

In the Senate of the United States,

October 3, 2007.

Resolved, That the bill from the House of Representatives (H.R. 3222) entitled “An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*
2 *money in the Treasury not otherwise appropriated, for the*
3 *fiscal year ending September 30, 2008, for military func-*
4 *tions administered by the Department of Defense and for*
5 *other purposes, namely:*

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TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$31,734,076,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42

1 *U.S.C. 402 note), and to the Department of Defense Mili-*
2 *tary Retirement Fund, \$23,338,772,000.*

3 *MILITARY PERSONNEL, MARINE CORPS*

4 *For pay, allowances, individual clothing, subsistence,*
5 *interest on deposits, gratuities, permanent change of station*
6 *travel (including all expenses thereof for organizational*
7 *movements), and expenses of temporary duty travel between*
8 *permanent duty stations, for members of the Marine Corps*
9 *on active duty (except members of the Reserve provided for*
10 *elsewhere); and for payments pursuant to section 156 of*
11 *Public Law 97-377, as amended (42 U.S.C. 402 note), and*
12 *to the Department of Defense Military Retirement Fund,*
13 *\$10,291,831,000.*

14 *MILITARY PERSONNEL, AIR FORCE*

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

1 *RESERVE PERSONNEL, ARMY*

2 *For pay, allowances, clothing, subsistence, gratuities,*
3 *travel, and related expenses for personnel of the Army Re-*
4 *serve on active duty under sections 10211, 10302, and 3038*
5 *of title 10, United States Code, or while serving on active*
6 *duty under section 12301(d) of title 10, United States Code,*
7 *in connection with performing duty specified in section*
8 *12310(a) of title 10, United States Code, or while under-*
9 *going reserve training, or while performing drills or equiva-*
10 *lent duty or other duty, and expenses authorized by section*
11 *16131 of title 10, United States Code; and for payments*
12 *to the Department of Defense Military Retirement Fund,*
13 *\$3,672,440,000.*

14 *RESERVE PERSONNEL, NAVY*

15 *For pay, allowances, clothing, subsistence, gratuities,*
16 *travel, and related expenses for personnel of the Navy Re-*
17 *serve on active duty under section 10211 of title 10, United*
18 *States Code, or while serving on active duty under section*
19 *12301(d) of title 10, United States Code, in connection with*
20 *performing duty specified in section 12310(a) of title 10,*
21 *United States Code, or while undergoing reserve training,*
22 *or while performing drills or equivalent duty, and expenses*
23 *authorized by section 16131 of title 10, United States Code;*
24 *and for payments to the Department of Defense Military*
25 *Retirement Fund, \$1,801,985,000.*

1 *RESERVE PERSONNEL, MARINE CORPS*

2 *For pay, allowances, clothing, subsistence, gratuities,*
3 *travel, and related expenses for personnel of the Marine*
4 *Corps Reserve on active duty under section 10211 of title*
5 *10, United States Code, or while serving on active duty*
6 *under section 12301(d) of title 10, United States Code, in*
7 *connection with performing duty specified in section*
8 *12310(a) of title 10, United States Code, or while under-*
9 *going reserve training, or while performing drills or equiva-*
10 *lent duty, and for members of the Marine Corps platoon*
11 *leaders class, and expenses authorized by section 16131 of*
12 *title 10, United States Code; and for payments to the De-*
13 *partment of Defense Military Retirement Fund,*
14 *\$595,372,000.*

15 *RESERVE PERSONNEL, AIR FORCE*

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

1 *ments to the Department of Defense Military Retirement*
2 *Fund, \$1,368,897,000.*

3 *NATIONAL GUARD PERSONNEL, ARMY*

4 *For pay, allowances, clothing, subsistence, gratuities,*
5 *travel, and related expenses for personnel of the Army Na-*
6 *tional Guard while on duty under section 10211, 10302,*
7 *or 12402 of title 10 or section 708 of title 32, United States*
8 *Code, or while serving on duty under section 12301(d) of*
9 *title 10 or section 502(f) of title 32, United States Code,*
10 *in connection with performing duty specified in section*
11 *12310(a) of title 10, United States Code, or while under-*
12 *going training, or while performing drills or equivalent*
13 *duty or other duty, and expenses authorized by section*
14 *16131 of title 10, United States Code; and for payments*
15 *to the Department of Defense Military Retirement Fund,*
16 *\$5,947,354,000.*

17 *NATIONAL GUARD PERSONNEL, AIR FORCE*

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

1 *or while performing drills or equivalent duty or other duty,*
2 *and expenses authorized by section 16131 of title 10, United*
3 *States Code; and for payments to the Department of Defense*
4 *Military Retirement Fund, \$2,616,560,000.*

5 **TITLE II**

6 **OPERATION AND MAINTENANCE**

7 **OPERATION AND MAINTENANCE, ARMY**

8 *For expenses, not otherwise provided for, necessary for*
9 *the operation and maintenance of the Army, as authorized*
10 *by law; and not to exceed \$11,478,000 can be used for emer-*
11 *gencies and extraordinary expenses, to be expended on the*
12 *approval or authority of the Secretary of the Army, and*
13 *payments may be made on his certificate of necessity for*
14 *confidential military purposes, \$28,598,563,000.*

15 **OPERATION AND MAINTENANCE, NAVY**

16 *For expenses, not otherwise provided for, necessary for*
17 *the operation and maintenance of the Navy and the Marine*
18 *Corps, as authorized by law; and not to exceed \$6,257,000*
19 *can be used for emergencies and extraordinary expenses, to*
20 *be expended on the approval or authority of the Secretary*
21 *of the Navy, and payments may be made on his certificate*
22 *of necessity for confidential military purposes,*
23 *\$33,150,380,000.*

1 *OPERATION AND MAINTENANCE, MARINE CORPS*

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

5 *OPERATION AND MAINTENANCE, AIR FORCE*

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

13 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For expenses, not otherwise provided for, necessary for*
16 *the operation and maintenance of activities and agencies*
17 *of the Department of Defense (other than the military de-*
18 *partments), as authorized by law, \$23,239,227,000: Pro-*
19 *vided, That not less than \$794,000,000 of such amount shall*
20 *be made available for Operation Jump Start in order to*
21 *maintain a significant durational force of the National*
22 *Guard on the southern land border of the United States to*
23 *assist the United States Border Patrol in gaining oper-*
24 *ational control of that border, in addition to any other*
25 *amounts made available under this Act for such purpose:*

1 *Provided further, That not more than \$25,000,000 may be*
2 *used for the Combatant Commander Initiative Fund au-*
3 *thorized under section 166a of title 10, United States Code:*
4 *Provided further, That not to exceed \$36,000,000 can be*
5 *used for emergencies and extraordinary expenses, to be ex-*
6 *pendent on the approval or authority of the Secretary of De-*
7 *fense, and payments may be made on his certificate of ne-*
8 *cessity for confidential military purposes: Provided further,*
9 *That of the funds provided under this heading, not less than*
10 *\$27,380,000 shall be made available for the Procurement*
11 *Technical Assistance Cooperative Agreement Program, of*
12 *which not less than \$3,600,000 shall be available for centers*
13 *defined in 10 U.S.C. 2411(1)(D): Provided further, That*
14 *none of the funds appropriated or otherwise made available*
15 *by this Act may be used to plan or implement the consolida-*
16 *tion of a budget or appropriations liaison office of the Office*
17 *of the Secretary of Defense, the office of the Secretary of*
18 *a military department, or the service headquarters of one*
19 *of the Armed Forces into a legislative affairs or legislative*
20 *liaison office: Provided further, That \$4,000,000, to remain*
21 *available until expended, is available only for expenses re-*
22 *lating to certain classified activities, and may be trans-*
23 *ferred as necessary by the Secretary to operation and main-*
24 *tenance appropriations or research, development, test and*
25 *evaluation appropriations, to be merged with and to be*

1 *available for the same time period as the appropriations*
2 *to which transferred: Provided further, That any ceiling on*
3 *the investment item unit cost of items that may be pur-*
4 *chased with operation and maintenance funds shall not*
5 *apply to the funds described in the preceding proviso: Pro-*
6 *vided further, That the transfer authority provided under*
7 *this heading is in addition to any other transfer authority*
8 *provided elsewhere in this Act.*

9 *OPERATION AND MAINTENANCE, ARMY RESERVE*

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

17 *OPERATION AND MAINTENANCE, NAVY RESERVE*

18 *For expenses, not otherwise provided for, necessary for*
19 *the operation and maintenance, including training, organi-*
20 *zation, and administration, of the Navy Reserve; repair of*
21 *facilities and equipment; hire of passenger motor vehicles;*
22 *travel and transportation; care of the dead; recruiting; pro-*
23 *curement of services, supplies, and equipment; and commu-*
24 *nications, \$1,187,151,000.*

1 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

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

9 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

10 *For expenses, not otherwise provided for, necessary for*
11 *the operation and maintenance, including training, organi-*
12 *zation, and administration, of the Air Force Reserve; repair*
13 *of facilities and equipment; hire of passenger motor vehicles;*
14 *travel and transportation; care of the dead; recruiting; pro-*
15 *urement of services, supplies, and equipment; and commu-*
16 *nications, \$2,816,103,000.*

17 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

18 *For expenses of training, organizing, and admin-*
19 *istering the Army National Guard, including medical and*
20 *hospital treatment and related expenses in non-Federal hos-*
21 *pitals; maintenance, operation, and repairs to structures*
22 *and facilities; hire of passenger motor vehicles; personnel*
23 *services in the National Guard Bureau; travel expenses*
24 *(other than mileage), as authorized by law for Army per-*
25 *sonnel on active duty, for Army National Guard division,*

1 *regimental, and battalion commanders while inspecting*
2 *units in compliance with National Guard Bureau regula-*
3 *tions when specifically authorized by the Chief, National*
4 *Guard Bureau; supplying and equipping the Army Na-*
5 *tional Guard as authorized by law; and expenses of repair,*
6 *modification, maintenance, and issue of supplies and*
7 *equipment (including aircraft), \$5,800,933,000.*

8 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

9 *For expenses of training, organizing, and admin-*
10 *istering the Air National Guard, including medical and*
11 *hospital treatment and related expenses in non-Federal hos-*
12 *pitals; maintenance, operation, and repairs to structures*
13 *and facilities; transportation of things, hire of passenger*
14 *motor vehicles; supplying and equipping the Air National*
15 *Guard, as authorized by law; expenses for repair, modifica-*
16 *tion, maintenance, and issue of supplies and equipment,*
17 *including those furnished from stocks under the control of*
18 *agencies of the Department of Defense; travel expenses (other*
19 *than mileage) on the same basis as authorized by law for*
20 *Air National Guard personnel on active Federal duty, for*
21 *Air National Guard commanders while inspecting units in*
22 *compliance with National Guard Bureau regulations when*
23 *specifically authorized by the Chief, National Guard Bu-*
24 *reau, \$5,471,745,000.*

1 *UNITED STATES COURT OF APPEALS FOR THE ARMED*
2 *FORCES*

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

7 *ENVIRONMENTAL RESTORATION, ARMY*
8 *(INCLUDING TRANSFER OF FUNDS)*

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

1 *ENVIRONMENTAL RESTORATION, NAVY*2 *(INCLUDING TRANSFER OF FUNDS)*

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

18 *ENVIRONMENTAL RESTORATION, AIR FORCE*19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For the Department of the Air Force, \$458,428,000,*
21 *to remain available until transferred: Provided, That the*
22 *Secretary of the Air Force shall, upon determining that*
23 *such funds are required for environmental restoration, re-*
24 *duction and recycling of hazardous waste, removal of unsafe*
25 *buildings and debris of the Department of the Air Force,*

1 *or for similar purposes, transfer the funds made available*
2 *by this appropriation to other appropriations made avail-*
3 *able to the Department of the Air Force, to be merged with*
4 *and 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 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For the Department of Defense, \$12,751,000, to remain*
13 *available until transferred: Provided, That the Secretary of*
14 *Defense shall, upon determining that such funds are re-*
15 *quired for environmental restoration, reduction and recy-*
16 *cling of hazardous waste, removal of unsafe buildings and*
17 *debris of the Department of Defense, or for similar purposes,*
18 *transfer the funds made available by this appropriation to*
19 *other appropriations made available to the Department of*
20 *Defense, to be merged with and to be available for the same*
21 *purposes and for the same time period as the appropria-*
22 *tions to which transferred: Provided further, That upon a*
23 *determination that all or part of the funds transferred from*
24 *this appropriation are not necessary for the purposes pro-*

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

3 *ENVIRONMENTAL RESTORATION, FORMERLY USED*

4 *DEFENSE SITES*

5 *(INCLUDING TRANSFER OF FUNDS)*

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

21 *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*

22 *For expenses relating to the Overseas Humanitarian,*
23 *Disaster, and Civic Aid programs of the Department of De-*
24 *fense (consisting of the programs provided under sections*
25 *401, 402, 404, 407, 2557, and 2561 of title 10, United*

1 *States Code*), \$63,300,000, to remain available until Sep-
2 *tember 30, 2009.*

3 *FORMER SOVIET UNION THREAT REDUCTION ACCOUNT*

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

21 *TITLE III*

22 *PROCUREMENT*

23 *AIRCRAFT PROCUREMENT, ARMY*

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

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

13 *MISSILE PROCUREMENT, ARMY*

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

1 \$1,756,979,000, to remain available for obligation until
2 September 30, 2010.

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

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

19 *PROCUREMENT OF AMMUNITION, ARMY*

20 *For construction, procurement, production, and modi-*
21 *fication of ammunition, and accessories therefor; specialized*
22 *equipment and training devices; expansion of public and*
23 *private plants, including ammunition facilities, authorized*
24 *by section 2854 of title 10, United States Code, and the*
25 *land necessary therefor, for the foregoing purposes, and such*

1 *lands and interests therein, may be acquired, and construc-*
2 *tion prosecuted thereon prior to approval of title; and pro-*
3 *curement and installation of equipment, appliances, and*
4 *machine tools in public and private plants; reserve plant*
5 *and Government and contractor-owned equipment layaway;*
6 *and other expenses necessary for the foregoing purposes,*
7 *\$2,208,976,000, to remain available for obligation until*
8 *September 30, 2010.*

9 *OTHER PROCUREMENT, ARMY*

10 *For construction, procurement, production, and modi-*
11 *fication of vehicles, including tactical, support, and non-*
12 *tracked combat vehicles; the purchase of passenger motor ve-*
13 *hicles for replacement only; and the purchase of 3 vehicles*
14 *required for physical security of personnel, notwithstanding*
15 *price limitations applicable to passenger vehicles but not*
16 *to exceed \$255,000 per vehicle; communications and elec-*
17 *tronic equipment; other support equipment; spare parts,*
18 *ordnance, and accessories therefor; specialized equipment*
19 *and training devices; expansion of public and private*
20 *plants, including the land necessary therefor, for the fore-*
21 *going purposes, and such lands and interests therein, may*
22 *be acquired, and construction prosecuted thereon prior to*
23 *approval of title; and procurement and installation of*
24 *equipment, appliances, and machine tools in public and*
25 *private plants; reserve plant and Government and con-*

1 *tractor-owned equipment layaway; and other expenses nec-*
2 *essary for the foregoing purposes, \$11,697,265,000, to re-*
3 *main available for obligation until September 30, 2010.*

4 *AIRCRAFT PROCUREMENT, NAVY*

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

17 *WEAPONS PROCUREMENT, NAVY*

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

1 *machine tools in public and private plants; reserve plant*
2 *and Government and contractor-owned equipment layaway,*
3 *\$3,094,687,000, to remain available for obligation until*
4 *September 30, 2010.*

5 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*

6 *CORPS*

7 *For construction, procurement, production, and modi-*
8 *fication of ammunition, and accessories therefor; specialized*
9 *equipment and training devices; expansion of public and*
10 *private plants, including ammunition facilities, authorized*
11 *by section 2854 of title 10, United States Code, and the*
12 *land necessary therefor, for the foregoing purposes, and such*
13 *lands and interests therein, may be acquired, and construc-*
14 *tion prosecuted thereon prior to approval of title; and pro-*
15 *curement and installation of equipment, appliances, and*
16 *machine tools in public and private plants; reserve plant*
17 *and Government and contractor-owned equipment layaway;*
18 *and other expenses necessary for the foregoing purposes,*
19 *\$1,058,832,000, to remain available for obligation until*
20 *September 30, 2010.*

21 *SHIPBUILDING AND CONVERSION, NAVY*

22 *For expenses necessary for the construction, acquisi-*
23 *tion, or conversion of vessels as authorized by law, includ-*
24 *ing armor and armament thereof, plant equipment, appli-*
25 *ances, and machine tools and installation thereof in public*

1 *and private plants; reserve plant and Government and con-*
2 *tractor-owned equipment layaway; procurement of critical,*
3 *long leadtime components and designs for vessels to be con-*
4 *structed or converted in the future; and expansion of public*
5 *and private plants, including land necessary therefor, and*
6 *such lands and interests therein, may be acquired, and con-*
7 *struction prosecuted thereon prior to approval of title, as*
8 *follows:*

9 *Carrier Replacement Program, \$2,703,953,000;*

10 *Carrier Replacement Program (AP),*
11 *\$124,401,000;*

12 *NSSN, \$1,796,191,000;*

13 *NSSN (AP), \$1,172,710,000;*

14 *CVN Refuelings (AP), \$297,344,000;*

15 *SSBN Submarine Refuelings, \$187,652,000;*

16 *SSBN Submarine Refuelings (AP), \$42,744,000;*

17 *DDG-1000 Program, \$2,807,437,000;*

18 *DDG-1000 Program (AP), \$150,886,000;*

19 *DDG-51 Destroyer, \$48,078,000;*

20 *Littoral Combat Ship (AP), \$75,000,000;*

21 *LPD-17, \$1,398,922,000;*

22 *LHA-R, \$1,377,414,000;*

23 *LCAC Service Life Extension Program,*
24 *\$98,518,000;*

25 *Prior year shipbuilding costs, \$511,474,000;*

1 *Service Craft, \$32,903,000; and*

2 *For outfitting, post delivery, conversions, and*
3 *first destination transportation, \$379,811,000.*

4 *In all: \$13,205,438,000, to remain available for obliga-*
5 *tion until September 30, 2012: Provided, That additional*
6 *obligations may be incurred after September 30, 2012, for*
7 *engineering services, tests, evaluations, and other such budg-*
8 *eted work that must be performed in the final stage of ship*
9 *construction: Provided further, That none of the funds pro-*
10 *vided under this heading for the construction or conversion*
11 *of any naval vessel to be constructed in shipyards in the*
12 *United States shall be expended in foreign facilities for the*
13 *construction of major components of such vessel: Provided*
14 *further, That none of the funds provided under this heading*
15 *shall be used for the construction of any naval vessel in*
16 *foreign shipyards.*

17 *OTHER PROCUREMENT, NAVY*

18 *For procurement, production, and modernization of*
19 *support equipment and materials not otherwise provided*
20 *for, Navy ordnance (except ordnance for new aircraft, new*
21 *ships, and ships authorized for conversion); the purchase*
22 *of passenger motor vehicles for replacement only, and the*
23 *purchase of 10 vehicles required for physical security of per-*
24 *sonnel, notwithstanding price limitations applicable to pas-*
25 *senger vehicles but not to exceed \$255,000 per vehicle; ex-*

1 *pansion of public and private plants, including the land*
2 *necessary therefor, and such lands and interests therein,*
3 *may be acquired, and construction prosecuted thereon prior*
4 *to approval of title; and procurement and installation of*
5 *equipment, appliances, and machine tools in public and*
6 *private plants; reserve plant and Government and con-*
7 *tractor-owned equipment layaway, \$5,376,530,000, to re-*
8 *main available for obligation until September 30, 2010.*

9 *PROCUREMENT, MARINE CORPS*

10 *For expenses necessary for the procurement, manufac-*
11 *ture, and modification of missiles, armament, military*
12 *equipment, spare parts, and accessories therefor; plant*
13 *equipment, appliances, and machine tools, and installation*
14 *thereof in public and private plants; reserve plant and Gov-*
15 *ernment and contractor-owned equipment layaway; vehicles*
16 *for the Marine Corps, including the purchase of passenger*
17 *motor vehicles for replacement only; and expansion of pub-*
18 *lic and private plants, including land necessary therefor,*
19 *and such lands and interests therein, may be acquired, and*
20 *construction prosecuted thereon prior to approval of title,*
21 *\$2,091,897,000, to remain available for obligation until*
22 *September 30, 2010.*

23 *AIRCRAFT PROCUREMENT, AIR FORCE*

24 *For construction, procurement, and modification of*
25 *aircraft and equipment, including armor and armament,*

1 *specialized ground handling equipment, and training de-*
2 *vices, spare parts, and accessories therefor; specialized*
3 *equipment; expansion of public and private plants, Govern-*
4 *ment-owned equipment and installation thereof in such*
5 *plants, erection of structures, and acquisition of land, for*
6 *the foregoing purposes, and such lands and interests therein,*
7 *may be acquired, and construction prosecuted thereon prior*
8 *to approval of title; reserve plant and Government and con-*
9 *tractor-owned equipment layaway; and other expenses nec-*
10 *essary for the foregoing purposes including rents and trans-*
11 *portation of things, \$12,133,900,000, to remain available*
12 *for obligation until September 30, 2010.*

13 *MISSILE PROCUREMENT, AIR FORCE*

14 *For construction, procurement, and modification of*
15 *missiles, spacecraft, rockets, and related equipment, includ-*
16 *ing spare parts and accessories therefor, ground handling*
17 *equipment, and training devices; expansion of public and*
18 *private plants, Government-owned equipment and installa-*
19 *tion thereof in such plants, erection of structures, and ac-*
20 *quisition of land, for the foregoing purposes, and such lands*
21 *and interests therein, may be acquired, and construction*
22 *prosecuted thereon prior to approval of title; reserve plant*
23 *and Government and contractor-owned equipment layaway;*
24 *and other expenses necessary for the foregoing purposes in-*
25 *cluding rents and transportation of things, \$4,920,219,000,*

1 *to remain available for obligation until September 30,*
2 *2010.*

3 *PROCUREMENT OF AMMUNITION, AIR FORCE*

4 *For construction, procurement, production, and modi-*
5 *fication of ammunition, and accessories therefor; specialized*
6 *equipment and training devices; expansion of public and*
7 *private plants, including ammunition facilities, authorized*
8 *by section 2854 of title 10, United States Code, and the*
9 *land necessary therefor, for the foregoing purposes, and such*
10 *lands and interests therein, may be acquired, and construc-*
11 *tion prosecuted thereon prior to approval of title; and pro-*
12 *curement and installation of equipment, appliances, and*
13 *machine tools in public and private plants; reserve plant*
14 *and Government and contractor-owned equipment layaway;*
15 *and other expenses necessary for the foregoing purposes,*
16 *\$854,167,000, to remain available for obligation until Sep-*
17 *tember 30, 2010.*

18 *OTHER PROCUREMENT, AIR FORCE*

19 *For procurement and modification of equipment (in-*
20 *cluding ground guidance and electronic control equipment,*
21 *and ground electronic and communication equipment), and*
22 *supplies, materials, and spare parts therefor, not otherwise*
23 *provided for; the purchase of passenger motor vehicles for*
24 *replacement only, and the purchase of 2 vehicles required*
25 *for physical security of personnel, notwithstanding price*

1 *limitations applicable to passenger vehicles but not to ex-*
2 *ceed \$255,000 per vehicle; lease of passenger motor vehicles;*
3 *and expansion of public and private plants, Government-*
4 *owned equipment and installation thereof in such plants,*
5 *erection of structures, and acquisition of land, for the fore-*
6 *going purposes, and such lands and interests therein, may*
7 *be acquired, and construction prosecuted thereon, prior to*
8 *approval of title; reserve plant and Government and con-*
9 *tractor-owned equipment layaway, \$15,517,127,000, to re-*
10 *main available for obligation until September 30, 2010.*

11 *PROCUREMENT, DEFENSE-WIDE*

12 *For expenses of activities and agencies of the Depart-*
13 *ment of Defense (other than the military departments) nec-*
14 *essary for procurement, production, and modification of*
15 *equipment, supplies, materials, and spare parts therefor,*
16 *not otherwise provided for; the purchase of passenger motor*
17 *vehicles for replacement only, and the purchase of 5 vehicles*
18 *required for physical security of personnel, notwithstanding*
19 *prior limitations applicable to passenger vehicles but not*
20 *to exceed \$255,000 per vehicle; expansion of public and pri-*
21 *vate plants, equipment, and installation thereof in such*
22 *plants, erection of structures, and acquisition of land for*
23 *the foregoing purposes, and such lands and interests therein,*
24 *may be acquired, and construction prosecuted thereon prior*
25 *to approval of title; reserve plant and Government and con-*

1 *tractor-owned equipment layaway, \$3,246,843,000, to re-*
2 *main available for obligation until September 30, 2010.*

3 *NATIONAL GUARD AND RESERVE EQUIPMENT*

4 *For procurement of aircraft, missiles, tracked combat*
5 *vehicles, ammunition, other weapons, and other procure-*
6 *ment for the reserve components of the Armed Forces,*
7 *\$1,000,000,000, to remain available for obligation until*
8 *September 30, 2010: Provided, That the Chiefs of the Re-*
9 *serve and National Guard components shall, not later than*
10 *30 days after the enactment of this Act, individually submit*
11 *to the congressional defense committees the modernization*
12 *priority assessment for their respective Reserve or National*
13 *Guard component.*

14 *DEFENSE PRODUCTION ACT PURCHASES*

15 *For activities by the Department of Defense pursuant*
16 *to sections 108, 301, 302, and 303 of the Defense Production*
17 *Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093),*
18 *\$65,092,000, to remain available until expended.*

19 *TITLE IV*

20 *RESEARCH, DEVELOPMENT, TEST AND*

21 *EVALUATION*

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

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

1 *and equipment, \$11,355,005,000, to remain available for*
2 *obligation until September 30, 2009.*

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

4 *For expenses necessary for basic and applied scientific*
5 *research, development, test and evaluation, including main-*
6 *tenance, rehabilitation, lease, and operation of facilities*
7 *and equipment, \$17,472,210,000, to remain available for*
8 *obligation until September 30, 2009: Provided, That funds*
9 *appropriated in this paragraph which are available for the*
10 *V-22 may be used to meet unique operational requirements*
11 *of the Special Operations Forces: Provided further, That*
12 *funds appropriated in this paragraph shall be available for*
13 *the Cobra Judy program.*

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

15 *FORCE*

16 *For expenses necessary for basic and applied scientific*
17 *research, development, test and evaluation, including main-*
18 *tenance, rehabilitation, lease, and operation of facilities*
19 *and equipment, \$26,070,841,000, to remain available for*
20 *obligation until September 30, 2009.*

21 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*

22 *DEFENSE-WIDE*

23 *For expenses of activities and agencies of the Depart-*
24 *ment of Defense (other than the military departments), nec-*
25 *essary for basic and applied scientific research, develop-*

1 *ment, test and evaluation; advanced research projects as*
2 *may be designated and determined by the Secretary of De-*
3 *fense, pursuant to law; maintenance, rehabilitation, lease,*
4 *and operation of facilities and equipment, \$20,303,726,000,*
5 *to remain available for obligation until September 30,*
6 *2009.*

7 *OPERATIONAL TEST AND EVALUATION, DEFENSE*

8 *For expenses, not otherwise provided for, necessary for*
9 *the independent activities of the Director, Operational Test*
10 *and Evaluation, in the direction and supervision of oper-*
11 *ational test and evaluation, including initial operational*
12 *test and evaluation which is conducted prior to, and in sup-*
13 *port of, production decisions; joint operational testing and*
14 *evaluation; and administrative expenses in connection*
15 *therewith, \$180,264,000, to remain available for obligation*
16 *until September 30, 2009.*

17 *TITLE V*

18 *REVOLVING AND MANAGEMENT FUNDS*

19 *DEFENSE WORKING CAPITAL FUNDS*

20 *For the Defense Working Capital Funds,*
21 *\$1,352,746,000.*

22 *NATIONAL DEFENSE SEALIFT FUND*

23 *For National Defense Sealift Fund programs, projects,*
24 *and activities, and for expenses of the National Defense Re-*
25 *serve Fleet, as established by section 11 of the Merchant*

1 *Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the*
2 *necessary expenses to maintain and preserve a U.S.-flag*
3 *merchant fleet to serve the national security needs of the*
4 *United States, \$1,044,194,000, to remain available until ex-*
5 *pende: Provided, That none of the funds provided in this*
6 *paragraph shall be used to award a new contract that pro-*
7 *vides for the acquisition of any of the following major com-*
8 *ponents unless such components are manufactured in the*
9 *United States: auxiliary equipment, including pumps, for*
10 *all shipboard services; propulsion system components (that*
11 *is; engines, reduction gears, and propellers); shipboard*
12 *cranes; and spreaders for shipboard cranes: Provided fur-*
13 *ther, That the exercise of an option in a contract awarded*
14 *through the obligation of previously appropriated funds*
15 *shall not be considered to be the award of a new contract:*
16 *Provided further, That the Secretary of the military depart-*
17 *ment responsible for such procurement may waive the re-*
18 *strictions in the first proviso on a case-by-case basis by cer-*
19 *tifying in writing to the Committees on Appropriations of*
20 *the House of Representatives and the Senate that adequate*
21 *domestic supplies are not available to meet Department of*
22 *Defense requirements on a timely basis and that such an*
23 *acquisition must be made in order to acquire capability for*
24 *national security purposes.*

1 *Operation and maintenance; \$18,424,000 shall be for Pro-*
2 *curement, to remain available until September 30, 2010;*
3 *\$312,800,000 shall be for Research, development, test and*
4 *evaluation, of which \$302,900,000 shall only be for the As-*
5 *sembled Chemical Weapons Alternatives (ACWA) program,*
6 *to remain available until September 30, 2008; and no less*
7 *than \$124,618,000 shall be for the Chemical Stockpile*
8 *Emergency Preparedness Program, of which \$36,373,000*
9 *shall be for activities on military installations and of which*
10 *\$88,245,000, to remain available until September 30, 2008,*
11 *shall be to assist State and local governments.*

12 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*

13 *DEFENSE*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For drug interdiction and counter-drug activities of*
16 *the Department of Defense, for transfer to appropriations*
17 *available to the Department of Defense for military per-*
18 *sonnel of the reserve components serving under the provi-*
19 *sions of title 10 and title 32, United States Code; for Oper-*
20 *ation and maintenance; for Procurement; and for Research,*
21 *development, test and evaluation, \$962,603,000: Provided,*
22 *That the funds appropriated under this heading shall be*
23 *available for obligation for the same time period and for*
24 *the same purpose as the appropriation to which transferred:*
25 *Provided further, That upon a determination that all or*

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

7 *JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For the “Joint Improvised Explosive Device Defeat*
10 *Fund, \$120,000,000: Provided, That such funds shall be*
11 *available to the Secretary of Defense, notwithstanding any*
12 *other provision of law, for the purpose of allowing the Di-*
13 *rector of the Joint Improvised Explosive Device Defeat Or-*
14 *ganization to investigate, develop and provide equipment,*
15 *supplies, services, training, facilities, personnel and funds*
16 *to assist United States forces in the defeat of improvised*
17 *explosive devices: Provided further, That within 60 days of*
18 *the enactment of this Act, a plan for the intended manage-*
19 *ment and use of the Fund is provided to the congressional*
20 *defense committees: Provided further, That the Secretary of*
21 *Defense shall submit a report not later than 30 days after*
22 *the end of each fiscal quarter to the congressional defense*
23 *committees providing assessments of the evolving threats,*
24 *individual service requirements to counter the threats, the*
25 *current strategy for predeployment training of members of*

1 *the Armed Forces on improvised explosive devices, and de-*
2 *tails on the execution of this Fund: Provided further, That*
3 *the Secretary of Defense may transfer funds provided herein*
4 *to appropriations for Operation and maintenance; Procure-*
5 *ment; Research, development, test and evaluation; and de-*
6 *fense working capital funds to accomplish the purpose pro-*
7 *vided herein: Provided further, That amounts transferred*
8 *shall be merged with and available for the same purposes*
9 *and time period as the appropriations to which transferred:*
10 *Provided further, That this transfer authority is in addi-*
11 *tion to any other transfer authority available to the Depart-*
12 *ment of Defense: Provided further, That the Secretary of*
13 *Defense shall, not fewer than 5 days prior to making trans-*
14 *fers from this appropriation, notify the congressional de-*
15 *fense committees in writing of the details of any such trans-*
16 *fer.*

17 *OFFICE OF THE INSPECTOR GENERAL*

18 *For expenses and activities of the Office of the Inspec-*
19 *tor General in carrying out the provisions of the Inspector*
20 *General Act of 1978, as amended, \$225,995,000, of which*
21 *\$224,995,000 shall be for Operation and maintenance, of*
22 *which not to exceed \$700,000 is available for emergencies*
23 *and extraordinary expenses to be expended on the approval*
24 *or authority of the Inspector General, and payments may*
25 *be made on the Inspector General's certificate of necessity*

1 *for confidential military purposes; and of which \$1,000,000,*
2 *to remain available until September 30, 2010, shall be for*
3 *Procurement.*

4 *TITLE VII*

5 *RELATED AGENCIES*

6 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*

7 *DISABILITY SYSTEM FUND*

8 *For payment to the Central Intelligence Agency Retire-*
9 *ment and Disability System Fund, to maintain the proper*
10 *funding level for continuing the operation of the Central*
11 *Intelligence Agency Retirement and Disability System,*
12 *\$262,500,000.*

13 *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*

14 *(INCLUDING TRANSFER OF FUNDS)*

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

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 com-*
10 *puted under the provisions of section 5332 of title 5, United*
11 *States Code, or at a rate in excess of the percentage increase*
12 *provided by the appropriate host nation to its own employ-*
13 *ees, whichever is higher: Provided further, That this section*
14 *shall not apply to Department of Defense foreign service*
15 *national employees serving at United States diplomatic*
16 *missions whose pay is set by the Department of State under*
17 *the Foreign Service Act of 1980: Provided further, That the*
18 *limitations of this provision shall not apply to foreign na-*
19 *tional employees of the Department of Defense in the Re-*
20 *public of Turkey.*

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

24 *SEC. 8004. No more than 20 percent of the appropria-*
25 *tions in this Act which are limited for obligation during*

1 *the current fiscal year shall be obligated during the last 2*
2 *months of the fiscal year: Provided, That this section shall*
3 *not apply to obligations for support of active duty training*
4 *of reserve components or summer camp training of the Re-*
5 *serve 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 Management*
10 *and Budget, transfer not to exceed \$3,700,000,000 of work-*
11 *ing capital funds of the Department of Defense or funds*
12 *made available in this Act to the Department of Defense*
13 *for military functions (except military construction) be-*
14 *tween such appropriations or funds or any subdivision*
15 *thereof, to be merged with and to be available for the same*
16 *purposes, and for the same time period, as the appropria-*
17 *tion or fund to which transferred: Provided, That such au-*
18 *thority to transfer may not be used unless for higher pri-*
19 *ority items, based on unforeseen military requirements,*
20 *than those for which originally appropriated and in no case*
21 *where the item for which funds are requested has been de-*
22 *nied by the Congress: Provided further, That the Secretary*
23 *of Defense shall notify the Congress promptly of all transfers*
24 *made pursuant to this authority or any other authority in*
25 *this Act: Provided further, That no part of the funds in*
26 *this Act shall be available to prepare or present a request*

1 *to the Committees on Appropriations for reprogramming*
2 *of funds, unless for higher priority items, based on unfore-*
3 *seen military requirements, than those for which originally*
4 *appropriated and in no case where the item for which re-*
5 *programming is requested has been denied by the Congress:*
6 *Provided further, That a request for multiple*
7 *reprogrammings of funds using authority provided in this*
8 *section must be made prior to June 30, 2008: Provided fur-*
9 *ther, That transfers among military personnel appropria-*
10 *tions shall not be taken into account for purposes of the*
11 *limitation on the amount of funds that may be transferred*
12 *under this section: Provided further, That no obligation of*
13 *funds may be made pursuant to section 1206 of Public Law*
14 *109–163 (or any successor provision) unless the Secretary*
15 *of Defense has notified the congressional defense committees*
16 *prior to any such obligation.*

17 *SEC. 8006. The Secretaries of the Air Force and the*
18 *Army are authorized, using funds available under the head-*
19 *ing “Operation and Maintenance, Air Force” and “Oper-*
20 *ation and Maintenance, Army”, to complete phased repair*
21 *projects, of which repairs may include upgrades and addi-*
22 *tions to Alaskan range infrastructure and training areas,*
23 *to include improved access to these ranges.*

24 *(TRANSFER OF FUNDS)*

25 *SEC. 8007. During the current fiscal year, cash bal-*
26 *ances in working capital funds of the Department of De-*

1 *fense established pursuant to section 2208 of title 10, United*
2 *States Code, may be maintained in only such amounts as*
3 *are necessary at any time for cash disbursements to be made*
4 *from such funds: Provided, That transfers may be made be-*
5 *tween such funds: Provided further, That transfers may be*
6 *made between working capital funds and the “Foreign Cur-*
7 *rency Fluctuations, Defense” appropriation and the “Oper-*
8 *ation and Maintenance” appropriation accounts in such*
9 *amounts as may be determined by the Secretary of Defense,*
10 *with the approval of the Office of Management and Budget,*
11 *except that such transfers may not be made unless the Sec-*
12 *retary of Defense has notified the Congress of the proposed*
13 *transfer. Except in amounts equal to the amounts appro-*
14 *priated to working capital funds in this Act, no obligations*
15 *may be made against a working capital fund to procure*
16 *or increase the value of war reserve material inventory, un-*
17 *less the Secretary of Defense has notified the Congress prior*
18 *to any such obligation.*

19 *SEC. 8008. Funds appropriated by this Act may not*
20 *be used to initiate a special access program without prior*
21 *notification 30 calendar days in advance to the congres-*
22 *sional defense committees.*

23 *SEC. 8009. None of the funds provided in this Act shall*
24 *be available to initiate: (1) a multiyear contract that em-*
25 *ploys economic order quantity procurement in excess of*

1 \$20,000,000 in any 1 year of the contract or that includes
2 an unfunded contingent liability in excess of \$20,000,000;
3 or (2) a contract for advance procurement leading to a
4 multiyear contract that employs economic order quantity
5 procurement in excess of \$20,000,000 in any 1 year, unless
6 the congressional defense committees have been notified at
7 least 30 days in advance of the proposed contract award:
8 *Provided, That no part of any appropriation contained in*
9 *this Act shall be available to initiate a multiyear contract*
10 *for which the economic order quantity advance procurement*
11 *is not funded at least to the limits of the Government's li-*
12 *ability: Provided further, That no part of any appropria-*
13 *tion contained in this Act shall be available to initiate*
14 *multiyear procurement contracts for any systems or compo-*
15 *nent thereof if the value of the multiyear contract would*
16 *exceed \$500,000,000 unless specifically provided in this Act:*
17 *Provided further, That no multiyear procurement contract*
18 *can be terminated without 10-day prior notification to the*
19 *congressional defense committees: Provided further, That the*
20 *execution of multiyear authority shall require the use of a*
21 *present value analysis to determine lowest cost compared*
22 *to an annual procurement: Provided further, That none of*
23 *the funds provided in this Act may be used for a multiyear*
24 *contract executed after the date of the enactment of this Act*
25 *unless in the case of any such contract—*

1 (1) *the Secretary of Defense has submitted to*
2 *Congress a budget request for full funding of units to*
3 *be procured through the contract and, in the case of*
4 *a contract for procurement of aircraft, that includes,*
5 *for any aircraft unit to be procured through the con-*
6 *tract for which procurement funds are requested in*
7 *that budget request for production beyond advance*
8 *procurement activities in the fiscal year covered by*
9 *the budget, full funding of procurement of such unit*
10 *in that fiscal year;*

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

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

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

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

23 *M1A2 Abrams System Enhancement Package Up-*
24 *grades; M2A3/M3A3 Bradley Upgrades; and SSN Virginia*
25 *Class Submarine.*

1 *SEC. 8010. Within the funds appropriated for the oper-*
2 *ation and maintenance of the Armed Forces, funds are here-*
3 *by appropriated pursuant to section 401 of title 10, United*
4 *States Code, for humanitarian and civic assistance costs*
5 *under chapter 20 of title 10, United States Code. Such funds*
6 *may also be obligated for humanitarian and civic assist-*
7 *ance costs incidental to authorized operations and pursuant*
8 *to authority granted in section 401 of chapter 20 of title*
9 *10, United States Code, and these obligations shall be re-*
10 *ported as required by section 401(d) of title 10, United*
11 *States Code: Provided, That funds available for operation*
12 *and maintenance shall be available for providing humani-*
13 *tarian and similar assistance by using Civic Action Teams*
14 *in the Trust Territories of the Pacific Islands and freely*
15 *associated states of Micronesia, pursuant to the Compact*
16 *of Free Association as authorized by Public Law 99-239:*
17 *Provided further, That upon a determination by the Sec-*
18 *retary of the Army that such action is beneficial for grad-*
19 *uate medical education programs conducted at Army med-*
20 *ical facilities located in Hawaii, the Secretary of the Army*
21 *may authorize the provision of medical services at such fa-*
22 *cilities and transportation to such facilities, on a non-*
23 *reimbursable basis, for civilian patients from American*
24 *Samoa, the Commonwealth of the Northern Mariana Is-*

1 *lands, the Marshall Islands, the Federated States of Micro-*
2 *nesia, Palau, and Guam.*

3 *SEC. 8011. (a) During fiscal year 2008, the civilian*
4 *personnel of the Department of Defense may not be man-*
5 *aged on the basis of any end-strength, and the management*
6 *of such personnel during that fiscal year shall not be subject*
7 *to any constraint or limitation (known as an end-strength)*
8 *on the number of such personnel who may be employed on*
9 *the last day of such fiscal year.*

10 *(b) The fiscal year 2009 budget request for the Depart-*
11 *ment of Defense as well as all justification material and*
12 *other documentation supporting the fiscal year 2009 De-*
13 *partment of Defense budget request shall be prepared and*
14 *submitted to the Congress as if subsections (a) and (b) of*
15 *this provision were effective with regard to fiscal year 2009.*

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

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

22 *SEC. 8013. None of the funds appropriated by this Act*
23 *shall be available for the basic pay and allowances of any*
24 *member of the Army participating as a full-time student*
25 *and receiving benefits paid by the Secretary of Veterans Af-*

1 *fairs from the Department of Defense Education Benefits*
2 *Fund when time spent as a full-time student is credited*
3 *toward completion of a service commitment: Provided, That*
4 *this section shall not apply to those members who have reen-*
5 *listed with this option prior to October 1, 1987: Provided*
6 *further, That this section applies only to active components*
7 *of the Army.*

8 *SEC. 8014. (a) None of the funds appropriated by this*
9 *Act shall be available to convert to contractor performance*
10 *an activity or function of the Department of Defense that,*
11 *on or after the date of the enactment of this Act, is per-*
12 *formed by more than 10 Department of Defense civilian em-*
13 *ployees unless—*

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

18 *(2) the Competitive Sourcing Official determines*
19 *that, over all performance periods stated in the solici-*
20 *tation of offers for performance of the activity or*
21 *function, the cost of performance of the activity or*
22 *function by a contractor would be less costly to the*
23 *Department of Defense by an amount that equals or*
24 *exceeds the lesser of—*

1 (A) 10 percent of the most efficient organi-
2 zation's personnel-related costs for performance
3 of that activity or function by Federal employ-
4 ees; or

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

6 (3) the contractor does not receive an advantage
7 for a proposal that would reduce costs for the Depart-
8 ment of Defense by—

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

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

20 (b)(1) The Department of Defense, without regard to
21 subsection (a) of this section or subsection (a), (b), or (c)
22 of section 2461 of title 10, United States Code, and notwith-
23 standing any administrative regulation, requirement, or
24 policy to the contrary shall have full authority to enter into

1 *a contract for the performance of any commercial or indus-*
2 *trial type function of the Department of Defense that—*

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

6 *(B) is planned to be converted to performance by*
7 *a qualified nonprofit agency for the blind or by a*
8 *qualified nonprofit agency for other severely handi-*
9 *capped individuals in accordance with that Act; or*

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

17 *(2) This section shall not apply to depot contracts or*
18 *contracts for depot maintenance as provided in sections*
19 *2469 and 2474 of title 10, United States Code.*

20 *(c) The conversion of any activity or function of the*
21 *Department of Defense under the authority provided by this*
22 *section shall be credited toward any competitive or*
23 *outsourcing goal, target, or measurement that may be estab-*
24 *lished by statute, regulation, or policy and is deemed to*
25 *be awarded under the authority of, and in compliance with,*

1 *subsection (h) of section 2304 of title 10, United States*
2 *Code, for the competition or outsourcing of commercial ac-*
3 *tivities.*

4 *(TRANSFER OF FUNDS)*

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

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

1 *be considered to be produced or manufactured in the United*
2 *States if the aggregate cost of the components produced or*
3 *manufactured in the United States exceeds the aggregate*
4 *cost of the components produced or manufactured outside*
5 *the United States: Provided further, That when adequate*
6 *domestic supplies are not available to meet Department of*
7 *Defense requirements on a timely basis, the Secretary of the*
8 *service responsible for the procurement may waive this re-*
9 *striction on a case-by-case basis by certifying in writing*
10 *to the Committees on Appropriations that such an acquisi-*
11 *tion must be made in order to acquire capability for na-*
12 *tional security purposes.*

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

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

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

1 *individuals defined under section 4221(9) of title 25,*
2 *United States Code.*

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

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

14 *SEC. 8022. During the current fiscal year, the Depart-*
15 *ment of Defense is authorized to incur obligations of not*
16 *to exceed \$350,000,000 for purposes specified in section*
17 *2350j(c) of title 10, United States Code, in anticipation of*
18 *receipt of contributions, only from the Government of Ku-*
19 *wait, under that section: Provided, That upon receipt, such*
20 *contributions from the Government of Kuwait shall be cred-*
21 *ited to the appropriations or fund which incurred such obli-*
22 *gations.*

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

1 (1) \$26,553,000 shall be available from “Oper-
2 ation and Maintenance, Air Force” to support Civil
3 Air Patrol Corporation operation and maintenance,
4 readiness, counterdrug activities, and drug demand
5 reduction activities involving youth programs;

6 (2) \$4,477,000 shall be available from “Aircraft
7 Procurement, Air Force”; and

8 (3) \$875,000 shall be available from “Other Pro-
9 curement, Air Force” for vehicle procurement.

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

14 SEC. 8024. (a) None of the funds appropriated in this
15 Act are available to establish a new Department of Defense
16 (department) federally funded research and development
17 center (FFRDC), either as a new entity, or as a separate
18 entity administrated by an organization managing another
19 FFRDC, or as a nonprofit membership corporation con-
20 sisting of a consortium of other FFRDCs and other non-
21 profit entities.

22 (b) No member of a Board of Directors, Trustees, Over-
23 seers, Advisory Group, Special Issues Panel, Visiting Com-
24 mittee, or any similar entity of a defense FFRDC, and no
25 paid consultant to any defense FFRDC, except when acting

1 *in a technical advisory capacity, may be compensated for*
2 *his or her services as a member of such entity, or as a paid*
3 *consultant by more than one FFRDC in a fiscal year: Pro-*
4 *vided, That a member of any such entity referred to pre-*
5 *viously in this subsection shall be allowed travel expenses*
6 *and per diem as authorized under the Federal Joint Travel*
7 *Regulations, when engaged in the performance of member-*
8 *ship duties.*

9 (c) *Notwithstanding any other provision of law, none*
10 *of the funds available to the department from any source*
11 *during fiscal year 2008 may be used by a defense FFRDC,*
12 *through a fee or other payment mechanism, for construction*
13 *of new buildings, for payment of cost sharing for projects*
14 *funded by Government grants, for absorption of contract*
15 *overruns, or for certain charitable contributions, not to in-*
16 *clude employee participation in community service and/or*
17 *development.*

18 (d) *Notwithstanding any other provision of law, of the*
19 *funds available to the department during fiscal year 2008,*
20 *not more than 5,517 staff years of technical effort (staff*
21 *years) may be funded for defense FFRDCs: Provided, That*
22 *of the specific amount referred to previously in this sub-*
23 *section, not more than 1,060 staff years may be funded for*
24 *the defense studies and analysis FFRDCs: Provided further,*
25 *That this subsection shall not apply to staff years funded*

1 *in the National Intelligence Program (NIP) and the Mili-*
2 *tary Intelligence Program (MIP).*

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

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

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

1 *Department of Defense requirements on a timely basis and*
2 *that such an acquisition must be made in order to acquire*
3 *capability for national security purposes: Provided further,*
4 *That these restrictions shall not apply to contracts which*
5 *are in being as of the date of the enactment of this Act.*

6 *SEC. 8026. For the purposes of this Act, the term “con-*
7 *gressional defense committees” means the Armed Services*
8 *Committee of the House of Representatives, the Armed Serv-*
9 *ices Committee of the Senate, the Subcommittee on Defense*
10 *of the Committee on Appropriations of the Senate, and the*
11 *Subcommittee on Defense of the Committee on Appropria-*
12 *tions of the House of Representatives.*

13 *SEC. 8027. During the current fiscal year, the Depart-*
14 *ment of Defense may acquire the modification, depot main-*
15 *tenance and repair of aircraft, vehicles and vessels as well*
16 *as the production of components and other Defense-related*
17 *articles, through competition between Department of De-*
18 *fense depot maintenance activities and private firms: Pro-*
19 *vided, That the Senior Acquisition Executive of the military*
20 *department or Defense Agency concerned, with power of del-*
21 *egation, shall certify that successful bids include comparable*
22 *estimates of all direct and indirect costs for both public and*
23 *private bids: Provided further, That Office of Management*
24 *and Budget Circular A-76 shall not apply to competitions*
25 *conducted under this section.*

1 *SEC. 8028. (a)(1) If the Secretary of Defense, after con-*
2 *sultation with the United States Trade Representative, de-*
3 *termines that a foreign country which is party to an agree-*
4 *ment described in paragraph (2) has violated the terms of*
5 *the agreement by discriminating against certain types of*
6 *products produced in the United States that are covered by*
7 *the agreement, the Secretary of Defense shall rescind the*
8 *Secretary's blanket waiver of the Buy American Act with*
9 *respect to such types of products produced in that foreign*
10 *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 pur-*
19 *chases from foreign entities in fiscal year 2008. Such report*
20 *shall separately indicate the dollar value of items for which*
21 *the Buy American Act was waived pursuant to any agree-*
22 *ment described in subsection (a)(2), the Trade Agreement*
23 *Act of 1979 (19 U.S.C. 2501 et seq.), or any international*
24 *agreement to which the United States is a party.*

1 (c) For purposes of this section, the term “Buy Amer-
2 ican Act” means title III of the Act entitled “An Act mak-
3 ing appropriations for the Treasury and Post Office De-
4 partments for the fiscal year ending June 30, 1934, and
5 for other purposes”, approved March 3, 1933 (41 U.S.C.
6 10a et seq.).

7 SEC. 8029. Notwithstanding any other provision of
8 law, funds available during the current fiscal year and
9 hereafter for “Drug Interdiction and Counter-Drug Activi-
10 ties, Defense” may be obligated for the Young Marines pro-
11 gram.

12 SEC. 8030. During the current fiscal year, amounts
13 contained in the Department of Defense Overseas Military
14 Facility Investment Recovery Account established by section
15 2921(c)(1) of the National Defense Authorization Act of
16 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be
17 available until expended for the payments specified by sec-
18 tion 2921(c)(2) of that Act.

19 SEC. 8031. (a) Notwithstanding any other provision
20 of law, the Secretary of the Air Force may convey at no
21 cost to the Air Force, without consideration, to Indian
22 tribes located in the States of North Dakota, South Dakota,
23 Montana, and Minnesota relocatable military housing units
24 located at Grand Forks Air Force Base and Minot Air
25 Force Base that are excess to the needs of the Air Force.

1 **(b)** *The Secretary of the Air Force shall convey, at no*
2 *cost to the Air Force, military housing units under sub-*
3 *section (a) in accordance with the request for such units*
4 *that are submitted to the Secretary by the Operation Walk-*
5 *ing Shield Program on behalf of Indian tribes located in*
6 *the States of North Dakota, South Dakota, Montana, and*
7 *Minnesota.*

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

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

17 **SEC. 8032.** *During the current fiscal year, appropria-*
18 *tions which are available to the Department of Defense for*
19 *operation and maintenance may be used to purchase items*
20 *having an investment item unit cost of not more than*
21 *\$250,000.*

22 **SEC. 8033.** *(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 pur-*
25 *chase of an investment item for the purpose of acquiring*

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

10 *(b) The fiscal year 2009 budget request for the Depart-*
11 *ment of Defense as well as all justification material and*
12 *other documentation supporting the fiscal year 2009 De-*
13 *partment of Defense budget shall be prepared and submitted*
14 *to the Congress on the basis that any equipment which was*
15 *classified as an end item and funded in a procurement ap-*
16 *propriation contained in this Act shall be budgeted for in*
17 *a proposed fiscal year 2009 procurement appropriation and*
18 *not in the supply management business area or any other*
19 *area or category of the Department of Defense Working*
20 *Capital Funds.*

21 *SEC. 8034. None of the funds appropriated by this Act*
22 *for programs of the Central Intelligence Agency shall re-*
23 *main available for obligation beyond the current fiscal year,*
24 *except for funds appropriated for the Reserve for Contin-*
25 *gencies, which shall remain available until September 30,*

1 2009: *Provided, That funds appropriated, transferred, or*
2 *otherwise credited to the Central Intelligence Agency Cen-*
3 *tral Services Working Capital Fund during this or any*
4 *prior or subsequent fiscal year shall remain available until*
5 *expended: Provided further, That any funds appropriated*
6 *or transferred to the Central Intelligence Agency for ad-*
7 *vanced research and development acquisition, for agent op-*
8 *erations, and for covert action programs authorized by the*
9 *President under section 503 of the National Security Act*
10 *of 1947, as amended, shall remain available until Sep-*
11 *tember 30, 2009.*

12 *SEC. 8035. Notwithstanding any other provision of*
13 *law, funds made available in this Act for the Defense Intel-*
14 *ligence Agency may be used for the design, development, and*
15 *deployment of General Defense Intelligence Program intel-*
16 *ligence communications and intelligence information sys-*
17 *tems for the Services, the Unified and Specified Commands,*
18 *and the component commands.*

19 *SEC. 8036. Of the funds appropriated to the Depart-*
20 *ment of Defense under the heading “Operation and Mainte-*
21 *nance, Defense-Wide”, not less than \$10,000,000 shall be*
22 *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. 8037. (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, complies*
7 *with the Buy American Act. For purposes of this subsection,*
8 *the term “Buy American Act” means title III of the Act*
9 *entitled “An Act making appropriations for the Treasury*
10 *and Post Office Departments for the fiscal year ending June*
11 *30, 1934, and for other purposes”, approved March 3, 1933*
12 *(41 U.S.C. 10a et seq.).*

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

21 *(c) In the case of any equipment or products purchased*
22 *with appropriations provided under this Act, it is the sense*
23 *of the Congress that any entity of the Department of De-*
24 *fense, in expending the appropriation, purchase only Amer-*
25 *ican-made equipment and products, provided that Amer-*

1 *ican-made equipment and products are cost-competitive,*
2 *quality-competitive, and available in a timely fashion.*

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

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

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

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

1 *that the award of such contract is in the interest of*
2 *the national defense.*

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

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

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

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

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

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

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

1 *“Shipbuilding and Conversion, Navy, 2007/*
2 *2011”*, \$300,000,000; and

3 *“Aircraft Procurement, Air Force, 2007/2009”*,
4 \$72,000,000.

5 *SEC. 8042. None of the funds available in this Act may*
6 *be used to reduce the authorized positions for military (ci-*
7 *vilian) technicians of the Army National Guard, the Air*
8 *National Guard, Army Reserve and Air Force Reserve for*
9 *the purpose of applying any administratively imposed ci-*
10 *vilian personnel ceiling, freeze, or reduction on military (ci-*
11 *vilian) technicians, unless such reductions are a direct re-*
12 *sult of a reduction in military force structure.*

13 *SEC. 8043. None of the funds appropriated or other-*
14 *wise made available in this Act may be obligated or ex-*
15 *pended for assistance to the Democratic People’s Republic*
16 *of Korea unless specifically appropriated for that purpose.*

17 *SEC. 8044. Funds appropriated in this Act for oper-*
18 *ation and maintenance of the Military Departments, Com-*
19 *batant Commands and Defense Agencies shall be available*
20 *for reimbursement of pay, allowances and other expenses*
21 *which would otherwise be incurred against appropriations*
22 *for the National Guard and Reserve when members of the*
23 *National Guard and Reserve provide intelligence or coun-*
24 *terintelligence support to Combatant Commands, Defense*
25 *Agencies and Joint Intelligence Activities, including the ac-*

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

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

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

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

1 *SEC. 8047. None of the funds appropriated by this Act*
2 *may be used for the procurement of ball and roller bearings*
3 *other than those produced by a domestic source and of do-*
4 *mestic origin: Provided, That the Secretary of the military*
5 *department responsible for such procurement may waive*
6 *this restriction on a case-by-case basis by certifying in writ-*
7 *ing to the Committees on Appropriations of the House of*
8 *Representatives and the Senate, that adequate domestic*
9 *supplies are not available to meet Department of Defense*
10 *requirements on a timely basis and that such an acquisition*
11 *must be made in order to acquire capability for national*
12 *security purposes: Provided further, That this restriction*
13 *shall not apply to the purchase of “commercial items”, as*
14 *defined by section 4(12) of the Office of Federal Procure-*
15 *ment Policy Act, except that the restriction shall apply to*
16 *ball or roller bearings purchased as end items.*

17 *SEC. 8048. None of the funds in this Act may be used*
18 *to purchase any supercomputer which is not manufactured*
19 *in the United States, unless the Secretary of Defense cer-*
20 *tifies to the congressional defense committees that such an*
21 *acquisition must be made in order to acquire capability for*
22 *national security purposes that is not available from*
23 *United States manufacturers.*

24 *SEC. 8049. None of the funds made available in this*
25 *or any other Act may be used to pay the salary of any*

1 *officer or employee of the Department of Defense who ap-*
2 *proves or implements the transfer of administrative respon-*
3 *sibilities or budgetary resources of any program, project,*
4 *or activity financed by this Act to the jurisdiction of an-*
5 *other Federal agency not financed by this Act without the*
6 *express authorization of Congress: Provided, That this limi-*
7 *tation shall not apply to transfers of funds expressly pro-*
8 *vided for in Defense Appropriations Acts, or provisions of*
9 *Acts providing supplemental appropriations for the De-*
10 *partment of Defense.*

11 *SEC. 8050. (a) Notwithstanding any other provision*
12 *of law, none of the funds available to the Department of*
13 *Defense for the current fiscal year may be obligated or ex-*
14 *pended to transfer to another nation or an international*
15 *organization any defense articles or services (other than in-*
16 *telligence services) for use in the activities described in sub-*
17 *section (b) unless the congressional defense committees, the*
18 *Committee on International Relations of the House of Rep-*
19 *resentatives, and the Committee on Foreign Relations of the*
20 *Senate are notified 15 days in advance of such transfer.*

21 *(b) This section applies to—*

22 *(1) any international peacekeeping or peace-en-*
23 *forcement operation under the authority of chapter VI*
24 *or chapter VII of the United Nations Charter under*

1 *the authority of a United Nations Security Council*
2 *resolution; and*

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

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

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

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

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

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

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

22 *SEC. 8051. None of the funds available to the Depart-*
23 *ment of Defense under this Act shall be obligated or ex-*
24 *pende*
ded to pay a contractor under a contract with the De-

1 *partment of Defense for costs of any amount paid by the*
2 *contractor to an employee when—*

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

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

8 *(INCLUDING TRANSFER OF FUNDS)*

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

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

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

1 *SEC. 8054. (a) Notwithstanding any other provision*
2 *of law, the Chief of the National Guard Bureau may permit*
3 *the use of equipment of the National Guard Distance Learn-*
4 *ing Project by any person or entity on a space-available,*
5 *reimbursable basis. The Chief of the National Guard Bu-*
6 *reau shall establish the amount of reimbursement for such*
7 *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 Distance*
10 *Learning Project and be available to defray the costs associ-*
11 *ated with the use of equipment of the project under that*
12 *subsection. Such funds shall be available for such purposes*
13 *without fiscal year limitation.*

14 *SEC. 8055. Using funds available by this Act or any*
15 *other Act, the Secretary of the Air Force, pursuant to a*
16 *determination under section 2690 of title 10, United States*
17 *Code, may implement cost-effective agreements for required*
18 *heating facility modernization in the Kaiserslautern Mili-*
19 *tary Community in the Federal Republic of Germany: Pro-*
20 *vided, That in the City of Kaiserslautern such agreements*
21 *will include the use of United States anthracite as the base*
22 *load energy for municipal district heat to the United States*
23 *Defense installations: Provided further, That at Landstuhl*
24 *Army Regional Medical Center and Ramstein Air Base,*
25 *furnished heat may be obtained from private, regional or*

1 *municipal services, if provisions are included for the con-*
2 *sideration of United States coal as an energy source.*

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

16 *SEC. 8057. Notwithstanding any other provision of*
17 *law, funds available to the Department of Defense in this*
18 *Act shall be made available to provide transportation of*
19 *medical supplies and equipment, on a nonreimbursable*
20 *basis, to American Samoa, and funds available to the De-*
21 *partment of Defense shall be made available to provide*
22 *transportation of medical supplies and equipment, on a*
23 *nonreimbursable basis, to the Indian Health Service when*
24 *it is in conjunction with a civil-military project.*

1 *SEC. 8058. None of the funds made available in this*
2 *Act may be used to approve or license the sale of the F-*
3 *22A advanced tactical fighter to any foreign government.*

4 *SEC. 8059. (a) The Secretary of Defense may, on a*
5 *case-by-case basis, waive with respect to a foreign country*
6 *each limitation on the procurement of defense items from*
7 *foreign sources provided in law if the Secretary determines*
8 *that the application of the limitation with respect to that*
9 *country would invalidate cooperative programs entered into*
10 *between the Department of Defense and the foreign country,*
11 *or would invalidate reciprocal trade agreements for the pro-*
12 *curement of defense items entered into under section 2531*
13 *of title 10, United States Code, and the country does not*
14 *discriminate against the same or similar defense items pro-*
15 *duced in the United States for that country.*

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

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

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

24 *(c) Subsection (a) does not apply to a limitation re-*
25 *garding construction of public vessels, ball and roller bear-*

1 *ings, food, and clothing or textile materials as defined by*
2 *section 11 (chapters 50–65) of the Harmonized Tariff*
3 *Schedule and products classified under headings 4010,*
4 *4202, 4203, 6401 through 6406, 6505, 7019, 7218 through*
5 *7229, 7304.41 through 7304.49, 7306.40, 7502 through*
6 *7508, 8105, 8108, 8109, 8211, 8215, and 9404.*

7 *SEC. 8060. (a) None of the funds made available by*
8 *this Act may be used to support any training program in-*
9 *volving a unit of the security forces of a foreign country*
10 *if the Secretary of Defense has received credible information*
11 *from the Department of State that the unit has committed*
12 *a gross violation of human rights, unless all necessary cor-*
13 *rective steps have been taken.*

14 *(b) The Secretary of Defense, in consultation with the*
15 *Secretary of State, shall ensure that prior to a decision to*
16 *conduct any training program referred to in subsection (a),*
17 *full consideration is given to all credible information avail-*
18 *able to the Department of State relating to human rights*
19 *violations by foreign security forces.*

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

24 *(d) Not more than 15 days after the exercise of any*
25 *waiver under subsection (c), the Secretary of Defense shall*

1 *submit a report to the congressional defense committees de-*
2 *scribing the extraordinary circumstances, the purpose and*
3 *duration of the training program, the United States forces*
4 *and the foreign security forces involved in the training pro-*
5 *gram, and the information relating to human rights viola-*
6 *tions that necessitates the waiver.*

7 *SEC. 8061. None of the funds appropriated or made*
8 *available in this Act to the Department of the Navy shall*
9 *be used to develop, lease or procure the T-AKE class of ships*
10 *unless the main propulsion diesel engines and propulsors*
11 *are manufactured in the United States by a domestically*
12 *operated entity: Provided, That the Secretary of Defense*
13 *may waive this restriction on a case-by-case basis by certi-*
14 *fying in writing to the Committees on Appropriations of*
15 *the House of Representatives and the Senate that adequate*
16 *domestic supplies are not available to meet Department of*
17 *Defense requirements on a timely basis and that such an*
18 *acquisition must be made in order to acquire capability for*
19 *national security purposes or there exists a significant cost*
20 *or quality difference.*

21 *SEC. 8062. None of the funds appropriated or other-*
22 *wise made available by this or other Department of Defense*
23 *Appropriations Acts may be obligated or expended for the*
24 *purpose of performing repairs or maintenance to military*
25 *family housing units of the Department of Defense, includ-*

1 *ing areas in such military family housing units that may*
2 *be used for the purpose of conducting official Department*
3 *of Defense business.*

4 *SEC. 8063. Notwithstanding any other provision of*
5 *law, funds appropriated in this Act under the heading “Re-*
6 *search, Development, Test and Evaluation, Defense-Wide”*
7 *for any new start advanced concept technology demonstra-*
8 *tion project or joint capability demonstration project may*
9 *only be obligated 30 days after a report, including a de-*
10 *scription of the project, the planned acquisition and transi-*
11 *tion strategy and its estimated annual and total cost, has*
12 *been provided in writing to the congressional defense com-*
13 *mittees: Provided, That the Secretary of Defense may waive*
14 *this restriction on a case-by-case basis by certifying to the*
15 *congressional defense committees that it is in the national*
16 *interest to do so.*

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

22 *SEC. 8065. Beginning in the current fiscal year and*
23 *hereafter, refunds attributable to the use of the Government*
24 *travel card, refunds attributable to the use of the Govern-*
25 *ment Purchase Card and refunds attributable to official*

1 *Government travel arranged by Government Contracted*
2 *Travel Management Centers may be credited to operation*
3 *and maintenance, and research, development, test and eval-*
4 *uation accounts of the Department of Defense which are*
5 *current when the refunds are received.*

6 *SEC. 8066. (a) None of the funds appropriated in this*
7 *Act may be used for a mission critical or mission essential*
8 *financial management information technology system (in-*
9 *cluding a system funded by the defense working capital*
10 *fund) that is not registered with the Chief Information Offi-*
11 *cer of the Department of Defense. A system shall be consid-*
12 *ered to be registered with that officer upon the furnishing*
13 *to that officer of notice of the system, together with such*
14 *information concerning the system as the Secretary of De-*
15 *fense may prescribe. A financial management information*
16 *technology system shall be considered a mission critical or*
17 *mission essential information technology system as defined*
18 *by the Under Secretary of Defense (Comptroller).*

19 *(b)(1) During the current fiscal year, a financial man-*
20 *agement automated information system, a mixed informa-*
21 *tion system supporting financial and non-financial sys-*
22 *tems, or a system improvement of more than \$1,000,000*
23 *may not receive Milestone A approval, Milestone B ap-*
24 *proval, or full rate production, or their equivalent, within*
25 *the Department of Defense until the Under Secretary of De-*

1 *fense (Comptroller) certifies, with respect to that milestone,*
2 *that the system is being developed and managed in accord-*
3 *ance with the Department's Financial Management Mod-*
4 *ernization Plan. The Under Secretary of Defense (Comp-*
5 *troller) may require additional certifications, as appro-*
6 *priate, with respect to any such system.*

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

10 (c)(1) *During the current fiscal year, a major auto-*
11 *mated information system may not receive Milestone A ap-*
12 *proval, Milestone B approval, or full rate production ap-*
13 *proval, or their equivalent, within the Department of De-*
14 *fense until the Chief Information Officer certifies, with re-*
15 *spect to that milestone, that the system is being developed*
16 *in accordance with the Clinger-Cohen Act of 1996 (40*
17 *U.S.C. 1401 et seq.). The Chief Information Officer may*
18 *require additional certifications, as appropriate, with re-*
19 *spect to any such system.*

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

25 (A) *Business process reengineering.*

1 (B) *An analysis of alternatives.*

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

4 (D) *Performance measures.*

5 (E) *An information assurance strategy con-*
6 *sistent with the Department's Global Information*
7 *Grid.*

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

9 (1) *The term "Chief Information Officer" means*
10 *the senior official of the Department of Defense des-*
11 *ignated by the Secretary of Defense pursuant to sec-*
12 *tion 3506 of title 44, United States Code.*

13 (2) *The term "information technology system"*
14 *has the meaning given the term "information tech-*
15 *nology" in section 5002 of the Clinger-Cohen Act of*
16 *1996 (40 U.S.C. 1401).*

17 SEC. 8067. *During the current fiscal year, none of the*
18 *funds available to the Department of Defense may be used*
19 *to provide support to another department or agency of the*
20 *United States if such department or agency is more than*
21 *90 days in arrears in making payment to the Department*
22 *of Defense for goods or services previously provided to such*
23 *department or agency on a reimbursable basis: Provided,*
24 *That this restriction shall not apply if the department is*
25 *authorized by law to provide support to such department*

1 *or agency on a nonreimbursable basis, and is providing the*
2 *requested support pursuant to such authority: Provided fur-*
3 *ther, That the Secretary of Defense may waive this restric-*
4 *tion on a case-by-case basis by certifying in writing to the*
5 *Committees on Appropriations of the House of Representa-*
6 *tives and the Senate that it is in the national security inter-*
7 *est to do so.*

8 *SEC. 8068. Notwithstanding section 12310(b) of title*
9 *10, United States Code, a Reserve who is a member of the*
10 *National Guard serving on full-time National Guard duty*
11 *under section 502(f) of title 32 may perform duties in sup-*
12 *port of the ground-based elements of the National Ballistic*
13 *Missile Defense System.*

14 *SEC. 8069. None of the funds provided in this Act may*
15 *be used to transfer to any nongovernmental entity ammuni-*
16 *tion held by the Department of Defense that has a center-*
17 *fire cartridge and a United States military nomenclature*
18 *designation of “armor penetrator”, “armor piercing (AP)”,*
19 *“armor piercing incendiary (API)”, or “armor-piercing in-*
20 *cendiary-tracer (API-T)”, except to an entity performing*
21 *demilitarization services for the Department of Defense*
22 *under a contract that requires the entity to demonstrate to*
23 *the satisfaction of the Department of Defense that armor*
24 *piercing projectiles are either: (1) rendered incapable of*
25 *reuse by the demilitarization process; or (2) used to manu-*

1 *facture ammunition pursuant to a contract with the De-*
2 *partment of Defense or the manufacture of ammunition for*
3 *export pursuant to a License for Permanent Export of Un-*
4 *classified Military Articles issued by the Department of*
5 *State.*

6 *SEC. 8070. Notwithstanding any other provision of*
7 *law, the Chief of the National Guard Bureau, or his des-*
8 *ignee, may waive payment of all or part of the consider-*
9 *ation that otherwise would be required under section 2667*
10 *of title 10, United States Code, in the case of a lease of*
11 *personal property for a period not in excess of 1 year to*
12 *any organization specified in section 508(d) of title 32,*
13 *United States Code, or any other youth, social, or fraternal*
14 *non-profit organization as may be approved by the Chief*
15 *of the National Guard Bureau, or his designee, on a case-*
16 *by-case basis.*

17 *SEC. 8071. None of the funds appropriated by this Act*
18 *shall be used for the support of any nonappropriated funds*
19 *activity of the Department of Defense that procures malt*
20 *beverages and wine with nonappropriated funds for resale*
21 *(including such alcoholic beverages sold by the drink) on*
22 *a military installation located in the United States unless*
23 *such malt beverages and wine are procured within that*
24 *State, or in the case of the District of Columbia, within*
25 *the District of Columbia, in which the military installation*

1 *is located: Provided, That in a case in which the military*
2 *installation is located in more than one State, purchases*
3 *may be made in any State in which the installation is lo-*
4 *cated: Provided further, That such local procurement re-*
5 *quirements for malt beverages and wine shall apply to all*
6 *alcoholic beverages only for military installations in States*
7 *which are not contiguous with another State: Provided fur-*
8 *ther, That alcoholic beverages other than wine and malt bev-*
9 *erages, in contiguous States and the District of Columbia*
10 *shall be procured from the most competitive source, price*
11 *and other factors considered.*

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

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *SEC. 8073. Of the amounts appropriated in this Act*
19 *under the heading "Operation and Maintenance, Army",*
20 *\$34,500,000 shall remain available until expended: Pro-*
21 *vided, That notwithstanding any other provision of law, the*
22 *Secretary of Defense is authorized to transfer such funds*
23 *to other activities of the Federal Government: Provided fur-*
24 *ther, That the Secretary of Defense is authorized to enter*
25 *into and carry out contracts for the acquisition of real*
26 *property, construction, personal services, and operations re-*

1 *lated to projects carrying out the purposes of this section:*
2 *Provided further, That contracts entered into under the au-*
3 *thority of this section may provide for such indemnification*
4 *as the Secretary determines to be necessary: Provided fur-*
5 *ther, That projects authorized by this section shall comply*
6 *with applicable Federal, State, and local law to the max-*
7 *imum extent consistent with the national security, as deter-*
8 *mined by the Secretary of Defense.*

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

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

19 *SEC. 8076. (a) The Secretary of Defense, in coordina-*
20 *tion with the Secretary of Health and Human Services,*
21 *may carry out a program to distribute surplus dental and*
22 *medical equipment of the Department of Defense, at no cost*
23 *to the Department of Defense, to Indian Health Service fa-*
24 *cilities and to federally-qualified health centers (within the*

1 *meaning of section 1905(l)(2)(B) of the Social Security Act*
2 *(42 U.S.C. 1396d(l)(2)(B))*.

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

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *SEC. 8077. Of the amounts appropriated in this Act*
11 *under the heading “Research, Development, Test and Eval-*
12 *uation, Defense-Wide”, \$155,572,000 shall be made avail-*
13 *able for the Arrow missile defense program: Provided, That*
14 *of this amount, \$37,383,000 shall be available for the pur-*
15 *pose of producing Arrow missile components in the United*
16 *States and Arrow missile components and missiles in Israel*
17 *to meet Israel’s defense requirements, consistent with each*
18 *nation’s laws, regulations and procedures, \$15,000,000*
19 *shall be available for an Arrow System Improvement Pro-*
20 *gram-Upper Tier program for risk mitigation and prelimi-*
21 *nary design activities to enhance the Arrow Weapon system,*
22 *and \$42,000,000 shall be available for the Short Range Bal-*
23 *listic Missile Defense (SRBMD) program: Provided further,*
24 *That funds made available under this provision for produc-*
25 *tion of missiles and missile components may be transferred*
26 *to appropriations available for the procurement of weapons*

1 *and equipment, to be merged with and to be available for*
2 *the same time period and the same purposes as the appro-*
3 *priation to which transferred: Provided further, That the*
4 *transfer authority provided under this provision is in addi-*
5 *tion to any other transfer authority contained in this Act.*

6 *SEC. 8078. None of the funds available to the Depart-*
7 *ment of Defense may be obligated to modify command and*
8 *control relationships to give Fleet Forces Command admin-*
9 *istrative and operational control of U.S. Navy forces as-*
10 *signed to the Pacific fleet: Provided, That the command and*
11 *control relationships which existed on October 1, 2004, shall*
12 *remain in force unless changes are specifically authorized*
13 *in a subsequent Act.*

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

19 *Pharmacists, Audiologists, Psychologists, Social*
20 *Workers, Othotists/Prosthetists, Occupational Thera-*
21 *pists, Physical Therapists, Rehabilitation Therapists,*
22 *Respiratory Therapists, Speech Pathologists, Dieti-*
23 *tian/Nutritionists, Industrial Hygienists, Psychology*
24 *Technicians, Social Service Assistants, Practical*
25 *Nurses, Nursing Assistants, and Dental Hygienists:*

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

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

6 SEC. 8080. Funds appropriated by this Act, or made
7 available by the transfer of funds in this Act, for intelligence
8 activities are deemed to be specifically authorized by the
9 Congress for purposes of section 504 of the National Secu-
10 rity Act of 1947 (50 U.S.C. 414) during fiscal year 2008
11 until the enactment of the Intelligence Authorization Act
12 for fiscal year 2008.

13 SEC. 8081. None of the funds in this Act may be used
14 to initiate a new start program without prior written noti-
15 fication to the Office of Secretary of Defense and the con-
16 gressional defense committees.

17 SEC. 8082. In addition to funds made available else-
18 where in this Act, \$5,500,000 is hereby appropriated and
19 shall remain available until expended to provide assistance,
20 by grant or otherwise (such as, but not limited to, the provi-
21 sion of funds for repairs, maintenance, construction, and/
22 or for the purchase of information technology, text books,
23 teaching resources), to public schools that have unusually
24 high concentrations of special needs military dependents en-
25 rolled: Provided, That in selecting school systems to receive

1 *such assistance, special consideration shall be given to*
2 *school systems in States that are considered overseas assign-*
3 *ments, and all schools within these school systems shall be*
4 *eligible for assistance: Provided further, That up to 2 per-*
5 *cent of the total appropriated funds under this section shall*
6 *be available to support the administration and execution*
7 *of the funds or program and/or events that promote the pur-*
8 *pose of this appropriation (e.g. payment of travel and per*
9 *diem of school teachers attending conferences or a meeting*
10 *that promotes the purpose of this appropriation and/or con-*
11 *sultant fees for on-site training of teachers, staff, or Joint*
12 *Venture Education Forum (JVEF) Committee members):*
13 *Provided further, That up to \$2,000,000 shall be available*
14 *for the Department of Defense to establish a non-profit trust*
15 *fund to assist in the public-private funding of public school*
16 *repair and maintenance projects, or provide directly to*
17 *non-profit organizations who in return will use these mon-*
18 *ies to provide assistance in the form of repair, maintenance,*
19 *or renovation to public school systems that have high con-*
20 *centrations of special needs military dependents and are lo-*
21 *cated in States that are considered overseas assignments:*
22 *Provided further, That to the extent a Federal agency pro-*
23 *vides this assistance, by contract, grant, or otherwise, it*
24 *may accept and expend non-Federal funds in combination*
25 *with these Federal funds to provide assistance for the au-*

1 *thorized purpose, if the non-Federal entity requests such as-*
2 *sistance and the non-Federal funds are provided on a reim-*
3 *bursable basis.*

4 *SEC. 8083. The Department of Defense and the Depart-*
5 *ment of the Army shall make future budgetary and pro-*
6 *gramming plans to fully finance the Non-Line of Sight Fu-*
7 *ture Force cannon (NLOS-C) and a compatible large cal-*
8 *iber ammunition resupply capability for this system sup-*
9 *ported by the Future Combat Systems (FCS) Brigade Com-*
10 *bat Team (BCT) in order to field this system in fiscal year*
11 *2010: Provided, That the Army shall develop the NLOS-*
12 *C independent of the broader FCS development timeline to*
13 *achieve fielding by fiscal year 2010. In addition the Army*
14 *will deliver eight (8) combat operational pre-production*
15 *NLOS-C systems by the end of calendar year 2008. These*
16 *systems shall be in addition to those systems necessary for*
17 *developmental and operational testing: Provided further,*
18 *That the Army shall ensure that budgetary and pro-*
19 *grammatic plans will provide for no fewer than seven (7)*
20 *Stryker Brigade Combat Teams.*

21 *SEC. 8084. Up to \$3,000,000 of the funds appropriated*
22 *under the heading "Operation and Maintenance, Navy" in*
23 *this Act for the Pacific Missile Range Facility may be made*
24 *available to contract for the repair, maintenance, and oper-*
25 *ation of adjacent off-base water, drainage, and flood control*

1 *systems, electrical upgrade to support additional missions*
2 *critical to base operations, and support for a range foot-*
3 *print expansion to further guard against encroachment.*

4 *SEC. 8085. The budget of the President for fiscal year*
5 *2009 submitted to the Congress pursuant to section 1105*
6 *of title 31, United States Code, shall include separate budget*
7 *justification documents for costs of United States Armed*
8 *Forces' participation in contingency operations for the*
9 *Military Personnel accounts, the Operation and Mainte-*
10 *nance accounts, and the Procurement accounts: Provided,*
11 *That these documents shall include a description of the*
12 *funding requested for each contingency operation, for each*
13 *military service, to include all Active and Reserve compo-*
14 *nents, and for each appropriations account: Provided fur-*
15 *ther, That these documents shall include estimated costs for*
16 *each element of expense or object class, a reconciliation of*
17 *increases and decreases for each contingency operation, and*
18 *programmatic data including, but not limited to, troop*
19 *strength for each Active and Reserve component, and esti-*
20 *mates of the major weapons systems deployed in support*
21 *of each contingency: Provided further, That these documents*
22 *shall include budget exhibits OP-5 and OP-32 (as defined*
23 *in the Department of Defense Financial Management Regu-*
24 *lation) for all contingency operations for the budget year*
25 *and the two preceding fiscal years.*

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

5 *SEC. 8087. None of the funds appropriated or made*
6 *available in this Act shall be used to reduce or disestablish*
7 *the operation of the 53rd Weather Reconnaissance Squad-*
8 *ron of the Air Force Reserve, if such action would reduce*
9 *the WC-130 Weather Reconnaissance mission below the lev-*
10 *els funded in this Act: Provided, That the Air Force shall*
11 *allow the 53rd Weather Reconnaissance Squadron to per-*
12 *form other missions in support of national defense require-*
13 *ments during the non-hurricane season.*

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

23 *SEC. 8089. (a) At the time members of reserve compo-*
24 *nents of the Armed Forces are called or ordered to active*
25 *duty under section 12302(a) of title 10, United States Code,*

1 *each member shall be notified in writing of the expected*
2 *period during which the member will be mobilized.*

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

8 *(INCLUDING TRANSFER OF FUNDS)*

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

25 *SEC. 8091. (a) The total amount appropriated or oth-*
26 *erwise made available in title II of this Act is hereby re-*

1 *duced by \$39,693,000 to limit excessive growth in the travel*
2 *and transportation of persons.*

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

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

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

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

1 *SEC. 8094. Of the funds provided in this Act,*
2 *\$10,000,000 shall be available for the operations and devel-*
3 *opment of training and technology for the Joint Inter-*
4 *agency Training Center-East and the affiliated Center for*
5 *National Response at the Memorial Tunnel and for pro-*
6 *viding homeland defense/security and traditional*
7 *warfighting training to the Department of Defense, other*
8 *Federal agency, and State and local first responder per-*
9 *sonnel at the Joint Interagency Training Center-East.*

10 *SEC. 8095. The authority to conduct a continuing co-*
11 *operative program in the proviso in title II of Public Law*
12 *102–368 under the heading “Research, Development, Test*
13 *and Evaluation, Defense Agencies” (106 Stat. 1121) shall*
14 *be extended through September 30, 2009, in cooperation*
15 *with NELHA.*

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

1 *SEC. 8097. Up to \$15,000,000 of the funds appro-*
2 *priated under the heading, "Operation and Maintenance,*
3 *Navy" may be made available for the Asia Pacific Regional*
4 *Initiative Program for the purpose of enabling the Pacific*
5 *Command to execute Theater Security Cooperation activi-*
6 *ties such as humanitarian assistance, and payment of in-*
7 *cremental and personnel costs of training and exercising*
8 *with foreign security forces: Provided, That funds made*
9 *available for this purpose may be used, notwithstanding*
10 *any other funding authorities for humanitarian assistance,*
11 *security assistance or combined exercise expenses: Provided*
12 *further, That funds may not be obligated to provide assist-*
13 *ance to any foreign country that is otherwise prohibited*
14 *from receiving such type of assistance under any other pro-*
15 *vision of law.*

16 *SEC. 8098. Notwithstanding any other provision of*
17 *this Act, to reflect savings from revised economic assump-*
18 *tions the total amount appropriated in title II of this Act*
19 *is hereby reduced by \$470,000,000, the total amount appro-*
20 *priated in title III of this Act is hereby reduced by*
21 *\$506,000,000, the total amount appropriated in title IV of*
22 *this Act is hereby reduced by \$367,000,000, and the total*
23 *amount appropriated in title V of this Act is hereby reduced*
24 *by \$10,000,000: Provided, That the Secretary of Defense*
25 *shall allocate this reduction proportionally to each budget*

1 *activity, activity group, subactivity group, and each pro-*
2 *gram, project, and activity, within each appropriation ac-*
3 *count.*

4 *SEC. 8099. None of the funds appropriated by this*
5 *Act available for the Civilian Health and Medical Pro-*
6 *gram of the Uniformed Services (CHAMPUS) or*
7 *TRICARE shall be available for the reimbursement of any*
8 *health care provider for inpatient mental health service for*
9 *care received when a patient is referred to a provider of*
10 *inpatient mental health care or residential treatment care*
11 *by a medical or health care professional having an eco-*
12 *nomie interest in the facility to which the patient is re-*
13 *ferred: Provided, That this limitation does not apply in*
14 *the case of inpatient mental health services provided under*
15 *the program for persons with disabilities under subsection*
16 *(d) of section 1079 of title 10, United States Code, pro-*
17 *vided as partial hospital care, or provided pursuant to a*
18 *waiver authorized by the Secretary of Defense because of*
19 *medical or psychological circumstances of the patient that*
20 *are confirmed by a health professional who is not a Fed-*
21 *eral employee after a review, pursuant to rules prescribed*
22 *by the Secretary, which takes into account the appropriate*
23 *level of care for the patient, the intensity of services re-*
24 *quired by the patient, and the availability of that care.*

1 *SEC. 8100. Notwithstanding any other provision of*
2 *law or regulation, the Secretary of Defense may adjust*
3 *wage rates for civilian employees hired for certain health*
4 *care occupations as authorized for the Secretary of Vet-*
5 *erans Affairs by section 7455 of title 38, United States*
6 *Code.*

7 *SEC. 8101. None of the funds appropriated by this Act*
8 *for programs of the Office of the Director of National Intel-*
9 *ligence shall remain available for obligation beyond the cur-*
10 *rent fiscal year, except for funds appropriated for research*
11 *and technology, which shall remain available until Sep-*
12 *tember 30, 2009.*

13 *SEC. 8102. For purposes of section 1553(b) of title 31,*
14 *United States Code, any subdivision of appropriations*
15 *made in this Act under the heading “Shipbuilding and*
16 *Conversion, Navy” shall be considered to be for the same*
17 *purpose as any subdivision under the heading “Ship-*
18 *building and Conversion, Navy” appropriations in any*
19 *prior fiscal year, and the 1 percent limitation shall apply*
20 *to the total amount of the appropriation.*

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

1 *SEC. 8104. From amounts appropriated in this or pre-*
2 *vious Acts making appropriations for the Department of*
3 *Defense which remain available for obligation, up to*
4 *\$20,000,000 may be transferred by the Secretary of the*
5 *Navy to the Secretary of the Department of the Interior for*
6 *any expenses associated with the construction of the USS*
7 *ARIZONA Memorial Museum and Visitors Center.*

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

16 *(b) REPORT.—*

17 *(1) Not later than December 31, 2007, and every*
18 *180 days thereafter, the Secretary of Defense shall*
19 *submit to the parties described in paragraph (2) a re-*
20 *port on the progress of the Department of Defense to-*
21 *ward compliance with this section.*

22 *(2) The parties referred to in paragraph (1) are*
23 *the Speaker of the House of Representatives, the Ma-*
24 *jority and Minority Leaders of the House of Rep-*

1 *representatives, the Majority and Minority Leaders of the*
2 *Senate, and the congressional defense committees.*

3 *(3) Each report submitted under paragraph (1)*
4 *shall include the updated and projected annual fund-*
5 *ing levels necessary to achieve full compliance with*
6 *this section. The projected funding levels for each re-*
7 *port shall include a detailed accounting of the com-*
8 *plete life-cycle costs for each of the chemical disposal*
9 *projects.*

10 *(c) In this section, the term “Chemical Weapons Con-*
11 *vention” means the Convention on the Prohibition of Devel-*
12 *opment, Production, Stockpiling and Use of Chemical*
13 *Weapons and on Their Destruction, with annexes, done at*
14 *Paris, January 13, 1993, and entered into force April 29,*
15 *1997 (T. Doc. 103–21).*

16 *SEC. 8106. Not later than 90 days after enactment of*
17 *this Act, the Secretary of Defense and the Secretary of En-*
18 *ergy shall jointly submit a classified report to the congres-*
19 *sional defense committees and to the Subcommittees on En-*
20 *ergy and Water Development of the Senate and House Ap-*
21 *propriations Committees on the policies and procedures*
22 *governing the storage and logistic movement of U.S. nuclear*
23 *weapons and nuclear components through all phases of the*
24 *nuclear weapons cycle from cradle to grave: Provided, That*

1 *the report shall include a review and evaluation of the suit-*
2 *ability and effectiveness of—*

3 (1) *The standards and procedures for ensuring*
4 *accountability of nuclear weapons and components.*

5 (2) *The standards and procedures for the trans-*
6 *fer of custody of nuclear weapons.*

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

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

12 (5) *The training of all personnel involved in the*
13 *handling, management, and accountability of nuclear*
14 *weapons and components.*

15 *SEC. 8107. Of the amount appropriated or otherwise*
16 *made available by title IV under the heading “RESEARCH,*
17 *DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to*
18 *\$1,000,000 may be available for the Smart Data Project:*
19 *Real Time Geospatial Video Sensor Intelligence program.*

20 *SEC. 8108. Of the amount appropriated or otherwise*
21 *made available by title IV under the heading “RESEARCH,*
22 *DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE” and*
23 *available for Program Element 0603112F, up to \$1,000,000*
24 *may be available for Materials Integrity Management Re-*
25 *search for Air Force Systems.*

1 *SEC. 8109. Of the amount appropriated or otherwise*
2 *made available by title IV under the heading “RESEARCH,*
3 *DEVELOPMENT, TEST, AND EVALUATION, NAVY” and avail-*
4 *able for the Permanent Magnet Motor, up to \$2,000,000*
5 *may be used for the DDG–51 Class Modernization–Hybrid*
6 *Propulsion Permanent Magnet Drive System.*

7 *SEC. 8110. AVAILABILITY OF FUNDS.—Of the amount*
8 *appropriated or otherwise made available by title III under*
9 *the heading “OTHER PROCUREMENT, AIR FORCE”, up to*
10 *\$4,000,000 may be available for purposes of accelerating the*
11 *deployment of the Associate Intermodal Platform pallet sys-*
12 *tem.*

13 *SEC. 8111. BORDER SECURITY REQUIREMENTS.—(a)*
14 *SHORT TITLE.—This section may be cited as the “Border*
15 *Security First Act of 2007”.*

16 *(b) APPROPRIATIONS FOR BORDER SECURITY.—There*
17 *is appropriated, out of any money in the Treasury not oth-*
18 *erwise appropriated, \$3,000,000,000 for fiscal year 2008—*

19 *(1) to achieve and maintain operational control*
20 *over the entire international land and maritime bor-*
21 *der of the United States, including the ability to mon-*
22 *itor such border through available methods and tech-*
23 *nology, as authorized under the Secure Fence Act of*
24 *2006 (Public Law 109–367);*

1 (2) to hire and train full-time border patrol
2 agents, as authorized under section 5202 of the Intel-
3 ligence Reform and Terrorism Prevention Act of 2004
4 (*Public Law 108–458*);

5 (3) to install along the international land border
6 between the United States and Mexico—

7 (A) fencing required under section 102(b) of
8 the *Illegal Immigration Reform and Immigrant*
9 *Responsibility Act of 1996* (8 U.S.C. 1103 note));
10 and

11 (B) vehicle barriers, unmanned aerial vehi-
12 cles, ground-based sensors and cameras; and

13 (4) to remove and detain aliens for overstaying
14 their visas, illegally reentering the United States, or
15 committing other crimes for which they would be sub-
16 ject to removal; and

17 (5) to reimburse States and political subdivi-
18 sions of a State, for expenses that are reimbursable
19 under 287(g) of the *Immigration and Nationality Act*
20 (8 U.S.C. 1357(g)).

21 (c) *EMPLOYMENT ELIGIBILITY VERIFICATION*.—Of the
22 amounts appropriated for border security and employment
23 verification improvements under subsection (b),
24 \$60,000,000 shall be made available for employment eligi-
25 bility verification, as authorized under subtitle A of title

1 *IV of the Illegal Immigration Reform and Immigrant Re-*
2 *sponsibility Act of 1996 (8 U.S.C. 1324a note).*

3 (d) *EMERGENCY REQUIREMENT.—Amounts appro-*
4 *priated under subsection (b) are designated as an emer-*
5 *gency requirement pursuant to section 204 of S. Con. Res.*
6 *21 (110th Congress).*

7 *SEC. 8112. (a) AMOUNT FOR TROOPS TO NURSE*
8 *TEACHERS PROGRAM FROM MILITARY PERSONNEL,*
9 *ARMY.—Of the amount appropriated or otherwise made*
10 *available by title I under the heading “MILITARY PER-*
11 *SONNEL, ARMY”, up to \$1,000,000 may be available for a*
12 *pilot program on troops to nurse teachers.*

13 (b) *AMOUNT FOR TROOPS TO NURSE TEACHERS PRO-*
14 *GRAM FROM MILITARY PERSONNEL, NAVY.—Of the amount*
15 *appropriated or otherwise made available by title I under*
16 *the heading “MILITARY PERSONNEL, NAVY”, up to*
17 *\$1,000,000 may be available for a pilot program on troops*
18 *to nurse teachers.*

19 (c) *AMOUNT FOR TROOPS TO NURSE TEACHERS PRO-*
20 *GRAM FROM MILITARY PERSONNEL, AIR FORCE.—Of the*
21 *amount appropriated or otherwise made available by title*
22 *I under the heading “MILITARY PERSONNEL, AIR FORCE”,*
23 *up to \$1,000,000 may be available for a pilot program on*
24 *troops to nurse teachers.*

1 *SEC. 8113. Of the amount appropriated or otherwise*
2 *made available by title IV under the heading “RESEARCH,*
3 *DEVELOPMENT, TEST, AND EVALUATION, NAVY”, up to*
4 *\$6,000,000 may be available for the continuation of the Ad-*
5 *vanced Precision Kill Weapons System by the Marine*
6 *Corps.*

7 *SEC. 8114. Of the amount appropriated or otherwise*
8 *made available by title IV under the heading “RESEARCH,*
9 *DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to*
10 *\$6,000,000 may be available for Advanced Automotive*
11 *Technology (PE #0602610A).*

12 *SEC. 8115. Of the amount appropriated or otherwise*
13 *made available by title II under the heading “OPERATION*
14 *AND MAINTENANCE, ARMY NATIONAL GUARD”, up to*
15 *\$2,000,000 may be available for the Minuteman*
16 *Digitization Demonstration Program.*

17 *SEC. 8116. Of the amount appropriated by title IV*
18 *under the heading “RESEARCH, DEVELOPMENT, TEST, AND*
19 *EVALUATION, ARMY”, up to \$1,000,000 may be available*
20 *for Army Missile Defense Systems Integration (PE*
21 *#0603308A) for the High Altitude Airship Program.*

22 *SEC. 8117. Of the amount appropriated or otherwise*
23 *made available by title IV under the heading “RESEARCH,*
24 *DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to*
25 *\$3,750,000 may be available for a Mid-Infrared Advanced*

1 *Chemical Laser at the High Energy Laser Systems Test Fa-*
2 *cility.*

3 *SEC. 8118. Of the amount appropriated or otherwise*
4 *made available by title IV under the heading “RESEARCH,*
5 *DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to*
6 *\$3,750,000 may be available for a sea light Beam Director*
7 *and the High Energy Laser Systems Test Facility.*

8 *SEC. 8119. Paragraph 1(b) of rule XXXV of the Stand-*
9 *ing Rules of the Senate is amended by adding at the end*
10 *the following:*

11 *“(3) It is not a gift for a commercial airline to allow*
12 *a Member, officer, or employee to make multiple reserva-*
13 *tions on scheduled flights consistent with Senate travel reg-*
14 *ulations.”.*

15 *SEC. 8120. Of the amount appropriated or otherwise*
16 *made available by title IV under the heading “RESEARCH,*
17 *DEVELOPMENT, TEST, AND EVALUATION, NAVY”, up to*
18 *\$1,000,000 may be available for the development of Low-*
19 *Cost, High Resolution, remote controlled Side Scan Sonar*
20 *for USV and Harbor Surveillance Applications.*

21 *SEC. 8121. Not later than 30 days after the date of*
22 *the enactment of this Act, the Secretary of Defense shall es-*
23 *tablish and maintain on the homepage of the Internet*
24 *website of the Department of Defense a direct link to the*

1 *Internet website of the Office of Inspector General of the*
2 *Department of Defense.*

3 *SEC. 8122. Of the amount appropriated or otherwise*
4 *made available by title IV under the heading “RESEARCH,*
5 *DEVELOPMENT, TEST, AND EVALUATION, NAVY”, up to*
6 *\$5,000,000 may be available for the Laser Perimeter Aware-*
7 *ness System for integration into the Electronic Harbor Se-*
8 *curity System.*

9 *SEC. 8123. Of the amount appropriated or otherwise*
10 *made available by title IV under the heading “RESEARCH,*
11 *DEVELOPMENT, TEST AND EVALUATION, NAVY”, up to*
12 *\$5,000,000 may be made available for the High Tempera-*
13 *ture Superconductor AC Synchronous Propulsion Motor.*

14 *SEC. 8124. Of the amount appropriated or otherwise*
15 *made available by title IV under the heading “RESEARCH,*
16 *DEVELOPMENT, TEST, AND EVALUATION, NAVY” and avail-*
17 *able for Program Element #0603640M, up to \$1,200,000*
18 *may be available for Ground Warfare Acoustical Combat*
19 *System of netted sensors.*

20 *SEC. 8125. Of the amount appropriated or otherwise*
21 *made available by title III under the heading “AIRCRAFT*
22 *PROCUREMENT, AIR FORCE”, up to \$5,000,000 may be*
23 *available for the integration, procurement, and retrofit of*
24 *upgraded Molecular Sieve Oxygen Generation Systems*
25 *(MSOGS) into F-15C/D fighter aircraft.*

1 *SEC. 8126. IMPROVEMENT OF BARRIERS AT BORDER.*
2 *Section 102 of the Illegal Immigration Reform and Immig-*
3 *grant Responsibility Act of 1996 (8 U.S.C. 1103 note) is*
4 *amended—*

5 *(1) in subsection (a), by striking “Attorney Gen-*
6 *eral, in consultation with the Commissioner of Immig-*
7 *ration and Naturalization,” and inserting “Sec-*
8 *retary of Homeland Security”;* and

9 *(2) in subsection (b)—*

10 *(A) in the subsection heading, by striking*
11 *“IN THE BORDER AREA” and inserting “ALONG*
12 *THE BORDER”;*

13 *(B) by redesignating paragraphs (1), (2),*
14 *(3), and (4) as paragraphs (2), (3), (4), and (5),*
15 *respectively;*

16 *(C) in paragraph (2), as redesignated—*

17 *(i) in the paragraph heading, by strik-*
18 *ing “SECURITY FEATURES” and inserting*
19 *“ADDITIONAL FENCING ALONG SOUTHWEST*
20 *BORDER”;* and

21 *(ii) by striking subparagraphs (A)*
22 *through (C) and inserting the following:*

23 *“(A) REINFORCED FENCING.—In carrying*
24 *out subsection (a), the Secretary of Homeland*
25 *Security shall construct reinforced fencing along*

1 *not less than 700 miles of the southwest border*
2 *where fencing would be most practical and effec-*
3 *tive and provide for the installation of addi-*
4 *tional physical barriers, roads, lighting, cam-*
5 *eras, and sensors to gain operational control of*
6 *the southwest border.*

7 “(B) *PRIORITY AREAS.*—*In carrying out*
8 *this section, the Secretary of Homeland Security*
9 *shall—*

10 “(i) *identify the 370 miles along the*
11 *southwest border where fencing would be*
12 *most practical and effective in deterring*
13 *smugglers and aliens attempting to gain il-*
14 *legal entry into the United States; and*

15 “(ii) *not later than December 31, 2008,*
16 *complete construction of reinforced fencing*
17 *along the 370 miles identified under clause*
18 *(i).*

19 “(C) *CONSULTATION.*—

20 “(i) *IN GENERAL.*—*In carrying out*
21 *this section, the Secretary of Homeland Se-*
22 *curity shall consult with the Secretary of*
23 *Interior, the Secretary of Agriculture,*
24 *States, local governments, Indian tribes,*
25 *and property owners in the United States*

1 *to minimize the impact on the environment,*
2 *culture, commerce, and quality of life for*
3 *the communities and residents located near*
4 *the sites at which such fencing is to be con-*
5 *structed.*

6 “(ii) *SAVINGS PROVISION.—Nothing in*
7 *this subparagraph may be construed to—*

8 “(I) *create any right of action for*
9 *a State, local government, or other per-*
10 *son or entity affected by this sub-*
11 *section; or*

12 “(II) *affect the eminent domain*
13 *laws of the United States or of any*
14 *State.*

15 “(D) *LIMITATION ON REQUIREMENTS.—Not-*
16 *withstanding subparagraph (A), nothing in this*
17 *paragraph shall require the Secretary of Home-*
18 *land Security to install fencing, physical bar-*
19 *riers, roads, lighting, cameras, and sensors in a*
20 *particular location along an international bor-*
21 *der of the United States, if the Secretary deter-*
22 *mines that the use or placement of such resources*
23 *is not the most appropriate means to achieve*
24 *and maintain operational control over the inter-*
25 *national border at such location.”; and*

1 (D) in paragraph (5), as redesignated, by
2 striking “to carry out this subsection not to ex-
3 ceed \$12,000,000” and inserting “such sums as
4 may be necessary to carry out this subsection”.

5 SEC. 8127. Of the amount appropriated or otherwise
6 made available by title II under the heading “OPERATION
7 AND MAINTENANCE, AIR FORCE”, up to \$4,000,000 may be
8 available for the 8th Air Force Cyberspace Innovation Cen-
9 ter for Cyber Combat Development at Barksdale Air Force
10 Base, Louisiana.

11 SEC. 8128. Of the amount appropriated or otherwise
12 made available by title VII under the heading “INTEL-
13 LIGENCE COMMUNITY MANAGEMENT ACCOUNT”, up to
14 \$5,000,000 may be available for the Office of Counter Intel-
15 ligence of the National Geospatial-Intelligence Agency for
16 Internet Observer and Inner View insider threat mitigation
17 tools.

18 SEC. 8129. None of the funds appropriated or other-
19 wise made available by this Act may be used to enter into
20 a contract in an amount greater than \$5,000,000 or to
21 award a grant in excess of such amount unless the prospec-
22 tive contractor or grantee certifies in writing to the agency
23 awarding the contract or grant that, to the best of its knowl-
24 edge and belief, the contractor or grantee has filed all Fed-
25 eral tax returns required during the three years preceding

1 *the certification, has not been convicted of a criminal of-*
2 *fense under the Internal Revenue Code of 1986, and has*
3 *not, more than 90 days prior to certification, been notified*
4 *of any unpaid Federal tax assessment for which the liability*
5 *remains unsatisfied, unless the assessment is the subject of*
6 *an installment agreement or offer in compromise that has*
7 *been approved by the Internal Revenue Service and is not*
8 *in default, or the assessment is the subject of a non-frivolous*
9 *administrative or judicial proceeding.*

10 *SEC. 8130. (a) ADDITIONAL AMOUNT FOR OPERATION*
11 *AND MAINTENANCE, ARMY NATIONAL GUARD.—The amount*
12 *appropriated by title II under the heading “OPERATION*
13 *AND MAINTENANCE, ARMY NATIONAL GUARD” is hereby in-*
14 *creased by \$10,000,000.*

15 *(b) OFFSET.—The aggregate amount appropriated by*
16 *title II, other than under the headings “OPERATION AND*
17 *MAINTENANCE, ARMY NATIONAL GUARD” and “OPERATION*
18 *AND MAINTENANCE, AIR NATIONAL GUARD”, is hereby re-*
19 *duced by \$10,000,000.*

20 *SEC. 8131. Of the amount appropriated or otherwise*
21 *made available by title IV under the heading “RESEARCH,*
22 *DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE”,*
23 *up to \$4,000,000 may be available for Program Element*
24 *1160402BB for MARK V replacement research for the pur-*
25 *suit by the Special Operations Command of manufacturing*

1 *research needed to develop all-composite hulls for ships larg-*
2 *er than 100 feet.*

3 *SEC. 8132. Of the amount appropriated or otherwise*
4 *made available by title III under the heading “PROCURE-*
5 *MENT, DEFENSE-WIDE”, up to \$7,000,000 may be available*
6 *for DISA Information Systems Security for the Insider*
7 *Threat program.*

8 *SEC. 8133. Of the amount appropriated or otherwise*
9 *made available by title IV under the heading “RESEARCH,*
10 *DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE”,*
11 *up to \$75,000,000 may be available for Program Element*
12 *063892C for the Aegis Ballistic Missile Defense System, of*
13 *which—*

14 *(1) \$20,000,000 may be for an increase in the*
15 *production rate of the SM–3 interceptor to four inter-*
16 *ceptors per month;*

17 *(2) \$45,000,000 may be for long-lead production*
18 *of an additional 15 SM–3 interceptors; and*

19 *(3) \$10,000,000 may be for an acceleration in*
20 *the development of the Aegis Ballistic Missile Defense*
21 *Signal Processor and Open Architecture software for*
22 *the Aegis Ballistic Missile Defense system.*

23 *SEC. 8134. Of the amount appropriated or otherwise*
24 *made available by title II under the heading “OPERATION*
25 *AND MAINTENANCE, DEFENSE-WIDE”, up to \$5,000,000*

1 *may be available to the National Military Family Associa-*
2 *tion for purposes of the program of the Association known*
3 *as “Operation Purple”.*

4 *Not later than 45 days after the date of enactment of*
5 *this Act, the Secretary of Defense shall submit to the Con-*
6 *gressional Defense Committees a report on mechanisms for*
7 *expanding public-private partnerships with military and*
8 *family organizations for the purpose of increasing access*
9 *to family support, in particular, for the minor dependent*
10 *children of deployed service members.*

11 *(1) Such report shall identify—*

12 *(A) the adjustment needs of minor children of de-*
13 *ployed service personnel, including children who have*
14 *experienced multiple deployments of one or more par-*
15 *ents or guardians;*

16 *(B) alternative support and recreational activi-*
17 *ties which have been shown to be effective in improv-*
18 *ing coping skills in young children of deployed service*
19 *members;*

20 *(C) support networks beyond educational settings*
21 *that have been effective in addressing the needs of*
22 *children of deployed service members, to include sum-*
23 *mer and after-school recreational, sports and cultural*
24 *activities;*

1 (D) programs which can be accessed without
2 charge to military families;

3 (E) gaps in services for minor dependent chil-
4 dren of deployed personnel; and

5 (F) opportunities for expanding public and pri-
6 vate partnerships in support of such programs.

7 Prior to submission of the report required by this section,
8 the Secretary shall consult with military family advocacy
9 organizations, and include the comments of such organiza-
10 tions within the required report to Congressional Defense
11 Committees.

12 (2) Plan required—

13 Not later than 60 days after submission of the report
14 required by this section, the Secretary shall submit a plan
15 to the Congressional Defense Committees to address the
16 needs and gaps in services identified in the report. Such
17 a plan shall also address the comments and recommenda-
18 tions of military family advocacy organizations, as re-
19 quired by this section.

20 SEC. 8135. Of the amount appropriated or otherwise
21 made available by title IV under the heading “RESEARCH,
22 DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to
23 \$4,000,000 may be available for the Virtual Systems Inte-
24 grated Laboratory—Armored Vehicle Components and Sys-

1 *tems Simulated In Cost-Effective Virtual Design and Test*
2 *Environment.*

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

Attest:

Secretary.

110TH CONGRESS
1ST SESSION

H. R. 3222

AMENDMENT