



UNDER SECRETARY OF DEFENSE  
1 100 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1100

MAR 28 2012

COMPTROLLER

MEMORANDUM FOR UNDER SECRETARIES OF DEFENSE  
DEPUTY CHIEF MANAGEMENT OFFICER  
DIRECTOR, OPERATIONAL TEST AND EVALUATION  
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE  
ASSISTANT SECRETARIES OF DEFENSE  
ASSISTANT SECRETARY OF THE ARMY (FINANCIAL  
MANAGEMENT AND COMPTROLLER)  
ASSISTANT SECRETARY OF THE NAVY (FINANCIAL  
MANAGEMENT AND COMPTROLLER)  
ASSISTANT SECRETARY OF THE AIR FORCE (FINANCIAL  
MANAGEMENT AND COMPTROLLER)  
DIRECTORS OF THE DEFENSE AGENCIES  
DIRECTORS OF THE DOD FIELD ACTIVITIES  
DIRECTOR, JOINT STAFF

SUBJECT: Omnibus Reprogramming Action for Fiscal Year (FY) 2012

I am requesting the submission of your FY 2012 Omnibus Reprogramming requirements, to include the Military Intelligence Program (MIP), to this office by Friday, May 4, 2012. The MIP requirements should be submitted separately and will be processed as a standalone request.

Your submission must identify sources to offset the requested increases. In order to ensure the full consideration of your requests, your explanations for both increases and decreases need to be informative of the programmatic adjustment, concise, and net to zero. Thorough justifications will expedite the review of your proposals by this office and the congressional committees. Each requirement should explain the need for additional funding and the impact to the program if funds are not provided. Each source should explain why funds are available and the impact on the program. Any proposed **new start** program must be identified and the narrative must contain the information required for new starts by the DoD Financial Management Regulation, Volume 3, Chapter 6, section 0604. Additionally, proposed new starts must be approved by the cognizant Director of the respective Program/Budget organization **prior** to submission. Congressional special interest items must be identified and include narratives of any impacts to the congressional items. A negative response is required if a Component does not have any requirements. Consistent with the law, this will be the **final** multiple sourced reprogramming for FY 2012.

To ensure that the appropriate authority is being used, Components must clearly identify any sources and/or requirements using Overseas Contingency Operations funds, (i.e., Title IX

funding). Components are required to clearly identify classified actions as part of their Omnibus submission.

Components are to provide separately, concurrent with their submission, the classified details in electronic format to the appropriate Comptroller point of contact (POC). The Comptroller POC for all Special Access Program (SAP) related reprogramming requirements is John Cewe, [John.Cewe@OSD.mil](mailto:John.Cewe@OSD.mil), 703-692-3984. The Comptroller POC for all other classified reprogramming requirements, including MIP is Randy Fisher, [Randy.Fisher@OSD.mil](mailto:Randy.Fisher@OSD.mil), 703-692-3980. My POC for this action is Brian Snyder, [Brian.Snyder@OSD.mil](mailto:Brian.Snyder@OSD.mil), 703-697-0022. Your unclassified PDF file transmittal memorandum and electronic DD 1415-1 should be submitted in the Enterprise Funds Distribution system and classified information e-mailed to [Brian.Snyder@OSD.SMIL.mil](mailto:Brian.Snyder@OSD.SMIL.mil).



Robert F. Hale

Public Law 112-74  
112th Congress

An Act

Dec. 23, 2011  
[H.R. 2055]

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

Consolidated  
Appropriations  
Act, 2012.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2012”.

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

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Statement of appropriations.
- Sec. 5. Availability of funds.

**DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012**

- Title I—Military Personnel
- Title II—Operation and Maintenance
- Title III—Procurement
- Title IV—Research, Development, Test and Evaluation
- Title V—Revolving and Management Funds
- Title VI—Other Department of Defense Programs
- Title VII—Related agencies
- Title VIII—General provisions
- Title IX—Overseas contingency operations

**DIVISION B—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2012**

- Title I—Corps of Engineers—Civil
- Title II—Department of the Interior
- Title III—Department of Energy
- Title IV—Independent agencies
- Title V—General provisions

**DIVISION C—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012**

- Title I—Department of the Treasury
- Title II—Executive Office of the President and Funds Appropriated to the President
- Title III—The Judiciary
- Title IV—District of Columbia
- Title V—Independent agencies
- Title VI—General provisions—This Act
- Title VII—General provisions—Government-wide
- Title VIII—General provisions—District of Columbia

**DIVISION D—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012**

- Title I—Departmental management and operations

for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$513,700,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, \$547,891,000.

TITLE VIII

GENERAL PROVISIONS

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

10 USC 1584  
note.

Pay rates.  
Foreign  
nationals.

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

Turkey.

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

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

(TRANSFER OF FUNDS)

\* SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$3,750,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested

has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2012: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

Notification.

Reprogramming requests.

Deadline.

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

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

Applicability.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2012: *Provided*, That the report shall include—

Deadline. Reports.

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

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

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

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

Certification.

## (TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established