Act shall be available to convert to contractor per-
formance an activity or function of the Department of De-
fense that, on or after the date of the enactment of this
Act, is performed by Department of Defense civilian em-
ployees unless—

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

(2) the Competitive Sourcing Official determines
that, over all performance periods stated in the solicitation
of offers for performance of the activity or function, the
cost of performance of the activity or function by a con-

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tractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

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

(B) $10,000,000; and

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

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

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

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

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

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

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

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

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

(RESCISSIONS)

Sec. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

“Procurement of Ammunition, Army, 2011/2013”;

$14,862,000;

“Aircraft Procurement, Navy, 2011/2013”;

$30,100,000;

“Weapons Procurement, Navy, 2011/2013”;

$22,000,000;

“Other Procurement, Navy, 2011/2013”;

$12,432,000;

“Aircraft Procurement, Air Force, 2011/2013”;

$65,000,000;

“Other Procurement, Air Force, 2011/2013”;

$9,500,000;

“Other Procurement, Army, 2012/2014”;

$80,000,000;

“Aircraft Procurement, Navy, 2012/2014”;

$14,400,000;
sec. 8041. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

Sec. 8042. None of the funds appropriated or otherwise made available in this Act may be obligated or ex-
pended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

Sec. 8043. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program. Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

Sec. 8044. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level. Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength
reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

Sec. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

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

Sec. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of
"commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

Sec. 8047. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

Sec. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress. Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

Sec. 8049: (a) Notwithstanding any other provision of law, none of the funds available to the Department of
Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

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

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

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

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

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

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

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

Sec. 8050. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

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

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

(INCLUDING TRANSFER OF FUNDS)

Sec. 8054. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” may be transferred to appropriations available for the pay of military personnel, to be merged with, and to
be available for the same time period as the appropriations
to which transferred, to be used in support of such per-
sonnel in connection with support and services for eligible
organizations and activities outside the Department of De-
fense pursuant to section 2012 of title 10, United States
Code.

Sec. 8052. During the current fiscal year, in the case
of an appropriation account of the Department of Defense
for which the period of availability for obligation has ex-
pired or which has closed under the provisions of section
1552 of title 31, United States Code, and which has a
negative unliquidated or unexpended balance, an obliga-
tion or an adjustment of an obligation may be charged
to any current appropriation account for the same purpose
as the expired or closed account if—

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

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

(3) in the case of an expired account, the obli-
gation is not chargeable to a current appropriation
of the Department of Defense under the provisions
of section 1405(b)(8) of the National Defense Au-

thorization Act for Fiscal Year 1991, Public Law

101–510; as amended (31 U.S.C. 1551 note): Pro-
vided; That in the case of an expired account, if sub-
sequent review or investigation discloses that there
was not in fact a negative unliquidated or unex-
pended balance in the account, any charge to a cur-
rent account under the authority of this section shall
be reversed and recorded against the expired ac-
count: Provided further; That the total amount
charged to a current appropriation under this sec-
tion may not exceed an amount equal to 1 percent
of the total appropriation for that account.

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

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

Sec. 8054. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany. Provided, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

Sec. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this
restriction does not apply to programs funded within the National Intelligence Program. Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

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

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

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

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

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

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

(b) The Secretary of Defense, in consultation with the
Secretary of State, shall ensure that prior to a decision
to conduct any training program referred to in subsection
(a), full consideration is given to all credible information
available to the Department of State relating to human
rights violations by foreign security forces.
(c) The Secretary of Defense, after consultation with
the Secretary of State, may waive the prohibition in sub-
section (a) if he determines that such waiver is required
by extraordinary circumstances.

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

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

Sec. 8059. Notwithstanding any other provision of
law, funds appropriated in this Act under the heading
"Research, Development, Test and Evaluation, Defense-
Wide" for any new start advanced concept technology
demonstration project or joint capability demonstration
project may only be obligated 45 days after a report, includ-
ing a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congress-
sional defense committees. Provided. That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so:

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

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

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

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

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

Sec. 8065. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State,
purchases may be made in any State in which the installation is located. Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State. Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8066: Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Army”;

$133,381,000 shall remain available until expended. Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government. Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section. Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary. Provided further, That projects authorized by this section shall comply with applicable Federal, State, and
local law to the maximum extent consistent with the na-
tional security, as determined by the Secretary of Defense.

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

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

ficiary.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8069. Of the amounts appropriated in this Act
under the heading “Research, Development, Test and
Evaluation, Defense-Wide”, $948,736,000 shall be for the
Israeli Cooperative Programs. Provided, That of this
amount, $149,679,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $15,000,000 shall be for production activities of SRBMD missiles in the United States and in Israel to meet Israel’s defense requirements consistent with each nation’s laws, regulations, and procedures; $74,692,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $44,365,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite, and $680,000,000 shall be for the Iron Dome program. Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred. Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

Sec. 8070. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of U.S. Navy forces.
assigned to the Pacific fleet. Provided, That the command
and control relationships which existed on October 1, 1994, shall remain in force unless changes are specifically
authorized in a subsequent Act.

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

1. Under the heading “Shipbuilding and Con-
version, Navy, 2007/2013”: LHA Replacement Pro-
gram $156,685,000;

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

3. Under the heading “Shipbuilding and Con-
version, Navy, 2009/2013”: CVN Refueling Over-
hauls $135,000,000.

Sec. 8072. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intel-
elligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2013 until the enactment of the Intelligence Authorization Act for Fiscal Year 2013.

Sec. 8073. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committee.

Sec. 8074. The budget of the President for fiscal year 2014 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces’ participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class,
a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency. Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

Sec. 8075. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

Sec. 8076. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $44,000,000 is hereby appropriated to the Department of Defense. Provided, That upon the determination of the Secretary of Defense that it shall serve the national interest, he shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations and $24,000,000 to the Red Cross.

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

SEC. 8078. None of the funds provided in this Act
shall be available for integration of foreign intelligence in-
formation unless the information has been lawfully col-
lected and processed during the conduct of authorized for-

gn intelligence activities: Provided; That information
pertaining to United States persons shall only be handled
in accordance with protections provided in the Fourth
Amendment of the United States Constitution as imple-
mented through Executive Order No. 12333.

SEC. 8079. (a) At the time members of reserve com-
ponents of the Armed Forces are called or ordered to ac-
tive duty under section 12302(a) of title 10, United States
Code, each member shall be notified in writing of the ex-
pected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the require-
ments of subsection (a) in any case in which the Secretary
determines that it is necessary to do so to respond to a
national security emergency or to meet dire operational
requirements of the Armed Forces.
Sec. 8080. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law. Provided, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section. Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner. Provided further, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated. Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

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

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

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

Sec. 8083. Up to $15,000,000 of the funds appro-
priated under the heading “Operation and Maintenance,
Navy” may be made available for the Asia Pacific Re-
gional Initiative Program for the purpose of enabling the
Pacific Command to execute Theater Security Cooperation
activities such as humanitarian assistance, and payment
of incremental and personnel costs of training and exer-
cising with foreign security forces. Provided, That funds
made available for this purpose may be used, notwith-
standing any other funding authorities for humanitarian
assistance, security assistance or combined exercise ex-
penses. Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

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

Sec. 8085. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading “Shipbuilding and Conversion, Navy” shall be considered to be for the same purpose as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

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

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

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

Sec. 8087. Notwithstanding any other provision of this Act, due to an excessive level of funded carryover at Army depots, the total amount appropriated to “Operation and Maintenance, Army”, in title II of this Act is hereby reduced by $1,207,400,000, and the total amount appropriated to “Other Procurement, Army”, in title III of this Act is hereby reduced by $1,253,500,000.

Sec. 8088. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2013: Provided, That the report shall include—
(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

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

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

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

Sec. 8089. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403–1(d)) that—

(1) creates a new start effort,
(2) terminates a program with appropriated funding of $10,000,000 or more;

(3) transfers funding into or out of the National Intelligence Program; or

(4) transfers funding between appropriations, unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403–1(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

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

Sec. 8091. For the purposes of this Act, the term “congressional intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives; the Select Committee on Intelligence of the Senate; the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives; and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8093. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

Sec. 8097. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8098. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $139,204,000, shall be available for transfer to the Joint Department of Defense Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: Provided, That for purposes of section 1704(b), the facility operations funded are oper-
ations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417. Provided further, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representa-
tives and the Senate.

Sec. 8099. The Office of the Director of National Intelligence shall not employ more Senior Executive em-
ployees than are specified in the classified annex.

Sec. 8100. None of the funds appropriated or other-
wise made available by this Act may be obligated or ex-
pended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.
Sec. 8101. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

Sec. 8102. Of the amounts appropriated for “Operation and Maintenance, Defense-Wide,” the following amounts shall be available to the Secretary of Defense for the following authorized purposes, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, to make grants, conclude cooperative agreements, and supplement other Federal funds, to remain available until expended, to assist the civilian population of Guam in response to the military buildup of Guam: (1) $33,000,000 for addressing the need for construction of a mental health and substance abuse facility and construction of a regional public health laboratory, and (2) $106,400,000 for addressing the need for civilian water and wastewater improvements. Provided, That the Secretary of Defense shall, not fewer than 15 days prior to obligating funds for either of the foregoing purposes, notify the congressional
defense committees in writing of the details of any such obligation.

SEC. 8103. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 2,000 parking spaces (other than handicap-reserved spaces) to be provided by the BRAC 133 project. Provided, That this limitation may be waived in part if: (1) the Secretary of Defense certifies to Congress that levels of service at existing intersections in the vicinity of the project have not experienced failing levels of service as defined by the Transportation Research Board Highway Capacity Manual over a consecutive 90-day period; (2) the Department of Defense and the Virginia Department of Transportation agree on the number of additional parking spaces that may be made available to employees of the facility subject to continued 90-day traffic monitoring; and (3) the Secretary of Defense notifies the congressional defense committees in writing at least 14 days prior to exercising this waiver of the number of additional parking spaces to be made available. Provided further, That the Secretary of Defense shall implement the Department of Defense Inspector General recommendations outlined in report number DODIG–2012–024, and certify to Congress not later than 180 days after
enactment of this Act that the recommendations have been implemented.

Sec. 8104. Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall resume monthly reporting of the numbers of civilian personnel end strength by appropriation account for each and every appropriation account used to finance Federal civilian personnel salaries to the congressional defense committees within 15 days after the end of each fiscal quarter.

Sec. 8105. None of the funds appropriated in this or any other Act may be used to plan, prepare for, or otherwise take any action to undertake or implement the separation of the National Intelligence Program budget from the Department of Defense budget.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8106. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of the funds made available in this Act for the National Intelligence Program: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated
and in no case where the item for which funds are re-
quested has been denied by the Congress. Provided further,
That a request for multiple reprogrammings of funds
using authority provided in this section shall be made
prior to June 30, 2013:

(INCLUDING TRANSFER OF FUNDS)

Sec. 8107. In addition to amounts provided else-
where in the Act, there is appropriated $270,000,000 for
an additional amount for “Operation and Maintenance,
Defense-Wide”, to be available until expended: Provided,
That such funds shall only be available to the Secretary
of Defense, acting through the Office of Economic Adjust-
ment of the Department of Defense, or for transfer to the
Secretary of Education, notwithstanding any other provi-
sion of law, to make grants, conclude cooperative agree-
ments; or supplement other Federal funds to construct,
renovate, repair, or expand elementary and secondary pub-
lic schools on military installations in order to address ca-
pacity or facility condition deficiencies at such schools:
Provided further, That in making such funds available, the
Office of Economic Adjustment or the Secretary of Edu-
cation shall give priority consideration to those military
installations with schools having the most serious capacity
or facility condition deficiencies as determined by the Sec-
retary of Defense. Provided further, That funds may not
be made available for a school unless its enrollment of Department of Defense-connected children is greater than 50 percent.

SEC. 8108. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

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

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

SEC. 8109. (a)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantanamo to the custody or control of the individual’s country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—
(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

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

(b) A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

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

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

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

(D) has taken or agreed to take effective actions to ensure that the individual cannot take ac-
tion to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

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

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

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

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications.

(e)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin; any other foreign country; or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was trans-
ferred to such foreign country or entity and subsequently
engaged in any terrorist activity.

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

(A) an order affecting the disposition of the indi-
vidual that is issued by a court or competent tribunal of
the United States having lawful jurisdiction (which the
Secretary shall notify Congress of promptly after
issuance); or

(B) a pre-trial agreement entered in a military com-
mission case prior to the date of the enactment of this
Act.

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

(A) alternative actions will be taken to address the
underlying purpose of the requirement or requirements to
be waived,
(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

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

(D) the transfer is in the national security interests of the United States.

(2) Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned;

(B) A statement of the basis for the determination, including—
(i) an explanation why the transfer is in the national security interests of the United States; and

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

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

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

(e) In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services; the Committee on Appropriations; and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services; the Committee on Appropriations; and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Sta-
tion, Guantanamo Bay, Cuba, as of October 1, 2009, who—

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

(B) is—

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

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

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

Sec. 8110. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.
An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

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

(2) is—

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

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

Sec. 8111. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.
Sec. 8112. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

Sec. 8113. None of the funds made available by this Act may be used in contravention of section 1590 or 1591 of title 18, United States Code, or in contravention of the requirements of section 106(g) or (h) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g) or (h)).

Sec. 8114. None of the funds made available by this Act for International Military education and training, foreign military financing, excess defense article, assistance under section 1206 of the National Defense Authorization Act for Fiscal year 2006 (Public Law 109–163; 119 Stat. 3456) issuance for direct commercial sales of military equipment, or peacekeeping operations for the countries of Chad, Yemen, Somalia, Sudan, the Democratic Repub-
lie of the Congo, and Burma may be used to support any
military training or operation that include child soldiers,
as defined by the Child Soldiers Prevention Act of 2008;
and except if such assistance is otherwise permitted under
section 404 of the Child Soldiers Prevention Act of 2008
(Public Law 110–457; 22 U.S.C. 2370e–1).

Sec. 8115. None of the funds made available by this
Act may be used in contravention of the War Powers Res-
olution (50 U.S.C. 1541 et seq.).

Sec. 8116. None of the funds made available by this
Act may be used to retire, divest, realign, or transfer Air
Force aircraft, to disestablish or convert units associated
with such aircraft, or to disestablish or convert any other
unit of the Air National Guard or Air Force Reserve.

Sec. 8117. The Secretary of the Air Force shall obli-
gate and expend funds previously appropriated for the
procurement of RQ–4B Global Hawk and C–27J Spartan
aircraft for the purposes for which such funds were origi-
nally appropriated.

Sec. 8118. None of the funds made available by this
Act shall be used to retire C–23 Sherpa aircraft.

Sec. 8119. The total amount available in the Act for
pay for civilian personnel of the Department of Defense
for fiscal year 2013 shall be the amount otherwise appro-
appropriated or made available by this Act for such pay reduced by $258,524,000.

Sec. 8120. None of the funds appropriated, or otherwise made available in this Act may be used to transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government, unless such transfer is specifically authorized by law.

TITLE IX
OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $9,165,082,000 (increased by $98,697,000): Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $870,425,000 (increased by $9,373,000): Pro-
vided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Military Personnel, Marine Corps**

For an additional amount for "Military Personnel, Marine Corps", $1,623,356,000 (increased by $17,482,000): Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Military Personnel, Air Force**

For an additional amount for "Military Personnel, Air Force", $1,286,783,000 (increased by $13,857,000): Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Reserve Personnel, Army**

For an additional amount for "Reserve Personnel, Army", $156,893,000 (increased by $1,690,000): Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terror-

**Reserve Personnel, Navy**

For an additional amount for "Reserve Personnel, Navy", $39,335,000 (increased by $424,000): Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Reserve Personnel, Marine Corps**

For an additional amount for "Reserve Personnel, Marine Corps", $24,722,000 (increased by $266,000): Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Reserve Personnel, Air Force**

For an additional amount for "Reserve Personnel, Air Force", $25,348,000 (increased by $273,000): Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $583,804,000 (increased by $6,287,000): Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $10,473,000 (increased by $113,000): Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $26,682,437,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $5,880,395,000, of which up to $254,461,000 may be transferred to the Coast Guard "Operating Expenses" account: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $4,566,340,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $9,136,236,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide," $7,790,579,000: Provided. That of the funds provided under this heading, not to exceed $1,750,000,000, to remain available until September 30, 2014, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military operations in support of Operation Enduring Freedom, notwithstanding any other provision of law: Provided further. That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further. That the requirement under this heading to provide notification shall not apply with respect to a reimbursement for access based on an international agreement: Provided further. That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized
equipment and providing such supplies and loaning such
equipment on a non-reimbursable basis to coalition forces
supporting United States military operations in Afghan-
istan, and 15 days following notification to the appropriate
congressional committees. Provided further, That the Sec-
retary of Defense shall provide quarterly reports to the
congressional defense committees on the use of funds pro-
vided in this paragraph. Provided further, That such
amount is designated by the Congress for Overseas Con-
tingency Operations/Global War on Terrorism pursuant to
section 251(b)(2)(A)(ii) of the Balanced Budget and

Operation and Maintenance, Army Reserve

For an additional amount for “Operation and Main-
tenance, Army Reserve”, $152,387,000 (increased by
$5,500,000): Provided, That such amount is designated
by the Congress for Overseas Contingency Operations/
Global War on Terrorism pursuant to section
251(b)(2)(A)(ii) of the Balanced Budget and Emergency

Operation and Maintenance, Navy Reserve

For an additional amount for “Operation and Main-
tenance, Navy Reserve”, $55,924,000: Provided, That
such amount is designated by the Congress for Overseas
Contingency Operations/Global War on Terrorism pursu-

Operation and Maintenance, Marine Corps Reserve

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $25,477,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Operation and Maintenance, Air Force Reserve

For an additional amount for "Operation and Maintenance, Air Force Reserve", $120,618,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $382,448,000 (increased by $10,000,000): Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section

Operation and Maintenance, Air National Guard

For an additional amount for "Operation and Maintenance, Air National Guard", $34,500,000: Provided,

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

Overseas Contingency Operations Transfer Fund

(including transfer of funds)

In addition to amounts provided elsewhere in this Act, there is appropriated $3,250,000,000 (reduced by $18,500,000) for the "Overseas Contingency Operations Transfer Fund" for expenses directly relating to overseas contingency operations by United States military forces, to be available until expended: Provided, That of the funds made available in this section, the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, procurement accounts, and working capital fund accounts: Provided further, That the funds made available in this paragraph may only be used for programs, projects, or activities categorized as Overseas Contingency Operations in the fiscal year 2013 budget request for the Department of Defense
and the justification material and other documentation supporting such request. Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred. Provided further, that the Secretary shall notify the congressional defense committees 15 days prior to such transfer. Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense. Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated. Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN INFRASTRUCTURE FUND

(INCLUDING TRANSFER OF FUNDS)

For the “Afghanistan Infrastructure Fund”, $375,000,000 (reduced by $175,000,000), to remain available until September 30, 2014: Provided, That such
funds shall be available to the Secretary of Defense for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: Provided further, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, which may require funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: Provided further, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: Provided further, That any projects funded under this heading shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: Provided further, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: Provided further, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of De-
fense to transfer funds: Provided further, That any unex-
pended funds transferred to the Secretary of State under
this authority shall be returned to the Afghanistan Infra-
structure Fund if the Secretary of State, in coordination
with the Secretary of Defense, determines that the project
cannot be implemented for any reason, or that the project
no longer supports the counterinsurgency strategy in Af-
ghanistan: Provided further, That any funds returned to
the Secretary of Defense under the previous proviso shall
be available for use under this appropriation and shall be
treated in the same manner as funds not transferred to
the Secretary of State: Provided further, That contribu-
tions of funds for the purposes provided herein to the Sec-
retary of State in accordance with section 635(d) of the
Foreign Assistance Act from any person, foreign govern-
ment, or international organization may be credited to this
Fund, to remain available until expended, and used for
such purposes: Provided further, That the Secretary of De-
fense shall, not fewer than 15 days prior to making trans-
fers to or from, or obligations from the Fund, notify the
appropriate committees of Congress in writing of the de-
tails of any such transfer: Provided further, That the “ap-
propriate committees of Congress” are the Committees on
Armed Services; Foreign Relations and Appropriations of
the Senate and the Committees on Armed Services, For-
Foreign Affairs and Appropriations of the House of Representatives: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Afghanistan Security Forces Fund

For the "Afghanistan Security Forces Fund", $5,026,500,000 (reduced by $412,287,000) (reduced by $22,000,000), to remain available until September 30, 2014: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command-Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available
until expended, and used for such purposes: Provided further, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: Provided further, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $541,600,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $49,653,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $15,422,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $338,493,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:
• HR 5856 RS


OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $2,005,907,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $146,277,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $22,500,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $284,450,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

OTHER PROCUREMENT, NAVY

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

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $943,683,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section
AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $305,600,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $34,350,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE


Other Procurement, Air Force

For an additional amount for "Other Procurement, Air Force", $2,785,170,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $217,849,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Research, Development, Test, and Evaluation

Research, Development, Test and Evaluation, Army

For an additional amount for "Research, Development, Test and Evaluation, Army", $14,860,000, to remain available until September 30, 2014: Provided, That
such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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

For an additional amount for “Research, Development, Test and Evaluation, Navy”, $60,119,000, to remain available until September 30, 2014: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, $53,150,000, to remain available until September 30, 2014: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
Research, Development, Test and Evaluation,

Defense-Wide

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $107,387,000, to remain available until September 30, 2014: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

Revolving and Management Funds

Defense Working Capital Funds

For an additional amount for "Defense Working Capital Funds", $293,600,000. Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

Other Department of Defense Programs

Defense Health Program

For an additional amount for "Defense Health Program", $993,898,000 (increased by $10,000,000), which shall be for operation and maintenance, to remain available until September 30, 2014: Provided, That such amount is designated by the Congress for Overseas Con-

**Drug Interdiction and Counter-Drug Activities,**

**Defense**

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, $469,025,000, to remain available until September 30, 2014: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Joint Improvised Explosive Device Defeat Fund**

*(Including Transfer of Funds)*

For an additional amount for the “Joint Improvised Explosive Device Defeat Fund”, $1,614,900,000, to remain available until September 30, 2015: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That the Secretary of Defense may transfer funds
provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development; test and evaluation; and defense working capital funds to accomplish the purpose provided herein. Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense. Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer. Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL


GENERAL PROVISIONS—THIS TITLE

Sec. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to
SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $3,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2013.

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

Sec. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the U.S. Central Command area of responsibility: (a) passenger motor vehicles up to a limit of $75,000 per vehicle; and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

Sec. 9005. Not to exceed $250,000,000 of the amount appropriated in this title under the heading "Operation and Maintenance, Army" may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility. \textit{Provided,} That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $20,000,000: \textit{Provided further,} That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense
shall submit to the congressional defense committees a re-
port regarding the source of funds and the allocation and
use of funds during that quarter that were made available
pursuant to the authority provided in this section or under
any other provision of law for the purposes described here-
in: Provided further, That, not later than 30 days after
the end of each month, the Army shall submit to the con-
gressional defense committees monthly commitment, obli-
gation, and expenditure data for the Commander’s Emer-
gency Response Program in Afghanistan: Provided fur-
ther, That not less than 15 days before making funds
available pursuant to the authority provided in this section
or under any other provision of law for the purposes de-
scribed herein for a project with a total anticipated cost
for completion of $5,000,000 or more, the Secretary shall
submit to the congressional defense committees a written
notice containing each of the following:

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

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

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

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

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

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.
(2) To exercise United States control over any oil resource of Iraq.

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

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

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


(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and

SEC. 9009. None of the funds provided for the “Afghanistan Security Forces Fund” (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: Provided, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of $50,000,000 annually and any non-standard equipment requirements in excess of $100,000,000 using ASFF: Provided further, That the AROC must approve all projects and the execution plan under the “Afghanistan Infrastructure Fund” (AIF) and any project in excess of $5,000,000 from the Commanders Emergency Response Program (CERP): Provided further, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding provisos and accompanying report language for the ASFF, AIF, and CERP.

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

Sec. 9011. Notwithstanding any other provision of
law, up to $88,000,000 of funds made available in this
title under the heading “Operation and Maintenance,
Army” may be obligated and expended for purposes of the
Task Force for Business and Stability Operations, subject
to the direction and control of the Secretary of Defense,
with concurrence of the Secretary of State, to carry out
strategic business and economic assistance activities in Af-
ghanistan in support of Operation Enduring Freedom.

Provided, That not less than 15 days before making funds
available pursuant to the authority provided in this section
for any project with a total anticipated cost of $5,000,000
or more, the Secretary shall submit to the congressional
defense committees a written notice containing a detailed
justification and timeline for each proposed project.

Sec. 9012. From funds made available to the De-
partment of Defense in this title under the heading “Oper-
ation and Maintenance, Air Force” up to $508,000,000
may be used by the Secretary of Defense, notwithstanding
any other provision of law, to support United States Government transition activities in Iraq by funding the operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: Provided, That not less than 45 days before making funds available pursuant to the authority provided in this section, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed site.

(AVAILABILITY OF FUNDS)

Sec. 9013. Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

(RESCISSIONS)

Sec. 9014. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursu-
ant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

“Retroactive Stop Loss Special Pay Program, 2009/20XX,” $79,900,000; and

“Afghanistan Security Forces Fund, 2012/20XX,” $500,000,000.

Sec. 9015. None of the funds appropriated or otherwise made available by this Act under the heading “Operation and Maintenance, Defense-Wide” for payments under section 1233 of Public Law 110–181 for reimbursement to the Government of Pakistan may be made available unless the Secretary of Defense, in coordination with the Secretary of State certifies to the Committees on Appropriations that the Government of Pakistan is—

(1) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al Qaeda, and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(2) not supporting terrorist activities against United States or coalition forces in Afghanistan, and
Pakistan's military and intelligence agencies are not
intervening extra-judicially into political and judicial
processes in Pakistan;

(3) dismantling improvised explosive device
(IED) networks and interdicting precursor chemicals
used in the manufacture of IEDs;

(4) preventing the proliferation of nuclear-re-
lated material and expertise;

(5) issuing visas in a timely manner for United
States visitors engaged in counterterrorism efforts
and assistance programs in Pakistan; and

(6) providing humanitarian organizations access
to detainees, internally displaced persons, and other
Pakistani civilians affected by the conflict.

TITLE X
ADDITIONAL GENERAL PROVISIONS
SPENDING REDUCTION ACCOUNT

SEC. 10001. The amount by which the applicable al-
location of new budget authority made by the Committee
on Appropriations of the House of Representatives under
section 302(b) of the Congressional Budget Act of 1974
exceeds the amount of proposed new budget authority is
$0 (increased by $175,000,000).

SEC. 10002. None of the funds made available by this
Act may be used to operate an unmanned aircraft system
except in accordance with the Fourth Amendment of the Constitution.

Sec. 10003. None of the funds made available by this Act may be used to enter into a contract for UH–60 Leak Proof Drip Pans using procedures other than competitive procedures (as defined in section 2302(2) of title 10, United States Code).

Sec. 10004. None of the funds made available by this Act may be used to propose, plan for, or execute an additional Base Realignment and Closure (BRAC) round.

Sec. 10005. The amounts otherwise provided in title IX of this Act are revised by reducing the amount made available for “Operation and Maintenance, Defense-Wide” and the amount under that heading for payments to reimburse key cooperating nations for logistical, military and other support by $650,000,000, respectively.

Sec. 10006. None of the funds made available by this Act may be used to remove any portion of the Mount Soledad Veterans Memorial in San Diego, California.

Sec. 10007. None of the funds made available by this Act may be obligated or expended for assistance to the following entities:

(1) The Government of Iran.

(2) The Government of Syria.

(3) Hamas.
(4) Hizbullah.

(5) The Muslim Brotherhood.

Sec. 10008. None of the funds made available by this Act may be used by the Department of Defense or a component thereof to provide the government of the Russian Federation with any information about the missile defense systems of the United States that is classified by the Department or component thereof.

Sec. 10009. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

Sec. 10010. None of the Operation and Maintenance funds made available in this Act may be used in contravention of section 41106 of title 49, United States Code.

Sec. 10011. None of the funds made available by this Act may be used by the Department of Defense or any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for an agency’s fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

Sec. 10012. None of the funds made available by this Act may be used to enter into a contract, with any person or other entity listed in the Federal Awardee Performance
and Integrity Information System ("FAPIS") as having been convicted of fraud against the Federal Government.

Sec. 10013. None of the funds made available by this Act may be used in contravention of section 7 of title 1, United States Code.

Sec. 10014. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to Rosoboronexport.

Sec. 10015. None of the funds made available by this Act may be used to—

(1) reduce the nuclear forces of the United States in contravention of section 303(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b)); or

(2) implement the Nuclear Posture Review Implementation Study or modify the Secretary of Defense Guidance for Employment of Force, Annex B, or the Joint Strategic Capabilities Plan, Annex N.

Sec. 10016. None of the funds made available by this Act may be used to reduce the number of the following nuclear weapons delivery vehicles of the United States:

(1) Heavy bomber aircraft.

(2) Air-launched cruise missiles.
(3) Nuclear-powered ballistic missile submarines.

(4) Submarine-launched ballistic missiles.

(5) Intercontinental ballistic missiles.

SEC. 10017. (a) Appropriations made in this Act are hereby reduced in the amount of $1,072,581,000.

(b) The reduction in subsection (a) shall not apply to amounts made available for—

(1) accounts in title I;

(2) "Other Department of Defense Programs—Defense Health Program"; and

(3) accounts in title IX.

SEC. 10018. The amounts otherwise provided in title IX of this Act are revised by reducing the amount made available for "Military Personnel, Army" by increasing such amount, by reducing the amount made available for "Military Personnel, Marine Corps"; and by increasing such amount by $4,359,624,000, $1,197,682,000, and $1,197,682,000, respectively.

SEC. 10019. None of the funds made available by this Act may be used by the Secretary of Defense to implement an enrollment fee for the TRICARE for Life program under chapter 55 of title 10, United States Code, that does not exist as of the date of the enactment of this Act.
This Act may be cited as the “Department of Defense Appropriations Act, 2013”.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

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

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between
permanent duty stations, for members of the Navy on active
duty (except members of the Reserve provided for elsewhere),
midshipmen, and aviation cadets; for members of the Re-
serve Officers’ Training Corps; and for payments pursuant
to section 156 of Public Law 97–377, as amended (42
U.S.C. 402 note), and to the Department of Defense Mili-
tary Retirement Fund, $26,989,384,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence,
interest on deposits, gratuities, permanent change of station
total (including all expenses thereof for organizational
movements), and expenses of temporary duty travel between
permanent duty stations, for members of the Marine Corps
on active duty (except members of the Reserve provided for
elsewhere); and for payments pursuant to section 156 of
Public Law 97–377, as amended (42 U.S.C. 402 note), and
to the Department of Defense Military Retirement Fund,
$12,529,469,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence,
interest on deposits, gratuities, permanent change of station
total (including all expenses thereof for organizational
movements), and expenses of temporary duty travel between
permanent duty stations, for members of the Air Force on
active duty (except members of reserve components provided
for elsewhere), cadets, and aviation cadets; for members of
the Reserve Officers’ Training Corps; and for payments
pursuant to section 156 of Public Law 97–377, as amended
(42 U.S.C. 402 note), and to the Department of Defense
Military Retirement Fund, $28,053,829,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities,
travel, and related expenses for personnel of the Army Re-
serve on active duty under sections 10211, 10302, and 3038
of title 10, United States Code, or while serving on active
duty under section 12301(d) of title 10, United States Code,
in connection with performing duty specified in section
12310(a) of title 10, United States Code, or while under-
going reserve training, or while performing drills or equiva-
lent duty or other duty, and expenses authorized by section
16131 of title 10, United States Code; and for payments
to the Department of Defense Military Retirement Fund,
$4,341,823,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities,
travel, and related expenses for personnel of the Navy Re-
serve on active duty under section 10211 of title 10, United
States Code, or while serving on active duty under section
12301(d) of title 10, United States Code, in connection with
performing duty specified in section 12310(a) of title 10,
United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,875,598,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $659,621,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States
Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,728,505,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $8,005,077,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402
of title 10 or section 708 of title 32, United States Code, 
or while serving on duty under section 12301(d) of title 10 
or section 502(f) of title 32, United States Code, in connec-
tion with performing duty specified in section 12310(a) of 
title 10, United States Code, or while undergoing training, 
or while performing drills or equivalent duty or other duty, 
and expenses authorized by section 16131 of title 10, United 
States Code; and for payments to the Department of Defense 
Military Retirement Fund, $3,161,765,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for 
the operation and maintenance of the Army, as authorized 
by law; and not to exceed $12,478,000 can be used for emer-
gencies and extraordinary expenses, to be expended on the 
approval or authority of the Secretary of the Army, and 
payments may be made on his certificate of necessity for 
confidential military purposes, $33,804,145,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for 
the operation and maintenance of the Navy and the Marine 
Corps, as authorized by law; and not to exceed $14,804,000 
can be used for emergencies and extraordinary expenses, to 
be expended on the approval or authority of the Secretary
of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $40,479,556,000.

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

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

OPERATION AND MAINTENANCE, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)
For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $31,331,839,000: Provided, That not more than $30,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed $36,000,000 can be used for
emergencies and extraordinary expenses, to be expended on
the approval or authority of the Secretary of Defense, and
payments may be made on his certificate of necessity for
confidential military purposes: Provided further, That of
the funds provided under this heading, not less than
$36,480,000 shall be made available for the Procurement
Technical Assistance Cooperative Agreement Program, of
which not less than $3,600,000 shall be available for centers
defined in 10 U.S.C. 2411(1)(D): Provided further, That
none of the funds appropriated or otherwise made available
by this Act may be used to plan or implement the consolida-
tion of a budget or appropriations liaison office of the Office
of the Secretary of Defense, the office of the Secretary of
a military department, or the service headquarters of one
of the Armed Forces into a legislative affairs or legislative
liaison office: Provided further, That $8,563,000, to remain
available until expended, is available only for expenses re-
lating to certain classified activities, and may be trans-
ferred as necessary by the Secretary of Defense to operation
and maintenance appropriations or research, development,
test and evaluation appropriations, to be merged with and
to be available for the same time period as the appropria-
tions to which transferred: Provided further, That any ceil-
ing on the investment item unit cost of items that may be
purchased with operation and maintenance funds shall not
apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**Operation and Maintenance, Army Reserve**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,140,508,000.

**Operation and Maintenance, Navy Reserve**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,246,982,000.

**Operation and Maintenance, Marine Corps Reserve**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles;
vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $272,285,000.

**Operation and Maintenance, Air Force Reserve**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,227,382,000.

**Operation and Maintenance, Army National Guard**

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair,
modification, maintenance, and issue of supplies and equipment (including aircraft), $7,075,042,000.

**Operation and Maintenance, Air National Guard**

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,493,155,000.

**United States Court of Appeals for the Armed Forces**

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

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $335,921,000, to re-
main available until transferred: Provided, That the Sec-
retary of the Army shall, upon determining that such funds
are required for environmental restoration, reduction and
recycling of hazardous waste, removal of unsafe buildings
and debris of the Department of the Army, or for similar
purposes, transfer the funds made available by this appro-
priation to other appropriations made available to the De-
partment of the Army, to be merged with and to be available
for the same purposes and for the same time period as the
appropriations to which transferred: Provided further, That
upon a determination that all or part of the funds trans-
ferred from this appropriation are not necessary for the
purposes provided herein, such amounts may be transferred
back to this appropriation: Provided further, That the
transfer authority provided under this heading is in addi-
tion to any other transfer authority provided elsewhere in
this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $310,594,000, to re-
main available until transferred: Provided, That the Sec-
retary of the Navy shall, upon determining that such funds
are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $529,263,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made avail-
able to the Department of the Air Force, to be merged with
and to be available for the same purposes and for the same
time period as the appropriations to which transferred:
Provided further, That upon a determination that all or
part of the funds transferred from this appropriation are
not necessary for the purposes provided herein, such
amounts may be transferred back to this appropriation:
Provided further, That the transfer authority provided
under this heading is in addition to any other transfer au-
thority provided elsewhere in this Act.

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

For the Department of Defense, $11,133,000, to remain
available until transferred: Provided, That the Secretary of
Defense shall, upon determining that such funds are re-
quired for environmental restoration, reduction and recy-
cling of hazardous waste, removal of unsafe buildings and
debris of the Department of Defense, or for similar purposes,
transfer the funds made available by this appropriation to
other appropriations made available to the Department of
Defense, to be merged with and to be available for the same
purposes and for the same time period as the appropria-
tions to which transferred: Provided further, That upon a
determination that all or part of the funds transferred from
this appropriation are not necessary for the purposes pro-
provided herein, such amounts may be transferred back to this
appropriation: Provided further, That the transfer author-
ity provided under this heading is in addition to any other
transfer authority provided elsewhere in this Act.

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

For the Department of the Army, $287,543,000, to re-
main available until transferred: Provided, That the Sec-
retary of the Army shall, upon determining that such funds
are required for environmental restoration, reduction and
recycling of hazardous waste, removal of unsafe buildings
and debris at sites formerly used by the Department of De-
fense, transfer the funds made available by this appropria-
tion to other appropriations made available to the Depart-
ment of the Army, to be merged with and to be available
for the same purposes and for the same time period as the
appropriations to which transferred: Provided further, That
upon a determination that all or part of the funds trans-
ferred from this appropriation are not necessary for the
purposes provided herein, such amounts may be transferred
back to this appropriation: Provided further, That the
transfer authority provided under this heading is in addi-
tion to any other transfer authority provided elsewhere in
this Act.
OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $108,759,000, to remain available until September 30, 2014.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $519,111,000, to remain available until September 30, 2015.
DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $720,000,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,414,061,000, to remain available for obligation until September 30, 2015.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and ac-
cessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,429,665,000, to remain available for obligation until September 30, 2015.

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

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes,
$1,687,823,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,624,380,000, to remain available for obligation until September 30, 2015.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including
the land necessary therefor, for the foregoing purposes, and
such lands and interests therein, may be acquired, and con-
struction prosecuted thereon prior to approval of title; and
procurement and installation of equipment, appliances,
and machine tools in public and private plants; reserve
plant and Government and contractor-owned equipment
layaway; and other expenses necessary for the foregoing
purposes, $4,980,209,000, to remain available for obligation
until September 30, 2015.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification,
and modernization of aircraft, equipment, including
ordnance, spare parts, and accessories therefor; specialized
equipment; expansion of public and private plants, includ-
ing the land necessary therefor, and such lands and inter-
ests therein, may be acquired, and construction prosecuted
thereon prior to approval of title; and procurement and in-
stallation of equipment, appliances, and machine tools in
public and private plants; reserve plant and Government
and contractor-owned equipment layaway,
$16,936,358,000, to remain available for obligation until
September 30, 2015.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification,
and modernization of missiles, torpedoes, other weap-
ons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,066,919,000, to remain available for obligation until September 30, 2015.

**Procurement of Ammunition, Navy and Marine Corps**

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes,
$719,154,000, to remain available for obligation until September 30, 2015.

**SHIPBUILDING AND CONVERSION, NAVY**

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

- **Carrier Replacement Program**, $564,371,000;
- **Virginia Class Submarine**, $3,217,601,000;
- **Virginia Class Submarine (AP)**, $1,652,557,000;
- **CVN Refueling Overhaul**, $1,613,392,000;
- **CVN Refueling Overhauls (AP)**, $70,010,000;
- **DDG–1000 Program**, $669,222,000;
- **DDG–51 Destroyer**, $4,048,658,000;
- **DDG–51 Destroyer (AP)**, $466,283,000;
- **Littoral Combat Ship**, $1,784,959,000;
- **LPD–17 (AP)**, $263,255,000;
Joint High Speed Vessel, $189,196,000;

Moored Training Ship, $307,300,000;

LCAC Service Life Extension Program, $85,830,000; and

For outfitting, post delivery, conversions, and first destination transportation, $309,648,000.

Completion of Prior Year Shipbuilding Programs, $372,573,000.

In all: $15,614,855,000, to remain available for obligation until September 30, 2017: Provided, That additional obligations may be incurred after September 30, 2017, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new
ships, and ships authorized for conversion); the purchase
of passenger motor vehicles for replacement only; expansion
of public and private plants, including the land necessary
therefor, and such lands and interests therein, may be ac-
quired, and construction prosecuted thereon prior to ap-
proval of title; and procurement and installation of equip-
ment, appliances, and machine tools in public and private
plants; reserve plant and Government and contractor-owned
equipment layaway, $6,170,286,000, to remain available
for obligation until September 30, 2015.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufac-
ture, and modification of missiles, armament, military
equipment, spare parts, and accessories therefor; plant
equipment, appliances, and machine tools, and installation
thereof in public and private plants; reserve plant and Gov-
ernment and contractor-owned equipment layaway; vehicles
for the Marine Corps, including the purchase of passenger
motor vehicles for replacement only; and expansion of pub-
lic and private plants, including land necessary therefor,
and such lands and interests therein, may be acquired, and
construction prosecuted thereon prior to approval of title,
$1,334,448,000, to remain available for obligation until
September 30, 2015.
AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,260,646,000, to remain available for obligation until September 30, 2015.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant
and Government and contractor-owned equipment layaway;
and other expenses necessary for the foregoing purposes in-
cluding rents and transportation of things, $4,913,276,000,
to remain available for obligation until September 30,
2015.

**PROCUREMENT OF AMMUNITION, AIR FORCE**

For construction, procurement, production, and modi-
fication of ammunition, and accessories therefor; specialized
equipment and training devices; expansion of public and
private plants, including ammunition facilities, authorized
by section 2854 of title 10, United States Code, and the
land necessary therefor, for the foregoing purposes, and such
lands and interests therein, may be acquired, and construc-
tion prosecuted thereon prior to approval of title; and pro-
curement and installation of equipment, appliances, and
machine tools in public and private plants; reserve plant
and Government and contractor-owned equipment layaway;
and other expenses necessary for the foregoing purposes,
$593,194,000, to remain available for obligation until Sep-
tember 30, 2015.

**OTHER PROCUREMENT, AIR FORCE**

For procurement and modification of equipment (in-
cluding ground guidance and electronic control equipment,
and ground electronic and communication equipment), and
supplies, materials, and spare parts therefor, not otherwise
provided for; the purchase of passenger motor vehicles for
replacement only; lease of passenger motor vehicles; and ex-
pansion of public and private plants, Government-owned
equipment and installation thereof in such plants, erection
of structures, and acquisition of land, for the foregoing pur-
poses, and such lands and interests therein, may be ac-
quired, and construction prosecuted thereon, prior to ap-
proval of title; reserve plant and Government and con-
tractor-owned equipment layaway, $17,008,348,000, to re-
main available for obligation until September 30, 2015.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Depart-
ment of Defense (other than the military departments) nec-
essary for procurement, production, and modification of
equipment, supplies, materials, and spare parts therefor,
not otherwise provided for; the purchase of passenger motor
vehicles for replacement only; expansion of public and pri-
ivate plants, equipment, and installation thereof in such
plants, erection of structures, and acquisition of land for
the foregoing purposes, and such lands and interests therein,
may be acquired, and construction prosecuted thereon prior
to approval of title; reserve plant and Government and con-
tractor-owned equipment layaway, $4,692,685,000, to re-
main available for obligation until September 30, 2015.
DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $189,189,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $8,427,588,000, to remain available for obligation until September 30, 2014.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $16,646,307,000, to remain available for obligation until September 30, 2014: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.
For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $25,374,286,000, to remain available for obligation until September 30, 2014.

For expenses necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,419,129,000, to remain available for obligation until September 30, 2014: Provided, That of the funds made available in this paragraph, $200,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production:
Provided further, That the Secretary of Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

Operational Test and Evaluation, Defense

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $223,768,000, to remain available for obligation until September 30, 2014.
TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,516,184,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $697,840,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department respon-
sible for such procurement may waive the restrictions in
the first proviso on a case-by-case basis by certifying in
writing to the Committees on Appropriations of the House
of Representatives and the Senate that adequate domestic
supplies are not available to meet Department of Defense
requirements on a timely basis and that such an acquisition
must be made in order to acquire capability for national
security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical
and health care programs of the Department of Defense as
authorized by law, $32,240,788,000; of which
$30,707,349,000 shall be for operation and maintenance, of
which not to exceed 1 percent shall remain available until
September 30, 2014, and of which up to $15,954,952,000
may be available for contracts entered into under the
TRICARE program; of which $506,462,000, to remain
available for obligation until September 30, 2015, shall be
for procurement; and of which $1,026,977,000, to remain
available for obligation until September 30, 2014, shall be
for research, development, test and evaluation.
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,301,786,000, of which $635,843,000 shall be for operation and maintenance, of which no less than $53,948,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $22,214,000 for activities on military installations and $31,734,000, to remain available until September 30, 2014, to assist State and local governments; $18,592,000 shall be for procurement, to remain available until September 30, 2015, of which $1,823,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $647,351,000, to remain available until September 30, 2014, shall be for research, development, test and evaluation, of which $627,705,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.
For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,138,263,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

Office of the Inspector General
For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $332,921,000, of which $331,921,000 shall be for operation and maintenance, of
which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General’s certificate of necessity for confidential military purposes; of which $1,000,000, to remain available until September 30, 2015, shall be for procurement.

TITLE VII
RELATED AGENCIES
CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND
For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT
For necessary expenses of the Intelligence Community Management Account, $542,346,000.

TITLE VIII
GENERAL PROVISIONS
Sec. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.
SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense:

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

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

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

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of
Defense that such action is necessary in the national inter-
est, he may, with the approval of the Office of Management
and Budget, transfer not to exceed $5,000,000,000 of work-
ing capital funds of the Department of Defense or funds
made available in this Act to the Department of Defense
for military functions (except military construction) be-
tween such appropriations or funds or any subdivision
ter thereof, to be merged with and to be available for the same
purposes, and for the same time period, as the appropria-
tion or fund to which transferred: Provided, That such au-
thority to transfer may not be used unless for higher pri-
ority items, based on unforeseen military requirements,
than those for which originally appropriated and in no case
where the item for which funds are requested has been de-
nied by the Congress: Provided further, That the Secretary
of Defense shall notify the Congress promptly of all transfers
made pursuant to this authority or any other authority in
this Act: Provided further, That no part of the funds in
this Act shall be available to prepare or present a request
to the Committees on Appropriations for reprogramming
of funds, unless for higher priority items, based on unfore-
seen military requirements, than those for which originally
appropriated and in no case where the item for which re-
programming is requested has been denied by the Congress:
Provided further, That a request for multiple
reprogrammings of funds using authority provided in this
section shall be made prior to June 30, 2013: Provided fur-
ther, That transfers among military personnel appropria-
tions shall not be taken into account for purposes of the
limitation on the amount of funds that may be transferred
under this section.

SEC. 8006. (a) With regard to the list of specific pro-
grams, projects, and activities (and the dollar amounts and
adjustments to budget activities corresponding to such pro-
grams, projects, and activities) contained in the tables titled
“Committee Recommended Adjustments” in the explana-
tory statement regarding this Act, the obligation and ex-
penditure of amounts appropriated or otherwise made
available in this Act for those programs, projects, and ac-
tivities for which the amounts appropriated exceed the
amounts requested are hereby required by law to be carried
out in the manner provided by such tables to the same ex-
tent as if the tables were included in the text of this Act.
(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: Provided, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2013: Provided, That the report shall include—

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

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

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

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

(TRANSFER OF FUNDS)

Sec. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the “Foreign Currency Fluctuations, Defense” appropriation and the “Operation and Maintenance” appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.
SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

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

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

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

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and
(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

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

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

(b) The Secretary of Defense may employ incremental funding for the procurement of Virginia class submarines and government-furnished equipment associated with the Virginia class submarines to be procured during fiscal years 2013 through 2018 if the Secretary of Defense:

(1) determines that such an approach will permit the Navy to procure an additional Virginia class submarine in fiscal year 2014; and

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

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

Sec. 8012. (a) During fiscal year 2013, the civilian personnel of the Department of Defense may not be man-
aged on the basis of any end-strength, and the management
of such personnel during that fiscal year shall not be subject
to any constraint or limitation (known as an end-strength)
on the number of such personnel who may be employed on
the last day of such fiscal year.

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

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

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

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

(TRANSFER OF FUNDS)

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

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section, the term “manufactured” shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section
substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

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

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

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

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

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

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

(1) $28,404,000 shall be available from “Operation and Maintenance, Air Force” to support Civil
Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

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

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

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

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

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

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

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2013, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).
(e) The Secretary of Defense shall, with the submission of the department’s fiscal year 2014 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

Sec. 8024. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.
Sec. 8025. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

Sec. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

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

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

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

(c) For purposes of this section, the term “Buy Amer-
ican Act” means chapter 83 of title 41, United States Code.

Sec. 8028. During the current fiscal year, amounts
contained in the Department of Defense Overseas Military
Facility Investment Recovery Account established by section
2921(c)(1) of the National Defense Authorization Act of
1 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be
2 available until expended for the payments specified by sec-
3 tion 2921(c)(2) of that Act.
4
5 SEC. 8029. (a) Notwithstanding any other provision
6 of law, the Secretary of the Air Force may convey at no
7 cost to the Air Force, without consideration, to Indian
8 tribes located in the States of Nevada, Idaho, North Dakota,
9 South Dakota, Montana, Oregon, Minnesota, and Wash-
10 ington relocatable military housing units located at Grand
11 Forks Air Force Base, Malmstrom Air Force Base, Moun-
12 tain Home Air Force Base, Ellsworth Air Force Base, and
13 Minot Air Force Base that are excess to the needs of the
14 Air Force.
15
16 (b) The Secretary of the Air Force shall convey, at no
17 cost to the Air Force, military housing units under sub-
18 section (a) in accordance with the request for such units
19 that are submitted to the Secretary by the Operation Walk-
20 ing Shield Program on behalf of Indian tribes located in
21 the States of Nevada, Idaho, North Dakota, South Dakota,
22 Montana, Oregon, Minnesota, and Washington. Any such
23 conveyance shall be subject to the condition that the housing
24 units shall be removed within a reasonable period of time,
25 as determined by the Secretary.
26
27 (c) The Operation Walking Shield Program shall re-
28 solve any conflicts among requests of Indian tribes for hous-
ing units under subsection (a) before submitting requests
to the Secretary of the Air Force under subsection (b).

(d) In this section, the term “Indian tribe” means any
recognized Indian tribe included on the current list pub-
lished by the Secretary of the Interior under section 104
of the Federally Recognized Indian Tribe Act of 1994 (Pub-

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

SEC. 8031. (a) During the current fiscal year, none
of the appropriations or funds available to the Department
of Defense Working Capital Funds shall be used for the pur-
chase of an investment item for the purpose of acquiring
a new inventory item for sale or anticipated sale during
the current fiscal year or a subsequent fiscal year to cus-
tomers of the Department of Defense Working Capital
Funds if such an item would not have been chargeable to
the Department of Defense Business Operations Fund dur-
ing fiscal year 1994 and if the purchase of such an invest-
ment item would be chargeable during the current fiscal
year to appropriations made to the Department of Defense
for procurement.
(b) The fiscal year 2014 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2014 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2014 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

Sec. 8032. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2014: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act
of 1947, as amended, shall remain available until September 30, 2014.

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

SEC. 8034. Of the funds appropriated to the Department of Defense under the heading “Operation and Maintenance, Defense-Wide”, not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8035. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term “Buy American Act” means chapter 83 of title 41, United States Code.
(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

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

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

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

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

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

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

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the
Armed Forces or civilian employee of the department
who is transferred or reassigned from a headquarters
activity if the member or employee’s place of duty re-
mains at the location of that headquarters.
(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

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

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

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

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

SEC. 8039. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

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

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

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

(B) $10,000,000; and
(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

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

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

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

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);
(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

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

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

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.
SEC. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

“Shipbuilding and Conversion, Navy, 2007/2018”: DDG–51 Destroyer, $98,400,000;

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

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

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

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

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

“Aircraft Procurement, Navy, 2011/2015”: DDG–51 Destroyer, $215,300,000;

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

“Aircraft Procurement, Air Force, 2011/2013”, $93,400,000;
“Missile Procurement, Air Force, 2011/2013”, $8,709,000;
“Other Procurement, Air Force, 2011/2013”, $9,500,000;
“Operation and Maintenance, Defense Wide, 2012/XXXX”, $21,000,000;
“Aircraft Procurement, Army, 2012/2014”, $47,400,000;
“Other Procurement, Army, 2012/2014”, $99,608,000;
“Aircraft Procurement, Navy, 2012/2014”, $4,640,000;
“Shipbuilding and Conversion, Navy, 2012/2016”: Littoral Combat Ship, $28,800,000;
“Shipbuilding and Conversion, Navy, 2012/2016”: DDG–51 Destroyer, $83,000,000;
“Other Procurement, Navy, 2012/2014”, $4,800,000;
“Procurement of Ammunition, Navy and Marine Corps, 2012/2014”, $50,703,000;
“Procurement, Marine Corps, 2012/2014”, $135,331,000;
“Other Procurement, Air Force, 2012/2014”, $55,800,000;
“Procurement, Defense Wide, 2012/2014”, $16,000,000;
“Research, Development, Test and Evaluation, Army, 2012/2013”, $8,000,000;

Sec. 8041. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

Sec. 8042. None of the funds appropriated or otherwise made available in this Act may be obligated or ex-
pended for assistance to the Democratic People’s Republic of Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8044. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may
be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

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

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of “commercial items”, as
defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or ex-
pended to transfer to another nation or an international
organization any defense articles or services (other than in-
telligence services) for use in the activities described in sub-
section (b) unless the congressional defense committees, the
Committee on Foreign Affairs of the House of Representa-
tives, and the Committee on Foreign Relations of the Senate
are notified 15 days in advance of such transfer.

(b) This section applies to—

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

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

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

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

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

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

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

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

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

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in con-
connection with support and services for eligible organizations
and activities outside the Department of Defense pursuant
to section 2012 of title 10, United States Code.

SEC. 8052. During the current fiscal year, in the case
of an appropriation account of the Department of Defense
for which the period of availability for obligation has ex-
pired or which has closed under the provisions of section
1552 of title 31, United States Code, and which has a nega-
tive unliquidated or unexpended balance, an obligation or
an adjustment of an obligation may be charged to any cur-
rent appropriation account for the same purpose as the ex-
pired or closed account if—

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

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

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

SEC. 8053. (a) Notwithstanding any other provision
of law, the Chief of the National Guard Bureau may permit
the use of equipment of the National Guard Distance Learn-
ing Project by any person or entity on a space-available,
reimbursable basis. The Chief of the National Guard Bu-
reau shall establish the amount of reimbursement for such
use on a case-by-case basis.

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

SEC. 8054. Using funds made available by this Act
or any other Act, the Secretary of the Air Force, pursuant
to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

Sec. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropria-
tions of the House of Representatives and the Senate that
it is in the national security interest to do so.

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

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

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

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

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

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

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

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

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

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

SEC. 8059. Notwithstanding any other provision of
law, funds appropriated in this Act under the heading “Re-
search, Development, Test and Evaluation, Defense-Wide”
for any new start advanced concept technology demonstra-
tion project or joint capability demonstration project may
only be obligated 45 days after a report, including a de-
scription of the project, the planned acquisition and transi-
tion strategy and its estimated annual and total cost, has
been provided in writing to the congressional defense com-
mittees: Provided, That the Secretary of Defense may waive
this restriction on a case-by-case basis by certifying to the
Sec. 8060. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

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

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

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

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

SEC. 8065. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia
shall be procured from the most competitive source, price
and other factors considered.

(INCLUDING TRANSFER OF FUNDS)

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8068. During the current fiscal year, not to ex-
ceed $200,000,000 from funds available under “Operation
and Maintenance, Defense-Wide” may be transferred to the
Department of State “Global Security Contingency Fund”:
Provided, That this transfer authority is in addition to any
other transfer authority available to the Department of De-
fense: Provided further, That the Secretary of Defense shall,
not fewer than 30 days prior to making transfers to the
Department of State “Global Security Contingency Fund”,
notify the congressional defense committees in writing with
the source of funds and a detailed justification, execution
plan, and timeline for each proposed project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. Of the amounts appropriated in this Act
under the headings “Procurement, Defense-Wide” and “Re-
search, Development, Test and Evaluation, Defense-Wide”,
$479,736,000 shall be for the Israeli Cooperative Programs:
Provided, That of this amount, $211,000,000 shall be for
the Secretary of Defense to provide to the Government of
Israel for the procurement of the Iron Dome defense system
to counter short-range rocket threats, $149,679,000 shall be
for the Short Range Ballistic Missile Defense (SRBMD)
program, including cruise missile defense research and development under the SRBMD program, of which $39,200,000 shall be for production activities of SRBMD missiles in the United States and in Israel to meet Israel’s defense requirements consistent with each nation’s laws, regulations, and procedures, $74,692,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $44,365,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8070. (a) None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of U.S. Navy forces assigned to the Pacific fleet.
(b) None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give United States Transportation Command operational and administrative control of C–130 and KC–135 forces assigned to the Pacific and European Air Force Commands.

(c) The command and control relationships in subsections (a) and (b) which existed on March 13, 2011, shall remain in force unless changes are specifically authorized in a subsequent Act.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. Of the amounts appropriated in this Act under the heading “Shipbuilding and Conversion, Navy”, $372,573,000 shall be available until September 30, 2013, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:
(1) Under the heading “Shipbuilding and Conversion, Navy, 2007/2013”: LHA Replacement Program $156,685,000;

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

(3) Under the heading “Shipbuilding and Conversion, Navy, 2009/2013”: CVN Refueling Overhauls Program $135,000,000.

SEC. 8072. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2013 until the enactment of the Intelligence Authorization Act for Fiscal Year 2013.

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

SEC. 8074. The budget of the President for fiscal year 2014 submitted to the Congress pursuant to section 1105
of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces’ participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

Sec. 8075. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.
SEC. 8076. In addition to the amounts appropriated
or otherwise made available elsewhere in this Act,
$20,000,000 is hereby appropriated to the Department of
Defense: Provided, That upon the determination of the Sec-
retary of Defense that it shall serve the national interest,
he shall make grants in the amount specified as follows:
$20,000,000 to the United Service Organizations.
SEC. 8077. None of the funds appropriated or made
available in this Act shall be used to reduce or disestablish
the operation of the 53rd Weather Reconnaissance Squad-
ron of the Air Force Reserve, if such action would reduce
the WC–130 Weather Reconnaissance mission below the lev-
els funded in this Act: Provided, That the Air Force shall
allow the 53rd Weather Reconnaissance Squadron to per-
form other missions in support of national defense require-
ments during the non-hurricane season.
SEC. 8078. None of the funds provided in this Act shall
be available for integration of foreign intelligence informa-
tion unless the information has been lawfully collected and
processed during the conduct of authorized foreign intel-
ligence activities: Provided, That information pertaining to
United States persons shall only be handled in accordance
with protections provided in the Fourth Amendment of the
United States Constitution as implemented through Execu-
tive Order No. 12333.
SEC. 8079. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8080. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: Provided further, That any funds transferred pursuant to this section shall retain
the same period of availability as when originally appro-
riated: Provided further, That the transfer authority pro-
vided by this section is in addition to any other transfer
authority contained elsewhere in this Act.

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

SEC. 8082. (a) None of the funds appropriated by this
Act may be used to transfer research and development, ac-
quision, or other program authority relating to current
tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and oper-
ational control of the MQ–1C Gray Eagle Unmanned Aerial
Vehicle (UAV) in order to support the Secretary of Defense
in matters relating to the employment of unmanned aerial
vehicles.

SEC. 8083. Up to $15,000,000 of the funds appro-
priated under the heading “Operation and Maintenance,
Navy” may be made available for the Asia Pacific Regional
Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

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

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

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

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

(2) For research, development, test and evalua-
tion projects requesting more than $5,000,000 in any
fiscal year, the R–1, Research, Development, Test and
Evaluation Program; R–2, Research, Development,
Test and Evaluation Budget Item Justification; R–3,
Research, Development, Test and Evaluation Project
Cost Analysis; and R–4, Research, Development, Test
and Evaluation Program Schedule Profile.

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 8088. (a) Not later than 60 days after enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2013: Provided, That the report shall include—

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

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

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

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.
SEC. 8089. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $20,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: Provided, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: Provided further, That the Office of Management and Budget must approve any transfers made under this provision.

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

SEC. 8091. For the purposes of this Act, the term “congressional intelligence committees” means the Permanent Select Committee on Intelligence of the House of Represent-
atives, the Select Committee on Intelligence of the Senate,
the Subcommittee on Defense of the Committee on Approp-
riations of the House of Representatives, and the Sub-
committee on Defense of the Committee on Appropriations
of the Senate.

SEC. 8092. The Department of Defense shall continue
to report incremental contingency operations costs for Oper-
ation New Dawn and Operation Enduring Freedom on a
monthly basis in the Cost of War Execution Report as pre-
scribed in the Department of Defense Financial Manage-
ment Regulation Department of Defense Instruction
7000.14, Volume 12, Chapter 23 “Contingency Operations”,

(INCLUDING TRANSFER OF FUNDS)

SEC. 8093. During the current fiscal year, not to ex-
ceed $11,000,000 from each of the appropriations made in
title II of this Act for “Operation and Maintenance, Army”,
“Operation and Maintenance, Navy”, and “Operation and
Maintenance, Air Force” may be transferred by the mili-
tary department concerned to its central fund established
for Fisher Houses and Suites pursuant to section 2493(d)
of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

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

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

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

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

(2) the report contains proprietary information.

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

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

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitra-
tion any claim under title VII of the Civil Rights Act
of 1964 or any tort related to or arising out of sexual
assault or harassment, including assault and battery,
intentional infliction of emotional distress, false im-
prisonment, or negligent hiring, supervision, or reten-
tion; or

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

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

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

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.
SEC. 8097. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8098. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $139,204,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: Provided, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417; Provided further, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Sec-
Sec. 8099. (a) In this section the term “conference” has the meaning given that term under section 300-3.1 of title 41, Code of Federal Regulations, or any successor thereto.

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

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

(2)(A) Except as provided in subparagraph (B) or paragraph (3), the Department of Defense may not sponsor or host a conference for which the cost to the Department is expected to be more than $500,000 using amounts made available under this Act.

(B) The Deputy Secretary of Defense may waive the prohibition under subparagraph (A) if the Deputy Secretary determines that it is in the interest of na-
tional security to spend more than $500,000 on a conference.

(3) For purposes of a conference sponsored or hosted by the Office of the Inspector General of the Department of Defense, the Inspector General shall discharge the authorities and responsibilities of the Deputy Secretary of Defense under this subsection.

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

(1) shall include, for each such conference—

(A) the cost of the conference to the Department of Defense;

(B) the location of the conference;

(C) the date of the conference;

(D) a brief explanation of how the conference advanced the mission of the Department of Defense;

(E) the total number of individuals whose travel expenses or other conference expenses were paid by the Department of Defense; and
(F) any waiver made under subsection (c)(2)(B); and

(2) shall not include any confidential or similarly sensitive information.

Sec. 8100. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

Sec. 8101. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

Sec. 8102. Of the amounts appropriated for “Operation and Maintenance, Defense-Wide”, $106,482,000 shall be available to the Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, to make grants, conclude cooperative agreements, and supplement other Federal funds, to remain available until expended, to
assist the civilian population of Guam in response to the
military buildup of Guam, for addressing the need for civil-
ian water and wastewater improvements: Provided, That
the Secretary of Defense shall, not fewer than 15 days prior
to obligating funds for this purpose, notify the congressional
defense committees in writing of the details of any such obli-
gation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8103. There is hereby established in the Treasury
of the United States the “Ship Modernization, Operations
and Sustainment Fund”. There is appropriated
$2,382,100,000, for the “Ship Modernization, Operations
and Sustainment Fund”, to remain available until Sep-
tember 30, 2014: Provided, That the Secretary of the Navy
shall transfer funds from the “Ship Modernization, Oper-
ations and Sustainment Fund” to appropriations for mili-
tary personnel; operation and maintenance; research, devel-
opment, test and evaluation; and procurement, only for the
purposes of manning, operating, sustaining, equipping and
modernizing the Ticonderoga-class guided missile cruisers
and the Whidbey Island-class dock landing ships LSD–41
and LSD–46: Provided further, That funds transferred shall
be merged with and be available for the same purposes and
for the same time period as the appropriation to which they
are transferred: Provided further, That the transfer author-
ity provided herein shall be in addition to any other trans-
fer authority available to the Department of Defense: Pro-
vided further, That the Secretary of the Navy shall, not less
than 30 days prior to making any transfer from the “Ship
Modernization, Operations and Sustainment Fund”, notify
the congressional defense committees in writing of the de-
tails of such transfer.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8104. Of the amounts made available in this Act
under the heading “Operation and Maintenance, Defense-
Wide”, there is appropriated $51,000,000, to be available
until expended: Provided, That such funds shall only be
available to the Secretary of Defense, acting through the Of-
fice of Economic Adjustment of the Department of Defense,
or for transfer to the Secretary of Education, notwith-
standing any other provision of law, to make grants, con-
clude cooperative agreements, or supplement other Federal
funds to construct, renovate, repair, or expand elementary
and secondary public schools on military installations in
order to address capacity or facility condition deficiencies
at such schools: Provided further, That in making such
funds available, the Office of Economic Adjustment or the
Secretary of Education shall give priority consideration to
those military installations with schools having the most
serious capacity or facility condition deficiencies as determined by the Secretary of Defense: Provided further, That funds may not be made available for a school unless its enrollment of Department of Defense-connected children is greater than 50 percent.

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

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

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

SEC. 8106. (a)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantánamo to the custody or control of the individual’s country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.
(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantánamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

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

(b) A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

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

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

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

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

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

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

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

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

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

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary’s certifications.
(c)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantánamo to the custody or control of the individual’s country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantánamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

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

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

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

(d)(1) The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1)
or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

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

(D) the transfer is in the national security interests of the United States.
(2) Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

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

(B) A statement of the basis for the determination, including—

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

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

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

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

(e) In this section:

(1) The term “appropriate committees of Congress” means—
(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

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

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

(B) is—

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

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

(3) The term “foreign terrorist organization” means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).
SEC. 8107. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

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

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

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

(2) is—

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

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

SEC. 8108. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has
been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 8109. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 8110. The Secretary of the Air Force shall obligate and expend funds previously appropriated for the procurement of RQ–4B Global Hawk and C–27J Spartan aircraft for the purposes for which such funds were originally appropriated.
SEC. 8111. It is the Sense of the Senate that the next available capital warship of the U.S. Navy be named the USS Ted Stevens to recognize the public service achievements, military service sacrifice, and undaunted heroism and courage of the long-serving United States Senator for Alaska.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

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

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, $869,625,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
MILITARY PERSONNEL, MARINE CORPS

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

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, $1,286,783,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, ARMY

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

RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy”, $39,335,000: Provided, That such amount is designated by the Congress for Overseas Contingency Oper-
For an additional amount for “Reserve Personnel, Marine Corps”, $24,722,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Reserve Personnel, Air Force”, $25,348,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “National Guard Personnel, Army”, $583,804,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard Personnel, Air Force”, $10,473,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, $30,578,256,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, $6,968,812,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, $4,108,340,000: Provided, That such...
amount is designated by the Congress for Overseas Contin-

gency Operations/Global War on Terrorism pursuant to sec-
tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Mainte-
nance, Air Force”, $9,291,493,000: Provided, That such
amount is designated by the Congress for Overseas Contin-
gency Operations/Global War on Terrorism pursuant to sec-
tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Mainte-
nance, Defense-Wide”, $8,274,052,000: Provided, That of
the funds provided under this heading, not to exceed
$1,750,000,000, to remain available until September 30,
2014, shall be for payments to reimburse key cooperating
nations for logistical, military, and other support, includ-
ing access, provided to United States military operations
in support of Operation Enduring Freedom and post-oper-
ation Iraq border security related to the activities of the
Office of Security Cooperation in Iraq, notwithstanding
any other provision of law: Provided further, That such re-
imbursing payments may be made in such amounts as
the Secretary of Defense, with the concurrence of the Sec-
retary of State, and in consultation with the Director of
the Office of Management and Budget, may determine, in
his discretion, based on documentation determined by the
Secretary of Defense to adequately account for the support
provided, and such determination is final and conclusive
upon the accounting officers of the United States, and 15
days following notification to the appropriate congressional
committees: Provided further, That the requirement under
this heading to provide notification to the appropriate con-
gressional committees shall not apply with respect to a re-
imbursement for access based on an international agree-
ment: Provided further, That these funds may be used for
the purpose of providing specialized training and procuring
supplies and specialized equipment and providing such
supplies and loaning such equipment on a non-reimburs-
able basis to coalition forces supporting United States mili-
tary operations in Afghanistan, and 15 days following noti-
fication to the appropriate congressional committees: Pro-
vided further, That the Secretary of Defense shall provide
quarterly reports to the congressional defense committees on
the use of funds provided in this paragraph: Provided fur-
ther, That such amount in this section is designated by the
Congress for Overseas Contingency Operations/Global War
on Terrorism pursuant to section 251(b)(2)(A)(ii) of the

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for “Operation and Maintenance, Army Reserve”, $154,537,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for “Operation and Maintenance, Navy Reserve”, $55,924,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, $25,477,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
FOR AN ADDITION TO THE APPROPRIATION FOR "OPERATION AND MAINTENANCE, AIR FORCE RESERVE"

For an additional amount for “Operation and Maintenance, Air Force Reserve”, $120,618,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FOR AN ADDITION TO THE APPROPRIATION FOR "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD"

For an additional amount for “Operation and Maintenance, Army National Guard”, $382,448,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FOR AN ADDITION TO THE APPROPRIATION FOR "OPERATION AND MAINTENANCE, AIR NATIONAL GUARD"

For an additional amount for “Operation and Maintenance, Air National Guard”, $19,975,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FOR THE "AFGHANISTAN INFRASTRUCTURE FUND"

(including transfer of funds)

For the “Afghanistan Infrastructure Fund”, $350,000,000, to remain available until September 30,
2014: Provided, That such sums shall be available to the Secretary of Defense for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: Provided further, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, which may require funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: Provided further, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: Provided further, That any projects funded under this heading shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: Provided further, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: Provided further, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of De-
fense to transfer funds: Provided further, That any unex-
pended funds transferred to the Secretary of State under
this authority shall be returned to the Afghanistan Infra-
structure Fund if the Secretary of State, in coordination
with the Secretary of Defense, determines that the project
cannot be implemented for any reason, or that the project
no longer supports the counterinsurgency strategy in Af-
ghanistan: Provided further, That any funds returned to
the Secretary of Defense under the previous proviso shall
be available for use under this appropriation and shall be
treated in the same manner as funds not transferred to the
Secretary of State: Provided further, That contributions of
funds for the purposes provided herein to the Secretary of
State in accordance with section 635(d) of the Foreign As-
sistance Act from any person, foreign government, or inter-
national organization may be credited to this Fund, to re-
main available until expended, and used for such purposes:
Provided further, That the Secretary of Defense shall, not
fewer than 15 days prior to making transfers to or from,
or obligations from the Fund, notify the appropriate com-
mittes of Congress in writing of the details of any such
transfer: Provided further, That the “appropriate commit-
tees of Congress” are the Committees on Armed Services,
Foreign Relations and Appropriations of the Senate and
the Committees on Armed Services, Foreign Affairs and Ap-
appropriations of the House of Representatives: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the “Afghanistan Security Forces Fund”, $5,149,167,000, to remain available until September 30, 2013: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary of Defense shall notify the congressional defense com-
mittees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: Provided further, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for “Aircraft Procurement, Army”, $1,140,294,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
MISSILE PROCUREMENT, ARMY

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

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Army”, $15,422,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, $326,193,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
OTHER PROCUREMENT, ARMY

For an additional amount for “Other Procurement, Army”, $2,284,190,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

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

WEAPONS PROCUREMENT, NAVY

For an additional amount for “Weapons Procurement, Navy”, $23,500,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, $284,356,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

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

PROCUREMENT, MARINE CORPS

For an additional amount for “Procurement, Marine Corps”, $865,977,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for “Aircraft Procurement, Air Force”, $395,327,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for “Missile Procurement, Air Force”, $34,350,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for “Procurement of Ammunition, Air Force”, $116,203,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force”, $2,684,470,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, $362,749,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $1,000,000,000, to remain available for obligation until September 30, 2015: Provided, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization
priority assessment for their respective National Guard or Reserve component: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for “Research, Development, Test and Evaluation, Army”, $42,357,000, to remain available until September 30, 2014: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”, $52,519,000, to remain available until September 30, 2014: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, $53,150,000, to remain available until September 30, 2014: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE WIDE


REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds”, $1,467,864,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section
$993,898,000, which shall be for operation and maintenance: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Drug Interdiction and Counter-Drug Activities, Defense

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, $469,025,000, to remain available until September 30, 2014: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Joint Improvised Explosive Device Defeat Fund

(including transfer of funds)

For the “Joint Improvised Explosive Device Defeat Fund”, $1,514,114,000, to remain available until September 30, 2015: Provided, That such funds shall be avail-
able to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the “Office of the Inspector General”, $10,766,000: Provided, That such amount is

GENERAL PROVISIONS—THIS TITLE

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

(INCLUDING TRANSFER OF FUNDS)

Sec. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2013.

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

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the U.S. Central Command area of responsibility: (a) passenger motor vehicles up to a limit of $75,000 per vehicle; and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $200,000,000 of the amount appropriated in this title under the heading "Operation and Maintenance, Army" may be used, notwithstanding any other provision of law, to fund the Commander’s Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction
requirements within their areas of responsibility: Provided,

That each project (including any ancillary or related ele-
ments in connection with such project) executed under this
authority shall not exceed $20,000,000: Provided further,

That not later than 45 days after the end of each fiscal
year quarter, the Secretary of Defense shall submit to the
congressional defense committees a report regarding the
source of funds and the allocation and use of funds during
that quarter that were made available pursuant to the au-

thority provided in this section or under any other provi-
sion of law for the purposes described herein: Provided fur-
ther, That, not later than 30 days after the end of each
month, the Army shall submit to the congressional defense
committees monthly commitment, obligation, and expendi-
ture data for the Commander’s Emergency Response Pro-
gram in Afghanistan: Provided further, That not less than
15 days before making funds available pursuant to the au-

thority provided in this section or under any other provi-
sion of law for the purposes described herein for a project
with a total anticipated cost for completion of $5,000,000
or more, the Secretary shall submit to the congressional de-
fense committees a written notice containing each of the fol-

lowing:

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

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

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

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

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

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

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

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

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

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

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

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

SEC. 9009. None of the funds provided for the “Afghanistan Security Forces Fund” (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: Provided, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of $50,000,000 annually and any non-standard equipment requirements in excess of $100,000,000 using ASFF: Provided further, That the AROC must approve all projects and the execution plan under the “Afghanistan Infrastructure Fund” (AIF) and any project in excess of $5,000,000 from the Commanders Emergency Response Program (CERP): Provided further, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding provisos and accompanying report language for the ASFF, AIF, and CERP.
Sec. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

Sec. 9011. Notwithstanding any other provision of law, up to $93,000,000 of funds made available in this title under the heading “Operation and Maintenance, Army” may be obligated and expended for purposes of the Task Force for Business and Stability Operations, subject to the direction and control of the Secretary of Defense, with concurrence of the Secretary of State, to carry out strategic business and economic assistance activities in Afghanistan in support of Operation Enduring Freedom: Provided, That not less than 15 days before making funds available pursuant to the authority provided in this section for any project with a total anticipated cost of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed project.
SEC. 9012. From funds made available to the Department of Defense in this title under the heading “Operation and Maintenance, Air Force” up to $508,000,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support United States Government transition activities in Iraq by funding the operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: Provided, That to the extent authorized under the National Defense Authorization Act for Fiscal Year 2013, the operations and activities that may be carried out by the Office of Security Cooperation in Iraq may, with the concurrence of the Secretary of State, include training and assisting Iraqi Ministry of Defense personnel to address gaps in capability of such personnel to manage defense-related institutions and integrate processes relating to intelligence, air sovereignty, combined arms, logistics and maintenance, and counter-terrorism: Provided further, That not later than October 30, 2012, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees a plan for transitioning any such training and assisting activities that they determine are needed after the end of fiscal year 2013, to existing or new contracts for the sale of defense articles or defense services consistent
with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.): Provided further, That not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for the operations and activities of the Office of Security Cooperation in Iraq at each site where such operations and activities will be conducted during fiscal year 2013.

SEC. 9013. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

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

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

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

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

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

AN ACT

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

JULY 23, 2012

Received; read twice and referred to the Committee on Appropriations

AUGUST 2, 2012

Reported with an amendment