

Union Calendar No. 181

110TH CONGRESS
1ST SESSION

H. R. 3222

[Report No. 110-279]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2007

Mr. MURTHA, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

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

1

TITLE I

2

MILITARY PERSONNEL

3

MILITARY PERSONNEL, ARMY

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

16

MILITARY PERSONNEL, NAVY

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

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

3 MILITARY PERSONNEL, MARINE CORPS

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

14 MILITARY PERSONNEL, AIR FORCE

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

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

3 RESERVE PERSONNEL, ARMY

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

16 RESERVE PERSONNEL, NAVY

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

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

4 RESERVE PERSONNEL, MARINE CORPS

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

18 RESERVE PERSONNEL, AIR FORCE

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

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

6 NATIONAL GUARD PERSONNEL, ARMY

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

20 NATIONAL GUARD PERSONNEL, AIR FORCE

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

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

9 TITLE II

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

12 (INCLUDING TRANSFER OF FUNDS)

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

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

5 OPERATION AND MAINTENANCE, NAVY

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

14 OPERATION AND MAINTENANCE, MARINE CORPS

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

18 OPERATION AND MAINTENANCE, AIR FORCE

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

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

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

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

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

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

7 OPERATION AND MAINTENANCE, ARMY RESERVE

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

15 OPERATION AND MAINTENANCE, NAVY RESERVE

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

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

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

10 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

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

18 OPERATION AND MAINTENANCE, ARMY NATIONAL

19 GUARD

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

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

10 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

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

3 UNITED STATES COURT OF APPEALS FOR THE ARMED
4 FORCES

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

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

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

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

4 ENVIRONMENTAL RESTORATION, NAVY

5 (INCLUDING TRANSFER OF FUNDS)

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

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

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

21 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

22 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

12 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

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

22 FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

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

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

10

TITLE III

11

PROCUREMENT

12

AIRCRAFT PROCUREMENT, ARMY

13

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

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

3 MISSILE PROCUREMENT, ARMY

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

18 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

19 VEHICLES, ARMY

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

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

9 PROCUREMENT OF AMMUNITION, ARMY

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

1 OTHER PROCUREMENT, ARMY

2 For construction, procurement, production, and
3 modification of vehicles, including tactical, support, and
4 non-tracked combat vehicles; the purchase of passenger
5 motor vehicles for replacement only; communications and
6 electronic equipment; other support equipment; spare
7 parts, ordnance, and accessories therefor; specialized
8 equipment and training devices; expansion of public and
9 private plants, including the land necessary therefor, for
10 the foregoing purposes, and such lands and interests
11 therein, may be acquired, and construction prosecuted
12 thereon prior to approval of title; and procurement and
13 installation of equipment, appliances, and machine tools
14 in public and private plants; reserve plant and Govern-
15 ment and contractor-owned equipment layaway; and other
16 expenses necessary for the foregoing purposes,
17 \$11,217,945,000, to remain available for obligation until
18 September 30, 2010.

19 AIRCRAFT PROCUREMENT, NAVY

20 For construction, procurement, production, modifica-
21 tion, and modernization of aircraft, equipment, including
22 ordnance, spare parts, and accessories therefor; specialized
23 equipment; expansion of public and private plants, includ-
24 ing the land necessary therefor, and such lands and inter-
25 ests therein, may be acquired, and construction prosecuted

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

7 WEAPONS PROCUREMENT, NAVY

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

20 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

21 CORPS

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

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

11 SHIPBUILDING AND CONVERSION, NAVY

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

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

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

1 other such budgeted work that must be performed in the
2 final stage of ship construction: *Provided further*, That
3 none of the funds provided under this heading for the con-
4 struction or conversion of any naval vessel to be con-
5 structed in shipyards in the United States shall be ex-
6 pended in foreign facilities for the construction of major
7 components of such vessel: *Provided further*, That none of
8 the funds provided under this heading shall be used for
9 the construction of any naval vessel in foreign shipyards.

10 OTHER PROCUREMENT, NAVY

11 For procurement, production, and modernization of
12 support equipment and materials not otherwise provided
13 for, Navy ordnance (except ordnance for new aircraft, new
14 ships, and ships authorized for conversion); expansion of
15 public and private plants, including the land necessary
16 therefor, and such lands and interests therein, may be ac-
17 quired, and construction prosecuted thereon prior to ap-
18 proval of title; and procurement and installation of equip-
19 ment, appliances, and machine tools in public and private
20 plants; reserve plant and Government and contractor-
21 owned equipment layaway, \$5,298,238,000, to remain
22 available for obligation until September 30, 2010.

23 PROCUREMENT, MARINE CORPS

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

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

12 AIRCRAFT PROCUREMENT, AIR FORCE

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

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

3 MISSILE PROCUREMENT, AIR FORCE

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

18 PROCUREMENT OF AMMUNITION, AIR FORCE

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

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

8 OTHER PROCUREMENT, AIR FORCE

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

1 PROCUREMENT, DEFENSE-WIDE

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

15 NATIONAL GUARD AND RESERVE EQUIPMENT

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

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

3 DEFENSE PRODUCTION ACT PURCHASES

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

8 TITLE IV

9 RESEARCH, DEVELOPMENT, TEST AND
 10 EVALUATION

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

12 ARMY

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

18 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

19 NAVY

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

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

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

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

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

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

23 OPERATIONAL TEST AND EVALUATION, DEFENSE

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

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

8 TITLE V

9 REVOLVING AND MANAGEMENT FUNDS

10 DEFENSE WORKING CAPITAL FUNDS

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

13 NATIONAL DEFENSE SEALIFT FUND

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

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

17 TITLE VI

18 OTHER DEPARTMENT OF DEFENSE PROGRAMS

19 DEFENSE HEALTH PROGRAM

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

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

12 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

13 ARMY

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

1 for the Assembled Chemical Weapons Alternatives
2 (ACWA) program, to remain available until September 30,
3 2009; and no less than \$124,618,000 shall be for the
4 Chemical Stockpile Emergency Preparedness Program, of
5 which \$36,373,000 shall be for activities on military in-
6 stallations and of which \$88,245,000, to remain available
7 until September 30, 2009, shall be to assist State and
8 local governments.

9 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

10 DEFENSE

11 (INCLUDING TRANSFER OF FUNDS)

12 For drug interdiction and counter-drug activities of
13 the Department of Defense, for transfer to appropriations
14 available to the Department of Defense for military per-
15 sonnel of the reserve components serving under the provi-
16 sions of title 10 and title 32, United States Code; for oper-
17 ation and maintenance; for procurement; and for research,
18 development, test and evaluation, \$945,772,000: *Provided*,
19 That the funds appropriated under this heading shall be
20 available for obligation for the same time period and for
21 the same purpose as the appropriation to which trans-
22 ferred: *Provided further*, That upon a determination that
23 all or part of the funds transferred from this appropriation
24 are not necessary for the purposes provided herein, such
25 amounts may be transferred back to this appropriation:

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

4 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND
5 (INCLUDING TRANSFER OF FUNDS)

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

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

20 OFFICE OF THE INSPECTOR GENERAL

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

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

7 TITLE VII

8 RELATED AGENCIES

9 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

10 DISABILITY SYSTEM FUND

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

16 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

17 (INCLUDING TRANSFER OF FUNDS)

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

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

11 TITLE VIII

12 GENERAL PROVISIONS

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

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

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

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

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

21 (TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (b) EXCEPTIONS.—

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

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

4 (B) is planned to be converted to perform-
5 ance by a qualified nonprofit agency for the
6 blind or by a qualified nonprofit agency for
7 other severely handicapped individuals in ac-
8 cordance with that Act; or

9 (C) is planned to be converted to perform-
10 ance by a qualified firm under at least 51 per-
11 cent ownership by an Indian tribe, as defined in
12 section 4(e) of the Indian Self-Determination
13 and Education Assistance Act (25 U.S.C.
14 450b(e)), or a Native Hawaiian Organization,
15 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 con-
18 tracts or contracts for depot maintenance as pro-
19 vided in sections 2469 and 2474 of title 10, United
20 States Code.

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

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

5 (TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

4 (1) \$23,753,000 shall be available from “Oper-
5 ation and Maintenance, Air Force” to support Civil
6 Air Patrol Corporation operation and maintenance,
7 readiness, counterdrug activities, and drug demand
8 reduction activities involving youth programs;

9 (2) \$6,727,000 shall be available from “Aircraft
10 Procurement, Air Force”; and

11 (3) \$875,000 shall be available from “Other
12 Procurement, Air Force” for vehicle procurement.

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

17 SEC. 8024. (a) None of the funds appropriated in this
18 Act are available to establish a new Department of De-
19 fense (department) federally funded research and develop-
20 ment center (FFRDC), either as a new entity, or as a
21 separate entity administrated by an organization man-
22 aging another FFRDC, or as a nonprofit membership cor-
23 poration consisting of a consortium of other FFRDCs and
24 other non-profit entities.

1 (b) No member of a Board of Directors, Trustees,
2 Overseers, Advisory Group, Special Issues Panel, Visiting
3 Committee, or any similar entity of a defense FFRDC,
4 and no paid consultant to any defense FFRDC, except
5 when acting in a technical advisory capacity, may be com-
6 pensated for his or her services as a member of such enti-
7 ty, or as a paid consultant by more than one FFRDC in
8 a fiscal year: *Provided*, That a member of any such entity
9 referred to previously in this subsection shall be allowed
10 travel expenses and per diem as authorized under the Fed-
11 eral Joint Travel Regulations, when engaged in the per-
12 formance of membership duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (c) This section does not apply to—

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

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

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

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

4 (RESCISSIONS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (b) This section applies to—

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

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

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

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

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

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

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

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

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

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

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

22 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (A) Business process reengineering.

4 (B) An analysis of alternatives.

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

7 (D) Performance measures.

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

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

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

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

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

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

11 SEC. 8068. Notwithstanding section 12310(b) of title
12 10, United States Code, a Reserve who is a member of
13 the National Guard serving on full-time National Guard
14 duty under section 502(f) of title 32, United States Code,
15 may perform duties in support of the ground-based ele-
16 ments of the National Ballistic Missile Defense System.

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

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

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

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

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

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

20 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

14 (INCLUDING TRANSFER OF FUNDS)

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

25 To:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Union Calendar No. 181

110TH CONGRESS
1ST Session

H. R. 3222

[Report No. 110-279]

A BILL

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

JULY 30, 2007

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed