

113TH CONGRESS
1ST SESSION

H. R. 933

AN ACT

Making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of De-
3 fense, Military Construction and Veterans Affairs, and
4 Full-Year Continuing Appropriations Act, 2013”.

5 **SEC. 2. TABLE OF CONTENTS.**

6 The table of contents for this Act is as follows:

Division A—Department of Defense Appropriations Act, 2013
Division B—Military Construction and Veterans Affairs, and Related Agen-
cies Appropriations Act, 2013
Division C—Full-Year Continuing Appropriations Act, 2013
Division D—Across-the-Board Reductions

7 **SEC. 3. REFERENCES.**

8 Except as expressly provided otherwise, any reference
9 to “this Act” contained in division A, B, or C of this Act
10 shall be treated as referring only to the provisions of that
11 division.

12 **SEC. 4. EXPLANATORY STATEMENT.**

13 The explanatory statement regarding this Act printed
14 in the House of Representatives section of the Congres-
15 sional Record on or about March 7, 2013 by the Chairman
16 of the Committee on Appropriations of the House shall
17 have the same effect with respect to the allocation of funds
18 and implementation of this Act as if it were a joint explan-
19 atory statement of a committee of conference.

20 **SEC. 5. AVAILABILITY OF FUNDS.**

21 Each amount designated in this Act by the Congress
22 for Overseas Contingency Operations/Global War on Ter-
23 rorism pursuant to section 251(b)(2)(A) of the Balanced

1 Budget and Emergency Deficit Control Act of 1985 shall
2 be available (or rescinded, if applicable) only if the Presi-
3 dent subsequently so designates all such amounts and
4 transmits such designations to the Congress.

5 DIVISION A—DEPARTMENT OF DEFENSE
6 APPROPRIATIONS ACT, 2013

7 The following sums are hereby appropriated, out of
8 any money in the Treasury not otherwise appropriated,
9 for the fiscal year ending September 30, 2013, for military
10 functions administered by the Department of Defense and
11 for other purposes, namely:

12 TITLE I

13 MILITARY PERSONNEL

14 MILITARY PERSONNEL, ARMY

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

1 ment of Defense Military Retirement Fund,
2 \$40,199,263,000.

3 MILITARY PERSONNEL, NAVY

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the
9 Navy on active duty (except members of the Reserve pro-
10 vided for elsewhere), midshipmen, and aviation cadets; for
11 members of the Reserve Officers' Training Corps; and for
12 payments pursuant to section 156 of Public Law 97-377,
13 as amended (42 U.S.C. 402 note), and to the Department
14 of Defense Military Retirement Fund, \$26,902,346,000.

15 MILITARY PERSONNEL, MARINE CORPS

16 For pay, allowances, individual clothing, subsistence,
17 interest on deposits, gratuities, permanent change of sta-
18 tion travel (including all expenses thereof for organiza-
19 tional movements), and expenses of temporary duty travel
20 between permanent duty stations, for members of the Ma-
21 rine Corps on active duty (except members of the Reserve
22 provided for elsewhere); and for payments pursuant to sec-
23 tion 156 of Public Law 97-377, as amended (42 U.S.C.
24 402 note), and to the Department of Defense Military Re-
25 tirement Fund, \$12,531,549,000.

1 MILITARY PERSONNEL, AIR FORCE

2 For pay, allowances, individual clothing, subsistence,
3 interest on deposits, gratuities, permanent change of sta-
4 tion travel (including all expenses thereof for organiza-
5 tional movements), and expenses of temporary duty travel
6 between permanent duty stations, for members of the Air
7 Force on active duty (except members of reserve compo-
8 nents provided for elsewhere), cadets, and aviation cadets;
9 for members of the Reserve Officers' Training Corps; and
10 for payments pursuant to section 156 of Public Law 97-
11 377, as amended (42 U.S.C. 402 note), and to the Depart-
12 ment of Defense Military Retirement Fund,
13 \$28,052,826,000.

14 RESERVE PERSONNEL, ARMY

15 For pay, allowances, clothing, subsistence, gratuities,
16 travel, and related expenses for personnel of the Army Re-
17 serve on active duty under sections 10211, 10302, and
18 3038 of title 10, United States Code, or while serving on
19 active duty under section 12301(d) of title 10, United
20 States Code, in connection with performing duty specified
21 in section 12310(a) of title 10, United States Code, or
22 while undergoing reserve training, or while performing
23 drills or equivalent duty or other duty, and expenses au-
24 thorized by section 16131 of title 10, United States Code;

1 and for payments to the Department of Defense Military
2 Retirement Fund, \$4,456,823,000.

3 RESERVE PERSONNEL, NAVY

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Navy Re-
6 serve on active duty under section 10211 of title 10,
7 United States Code, or while serving on active duty under
8 section 12301(d) of title 10, United States Code, in con-
9 nection with performing duty specified in section 12310(a)
10 of title 10, United States Code, or while undergoing re-
11 serve training, or while performing drills or equivalent
12 duty, and expenses authorized by section 16131 of title
13 10, United States Code; and for payments to the Depart-
14 ment of Defense Military Retirement Fund,
15 \$1,874,023,000.

16 RESERVE PERSONNEL, MARINE CORPS

17 For pay, allowances, clothing, subsistence, gratuities,
18 travel, and related expenses for personnel of the Marine
19 Corps Reserve on active duty under section 10211 of title
20 10, United States Code, or while serving on active duty
21 under section 12301(d) of title 10, United States Code,
22 in connection with performing duty specified in section
23 12310(a) of title 10, United States Code, or while under-
24 going reserve training, or while performing drills or equiv-
25 alent duty, and for members of the Marine Corps platoon

1 leaders class, and expenses authorized by section 16131
2 of title 10, United States Code; and for payments to the
3 Department of Defense Military Retirement Fund,
4 \$658,251,000.

5 RESERVE PERSONNEL, AIR FORCE

6 For pay, allowances, clothing, subsistence, gratuities,
7 travel, and related expenses for personnel of the Air Force
8 Reserve on active duty under sections 10211, 10305, and
9 8038 of title 10, United States Code, or while serving on
10 active duty under section 12301(d) of title 10, United
11 States Code, in connection with performing duty specified
12 in section 12310(a) of title 10, United States Code, or
13 while undergoing reserve training, or while performing
14 drills or equivalent duty or other duty, and expenses au-
15 thorized by section 16131 of title 10, United States Code;
16 and for payments to the Department of Defense Military
17 Retirement Fund, \$1,722,425,000.

18 NATIONAL GUARD PERSONNEL, ARMY

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

1 in section 12310(a) of title 10, United States Code, or
2 while undergoing training, or while performing drills or
3 equivalent duty or other duty, and expenses authorized by
4 section 16131 of title 10, United States Code; and for pay-
5 ments to the Department of Defense Military Retirement
6 Fund, \$7,981,577,000.

7 NATIONAL GUARD PERSONNEL, AIR FORCE

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Air Na-
10 tional Guard on duty under section 10211, 10305, or
11 12402 of title 10 or section 708 of title 32, United States
12 Code, or while serving on duty under section 12301(d) of
13 title 10 or section 502(f) of title 32, United States Code,
14 in connection with performing duty specified in section
15 12310(a) of title 10, United States Code, or while under-
16 going training, or while performing drills or equivalent
17 duty or other duty, and expenses authorized by section
18 16131 of title 10, United States Code; and for payments
19 to the Department of Defense Military Retirement Fund,
20 \$3,153,990,000.

21 TITLE II

22 OPERATION AND MAINTENANCE

23 OPERATION AND MAINTENANCE, ARMY

24 For expenses, not otherwise provided for, necessary
25 for the operation and maintenance of the Army, as author-

1 ized by law; and not to exceed \$12,478,000 can be used
2 for emergencies and extraordinary expenses, to be ex-
3 pended on the approval or authority of the Secretary of
4 the Army, and payments may be made on his certificate
5 of necessity for confidential military purposes,
6 \$35,409,260,000.

7 OPERATION AND MAINTENANCE, NAVY

8 For expenses, not otherwise provided for, necessary
9 for the operation and maintenance of the Navy and the
10 Marine Corps, as authorized by law; and not to exceed
11 \$14,804,000 can be used for emergencies and extraor-
12 dinary expenses, to be expended on the approval or author-
13 ity of the Secretary of the Navy, and payments may be
14 made on his certificate of necessity for confidential mili-
15 tary purposes, \$41,614,453,000.

16 OPERATION AND MAINTENANCE, MARINE CORPS

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance of the Marine Corps,
19 as authorized by law, \$6,034,963,000.

20 OPERATION AND MAINTENANCE, AIR FORCE

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

1 the Air Force, and payments may be made on his certifi-
2 cate of necessity for confidential military purposes,
3 \$34,780,406,000.

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

6 For expenses, not otherwise provided for, necessary
7 for the operation and maintenance of activities and agen-
8 cies of the Department of Defense (other than the military
9 departments), as authorized by law, \$31,862,980,000:
10 *Provided*, That not more than \$30,000,000 may be used
11 for the Combatant Commander Initiative Fund authorized
12 under section 166a of title 10, United States Code: *Pro-*
13 *vided further*, That not to exceed \$36,000,000 can be used
14 for emergencies and extraordinary expenses, to be ex-
15 pended on the approval or authority of the Secretary of
16 Defense, and payments may be made on his certificate of
17 necessity for confidential military purposes: *Provided fur-*
18 *ther*, That of the funds provided under this heading, not
19 less than \$36,480,000 shall be made available for the Pro-
20 curement Technical Assistance Cooperative Agreement
21 Program, of which not less than \$3,600,000 shall be avail-
22 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
23 *vided further*, That none of the funds appropriated or oth-
24 erwise made available by this Act may be used to plan
25 or implement the consolidation of a budget or appropria-

1 tions liaison office of the Office of the Secretary of De-
2 fense, the office of the Secretary of a military department,
3 or the service headquarters of one of the Armed Forces
4 into a legislative affairs or legislative liaison office: *Pro-*
5 *vided further*, That \$8,563,000, to remain available until
6 expended, is available only for expenses relating to certain
7 classified activities, and may be transferred as necessary
8 by the Secretary of Defense to operation and maintenance
9 appropriations or research, development, test and evalua-
10 tion appropriations, to be merged with and to be available
11 for the same time period as the appropriations to which
12 transferred: *Provided further*, That any ceiling on the in-
13 vestment item unit cost of items that may be purchased
14 with operation and maintenance funds shall not apply to
15 the funds described in the preceding proviso: *Provided fur-*
16 *ther*, That the transfer authority provided under this head-
17 ing is in addition to any other transfer authority provided
18 elsewhere in this Act.

19 OPERATION AND MAINTENANCE, ARMY RESERVE

20 For expenses, not otherwise provided for, necessary
21 for the operation and maintenance, including training, or-
22 ganization, and administration, of the Army Reserve; re-
23 pair of facilities and equipment; hire of passenger motor
24 vehicles; travel and transportation; care of the dead; re-

1 recruiting; procurement of services, supplies, and equip-
2 ment; and communications, \$3,182,923,000.

3 OPERATION AND MAINTENANCE, NAVY RESERVE

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance, including training, or-
6 ganization, and administration, of the Navy Reserve; re-
7 pair of facilities and equipment; hire of passenger motor
8 vehicles; travel and transportation; care of the dead; re-
9 cruiting; procurement of services, supplies, and equip-
10 ment; and communications, \$1,256,347,000.

11 OPERATION AND MAINTENANCE, MARINE CORPS

12 RESERVE

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance, including training, or-
15 ganization, and administration, of the Marine Corps Re-
16 serve; repair of facilities and equipment; hire of passenger
17 motor vehicles; travel and transportation; care of the dead;
18 recruiting; procurement of services, supplies, and equip-
19 ment; and communications, \$277,377,000.

20 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance, including training, or-
23 ganization, and administration, of the Air Force Reserve;
24 repair of facilities and equipment; hire of passenger motor
25 vehicles; travel and transportation; care of the dead; re-

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), \$7,154,161,000.

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 pas-

1 senger motor vehicles; supplying and equipping the Air
 2 National Guard, as authorized by law; expenses for repair,
 3 modification, maintenance, and issue of supplies and
 4 equipment, including those furnished from stocks under
 5 the control of agencies of the Department of Defense;
 6 travel expenses (other than mileage) on the same basis as
 7 authorized by law for Air National Guard personnel on
 8 active Federal duty, for Air National Guard commanders
 9 while inspecting units in compliance with National Guard
 10 Bureau regulations when specifically authorized by the
 11 Chief, National Guard Bureau, \$6,494,326,000.

12 UNITED STATES COURT OF APPEALS FOR THE ARMED
 13 FORCES

14 For salaries and expenses necessary for the United
 15 States Court of Appeals for the Armed Forces,
 16 \$13,516,000, of which not to exceed \$5,000 may be used
 17 for official representation purposes.

18 ENVIRONMENTAL RESTORATION, ARMY
 19 (INCLUDING TRANSFER OF FUNDS)

20 For the Department of the Army, \$335,921,000, to
 21 remain available until transferred: *Provided*, That the Sec-
 22 retary of the Army shall, upon determining that such
 23 funds are required for environmental restoration, reduc-
 24 tion and recycling of hazardous waste, removal of unsafe
 25 buildings and debris of the Department of the Army, or

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

13 ENVIRONMENTAL RESTORATION, NAVY

14 (INCLUDING TRANSFER OF FUNDS)

15 For the Department of the Navy, \$310,594,000, to
16 remain available until transferred: *Provided*, That the Sec-
17 retary of the Navy shall, upon determining that such
18 funds are required for environmental restoration, reduc-
19 tion and recycling of hazardous waste, removal of unsafe
20 buildings and debris of the Department of the Navy, or
21 for similar purposes, transfer the funds made available by
22 this appropriation to other appropriations made available
23 to the Department of the Navy, to be merged with and
24 to be available for the same purposes and for the same
25 time period as the appropriations to which transferred:

1 *Provided further*, That upon a determination that all or
2 part of the funds transferred from this appropriation are
3 not necessary for the purposes provided herein, such
4 amounts may be transferred back to this appropriation:
5 *Provided further*, That the transfer authority provided
6 under this heading is in addition to any other transfer au-
7 thority provided elsewhere in this Act.

8 ENVIRONMENTAL RESTORATION, AIR FORCE
9 (INCLUDING TRANSFER OF FUNDS)

10 For the Department of the Air Force, \$529,263,000,
11 to remain available until transferred: *Provided*, That the
12 Secretary of the Air Force shall, upon determining that
13 such funds are required for environmental restoration, re-
14 duction and recycling of hazardous waste, removal of un-
15 safe buildings and debris of the Department of the Air
16 Force, or for similar purposes, transfer the funds made
17 available by this appropriation to other appropriations
18 made available to the Department of the Air Force, to be
19 merged with and to be available for the same purposes
20 and for the same time period as the appropriations to
21 which transferred: *Provided further*, That upon a deter-
22 mination that all or part of the funds transferred from
23 this appropriation are not necessary for the purposes pro-
24 vided herein, such amounts may be transferred back to
25 this appropriation: *Provided further*, That the transfer au-

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

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

5 For the Department of Defense, \$11,133,000, to re-
6 main available until transferred: *Provided*, That the Sec-
7 retary of Defense shall, upon determining that such funds
8 are required for environmental restoration, reduction and
9 recycling of hazardous waste, removal of unsafe buildings
10 and debris of the Department of Defense or for similar
11 purposes, transfer the funds made available by this appro-
12 priation to other appropriations made available to the De-
13 partment of Defense, to be merged with and to be avail-
14 able for the same purposes and for the same time period
15 as the appropriations to which transferred: *Provided fur-*
16 *ther*, That upon a determination that all or part of the
17 funds transferred from this appropriation are not nec-
18 essary for the purposes provided herein, such amounts
19 may be transferred back to this appropriation: *Provided*
20 *further*, That the transfer authority provided under this
21 heading is in addition to any other transfer authority pro-
22 vided elsewhere in this Act.

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

4 For the Department of the Army, \$287,543,000, to
5 remain available until transferred: *Provided*, That the Sec-
6 retary of the Army shall, upon determining that such
7 funds are required for environmental restoration, reduc-
8 tion and recycling of hazardous waste, removal of unsafe
9 buildings and debris at sites formerly used by the Depart-
10 ment of Defense, transfer the funds made available by this
11 appropriation to other appropriations made available to
12 the Department of the Army, to be merged with and to
13 be available for the same purposes and for the same time
14 period as the appropriations to which transferred: *Pro-*
15 *vided further*, That upon a determination that all or part
16 of the funds transferred from this appropriation are not
17 necessary for the purposes provided herein, such amounts
18 may be transferred back to this appropriation: *Provided*
19 *further*, That the transfer authority provided under this
20 heading is in addition to any other transfer authority pro-
21 vided elsewhere in this Act.

22 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

23 For expenses relating to the Overseas Humanitarian,
24 Disaster, and Civic Aid programs of the Department of
25 Defense (consisting of the programs provided under sec-

1 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
2 United States Code), \$108,759,000, to remain available
3 until September 30, 2014.

4 COOPERATIVE THREAT REDUCTION ACCOUNT

5 For assistance to the republics of the former Soviet
6 Union and, with appropriate authorization by the Depart-
7 ment of Defense and Department of State, to countries
8 outside of the former Soviet Union, including assistance
9 provided by contract or by grants, for facilitating the
10 elimination and the safe and secure transportation and
11 storage of nuclear, chemical and other weapons; for estab-
12 lishing programs to prevent the proliferation of weapons,
13 weapons components, and weapon-related technology and
14 expertise; for programs relating to the training and sup-
15 port of defense and military personnel for demilitarization
16 and protection of weapons, weapons components and
17 weapons technology and expertise, and for defense and
18 military contacts, \$519,111,000, to remain available until
19 September 30, 2015.

20 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

21 DEVELOPMENT FUND

22 For the Department of Defense Acquisition Work-
23 force Development Fund, \$50,198,000.

1 TITLE III
2 PROCUREMENT

3 AIRCRAFT PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-
5 tion, and modernization of aircraft, equipment, including
6 ordnance, ground handling equipment, spare parts, and
7 accessories therefor; specialized equipment and training
8 devices; expansion of public and private plants, including
9 the land necessary therefor, for the foregoing purposes,
10 and such lands and interests therein, may be acquired,
11 and construction prosecuted thereon prior to approval of
12 title; and procurement and installation of equipment, ap-
13 pliances, and machine tools in public and private plants;
14 reserve plant and Government and contractor-owned
15 equipment layaway; and other expenses necessary for the
16 foregoing purposes, \$6,028,754,000, to remain available
17 for obligation until September 30, 2015.

18 MISSILE PROCUREMENT, ARMY

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

1 and construction prosecuted thereon prior to approval of
2 title; and procurement and installation of equipment, ap-
3 pliances, and machine tools in public and private plants;
4 reserve plant and Government and contractor-owned
5 equipment layaway; and other expenses necessary for the
6 foregoing purposes, \$1,535,433,000, to remain available
7 for obligation until September 30, 2015.

8 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
9 VEHICLES, ARMY

10 For construction, procurement, production, and
11 modification of weapons and tracked combat vehicles,
12 equipment, including ordnance, spare parts, and acces-
13 sories therefor; specialized equipment and training devices;
14 expansion of public and private plants, including the land
15 necessary therefor, for the foregoing purposes, and such
16 lands and interests therein, may be acquired, and con-
17 struction prosecuted thereon prior to approval of title; and
18 procurement and installation of equipment, appliances,
19 and machine tools in public and private plants; reserve
20 plant and Government and contractor-owned equipment
21 layaway; and other expenses necessary for the foregoing
22 purposes, \$1,857,823,000, to remain available for obliga-
23 tion until September 30, 2015.

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$1,641,306,000, to remain
15 available for obligation until September 30, 2015.

16 OTHER PROCUREMENT, ARMY

17 For construction, procurement, production, and
18 modification of vehicles, including tactical, support, and
19 non-tracked combat vehicles; the purchase of passenger
20 motor vehicles for replacement only; communications and
21 electronic equipment; other support equipment; spare
22 parts, ordnance, and accessories therefor; specialized
23 equipment and training devices; expansion of public and
24 private plants, including the land necessary therefor, for
25 the foregoing purposes, and such lands and interests

1 therein, may be acquired, and construction prosecuted
2 thereon prior to approval of title; and procurement and
3 installation of equipment, appliances, and machine tools
4 in public and private plants; reserve plant and Govern-
5 ment and contractor-owned equipment layaway; and other
6 expenses necessary for the foregoing purposes,
7 \$5,741,664,000, to remain available for obligation until
8 September 30, 2015.

9 AIRCRAFT PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-
11 tion, and modernization of aircraft, equipment, including
12 ordnance, spare parts, and accessories therefor; specialized
13 equipment; expansion of public and private plants, includ-
14 ing the land necessary therefor, and such lands and inter-
15 ests therein, may be acquired, and construction prosecuted
16 thereon prior to approval of title; and procurement and
17 installation of equipment, appliances, and machine tools
18 in public and private plants; reserve plant and Govern-
19 ment and contractor-owned equipment layaway,
20 \$17,382,152,000, to remain available for obligation until
21 September 30, 2015.

22 WEAPONS PROCUREMENT, NAVY

23 For construction, procurement, production, modifica-
24 tion, and modernization of missiles, torpedoes, other weap-
25 ons, and related support equipment including spare parts,

1 and accessories therefor; expansion of public and private
2 plants, including the land necessary therefor, and such
3 lands and interests therein, may be acquired, and con-
4 struction prosecuted thereon prior to approval of title; and
5 procurement and installation of equipment, appliances,
6 and machine tools in public and private plants; reserve
7 plant and Government and contractor-owned equipment
8 layaway, \$3,036,871,000, to remain available for obliga-
9 tion until September 30, 2015.

10 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
11 CORPS

12 For construction, procurement, production, and
13 modification of ammunition, and accessories therefor; spe-
14 cialized equipment and training devices; expansion of pub-
15 lic and private plants, including ammunition facilities, au-
16 thorized by section 2854 of title 10, United States Code,
17 and the land necessary therefor, for the foregoing pur-
18 poses, and such lands and interests therein, may be ac-
19 quired, and construction prosecuted thereon prior to ap-
20 proval of title; and procurement and installation of equip-
21 ment, appliances, and machine tools in public and private
22 plants; reserve plant and Government and contractor-
23 owned equipment layaway; and other expenses necessary
24 for the foregoing purposes, \$659,897,000, to remain avail-
25 able for obligation until September 30, 2015.

1 SHIPBUILDING AND CONVERSION, NAVY

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

14 Carrier Replacement Program, \$565,371,000;
15 Virginia Class Submarine, \$3,217,601,000;
16 Virginia Class Submarine (AP),
17 \$1,652,557,000;
18 CVN Refuelings, \$1,613,392,000;
19 CVN Refuelings (AP), \$70,010,000;
20 DDG-1000 Program, \$669,222,000;
21 DDG-51 Destroyer, \$4,036,628,000;
22 DDG-51 Destroyer (AP), \$466,283,000;
23 Littoral Combat Ship, \$1,784,959,000;
24 LPD-17 (AP), \$263,255,000;
25 Joint High Speed Vessel, \$189,196,000;

1 Moored Training Ship, \$307,300,000;
2 LCAC Service Life Extension Program,
3 \$85,830,000; and

4 For outfitting, post delivery, conversions, and
5 first destination transportation, \$290,035,000.

6 Completion of Prior Year Shipbuilding Pro-
7 grams, \$372,573,000.

8 In all: \$15,584,212,000, to remain available for obli-
9 gation until September 30, 2017: *Provided*, That addi-
10 tional obligations may be incurred after September 30,
11 2017, for engineering services, tests, evaluations, and
12 other such budgeted work that must be performed in the
13 final stage of ship construction: *Provided further*, That
14 none of the funds provided under this heading for the con-
15 struction or conversion of any naval vessel to be con-
16 structed in shipyards in the United States shall be ex-
17 pended in foreign facilities for the construction of major
18 components of such vessel: *Provided further*, That none
19 of the funds provided under this heading shall be used
20 for the construction of any naval vessel in foreign ship-
21 yards.

22 OTHER PROCUREMENT, NAVY

23 For procurement, production, and modernization of
24 support equipment and materials not otherwise provided
25 for, Navy ordnance (except ordnance for new aircraft, new

1 ships, and ships authorized for conversion); the purchase
2 of passenger motor vehicles for replacement only; expan-
3 sion of public and private plants, including the land nec-
4 essary therefor, and such lands and interests therein, may
5 be acquired, and construction prosecuted thereon prior to
6 approval of title; and procurement and installation of
7 equipment, appliances, and machine tools in public and
8 private plants; reserve plant and Government and con-
9 tractor-owned equipment layaway, \$5,955,078,000, to re-
10 main available for obligation until September 30, 2015.

11 PROCUREMENT, MARINE CORPS

12 For expenses necessary for the procurement, manu-
13 facture, and modification of missiles, armament, military
14 equipment, spare parts, and accessories therefor; plant
15 equipment, appliances, and machine tools, and installation
16 thereof in public and private plants; reserve plant and
17 Government and contractor-owned equipment layaway; ve-
18 hicles for the Marine Corps, including the purchase of pas-
19 senger motor vehicles for replacement only; and expansion
20 of public and private plants, including land necessary
21 therefor, and such lands and interests therein, may be ac-
22 quired, and construction prosecuted thereon prior to ap-
23 proval of title, \$1,411,411,000, to remain available for ob-
24 ligation until September 30, 2015.

1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For construction, procurement, and modification of
3 aircraft and equipment, including armor and armament,
4 specialized ground handling equipment, and training de-
5 vices, spare parts, and accessories therefor; specialized
6 equipment; expansion of public and private plants, Gov-
7 ernment-owned equipment and installation thereof in such
8 plants, erection of structures, and acquisition of land, for
9 the foregoing purposes, and such lands and interests
10 therein, may be acquired, and construction prosecuted
11 thereon prior to approval of title; reserve plant and Gov-
12 ernment and contractor-owned equipment layaway; and
13 other expenses necessary for the foregoing purposes in-
14 cluding rents and transportation of things,
15 \$11,774,019,000, to remain available for obligation until
16 September 30, 2015.

17 MISSILE PROCUREMENT, AIR FORCE

18 For construction, procurement, and modification of
19 missiles, spacecraft, rockets, and related equipment, in-
20 cluding spare parts and accessories therefor, ground han-
21 dling equipment, and training devices; expansion of public
22 and private plants, Government-owned equipment and in-
23 stallation thereof in such plants, erection of structures,
24 and acquisition of land, for the foregoing purposes, and
25 such lands and interests therein, may be acquired, and

1 construction prosecuted thereon prior to approval of title;
2 reserve plant and Government and contractor-owned
3 equipment layaway; and other expenses necessary for the
4 foregoing purposes including rents and transportation of
5 things, \$4,962,376,000, to remain available for obligation
6 until September 30, 2015.

7 PROCUREMENT OF AMMUNITION, AIR FORCE

8 For construction, procurement, production, and
9 modification of ammunition, and accessories therefor; spe-
10 cialized equipment and training devices; expansion of pub-
11 lic and private plants, including ammunition facilities, au-
12 thorized by section 2854 of title 10, United States Code,
13 and the land necessary therefor, for the foregoing pur-
14 poses, and such lands and interests therein, may be ac-
15 quired, and construction prosecuted thereon prior to ap-
16 proval of title; and procurement and installation of equip-
17 ment, appliances, and machine tools in public and private
18 plants; reserve plant and Government and contractor-
19 owned equipment layaway; and other expenses necessary
20 for the foregoing purposes, \$594,694,000, to remain avail-
21 able for obligation until September 30, 2015.

22 OTHER PROCUREMENT, AIR FORCE

23 For procurement and modification of equipment (in-
24 cluding ground guidance and electronic control equipment,
25 and ground electronic and communication equipment),

1 and supplies, materials, and spare parts therefor, not oth-
2 erwise provided for; the purchase of passenger motor vehi-
3 cles for replacement only; lease of passenger motor vehi-
4 cles; and expansion of public and private plants, Govern-
5 ment-owned equipment and installation thereof in such
6 plants, erection of structures, and acquisition of land, for
7 the foregoing purposes, and such lands and interests
8 therein, may be acquired, and construction prosecuted
9 thereon, prior to approval of title; reserve plant and Gov-
10 ernment and contractor-owned equipment layaway,
11 \$17,082,508,000, to remain available for obligation until
12 September 30, 2015.

13 PROCUREMENT, DEFENSE-WIDE

14 For expenses of activities and agencies of the Depart-
15 ment of Defense (other than the military departments)
16 necessary for procurement, production, and modification
17 of equipment, supplies, materials, and spare parts there-
18 for, not otherwise provided for; the purchase of passenger
19 motor vehicles for replacement only; expansion of public
20 and private plants, equipment, and installation thereof in
21 such plants, erection of structures, and acquisition of land
22 for the foregoing purposes, and such lands and interests
23 therein, may be acquired, and construction prosecuted
24 thereon prior to approval of title; reserve plant and Gov-
25 ernment and contractor-owned equipment layaway,

1 \$4,878,985,000, to remain available for obligation until
2 September 30, 2015.

3 DEFENSE PRODUCTION ACT PURCHASES

4 For activities by the Department of Defense pursuant
5 to sections 108, 301, 302, and 303 of the Defense Produc-
6 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
7 2093), \$223,531,000, to remain available until expended.

8 TITLE IV

9 RESEARCH, DEVELOPMENT, TEST AND
10 EVALUATION

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

12 ARMY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$8,676,627,000, to remain avail-
17 able for obligation until September 30, 2014.

18 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

19 NAVY

20 For expenses necessary for basic and applied sci-
21 entific research, development, test and evaluation, includ-
22 ing maintenance, rehabilitation, lease, and operation of fa-
23 cilities and equipment, \$16,963,398,000, to remain avail-
24 able for obligation until September 30, 2014: *Provided*,
25 That funds appropriated in this paragraph which are

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

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

7 For expenses necessary for basic and applied sci-
 8 entific research, development, test and evaluation, includ-
 9 ing maintenance, rehabilitation, lease, and operation of fa-
 10 cilities and equipment, \$25,432,738,000, to remain avail-
 11 able for obligation until September 30, 2014.

12 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
 13 DEFENSE-WIDE
 14 (INCLUDING TRANSFER OF FUNDS)

15 For expenses of activities and agencies of the Depart-
 16 ment of Defense (other than the military departments),
 17 necessary for basic and applied scientific research, devel-
 18 opment, test and evaluation; advanced research projects
 19 as may be designated and determined by the Secretary
 20 of Defense, pursuant to law; maintenance, rehabilitation,
 21 lease, and operation of facilities and equipment,
 22 \$18,631,946,000, to remain available for obligation until
 23 September 30, 2014: *Provided*, That of the funds made
 24 available in this paragraph, \$250,000,000 for the Defense
 25 Rapid Innovation Program shall only be available for ex-

1 penses, not otherwise provided for, to include program
2 management and oversight, to conduct research, develop-
3 ment, test and evaluation to include proof of concept dem-
4 onstration; engineering, testing, and validation; and tran-
5 sition to full-scale production: *Provided further*, That the
6 Secretary of Defense may transfer funds provided herein
7 for the Defense Rapid Innovation Program to appropria-
8 tions for research, development, test and evaluation to ac-
9 complish the purpose provided herein: *Provided further*,
10 That this transfer authority is in addition to any other
11 transfer authority available to the Department of Defense:
12 *Provided further*, That the Secretary of Defense shall, not
13 fewer than 30 days prior to making transfers from this
14 appropriation, notify the congressional defense committees
15 in writing of the details of any such transfer.

16 OPERATIONAL TEST AND EVALUATION, DEFENSE

17 For expenses, not otherwise provided for, necessary
18 for the independent activities of the Director, Operational
19 Test and Evaluation, in the direction and supervision of
20 operational test and evaluation, including initial oper-
21 ational test and evaluation which is conducted prior to,
22 and in support of, production decisions; joint operational
23 testing and evaluation; and administrative expenses in
24 connection therewith, \$223,768,000, to remain available
25 for obligation until September 30, 2014.

1 TITLE V
2 REVOLVING AND MANAGEMENT FUNDS
3 DEFENSE WORKING CAPITAL FUNDS

4 For the Defense Working Capital Funds,
5 \$1,516,184,000.

6 NATIONAL DEFENSE SEALIFT FUND

7 For National Defense Sealift Fund programs,
8 projects, and activities, and for expenses of the National
9 Defense Reserve Fleet, as established by section 11 of the
10 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
11 and for the necessary expenses to maintain and preserve
12 a U.S.-flag merchant fleet to serve the national security
13 needs of the United States, \$697,840,000, to remain avail-
14 able until expended: *Provided*, That none of the funds pro-
15 vided in this paragraph shall be used to award a new con-
16 tract that provides for the acquisition of any of the fol-
17 lowing major components unless such components are
18 manufactured in the United States: auxiliary equipment,
19 including pumps, for all shipboard services; propulsion
20 system components (engines, reduction gears, and propel-
21 lers); shipboard cranes; and spreaders for shipboard
22 cranes: *Provided further*, That the exercise of an option
23 in a contract awarded through the obligation of previously
24 appropriated funds shall not be considered to be the award
25 of a new contract: *Provided further*, That the Secretary

1 of the military department responsible for such procure-
2 ment may waive the restrictions in the first proviso on
3 a case-by-case basis by certifying in writing to the Com-
4 mittees on Appropriations of the House of Representatives
5 and the Senate that adequate domestic supplies are not
6 available to meet Department of Defense requirements on
7 a timely basis and that such an acquisition must be made
8 in order to acquire capability for national security pur-
9 poses.

10 TITLE VI
11 OTHER DEPARTMENT OF DEFENSE PROGRAMS

12 DEFENSE HEALTH PROGRAM

13 For expenses, not otherwise provided for, for medical
14 and health care programs of the Department of Defense
15 as authorized by law, \$32,715,304,000; of which
16 \$30,885,165,000 shall be for operation and maintenance,
17 of which not to exceed one percent shall remain available
18 until September 30, 2014, and of which up to
19 \$15,934,952,000 may be available for contracts entered
20 into under the TRICARE program; of which
21 \$521,762,000, to remain available for obligation until Sep-
22 tember 30, 2015, shall be for procurement; and of which
23 \$1,308,377,000, to remain available for obligation until
24 September 30, 2014, shall be for research, development,
25 test and evaluation: *Provided*, That, notwithstanding any

1 other provision of law, of the amount made available under
2 this heading for research, development, test and evalua-
3 tion, not less than \$8,000,000 shall be available for HIV
4 prevention educational activities undertaken in connection
5 with United States military training, exercises, and hu-
6 manitarian assistance activities conducted primarily in Af-
7 rican nations: *Provided further*, That of the funds provided
8 to develop a joint Department of Defense—Department
9 of Veterans Affairs (DOD–VA) integrated Electronic
10 Health Record, not more than 25 percent may be obli-
11 gated until the DOD–VA Interagency Program Office sub-
12 mits to the Committees on Appropriations of both Houses
13 of Congress, and such Committees approve, a plan for ex-
14 penditure that: (1) defines the budget and cost baseline
15 for development of the integrated Electronic Health
16 Record; (2) identifies the deployment timeline for the sys-
17 tem for both agencies; (3) breaks out annual and total
18 spending for each Department; (4) relays detailed cost-
19 sharing business rules; (5) establishes data standardiza-
20 tion schedules between the Departments; (6) has been sub-
21 mitted to the Government Accountability Office for review;
22 and (7) complies with the acquisition rules, requirements,
23 guidelines, and systems acquisition management practices
24 of the Federal Government.

•HR 933 EH

1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
2 DEFENSE
3 (INCLUDING TRANSFER OF FUNDS)

4 For drug interdiction and counter-drug activities of
5 the Department of Defense, for transfer to appropriations
6 available to the Department of Defense for military per-
7 sonnel of the reserve components serving under the provi-
8 sions of title 10 and title 32, United States Code; for oper-
9 ation and maintenance; for procurement; and for research,
10 development, test and evaluation, \$1,159,263,000: *Pro-*
11 *vided*, That the funds appropriated under this heading
12 shall be available for obligation for the same time period
13 and for the same purpose as the appropriation to which
14 transferred: *Provided further*, That upon a determination
15 that all or part of the funds transferred from this appro-
16 priation are not necessary for the purposes provided here-
17 in, such amounts may be transferred back to this appro-
18 priation: *Provided further*, That the transfer authority pro-
19 vided under this heading is in addition to any other trans-
20 fer authority contained elsewhere in this Act.

21 OFFICE OF THE INSPECTOR GENERAL

22 For expenses and activities of the Office of the In-
23 spector General in carrying out the provisions of the In-
24 spector General Act of 1978, as amended, \$350,321,000,
25 of which \$347,621,000 shall be for operation and mainte-

1 nance, of which not to exceed \$700,000 is available for
2 emergencies and extraordinary expenses to be expended on
3 the approval or authority of the Inspector General, and
4 payments may be made on the Inspector General's certifi-
5 cate of necessity for confidential military purposes; and
6 of which \$2,700,000, to remain available until September
7 30, 2015, shall be for procurement.

8 TITLE VII

9 RELATED AGENCIES

10 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

11 DISABILITY SYSTEM FUND

12 For payment to the Central Intelligence Agency Re-
13 tirement and Disability System Fund, to maintain the
14 proper funding level for continuing the operation of the
15 Central Intelligence Agency Retirement and Disability
16 System, \$514,000,000.

17 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

18 For necessary expenses of the Intelligence Commu-
19 nity Management Account, \$534,421,000.

20 TITLE VIII

21 GENERAL PROVISIONS

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

1 SEC. 8002. During the current fiscal year, provisions
2 of law prohibiting the payment of compensation to, or em-
3 ployment of, any person not a citizen of the United States
4 shall not apply to personnel of the Department of Defense:
5 *Provided*, That salary increases granted to direct and indi-
6 rect hire foreign national employees of the Department of
7 Defense funded by this Act shall not be at a rate in excess
8 of the percentage increase authorized by law for civilian
9 employees of the Department of Defense whose pay is
10 computed under the provisions of section 5332 of title 5,
11 United States Code, or at a rate in excess of the percent-
12 age increase provided by the appropriate host nation to
13 its own employees, whichever is higher: *Provided further*,
14 That this section shall not apply to Department of De-
15 fense foreign service national employees serving at United
16 States diplomatic missions whose pay is set by the Depart-
17 ment of State under the Foreign Service Act of 1980: *Pro-*
18 *vided further*, That the limitations of this provision shall
19 not apply to foreign national employees of the Department
20 of Defense in the Republic of Turkey.

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

24 SEC. 8004. No more than 20 percent of the appro-
25 priations in this Act which are limited for obligation dur-

1 ing the current fiscal year shall be obligated during the
2 last 2 months of the fiscal year: *Provided*, That this sec-
3 tion shall not apply to obligations for support of active
4 duty training of reserve components or summer camp
5 training of the Reserve Officers' Training Corps.

6 (TRANSFER OF FUNDS)

7 SEC. 8005. Upon determination by the Secretary of
8 Defense that such action is necessary in the national inter-
9 est, he may, with the approval of the Office of Manage-
10 ment and Budget, transfer not to exceed \$4,000,000,000
11 of working capital funds of the Department of Defense
12 or funds made available in this Act to the Department
13 of Defense for military functions (except military con-
14 struction) between such appropriations or funds or any
15 subdivision thereof, to be merged with and to be available
16 for the same purposes, and for the same time period, as
17 the appropriation or fund to which transferred: *Provided*,
18 That such authority to transfer may not be used unless
19 for higher priority items, based on unforeseen military re-
20 quirements, than those for which originally appropriated
21 and in no case where the item for which funds are re-
22 quested has been denied by the Congress: *Provided further*,
23 That the Secretary of Defense shall notify the Congress
24 promptly of all transfers made pursuant to this authority
25 or any other authority in this Act: *Provided further*, That

1 no part of the funds in this Act shall be available to pre-
2 pare or present a request to the Committees on Appropria-
3 tions for reprogramming of funds, unless for higher pri-
4 ority items, based on unforeseen military requirements,
5 than those for which originally appropriated and in no
6 case where the item for which reprogramming is requested
7 has been denied by the Congress: *Provided further*, That
8 a request for multiple reprogrammings of funds using au-
9 thority provided in this section shall be made prior to June
10 30, 2013: *Provided further*, That transfers among military
11 personnel appropriations shall not be taken into account
12 for purposes of the limitation on the amount of funds that
13 may be transferred under this section.

14 SEC. 8006. (a) With regard to the list of specific pro-
15 grams, projects, and activities (and the dollar amounts
16 and adjustments to budget activities corresponding to
17 such programs, projects, and activities) contained in the
18 tables titled “Explanation of Project Level Adjustments”
19 in the explanatory statement described in section 4 (in the
20 matter preceding division A of this consolidated Act), the
21 obligation and expenditure of amounts appropriated or
22 otherwise made available in this Act for those programs,
23 projects, and activities for which the amounts appro-
24 priated exceed the amounts requested are hereby required
25 by law to be carried out in the manner provided by such

1 tables to the same extent as if the tables were included
2 in the text of this Act.

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

9 SEC. 8007. (a) Not later than 60 days after enact-
10 ment of this Act, the Department of Defense shall submit
11 a report to the congressional defense committees to estab-
12 lish the baseline for application of reprogramming and
13 transfer authorities for fiscal year 2013: *Provided*, That
14 the report shall include—

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

20 (2) a delineation in the table for each appro-
21 priation both by budget activity and program,
22 project, and activity as detailed in the Budget Ap-
23 pendix; and

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

9

SEC. 8008. During the current fiscal year, cash bal-
ances in working capital funds of the Department of De-
fense 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 disburse-
ments to be made from such funds: *Provided*, That trans-
fers 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” ap-
propriation accounts in such amounts as may be deter-
mined 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

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

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

10 SEC. 8010. None of the funds provided in this Act
11 shall be available to initiate: (1) a multiyear contract that
12 employs economic order quantity procurement in excess of
13 \$20,000,000 in any one year of the contract or that in-
14 cludes an unfunded contingent liability in excess of
15 \$20,000,000; or (2) a contract for advance procurement
16 leading to a multiyear contract that employs economic
17 order quantity procurement in excess of \$20,000,000 in
18 any one year, unless the congressional defense committees
19 have been notified at least 30 days in advance of the pro-
20 posed contract award: *Provided*, That no part of any ap-
21 propriation contained in this Act shall be available to ini-
22 tiate a multiyear contract for which the economic order
23 quantity advance procurement is not funded at least to
24 the limits of the Government's liability: *Provided further*,
25 That no part of any appropriation contained in this Act

1 shall be available to initiate multiyear procurement con-
2 tracts for any systems or component thereof if the value
3 of the multiyear contract would exceed \$500,000,000 un-
4 less specifically provided in this Act: *Provided further*,
5 That no multiyear procurement contract can be termi-
6 nated without 10-day prior notification to the congres-
7 sional defense committees: *Provided further*, That the exe-
8 cution of multiyear authority shall require the use of a
9 present value analysis to determine lowest cost compared
10 to an annual procurement: *Provided further*, That none of
11 the funds provided in this Act may be used for a multiyear
12 contract executed after the date of the enactment of this
13 Act unless in the case of any such contract—

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

24 (2) cancellation provisions in the contract do
25 not include consideration of recurring manufacturing

1 costs of the contractor associated with the produc-
2 tion of unfunded units to be delivered under the con-
3 tract;

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

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

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

12 F/A-18E, F/A-18F, and EA-18G aircraft; up to 10
13 DDG-51 Arleigh Burke class Flight IIA guided missile
14 destroyers, as well as the AEGIS Weapon Systems, MK
15 41 Vertical Launching Systems, and Commercial
16 Broadband Satellite Systems associated with those vessels;
17 SSN-774 Virginia class submarine and government-fur-
18 nished equipment; CH-47 Chinook helicopter; and V-22
19 Osprey aircraft variants.

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

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

21 SEC. 8012. (a) During fiscal year 2013, the civilian
22 personnel of the Department of Defense may not be man-
23 aged on the basis of any end-strength, and the manage-
24 ment of such personnel during that fiscal year shall not
25 be subject to any constraint or limitation (known as an

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

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

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

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

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

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

3 (TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

24 (1) \$28,404,000 shall be available from “Oper-
25 ation and Maintenance, Air Force” to support Civil

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

4 (2) \$9,298,000 shall be available from “Aircraft
5 Procurement, Air Force”; and

6 (3) \$932,000 shall be available from “Other
7 Procurement, Air Force” for vehicle procurement.

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

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

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

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

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

16 (d) Notwithstanding any other provision of law, of
17 the funds available to the department during fiscal year
18 2013, not more than 5,750 staff years of technical effort
19 (staff years) may be funded for defense FFRDCs: *Pro-*
20 *vided*; That of the specific amount referred to previously
21 in this subsection, not more than 1,125 staff years may
22 be funded for the defense studies and analysis FFRDCs:
23 *Provided further*, That this subsection shall not apply to
24 staff years funded in the National Intelligence Program
25 (NIP) and the Military Intelligence Program (MIP).

1 (e) The Secretary of Defense shall, with the submis-
2 sion of the department's fiscal year 2014 budget request,
3 submit a report presenting the specific amounts of staff
4 years of technical effort to be allocated for each defense
5 FFRDC during that fiscal year and the associated budget
6 estimates.

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

1 contracts which are in being as of the date of the enact-
2 ment of this Act.

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

11 SEC. 8026. During the current fiscal year, the De-
12 partment of Defense may acquire the modification, depot
13 maintenance and repair of aircraft, vehicles and vessels
14 as well as the production of components and other De-
15 fense-related articles, through competition between De-
16 partment of Defense depot maintenance activities and pri-
17 vate firms: *Provided*, That the Senior Acquisition Execu-
18 tive of the military department or Defense Agency con-
19 cerned, with power of delegation, shall certify that success-
20 ful bids include comparable estimates of all direct and in-
21 direct costs for both public and private bids: *Provided fur-*
22 *ther*, That Office of Management and Budget Circular A-
23 76 shall not apply to competitions conducted under this
24 section.

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

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

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

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

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

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

21 (b) The Secretary of the Air Force shall convey, at
22 no cost to the Air Force, military housing units under sub-
23 section (a) in accordance with the request for such units
24 that are submitted to the Secretary by the Operation
25 Walking Shield Program on behalf of Indian tribes located

1 in the States of Nevada, Idaho, North Dakota, South Da-
2 kota, Montana, Oregon, Minnesota, and Washington. Any
3 such conveyance shall be subject to the condition that the
4 housing units shall be removed within a reasonable period
5 of time, as determined by the Secretary.

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

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

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

22 SEC. 8031. (a) During the current fiscal year, none
23 of the appropriations or funds available to the Department
24 of Defense Working Capital Funds shall be used for the
25 purchase of an investment item for the purpose of acquir-

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

10 (b) The fiscal year 2014 budget request for the De-
11 partment of Defense as well as all justification material
12 and other documentation supporting the fiscal year 2014
13 Department of Defense budget shall be prepared and sub-
14 mitted to the Congress on the basis that any equipment
15 which was classified as an end item and funded in a pro-
16 curement appropriation contained in this Act shall be
17 budgeted for in a proposed fiscal year 2014 procurement
18 appropriation and not in the supply management business
19 area or any other area or category of the Department of
20 Defense Working Capital Funds.

21 SEC. 8032. None of the funds appropriated by this
22 Act for programs of the Central Intelligence Agency shall
23 remain available for obligation beyond the current fiscal
24 year, except for funds appropriated for the Reserve for
25 Contingencies, which shall remain available until Sep-

1 tember 30, 2014: *Provided*, That funds appropriated,
2 transferred, or otherwise credited to the Central Intel-
3 ligence Agency Central Services Working Capital Fund
4 during this or any prior or subsequent fiscal year shall
5 remain available until expended: *Provided further*, That
6 any funds appropriated or transferred to the Central Intel-
7 ligence Agency for advanced research and development ac-
8 quisition, for agent operations, and for covert action pro-
9 grams authorized by the President under section 503 of
10 the National Security Act of 1947, as amended, shall re-
11 main available until September 30, 2014.

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

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

1 veloping a system for prioritization of mitigation and cost
2 to complete estimates for mitigation, on Indian lands re-
3 sulting from Department of Defense activities.

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

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

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

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

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

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

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

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

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

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

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

17 (c) This section does not apply to—

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

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

24 (3) an Army field operating agency established
25 to improve the effectiveness and efficiencies of bio-

1 metric activities and to integrate common biometric
2 technologies throughout the Department of Defense.

3 SEC. 8038. None of the funds made available in this
4 Act may be used to approve or license the sale of the F–
5 22A advanced tactical fighter to any foreign government:
6 *Provided*, That the Department of Defense may conduct
7 or participate in studies, research, design and other activi-
8 ties to define and develop a future export version of the
9 F–22A that protects classified and sensitive information,
10 technologies and U.S. warfighting capabilities.

11 SEC. 8039. The Secretary of Defense, notwith-
12 standing any other provision of law, acting through the
13 Office of Economic Adjustment of the Department of De-
14 fense, may use funds made available in this Act under the
15 heading “Operation and Maintenance, Defense-Wide” to
16 make grants and supplement other Federal funds in ac-
17 cordance with the guidance provided in the explanatory
18 statement described in section 4 (in the matter preceding
19 division A of this consolidated Act).

20 SEC. 8040. (a) None of the funds appropriated by
21 this Act shall be available to convert to contractor per-
22 formance an activity or function of the Department of De-
23 fense that, on or after the date of the enactment of this
24 Act, is performed by Department of Defense civilian em-
25 ployees unless—

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

5 (2) the Competitive Sourcing Official deter-
6 mines that, over all performance periods stated in
7 the solicitation of offers for performance of the ac-
8 tivity or function, the cost of performance of the ac-
9 tivity or function by a contractor would be less costly
10 to the Department of Defense by an amount that
11 equals or exceeds the lesser of—

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

16 (B) \$10,000,000; and

17 (3) the contractor does not receive an advan-
18 tage for a proposal that would reduce costs for the
19 Department of Defense by—

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

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

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

6 (b)(1) The Department of Defense, without regard
7 to subsection (a) of this section or subsection (a), (b), or
8 (c) of section 2461 of title 10, United States Code, and
9 notwithstanding any administrative regulation, require-
10 ment, or policy to the contrary shall have full authority
11 to enter into a contract for the performance of any com-
12 mercial or industrial type function of the Department of
13 Defense that—

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

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

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

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

17 SEC. 8041. Of the funds appropriated in Department
18 of Defense Appropriations Acts, the following funds are
19 hereby rescinded from the following accounts and pro-
20 grams in the specified amounts:

21 “Shipbuilding and Conversion, Navy, 2007/
22 2018”: DDG-51 Destroyer, \$98,400,000;
23 “Shipbuilding and Conversion, Navy, 2007/
24 2018”: DDG-51 Destroyer Advance Procurement,
25 \$2,500,000;

1 “Shipbuilding and Conversion, Navy, 2007/
2 2018”: CVN Refueling Overhaul, \$14,100,000;
3 “Procurement of Ammunition, Army, 2011/
4 2013”, \$14,862,000;
5 “Other Procurement, Army, 2011/2013”,
6 \$108,098,000;
7 “Aircraft Procurement, Navy, 2011/2013”,
8 \$43,860,000;
9 “Shipbuilding and Conversion, Navy, 2011/
10 2015”: DDG–51 Destroyer, \$215,300,000;
11 “Weapons Procurement, Navy, 2011/2013”,
12 \$22,000,000;
13 “Aircraft Procurement, Air Force, 2011/2013”,
14 \$93,400,000;
15 “Other Procurement, Air Force, 2011/2013”,
16 \$9,500,000;
17 “Operation and Maintenance, Defense-Wide,
18 2012/XXXX”, \$21,000,000;
19 “Aircraft Procurement, Army, 2012/2014”,
20 \$47,400,000;
21 “Other Procurement, Army, 2012/2014”,
22 \$179,608,000;
23 “Aircraft Procurement, Navy, 2012/2014”,
24 \$19,040,000;

1 “Shipbuilding and Conversion, Navy, 2012/
2 2016”: Littoral Combat Ship, \$28,800,000;

3 “Shipbuilding and Conversion, Navy, 2012/
4 2016”: DDG–51 Destroyer, \$83,000,000;

5 “Weapons Procurement, Navy, 2012/2014”,
6 \$36,467,000;

7 “Procurement of Ammunition, Navy and Ma-
8 rine Corps, 2012/2014”, \$16,300,000;

9 “Procurement, Marine Corps, 2012/2014”,
10 \$132,555,000;

11 “Aircraft Procurement, Air Force, 2012/2014”,
12 \$394,299,000;

13 “Missile Procurement, Air Force, 2012/2014”,
14 \$52,898,000;

15 “Other Procurement, Air Force, 2012/2014”,
16 \$55,800,000;

17 “Procurement, Defense-Wide, 2012/2014”,
18 \$16,000,000;

19 “Research, Development, Test and Evaluation,
20 Army, 2012/2013”, \$41,000,000;

21 “Research, Development, Test and Evaluation,
22 Navy, 2012/2013”, \$246,800,000;

23 “Research, Development, Test and Evaluation,
24 Air Force, 2012/2013”, \$149,460,000.

1 SEC. 8042. None of the funds available in this Act
2 may be used to reduce the authorized positions for mili-
3 tary technicians (dual status) of the Army National
4 Guard, Air National Guard, Army Reserve and Air Force
5 Reserve for the purpose of applying any administratively
6 imposed civilian personnel ceiling, freeze, or reduction on
7 military technicians (dual status), unless such reductions
8 are a direct result of a reduction in military force struc-
9 ture.

10 SEC. 8043. None of the funds appropriated or other-
11 wise made available in this Act may be obligated or ex-
12 pended for assistance to the Democratic People's Republic
13 of Korea unless specifically appropriated for that purpose.

14 SEC. 8044. Funds appropriated in this Act for oper-
15 ation and maintenance of the Military Departments, Com-
16 batant Commands and Defense Agencies shall be available
17 for reimbursement of pay, allowances and other expenses
18 which would otherwise be incurred against appropriations
19 for the National Guard and Reserve when members of the
20 National Guard and Reserve provide intelligence or coun-
21 terintelligence support to Combatant Commands, Defense
22 Agencies and Joint Intelligence Activities, including the
23 activities and programs included within the National Intel-
24 ligence Program and the Military Intelligence Program:
25 *Provided*, That nothing in this section authorizes deviation

1 from established Reserve and National Guard personnel
2 and training procedures.

3 SEC. 8045. During the current fiscal year, none of
4 the funds appropriated in this Act may be used to reduce
5 the civilian medical and medical support personnel as-
6 signed to military treatment facilities below the September
7 30, 2003, level: *Provided*, That the Service Surgeons Gen-
8 eral may waive this section by certifying to the congres-
9 sional defense committees that the beneficiary population
10 is declining in some catchment areas and civilian strength
11 reductions may be consistent with responsible resource
12 stewardship and capitation-based budgeting.

13 SEC. 8046. (a) None of the funds available to the
14 Department of Defense for any fiscal year for drug inter-
15 diction or counter-drug activities may be transferred to
16 any other department or agency of the United States ex-
17 cept as specifically provided in an appropriations law.

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

23 SEC. 8047. None of the funds appropriated by this
24 Act may be used for the procurement of ball and roller
25 bearings other than those produced by a domestic source

1 and of domestic origin: *Provided*, That the Secretary of
2 the military department responsible for such procurement
3 may waive this restriction on a case-by-case basis by certi-
4 fying in writing to the Committees on Appropriations of
5 the House of Representatives and the Senate, that ade-
6 quate domestic supplies are not available to meet Depart-
7 ment of Defense requirements on a timely basis and that
8 such an acquisition must be made in order to acquire ca-
9 pability for national security purposes: *Provided further*,
10 That this restriction shall not apply to the purchase of
11 “commercial items”, as defined by section 4(12) of the
12 Office of Federal Procurement Policy Act, except that the
13 restriction shall apply to ball or roller bearings purchased
14 as end items.

15 SEC. 8048. None of the funds in this Act may be
16 used to purchase any supercomputer which is not manu-
17 factured in the United States, unless the Secretary of De-
18 fense certifies to the congressional defense committees
19 that such an acquisition must be made in order to acquire
20 capability for national security purposes that is not avail-
21 able from United States manufacturers.

22 SEC. 8049. None of the funds made available in this
23 or any other Act may be used to pay the salary of any
24 officer or employee of the Department of Defense who ap-
25 proves or implements the transfer of administrative re-

1 sponsibilities or budgetary resources of any program,
2 project, or activity financed by this Act to the jurisdiction
3 of another Federal agency not financed by this Act with-
4 out the express authorization of Congress: *Provided*, That
5 this limitation shall not apply to transfers of funds ex-
6 pressly provided for in Defense Appropriations Acts, or
7 provisions of Acts providing supplemental appropriations
8 for the Department of Defense.

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

20 (b) This section applies to—

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

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

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

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

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

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

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

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

20 SEC. 8051. None of the funds available to the De-
21 partment of Defense under this Act shall be obligated or
22 expended to pay a contractor under a contract with the
23 Department of Defense for costs of any amount paid by
24 the contractor to an employee when—

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

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

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8052. During the current fiscal year, no more
8 than \$30,000,000 of appropriations made in this Act
9 under the heading “Operation and Maintenance, Defense-
10 Wide” may be transferred to appropriations available for
11 the pay of military personnel, to be merged with, and to
12 be available for the same time period as the appropriations
13 to which transferred, to be used in support of such per-
14 sonnel in connection with support and services for eligible
15 organizations and activities outside the Department of De-
16 fense pursuant to section 2012 of title 10, United States
17 Code.

18 SEC. 8053. During the current fiscal year, in the case
19 of an appropriation account of the Department of Defense
20 for which the period of availability for obligation has ex-
21 pired or which has closed under the provisions of section
22 1552 of title 31, United States Code, and which has a
23 negative unliquidated or unexpended balance, an obliga-
24 tion or an adjustment of an obligation may be charged

1 to any current appropriation account for the same purpose
2 as the expired or closed account if—

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

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

10 (3) in the case of an expired account, the obli-
11 gation is not chargeable to a current appropriation
12 of the Department of Defense under the provisions
13 of section 1405(b)(8) of the National Defense Au-
14 thorization Act for Fiscal Year 1991, Public Law
15 101–510, as amended (31 U.S.C. 1551 note): *Pro-*
16 *vided*, That in the case of an expired account, if sub-
17 sequent review or investigation discloses that there
18 was not in fact a negative unliquidated or unex-
19 pended balance in the account, any charge to a cur-
20 rent account under the authority of this section shall
21 be reversed and recorded against the expired ac-
22 count: *Provided further*, That the total amount
23 charged to a current appropriation under this sec-
24 tion may not exceed an amount equal to 1 percent
25 of the total appropriation for that account.

1 SEC. 8054. (a) Notwithstanding any other provision
2 of law, the Chief of the National Guard Bureau may per-
3 mit the use of equipment of the National Guard Distance
4 Learning Project by any person or entity on a space-avail-
5 able, reimbursable basis. The Chief of the National Guard
6 Bureau shall establish the amount of reimbursement for
7 such use on a case-by-case basis.

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

14 SEC. 8055. Using funds made available by this Act
15 or any other Act, the Secretary of the Air Force, pursuant
16 to a determination under section 2690 of title 10, United
17 States Code, may implement cost-effective agreements for
18 required heating facility modernization in the
19 Kaiserslautern Military Community in the Federal Repub-
20 lic of Germany: *Provided*, That in the City of
21 Kaiserslautern and at the Rhine Ordnance Barracks area,
22 such agreements will include the use of United States an-
23 thracite as the base load energy for municipal district heat
24 to the United States Defense installations: *Provided fur-*
25 *ther*, That at Landstuhl Army Regional Medical Center

1 and Ramstein Air Base, furnished heat may be obtained
2 from private, regional or municipal services, if provisions
3 are included for the consideration of United States coal
4 as an energy source.

5 SEC. 8056. None of the funds appropriated in title
6 IV of this Act may be used to procure end-items for deliv-
7 ery to military forces for operational training, operational
8 use or inventory requirements: *Provided*, That this restric-
9 tion does not apply to end-items used in development,
10 prototyping, and test activities preceding and leading to
11 acceptance for operational use: *Provided further*, That this
12 restriction does not apply to programs funded within the
13 National Intelligence Program: *Provided further*, That the
14 Secretary of Defense may waive this restriction on a case-
15 by-case basis by certifying in writing to the Committees
16 on Appropriations of the House of Representatives and the
17 Senate that it is in the national security interest to do
18 so.

19 SEC. 8057. (a) The Secretary of Defense may, on a
20 case-by-case basis, waive with respect to a foreign country
21 each limitation on the procurement of defense items from
22 foreign sources provided in law if the Secretary determines
23 that the application of the limitation with respect to that
24 country would invalidate cooperative programs entered
25 into between the Department of Defense and the foreign

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

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

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

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

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

23 SEC. 8058. (a) None of the funds made available by
24 this Act may be used to support any training program in-
25 volving a unit of the security forces or police of a foreign

1 country if the Secretary of Defense has received credible
2 information from the Department of State that the unit
3 has committed a gross violation of human rights, unless
4 all necessary corrective steps have been taken.

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

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

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

23 SEC. 8059. None of the funds appropriated or other-
24 wise made available by this or other Department of De-
25 fense Appropriations Acts may be obligated or expended

1 for the purpose of performing repairs or maintenance to
2 military family housing units of the Department of De-
3 fense, including areas in such military family housing
4 units that may be used for the purpose of conducting offi-
5 cial Department of Defense business.

6 SEC. 8060. Notwithstanding any other provision of
7 law, funds appropriated in this Act under the heading
8 “Research, Development, Test and Evaluation, Defense-
9 Wide” for any new start advanced concept technology
10 demonstration project or joint capability demonstration
11 project may only be obligated 45 days after a report, in-
12 cluding a description of the project, the planned acquisi-
13 tion and transition strategy and its estimated annual and
14 total cost, has been provided in writing to the congres-
15 sional defense committees: *Provided*, That the Secretary
16 of Defense may waive this restriction on a case-by-case
17 basis by certifying to the congressional defense committees
18 that it is in the national interest to do so.

19 SEC. 8061. The Secretary of Defense shall provide
20 a classified quarterly report beginning 30 days after enact-
21 ment of this Act, to the House and Senate Appropriations
22 Committees, Subcommittees on Defense on certain mat-
23 ters as directed in the classified annex accompanying this
24 Act.

1 SEC. 8062. During the current fiscal year, none of
2 the funds available to the Department of Defense may be
3 used to provide support to another department or agency
4 of the United States if such department or agency is more
5 than 90 days in arrears in making payment to the Depart-
6 ment of Defense for goods or services previously provided
7 to such department or agency on a reimbursable basis:
8 *Provided*, That this restriction shall not apply if the de-
9 partment is authorized by law to provide support to such
10 department or agency on a nonreimbursable basis, and is
11 providing the requested support pursuant to such author-
12 ity: *Provided further*, That the Secretary of Defense may
13 waive this restriction on a case-by-case basis by certifying
14 in writing to the Committees on Appropriations of the
15 House of Representatives and the Senate that it is in the
16 national security interest to do so.

17 SEC. 8063. Notwithstanding section 12310(b) of title
18 10, United States Code, a Reserve who is a member of
19 the National Guard serving on full-time National Guard
20 duty under section 502(f) of title 32, United States Code,
21 may perform duties in support of the ground-based ele-
22 ments of the National Ballistic Missile Defense System.

23 SEC. 8064. None of the funds provided in this Act
24 may be used to transfer to any nongovernmental entity
25 ammunition held by the Department of Defense that has

1 a center-fire cartridge and a United States military no-
2 menclature designation of “armor penetrator”, “armor
3 piercing (AP)”, “armor piercing incendiary (API)”, or
4 “armor-piercing incendiary tracer (API-T)”, except to an
5 entity performing demilitarization services for the Depart-
6 ment of Defense under a contract that requires the entity
7 to demonstrate to the satisfaction of the Department of
8 Defense that armor piercing projectiles are either: (1) ren-
9 dered incapable of reuse by the demilitarization process;
10 or (2) used to manufacture ammunition pursuant to a con-
11 tract with the Department of Defense or the manufacture
12 of ammunition for export pursuant to a License for Per-
13 manent Export of Unclassified Military Articles issued by
14 the Department of State.

15 SEC. 8065. Notwithstanding any other provision of
16 law, the Chief of the National Guard Bureau, or his des-
17 ignee, may waive payment of all or part of the consider-
18 ation that otherwise would be required under section 2667
19 of title 10, United States Code, in the case of a lease of
20 personal property for a period not in excess of 1 year to
21 any organization specified in section 508(d) of title 32,
22 United States Code, or any other youth, social, or fra-
23 ternal nonprofit organization as may be approved by the
24 Chief of the National Guard Bureau, or his designee, on
25 a case-by-case basis.

1 SEC. 8066. None of the funds appropriated by this
2 Act shall be used for the support of any nonappropriated
3 funds activity of the Department of Defense that procures
4 malt beverages and wine with nonappropriated funds for
5 resale (including such alcoholic beverages sold by the
6 drink) on a military installation located in the United
7 States unless such malt beverages and wine are procured
8 within that State, or in the case of the District of Colum-
9 bia, within the District of Columbia, in which the military
10 installation is located: *Provided*, That in a case in which
11 the military installation is located in more than one State,
12 purchases may be made in any State in which the installa-
13 tion is located: *Provided further*, That such local procure-
14 ment requirements for malt beverages and wine shall
15 apply to all alcoholic beverages only for military installa-
16 tions in States which are not contiguous with another
17 State: *Provided further*, That alcoholic beverages other
18 than wine and malt beverages, in contiguous States and
19 the District of Columbia shall be procured from the most
20 competitive source, price and other factors considered.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8067. Of the amounts appropriated in this Act
23 under the heading “Operation and Maintenance, Army”,
24 \$133,381,000 shall remain available until expended: *Pro-*
25 *vided*, That notwithstanding any other provision of law,

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

14 SEC. 8068. Section 8106 of the Department of De-
15 fense Appropriations Act, 1997 (titles I through VIII of
16 the matter under subsection 101(b) of Public Law 104–
17 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-
18 tinue in effect to apply to disbursements that are made
19 by the Department of Defense in fiscal year 2013.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8069. During the current fiscal year, not to ex-
22 ceed \$200,000,000 from funds available under “Operation
23 and Maintenance, Defense-Wide” may be transferred to
24 the Department of State “Global Security Contingency
25 Fund”: *Provided*, That this transfer authority is in addi-

1 tion to any other transfer authority available to the De-
2 partment of Defense: *Provided further*, That the Secretary
3 of Defense shall, not fewer than 30 days prior to making
4 transfers to the Department of State “Global Security
5 Contingency Fund”, notify the congressional defense com-
6 mittees in writing with the source of funds and a detailed
7 justification, execution plan, and timeline for each pro-
8 posed project.

9 SEC. 8070. In addition to amounts provided else-
10 where in this Act, \$4,000,000 is hereby appropriated to
11 the Department of Defense, to remain available for obliga-
12 tion until expended: *Provided*, That notwithstanding any
13 other provision of law, that upon the determination of the
14 Secretary of Defense that it shall serve the national inter-
15 est, these funds shall be available only for a grant to the
16 Fisher House Foundation, Inc., only for the construction
17 and furnishing of additional Fisher Houses to meet the
18 needs of military family members when confronted with
19 the illness or hospitalization of an eligible military bene-
20 ficiary.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8071. Of the amounts appropriated in this Act
23 under the headings “Procurement, Defense-Wide” and
24 “Research, Development, Test and Evaluation, Defense-
25 Wide”, \$479,736,000 shall be for the Israeli Cooperative

1 Programs: *Provided*, That of this amount, \$211,000,000
2 shall be for the Secretary of Defense to provide to the Gov-
3 ernment of Israel for the procurement of the Iron Dome
4 defense system to counter short-range rocket threats,
5 \$149,679,000 shall be for the Short Range Ballistic Mis-
6 sile Defense (SRBMD) program, including cruise missile
7 defense research and development under the SRBMD pro-
8 gram, of which \$39,200,000 shall be for production activi-
9 ties of SRBMD missiles in the United States and in Israel
10 to meet Israel's defense requirements consistent with each
11 nation's laws, regulations, and procedures, \$74,692,000
12 shall be available for an upper-tier component to the
13 Israeli Missile Defense Architecture, and \$44,365,000
14 shall be for the Arrow System Improvement Program in-
15 cluding development of a long range, ground and airborne,
16 detection suite: *Provided further*, That funds made avail-
17 able under this provision for production of missiles and
18 missile components may be transferred to appropriations
19 available for the procurement of weapons and equipment,
20 to be merged with and to be available for the same time
21 period and the same purposes as the appropriation to
22 which transferred: *Provided further*, That the transfer au-
23 thority provided under this provision is in addition to any
24 other transfer authority contained in this Act.

1 SEC. 8072. (a) None of the funds available to the
2 Department of Defense may be obligated to modify com-
3 mand and control relationships to give Fleet Forces Com-
4 mand operational and administrative control of U.S. Navy
5 forces assigned to the Pacific fleet.

6 (b) None of the funds available to the Department
7 of Defense may be obligated to modify command and con-
8 trol relationships to give United States Transportation
9 Command operational and administrative control of C-
10 130 and KC-135 forces assigned to the Pacific and Euro-
11 pean Air Force Commands.

12 (c) The command and control relationships in sub-
13 sections (a) and (b) which existed on March 13, 2011,
14 shall remain in force unless changes are specifically au-
15 thorized in a subsequent Act.

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

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 8073. Of the amounts appropriated in this Act
20 under the heading “Shipbuilding and Conversion, Navy”,
21 \$372,573,000 shall be available until September 30, 2013,
22 to fund prior year shipbuilding cost increases: *Provided*,
23 That upon enactment of this Act, the Secretary of the
24 Navy shall transfer funds to the following appropriations
25 in the amounts specified: *Provided further*, That the

1 amounts transferred shall be merged with and be available
2 for the same purposes as the appropriations to which
3 transferred to:

4 (1) Under the heading “Shipbuilding and Con-
5 version, Navy, 2007/2013”: LHA Replacement Pro-
6 gram \$156,685,000;

7 (2) Under the heading “Shipbuilding and Con-
8 version, Navy, 2008/2013”: LPD–17 Amphibious
9 Transport Dock Program \$80,888,000; and

10 (3) Under the heading “Shipbuilding and Con-
11 version, Navy, 2009/2013”: CVN Refueling Over-
12 hauls Program \$135,000,000.

13 SEC. 8074. Funds appropriated by this Act, or made
14 available by the transfer of funds in this Act, for intel-
15 ligence activities are deemed to be specifically authorized
16 by the Congress for purposes of section 504 of the Na-
17 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
18 year 2013 until the enactment of the Intelligence Author-
19 ization Act for Fiscal Year 2013.

20 SEC. 8075. None of the funds provided in this Act
21 shall be available for obligation or expenditure through a
22 reprogramming of funds that creates or initiates a new
23 program, project, or activity unless such program, project,
24 or activity must be undertaken immediately in the interest

1 of national security and only after written prior notifica-
2 tion to the congressional defense committees.

3 SEC. 8076. The budget of the President for fiscal
4 year 2014 submitted to the Congress pursuant to section
5 1105 of title 31, United States Code, shall include sepa-
6 rate budget justification documents for costs of United
7 States Armed Forces' participation in contingency oper-
8 ations for the Military Personnel accounts, the Operation
9 and Maintenance accounts, and the Procurement ac-
10 counts: *Provided*, That these documents shall include a de-
11 scription of the funding requested for each contingency op-
12 eration, for each military service, to include all Active and
13 Reserve components, and for each appropriations account:
14 *Provided further*, That these documents shall include esti-
15 mated costs for each element of expense or object class,
16 a reconciliation of increases and decreases for each contin-
17 gency operation, and programmatic data including, but
18 not limited to, troop strength for each Active and Reserve
19 component, and estimates of the major weapons systems
20 deployed in support of each contingency: *Provided further*,
21 That these documents shall include budget exhibits OP-
22 5 and OP-32 (as defined in the Department of Defense
23 Financial Management Regulation) for all contingency op-
24 erations for the budget year and the two preceding fiscal
25 years.

1 SEC. 8077. None of the funds in this Act may be
2 used for research, development, test, evaluation, procure-
3 ment or deployment of nuclear armed interceptors of a
4 missile defense system.

5 SEC. 8078. In addition to the amounts appropriated
6 or otherwise made available elsewhere in this Act,
7 \$44,000,000 is hereby appropriated to the Department of
8 Defense: *Provided*, That upon the determination of the
9 Secretary of Defense that it shall serve the national inter-
10 est, he shall make grants in the amounts specified as fol-
11 lows: \$20,000,000 to the United Service Organizations
12 and \$24,000,000 to the Red Cross.

13 SEC. 8079. None of the funds appropriated or made
14 available in this Act shall be used to reduce or disestablish
15 the operation of the 53rd Weather Reconnaissance Squad-
16 ron of the Air Force Reserve, if such action would reduce
17 the WC-130 Weather Reconnaissance mission below the
18 levels funded in this Act: *Provided*, That the Air Force
19 shall allow the 53rd Weather Reconnaissance Squadron to
20 perform other missions in support of national defense re-
21 quirements during the non-hurricane season.

22 SEC. 8080. None of the funds provided in this Act
23 shall be available for integration of foreign intelligence in-
24 formation unless the information has been lawfully col-
25 lected and processed during the conduct of authorized for-

1 eign intelligence activities: *Provided*, That information
2 pertaining to United States persons shall only be handled
3 in accordance with protections provided in the Fourth
4 Amendment of the United States Constitution as imple-
5 mented through Executive Order No. 12333.

6 SEC. 8081. (a) At the time members of reserve com-
7 ponents of the Armed Forces are called or ordered to ac-
8 tive duty under section 12302(a) of title 10, United States
9 Code, each member shall be notified in writing of the ex-
10 pected period during which the member will be mobilized.

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

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8082. The Secretary of Defense may transfer
18 funds from any available Department of the Navy appro-
19 priation to any available Navy ship construction appro-
20 priation for the purpose of liquidating necessary changes
21 resulting from inflation, market fluctuations, or rate ad-
22 justments for any ship construction program appropriated
23 in law: *Provided*, That the Secretary may transfer not to
24 exceed \$100,000,000 under the authority provided by this
25 section: *Provided further*, That the Secretary may not

1 transfer any funds until 30 days after the proposed trans-
2 fer has been reported to the Committees on Appropria-
3 tions of the House of Representatives and the Senate, un-
4 less a response from the Committees is received sooner:
5 *Provided further*, That any funds transferred pursuant to
6 this section shall retain the same period of availability as
7 when originally appropriated: *Provided further*, That the
8 transfer authority provided by this section is in addition
9 to any other transfer authority contained elsewhere in this
10 Act.

11 SEC. 8083. For purposes of section 7108 of title 41,
12 United States Code, any subdivision of appropriations
13 made under the heading “Shipbuilding and Conversion,
14 Navy” that is not closed at the time reimbursement is
15 made shall be available to reimburse the Judgment Fund
16 and shall be considered for the same purposes as any sub-
17 division under the heading “Shipbuilding and Conversion,
18 Navy” appropriations in the current fiscal year or any
19 prior fiscal year.

20 SEC. 8084. (a) None of the funds appropriated by
21 this Act may be used to transfer research and develop-
22 ment, acquisition, or other program authority relating to
23 current tactical unmanned aerial vehicles (TUAVs) from
24 the Army.

1 (b) The Army shall retain responsibility for and oper-
2 ational control of the MQ-1C Gray Eagle Unmanned Aer-
3 ial Vehicle (UAV) in order to support the Secretary of De-
4 fense in matters relating to the employment of unmanned
5 aerial vehicles.

6 SEC. 8085. Up to \$15,000,000 of the funds appro-
7 priated under the heading “Operation and Maintenance,
8 Navy” may be made available for the Asia Pacific Re-
9 gional Initiative Program for the purpose of enabling the
10 Pacific Command to execute Theater Security Cooperation
11 activities such as humanitarian assistance, and payment
12 of incremental and personnel costs of training and exer-
13 cising with foreign security forces: *Provided*, That funds
14 made available for this purpose may be used, notwith-
15 standing any other funding authorities for humanitarian
16 assistance, security assistance or combined exercise ex-
17 penses: *Provided further*, That funds may not be obligated
18 to provide assistance to any foreign country that is other-
19 wise prohibited from receiving such type of assistance
20 under any other provision of law.

21 SEC. 8086. None of the funds appropriated by this
22 Act for programs of the Office of the Director of National
23 Intelligence shall remain available for obligation beyond
24 the current fiscal year, except for funds appropriated for

1 research and technology, which shall remain available until
2 September 30, 2014.

3 SEC. 8087. For purposes of section 1553(b) of title
4 31, United States Code, any subdivision of appropriations
5 made in this Act under the heading “Shipbuilding and
6 Conversion, Navy” shall be considered to be for the same
7 purpose as any subdivision under the heading “Ship-
8 building and Conversion, Navy” appropriations in any
9 prior fiscal year, and the 1 percent limitation shall apply
10 to the total amount of the appropriation.

11 SEC. 8088. The Director of National Intelligence
12 shall include the budget exhibits identified in paragraphs
13 (1) and (2) as described in the Department of Defense
14 Financial Management Regulation with the congressional
15 budget justification books:

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

21 (2) For research, development, test and evalua-
22 tion projects requesting more than \$5,000,000 in
23 any fiscal year, the R–1, Research, Development,
24 Test and Evaluation Program; R–2, Research, De-
25 velopment, Test and Evaluation Budget Item Jus-

1 tification; R–3, Research, Development, Test and
2 Evaluation Project Cost Analysis; and R–4, Re-
3 search, Development, Test and Evaluation Program
4 Schedule Profile.

5 SEC. 8089. (a) Not later than 60 days after the date
6 of enactment of this Act, the Director of National Intel-
7 ligence shall submit a report to the congressional intel-
8 ligence committees to establish the baseline for application
9 of reprogramming and transfer authorities for fiscal year
10 2013: *Provided*, That the report shall include—

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

16 (2) a delineation in the table for each appro-
17 priation by Expenditure Center and project; and

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

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

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

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8090. Of the funds appropriated in the Intel-
5 ligence Community Management Account for the Program
6 Manager for the Information Sharing Environment,
7 \$20,000,000 is available for transfer by the Director of
8 National Intelligence to other departments and agencies
9 for purposes of Government-wide information sharing ac-
10 tivities: *Provided*, That funds transferred under this provi-
11 sion are to be merged with and available for the same pur-
12 poses and time period as the appropriation to which trans-
13 ferred: *Provided further*, That the Office of Management
14 and Budget must approve any transfers made under this
15 provision.

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

22 (1) creates a new start effort;

23 (2) terminates a program with appropriated
24 funding of \$10,000,000 or more;

1 (3) transfers funding into or out of the Na-
2 tional Intelligence Program; or

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

8 (b) None of the funds provided for the National Intel-
9 ligence Program in this or any prior appropriations Act
10 shall be available for obligation or expenditure through a
11 reprogramming or transfer of funds in accordance with
12 section 102A(d) of the National Security Act of 1947 (50
13 U.S.C. 403–1(d)) that results in a cumulative increase or
14 decrease of the levels specified in the classified annex ac-
15 companying the Act unless the congressional intelligence
16 committees are notified 30 days in advance of such re-
17 programming of funds; this notification period may be re-
18 duced for urgent national security requirements.

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

1 future-years intelligence program shall cover the fiscal
2 year with respect to which the budget is submitted and
3 at least the four succeeding fiscal years.

4 SEC. 8093. For the purposes of this Act, the term
5 “congressional intelligence committees” means the Perma-
6 nent Select Committee on Intelligence of the House of
7 Representatives, the Select Committee on Intelligence of
8 the Senate, the Subcommittee on Defense of the Com-
9 mittee on Appropriations of the House of Representatives,
10 and the Subcommittee on Defense of the Committee on
11 Appropriations of the Senate.

12 SEC. 8094. The Department of Defense shall con-
13 tinue to report incremental contingency operations costs
14 for Operation New Dawn and Operation Enduring Free-
15 dom, or any other named operations in the U.S. Central
16 Command area of operation on a monthly basis in the Cost
17 of War Execution Report as prescribed in the Department
18 of Defense Financial Management Regulation Department
19 of Defense Instruction 7000.14, Volume 12, Chapter 23
20 “Contingency Operations”, Annex 1, dated September
21 2005.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 8095. During the current fiscal year, not to ex-
24 ceed \$11,000,000 from each of the appropriations made
25 in title II of this Act for “Operation and Maintenance,

1 Army”, “Operation and Maintenance, Navy”, and “Oper-
2 ation and Maintenance, Air Force” may be transferred by
3 the military department concerned to its central fund es-
4 tablished for Fisher Houses and Suites pursuant to sec-
5 tion 2493(d) of title 10, United States Code.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8096. Funds appropriated by this Act for oper-
8 ation and maintenance may be available for the purpose
9 of making remittances to the Defense Acquisition Work-
10 force Development Fund in accordance with the require-
11 ments of section 1705 of title 10, United States Code.

12 SEC. 8097. (a) Any agency receiving funds made
13 available in this Act, shall, subject to subsections (b) and
14 (c), post on the public Web site of that agency any report
15 required to be submitted by the Congress in this or any
16 other Act, upon the determination by the head of the agen-
17 cy that it shall serve the national interest.

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

19 (1) the public posting of the report com-
20 promises national security; or

21 (2) the report contains proprietary information.

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

1 SEC. 8098. (a) None of the funds appropriated or
2 otherwise made available by this Act may be expended for
3 any Federal contract for an amount in excess of
4 \$1,000,000, unless the contractor agrees not to—

5 (1) enter into any agreement with any of its
6 employees or independent contractors that requires,
7 as a condition of employment, that the employee or
8 independent contractor agree to resolve through ar-
9 bitration any claim under title VII of the Civil
10 Rights Act of 1964 or any tort related to or arising
11 out of sexual assault or harassment, including as-
12 sault and battery, intentional infliction of emotional
13 distress, false imprisonment, or negligent hiring, su-
14 pervision, or retention; or

15 (2) take any action to enforce any provision of
16 an existing agreement with an employee or inde-
17 pendent contractor that mandates that the employee
18 or independent contractor resolve through arbitra-
19 tion any claim under title VII of the Civil Rights Act
20 of 1964 or any tort related to or arising out of sex-
21 ual assault or harassment, including assault and
22 battery, intentional infliction of emotional distress,
23 false imprisonment, or negligent hiring, supervision,
24 or retention.

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

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

16 (d) The Secretary of Defense may waive the applica-
17 tion of subsection (a) or (b) to a particular contractor or
18 subcontractor for the purposes of a particular contract or
19 subcontract if the Secretary or the Deputy Secretary per-
20 sonally determines that the waiver is necessary to avoid
21 harm to national security interests of the United States,
22 and that the term of the contract or subcontract is not
23 longer than necessary to avoid such harm. The determina-
24 tion shall set forth with specificity the grounds for the
25 waiver and for the contract or subcontract term selected,

1 and shall state any alternatives considered in lieu of a
2 waiver and the reasons each such alternative would not
3 avoid harm to national security interests of the United
4 States. The Secretary of Defense shall transmit to Con-
5 gress, and simultaneously make public, any determination
6 under this subsection not less than 15 business days be-
7 fore the contract or subcontract addressed in the deter-
8 mination may be awarded.

9 SEC. 8099. None of the funds made available under
10 this Act may be distributed to the Association of Commu-
11 nity Organizations for Reform Now (ACORN) or its sub-
12 sidiaries.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8100. From within the funds appropriated for
15 operation and maintenance for the Defense Health Pro-
16 gram in this Act, up to \$139,204,000, shall be available
17 for transfer to the Joint Department of Defense-Depart-
18 ment of Veterans Affairs Medical Facility Demonstration
19 Fund in accordance with the provisions of section 1704
20 of the National Defense Authorization Act for Fiscal Year
21 2010, Public Law 111–84: *Provided*, That for purposes
22 of section 1704(b), the facility operations funded are oper-
23 ations of the integrated Captain James A. Lovell Federal
24 Health Care Center, consisting of the North Chicago Vet-
25 erans Affairs Medical Center, the Navy Ambulatory Care

1 Center, and supporting facilities designated as a combined
2 Federal medical facility as described by section 706 of
3 Public Law 110–417: *Provided further*, That additional
4 funds may be transferred from funds appropriated for op-
5 eration and maintenance for the Defense Health Program
6 to the Joint Department of Defense-Department of Vet-
7 erans Affairs Medical Facility Demonstration Fund upon
8 written notification by the Secretary of Defense to the
9 Committees on Appropriations of the House of Represent-
10 atives and the Senate.

11 SEC. 8101. The Office of the Director of National
12 Intelligence shall not employ more Senior Executive em-
13 ployees than are specified in the classified annex.

14 SEC. 8102. None of the funds appropriated or other-
15 wise made available by this Act may be obligated or ex-
16 pended to pay a retired general or flag officer to serve
17 as a senior mentor advising the Department of Defense
18 unless such retired officer files a Standard Form 278 (or
19 successor form concerning public financial disclosure
20 under part 2634 of title 5, Code of Federal Regulations)
21 to the Office of Government Ethics.

22 SEC. 8103. Appropriations available to the Depart-
23 ment of Defense may be used for the purchase of heavy
24 and light armored vehicles for the physical security of per-
25 sonnel or for force protection purposes up to a limit of

1 \$250,000 per vehicle, notwithstanding price or other limi-
2 tations applicable to the purchase of passenger carrying
3 vehicles.

4 SEC. 8104. Of the amounts appropriated for “Oper-
5 ation and Maintenance, Defense-Wide”, the following
6 amounts shall be available to the Secretary of Defense,
7 for the following authorized purposes, notwithstanding
8 any other provision of law, acting through the Office of
9 Economic Adjustment of the Department of Defense, to
10 make grants, conclude cooperative agreements, and sup-
11 plement other Federal funds, to remain available until ex-
12 pended, to assist the civilian population of Guam in re-
13 sponse to the military buildup of Guam: (1) \$13,000,000
14 for addressing the need for construction of a regional pub-
15 lic health laboratory; and (2) \$106,400,000 for addressing
16 the need for civilian water and wastewater improvements:
17 *Provided*, That the Secretary of Defense shall, not fewer
18 than 15 days prior to obligating funds for either of the
19 foregoing purposes, notify the congressional defense com-
20 mittees in writing of the details of any such obligation.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8105. There is hereby established in the Treas-
23 ury of the United States the “Ship Modernization, Oper-
24 ations and Sustainment Fund”. There is appropriated
25 \$2,382,100,000, for the “Ship Modernization, Operations

1 and Sustainment Fund”, to remain available until Sep-
2 tember 30, 2014: *Provided*, That the Secretary of the
3 Navy shall transfer funds from the “Ship Modernization,
4 Operations and Sustainment Fund” to appropriations for
5 military personnel; operation and maintenance; research,
6 development, test and evaluation; and procurement, only
7 for the purposes of manning, operating, sustaining, equip-
8 ping and modernizing the Ticonderoga-class guided mis-
9 sile cruisers CG–63, CG–64, CG–65, CG–66, CG–68, CG–
10 69, CG–73, and the Whidbey Island-class dock landing
11 ships LSD–41 and LSD–46: *Provided further*, That funds
12 transferred shall be merged with and be available for the
13 same purposes and for the same time period as the appro-
14 priation to which they are transferred: *Provided further*,
15 That the transfer authority provided herein shall be in ad-
16 dition to any other transfer authority available to the De-
17 partment of Defense: *Provided further*, That the Secretary
18 of the Navy shall, not less than 30 days prior to making
19 any transfer from the “Ship Modernization, Operations
20 and Sustainment Fund”, notify the congressional defense
21 committees in writing of the details of such transfer.

22 SEC. 8106. None of the funds made available by this
23 Act may be used by the Secretary of Defense to take bene-
24 ficial occupancy of more than 2,500 parking spaces (other
25 than handicap-reserved spaces) to be provided by the

1 BRAC 133 project: *Provided*, That this limitation may be
2 waived in part if: (1) the Secretary of Defense certifies
3 to Congress that levels of service at existing intersections
4 in the vicinity of the project have not experienced failing
5 levels of service as defined by the Transportation Research
6 Board Highway Capacity Manual over a consecutive 90-
7 day period; (2) the Department of Defense and the Vir-
8 ginia Department of Transportation agree on the number
9 of additional parking spaces that may be made available
10 to employees of the facility subject to continued 90-day
11 traffic monitoring; and (3) the Secretary of Defense noti-
12 fies the congressional defense committees in writing at
13 least 14 days prior to exercising this waiver of the number
14 of additional parking spaces to be made available.

15 SEC. 8107. Not later than 120 days after the date
16 of the enactment of this Act, the Secretary of Defense
17 shall resume quarterly reporting of the numbers of civilian
18 personnel end strength by appropriation account for each
19 and every appropriation account used to finance Federal
20 civilian personnel salaries to the congressional defense
21 committees within 15 days after the end of each fiscal
22 quarter.

23 SEC. 8108. None of the funds appropriated in this
24 or any other Act may be used to plan, prepare for, or oth-
25 erwise take any action to undertake or implement the sep-

1 aration of the National Intelligence Program budget from
2 the Department of Defense budget.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8109. Upon a determination by the Director of
5 National Intelligence that such action is necessary and in
6 the national interest, the Director may, with the approval
7 of the Office of Management and Budget, transfer not to
8 exceed \$2,000,000,000 of the funds made available in this
9 Act for the National Intelligence Program: *Provided*, That
10 such authority to transfer may not be used unless for
11 higher priority items, based on unforeseen intelligence re-
12 quirements, than those for which originally appropriated
13 and in no case where the item for which funds are re-
14 quested has been denied by the Congress: *Provided further*,
15 That a request for multiple reprogrammings of funds
16 using authority provided in this section shall be made
17 prior to June 30, 2013.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 8110. In addition to amounts provided else-
20 where in the Act, there is appropriated \$270,000,000 for
21 an additional amount for “Operation and Maintenance,
22 Defense-Wide”, to be available until expended: *Provided*,
23 That such funds shall only be available to the Secretary
24 of Defense, acting through the Office of Economic Adjust-
25 ment of the Department of Defense, or for transfer to the

1 Secretary of Education, notwithstanding any other provi-
2 sion of law, to make grants, conclude cooperative agree-
3 ments, or supplement other Federal funds to construct,
4 renovate, repair, or expand elementary and secondary pub-
5 lic schools on military installations in order to address ca-
6 pacity or facility condition deficiencies at such schools:
7 *Provided further*, That in making such funds available, the
8 Office of Economic Adjustment or the Secretary of Edu-
9 cation shall give priority consideration to those military
10 installations with schools having the most serious capacity
11 or facility condition deficiencies as determined by the Sec-
12 retary of Defense: *Provided further*, That funds may not
13 be made available for a school unless its enrollment of De-
14 partment of Defense-connected children is greater than 50
15 percent.

16 SEC. 8111. None of the funds appropriated or other-
17 wise made available in this or any other Act may be used
18 to transfer, release, or assist in the transfer or release to
19 or within the United States, its territories, or possessions
20 Khalid Sheikh Mohammed or any other detainee who—

- 21 (1) is not a United States citizen or a member
22 of the Armed Forces of the United States; and
23 (2) is or was held on or after June 24, 2009,
24 at the United States Naval Station, Guantánamo
25 Bay, Cuba, by the Department of Defense.

1 SEC. 8112. (a)(1) Except as provided in paragraph
2 (2) and subsection (d), none of the funds appropriated or
3 otherwise made available in this or any other Act may be
4 used to transfer any individual detained at Guantánamo
5 to the custody or control of the individual's country of ori-
6 gin, any other foreign country, or any other foreign entity
7 unless the Secretary of Defense submits to Congress the
8 certification described in subsection (b) not later than 30
9 days before the transfer of the individual.

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

13 (A) an order affecting the disposition of the in-
14 dividual that is issued by a court or competent tri-
15 bunal of the United States having lawful jurisdiction
16 (which the Secretary shall notify Congress of
17 promptly after issuance); or

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

21 (b) A certification described in this subsection is a
22 written certification made by the Secretary of Defense,
23 with the concurrence of the Secretary of State and in con-
24 sultation with the Director of National Intelligence, that—

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

5 (A) is not a designated state sponsor of
6 terrorism or a designated foreign terrorist orga-
7 nization;

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

12 (C) is not, as of the date of the certifi-
13 cation, facing a threat that is likely to substan-
14 tially affect its ability to exercise control over
15 the individual;

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

20 (E) has taken or agreed to take such ac-
21 tions as the Secretary of Defense determines
22 are necessary to ensure that the individual can-
23 not engage or re-engage in any terrorist activ-
24 ity; and

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

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

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

7 (2) includes an assessment, in classified or un-
8 classified form, of the capacity, willingness, and past
9 practices (if applicable) of the foreign country or en-
10 tity in relation to the Secretary's certifications.

11 (c)(1) Except as provided in paragraph (2) and sub-
12 section (d), none of the funds appropriated or otherwise
13 made available in this or any other Act may be used to
14 transfer any individual detained at Guantánamo to the
15 custody or control of the individual's country of origin, any
16 other foreign country, or any other foreign entity if there
17 is a confirmed case of any individual who was detained
18 at United States Naval Station, Guantánamo Bay, Cuba,
19 at any time after September 11, 2001, who was trans-
20 ferred to such foreign country or entity and subsequently
21 engaged in any terrorist activity.

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

1 (A) an order affecting the disposition of the in-
2 dividual that is issued by a court or competent tri-
3 bunal of the United States having lawful jurisdiction
4 (which the Secretary shall notify Congress of
5 promptly after issuance); or

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

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

17 (A) alternative actions will be taken to address
18 the underlying purpose of the requirement or re-
19 quirements to be waived;

20 (B) in the case of a waiver of subparagraph (D)
21 or (E) of subsection (b)(1), it is not possible to cer-
22 tify that the risks addressed in the paragraph to be
23 waived have been completely eliminated, but the ac-
24 tions to be taken under subparagraph (A) will sub-

1 stantially mitigate such risks with regard to the indi-
2 vidual to be transferred;

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

10 (D) the transfer is in the national security in-
11 terests of the United States.

12 (2) Whenever the Secretary makes a determination
13 under paragraph (1), the Secretary shall submit to the ap-
14 propriate committees of Congress, not later than 30 days
15 before the transfer of the individual concerned, the fol-
16 lowing:

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

19 (B) A statement of the basis for the determina-
20 tion, including—

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

24 (ii) in the case of a waiver of subparagraph
25 (D) or (E) of subsection (b)(1), an explanation

1 why it is not possible to certify that the risks
2 addressed in the subparagraph to be waived
3 have been completely eliminated.

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

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

10 (e) In this section:

11 (1) The term “appropriate committees of Con-
12 gress” means—

13 (A) the Committee on Armed Services, the
14 Committee on Appropriations, and the Select
15 Committee on Intelligence of the Senate; and

16 (B) the Committee on Armed Services, the
17 Committee on Appropriations, and the Perma-
18 nent Select Committee on Intelligence of the
19 House of Representatives.

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

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

4 (B) is—

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

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

10 (3) The term “foreign terrorist organization”
11 means any organization so designated by the Sec-
12 retary of State under section 219 of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1189).

14 SEC. 8113. (a) None of the funds appropriated or
15 otherwise made available in this or any other Act may be
16 used to construct, acquire, or modify any facility in the
17 United States, its territories, or possessions to house any
18 individual described in subsection (c) for the purposes of
19 detention or imprisonment in the custody or under the ef-
20 fective control of the Department of Defense.

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

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

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

7 (2) is—

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

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

12 SEC. 8114. None of the funds made available by this
13 Act may be used to enter into a contract, memorandum
14 of understanding, or cooperative agreement with, make a
15 grant to, or provide a loan or loan guarantee to, any cor-
16 poration that has any unpaid Federal tax liability that has
17 been assessed, for which all judicial and administrative
18 remedies have been exhausted or have lapsed, and that
19 is not being paid in a timely manner pursuant to an agree-
20 ment with the authority responsible for collecting the tax
21 liability, where the awarding agency is aware of the unpaid
22 tax liability, unless the agency has considered suspension
23 or debarment of the corporation and made a determination
24 that this further action is not necessary to protect the in-
25 terests of the Government.

1 SEC. 8115. None of the funds made available by this
2 Act may be used to enter into a contract, memorandum
3 of understanding, or cooperative agreement with, make a
4 grant to, or provide a loan or loan guarantee to, any cor-
5 poration that was convicted of a felony criminal violation
6 under any Federal law within the preceding 24 months,
7 where the awarding agency is aware of the conviction, un-
8 less the agency has considered suspension or debarment
9 of the corporation and made a determination that this fur-
10 ther action is not necessary to protect the interests of the
11 Government.

12 SEC. 8116. None of the funds made available by this
13 Act may be used in contravention of section 1590 or 1591
14 of title 18, United States Code, or in contravention of the
15 requirements of section 106(g) or (h) of the Trafficking
16 Victims Protection Act of 2000 (22 U.S.C. 7104(g) or
17 (h)).

18 SEC. 8117. None of the funds made available by this
19 Act for International Military education and training, for-
20 eign military financing, excess defense article, assistance
21 under section 1206 of the National Defense Authorization
22 Act for Fiscal year 2006 (Public Law 109–163; 119 Stat.
23 3456) issuance for direct commercial sales of military
24 equipment, or peacekeeping operations for the countries
25 of Chad, Yemen, Somalia, Sudan, the Democratic Repub-

1 lie of the Congo, and Burma may be used to support any
2 military training or operation that include child soldiers,
3 as defined by the Child Soldiers Prevention Act of 2008,
4 and except if such assistance is otherwise permitted under
5 section 404 of the Child Soldiers Prevention Act of 2008
6 (Public Law 110–457; 22 U.S.C. 2370c–1).

7 SEC. 8118. None of the funds made available by this
8 Act may be used in contravention of the War Powers Res-
9 olution (50 U.S.C. 1541 et seq.).

10 SEC. 8119. None of the funds made available by this
11 Act may be used to retire, divest, realign, or transfer Air
12 Force aircraft, to disestablish or convert units associated
13 with such aircraft, or to disestablish or convert any other
14 unit of the Air National Guard or Air Force Reserve: *Pro-*
15 *vided*, That this section shall not apply to actions affecting
16 C–5, C–17, or E–8 aircraft, or the units associated with
17 such aircraft: *Provided further*, That this section shall con-
18 tinue in effect through the date of enactment of an Act
19 authorizing appropriations for fiscal year 2013 for mili-
20 tary activities of the Department of Defense.

21 SEC. 8120. The Secretary of the Air Force shall obli-
22 gate and expend funds previously appropriated for the
23 procurement of RQ–4B Global Hawk and C–27J Spartan
24 aircraft for the purposes for which such funds were origi-
25 nally appropriated.

1 SEC. 8121. It is the Sense of the Senate that the
2 next available capital warship of the U.S. Navy be named
3 the USS Ted Stevens to recognize the public service
4 achievements, military service sacrifice, and undaunted
5 heroism and courage of the long-serving United States
6 Senator for Alaska.

7 SEC. 8122. None of the funds made available by this
8 Act shall be used to retire C-23 Sherpa aircraft.

9 SEC. 8123. The total amount available in the Act for
10 pay for civilian personnel of the Department of Defense
11 for fiscal year 2013 shall be the amount otherwise appro-
12 priated or made available by this Act for such pay reduced
13 by \$72,718,000.

14 SEC. 8124. None of the funds made available by this
15 Act may be used to enter into a contract for UH-60 Leak
16 Proof Drip Pans using procedures other than competitive
17 procedures (as defined in section 2302(2) of title 10,
18 United States Code).

19 SEC. 8125. None of the funds appropriated or other-
20 wise made available by this Act or any other Act may be
21 used by the Department of Defense or a component there-
22 of in contravention of section 1244 of the National De-
23 fense Authorization Act for Fiscal Year 2012 (Public Law
24 112-81; 125 Stat. 1646; 22 U.S.C. 5952 note) or any pro-
25 vision of an Act authorizing appropriations for the De-

1 partment of Defense for fiscal year 2013 relating to shar-
2 ing classified ballistic missile defense information with
3 Russia.

4 SEC. 8126. None of the Operation and Maintenance
5 funds made available in this Act may be used in con-
6 travention of section 41106 of title 49, United States
7 Code.

8 SEC. 8127. None of the funds made available by this
9 Act may be used by the Department of Defense or any
10 other Federal agency to lease or purchase new light duty
11 vehicles, for any executive fleet, or for an agency's fleet
12 inventory, except in accordance with Presidential Memo-
13 randum-Federal Fleet Performance, dated May 24, 2011.

14 SEC. 8128. None of the funds made available by this
15 Act may be used to enter into a contract with any person
16 or other entity listed in the Excluded Parties List System
17 (EPLS)/System for Award Management (SAM) as having
18 been convicted of fraud against the Federal Government.

19 SEC. 8129. None of the funds made available by this
20 Act for the Department of Defense may be used to enter
21 into a contract, memorandum of understanding, or cooper-
22 ative agreement with, make a grant to, or provide a loan
23 or loan guarantee to Rosoboronexport: *Provided*, That the
24 Secretary of Defense may waive this restriction on a case-
25 by-case basis by certifying in writing to the Committees

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

4 SEC. 8130. None of the funds made available by this
5 Act may be used by the Secretary of Defense to implement
6 an enrollment fee for the TRICARE for Life program
7 under chapter 55 of title 10, United States Code, that
8 does not exist as of the date of the enactment of this Act.

9 TITLE IX

10 OVERSEAS CONTINGENCY OPERATIONS

11 MILITARY PERSONNEL

12 MILITARY PERSONNEL, ARMY

13 For an additional amount for “Military Personnel,
14 Army”, \$9,790,082,000: *Provided*, That such amount is
15 designated by the Congress for Overseas Contingency Op-
16 erations/Global War on Terrorism pursuant to section
17 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 MILITARY PERSONNEL, NAVY

20 For an additional amount for “Military Personnel,
21 Navy”, \$774,225,000: *Provided*, That such amount is des-
22 ignated by the Congress for Overseas Contingency Oper-
23 ations/Global War on Terrorism pursuant to section
24 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 MILITARY PERSONNEL, MARINE CORPS

2 For an additional amount for “Military Personnel,
3 Marine Corps”, \$1,425,156,000: *Provided*, That such
4 amount is designated by the Congress for Overseas Con-
5 tingency Operations/Global War on Terrorism pursuant to
6 section 251(b)(2)(A)(ii) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 MILITARY PERSONNEL, AIR FORCE

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

15 RESERVE PERSONNEL, ARMY

16 For an additional amount for “Reserve Personnel,
17 Army”, \$156,893,000: *Provided*, That such amount is
18 designated by the Congress for Overseas Contingency Op-
19 erations/Global War on Terrorism pursuant to section
20 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 RESERVE PERSONNEL, NAVY

23 For an additional amount for “Reserve Personnel,
24 Navy”, \$39,335,000: *Provided*, That such amount is des-
25 ignated by the Congress for Overseas Contingency Oper-

1 ations/Global War on Terrorism pursuant to section
2 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 RESERVE PERSONNEL, MARINE CORPS

5 For an additional amount for “Reserve Personnel,
6 Marine Corps”, \$24,722,000: *Provided*, That such amount
7 is designated by the Congress for Overseas Contingency
8 Operations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 RESERVE PERSONNEL, AIR FORCE

12 For an additional amount for “Reserve Personnel,
13 Air Force”, \$25,348,000: *Provided*, That such amount is
14 designated by the Congress for Overseas Contingency Op-
15 erations/Global War on Terrorism pursuant to section
16 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 NATIONAL GUARD PERSONNEL, ARMY

19 For an additional amount for “National Guard Per-
20 sonnel, Army”, \$583,804,000: *Provided*, That such
21 amount is designated by the Congress for Overseas Con-
22 tingency Operations/Global War on Terrorism pursuant to
23 section 251(b)(2)(A)(ii) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For an additional amount for “National Guard Per-
3 sonnel, Air Force”, \$10,473,000: *Provided*, That such
4 amount is designated by the Congress for Overseas Con-
5 tingency Operations/Global War on Terrorism pursuant to
6 section 251(b)(2)(A)(ii) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 OPERATION AND MAINTENANCE

9 OPERATION AND MAINTENANCE, ARMY

10 For an additional amount for “Operation and Main-
11 tenance, Army”, \$28,452,018,000: *Provided*, That such
12 amount is designated by the Congress for Overseas Con-
13 tingency Operations/Global War on Terrorism pursuant to
14 section 251(b)(2)(A)(ii) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, NAVY

17 For an additional amount for “Operation and Main-
18 tenance, Navy”, \$5,839,934,000: *Provided*, That such
19 amount is designated by the Congress for Overseas Con-
20 tingency Operations/Global War on Terrorism pursuant to
21 section 251(b)(2)(A)(ii) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

23 OPERATION AND MAINTENANCE, MARINE CORPS

24 For an additional amount for “Operation and Main-
25 tenance, Marine Corps”, \$4,116,340,000: *Provided*, That

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

5 OPERATION AND MAINTENANCE, AIR FORCE

6 For an additional amount for “Operation and Main-
7 tenance, Air Force”, \$9,249,736,000: *Provided*, That such
8 amount is designated by the Congress for Overseas Con-
9 tingency Operations/Global War on Terrorism pursuant to
10 section 251(b)(2)(A)(ii) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, DEFENSE-WIDE

13 For an additional amount for “Operation and Main-
14 tenance, Defense-Wide”, \$7,714,079,000: *Provided*, That
15 of the funds provided under this heading, not to exceed
16 \$1,650,000,000, to remain available until September 30,
17 2014, shall be for payments to reimburse key cooperating
18 nations for logistical, military, and other support, includ-
19 ing access, provided to United States military operations
20 in support of Operation Enduring Freedom, and post-op-
21 eration Iraq border security related to the activities of the
22 Office of Security Cooperation in Iraq, notwithstanding
23 any other provision of law: *Provided further*, That such
24 reimbursement payments may be made in such amounts
25 as the Secretary of Defense, with the concurrence of the

1 Secretary of State, and in consultation with the Director
2 of the Office of Management and Budget, may determine,
3 in his discretion, based on documentation determined by
4 the Secretary of Defense to adequately account for the
5 support provided, and such determination is final and con-
6 clusive upon the accounting officers of the United States,
7 and 15 days following notification to the appropriate con-
8 gressional committees: *Provided further*, That the require-
9 ment under this heading to provide notification to the ap-
10 propriate congressional committees shall not apply with
11 respect to a reimbursement for access based on an inter-
12 national agreement: *Provided further*, That these funds
13 may be used for the purpose of providing specialized train-
14 ing and procuring supplies and specialized equipment and
15 providing such supplies and loaning such equipment on a
16 non-reimbursable basis to coalition forces supporting
17 United States military operations in Afghanistan, and 15
18 days following notification to the appropriate congres-
19 sional committees: *Provided further*, That the Secretary of
20 Defense shall provide quarterly reports to the congres-
21 sional defense committees on the use of funds provided
22 in this paragraph: *Provided further*, That such amount in
23 this section is designated by the Congress for Overseas
24 Contingency Operations/Global War on Terrorism pursu-

1 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
2 and Emergency Deficit Control Act of 1985.

3 OPERATION AND MAINTENANCE, ARMY RESERVE

4 For an additional amount for “Operation and Main-
5 tenance, Army Reserve”, \$157,887,000: *Provided*, That
6 such amount is designated by the Congress for Overseas
7 Contingency Operations/Global War on Terrorism pursu-
8 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
9 and Emergency Deficit Control Act of 1985.

10 OPERATION AND MAINTENANCE, NAVY RESERVE

11 For an additional amount for “Operation and Main-
12 tenance, Navy Reserve”, \$55,924,000: *Provided*, That
13 such amount is designated by the Congress for Overseas
14 Contingency Operations/Global War on Terrorism pursu-
15 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
16 and Emergency Deficit Control Act of 1985.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 RESERVE

19 For an additional amount for “Operation and Main-
20 tenance, Marine Corps Reserve”, \$25,477,000: *Provided*,
21 That such amount is designated by the Congress for Over-
22 seas Contingency Operations/Global War on Terrorism
23 pursuant to section 251(b)(2)(A)(ii) of the Balanced
24 Budget and Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For an additional amount for “Operation and Main-
3 tenance, Air Force Reserve”, \$60,618,000: *Provided*, That
4 such amount is designated by the Congress for Overseas
5 Contingency Operations/Global War on Terrorism pursu-
6 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 OPERATION AND MAINTENANCE, ARMY NATIONAL
9 GUARD

10 For an additional amount for “Operation and Main-
11 tenance, Army National Guard”, \$392,448,000: *Provided*,
12 That such amount is designated by the Congress for Over-
13 seas Contingency Operations/Global War on Terrorism
14 pursuant to section 251(b)(2)(A)(ii) of the Balanced
15 Budget and Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

17 For an additional amount for “Operation and Main-
18 tenance, Air National Guard”, \$34,500,000: *Provided*,
19 That such amount is designated by the Congress for Over-
20 seas Contingency Operations/Global War on Terrorism
21 pursuant to section 251(b)(2)(A)(ii) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985.

1 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 In addition to amounts provided elsewhere in this
4 Act, there is appropriated \$582,884,000 for the “Overseas
5 Contingency Operations Transfer Fund” for expenses di-
6 rectly relating to overseas contingency operations by
7 United States military forces, to be available until ex-
8 pended: *Provided*, That of the funds made available in this
9 section, the Secretary of Defense may transfer these funds
10 only to military personnel accounts, operation and mainte-
11 nance accounts, procurement accounts, and working cap-
12 ital fund accounts: *Provided further*, That the funds made
13 available in this paragraph may only be used for pro-
14 grams, projects, or activities categorized as Overseas Con-
15 tingency Operations in the fiscal year 2013 budget request
16 for the Department of Defense and the justification mate-
17 rial and other documentation supporting such request:
18 *Provided further*, That the funds transferred shall be
19 merged with and shall be available for the same purposes
20 and for the same time period, as the appropriation to
21 which transferred: *Provided further*, That the Secretary
22 shall notify the congressional defense committees 15 days
23 prior to such transfer: *Provided further*, That the transfer
24 authority provided under this heading is in addition to any
25 other transfer authority available to the Department of

1 Defense: *Provided further*, That upon a determination that
 2 all or part of the funds transferred from this appropriation
 3 are not necessary for the purposes provided herein, such
 4 amounts may be transferred back to this appropriation
 5 and shall be available for the same purposes and for the
 6 same time period as originally appropriated: *Provided fur-*
 7 *ther*, That such amount is designated by the Congress for
 8 Overseas Contingency Operations/Global War on Ter-
 9 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
 10 anced Budget and Emergency Deficit Control Act of 1985.

11 AFGHANISTAN INFRASTRUCTURE FUND

12 (INCLUDING TRANSFER OF FUNDS)

13 For the “Afghanistan Infrastructure Fund”,
 14 \$325,000,000, to remain available until September 30,
 15 2014: *Provided*, That such funds shall be available to the
 16 Secretary of Defense for infrastructure projects in Af-
 17 ghanistan, notwithstanding any other provision of law,
 18 which shall be undertaken by the Secretary of State, un-
 19 less the Secretary of State and the Secretary of Defense
 20 jointly decide that a specific project will be undertaken
 21 by the Department of Defense: *Provided further*, That the
 22 infrastructure referred to in the preceding proviso is in
 23 support of the counterinsurgency strategy, which may re-
 24 quire funding for facility and infrastructure projects, in-
 25 cluding, but not limited to, water, power, and transpor-

1 tation projects and related maintenance and sustainment
2 costs: *Provided further*, That the authority to undertake
3 such infrastructure projects is in addition to any other au-
4 thority to provide assistance to foreign nations: *Provided*
5 *further*, That any projects funded under this heading shall
6 be jointly formulated and concurred in by the Secretary
7 of State and Secretary of Defense: *Provided further*, That
8 funds may be transferred to the Department of State for
9 purposes of undertaking projects, which funds shall be
10 considered to be economic assistance under the Foreign
11 Assistance Act of 1961 for purposes of making available
12 the administrative authorities contained in that Act: *Pro-*
13 *vided further*, That the transfer authority in the preceding
14 proviso is in addition to any other authority available to
15 the Department of Defense to transfer funds: *Provided*
16 *further*, That any unexpended funds transferred to the
17 Secretary of State under this authority shall be returned
18 to the Afghanistan Infrastructure Fund if the Secretary
19 of State, in coordination with the Secretary of Defense,
20 determines that the project cannot be implemented for any
21 reason, or that the project no longer supports the counter-
22 insurgency strategy in Afghanistan: *Provided further*,
23 That any funds returned to the Secretary of Defense
24 under the previous proviso shall be available for use under
25 this appropriation and shall be treated in the same man-

ner as funds not transferred to the Secretary of State:
Provided further, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: *Provided further*, That the “appropriate committees of Congress” are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: *Provided further*, That such 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”, \$5,124,167,000, to remain available until September 30, 2014: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision

1 of law, for the purpose of allowing the Commander, Com-
2 bined Security Transition Command—Afghanistan, or the
3 Secretary’s designee, to provide assistance, with the con-
4 currence of the Secretary of State, to the security forces
5 of Afghanistan, including the provision of equipment, sup-
6 plies, services, training, facility and infrastructure repair,
7 renovation, and construction, and funding: *Provided fur-*
8 *ther*, That the authority to provide assistance under this
9 heading is in addition to any other authority to provide
10 assistance to foreign nations: *Provided further*, That con-
11 tributions of funds for the purposes provided herein from
12 any person, foreign government, or international organiza-
13 tion may be credited to this Fund, to remain available
14 until expended, and used for such purposes: *Provided fur-*
15 *ther*, That the Secretary of Defense shall notify the con-
16 gressional defense committees in writing upon the receipt
17 and upon the obligation of any contribution, delineating
18 the sources and amounts of the funds received and the
19 specific use of such contributions: *Provided further*, That
20 the Secretary of Defense shall, not fewer than 15 days
21 prior to obligating from this appropriation account, notify
22 the congressional defense committees in writing of the de-
23 tails of any such obligation: *Provided further*, That the
24 Secretary of Defense shall notify the congressional defense
25 committees of any proposed new projects or transfer of

1 funds between budget sub-activity groups in excess of
2 \$20,000,000: *Provided further*, That such amount is des-
3 ignated by the Congress for Overseas Contingency Oper-
4 ations/Global War on Terrorism pursuant to section
5 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 PROCUREMENT

8 AIRCRAFT PROCUREMENT, ARMY

9 For an additional amount for “Aircraft Procurement,
10 Army”, \$550,700,000, to remain available until Sep-
11 tember 30, 2015: *Provided*, That such amount is des-
12 ignated by the Congress for Overseas Contingency Oper-
13 ations/Global War on Terrorism pursuant to section
14 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 MISSILE PROCUREMENT, ARMY

17 For an additional amount for “Missile Procurement,
18 Army”, \$67,951,000, to remain available until September
19 30, 2015: *Provided*, That such amount is designated by
20 the Congress for Overseas Contingency Operations/Global
21 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
22 the Balanced Budget and Emergency Deficit Control Act
23 of 1985.

1 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
2 VEHICLES, ARMY

3 For an additional amount for “Procurement of Weap-
4 ons and Tracked Combat Vehicles, Army”, \$15,422,000,
5 to remain available until September 30, 2015: *Provided*,
6 That such amount is designated by the Congress for Over-
7 seas Contingency Operations/Global War on Terrorism
8 pursuant to section 251(b)(2)(A)(ii) of the Balanced
9 Budget and Emergency Deficit Control Act of 1985.

10 PROCUREMENT OF AMMUNITION, ARMY

11 For an additional amount for “Procurement of Am-
12 munition, Army”, \$338,493,000, to remain available until
13 September 30, 2015: *Provided*, That such amount is des-
14 ignated by the Congress for Overseas Contingency Oper-
15 ations/Global War on Terrorism pursuant to section
16 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 OTHER PROCUREMENT, ARMY

19 For an additional amount for “Other Procurement,
20 Army”, \$1,740,157,000, to remain available until Sep-
21 tember 30, 2015: *Provided*, That such amount is des-
22 ignated by the Congress for Overseas Contingency Oper-
23 ations/Global War on Terrorism pursuant to section
24 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 AIRCRAFT PROCUREMENT, NAVY

2 For an additional amount for “Aircraft Procurement,
3 Navy”, \$215,698,000, to remain available until September
4 30, 2015: *Provided*, That such amount is designated by
5 the Congress for Overseas Contingency Operations/Global
6 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
7 the Balanced Budget and Emergency Deficit Control Act
8 of 1985.

9 WEAPONS PROCUREMENT, NAVY

10 For an additional amount for “Weapons Procure-
11 ment, Navy”, \$22,500,000, to remain available until Sep-
12 tember 30, 2015: *Provided*, That such amount is des-
13 ignated by the Congress for Overseas Contingency Oper-
14 ations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
18 CORPS

19 For an additional amount for “Procurement of Am-
20 munition, Navy and Marine Corps”, \$283,059,000, to re-
21 main available until September 30, 2015: *Provided*, That
22 such amount is designated by the Congress for Overseas
23 Contingency Operations/Global War on Terrorism pursu-
24 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
25 and Emergency Deficit Control Act of 1985.

1 OTHER PROCUREMENT, NAVY

2 For an additional amount for “Other Procurement,
3 Navy”, \$98,882,000, to remain available until September
4 30, 2015: *Provided*, That such amount is designated by
5 the Congress for Overseas Contingency Operations/Global
6 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
7 the Balanced Budget and Emergency Deficit Control Act
8 of 1985.

9 PROCUREMENT, MARINE CORPS

10 For an additional amount for “Procurement, Marine
11 Corps”, \$822,054,000, to remain available until Sep-
12 tember 30, 2015: *Provided*, That such amount is des-
13 ignated by the Congress for Overseas Contingency Oper-
14 ations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 AIRCRAFT PROCUREMENT, AIR FORCE

18 For an additional amount for “Aircraft Procurement,
19 Air Force”, \$305,600,000, to remain available until Sep-
20 tember 30, 2015: *Provided*, That such amount is des-
21 ignated by the Congress for Overseas Contingency Oper-
22 ations/Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 MISSILE PROCUREMENT, AIR FORCE

2 For an additional amount for “Missile Procurement,
3 Air Force”, \$34,350,000, to remain available until Sep-
4 tember 30, 2015: *Provided*, That such amount is des-
5 ignated by the Congress for Overseas Contingency Oper-
6 ations/Global War on Terrorism pursuant to section
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 PROCUREMENT OF AMMUNITION, AIR FORCE

10 For an additional amount for “Procurement of Am-
11 munition, Air Force”, \$116,203,000, to remain available
12 until September 30, 2015: *Provided*, That such amount
13 is designated by the Congress for Overseas Contingency
14 Operations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 OTHER PROCUREMENT, AIR FORCE

18 For an additional amount for “Other Procurement,
19 Air Force”, \$2,680,270,000, to remain available until
20 September 30, 2015: *Provided*, That such amount is des-
21 ignated by the Congress for Overseas Contingency Oper-
22 ations/Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 PROCUREMENT, DEFENSE-WIDE

2 For an additional amount for “Procurement, De-
3 fense-Wide”, \$188,099,000, to remain available until Sep-
4 tember 30, 2015: *Provided*, That such amount is des-
5 ignated by the Congress for Overseas Contingency Oper-
6 ations/Global War on Terrorism pursuant to section
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 NATIONAL GUARD AND RESERVE EQUIPMENT

10 For procurement of aircraft, missiles, tracked combat
11 vehicles, ammunition, other weapons and other procure-
12 ment for the reserve components of the Armed Forces,
13 \$1,500,000,000, to remain available for obligation until
14 September 30, 2015: *Provided*, That the Chiefs of Na-
15 tional Guard and Reserve components shall, not later than
16 30 days after the enactment of this Act, individually sub-
17 mit to the congressional defense committees the mod-
18 ernization priority assessment for their respective Na-
19 tional Guard or Reserve component: *Provided further*,
20 That such amount is designated by the Congress for Over-
21 seas Contingency Operations/Global War on Terrorism
22 pursuant to section 251(b)(2)(A)(ii) of the Balanced
23 Budget and Emergency Deficit Control Act of 1985.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 ARMY

12 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
13 NAVY

21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
22 AIR FORCE

For an additional amount for “Research, Develop-
ment, Test and Evaluation, Air Force”, \$53,150,000, to
remain available until September 30, 2014: *Provided,*

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

5 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
6 DEFENSE-WIDE

7 For an additional amount for “Research, Develop-
8 ment, Test and Evaluation, Defense-Wide”,
9 \$112,387,000, to remain available until September 30,
10 2014: *Provided*, That such amount is designated by the
11 Congress for Overseas Contingency Operations/Global
12 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
13 the Balanced Budget and Emergency Deficit Control Act
14 of 1985.

15 REVOLVING AND MANAGEMENT FUNDS

16 DEFENSE WORKING CAPITAL FUNDS

17 For an additional amount for “Defense Working
18 Capital Funds”, \$243,600,000: *Provided*, That such
19 amount is designated by the Congress for Overseas Con-
20 tingency Operations/Global War on Terrorism pursuant to
21 section 251(b)(2)(A)(ii) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

1 OTHER DEPARTMENT OF DEFENSE PROGRAMS

2 DEFENSE HEALTH PROGRAM

3 For an additional amount for “Defense Health Pro-
4 gram”, \$993,898,000, which shall be for operation and
5 maintenance: *Provided*, That such amount is designated
6 by the Congress for Overseas Contingency Operations/
7 Global War on Terrorism pursuant to section
8 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
11 DEFENSE

12 For an additional amount for “Drug Interdiction and
13 Counter-Drug Activities, Defense”, \$469,025,000, to re-
14 main available until September 30, 2014: *Provided*, That
15 such amount is designated by the Congress for Overseas
16 Contingency Operations/Global War on Terrorism pursu-
17 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
18 and Emergency Deficit Control Act of 1985.

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

21 For the “Joint Improvised Explosive Device Defeat
22 Fund”, \$1,622,614,000, to remain available until Sep-
23 tember 30, 2015: *Provided*, That such funds shall be avail-
24 able to the Secretary of Defense, notwithstanding any
25 other provision of law, for the purpose of allowing the Di-

1 rector of the Joint Improvised Explosive Device Defeat
2 Organization to investigate, develop and provide equip-
3 ment, supplies, services, training, facilities, personnel and
4 funds to assist United States forces in the defeat of impro-
5 vised explosive devices: *Provided further*, That the Sec-
6 retary of Defense may transfer funds provided herein to
7 appropriations for military personnel; operation and main-
8 tenance; procurement; research, development, test and
9 evaluation; and defense working capital funds to accom-
10 plish the purpose provided herein: *Provided further*, That
11 this transfer authority is in addition to any other transfer
12 authority available to the Department of Defense: *Pro-*
13 *vided further*, That the Secretary of Defense shall, not
14 fewer than 15 days prior to making transfers from this
15 appropriation, notify the congressional defense committees
16 in writing of the details of any such transfer: *Provided*
17 *further*, That such amount is designated by the Congress
18 for Overseas Contingency Operations/Global War on Ter-
19 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
20 anced Budget and Emergency Deficit Control Act of 1985.

21 OFFICE OF THE INSPECTOR GENERAL

22 For an additional amount for the “Office of the In-
23 spector General”, \$10,766,000: *Provided*, That such
24 amount is designated by the Congress for Overseas Con-
25 tingency Operations/Global War on Terrorism pursuant to

1 section 251(b)(2)(A)(ii) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 GENERAL PROVISIONS—THIS TITLE

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

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 9002. Upon the determination of the Secretary
10 of Defense that such action is necessary in the national
11 interest, the Secretary may, with the approval of the Of-
12 fice of Management and Budget, transfer up to
13 \$3,500,000,000 between the appropriations or funds made
14 available to the Department of Defense in this title: *Pro-*
15 *vided*, That the Secretary shall notify the Congress
16 promptly of each transfer made pursuant to the authority
17 in this section: *Provided further*, That the authority pro-
18 vided in this section is in addition to any other transfer
19 authority available to the Department of Defense and is
20 subject to the same terms and conditions as the authority
21 provided in the Department of Defense Appropriations
22 Act, 2013.

23 SEC. 9003. Supervision and administration costs as-
24 sociated with a construction project funded with appro-
25 priations available for operation and maintenance, “Af-

1 ghanistan Infrastructure Fund”, or the “Afghanistan Se-
2 curity Forces Fund” provided in this Act and executed
3 in direct support of overseas contingency operations in Af-
4 ghanistan, may be obligated at the time a construction
5 contract is awarded: *Provided*, That for the purpose of this
6 section, supervision and administration costs include all
7 in-house Government costs.

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

18 SEC. 9005. Not to exceed \$200,000,000 of the
19 amount appropriated in this title under the heading “Op-
20 eration and Maintenance, Army” may be used, notwith-
21 standing any other provision of law, to fund the Com-
22 mander’s Emergency Response Program (CERP), for the
23 purpose of enabling military commanders in Afghanistan
24 to respond to urgent, small-scale, humanitarian relief and
25 reconstruction requirements within their areas of responsi-

1 bility: *Provided*, That each project (including any ancillary
2 or related elements in connection with such project) exe-
3 cuted under this authority shall not exceed \$20,000,000:
4 *Provided further*, That not later than 45 days after the
5 end of each fiscal year quarter, the Secretary of Defense
6 shall submit to the congressional defense committees a re-
7 port regarding the source of funds and the allocation and
8 use of funds during that quarter that were made available
9 pursuant to the authority provided in this section or under
10 any other provision of law for the purposes described here-
11 in: *Provided further*, That, not later than 30 days after
12 the end of each month, the Army shall submit to the con-
13 gressional defense committees monthly commitment, obli-
14 gation, and expenditure data for the Commander's Emer-
15 gency Response Program in Afghanistan: *Provided fur-*
16 *ther*, That not less than 15 days before making funds
17 available pursuant to the authority provided in this section
18 or under any other provision of law for the purposes de-
19 scribed herein for a project with a total anticipated cost
20 for completion of \$5,000,000 or more, the Secretary shall
21 submit to the congressional defense committees a written
22 notice containing each of the following:

23 (1) The location, nature and purpose of the
24 proposed project, including how the project is in-

1 tended to advance the military campaign plan for
2 the country in which it is to be carried out.

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

8 (3) A plan for the sustainment of the proposed
9 project, including the agreement with either the host
10 nation, a non-Department of Defense agency of the
11 United States Government or a third-party contrib-
12 utor to finance the sustainment of the activities and
13 maintenance of any equipment or facilities to be pro-
14 vided through the proposed project.

15 SEC. 9006. Funds available to the Department of De-
16 fense for operation and maintenance may be used, not-
17 withstanding any other provision of law, to provide sup-
18 plies, services, transportation, including airlift and sealift,
19 and other logistical support to coalition forces supporting
20 military and stability operations in Afghanistan: *Provided*,
21 That the Secretary of Defense shall provide quarterly re-
22 ports to the congressional defense committees regarding
23 support provided under this section.

24 SEC. 9007. None of the funds appropriated or other-
25 wise made available by this or any other Act shall be obli-

1 gated or expended by the United States Government for
2 a purpose as follows:

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

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

8 (3) To establish any military installation or
9 base for the purpose of providing for the permanent
10 stationing of United States Armed Forces in Af-
11 ghanistan.

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

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

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

1 eral Regulations, and part 95 of title 22, Code of
2 Federal Regulations.

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

8 SEC. 9009. None of the funds provided for the “Af-
9 ghanistan Security Forces Fund” (ASFF) may be obli-
10 gated prior to the approval of a financial and activity plan
11 by the Afghanistan Resources Oversight Council (AROC)
12 of the Department of Defense: *Provided*, That the AROC
13 must approve the requirement and acquisition plan for any
14 service requirements in excess of \$50,000,000 annually
15 and any non-standard equipment requirements in excess
16 of \$100,000,000 using ASFF: *Provided further*, That the
17 AROC must approve all projects and the execution plan
18 under the “Afghanistan Infrastructure Fund” (AIF) and
19 any project in excess of \$5,000,000 from the Commanders
20 Emergency Response Program (CERP): *Provided further*,
21 That the Department of Defense must certify to the con-
22 gressional defense committees that the AROC has con-
23 vened and approved a process for ensuring compliance
24 with the requirements in the preceding provisos and ac-

1 accompanying report language for the ASFF, AIF, and
2 CERP.

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

13 SEC. 9011. Notwithstanding any other provision of
14 law, up to \$93,000,000 of funds made available in this
15 title under the heading “Operation and Maintenance,
16 Army” may be obligated and expended for purposes of the
17 Task Force for Business and Stability Operations, subject
18 to the direction and control of the Secretary of Defense,
19 with concurrence of the Secretary of State, to carry out
20 strategic business and economic assistance activities in Af-
21 ghanistan in support of Operation Enduring Freedom:
22 *Provided*, That not less than 15 days before making funds
23 available pursuant to the authority provided in this section
24 for any project with a total anticipated cost of \$5,000,000
25 or more, the Secretary shall submit to the congressional

1 defense committees a written notice containing a detailed
2 justification and timeline for each proposed project.

3 SEC. 9012. From funds made available to the De-
4 partment of Defense in this title under the heading “Oper-
5 ation and Maintenance, Air Force” up to \$508,000,000
6 may be used by the Secretary of Defense, notwithstanding
7 any other provision of law, to support United States Gov-
8 ernment transition activities in Iraq by funding the oper-
9 ations and activities of the Office of Security Cooperation
10 in Iraq and security assistance teams, including life sup-
11 port, transportation and personal security, and facilities
12 renovation and construction: *Provided*, That to the extent
13 authorized under the National Defense Authorization Act
14 for Fiscal Year 2013, the operations and activities that
15 may be carried out by the Office of Security Cooperation
16 in Iraq may, with the concurrence of the Secretary of
17 State, include non-operational training activities in sup-
18 port of Iraqi Ministry of Defense and Counter Terrorism
19 Service personnel in an institutional environment to ad-
20 dress capability gaps, integrate processes relating to intel-
21 ligence, air sovereignty, combined arms, logistics and
22 maintenance, and to manage and integrate defense-related
23 institutions: *Provided further*, That not later than 30 days
24 following the enactment of this Act, the Secretary of De-
25 fense and the Secretary of State shall submit to the con-

1 gressional defense committees a plan for transitioning any
2 such training activities that they determine are needed
3 after the end of fiscal year 2013, to existing or new con-
4 tracts for the sale of defense articles or defense services
5 consistent with the provisions of the Arms Export Control
6 Act (22 U.S.C. 2751 et seq.): *Provided further*, That not
7 less than 15 days before making funds available pursuant
8 to the authority provided in this section, the Secretary of
9 Defense shall submit to the congressional defense commit-
10 tees a written notification containing a detailed justifica-
11 tion and timeline for the operations and activities of the
12 Office of Security Cooperation in Iraq at each site where
13 such operations and activities will be conducted during fis-
14 cal year 2013.

15 (RESCISSIONS)

16 SEC. 9013. Of the funds appropriated in Department
17 of Defense Appropriations Acts, the following funds are
18 hereby rescinded from the following accounts and pro-
19 grams in the specified amounts: *Provided*, That such
20 amounts are designated by the Congress for Overseas
21 Contingency Operations/Global War on Terrorism pursu-
22 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
23 and Emergency Deficit Control Act of 1985:

24 “Retroactive Stop Loss Special Pay Program,
25 2009/XXXX”, \$127,200,000;

1 “Afghanistan Security Forces Fund, 2012/
2 2013”, \$1,000,000,000;

3 “Other Procurement, Army, 2012/2014”,
4 \$207,600,000;

5 “Procurement of Ammunition, Navy and Ma-
6 rine Corps, 2012/2014”, \$32,176,000;

7 “Procurement, Marine Corps, 2012/2014”,
8 \$2,776,000;

9 “Mine Resistant Ambush Protected Vehicle
10 Fund, 2012/2013”, \$400,000,000;

11 “Research, Development, Test and Evaluation,
12 Air Force, 2012/2013”, \$50,000,000;

13 “Joint Improvised Explosive Device Defeat
14 Fund, 2012/2014”, \$40,300,000.

15 SEC. 9014. (a) None of the funds appropriated or
16 otherwise made available by this Act under the heading
17 “Operation and Maintenance, Defense-Wide” for pay-
18 ments under section 1233 of Public Law 110–181 for re-
19 imbursement to the Government of Pakistan may be made
20 available unless the Secretary of Defense, in coordination
21 with the Secretary of State, certifies to the Committees
22 on Appropriations that the Government of Pakistan is—

23 (1) cooperating with the United States in
24 counterterrorism efforts against the Haqqani Net-
25 work, the Quetta Shura Taliban, Lashkar e-Tayyiba,

1 Jaish-e-Mohammed, Al Qaeda, and other domestic
2 and foreign terrorist organizations, including taking
3 steps to end support for such groups and prevent
4 them from basing and operating in Pakistan and
5 carrying out cross border attacks into neighboring
6 countries;

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

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

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

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

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

23 (b) The Secretary of Defense, in coordination with
24 the Secretary of State, may waive the restriction in para-
25 graph (a) on a case-by-case basis by certifying in writing

1 to the Committees on Appropriations of the House of Rep-
2 resentatives and the Senate that it is in the national secu-
3 rity interest to do so: *Provided*, That if the Secretary of
4 Defense, in coordination with the Secretary of State, exer-
5 cises the authority of the previous proviso, the Secretaries
6 shall report to the Committees on Appropriations on both
7 the justification for the waiver and on the requirements
8 of this section that the Government of Pakistan was not
9 able to meet: *Provided further*, That such report may be
10 submitted in classified form if necessary.

11 This division may be cited as the “Department of De-
12 fense Appropriations Act, 2013”.

13 DIVISION B—MILITARY CONSTRUCTION AND
14 VETERANS AFFAIRS, AND RELATED AGEN-
15 CIES APPROPRIATIONS ACT, 2013

16 The following sums are hereby appropriated, out of
17 any money in the Treasury not otherwise appropriated,
18 for military construction, the Department of Veterans Af-
19 fairs, and related agencies for the fiscal year ending Sep-
20 tember 30, 2013, and for other purposes, namely:

21 TITLE I

22 DEPARTMENT OF DEFENSE

23 MILITARY CONSTRUCTION, ARMY

24 For acquisition, construction, installation, and equip-
25 ment of temporary or permanent public works, military

1 installations, facilities, and real property for the Army as
2 currently authorized by law, including personnel in the
3 Army Corps of Engineers and other personal services nec-
4 essary for the purposes of this appropriation, and for con-
5 struction and operation of facilities in support of the func-
6 tions of the Commander in Chief, \$1,684,323,000, to re-
7 main available until September 30, 2017: *Provided*, That
8 of this amount, not to exceed \$80,173,000 shall be avail-
9 able for study, planning, design, architect and engineer
10 services, and host nation support, as authorized by law,
11 unless the Secretary of Army determines that additional
12 obligations are necessary for such purposes and notifies
13 the Committees on Appropriations of both Houses of Con-
14 gress of the determination and the reasons therefor.

15 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

16 For acquisition, construction, installation, and equip-
17 ment of temporary or permanent public works, naval in-
18 stallations, facilities, and real property for the Navy and
19 Marine Corps as currently authorized by law, including
20 personnel in the Naval Facilities Engineering Command
21 and other personal services necessary for the purposes of
22 this appropriation, \$1,549,164,000, to remain available
23 until September 30, 2017: *Provided*, That of this amount,
24 not to exceed \$102,619,000 shall be available for study,
25 planning, design, and architect and engineer services, as

1 authorized by law, unless the Secretary of Navy deter-
2 mines that additional obligations are necessary for such
3 purposes and notifies the Committees on Appropriations
4 of both Houses of Congress of the determination and the
5 reasons therefor.

6 MILITARY CONSTRUCTION, AIR FORCE

7 For acquisition, construction, installation, and equip-
8 ment of temporary or permanent public works, military
9 installations, facilities, and real property for the Air Force
10 as currently authorized by law, \$322,543,000, to remain
11 available until September 30, 2017: *Provided*, That of this
12 amount, not to exceed \$18,635,000 shall be available for
13 study, planning, design, and architect and engineer serv-
14 ices, as authorized by law, unless the Secretary of Air
15 Force determines that additional obligations are necessary
16 for such purposes and notifies the Committees on Appro-
17 priations of both Houses of Congress of the determination
18 and the reasons therefor.

19 MILITARY CONSTRUCTION, DEFENSE-WIDE

20 (INCLUDING TRANSFER OF FUNDS)

21 For acquisition, construction, installation, and equip-
22 ment of temporary or permanent public works, installa-
23 tions, facilities, and real property for activities and agen-
24 cies of the Department of Defense (other than the military
25 departments), as currently authorized by law,

1 \$3,582,423,000, to remain available until September 30,
2 2017: *Provided*, That such amounts of this appropriation
3 as may be determined by the Secretary of Defense may
4 be transferred to such appropriations of the Department
5 of Defense available for military construction or family
6 housing as the Secretary may designate, to be merged with
7 and to be available for the same purposes, and for the
8 same time period, as the appropriation or fund to which
9 transferred: *Provided further*, That of the amount appro-
10 priated, not to exceed \$315,562,000 shall be available for
11 study, planning, design, and architect and engineer serv-
12 ices, as authorized by law, unless the Secretary of Defense
13 determines that additional obligations are necessary for
14 such purposes and notifies the Committees on Appropria-
15 tions of both Houses of Congress of the determination and
16 the reasons therefor: *Provided further*, That of the amount
17 appropriated, notwithstanding any other provision of law,
18 \$26,969,000 shall be available for payments to the North
19 Atlantic Treaty Organization for the planning, design, and
20 construction of a new North Atlantic Treaty Organization
21 headquarters.

22 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

23 For construction, acquisition, expansion, rehabilita-
24 tion, and conversion of facilities for the training and ad-
25 ministration of the Army National Guard, and contribu-

1 tions therefor, as authorized by chapter 1803 of title 10,
2 United States Code, and Military Construction Authoriza-
3 tion Acts, \$613,799,000, to remain available until Sep-
4 tember 30, 2017: *Provided*, That of the amount appro-
5 priated, not to exceed \$26,622,000 shall be available for
6 study, planning, design, and architect and engineer serv-
7 ices, as authorized by law, unless the Director of the Army
8 National Guard determines that additional obligations are
9 necessary for such purposes and notifies the Committees
10 on Appropriations of both Houses of Congress of the de-
11 termination and the reasons therefor.

12 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

13 For construction, acquisition, expansion, rehabilita-
14 tion, and conversion of facilities for the training and ad-
15 ministration of the Air National Guard, and contributions
16 therefor, as authorized by chapter 1803 of title 10, United
17 States Code, and Military Construction Authorization
18 Acts, \$42,386,000, to remain available until September
19 30, 2017: *Provided*, That of the amount appropriated, not
20 to exceed \$4,000,000 shall be available for study, plan-
21 ning, design, and architect and engineer services, as au-
22 thorized by law, unless the Director of the Air National
23 Guard determines that additional obligations are nec-
24 essary for such purposes and notifies the Committees on

1 Appropriations of both Houses of Congress of the deter-
2 mination and the reasons therefor.

3 MILITARY CONSTRUCTION, ARMY RESERVE

4 For construction, acquisition, expansion, rehabilita-
5 tion, and conversion of facilities for the training and ad-
6 ministration of the Army Reserve as authorized by chapter
7 1803 of title 10, United States Code, and Military Con-
8 struction Authorization Acts, \$305,846,000, to remain
9 available until September 30, 2017: *Provided*, That of the
10 amount appropriated, not to exceed \$15,951,000 shall be
11 available for study, planning, design, and architect and en-
12 gineer services, as authorized by law, unless the Chief of
13 the Army Reserve determines that additional obligations
14 are necessary for such purposes and notifies the Commit-
15 tees on Appropriations of both Houses of Congress of the
16 determination and the reasons therefor.

17 MILITARY CONSTRUCTION, NAVY RESERVE

18 For construction, acquisition, expansion, rehabilita-
19 tion, and conversion of facilities for the training and ad-
20 ministration of the reserve components of the Navy and
21 Marine Corps as authorized by chapter 1803 of title 10,
22 United States Code, and Military Construction Authoriza-
23 tion Acts, \$49,532,000, to remain available until Sep-
24 tember 30, 2017: *Provided*, That of the amount appro-
25 priated, not to exceed \$2,118,000 shall be available for

1 study, planning, design, and architect and engineer serv-
 2 ices, as authorized by law, unless the Secretary of the
 3 Navy determines that additional obligations are necessary
 4 for such purposes and notifies the Committees on Appro-
 5 priations of both Houses of Congress of the determination
 6 and the reasons therefor.

7 MILITARY CONSTRUCTION, AIR FORCE RESERVE

8 For construction, acquisition, expansion, rehabilita-
 9 tion, and conversion of facilities for the training and ad-
 10 ministration of the Air Force Reserve as authorized by
 11 chapter 1803 of title 10, United States Code, and Military
 12 Construction Authorization Acts, \$10,979,000, to remain
 13 available until September 30, 2017: *Provided*, That of the
 14 amount appropriated, not to exceed \$2,879,000 shall be
 15 available for study, planning, design, and architect and en-
 16 gineer services, as authorized by law, unless the Chief of
 17 the Air Force Reserve determines that additional obliga-
 18 tions are necessary for such purposes and notifies the
 19 Committees on Appropriations of both Houses of Congress
 20 of the determination and the reasons therefor.

21 NORTH ATLANTIC TREATY ORGANIZATION

22 SECURITY INVESTMENT PROGRAM

23 For the United States share of the cost of the North
 24 Atlantic Treaty Organization Security Investment Pro-
 25 gram for the acquisition and construction of military fa-

1 cilities and installations (including international military
2 headquarters) and for related expenses for the collective
3 defense of the North Atlantic Treaty Area as authorized
4 by section 2806 of title 10, United States Code, and Mili-
5 tary Construction Authorization Acts, \$254,163,000, to
6 remain available until expended.

7 FAMILY HOUSING CONSTRUCTION, ARMY

8 For expenses of family housing for the Army for con-
9 struction, including acquisition, replacement, addition, ex-
10 pansion, extension, and alteration, as authorized by law,
11 \$4,641,000, to remain available until September 30, 2017.

12 FAMILY HOUSING OPERATION AND MAINTENANCE,
13 ARMY

14 For expenses of family housing for the Army for op-
15 eration and maintenance, including debt payment, leasing,
16 minor construction, principal and interest charges, and in-
17 surance premiums, as authorized by law, \$530,051,000.

18 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE
19 CORPS

20 For expenses of family housing for the Navy and Ma-
21 rine Corps for construction, including acquisition, replace-
22 ment, addition, expansion, extension, and alteration, as
23 authorized by law, \$102,182,000, to remain available until
24 September 30, 2017.

1 FAMILY HOUSING OPERATION AND MAINTENANCE,
2 NAVY AND MARINE CORPS

3 For expenses of family housing for the Navy and Ma-
4 rine Corps for operation and maintenance, including debt
5 payment, leasing, minor construction, principal and inter-
6 est charges, and insurance premiums, as authorized by
7 law, \$378,230,000.

8 FAMILY HOUSING CONSTRUCTION, AIR FORCE

9 For expenses of family housing for the Air Force for
10 construction, including acquisition, replacement, addition,
11 expansion, extension, and alteration, as authorized by law,
12 \$83,824,000, to remain available until September 30,
13 2017.

14 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
15 FORCE

16 For expenses of family housing for the Air Force for
17 operation and maintenance, including debt payment, leas-
18 ing, minor construction, principal and interest charges,
19 and insurance premiums, as authorized by law,
20 \$497,829,000.

21 FAMILY HOUSING OPERATION AND MAINTENANCE,
22 DEFENSE-WIDE

23 For expenses of family housing for the activities and
24 agencies of the Department of Defense (other than the
25 military departments) for operation and maintenance,

1 leasing, and minor construction, as authorized by law,
2 \$52,238,000.

3 DEPARTMENT OF DEFENSE FAMILY HOUSING
4 IMPROVEMENT FUND

5 For the Department of Defense Family Housing Im-
6 provement Fund, \$1,786,000, to remain available until ex-
7 pended, for family housing initiatives undertaken pursu-
8 ant to section 2883 of title 10, United States Code, pro-
9 viding alternative means of acquiring and improving mili-
10 tary family housing and supporting facilities.

11 CHEMICAL DEMILITARIZATION CONSTRUCTION,
12 DEFENSE-WIDE

13 For expenses of construction, not otherwise provided
14 for, necessary for the destruction of the United States
15 stockpile of lethal chemical agents and munitions in ac-
16 cordance with section 1412 of the Department of Defense
17 Authorization Act, 1986 (50 U.S.C. 1521), and for the
18 destruction of other chemical warfare materials that are
19 not in the chemical weapon stockpile, as currently author-
20 ized by law, \$151,000,000, to remain available until Sep-
21 tember 30, 2017, which shall be only for the Assembled
22 Chemical Weapons Alternatives program.

1 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

2 1990

3 For deposit into the Department of Defense Base
4 Closure Account 1990, established by section 2906(a)(1)
5 of the Defense Base Closure and Realignment Act of 1990
6 (10 U.S.C. 2687 note), \$409,396,000, to remain available
7 until expended.

8 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

9 2005

10 For deposit into the Department of Defense Base
11 Closure Account 2005, established by section 2906A(a)(1)
12 of the Defense Base Closure and Realignment Act of 1990
13 (10 U.S.C. 2687 note), \$126,697,000, to remain available
14 until expended: *Provided*, That the Department of Defense
15 shall notify the Committees on Appropriations of both
16 Houses of Congress 14 days prior to obligating an amount
17 for a construction project that exceeds or reduces the
18 amount identified for that project in the most recently
19 submitted budget request for this account by 20 percent
20 or \$2,000,000, whichever is less: *Provided further*, That
21 the previous proviso shall not apply to projects costing less
22 than \$5,000,000, except for those projects not previously
23 identified in any budget submission for this account and
24 exceeding the minor construction threshold under section
25 2805 of title 10, United States Code.

1 ADMINISTRATIVE PROVISIONS

2 SEC. 101. None of the funds made available in this
3 title shall be expended for payments under a cost-plus-a-
4 fixed-fee contract for construction, where cost estimates
5 exceed \$25,000, to be performed within the United States,
6 except Alaska, without the specific approval in writing of
7 the Secretary of Defense setting forth the reasons there-
8 for.

9 SEC. 102. Funds made available in this title for con-
10 struction shall be available for hire of passenger motor ve-
11 hicles.

12 SEC. 103. Funds made available in this title for con-
13 struction may be used for advances to the Federal High-
14 way Administration, Department of Transportation, for
15 the construction of access roads as authorized by section
16 210 of title 23, United States Code, when projects author-
17 ized therein are certified as important to the national de-
18 fense by the Secretary of Defense.

19 SEC. 104. None of the funds made available in this
20 title may be used to begin construction of new bases in
21 the United States for which specific appropriations have
22 not been made.

23 SEC. 105. None of the funds made available in this
24 title shall be used for purchase of land or land easements
25 in excess of 100 percent of the value as determined by

1 the Army Corps of Engineers or the Naval Facilities Engi-
2 neering Command, except: (1) where there is a determina-
3 tion of value by a Federal court; (2) purchases negotiated
4 by the Attorney General or the designee of the Attorney
5 General; (3) where the estimated value is less than
6 \$25,000; or (4) as otherwise determined by the Secretary
7 of Defense to be in the public interest.

8 SEC. 106. None of the funds made available in this
9 title shall be used to: (1) acquire land; (2) provide for site
10 preparation; or (3) install utilities for any family housing,
11 except housing for which funds have been made available
12 in annual Acts making appropriations for military con-
13 struction.

14 SEC. 107. None of the funds made available in this
15 title for minor construction may be used to transfer or
16 relocate any activity from one base or installation to an-
17 other, without prior notification to the Committees on Ap-
18 propriations of both Houses of Congress.

19 SEC. 108. None of the funds made available in this
20 title may be used for the procurement of steel for any con-
21 struction project or activity for which American steel pro-
22 ducers, fabricators, and manufacturers have been denied
23 the opportunity to compete for such steel procurement.

24 SEC. 109. None of the funds available to the Depart-
25 ment of Defense for military construction or family hous-

1 ing during the current fiscal year may be used to pay real
2 property taxes in any foreign nation.

3 SEC. 110. None of the funds made available in this
4 title may be used to initiate a new installation overseas
5 without prior notification to the Committees on Appro-
6 priations of both Houses of Congress.

7 SEC. 111. None of the funds made available in this
8 title may be obligated for architect and engineer contracts
9 estimated by the Government to exceed \$500,000 for
10 projects to be accomplished in Japan, in any North Atlan-
11 tic Treaty Organization member country, or in countries
12 bordering the Arabian Sea, unless such contracts are
13 awarded to United States firms or United States firms
14 in joint venture with host nation firms.

15 SEC. 112. None of the funds made available in this
16 title for military construction in the United States terri-
17 tories and possessions in the Pacific and on Kwajalein
18 Atoll, or in countries bordering the Arabian Sea, may be
19 used to award any contract estimated by the Government
20 to exceed \$1,000,000 to a foreign contractor: *Provided*,
21 That this section shall not be applicable to contract
22 awards for which the lowest responsive and responsible bid
23 of a United States contractor exceeds the lowest respon-
24 sive and responsible bid of a foreign contractor by greater
25 than 20 percent: *Provided further*, That this section shall

1 not apply to contract awards for military construction on
2 Kwajalein Atoll for which the lowest responsive and re-
3 sponsible bid is submitted by a Marshallese contractor.

4 SEC. 113. The Secretary of Defense shall inform the
5 appropriate committees of both Houses of Congress, in-
6 cluding the Committees on Appropriations, of plans and
7 scope of any proposed military exercise involving United
8 States personnel 30 days prior to its occurring, if amounts
9 expended for construction, either temporary or permanent,
10 are anticipated to exceed \$100,000.

11 SEC. 114. Funds appropriated to the Department of
12 Defense for construction in prior years shall be available
13 for construction authorized for each such military depart-
14 ment by the authorizations enacted into law during the
15 current session of Congress.

16 SEC. 115. Not more than 20 percent of the funds
17 made available in this title which are limited for obligation
18 during the current fiscal year shall be obligated during
19 the last 2 months of the fiscal year.

20 SEC. 116. For military construction or family housing
21 projects that are being completed with funds otherwise ex-
22 pired or lapsed for obligation, expired or lapsed funds may
23 be used to pay the cost of associated supervision, inspec-
24 tion, overhead, engineering and design on those projects
25 and on subsequent claims, if any.

1 SEC. 117. Notwithstanding any other provision of
2 law, any funds made available to a military department
3 or defense agency for the construction of military projects
4 may be obligated for a military construction project or
5 contract, or for any portion of such a project or contract,
6 at any time before the end of the fourth fiscal year after
7 the fiscal year for which funds for such project were made
8 available, if the funds obligated for such project: (1) are
9 obligated from funds available for military construction
10 projects; and (2) do not exceed the amount appropriated
11 for such project, plus any amount by which the cost of
12 such project is increased pursuant to law.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 118. In addition to any other transfer authority
15 available to the Department of Defense, proceeds depos-
16 ited to the Department of Defense Base Closure Account
17 established by section 207(a)(1) of the Defense Authoriza-
18 tion Amendments and Base Closure and Realignment Act
19 (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)
20 of such Act, may be transferred to the account established
21 by section 2906(a)(1) of the Defense Base Closure and
22 Realignment Act of 1990 (10 U.S.C. 2687 note), to be
23 merged with, and to be available for the same purposes
24 and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in “Family Housing” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in “Military Construction” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means

1 of acquiring and improving military family housing, mili-
2 tary unaccompanied housing, and supporting facilities.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 120. In addition to any other transfer authority
5 available to the Department of Defense, amounts may be
6 transferred from the accounts established by sections
7 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure
8 and Realignment Act of 1990 (10 U.S.C. 2687 note), to
9 the fund established by section 1013(d) of the Demonstra-
10 tion Cities and Metropolitan Development Act of 1966 (42
11 U.S.C. 3374) to pay for expenses associated with the
12 Homeowners Assistance Program incurred under 42
13 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be
14 merged with and be available for the same purposes and
15 for the same time period as the fund to which transferred.

16 SEC. 121. Notwithstanding any other provision of
17 law, funds made available in this title for operation and
18 maintenance of family housing shall be the exclusive
19 source of funds for repair and maintenance of all family
20 housing units, including general or flag officer quarters:
21 *Provided*, That not more than \$35,000 per unit may be
22 spent annually for the maintenance and repair of any gen-
23 eral or flag officer quarters without 30 days prior notifica-
24 tion, or 14 days for a notification provided in an electronic
25 medium pursuant to sections 480 and 2883 of title 10,

1 United States Code, to the Committees on Appropriations
2 of both Houses of Congress, except that an after-the-fact
3 notification shall be submitted if the limitation is exceeded
4 solely due to costs associated with environmental remedi-
5 ation that could not be reasonably anticipated at the time
6 of the budget submission: *Provided further*, That the
7 Under Secretary of Defense (Comptroller) is to report an-
8 nually to the Committees on Appropriations of both
9 Houses of Congress all operation and maintenance ex-
10 penditures for each individual general or flag officer quar-
11 ters for the prior fiscal year.

12 SEC. 122. Amounts contained in the Ford Island Im-
13 provement Account established by subsection (h) of sec-
14 tion 2814 of title 10, United States Code, are appro-
15 priated and shall be available until expended for the pur-
16 poses specified in subsection (i)(1) of such section or until
17 transferred pursuant to subsection (i)(3) of such section.

18 SEC. 123. None of the funds made available in this
19 title, or in any Act making appropriations for military con-
20 struction which remain available for obligation, may be ob-
21 ligated or expended to carry out a military construction,
22 land acquisition, or family housing project at or for a mili-
23 tary installation approved for closure, or at a military in-
24 stallation for the purposes of supporting a function that
25 has been approved for realignment to another installation,

1 in 2005 under the Defense Base Closure and Realignment
2 Act of 1990 (part A of title XXIX of Public Law 101–
3 510; 10 U.S.C. 2687 note), unless such a project at a mili-
4 tary installation approved for realignment will support a
5 continuing mission or function at that installation or a
6 new mission or function that is planned for that installa-
7 tion, or unless the Secretary of Defense certifies that the
8 cost to the United States of carrying out such project
9 would be less than the cost to the United States of cancel-
10 ling such project, or if the project is at an active compo-
11 nent base that shall be established as an enclave or in the
12 case of projects having multi-agency use, that another
13 Government agency has indicated it will assume ownership
14 of the completed project. The Secretary of Defense may
15 not transfer funds made available as a result of this limi-
16 tation from any military construction project, land acquisi-
17 tion, or family housing project to another account or use
18 such funds for another purpose or project without the
19 prior approval of the Committees on Appropriations of
20 both Houses of Congress. This section shall not apply to
21 military construction projects, land acquisition, or family
22 housing projects for which the project is vital to the na-
23 tional security or the protection of health, safety, or envi-
24 ronmental quality: *Provided*, That the Secretary of De-
25 fense shall notify the congressional defense committees

1 within seven days of a decision to carry out such a military
2 construction project.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 124. During the 5-year period after appropria-
5 tions available in this Act to the Department of Defense
6 for military construction and family housing operation and
7 maintenance and construction have expired for obligation,
8 upon a determination that such appropriations will not be
9 necessary for the liquidation of obligations or for making
10 authorized adjustments to such appropriations for obliga-
11 tions incurred during the period of availability of such ap-
12 propriations, unobligated balances of such appropriations
13 may be transferred into the appropriation “Foreign Cur-
14 rency Fluctuations, Construction, Defense”, to be merged
15 with and to be available for the same time period and for
16 the same purposes as the appropriation to which trans-
17 ferred.

18 SEC. 125. None of the funds made available by this
19 Act may be used by the Secretary of Defense to take bene-
20 ficial occupancy of more than 2,500 parking spaces (other
21 than handicap-reserved spaces) to be provided by the
22 BRAC 133 project: *Provided*, That this limitation may be
23 waived in part if: (1) the Secretary of Defense certifies
24 to Congress that levels of service at existing intersections
25 in the vicinity of the project have not experienced failing

1 levels of service as defined by the Transportation Research
2 Board Highway Capacity Manual over a consecutive 90-
3 day period; (2) the Department of Defense and the Vir-
4 ginia Department of Transportation agree on the number
5 of additional parking spaces that may be made available
6 to employees of the facility subject to continued 90-day
7 traffic monitoring; and (3) the Secretary of Defense noti-
8 fies the congressional defense committees in writing at
9 least 14 days prior to exercising this waiver of the number
10 of additional parking spaces to be made available.

11 SEC. 126. None of the funds made available by this
12 Act may be used for any action that relates to or promotes
13 the expansion of the boundaries or size of the Pinon Can-
14 yon Maneuver Site, Colorado.

15 SEC. 127. Amounts appropriated or otherwise made
16 available in an account funded under the headings in this
17 title may be transferred among projects and activities
18 within the account in accordance with the reprogramming
19 guidelines for military construction and family housing
20 construction contained in Department of Defense Finan-
21 cial Management Regulation 7000.14–R, Volume 3, Chap-
22 ter 7, of February 2009, as in effect on the date of enact-
23 ment of this Act.

24 SEC. 128. (a) Except as provided in subsection (b),
25 none of the funds made available in this Act may be used

1 by the Secretary of the Army to relocate a unit in the
2 Army that—

3 (1) performs a testing mission or function that
4 is not performed by any other unit in the Army and
5 is specifically stipulated in title 10, United States
6 Code; and

7 (2) is located at a military installation at which
8 the total number of civilian employees of the Depart-
9 ment of the Army and Army contractor personnel
10 employed exceeds 10 percent of the total number of
11 members of the regular and reserve components of
12 the Army assigned to the installation.

13 (b) EXCEPTION.—Subsection (a) shall not apply if
14 the Secretary of the Army certifies to the congressional
15 defense committees that in proposing the relocation of the
16 unit of the Army, the Secretary complied with Army Regu-
17 lation 5–10 relating to the policy, procedures, and respon-
18 sibilities for Army stationing actions.

19 SEC. 129. Notwithstanding any other provision of
20 law, none of the funds made available to the Department
21 of Defense for military construction in this or any other
22 Act, may be obligated or expended for planning and design
23 and construction of projects at Arlington National Ceme-
24 tery.

(INCLUDING RESCISSION OF FUNDS)

SEC. 130. Of the unobligated balances available for “Military Construction, Defense-Wide”, from prior appropriations Acts, \$20,000,000 are hereby cancelled: *Provided*, That no amounts may be cancelled from amounts that were designated by Congress as an emergency requirement or for Overseas Contingency Operations/Global War on Terrorism pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(INCLUDING RESCISSION OF FUNDS)

SEC. 131. Of the unobligated balances available for “Department of Defense Base Closure Account 2005”, from prior appropriations Acts, \$132,513,000 are hereby cancelled: *Provided*, That no amounts may be cancelled from amounts that were designated by Congress as an emergency requirement or for Overseas Contingency Operations/Global War on Terrorism pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(INCLUDING TRANSFER OF FUNDS)

SEC. 132. Of the proceeds credited to the Department of Defense Family Housing Improvement Fund pursuant to subsection (c)(1)(C) of section 2883 of title 10, United States Code, from a Department of Navy land con-

1 veyance, the Secretary of Defense shall transfer
2 \$10,500,000 to the Secretary of the Navy under para-
3 graph (3) of subsection (d) of such section for use by the
4 Secretary of the Navy as provided in paragraph (1) of
5 such subsection until expended.

6 TITLE II
7 DEPARTMENT OF VETERANS AFFAIRS
8 VETERANS BENEFITS ADMINISTRATION
9 COMPENSATION AND PENSIONS
10 (INCLUDING TRANSFER OF FUNDS)

11 For the payment of compensation benefits to or on
12 behalf of veterans and a pilot program for disability ex-
13 aminations as authorized by section 107 and chapters 11,
14 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
15 pension benefits to or on behalf of veterans as authorized
16 by chapters 15, 51, 53, 55, and 61 of title 38, United
17 States Code; and burial benefits, the Reinstated Entitle-
18 ment Program for Survivors, emergency and other offi-
19 cers' retirement pay, adjusted-service credits and certifi-
20 cates, payment of premiums due on commercial life insur-
21 ance policies guaranteed under the provisions of title IV
22 of the Servicemembers Civil Relief Act (50 U.S.C. App.
23 541 et seq.) and for other benefits as authorized by sec-
24 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
25 53, 55, and 61 of title 38, United States Code,

1 \$60,599,855,000, to remain available until expended: *Pro-*
2 *vided*, That not to exceed \$9,204,000 of the amount ap-
3 propriated under this heading shall be reimbursed to
4 “General operating expenses, Veterans Benefits Adminis-
5 tration”, “Medical support and compliance”, and “Infor-
6 mation technology systems” for necessary expenses in im-
7 plementing the provisions of chapters 51, 53, and 55 of
8 title 38, United States Code, the funding source for which
9 is specifically provided as the “Compensation and pen-
10 sions” appropriation: *Provided further*, That such sums as
11 may be earned on an actual qualifying patient basis, shall
12 be reimbursed to “Medical care collections fund” to aug-
13 ment the funding of individual medical facilities for nurs-
14 ing home care provided to pensioners as authorized.

15 READJUSTMENT BENEFITS

16 For the payment of readjustment and rehabilitation
17 benefits to or on behalf of veterans as authorized by chap-
18 ters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and
19 61 of title 38, United States Code, and for the payment
20 of benefits under the Veterans Retraining Assistance Pro-
21 gram, \$12,023,458,000, to remain available until ex-
22 pended: *Provided*, That expenses for rehabilitation pro-
23 gram services and assistance which the Secretary is au-
24 thorized to provide under subsection (a) of section 3104
25 of title 38, United States Code, other than under para-

1 graphs (1), (2), (5), and (11) of that subsection, shall be
2 charged to this account.

3 VETERANS INSURANCE AND INDEMNITIES

4 For military and naval insurance, national service life
5 insurance, servicemen's indemnities, service-disabled vet-
6 erans insurance, and veterans mortgage life insurance as
7 authorized by chapters 19 and 21, title 38, United States
8 Code, \$104,600,000, to remain available until expended.

9 VETERANS HOUSING BENEFIT PROGRAM FUND

10 For the cost of direct and guaranteed loans, such
11 sums as may be necessary to carry out the program, as
12 authorized by subchapters I through III of chapter 37 of
13 title 38, United States Code: *Provided*, That such costs,
14 including the cost of modifying such loans, shall be as de-
15 fined in section 502 of the Congressional Budget Act of
16 1974: *Provided further*, That during fiscal year 2013,
17 within the resources available, not to exceed \$500,000 in
18 gross obligations for direct loans are authorized for spe-
19 cially adapted housing loans.

20 In addition, for administrative expenses to carry out
21 the direct and guaranteed loan programs, \$157,814,000.

22 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

23 For the cost of direct loans, \$19,000, as authorized
24 by chapter 31 of title 38, United States Code: *Provided*,
25 That such costs, including the cost of modifying such

1 loans, shall be as defined in section 502 of the Congres-
2 sional Budget Act of 1974: *Provided further*, That funds
3 made available under this heading are available to sub-
4 sidize gross obligations for the principal amount of direct
5 loans not to exceed \$2,729,000.

6 In addition, for administrative expenses necessary to
7 carry out the direct loan program, \$346,000, which may
8 be paid to the appropriation for “General operating ex-
9 penses, Veterans Benefits Administration”.

10 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM
11 ACCOUNT

12 For administrative expenses to carry out the direct
13 loan program authorized by subchapter V of chapter 37
14 of title 38, United States Code, \$1,089,000.

15 VETERANS HEALTH ADMINISTRATION
16 MEDICAL SERVICES

17 For necessary expenses for furnishing, as authorized
18 by law, inpatient and outpatient care and treatment to
19 beneficiaries of the Department of Veterans Affairs and
20 veterans described in section 1705(a) of title 38, United
21 States Code, including care and treatment in facilities not
22 under the jurisdiction of the Department, and including
23 medical supplies and equipment, bioengineering services,
24 food services, and salaries and expenses of healthcare em-
25 ployees hired under title 38, United States Code, aid to

1 State homes as authorized by section 1741 of title 38,
2 United States Code, assistance and support services for
3 caregivers as authorized by section 1720G of title 38,
4 United States Code, loan repayments authorized by sec-
5 tion 604 of the Caregivers and Veterans Omnibus Health
6 Services Act of 2010 (Public Law 111–163; 124 Stat.
7 1174; 38 U.S.C. 7681 note), and hospital care and med-
8 ical services authorized by section 1787 of title 38, United
9 States Code; \$155,000,000, which shall be in addition to
10 funds previously appropriated under this heading that be-
11 come available on October 1, 2012; and in addition,
12 \$43,557,000,000, plus reimbursements, shall become
13 available on October 1, 2013, and shall remain available
14 until September 30, 2014: *Provided*, That notwithstanding
15 any other provision of law, the Secretary of Veterans Af-
16 fairs shall establish a priority for the provision of medical
17 treatment for veterans who have service-connected disabil-
18 ities, lower income, or have special needs: *Provided further*,
19 That notwithstanding any other provision of law, the Sec-
20 retary of Veterans Affairs shall give priority funding for
21 the provision of basic medical benefits to veterans in en-
22 rollment priority groups 1 through 6: *Provided further*,
23 That notwithstanding any other provision of law, the Sec-
24 retary of Veterans Affairs may authorize the dispensing
25 of prescription drugs from Veterans Health Administra-

1 tion facilities to enrolled veterans with privately written
2 prescriptions based on requirements established by the
3 Secretary: *Provided further*, That the implementation of
4 the program described in the previous proviso shall incur
5 no additional cost to the Department of Veterans Affairs.

6 MEDICAL SUPPORT AND COMPLIANCE

7 For necessary expenses in the administration of the
8 medical, hospital, nursing home, domiciliary, construction,
9 supply, and research activities, as authorized by law; ad-
10 ministrative expenses in support of capital policy activi-
11 ties; and administrative and legal expenses of the Depart-
12 ment for collecting and recovering amounts owed the De-
13 partment as authorized under chapter 17 of title 38,
14 United States Code, and the Federal Medical Care Recov-
15 ery Act (42 U.S.C. 2651 et seq.); \$6,033,000,000, plus
16 reimbursements, shall become available on October 1,
17 2013, and shall remain available until September 30,
18 2014.

19 MEDICAL FACILITIES

20 For necessary expenses for the maintenance and op-
21 eration of hospitals, nursing homes, domiciliary facilities,
22 and other necessary facilities of the Veterans Health Ad-
23 ministration; for administrative expenses in support of
24 planning, design, project management, real property ac-
25 quisition and disposition, construction, and renovation of

1 any facility under the jurisdiction or for the use of the
2 Department; for oversight, engineering, and architectural
3 activities not charged to project costs; for repairing, alter-
4 ing, improving, or providing facilities in the several hos-
5 pitals and homes under the jurisdiction of the Depart-
6 ment, not otherwise provided for, either by contract or by
7 the hire of temporary employees and purchase of mate-
8 rials; for leases of facilities; and for laundry services,
9 \$4,872,000,000, plus reimbursements, shall become avail-
10 able on October 1, 2013, and shall remain available until
11 September 30, 2014.

12 MEDICAL AND PROSTHETIC RESEARCH

13 For necessary expenses in carrying out programs of
14 medical and prosthetic research and development as au-
15 thorized by chapter 73 of title 38, United States Code,
16 \$582,674,000, plus reimbursements, shall remain avail-
17 able until September 30, 2014.

18 NATIONAL CEMETERY ADMINISTRATION

19 For necessary expenses of the National Cemetery Ad-
20 ministration for operations and maintenance, not other-
21 wise provided for, including uniforms or allowances there-
22 for; cemeterial expenses as authorized by law; purchase
23 of one passenger motor vehicle for use in cemeterial oper-
24 ations; hire of passenger motor vehicles; and repair, alter-
25 ation or improvement of facilities under the jurisdiction

1 of the National Cemetery Administration, \$258,284,000,
2 of which not to exceed \$25,828,000 shall remain available
3 until September 30, 2014: *Provided*, That none of the
4 funds under this heading may be used to expand the
5 Urban Initiative project beyond those sites outlined in the
6 fiscal year 2012 or previous budget submissions or any
7 other rural strategy, other than the Rural Initiative in-
8 cluded in the fiscal year 2013 budget submission, until
9 the Secretary of Veterans Affairs submits to the Commit-
10 tees on Appropriations of both Houses of Congress a strat-
11 egy to serve the burial needs of veterans residing in rural
12 and highly rural areas and that strategy has been ap-
13 proved by the Committees: *Provided further*, That the
14 strategy shall include: (1) A review of previous policies of
15 the National Cemetery Administration regarding estab-
16 lishment of new national cemeteries, including whether the
17 guidelines of the Administration for establishing national
18 cemetery annexes remain valid; (2) Data identifying the
19 number of and geographic areas where rural veterans are
20 not currently served by national or existing State ceme-
21 teries and identification of areas with the largest unserved
22 populations, broken down by veterans residing in urban
23 versus rural and highly rural; (3) Identification of the
24 number of veterans who reside within the 75-mile radius
25 of a cemetery that is limited to cremations or of a State

1 cemetery which has residency restrictions, as well as an
2 examination of how many communities that fall under a
3 75-mile radius have an actual driving distance greater
4 than 75 miles; (4) Reassessment of the gaps in service,
5 factoring in the above conditions that limit rural and high-
6 ly rural veteran burial options; (5) An assessment of the
7 adequacy of the policy of the Administration on estab-
8 lishing new cemeteries proposed in the fiscal year 2013
9 budget request; (6) Recommendations for an appropriate
10 policy on new national cemeteries to serve rural or highly
11 rural areas; (7) Development of a national map showing
12 the locations and number of all unserved veterans; and
13 (8) A time line for the implementation of such strategy
14 and cost estimates for using the strategy to establish new
15 burial sites in at least five rural or highly rural locations:
16 *Provided further*, That the Comptroller General of the
17 United States shall review the strategy to ensure that it
18 includes the elements listed above: *Provided further*, That
19 this strategy shall be submitted no later than 180 days
20 after the date of enactment of this Act: *Provided further*,
21 That the Secretary of Veterans Affairs shall issue guide-
22 lines on committal services held at cemeteries under the
23 jurisdiction of the National Cemetery Administration to
24 ensure that: (1) veterans' families may arrange to hold
25 committal services with any religious or secular content

1 they desire; (2) the choice by a family of an honor guard
2 and the content and presentation of military honors may
3 not be interfered with; and (3) attendance at committal
4 services by outside organizations dedicated to the support
5 of veterans will not be constrained except at the request
6 of family members: *Provided further*, That the Department
7 shall not edit, control, or exercise prior restraints on the
8 content of religious speech and expression by speakers at
9 events at veterans national cemeteries except as provided
10 in section 2413 of title 38, United States Code: *Provided*
11 *further*, That actions permitted by the foregoing provisos
12 shall be subject to compliance with Department security,
13 safety, and law enforcement regulations.

14 DEPARTMENTAL ADMINISTRATION

15 GENERAL ADMINISTRATION

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary operating expenses of the Department
18 of Veterans Affairs, not otherwise provided for, including
19 administrative expenses in support of Department-Wide
20 capital planning, management and policy activities, uni-
21 forms, or allowances therefor; not to exceed \$25,000 for
22 official reception and representation expenses; hire of pas-
23 senger motor vehicles; and reimbursement of the General
24 Services Administration for security guard services,
25 \$424,737,000, of which not to exceed \$20,837,000 shall

1 remain available until September 30, 2014: *Provided*,
2 That the Board of Veterans Appeals shall be funded at
3 not less than \$86,006,000: *Provided further*, That of the
4 funds made available under this heading, such sums as
5 may be necessary shall be available to the Secretary of
6 Veterans Affairs to comply with the Department's energy
7 management requirements under section 543(f)(7) of the
8 National Energy Conservation Policy Act (42 U.S.C.
9 8253(f)(7)): *Provided further*, That funds provided under
10 this heading may be transferred to "General operating ex-
11 penses, Veterans Benefits Administration".

12 GENERAL OPERATING EXPENSES, VETERANS BENEFITS
13 ADMINISTRATION

14 For necessary operating expenses of the Veterans
15 Benefits Administration, not otherwise provided for, in-
16 cluding hire of passenger motor vehicles, reimbursement
17 of the General Services Administration for security guard
18 services, and reimbursement of the Department of De-
19 fense for the cost of overseas employee mail,
20 \$2,164,074,000: *Provided*, That expenses for services and
21 assistance authorized under paragraphs (1), (2), (5), and
22 (11) of section 3104(a) of title 38, United States Code,
23 that the Secretary of Veterans Affairs determines are nec-
24 essary to enable entitled veterans: (1) to the maximum ex-
25 tent feasible, to become employable and to obtain and

1 maintain suitable employment; or (2) to achieve maximum
2 independence in daily living, shall be charged to this ac-
3 count: *Provided further*, That of the funds made available
4 under this heading, not to exceed \$113,000,000 shall re-
5 main available until September 30, 2014.

6 INFORMATION TECHNOLOGY SYSTEMS

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses for information technology
9 systems and telecommunications support, including devel-
10 opmental information systems and operational information
11 systems; for pay and associated costs; and for the capital
12 asset acquisition of information technology systems, in-
13 cluding management and related contractual costs of said
14 acquisitions, including contractual costs associated with
15 operations authorized by section 3109 of title 5, United
16 States Code, \$3,327,444,000, plus reimbursements: *Pro-*
17 *vided*, That \$1,021,000,000 shall be for pay and associ-
18 ated costs, of which not to exceed \$30,630,000 shall re-
19 main available until September 30, 2014: *Provided further*,
20 That \$1,812,045,000 shall be for operations and mainte-
21 nance, of which not to exceed \$126,000,000 shall remain
22 available until September 30, 2014: *Provided further*, That
23 \$494,399,000 shall be for information technology systems
24 development, modernization, and enhancement, and shall
25 remain available until September 30, 2014: *Provided fur-*

1 *ther*, That amounts made available for information tech-
2 nology systems development, modernization, and enhance-
3 ment may not be obligated or expended until the Secretary
4 of Veterans Affairs or the Chief Information Officer of
5 the Department of Veterans Affairs submits to the Com-
6 mittees on Appropriations of both Houses of Congress a
7 certification of the amounts, in parts or in full, to be obli-
8 gated and expended for each development project: *Pro-*
9 *vided further*, That amounts made available for salaries
10 and expenses, operations and maintenance, and informa-
11 tion technology systems development, modernization, and
12 enhancement may be transferred among the three sub-ac-
13 counts after the Secretary of Veterans Affairs requests
14 from the Committees on Appropriations of both Houses
15 of Congress the authority to make the transfer and an
16 approval is issued: *Provided further*, That amounts made
17 available for the “Information technology systems” ac-
18 count for development, modernization, and enhancement
19 may be transferred between projects or to newly defined
20 projects: *Provided further*, That no project may be in-
21 creased or decreased by more than \$1,000,000 of cost
22 prior to submitting a request to the Committees on Appro-
23 priations of both Houses of Congress to make the transfer
24 and an approval is issued, or absent a response, a period
25 of 30 days has elapsed: *Provided further*, That of the funds

1 provided for information technology systems development,
2 modernization, and enhancement for the development of
3 a joint Department of Defense—Department of Veterans
4 Affairs (DOD–VA) integrated electronic health record
5 (iEHR), not more than 25 percent may be obligated until
6 the DOD–VA Interagency Program Office submits to the
7 Committees on Appropriations of both Houses of Con-
8 gress, and such Committees approve, a plan for expendi-
9 ture that: (1) defines the budget and cost baseline for de-
10 velopment of the integrated Electronic Health Record; (2)
11 identifies the deployment timeline for the system for both
12 Agencies; (3) breaks out annual and total spending for
13 each Department; (4) relays detailed cost-sharing business
14 rules; (5) establishes data standardization schedules be-
15 tween the Departments; (6) has been submitted to the
16 Government Accountability Office for review; and (7) com-
17 plies with the acquisition rules, requirements, guidelines,
18 and systems acquisition management practices of the Fed-
19 eral Government: *Provided further*, That the funds made
20 available under this heading for information technology
21 systems development, modernization, and enhancement,
22 shall be for the projects, and in the amounts, specified
23 under this heading in the explanatory statement described
24 in section 4 (in the matter preceding division A of this
25 consolidated Act).

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General, to include information technology, in carrying out
4 the provisions of the Inspector General Act of 1978 (5
5 U.S.C. App.), \$115,000,000, of which \$6,000,000 shall re-
6 main available until September 30, 2014.

7 CONSTRUCTION, MAJOR PROJECTS

8 For constructing, altering, extending, and improving
9 any of the facilities, including parking projects, under the
10 jurisdiction or for the use of the Department of Veterans
11 Affairs, or for any of the purposes set forth in sections
12 316, 2404, 2406, and chapter 81 of title 38, United States
13 Code, not otherwise provided for, including planning, ar-
14 chitectural and engineering services, construction manage-
15 ment services, maintenance or guarantee period services
16 costs associated with equipment guarantees provided
17 under the project, services of claims analysts, offsite utility
18 and storm drainage system construction costs, and site ac-
19 quisition, where the estimated cost of a project is more
20 than the amount set forth in section 8104(a)(3)(A) of title
21 38, United States Code, or where funds for a project were
22 made available in a previous major project appropriation,
23 \$532,470,000, of which \$502,470,000 shall remain avail-
24 able until September 30, 2017, and of which \$30,000,000
25 shall remain available until expended: *Provided*, That

1 \$5,000,000 shall be to make reimbursements as provided
2 in section 7108 of title 41, United States Code, for claims
3 paid for contract disputes: *Provided further*, That except
4 for advance planning activities, including needs assess-
5 ments which may or may not lead to capital investments,
6 and other capital asset management related activities, in-
7 cluding portfolio development and management activities,
8 and investment strategy studies funded through the ad-
9 vance planning fund and the planning and design activities
10 funded through the design fund, including needs assess-
11 ments which may or may not lead to capital investments,
12 and salaries and associated costs of the resident engineers
13 who oversee those capital investments funded through this
14 account, and funds provided for the purchase of land for
15 the National Cemetery Administration through the land
16 acquisition line item, none of the funds made available
17 under this heading shall be used for any project which has
18 not been approved by the Congress in the budgetary proc-
19 ess: *Provided further*, That funds made available under
20 this heading for fiscal year 2013, for each approved
21 project shall be obligated: (1) by the awarding of a con-
22 struction documents contract by September 30, 2013; and
23 (2) by the awarding of a construction contract by Sep-
24 tember 30, 2014: *Provided further*, That the Secretary of
25 Veterans Affairs shall promptly submit to the Committees

1 on Appropriations of both Houses of Congress a written
2 report on any approved major construction project for
3 which obligations are not incurred within the time limita-
4 tions established above.

5 CONSTRUCTION, MINOR PROJECTS

6 For constructing, altering, extending, and improving
7 any of the facilities, including parking projects, under the
8 jurisdiction or for the use of the Department of Veterans
9 Affairs, including planning and assessments of needs
10 which may lead to capital investments, architectural and
11 engineering services, maintenance or guarantee period
12 services costs associated with equipment guarantees pro-
13 vided under the project, services of claims analysts, offsite
14 utility and storm drainage system construction costs, and
15 site acquisition, or for any of the purposes set forth in
16 sections 316, 2404, 2406, and chapter 81 of title 38,
17 United States Code, not otherwise provided for, where the
18 estimated cost of a project is equal to or less than the
19 amount set forth in section 8104(a)(3)(A) of title 38,
20 United States Code, \$607,530,000, to remain available
21 until September 30, 2017, along with unobligated balances
22 of previous “Construction, minor projects” appropriations
23 which are hereby made available for any project where the
24 estimated cost is equal to or less than the amount set forth
25 in such section: *Provided*, That funds made available

1 under this heading shall be for: (1) repairs to any of the
2 nonmedical facilities under the jurisdiction or for the use
3 of the Department which are necessary because of loss or
4 damage caused by any natural disaster or catastrophe;
5 and (2) temporary measures necessary to prevent or to
6 minimize further loss by such causes.

7 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
8 FACILITIES

9 For grants to assist States to acquire or construct
10 State nursing home and domiciliary facilities and to re-
11 model, modify, or alter existing hospital, nursing home,
12 and domiciliary facilities in State homes, for furnishing
13 care to veterans as authorized by sections 8131 through
14 8137 of title 38, United States Code, \$85,000,000, to re-
15 main available until expended.

16 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

17 For grants to assist States and tribal governments
18 in establishing, expanding, or improving veterans ceme-
19 teries as authorized by section 2408 of title 38, United
20 States Code, \$46,000,000, to remain available until ex-
21 pended.

22 ADMINISTRATIVE PROVISIONS

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 201. Any appropriation for fiscal year 2013 for
25 “Compensation and pensions”, “Readjustment benefits”,

1 and “Veterans insurance and indemnities” may be trans-
2 ferred as necessary to any other of the mentioned appro-
3 priations: *Provided*, That before a transfer may take place,
4 the Secretary of Veterans Affairs shall request from the
5 Committees on Appropriations of both Houses of Congress
6 the authority to make the transfer and such Committees
7 issue an approval, or absent a response, a period of 30
8 days has elapsed.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 202. Amounts made available for the Depart-
11 ment of Veterans Affairs for fiscal year 2013, in this Act
12 or any other Act, under the “Medical services”, “Medical
13 support and compliance”, and “Medical facilities” ac-
14 counts may be transferred among the accounts: *Provided*,
15 That any transfers between the “Medical services” and
16 “Medical support and compliance” accounts of 1 percent
17 or less of the total amount appropriated to the account
18 in this or any other Act may take place subject to notifica-
19 tion from the Secretary of Veterans Affairs to the Com-
20 mittees on Appropriations of both Houses of Congress of
21 the amount and purpose of the transfer: *Provided further*,
22 That any transfers between the “Medical services” and
23 “Medical support and compliance” accounts in excess of
24 1 percent, or exceeding the cumulative 1 percent for the
25 fiscal year, may take place only after the Secretary re-

1 quests from the Committees on Appropriations of both
2 Houses of Congress the authority to make the transfer
3 and an approval is issued: *Provided further*, That any
4 transfers to or from the “Medical facilities” account may
5 take place only after the Secretary requests from the Com-
6 mittees on Appropriations of both Houses of Congress the
7 authority to make the transfer and an approval is issued.

8 SEC. 203. Appropriations available in this title for
9 salaries and expenses shall be available for services au-
10 thorized by section 3109 of title 5, United States Code;
11 hire of passenger motor vehicles; lease of a facility or land
12 or both; and uniforms or allowances therefore, as author-
13 ized by sections 5901 through 5902 of title 5, United
14 States Code.

15 SEC. 204. No appropriations in this title (except the
16 appropriations for “Construction, major projects”, and
17 “Construction, minor projects”) shall be available for the
18 purchase of any site for or toward the construction of any
19 new hospital or home.

20 SEC. 205. No appropriations in this title shall be
21 available for hospitalization or examination of any persons
22 (except beneficiaries entitled to such hospitalization or ex-
23 amination under the laws providing such benefits to vet-
24 erans, and persons receiving such treatment under sec-
25 tions 7901 through 7904 of title 5, United States Code,

1 or the Robert T. Stafford Disaster Relief and Emergency
2 Assistance Act (42 U.S.C. 5121 et seq.)), unless reim-
3 bursement of the cost of such hospitalization or examina-
4 tion is made to the “Medical services” account at such
5 rates as may be fixed by the Secretary of Veterans Affairs.

6 SEC. 206. Appropriations available in this title for
7 “Compensation and pensions”, “Readjustment benefits”,
8 and “Veterans insurance and indemnities” shall be avail-
9 able for payment of prior year accrued obligations re-
10 quired to be recorded by law against the corresponding
11 prior year accounts within the last quarter of fiscal year
12 2012.

13 SEC. 207. Appropriations available in this title shall
14 be available to pay prior year obligations of corresponding
15 prior year appropriations accounts resulting from sections
16 3328(a), 3334, and 3712(a) of title 31, United States
17 Code, except that if such obligations are from trust fund
18 accounts they shall be payable only from “Compensation
19 and pensions”.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 208. Notwithstanding any other provision of
22 law, during fiscal year 2013, the Secretary of Veterans
23 Affairs shall, from the National Service Life Insurance
24 Fund under section 1920 of title 38, United States Code,
25 the Veterans’ Special Life Insurance Fund under section

1 1923 of title 38, United States Code, and the United
2 States Government Life Insurance Fund under section
3 1955 of title 38, United States Code, reimburse the “Gen-
4 eral operating expenses, Veterans Benefits Administra-
5 tion” and “Information technology systems” accounts for
6 the cost of administration of the insurance programs fi-
7 nanced through those accounts: *Provided*, That reimburse-
8 ment shall be made only from the surplus earnings accu-
9 mulated in such an insurance program during fiscal year
10 2013 that are available for dividends in that program after
11 claims have been paid and actuarially determined reserves
12 have been set aside: *Provided further*, That if the cost of
13 administration of such an insurance program exceeds the
14 amount of surplus earnings accumulated in that program,
15 reimbursement shall be made only to the extent of such
16 surplus earnings: *Provided further*, That the Secretary
17 shall determine the cost of administration for fiscal year
18 2013 which is properly allocable to the provision of each
19 such insurance program and to the provision of any total
20 disability income insurance included in that insurance pro-
21 gram.

22 SEC. 209. Amounts deducted from enhanced-use
23 lease proceeds to reimburse an account for expenses in-
24 curred by that account during a prior fiscal year for pro-

1 viding enhanced-use lease services, may be obligated dur-
2 ing the fiscal year in which the proceeds are received.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 210. Funds available in this title or funds for
5 salaries and other administrative expenses shall also be
6 available to reimburse the Office of Resolution Manage-
7 ment of the Department of Veterans Affairs and the Of-
8 fice of Employment Discrimination Complaint Adjudica-
9 tion under section 319 of title 38, United States Code,
10 for all services provided at rates which will recover actual
11 costs but not to exceed \$42,904,000 for the Office of Reso-
12 lution Management and \$3,360,000 for the Office of Em-
13 ployment and Discrimination Complaint Adjudication:
14 *Provided*, That payments may be made in advance for
15 services to be furnished based on estimated costs: *Provided*
16 *further*, That amounts received shall be credited to the
17 “General administration” and “Information technology
18 systems” accounts for use by the office that provided the
19 service.

20 SEC. 211. No appropriations in this title shall be
21 available to enter into any new lease of real property if
22 the estimated annual rental cost is more than \$1,000,000,
23 unless the Secretary submits a report which the Commit-
24 tees on Appropriations of both Houses of Congress ap-

1 prove within 30 days following the date on which the re-
2 port is received.

3 SEC. 212. No funds of the Department of Veterans
4 Affairs shall be available for hospital care, nursing home
5 care, or medical services provided to any person under
6 chapter 17 of title 38, United States Code, for a non-serv-
7 ice-connected disability described in section 1729(a)(2) of
8 such title, unless that person has disclosed to the Sec-
9 retary of Veterans Affairs, in such form as the Secretary
10 may require, current, accurate third-party reimbursement
11 information for purposes of section 1729 of such title: *Pro-*
12 *vided*, That the Secretary may recover, in the same man-
13 ner as any other debt due the United States, the reason-
14 able charges for such care or services from any person who
15 does not make such disclosure as required: *Provided fur-*
16 *ther*, That any amounts so recovered for care or services
17 provided in a prior fiscal year may be obligated by the
18 Secretary during the fiscal year in which amounts are re-
19 ceived.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 213. Notwithstanding any other provision of
22 law, proceeds or revenues derived from enhanced-use leas-
23 ing activities (including disposal) may be deposited into
24 the “Construction, major projects” and “Construction,
25 minor projects” accounts and be used for construction (in-

cluding site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in “Construction, major projects” and “Construction, minor projects”.

SEC. 214. Amounts made available under “Medical services” are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to “Medical services”, to remain available until expended for the purposes of that account.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under

1 the Indian Self Determination and Educational Assistance
2 Act, to provide healthcare, including behavioral health and
3 dental care. The Secretary shall require participating vet-
4 erans and facilities to comply with all appropriate rules
5 and regulations, as established by the Secretary. The term
6 “rural Alaska” shall mean those lands sited within the ex-
7 ternal boundaries of the Alaska Native regions specified
8 in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native
9 Claims Settlement Act, as amended (43 U.S.C. 1606), and
10 those lands within the Alaska Native regions specified in
11 sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims
12 Settlement Act, as amended (43 U.S.C. 1606), which are
13 not within the boundaries of the municipality of Anchor-
14 age, the Fairbanks North Star Borough, the Kenai Penin-
15 sula Borough or the Matanuska Susitna Borough.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 217. Such sums as may be deposited to the De-
18 partment of Veterans Affairs Capital Asset Fund pursu-
19 ant to section 8118 of title 38, United States Code, may
20 be transferred to the “Construction, major projects” and
21 “Construction, minor projects” accounts, to remain avail-
22 able until expended for the purposes of these accounts.

23 SEC. 218. None of the funds made available in this
24 title may be used to implement any policy prohibiting the
25 Directors of the Veterans Integrated Services Networks

1 from conducting outreach or marketing to enroll new vet-
2 erans within their respective Networks.

3 SEC. 219. The Secretary of Veterans Affairs shall
4 submit to the Committees on Appropriations of both
5 Houses of Congress a quarterly report on the financial
6 status of the Veterans Health Administration.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 220. Amounts made available under the “Med-
9 ical services”, “Medical support and compliance”, “Med-
10 ical facilities”, “General operating expenses, Veterans
11 Benefits Administration”, “General administration”, and
12 “National Cemetery Administration” accounts for fiscal
13 year 2013, may be transferred to or from the “Informa-
14 tion technology systems” account: *Provided*, That before
15 a transfer may take place, the Secretary of Veterans Af-
16 fairs shall request from the Committees on Appropriations
17 of both Houses of Congress the authority to make the
18 transfer and an approval is issued.

19 SEC. 221. None of the funds appropriated or other-
20 wise made available by this Act or any other Act for the
21 Department of Veterans Affairs may be used in a manner
22 that is inconsistent with: (1) section 842 of the Transpor-
23 tation, Treasury, Housing and Urban Development, the
24 Judiciary, the District of Columbia, and Independent
25 Agencies Appropriations Act, 2006 (Public Law 109–115;

1 119 Stat. 2506); or (2) section 8110(a)(5) of title 38,
2 United States Code.

3 SEC. 222. Of the amounts made available to the De-
4 partment of Veterans Affairs for fiscal year 2013, in this
5 Act or any other Act, under the “Medical facilities” ac-
6 count for nonrecurring maintenance, not more than 20
7 percent of the funds made available shall be obligated dur-
8 ing the last 2 months of that fiscal year: *Provided*, That
9 the Secretary may waive this requirement after providing
10 written notice to the Committees on Appropriations of
11 both Houses of Congress.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 223. Of the amounts appropriated to the De-
14 partment of Veterans Affairs for fiscal year 2013 for
15 “Medical services”, “Medical support and compliance”,
16 “Medical facilities”, “Construction, minor projects”, and
17 “Information technology systems”, up to \$247,356,000,
18 plus reimbursements, may be transferred to the Joint De-
19 partment of Defense-Department of Veterans Affairs
20 Medical Facility Demonstration Fund, established by sec-
21 tion 1704 of the National Defense Authorization Act for
22 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571)
23 and may be used for operation of the facilities designated
24 as combined Federal medical facilities as described by sec-
25 tion 706 of the Duncan Hunter National Defense Author-

1 ization Act for Fiscal Year 2009 (Public Law 110–417;
2 122 Stat. 4500): *Provided*, That additional funds may be
3 transferred from accounts designated in this section to the
4 Joint Department of Defense-Department of Veterans Af-
5 fairs Medical Facility Demonstration Fund upon written
6 notification by the Secretary of Veterans Affairs to the
7 Committees on Appropriations of both Houses of Con-
8 gress.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 224. Such sums as may be deposited to the
11 Medical Care Collections Fund pursuant to section 1729A
12 of title 38, United States Code, for healthcare provided
13 at facilities designated as combined Federal medical facili-
14 ties as described by section 706 of the Duncan Hunter
15 National Defense Authorization Act for Fiscal Year 2009
16 (Public Law 110–417; 122 Stat. 4500) shall also be avail-
17 able: (1) for transfer to the Joint Department of Defense-
18 Department of Veterans Affairs Medical Facility Dem-
19 onstration Fund, established by section 1704 of the Na-
20 tional Defense Authorization Act for Fiscal Year 2010
21 (Public Law 111–84; 123 Stat. 3571); and (2) for oper-
22 ations of the facilities designated as combined Federal
23 medical facilities as described by section 706 of the Dun-
24 can Hunter National Defense Authorization Act for Fiscal
25 Year 2009 (Public Law 110–417; 122 Stat. 4500).

(INCLUDING TRANSFER OF FUNDS)

SEC. 225. Of the amounts available in this title for “Medical services”, “Medical support and compliance”, and “Medical facilities”, a minimum of \$15,000,000, shall be transferred to the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 226. (a) Of the funds appropriated in title II of division H of Public Law 112–74, the following amounts which became available on October 1, 2012, are hereby rescinded from the following accounts in the amounts specified:

(1) “Department of Veterans Affairs, Medical services”, \$1,500,000,000.

(2) “Department of Veterans Affairs, Medical support and compliance”, \$200,000,000.

(3) “Department of Veterans Affairs, Medical facilities”, \$250,000,000.

(b) In addition to amounts provided elsewhere in this Act, an additional amount is appropriated to the following accounts in the amounts specified to remain available until September 30, 2014:

1 (1) “Department of Veterans Affairs, Medical serv-
2 ices”, \$1,500,000,000.

3 (2) “Department of Veterans Affairs, Medical sup-
4 port and compliance”, \$200,000,000.

5 (3) “Department of Veterans Affairs, Medical facili-
6 ties”, \$250,000,000.

7 SEC. 227. The Secretary of the Department of Vet-
8 erans Affairs shall notify the Committees on Appropria-
9 tions of both Houses of Congress of all bid savings in
10 major construction projects that total at least \$5,000,000,
11 or 5 percent of the programmed amount of the project,
12 whichever is less: *Provided*, That such notification shall
13 occur within 14 days of a contract identifying the pro-
14 grammed amount: *Provided further*, That the Secretary
15 shall notify the Committees on Appropriations of both
16 Houses of Congress 14 days prior to the obligation of such
17 bid savings and shall describe the anticipated use of such
18 savings.

19 SEC. 228. The scope of work for a project included
20 in “Construction, major projects” may not be increased
21 above the scope specified for that project in the original
22 justification data provided to the Congress as part of the
23 request for appropriations.

24 SEC. 229. The Secretary of the Department of Vet-
25 erans Affairs shall provide on a quarterly basis to the

1 Committees on Appropriations of both Houses of Congress
2 notification of any single national outreach and awareness
3 marketing campaign in which obligations exceed
4 \$2,000,000.

5 SEC. 230. The Secretary shall submit to the Commit-
6 tees on Appropriations of both Houses of Congress a re-
7 programming request if at any point during fiscal year
8 2013, the funding allocated for a medical care initiative
9 identified in the fiscal year 2013 expenditure plan is ad-
10 justed by more than \$25,000,000 from the allocation
11 shown in the corresponding congressional budget justifica-
12 tion. Such a reprogramming request may go forward only
13 if the Committees on Appropriations of both Houses of
14 Congress approve the request or if a period of 14 days
15 has elapsed.

16 SEC. 231. None of the funds made available in this
17 Act may be used to enter into a contract using procedures
18 that do not give to small business concerns owned and con-
19 trolled by veterans (as that term is defined in section
20 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3))
21 that are included in the database under section 8127(f)
22 of title 38, United States Code, any preference available
23 with respect to such contract, except for a preference given
24 to small business concerns owned and controlled by serv-

1 ice-disabled veterans (as defined in section 3(q)(2) of the
2 Small Business Act (15 U.S.C. 632(q)(2)).

3 SEC. 232. Funds made available under the heading
4 “Medical services” in title II of division H of Public Law
5 112–74 may be used to carry out section 1787 of title
6 38, United States Code.

7 TITLE III

8 RELATED AGENCIES

9 AMERICAN BATTLE MONUMENTS COMMISSION

10 SALARIES AND EXPENSES

11 For necessary expenses, not otherwise provided for,
12 of the American Battle Monuments Commission, including
13 the acquisition of land or interest in land in foreign coun-
14 tries; purchases and repair of uniforms for caretakers of
15 national cemeteries and monuments outside of the United
16 States and its territories and possessions; rent of office
17 and garage space in foreign countries; purchase (one-for-
18 one replacement basis only) and hire of passenger motor
19 vehicles; not to exceed \$7,500 for official reception and
20 representation expenses; and insurance of official motor
21 vehicles in foreign countries, when required by law of such
22 countries, \$62,929,000, to remain available until ex-
23 pended.

1 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

2 For necessary expenses, not otherwise provided for,
3 of the American Battle Monuments Commission, such
4 sums as may be necessary, to remain available until ex-
5 pended, for purposes authorized by section 2109 of title
6 36, United States Code.

7 UNITED STATES COURT OF APPEALS FOR VETERANS

8 CLAIMS

9 SALARIES AND EXPENSES

10 For necessary expenses for the operation of the
11 United States Court of Appeals for Veterans Claims as
12 authorized by sections 7251 through 7298 of title 38,
13 United States Code, \$32,481,000: *Provided*, That
14 \$2,726,000 shall be available for the purpose of providing
15 financial assistance as described, and in accordance with
16 the process and reporting procedures set forth, under this
17 heading in Public Law 102–229.

18 DEPARTMENT OF DEFENSE—CIVIL

19 CEMETERIAL EXPENSES, ARMY

20 SALARIES AND EXPENSES

21 For necessary expenses for maintenance, operation,
22 and improvement of Arlington National Cemetery and Sol-
23 diers' and Airmen's Home National Cemetery, including
24 the purchase or lease of passenger motor vehicles for re-
25 placement on a one-for-one basis only, and not to exceed

1 \$1,000 for official reception and representation expenses,
2 \$65,800,000, of which not to exceed \$27,000,000 shall re-
3 main available until September 30, 2015. In addition,
4 such sums as may be necessary for parking maintenance,
5 repairs and replacement, to be derived from the “Lease
6 of Department of Defense Real Property for Defense
7 Agencies” account.

8 CONSTRUCTION

9 For necessary expenses for planning and design and
10 construction at Arlington National Cemetery and Soldiers’
11 and Airmen’s Home National Cemetery, \$103,000,000, to
12 remain available until September 30, 2017, of which,
13 \$84,000,000 shall be for planning and design and con-
14 struction associated with the Millennium Project at Ar-
15 lington National Cemetery; and \$19,000,000 shall be for
16 study, planning, design, and architect and engineer serv-
17 ices for future expansion of burial space at Arlington Na-
18 tional Cemetery.

19 ARMED FORCES RETIREMENT HOME

20 TRUST FUND

21 For expenses necessary for the Armed Forces Retire-
22 ment Home to operate and maintain the Armed Forces
23 Retirement Home—Washington, District of Columbia,
24 and the Armed Forces Retirement Home—Gulfport, Mis-
25 sissippi, to be paid from funds available in the Armed

1 Forces Retirement Home Trust Fund, \$67,590,000, of
2 which \$2,000,000 shall remain available until expended
3 for construction and renovation of the physical plants at
4 the Armed Forces Retirement Home—Washington, Dis-
5 trict of Columbia, and the Armed Forces Retirement
6 Home—Gulfport, Mississippi.

7 ADMINISTRATIVE PROVISION

8 SEC. 301. Funds appropriated in this Act under the
9 heading, “Department of Defense—Civil, Cemeterial Ex-
10 penses, Army”, may be provided to Arlington County, Vir-
11 ginia, for the relocation of the federally owned water main
12 at Arlington National Cemetery, making additional land
13 available for ground burials.

14 TITLE IV

15 OVERSEAS CONTINGENCY OPERATIONS

16 DEPARTMENT OF DEFENSE

17 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

18 For an additional amount for “Military Construction,
19 Navy and Marine Corps”, \$150,768,000, to remain avail-
20 able until September 30, 2013: *Provided*, That such
21 amount is designated by the Congress for Overseas Con-
22 tingency Operations/Global War on Terrorism pursuant to
23 section 251(b)(2)(A)(ii) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION

(INCLUDING RESCISSION OF FUNDS)

SEC. 401. Of the unobligated balances in section 2005 in title X, of Public Law 112–10 and division H in title IV of Public Law 112–74, \$150,768,000 are hereby rescinded: *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.

TITLE V

GENERAL PROVISIONS

SEC. 501. 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. 502. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 503. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative

1 relationships, for publicity or propaganda purposes, and
2 for the preparation, distribution, or use of any kit, pam-
3 phlet, booklet, publication, radio, television, or film presen-
4 tation designed to support or defeat legislation pending
5 before Congress, except in presentation to Congress itself.

6 SEC. 504. All departments and agencies funded under
7 this Act are encouraged, within the limits of the existing
8 statutory authorities and funding, to expand their use of
9 “E-Commerce” technologies and procedures in the con-
10 duct of their business practices and public service activi-
11 ties.

12 SEC. 505. Unless stated otherwise, all reports and no-
13 tifications required by this Act shall be submitted to the
14 Subcommittee on Military Construction and Veterans Af-
15 fairs, and Related Agencies of the Committee on Appro-
16 priations of the House of Representatives and the Sub-
17 committee on Military Construction and Veterans Affairs,
18 and Related Agencies of the Committee on Appropriations
19 of the Senate.

20 SEC. 506. None of the funds made available in this
21 Act may be transferred to any department, agency, or in-
22 strumentality of the United States Government except
23 pursuant to a transfer made by, or transfer authority pro-
24 vided in, this or any other appropriations Act.

1 SEC. 507. None of the funds made available in this
2 Act may be used for a project or program named for an
3 individual serving as a Member, Delegate, or Resident
4 Commissioner of the United States House of Representa-
5 tives.

6 SEC. 508. (a) Any agency receiving funds made avail-
7 able in this Act, shall, subject to subsections (b) and (c),
8 post on the public website of that agency any report re-
9 quired to be submitted by the Congress in this or any
10 other Act, upon the determination by the head of the agen-
11 cy that it shall serve the national interest.

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

13 (1) the public posting of the report com-
14 promises national security; or

15 (2) the report contains confidential or propri-
16 etary information.

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

21 SEC. 509. (a) None of the funds made available in
22 this Act may be used to maintain or establish a computer
23 network unless such network blocks the viewing,
24 downloading, and exchanging of pornography.

1 (b) Nothing in subsection (a) shall limit the use of
2 funds necessary for any Federal, State, tribal, or local law
3 enforcement agency or any other entity carrying out crimi-
4 nal investigations, prosecution, or adjudication activities.

5 SEC. 510. None of the funds made available in this
6 Act may be distributed to the Association of Community
7 Organizations for Reform Now (ACORN) or its subsidi-
8 aries or successors.

9 SEC. 511. (a) IN GENERAL.—None of the funds ap-
10 propriated or otherwise made available to the Department
11 of Defense in this Act may be used to construct, renovate,
12 or expand any facility in the United States, its territories,
13 or possessions to house any individual detained at United
14 States Naval Station, Guantanamo Bay, Cuba, for the
15 purposes of detention or imprisonment in the custody or
16 under the control of the Department of Defense.

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

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

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

1 (2) is—

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

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

6 SEC. 512. None of the funds appropriated or other-
7 wise made available in this Act may be used by an agency
8 of the executive branch to pay for first-class travel by an
9 employee of the agency in contravention of sections 301–
10 10.122 through 301–10.124 of title 41, Code of Federal
11 Regulations.

12 SEC. 513. None of the funds provided in this Act may
13 be used to execute a contract for goods or services, includ-
14 ing construction services, where the contractor has not
15 complied with Executive Order No. 12989.

16 SEC. 514. None of the funds made available by this
17 Act may be used to enter into a contract, memorandum
18 of understanding, or cooperative agreement with, make a
19 grant to, or provide a loan or loan guarantee to, any cor-
20 poration that was convicted of a felony criminal violation
21 under any Federal law within the preceding 24 months,
22 where the awarding agency is aware of the conviction, un-
23 less the agency has considered suspension or debarment
24 of the corporation and made a determination that this fur-

1 ther action is not necessary to protect the interests of the
2 Government.

3 SEC. 515. None of the funds made available by this
4 Act may be used to enter into a contract, memorandum
5 of understanding, or cooperative agreement with, make a
6 grant to, or provide a loan or loan guarantee to, any cor-
7 poration that has any unpaid Federal tax liability that has
8 been assessed, for which all judicial and administrative
9 remedies have been exhausted or have lapsed, and that
10 is not being paid in a timely manner pursuant to an agree-
11 ment with the authority responsible for collecting the tax
12 liability, where the awarding agency is aware of the unpaid
13 tax liability, unless the agency has considered suspension
14 or debarment of the corporation and made a determination
15 that this further action is not necessary to protect the in-
16 terests of the Government.

17 SEC. 516. Such sums as may be necessary for fiscal
18 year 2013 for pay raises for programs funded by this Act
19 shall be absorbed within the levels appropriated in this
20 Act.

21 SEC. 517. None of the funds made available in this
22 Act may be used to send or otherwise pay for the attend-
23 ance of more than 50 employees from a Federal depart-
24 ment or agency that are stationed within the United
25 States at any single conference occurring outside a state

1 of the United States, except for employees of the Depart-
2 ment of Veterans Affairs stationed in the Philippines, un-
3 less the relevant Secretary reports to the Committees on
4 Appropriations of both Houses of Congress at least 5 days
5 in advance that such attendance is important to the na-
6 tional interest.

7 This division may be cited as the “Military Construc-
8 tion and Veterans Affairs, and Related Agencies Appro-
9 priations Act, 2013”.

10 DIVISION C—FULL-YEAR CONTINUING
11 APPROPRIATIONS ACT, 2013

12 The following sums are hereby appropriated, out of
13 any money in the Treasury not otherwise appropriated,
14 and out of applicable corporate or other revenues, receipts,
15 and funds, for the several departments, agencies, corpora-
16 tions, and other organizational units of Government for
17 fiscal year 2013, and for other purposes, namely:

18 TITLE I—GENERAL PROVISIONS

19 SEC. 1101. (a) Such amounts as may be necessary,
20 at the level specified in subsection (c) and under the au-
21 thority and conditions provided in applicable appropria-
22 tions Acts for fiscal year 2012, for projects or activities
23 (including the costs of direct loans and loan guarantees)
24 that are not otherwise specifically provided for, and for

1 which appropriations, funds, or other authority were made
2 available in the following appropriations Acts:

3 (1) The Agriculture, Rural Development, Food
4 and Drug Administration, and Related Agencies Ap-
5 propriations Act, 2012 (division A of Public Law
6 112–55), except for the appropriations designated by
7 the Congress as being for disaster relief in section
8 735 of such Act.

9 (2) The Commerce, Justice, Science, and Re-
10 lated Agencies Appropriations Act, 2012 (division B
11 of Public Law 112–55), except for the appropriation
12 designated by the Congress as being for disaster re-
13 lief in the second paragraph under the heading “De-
14 partment of Commerce, Economic Development Ad-
15 ministration, Economic Development Assistance Pro-
16 grams” in such Act.

17 (3) The Energy and Water Development and
18 Related Agencies Appropriations Act, 2012 (division
19 B of Public Law 112–74).

20 (4) The Financial Services and General Govern-
21 ment Appropriations Act, 2012 (division C of Public
22 Law 112–74).

23 (5) The Department of Homeland Security Ap-
24 propriations Act, 2012 (division D of Public Law
25 112–74).

1 (6) The Department of the Interior, Environ-
2 ment, and Related Agencies Appropriations Act,
3 2012 (division E of Public Law 112–74).

4 (7) The Departments of Labor, Health and
5 Human Services, and Education, and Related Agen-
6 cies Appropriations Act, 2012 (division F of Public
7 Law 112–74).

8 (8) The Legislative Branch Appropriations Act,
9 2012 (division G of Public Law 112–74).

10 (9) The Department of State, Foreign Oper-
11 ations, and Related Programs Appropriations Act,
12 2012 (division I of Public Law 112–74).

13 (10) The Transportation, Housing and Urban
14 Development, and Related Agencies Appropriations
15 Act, 2012 (division C of Public Law 112–55), except
16 for the appropriations designated by the Congress as
17 being for disaster relief under the heading “Depart-
18 ment of Transportation, Federal Highway Adminis-
19 tration, Emergency Relief” and in the last proviso of
20 section 239 of such Act.

21 (11) The Disaster Relief Appropriations Act,
22 2012 (Public Law 112–77), except for appropria-
23 tions under the heading “Corps of Engineers—
24 Civil”.

1 (b) For purposes of this division, the term “level”
2 means an amount.

3 (c) The level referred to in subsection (a) shall be
4 the amounts appropriated in the appropriations Acts re-
5 ferred to in such subsection, including transfers and obli-
6 gation limitations, except that such level shall be cal-
7 culated without regard to any rescission or cancellation
8 of funds or contract authority, other than—

9 (1) the 0.16 percent across-the-board rescission
10 in section 436 of division E of Public Law 112–74
11 (relating to the Department of the Interior, Environ-
12 ment, and Related Agencies); and

13 (2) the 0.189 percent across-the-board rescis-
14 sion in section 527 of division F of Public Law 112–
15 74, (relating to the Departments of Labor, Health
16 and Human Services, and Education, and Related
17 Agencies).

18 SEC. 1102. Appropriations made by section 1101
19 shall be available to the extent and in the manner that
20 would be provided by the pertinent appropriations Act.

21 SEC. 1103. Appropriations provided by this division
22 that, in the applicable appropriations Act for fiscal year
23 2012, carried a multiple-year or no-year period of avail-
24 ability shall retain a comparable period of availability.

1 SEC. 1104. No appropriation or funds made available
2 or authority granted pursuant to section 1101 shall be
3 used to initiate or resume any project or activity for which
4 appropriations, funds, or other authority were not avail-
5 able during fiscal year 2012.

6 SEC. 1105. Except as otherwise expressly provided in
7 this division, the requirements, authorities, conditions,
8 limitations, and other provisions of the appropriations
9 Acts referred to in section 1101 shall continue in effect
10 through the date specified in section 1106.

11 SEC. 1106. Unless otherwise provided for in this divi-
12 sion or in the applicable appropriations Act, appropria-
13 tions and funds made available and authority granted pur-
14 suant to this division shall be available through September
15 30, 2013.

16 SEC. 1107. Expenditures made pursuant to the Con-
17 tinuing Appropriations Resolution, 2013 (Public Law
18 112–175) shall be charged to the applicable appropriation,
19 fund, or authorization provided by this division.

20 SEC. 1108. Funds appropriated by this division may
21 be obligated and expended notwithstanding section 10 of
22 Public Law 91–672 (22 U.S.C. 2412), section 15 of the
23 State Department Basic Authorities Act of 1956 (22
24 U.S.C. 2680), and section 313 of the Foreign Relations

1 Authorization Act, Fiscal Years 1994 and 1995 (22
2 U.S.C. 6212).

3 SEC. 1109. (a) For entitlements and other mandatory
4 payments whose budget authority was provided in appro-
5 priations Acts for fiscal year 2012, and for activities under
6 the Food and Nutrition Act of 2008, the levels established
7 by section 1101 shall be the amounts necessary to main-
8 tain program levels under current law and under the au-
9 thority and conditions provided in the applicable appro-
10 priations Acts for fiscal year 2012.

11 (b) In addition to the amounts otherwise provided by
12 section 1101, the following amounts shall be available for
13 the following accounts for advance payments for the first
14 quarter of fiscal year 2014:

15 (1) “Department of Labor, Office of Workers’
16 Compensation Programs, Special Benefits for Dis-
17 abled Coal Miners”, for benefit payments under title
18 IV of the Federal Mine Safety and Health Act of
19 1977, \$40,000,000, to remain available until ex-
20 pended.

21 (2) “Department of Health and Human Serv-
22 ices, Centers for Medicare and Medicaid Services,
23 Grants to States for Medicaid”, for payments to
24 States or in the case of section 1928 on behalf of
25 States under title XIX of the Social Security Act,

1 \$106,335,631,000, to remain available until ex-
2 pended.

3 (3) “Department of Health and Human Serv-
4 ices, Administration for Children and Families, Pay-
5 ments to States for Child Support Enforcement and
6 Family Support Programs”, for payments to States
7 or other non-Federal entities under titles I, IV-D, X,
8 XI, XIV, and XVI of the Social Security Act and the
9 Act of July 5, 1960 (24 U.S.C. ch. 9),
10 \$1,100,000,000, to remain available until expended.

11 (4) “Department of Health and Human Serv-
12 ices, Administration for Children and Families, Pay-
13 ments for Foster Care and Permanency”, for pay-
14 ments to States or other non-Federal entities under
15 title IV-E of the Social Security Act,
16 \$2,200,000,000.

17 (5) “Social Security Administration, Supple-
18 mental Security Income Program”, for benefit pay-
19 ments under title XVI of the Social Security Act,
20 \$19,300,000,000, to remain available until ex-
21 pended.

22 SEC. 1110. (a) Each amount made available in this
23 division by reference to an appropriation that was pre-
24 viously designated by the Congress for Overseas Contin-
25 gency Operations/Global War on Terrorism pursuant to

1 section 251(b)(2)(A) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985 or as being for disaster
3 relief pursuant to section 251(b)(2)(D) of such Act is des-
4 ignated by the Congress for Overseas Contingency Oper-
5 ations/Global War on Terrorism pursuant to section
6 251(b)(2)(A) of such Act or as being for disaster relief
7 pursuant to section 251(b)(2)(D) of such Act, respectively.

8 (b) Of the amount made available by section 1101
9 for “Social Security Administration, Limitation on Admin-
10 istrative Expenses”, \$483,484,000 is additional new budg-
11 et authority specified for purposes of subsection
12 251(b)(2)(B) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 SEC. 1111. With respect to any discretionary account
15 for which advance appropriations were provided for fiscal
16 year 2013 or 2014 in an appropriations Act for fiscal year
17 2012, in addition to amounts otherwise made available by
18 this division, advance appropriations are provided in the
19 same amount for fiscal year 2014 or 2015, respectively,
20 with a comparable period of availability.

21 SEC. 1112. (a) Section 147 of the Continuing Appro-
22 priations Act, 2011 (Public Law 111–242), as added by
23 section 1(a)(2) of the Continuing Appropriations and Sur-
24 face Transportation Extensions Act, 2011 (Public Law
25 111–322; 5 U.S.C. 5303 note), is amended—

1 (1) in subsection (b)(1), by striking the matter
2 after “ending on” and before “shall be made” and
3 inserting “December 31, 2013,”; and

4 (2) in subsection (c), by striking the matter
5 after “ending on” and before “no senior executive”
6 and inserting “December 31, 2013,”.

7 (b) Section 114 of the Continuing Appropriations
8 Resolution, 2013 (Public Law 112–175; 5 U.S.C. 5303
9 note) is repealed.

10 SEC. 1113. (a) Not later than 30 days after the date
11 of the enactment of this division, each department and
12 agency in subsection (c) shall submit to the Committees
13 on Appropriations of the House of Representatives and the
14 Senate a spending, expenditure, or operating plan for fis-
15 cal year 2013—

16 (1) at the program, project, or activity level (or,
17 for foreign assistance programs funded in titles III,
18 IV and VIII of the Department of State, Foreign
19 Operations, and Related Programs Appropriations
20 Act, at the country, regional, and central program
21 level, and for any international organization); or

22 (2) as applicable, at any greater level of detail
23 required for funds covered by such a plan in an ap-
24 propriations Act referred to in section 1101, in the
25 joint explanatory statement accompanying such Act,

1 or in committee report language incorporated by ref-
2 erence in such joint explanatory statement.

3 (b) If a sequestration is ordered by the President
4 under section 251A of the Balanced Budget and Emer-
5 gency Deficit Control Act of 1985, the spending, expendi-
6 ture, or operating plan required by this section shall re-
7 flect such sequestration.

8 (c) The departments and agencies to which this sec-
9 tion applies are as follows:

10 (1) The Department of Agriculture.

11 (2) The Department of Commerce.

12 (3) The Department of Education.

13 (4) The Department of Energy.

14 (5) The Department of Health and Human
15 Services.

16 (6) The Department of Homeland Security.

17 (7) The Department of Housing and Urban De-
18 velopment.

19 (8) The Department of the Interior.

20 (9) The Department of Justice.

21 (10) The Department of Labor.

22 (11) The Department of State and United
23 States Agency for International Development.

24 (12) The Department of Transportation.

25 (13) The Department of the Treasury.

1 (14) The National Aeronautics and Space Ad-
2 ministration.

3 (15) The National Science Foundation.

4 (16) The Judiciary.

5 (17) With respect to amounts made available
6 under the heading “Executive Office of the Presi-
7 dent and Funds Appropriated to the President”,
8 agencies funded under such heading.

9 (18) The Federal Communications Commission.

10 (19) The General Services Administration.

11 (20) The Office of Personnel Management.

12 (21) The National Archives and Records Ad-
13 ministration.

14 (22) The Securities and Exchange Commission.

15 (23) The Small Business Administration.

16 (24) The Environmental Protection Agency.

17 (25) The Indian Health Service.

18 (26) The Smithsonian Institution.

19 (27) The Social Security Administration.

20 (28) The Corporation for National and Commu-
21 nity Service.

22 (29) The Corporation for Public Broadcasting.

23 (30) The Food and Drug Administration.

24 (31) The Commodity Futures Trading Commis-
25 sion.

1 SEC. 1114. Not later than May 1, 2013, and each
2 month thereafter through November 1, 2013, the Director
3 of the Office of Management and Budget shall submit to
4 the Committees on Appropriations of the House of Rep-
5 resentatives and the Senate a report on all obligations in-
6 curred in fiscal year 2013, by each department and agen-
7 cy, using funds made available by this division. Such re-
8 port shall—

9 (1) set forth obligations by account; and

10 (2) compare the obligations incurred in the pe-
11 riod covered by the report to the obligations incurred
12 in the same period in fiscal year 2012.

13 TITLE II—AGRICULTURE, RURAL DEVELOP-
14 MENT, FOOD AND DRUG ADMINISTRATION,
15 AND RELATED AGENCIES

16 SEC. 1201. Notwithstanding section 1101, the level
17 for “Domestic Food Programs, Food and Nutrition Serv-
18 ice, Commodity Assistance Program”, shall be
19 \$253,952,000, of which \$186,935,000 shall be for the
20 Commodity Supplemental Food Program.

21 SEC. 1202. Notwithstanding section 1101, the
22 amounts included under the heading “Agricultural Pro-
23 grams, Farm Service Agency, Agricultural Credit Insur-
24 ance Fund Program Account” in division A of Public Law
25 112–55 shall be applied to funds appropriated by this divi-

1 sion as follows: by substituting “\$2,000,000,000” for
2 “\$1,500,000,000” the first place it appears; by sub-
3 stituting “\$1,258,887,000” for “\$1,050,090,000”; and by
4 substituting “\$70,120,000” for “\$59,120,000”.

5 SEC. 1203. Notwithstanding section 1101, the Sec-
6 retary of Agriculture may transfer funds among the loan
7 and loan guarantee programs within the Rural Develop-
8 ment mission area to maintain the 2012 program levels,
9 to the extent possible, for such programs and activities
10 during fiscal year 2013.

11 SEC. 1204. Notwithstanding section 1101, amounts
12 otherwise provided by section 1101 for “Department of
13 Health and Human Services, Food and Drug Administra-
14 tion, Salaries and Expenses” for medical device user fees
15 shall be increased by the amounts by which the authorized
16 levels of such fees for fiscal year 2013 exceed the author-
17 ized levels of such fees for fiscal year 2012: *Provided*, That
18 amounts collected for fees specified in this section for fis-
19 cal year 2013 that exceed applicable fiscal year 2013 limi-
20 tations for such fees are appropriated and shall be credited
21 to such account and remain available until expended.

22 SEC. 1205. Notwithstanding section 1101, fees au-
23 thorized for fiscal year 2013 pursuant to section 744B of
24 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
25 379j-42) shall be credited to “Department of Health and

1 Human Services, Food and Drug Administration, Salaries
2 and Expenses” and remain available until expended.

3 SEC. 1206. Sections 744 and 748 of division A of
4 Public Law 112–55 shall not apply to funds appropriated
5 by this division.

6 SEC. 1207. Of the funds made available for “Rural
7 Development Programs, Rural Business—Cooperative
8 Service, Rural Economic Development Loans Program Ac-
9 count”, of the funds derived from interest on the cushion
10 of credit payments, as authorized by section 313 of the
11 Rural Electrification Act of 1936 (7 U.S.C. 940c),
12 \$180,000,000 shall not be obligated and \$180,000,000 is
13 rescinded.

14 SEC. 1208. (a) Notwithstanding section 1101, the
15 first and second provisos of section 726(15) of division A
16 of Public Law 112–55 shall be applied to funds appro-
17 priated by this division as if “, in this fiscal year,” ap-
18 peared before “section 19(i)(1)(E)” the first place it ap-
19 pears, by substituting “\$39,000,000” for “\$20,000,000”,
20 and by substituting “\$117,000,000” for “\$133,000,000”.

21 (b) Of the unobligated balances available under sec-
22 tion 14222(b)(2)(A)(v) of Public Law 110–246 (7 U.S.C.
23 612c–6(b)(2)(A)(v)), \$150,000,000 is rescinded.

24 SEC. 1209. In addition to amounts provided else-
25 where in this division, \$48,256,765 is appropriated for ac-

1 tivities under section 403 of the Agricultural Credit Act
2 of 1978 (Emergency Watershed Protection Program; 16
3 U.S.C. 2203) for necessary expenses resulting from a
4 major disaster declared pursuant to the Robert T. Staf-
5 ford Disaster Relief and Emergency Assistance Act (42
6 U.S.C. 5121 et seq.): *Provided*, That the Secretary of Ag-
7 riculture shall transfer these funds to the Natural Re-
8 sources Conservation Service.

9 SEC. 1210. Section 1109(a) of this division shall not
10 be construed to change the requirement that
11 \$3,000,000,000, to remain available until September 30,
12 2014, be placed in reserve for “Domestic Food Programs,
13 Food and Nutrition Service, Supplemental Nutrition As-
14 sistance Program”.

15 SEC. 1211. Notwithstanding section 1101, the level
16 for “Agricultural Programs, National Agricultural Statis-
17 tics Service” shall be \$179,477,000, of which up to
18 \$62,500,000 shall be available until expended for the Cen-
19 sus of Agriculture.

20 TITLE III—COMMERCE, JUSTICE, SCIENCE, AND
21 RELATED AGENCIES

22 SEC. 1301. Notwithstanding section 1101, the level
23 for “National Oceanic and Atmospheric Administration,
24 Procurement, Acquisition and Construction” shall be
25 \$1,951,036,000, of which \$802,000,000 shall be for the

1 Geostationary Operational Environmental Satellite–R sys-
2 tem.

3 SEC. 1302. Notwithstanding section 1101, the level
4 for each of the following accounts shall be \$0: “Depart-
5 ment of Justice, General Administration, National Drug
6 Intelligence Center”; “Department of Justice, Drug En-
7 forcement Administration, Construction”.

8 SEC. 1303. Notwithstanding section 1101, the level
9 for “Department of Justice, General Administration, Jus-
10 tice Information Sharing Technology” shall be
11 \$22,000,000.

12 SEC. 1304. Notwithstanding section 1101, the level
13 for “Department of Justice, Federal Bureau of Investiga-
14 tion, Salaries and Expenses” shall be \$8,165,520,000.

15 SEC. 1305. Notwithstanding section 1101, the level
16 for “Department of Justice, Federal Prison System, Sala-
17 ries and Expenses” shall be \$6,689,481,000.

18 SEC. 1306. Notwithstanding section 1101, the level
19 for “Department of Justice, Office of Justice Programs,
20 State and Local Law Enforcement Assistance” shall be
21 \$1,062,500,000: *Provided*, That the amounts included
22 under such heading in division B of Public Law 112–55
23 shall be applied to funds appropriated by this division as
24 follows: by substituting “\$370,000,000” for

1 “\$470,000,000”; and by substituting “\$0” for
2 “\$100,000,000”.

3 SEC. 1307. Of the unobligated balances available for
4 “Department of Justice, Legal Activities, Assets For-
5 feiture Fund”, \$675,000,000 is rescinded.

6 SEC. 1308. Of the unobligated balances available for
7 “Department of Justice, Federal Prison System, Build-
8 ings and Facilities”, \$64,700,000 is rescinded, to be de-
9 rived from amounts for the “Acquire Existing Institution
10 for Higher Security FCI” project.

11 SEC. 1309. Section 505 of division B of Public Law
12 112–55 shall be applied to funds appropriated by this divi-
13 sion by substituting “45” for “15”.

14 SEC. 1310. (a) None of the income retained in the
15 Department of Justice Working Capital Fund pursuant
16 to title I of Public Law 102–140 (105 Stat. 784; 28
17 U.S.C. 527 note) shall be available for obligation during
18 fiscal year 2013.

19 (b) Not to exceed \$30,000,000 of the unobligated bal-
20 ances transferred to the capital account of the Department
21 of Justice Working Capital Fund pursuant to title I of
22 Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note)
23 shall be available for obligation in fiscal year 2013, and
24 any use, obligation, transfer, or allocation of such funds

1 shall be treated as a reprogramming of funds under sec-
2 tion 505 of division B of Public Law 112–55.

3 (c) Not to exceed \$10,000,000 of the excess unobli-
4 gated balances available under section 524(c)(8)(E) of
5 title 28, United States Code, shall be available for obliga-
6 tion during fiscal year 2013, and any use, obligation,
7 transfer, or allocation of such funds shall be treated as
8 a reprogramming of funds under section 505 of division
9 B of Public Law 112–55.

10 (d) Of amounts available in the Department of Jus-
11 tice Assets Forfeiture Fund in fiscal year 2013,
12 \$154,700,000 shall be for payments associated with joint
13 law enforcement operations in fiscal year 2013 as author-
14 ized by section 524(c)(1)(I) of title 28, United States
15 Code.

16 (e) The Attorney General shall submit a spending
17 plan to the Committees on Appropriations of the House
18 of Representatives and the Senate not later than 45 days
19 after the date of enactment of this division detailing the
20 planned distribution of the Department of Justice Assets
21 Forfeiture Fund joint law enforcement operations funding
22 during fiscal year 2013.

23 (f) Subsections (a) through (d) of this section shall
24 sunset on September 30, 2013.

1 SEC. 1311. Notwithstanding section 1101, the level
2 for “National Aeronautics and Space Administration, Ex-
3 ploration” shall be \$4,152,000,000: *Provided*, That the
4 amounts included under such heading in division B of
5 Public Law 112–55 shall be applied to funds appropriated
6 by this division as follows: by substituting
7 “\$2,119,000,000” for “\$1,860,000,000”; by substituting
8 “\$525,000,000” for “\$406,000,000”; by substituting
9 “\$308,000,000” for “\$304,800,000”; by substituting
10 “\$454,000,000” for “\$316,500,000”; and by substituting
11 “\$265,000,000” for “\$58,000,000”.

12 SEC. 1312. Notwithstanding section 1101, the level
13 for each of the following accounts shall be as follows: “Na-
14 tional Aeronautics and Space Administration, Space Oper-
15 ations”, \$4,000,000,000; and “National Aeronautics and
16 Space Administration, Cross Agency Support”,
17 \$2,847,400,000.

18 TITLE IV—ENERGY AND WATER

19 DEVELOPMENT AND RELATED AGENCIES

20 SEC. 1401. (a) Notwithstanding section 1101, the
21 level for “Department of Energy, Atomic Energy Defense
22 Activities, National Nuclear Security Administration,
23 Weapons Activities” shall be \$7,577,341,000.

1 (b) Section 301(c) of division B of Public Law 112–
2 74 shall not apply to amounts made available by this sec-
3 tion.

4 SEC. 1402. In addition to amounts otherwise made
5 available by this division, \$150,000,000 is appropriated
6 for “Department of Energy, Atomic Energy Defense Ac-
7 tivities, National Nuclear Security Administration, De-
8 fense Nuclear Nonproliferation” for domestic uranium en-
9 richment research, development, and demonstration.

10 SEC. 1403. Section 14704 of title 40, United States
11 Code, shall be applied to amounts made available by this
12 division by substituting the date specified in section 1106
13 of this division for “October 1, 2012”.

14 TITLE V—FINANCIAL SERVICES AND GENERAL
15 GOVERNMENT

16 SEC. 1501. (a) Notwithstanding any other provision
17 of this division, except section 1106, the District of Co-
18 lumbia may expend local funds under the heading “Dis-
19 trict of Columbia Funds” for such programs and activities
20 under title IV of H.R. 6020 (112th Congress), as reported
21 by the Committee on Appropriations of the House of Rep-
22 resentatives, at the rate set forth under “District of Co-
23 lumbia Funds—Summary of Expenses” as included in the
24 Fiscal Year 2013 Budget Request Act of 2012 (D.C. Act

1 19–381), as modified as of the date of the enactment of
2 this division.

3 (b) Section 803(b) of the Financial Services and Gen-
4 eral Government Appropriations Act, 2012 (division C of
5 Public Law 112–74; 125 Stat. 940) is amended by strik-
6 ing “November 1, 2012” and inserting “November 1,
7 2013”.

8 SEC. 1502. Notwithstanding section 1101, the level
9 for “District of Columbia, Federal Funds, Federal Pay-
10 ment for Emergency Planning and Security Costs in the
11 District of Columbia” shall be \$24,700,000, of which not
12 less than \$9,800,000 shall be used for costs associated
13 with the Presidential Inauguration.

14 SEC. 1503. Notwithstanding section 1101, the fifth
15 proviso under the heading “Federal Communications
16 Commission, Salaries and Expenses” in division C of Pub-
17 lic Law 112–74 shall be applied by substituting
18 “\$98,739,000” for “\$85,000,000”.

19 SEC. 1504. Notwithstanding any other provision of
20 this division, amounts made available by section 1101 for
21 “Department of the Treasury, Departmental Offices, Sal-
22 aries and Expenses” and “Department of the Treasury,
23 Office of Inspector General, Salaries and Expenses” may
24 be used for activities in connection with section 1602(e)
25 of the Resources and Ecosystems Sustainability, Tourist

1 Opportunities, and Revived Economies of the Gulf Coast
2 States Act of 2012 (subtitle F of title I of division A of
3 Public Law 112–141).

4 SEC. 1505. Notwithstanding section 1101, the level
5 for “Office of Government Ethics, Salaries and Expenses”
6 shall be \$18,664,000, of which \$5,000,000 shall be for de-
7 velopment and deployment of the centralized, publicly ac-
8 cessible database required in section 11(b) of the STOCK
9 Act (Public Law 112–105).

10 SEC. 1506. Notwithstanding section 1101, the level
11 for “Small Business Administration, Business Loans Pro-
12 gram Account” for the cost of guaranteed loans as author-
13 ized by section 7(a) of the Small Business Act and section
14 503 of the Small Business Investment Act of 1958 shall
15 be \$333,600,000.

16 SEC. 1507. Of the unobligated balances available for
17 “Department of the Treasury, Treasury Forfeiture
18 Fund”, \$950,000,000 is rescinded.

19 TITLE VI—HOMELAND SECURITY

20 SEC. 1601. (a) Amounts made available by this divi-
21 sion for “Department of Homeland Security, U.S. Cus-
22 toms and Border Protection, Salaries and Expenses” shall
23 be obligated as necessary to maintain the staffing levels
24 (including by backfilling vacant positions) of Border Pa-
25 trol agents, Customs and Border Protection officers, and

1 Air and Marine interdiction agents in effect at the end
2 of the fourth quarter of fiscal year 2012, or, with respect
3 to Border Patrol agents, at such greater levels as may oth-
4 erwise be required in the second proviso under such head-
5 ing in division D of Public Law 112–74.

6 (b) Not later than 30 days after the date of the enact-
7 ment of this division, the Commissioner of U.S. Customs
8 and Border Protection shall submit to the Committees on
9 Appropriations of the House of Representatives and the
10 Senate a detailed expenditure plan for “Department of
11 Homeland Security, U.S. Customs and Border Protection,
12 Salaries and Expenses” at the program, project, and activ-
13 ity level that specifies how the Commissioner will maintain
14 staffing levels as required under subsection (a) throughout
15 fiscal year 2013.

16 SEC. 1602. (a) Amounts made available by this divi-
17 sion for “Department of Homeland Security, U.S. Immi-
18 gration and Customs Enforcement, Salaries and Ex-
19 penses” shall be obligated as necessary to maintain a level
20 not less than 34,000 detention beds as required in the
21 sixth proviso under such heading in division D of Public
22 Law 112–74.

23 (b) Not later than 30 days after the date of the enact-
24 ment of this division, the Assistant Secretary of U.S. Im-
25 migration and Customs Enforcement shall submit to the

1 Committees on Appropriations of the House of Represent-
2 atives and the Senate a detailed expenditure plan for “De-
3 partment of Homeland Security, U.S. Immigration and
4 Customs Enforcement, Salaries and Expenses” at the pro-
5 gram, project, and activity level that specifies how the As-
6 sistant Secretary will maintain detention bed levels as re-
7 quired under subsection (a) throughout fiscal year 2013.

8 SEC. 1603. Notwithstanding section 1101, the levels
9 for the following accounts of the Department of Homeland
10 Security shall be as follows:

11 (1) “Office of the Secretary and Executive
12 Management”, \$126,074,000.

13 (2) “Analysis and Operations”, \$322,280,000.

14 (3) “U.S. Customs and Border Protection, Sal-
15 aries and Expenses”, \$9,024,610,000.

16 (4) “U.S. Customs and Border Protection, Bor-
17 der Security Fencing, Infrastructure, and Tech-
18 nology”, \$324,099,000.

19 (5) “U.S. Customs and Border Protection, Air
20 and Marine Interdiction, Operations, Maintenance,
21 and Procurement”, \$515,436,000.

22 (6) “Transportation Security Administration,
23 Transportation Security Support”, \$954,277,000.

24 (7) “Transportation Security Administration,
25 Federal Air Marshals”, \$910,563,000.

1 (8) “United States Secret Service, Salaries and
2 Expenses”, \$1,601,454,000.

3 (9) “National Protection and Programs Direc-
4 torate, United States Visitor and Immigrant Status
5 Indicator Technology”, \$279,133,000.

6 (10) “Office of Health Affairs”, \$132,499,000
7 of which \$85,390,000 shall be for BioWatch and
8 \$26,702,000 is for salaries and expenses.

9 (11) “Federal Emergency Management Agency,
10 Salaries and Expenses”, \$837,090,000, of which
11 \$35,180,000 shall be for the National Urban Search
12 and Rescue Response System, not to exceed
13 \$22,000,000 shall be for capital improvements at
14 the Mount Weather Emergency Operations Center,
15 and not less than \$5,000,000 shall be for expenses
16 related to modernization of automated systems.

17 (12) “United States Citizenship and Immigra-
18 tion Services”, \$111,924,000 for the E-Verify Pro-
19 gram.

20 SEC. 1604. Notwithstanding section 1101, the level
21 for “Department of Homeland Security, Transportation
22 Security Administration, Aviation Security” shall be
23 \$5,048,008,000: *Provided*, That the amounts included
24 under such heading in division D of Public Law 112–74
25 shall be applied to funds appropriated by this division by

1 substituting “\$3,972,020,000” for “\$4,167,631,000”; by
2 substituting “\$408,930,000” for “\$543,103,000”; by sub-
3 stituting “\$115,204,000” for “\$204,768,000”; by sub-
4 stituting “\$1,075,988,000” for “\$1,086,325,000”; by
5 substituting “9 percent” for “10 percent”; and by sub-
6 stituting “\$2,978,008,000” for “\$3,223,956,000”.

7 SEC. 1605. Notwithstanding section 1101, the level
8 for “Department of Homeland Security, Coast Guard, Ac-
9 quisition, Construction, and Improvements” shall be
10 \$1,468,393,000, of which \$1,005,800,000 shall be for ves-
11 sels, small boats, and related equipment, including 6 Fast
12 Response Cutters, 1 National Security Cutter, 5 Response
13 Boat-Mediums, and initial development of an icebreaker;
14 and \$190,500,000 shall be for aircraft including 1
15 missionized HC-130J aircraft, 1 missionized HC-144 air-
16 craft, and one H-60 helicopter, \$64,000,000 shall be for
17 other acquisition programs, \$94,411,000 shall be for
18 shore, military housing, and aids to navigation, and
19 \$113,682,000 shall be for personnel compensation and
20 benefits and other costs: *Provided*, That funds under this
21 heading for vessels shall be immediately available and al-
22 lotted to contract for the production of the sixth National
23 Security Cutter notwithstanding the availability of funds
24 for post-production costs: *Provided further*, That the Coast
25 Guard may decommission one High Endurance Cutter, re-

1 tire 3 HU-24 aircraft, disestablish the Patrol Boat High-
2 Tempo-Maintenance Operations, and disestablish the Vin-
3 tage Vessel National Center of Expertise.

4 SEC. 1606. The following amounts are rescinded:

5 (1) Of the funds made available for “Depart-
6 ment of Homeland Security, Coast Guard, Acquisi-
7 tion, Construction, and Improvements” in division D
8 of Public Law 110–329, \$25,000,000, to be derived
9 from the amounts made available under such head-
10 ing for the fourth National Security Cutter.

11 (2) Of the funds made available for “Depart-
12 ment of Homeland Security, Coast Guard, Acquisi-
13 tion, Construction, and Improvements” in Public
14 Law 112–10, \$43,500,000, to be derived from the
15 amounts made available under such heading for the
16 fifth National Security Cutter.

17 SEC. 1607. (a) Notwithstanding section 1101, the
18 level for “Department of Homeland Security, National
19 Protection and Programs Directorate, Infrastructure Pro-
20 tection and Information Security” shall be
21 \$1,138,528,000: *Provided*, That of such amount,
22 \$328,000,000 shall be for Network Security Deployment,
23 and \$218,000,000 shall be for Federal Network Security
24 to establish and sustain essential cybersecurity activities,
25 including procurement and operations of continuous moni-

1 toring and diagnostics systems and intrusion detection
2 systems for civilian Federal computer networks: *Provided*
3 *further*, That of the aggregate amount made available in
4 the preceding proviso for Network Security Deployment
5 and Federal Network Security, \$213,000,000 shall remain
6 available until September 30, 2014.

7 (b) Not later than 15 days after the date of the enact-
8 ment of this division, the Secretary of Homeland Security
9 shall submit to the Committees on Appropriations of the
10 House of Representatives and the Senate an updated ex-
11 penditure plan for essential cybersecurity activities de-
12 scribed in subsection (a).

13 SEC. 1608. Section 532(a) of the Department of
14 Homeland Security Appropriations Act, 2007 (Public Law
15 109–295) is amended by striking “2012” and inserting
16 “2013”.

17 SEC. 1609. Section 550(b) of the Department of
18 Homeland Security Appropriations Act, 2007 (Public Law
19 109–295; 6 U.S.C. 121 note) is amended by striking “on
20 October 4, 2012” and inserting “on October 4, 2013”.

21 SEC. 1610. Section 831 of the Homeland Security
22 Act of 2002 (6 U.S.C. 391) is amended—

23 (1) in subsection (a), by striking “Until Sep-
24 tember 30, 2012,” and inserting “Until September
25 30, 2013,”; and

SEC. 1611. (a) The third, fourth, and fifth provisos under the heading “Department of Homeland Security, Office of the Secretary and Executive Management” in division D of Public Law 112–74 shall not apply to funds appropriated by this division.

(b) The second, third, and fourth provisos under the heading “Department of Homeland Security, National Protection and Programs Directorate, Management and Administration” in division D of Public Law 112–74 shall not apply to funds appropriated by this division.

13 TITLE VII—INTERIOR, ENVIRONMENT, AND
14 RELATED AGENCIES

15 SEC. 1701. The contract authority provided for fiscal
16 year 2013 by 16 U.S.C. 460l-10a is rescinded.

SEC. 1702. Notwithstanding section 1101, the level for “Department of the Interior, Department-wide Programs, Wildland Fire Management” shall be \$823,473,000: *Provided*, That of the amounts made available by section 140(b) of Public Law 112–175 (126 Stat. 1321), \$7,500,000 is rescinded.

SEC. 1703. Section 10101(a) of the Omnibus Budget
Reconciliation Act of 1993 (30 U.S.C. 28f(a)), as amend-
ed by section 430 of the Department of the Interior, Envi-

1 ronment, and Related Agencies Appropriations Act, 2012
2 (division E of Public Law 112–74; 125 Stat 1047), is fur-
3 ther amended—

4 (1) in paragraph (1) in the first sentence, by
5 striking “on” the first place it appears and inserting
6 “before, on,”; and

7 (2) in paragraph (2)—

8 (A) by striking “located” the second place
9 it appears;

10 (B) by inserting at the end of the fol-
11 lowing: “Such claim maintenance fee shall be in
12 lieu of the assessment work requirement con-
13 tained in the Mining Law of 1872 (30 U.S.C.
14 28 to 28e) and the related filing requirements
15 contained in section 314(a) and (c) of the Fed-
16 eral Land Policy and Management Act of 1976
17 (43 U.S.C. 1744(a) and (c)).”; and

18 (C) by striking “(a)” in the first sentence
19 and inserting “(a)(1)”.

20 SEC. 1704. (a) Of the unobligated balances available
21 under the following headings from prior appropriation
22 Acts, the following amounts are rescinded:

23 (1) “Hazardous Substance Superfund”,
24 \$15,000,000.

1 (2) “State and Tribal Assistance Grants”,
2 \$35,000,000, as follows:

3 (A) \$10,000,000 from unobligated
4 Brownfields balances.

5 (B) \$5,000,000 from unobligated categor-
6 ical grant balances.

7 (C) \$10,000,000 from unobligated Drink-
8 ing Water State Revolving Funds balances.

9 (D) \$10,000,000 from unobligated Clean
10 Water State Revolving Funds balances.

11 (b) No amounts may be rescinded under subsection
12 (a) from amounts that were designated by the Congress
13 as an emergency requirement pursuant to a concurrent
14 resolution on the budget or the Balanced Budget and
15 Emergency Deficit Control Act of 1985.

16 SEC. 1705. Notwithstanding subsection (d)(2) of sec-
17 tion 33 of the Federal Insecticide, Fungicide, and
18 Rodenticide Act (7 U.S.C. 136w-8), the Administrator of
19 the Environmental Protection Agency may assess pesticide
20 registration service fees under such section for fiscal year
21 2013.

22 SEC. 1706. Notwithstanding section 1101, the level
23 for “Department of Agriculture, Forest Service, Wildland
24 Fire Management” shall be \$2,444,390,000. In addition
25 to such amount, there is appropriated \$40,000,000 for an

1 additional amount for fiscal year 2013 for such account,
2 to remain available until expended, for repayment to other
3 appropriations accounts from which funds were trans-
4 ferred in fiscal year 2012 for wildfire suppression.

5 SEC. 1707. The authority provided by section 331 of
6 the Department of the Interior and Related Agencies Ap-
7 propriations Act, 2000 (enacted by reference in section
8 1000(a)(3) of Public Law 106–113; 16 U.S.C. 497 note)
9 shall continue in effect through the date specified in sec-
10 tion 1106 of this division.

11 SEC. 1708. Notwithstanding section 1101, the level
12 for “Presidio Trust, Presidio Trust Fund” and “Dwight
13 D. Eisenhower Memorial Commission, Capital Construc-
14 tion” shall be \$0.

15 SEC. 1709. Notwithstanding section 1101, section
16 408 of division E of Public Law 112–74 (125 Stat. 1038)
17 shall be applied to funds appropriated by this division by
18 substituting “112–10, and 112–74” for “112–10” and by
19 substituting “2012” for “2011”.

20 TITLE VIII—LABOR, HEALTH AND HUMAN
21 SERVICES, EDUCATION, AND RELATED
22 AGENCIES

23 SEC. 1801. Of the funds made available to the “De-
24 partment of Labor, Employment and Training Adminis-
25 tration” from any previous appropriations acts that re-

1 main unobligated as of the date of enactment of this divi-
2 sion, up to \$40,000,000 may be transferred to “Employ-
3 ment and Training Administration, Office of Job Corps”
4 for Job Corps operations for program years 2012 and
5 2013 and shall be in addition to any other amounts avail-
6 able to the Office of Job Corps for such purposes: *Pro-*
7 *vided*, That not less than \$15,000,000 shall be transferred
8 within 30 days of enactment of this division to support
9 Job Corps operations for the program year ending June
10 30, 2013: *Provided further*, That, not later than 15 days
11 after any transfer has been made under the authority of
12 this section, the Secretary of Labor shall submit a report
13 to the Committees on Appropriations of the House of Rep-
14 resentatives and the Senate that details the source of the
15 transferred funds and the specific programs, projects, or
16 activities for which such funds will be used, and provides
17 a detailed explanation of the need for such transfer.

18 SEC. 1802. Notwithstanding section 1101, the level
19 for “Department of Labor, Veterans Employment and
20 Training” shall be \$264,436,000, of which \$226,251,000
21 shall be derived from the Employment Security Adminis-
22 tration Account in the Unemployment Trust Fund: *Pro-*
23 *vided*, That the level provided under such heading for Vet-
24 erans Workforce Investment Program grants shall be used
25 for the Transition Assistance Program and activities au-

1 thorized by the VOW to Hire Heroes Act of 2011, shall
2 be available through September 30, 2013, and shall be in
3 addition to any other funds available for those purposes:
4 *Provided further*, That of the level provided under such
5 heading, not less than \$14,000,000 shall be for the Tran-
6 sition Assistance Program, and \$3,414,000 shall be for
7 the National Veterans' Employment and Training Services
8 Institute.

9 SEC. 1803. The first proviso under the heading "De-
10 partment of Health and Human Services, Administration
11 for Children and Families, Low Income Home Energy As-
12 sistance" in division F of Public Law 112-74 shall be ap-
13 plied to amounts made available by this division by sub-
14 stituting "2013" for "2012".

15 SEC. 1804. Notwithstanding section 1101, the level
16 for "Department of Health and Human Services, Admin-
17 istration for Children and Families, Refugee and Entrant
18 Assistance" shall be \$992,000,000.

19 SEC. 1805. Notwithstanding section 1101, the rescis-
20 sions made in sections 522 and 525 of division F of Public
21 Law 112-74 shall be repeated in this division with respect
22 to funds available for fiscal year 2013.

23 SEC. 1806. Of the amount provided by section 1101
24 for "Department of Education, Safe Schools and Citizen-
25 ship Education" for subpart 2 of part A of title IV of

1 the Elementary and Secondary Education Act of 1965,
2 \$3,000,000, to remain available until expended, shall be
3 for the Project School Emergency Response to Violence
4 program to provide education-related services to local edu-
5 cational agencies and institutions of higher education in
6 which the learning environment has been disrupted due
7 to a violent or traumatic crisis.

8 TITLE IX—LEGISLATIVE BRANCH

9 SEC. 1901. (a) Of the amounts made available by sec-
10 tion 1101 for accounts under the heading “Architect of
11 the Capitol”, the Architect of the Capitol may transfer an
12 aggregate amount of not more than \$61,247,000 to “Ar-
13 chitect of the Capitol, Capitol Building”, solely for ex-
14 penses related to the rehabilitation of the United States
15 Capitol Dome.

16 (b) The transfer of amounts under the authority of
17 subsection (a) shall be subject to the approval of the Com-
18 mittees on Appropriations of the House of Representatives
19 and Senate.

20 (c) Any amounts transferred under the authority of
21 subsection (a) shall remain available until expended.

22 TITLE X—DEPARTMENT OF STATE, FOREIGN
23 OPERATIONS, AND RELATED PROGRAMS

24 SEC. 2001. (a) Notwithstanding section 1101, the
25 level for the following accounts shall be as follows: “Over-

1 seas Contingency Operations/Global War on Terrorism,
2 Department of State, Administration of Foreign Affairs,
3 Diplomatic and Consular Programs”, \$4,169,640,000, of
4 which \$952,695,000 is for Worldwide Security Protection
5 (to be available until expended); and “Overseas Contingency
6 Operations/Global War on Terrorism, Department
7 of State, Administration of Foreign Affairs, Embassy Security,
8 Construction, and Maintenance”, \$1,362,124,000:
9 *Provided*, That funds made available under this subsection
10 shall be used for operations at high threat posts, security
11 programs to protect personnel and property under Chief
12 of Mission authority, preventing the compromise of classified
13 United States Government information and equipment,
14 and security construction or upgrade requirements
15 at Department of State facilities worldwide, including for
16 Worldwide Security Upgrades.

17 (b) Of the unobligated balances from funds appropriated
18 in title VIII of division I of Public Law 112–74
19 under the heading “Overseas Contingency Operations/
20 Global War on Terrorism, Department of State, Administration
21 of Foreign Affairs, Diplomatic and Consular Programs” and
22 designated by the Congress for Overseas Contingency
23 Operations/Global War on Terrorism pursuant to
24 section 251(b)(2)(A) of the Balanced Budget and Emer-

1 gency Deficit Control Act of 1985, \$1,109,700,000 is re-
2 scinded.

3 (c) The Secretary of State shall submit a report to
4 the Committees on Appropriations of the House of Rep-
5 resentatives and the Senate providing an assessment of
6 security requirements at United States diplomatic facili-
7 ties abroad, a comprehensive plan for addressing such re-
8 quirements, and a detailed description of embassy security
9 improvements to be supported from funds made available
10 under this section. Such report shall be submitted in un-
11 classified form, but may include a classified annex if ap-
12 propriate.

13 SEC. 2002. The amounts included in the first para-
14 graph under the heading “International Security Assist-
15 ance, Funds Appropriated to the President, Foreign Mili-
16 tary Financing Program” in title IV of division I of Public
17 Law 112–74 shall be applied to funds appropriated by this
18 division by substituting in the second proviso
19 “\$3,100,000,000” for “\$3,075,000,000” and by sub-
20 stituting in the fourth proviso “\$815,300,000” for
21 “\$808,725,000”.

22 SEC. 2003. (a) Notwithstanding section 1101, the
23 level for each of the following accounts shall be \$0: “Multi-
24 lateral Assistance, International Financial Institutions,
25 Contribution to the Enterprise for the Americas Multilat-

1 eral Investment Fund” and “Multilateral Assistance,
 2 International Financial Institutions, European Bank for
 3 Reconstruction and Development, Limitation on Callable
 4 Capital Subscriptions”.

5 (b) Notwithstanding section 1101, the level for the
 6 second paragraph for each of the following accounts shall
 7 be \$0: “Multilateral Assistance, International Financial
 8 Institutions, Contribution to the International Develop-
 9 ment Association”, “Multilateral Assistance, International
 10 Financial Institutions, Contribution to the Inter-American
 11 Development Bank”, and “Multilateral Assistance, Inter-
 12 national Financial Institutions, Contribution to the Afri-
 13 can Development Fund”.

14 SEC. 2004. The Foreign Operations, Export Financ-
 15 ing, and Related Programs Appropriations Act, 1990
 16 (Public Law 101–167) is amended—

17 (a) in section 599D (8 U.S.C. 1157 note)—

18 (1) in subsection (b)(3), by striking “and
 19 2012” and inserting “2012, and 2013”; and

20 (2) in subsection (e), by striking “2012” each
 21 place it appears and inserting “2013”; and

22 (b) in section 599E (8 U.S.C. 1255 note) in sub-
 23 section (b)(2), by striking “2012” and inserting “2013”.

24 SEC. 2005. Of the unexpended balances available
 25 under the heading “Export and Investment Assistance,

1 Export-Import Bank of the United States, Subsidy Approp-
2 priation” from prior Acts making appropriations for the
3 Department of State, foreign operations, and related pro-
4 grams, \$216,213,000 is rescinded.

5 TITLE XI—TRANSPORTATION, HOUSING AND
6 URBAN DEVELOPMENT, AND RELATED
7 AGENCIES

8 SEC. 2101. (a) Section 120 of division C of Public
9 Law 112–55 shall not apply to amounts made available
10 by this division.

11 (b) During the period covered by this division, section
12 1102 of Public Law 112–141 shall be applied—

13 (1) in subsection (a)(1), by substituting
14 “\$39,143,582,670” for “\$39,699,000,000”;

15 (2) in subsection (b)(10), as if the limitation
16 applicable through fiscal year 2011 applied through
17 fiscal year 2012; and

18 (3) in subsection (c)(5), by treating the ref-
19 erence to section 204 of title 23, United States
20 Code, as a reference to sections 202 and 204 of such
21 title.

22 SEC. 2102. Notwithstanding section 1101, the level
23 for “Department of Transportation, National Highway
24 Traffic Safety Administration, Highway Traffic Safety
25 Grants” shall be \$501,828,000: *Provided*, That the matter

1 under such heading in division C of Public Law 112–55
2 shall be applied to amounts made available by this division
3 as follows:

4 (1) by substituting “\$501,828,000” for
5 “\$550,328,000” the second place it appears;

6 (2) by substituting “23 U.S.C. 402 and 405
7 (‘National Priority Safety Programs’), section
8 31101(a)(6) of Public Law 112–141, and section
9 2009 of Public Law 109–59 (as amended by Public
10 Law 112–141)” for “23 U.S.C. 402, 405, 406, 408,
11 and 410 and sections 2001(a)(11), 2009, 2010, and
12 2011 of Public Law 109–59” each place it appears;

13 (3) by substituting “fiscal year 2013” for “fis-
14 cal year 2012”;

15 (4) by substituting “‘Occupant Protection
16 Grants’ under 23 U.S.C. 405(b)” for “‘Occupant
17 Protection Incentive Grants’ under 23 U.S.C. 405”;

18 (5) by substituting “\$0” for “\$48,500,000”;

19 (6) by substituting “‘State Traffic Safety In-
20 formation System Improvements’ under 23 U.S.C.
21 405(c)” for “‘State Traffic Safety Information Sys-
22 tem Improvements’ under 23 U.S.C. 408”;

23 (7) by substituting “‘Impaired Driving Coun-
24 termeasures’ under 23 U.S.C. 405(d)” for “‘Alco-

1 hol-Impaired Driving Countermeasures Incentive
2 Grant Program’ under 23 U.S.C. 410”;

3 (8) by substituting “‘Administrative Expenses’
4 under section 31101(a)(6) of Public Law 112–141”
5 for “‘Administrative Expenses’ under section
6 2001(a)(11) of Public Law 109–59”;

7 (9) by substituting “‘Motorcyclist Safety’ under
8 23 U.S.C. 405(f)” for “‘Motorcyclist Safety’ under
9 section 2010 of Public Law 109–59”;

10 (10) by substituting “‘Occupant Protection
11 Grants’ under 23 U.S.C. 405(b)” for “‘Child Safety
12 and Child Booster Seat Safety Incentive Grants’
13 under section 2011 of Public Law 109–59”;

14 (11) by substituting “section 405(a)(1)(C) of
15 title 23, United States Code” for “section 410 ‘Alco-
16 hol-Impaired Driving Countermeasures Grants’”;

17 (12) by substituting “\$0” for “\$750,000”; and

18 (13) by substituting “\$0” for “\$25,000,000”.

19 SEC. 2103. The matter under the heading “Depart-
20 ment of Transportation, Federal Transit Administration,
21 Formula and Bus Grants” in division C of Public Law
22 112–55 shall be applied to amounts made available by this
23 division by substituting “49 U.S.C. 5305, 5307, 5310,
24 5311, 5318, 5322(d), 5335, 5337, 5339, and 5340” for
25 “49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,

1 5317, 5320, 5335, 5339, and 5340 and section 3038 of
2 Public Law 105–178, as amended” each place it appears.

3 SEC. 2104. Section 601(e)(1)(B) of division B of
4 Public Law 110–432 shall be applied by substituting the
5 date specified in section 1106 of this division for “4 years
6 after such date”.

7 SEC. 2105. Section 112 of division C of Public Law
8 112–55 shall be applied to funds appropriated by this divi-
9 sion by treating such section as if it were amended by
10 striking “49 U.S.C. 41742(b) shall not apply, and”.

11 SEC. 2106. The first proviso under the heading “De-
12 partment of Housing and Urban Development, Commu-
13 nity Planning and Development, Homeless Assistance
14 Grants” in division C of Public Law 112–55 (125 Stat.
15 685) shall be applied to amounts appropriated by this divi-
16 sion by substituting “not more than” for “not less than”.

17 SEC. 2107. Notwithstanding section 1101, the level
18 for “Department of Housing and Urban Development,
19 Public and Indian Housing, Indian Housing Loan Guar-
20 antee Fund Program Account” shall be \$7,360,000: *Pro-*
21 *vided*, That the second proviso under such heading in divi-
22 sion C of Public Law 112–55 shall be applied to funds
23 appropriated by this division by substituting
24 “\$976,000,000” for “\$360,000,000”.

1 This division may be cited as the “Full-Year Con-
2 tinuing Appropriations Act, 2013”.

3 DIVISION D—ACROSS-THE-BOARD REDUCTIONS

4 SEC. 3001. (a) There is hereby rescinded the applica-
5 ble percentage (as specified in subsection (b)) of—

6 (1) the budget authority provided (or obligation
7 limit imposed) for fiscal year 2013 for any discre-
8 tionary account in divisions A through C of this Act;

9 (2) the budget authority provided in any ad-
10 vance appropriation for fiscal year 2013 for any dis-
11 cretionary account in any prior fiscal year appro-
12 priation Act; and

13 (3) the contract authority provided in fiscal
14 year 2013 for any program subject to limitation in-
15 corporated or otherwise contained in divisions A
16 through C of this Act.

17 (b)(1) For purposes of subsection (a), the applicable
18 percentage shall be—

19 (A) for budget authority in the nonsecurity cat-
20 egory (as defined in section 250(c)(4)(A) of the Bal-
21 anced Budget and Emergency Deficit Control Act of
22 1985), 0.098 percent; and

23 (B) for budget authority in the security cat-
24 egory (as defined in section 250(c)(4)(B) of the Bal-

1 anced Budget and Emergency Deficit Control Act of
2 1985), 0.109 percent.

3 (2) If, for fiscal year 2013, the amount of new budget
4 authority provided in appropriation Acts exceeds the dis-
5 cretionary spending limits set forth in section 251(c)(2)
6 of the Balanced Budget and Emergency Deficit Control
7 Act on new budget authority for any category due to esti-
8 mating differences with the Congressional Budget Office,
9 the Director of the Office of Management and Budget
10 shall increase the applicable percentage in paragraph (1)
11 with respect to that category by such amount as is nec-
12 essary to eliminate the amount of the excess in that cat-
13 egory.

14 (c) Any rescission made by subsection (a) shall be ap-
15 plied proportionately—

16 (1) to each discretionary account and each item
17 of budget authority described in such subsection;
18 and

19 (2) within each such account and item, to each
20 program, project, and activity (with programs,
21 projects, and activities as delineated in the applica-
22 ble appropriation Act or accompanying reports cov-
23 ering such account or item).

24 (d) This section shall not apply to—

1 (1) amounts designated by the Congress for
2 Overseas Contingency Operations/Global War on
3 Terrorism pursuant to section 251(b)(2)(A) of the
4 Balanced Budget and Emergency Deficit Control
5 Act of 1985 or as being for disaster relief pursuant
6 to section 251(b)(2)(D) of such Act; or

7 (2) the amount made available by division C of
8 this Act for “Social Security Administration, Limita-
9 tion on Administrative Expenses” for continuing dis-
10 ability reviews under titles II and XVI of the Social
11 Security Act and for the cost associated with con-
12 ducting redeterminations of eligibility under title
13 XVI of the Social Security Act.

14 (e) Within 30 days after the date of the enactment
15 of this section, the Director of the Office of Management
16 and Budget shall submit to the Committees on Appropria-
17 tions of the House of Representatives and the Senate a
18 report specifying the account and amount of each rescis-
19 sion made pursuant to this section.

20 SEC. 3002. Notwithstanding any other provision of
21 this Act, if, on or after the date of enactment of this Act,
22 a sequestration order issued by the President pursuant to
23 section 251A(7)(A) of the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985 is in effect, the reduc-
25 tions in each discretionary account under such order shall

- 1 apply to the amounts provided in this Act consistent with
- 2 section 253(f) of that Act, and shall be in addition to any
- 3 reductions required by section 251(a) of that Act.

Passed the House of Representatives March 6,
2013.

Attest:

Clerk.

113TH CONGRESS
1ST SESSION

H. R. 933

AN ACT

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