Making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2018

Mr. Shelby, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,
That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Defense for the fiscal year ending Sep-
tember 30, 2019, and for other purposes, namely:
TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $43,060,042,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377,
as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $30,305,481,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $13,799,038,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Depart-
ment of Defense Military Retirement Fund, $30,173,691,000.

**Reserve Personnel, Army**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,870,947,000.

**Reserve Personnel, Navy**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,870,947,000.
10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,059,521,000.

Reserve Personnel, Marine Corps

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $787,090,000.

Reserve Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or
while undergoing reserve training, or while performing
drills or equivalent duty or other duty, and expenses au-
thorized by section 16131 of title 10, United States Code;
and for payments to the Department of Defense Military
Retirement Fund, $1,871,286,000.

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities,
travel, and related expenses for personnel of the Army Na-
tional Guard while on duty under sections 10211, 10302,
or 12402 of title 10 or section 708 of title 32, United
States Code, or while serving on duty under section
12301(d) of title 10 or section 502(f) of title 32, United
States Code, in connection with performing duty specified
in section 12310(a) of title 10, United States Code, or
while undergoing training, or while performing drills or
equivalent duty or other duty, and expenses authorized by
section 16131 of title 10, United States Code; and for pay-
ments to the Department of Defense Military Retirement
Fund, $8,650,645,000.

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities,
travel, and related expenses for personnel of the Air Na-
tional Guard on duty under sections 10211, 10305, or
12402 of title 10 or section 708 of title 32, United States
Code, or while serving on duty under section 12301(d) of
title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,718,780,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, $40,634,715,000: Provided, That not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, $47,296,183,000: Provided, That not to exceed $15,055,000 can be used for emergencies and extraordinary expenses, to be expended
on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes.

**Operation and Maintenance, Marine Corps**

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $6,372,000,000.

**Operation and Maintenance, Air Force**

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, $40,775,374,000: *Provided*, That not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes.

**Operation and Maintenance, Defense-Wide**

*(including transfer of funds)*

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $35,662,783,000: *Provided*, That not more than $7,503,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Pro-
vided further, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than $33,025,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $2,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $19,160,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the in-
vestment item unit cost of items that may be purchased
with operation and maintenance funds shall not apply to
the funds described in the preceding proviso: Provided fur-
ther, That of the funds provided under this heading,
$686,744,000, of which $171,686,000, to remain available
until September 30, 2020, shall be available to provide
support and assistance to foreign security forces or other
groups or individuals to conduct, support or facilitate
counterterrorism, crisis response, or other Department of
Defense security cooperation programs: Provided further,
That the transfer authority provided under this heading
is in addition to any other transfer authority provided else-
where in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary
for the operation and maintenance, including training, or-
ganization, and administration, of the Army Reserve; re-
pair of facilities and equipment; hire of passenger motor
vehicles; travel and transportation; care of the dead; re-
cruiting; procurement of services, supplies, and equip-
ment; and communications, $2,854,909,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary
for the operation and maintenance, including training, or-
ganization, and administration, of the Navy Reserve; re-
pair of facilities and equipment; hire of passenger motor
vehicles; travel and transportation; care of the dead; re-
cruiting; procurement of services, supplies, and equip-
ment; and communications, $1,018,006,000.

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary
for the operation and maintenance, including training, or-
ganization, and administration, of the Marine Corps Re-
serve; repair of facilities and equipment; hire of passenger
motor vehicles; travel and transportation; care of the dead;
recruiting; procurement of services, supplies, and equip-
ment; and communications, $271,570,000.

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary
for the operation and maintenance, including training, or-
ganization, and administration, of the Air Force Reserve;
repair of facilities and equipment; hire of passenger motor
vehicles; travel and transportation; care of the dead; re-
cruiting; procurement of services, supplies, and equip-
ment; and communications, $3,247,534,000.

Operation and Maintenance, Army National
Guard

For expenses of training, organizing, and admin-
istering the Army National Guard, including medical and
hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $7,261,295,000.

Operation and Maintenance, Air National Guard

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as
authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,433,697,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $14,662,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $228,449,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or
part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $329,253,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided
under this heading is in addition to any other transfer au-
thority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $365,808,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, re-
duction and recycling of hazardous waste, removal of un-
safe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a deter-
mination that all or part of the funds transferred from this appropriation are not necessary for the purposes pro-
vided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer au-
 thority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.
ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $8,926,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $212,346,000, to remain available until transferred: Provided, That the Sec-
Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $107,663,000, to remain available until September 30, 2020.
COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance, including assistance provided by contract or by grants, under programs and activities of the Department of Defense Cooperative Threat Reduction Program authorized under the Department of Defense Cooperative Threat Reduction Act, $335,240,000, to remain available until September 30, 2021.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $552,000,000, to remain available for obligation until September 30, 2020: Provided, That no other amounts may be otherwise credited or transferred to the Fund, or deposited into the Fund, in fiscal year 2019 pursuant to section 1705(d) of title 10, United States Code.
TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,890,658,000, to remain available for obligation until September 30, 2021.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired,
and construction prosecuted thereon prior to approval of
title; and procurement and installation of equipment, ap-
pliances, and machine tools in public and private plants;
reserve plant and Government and contractor-owned
equipment layaway; and other expenses necessary for the
foregoing purposes, $3,160,597,000, to remain available
for obligation until September 30, 2021.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT
VEHICLES, ARMY

For construction, procurement, production, and
modification of weapons and tracked combat vehicles,
equipment, including ordnance, spare parts, and acces-
sories therefor; specialized equipment and training devices;
expansion of public and private plants, including the land
necessary therefor, for the foregoing purposes, and such
lands and interests therein, may be acquired, and con-
struction prosecuted thereon prior to approval of title; and
procurement and installation of equipment, appliances,
and machine tools in public and private plants; reserve
plant and Government and contractor-owned equipment
layaway; and other expenses necessary for the foregoing
purposes, $4,515,290,000, to remain available for obliga-
tion until September 30, 2021.
PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,283,369,000, to remain available for obligation until September 30, 2021.

Other Procurement, Army

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests
therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $7,709,078,000, to remain available for obligation until September 30, 2021.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $20,083,169,000, to remain available for obligation until September 30, 2021.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts,
and accessories therefor; expansion of public and private
plants, including the land necessary therefor, and such
lands and interests therein, may be acquired, and con-
struction prosecuted thereon prior to approval of title; and
procurement and installation of equipment, appliances,
and machine tools in public and private plants; reserve
plant and Government and contractor-owned equipment
layaway, $3,780,572,000, to remain available for obliga-
tion until September 30, 2021.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE

Corps

For construction, procurement, production, and
modification of ammunition, and accessories therefor; spe-
cialized equipment and training devices; expansion of pub-
lic and private plants, including ammunition facilities, au-
thorized by section 2854 of title 10, United States Code,
and the land necessary therefor, for the foregoing pur-
poses, and such lands and interests therein, may be ac-
quired, and construction prosecuted thereon prior to ap-
proval of title; and procurement and installation of equip-
ment, appliances, and machine tools in public and private
plants; reserve plant and Government and contractor-
owned equipment layaway; and other expenses necessary
for the foregoing purposes, $970,454,000, to remain avail-
able for obligation until September 30, 2021.
For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Ohio Replacement Submarine (AP), $3,242,330,000;
Carrier Replacement Program (CVN 80), $1,573,181,000;
Virginia Class Submarine, $4,373,382,000;
Virginia Class Submarine (AP), $2,796,401,000;
CVN Refueling Overhauls (AP), $449,597,000;
DDG–1000 Program, $270,965,000;
DDG–51 Destroyer, $5,171,827,000;
DDG–51 Destroyer (AP), $641,928,000;
Littoral Combat Ship, $1,121,244,000;
LPD–17, $500,000,000;

Expeditionary Sea Base, $650,000,000;

LHA Replacement (AP), $350,000,000;

Expeditionary Fast Transport, $225,000,000;

TAO Fleet Oiler, $977,104,000;

TAO Fleet Oiler (AP), $75,046,000;

Towing Salvage and Rescue Ship, $80,517,000;

LCU 1700, $41,520,000;

Ship to Shore Connector, $325,375,000;

Service Craft, $97,062,000;

LCAC SLEP, $23,321,000;

For outfitting, post delivery, conversions, and first destination transportation, $550,038,000;

Completion of Prior Year Shipbuilding Programs, $207,099,000; and

Cable Ship, $250,000,000.

In all: $23,992,937,000, to remain available for obligation until September 30, 2023: Provided, That additional obligations may be incurred after September 30, 2023, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be ex-
pended in foreign facilities for the construction of major
components of such vessel: Provided further, That none
of the funds provided under this heading shall be used
for the construction of any naval vessel in foreign ship-
yards: Provided further, That funds appropriated or other-
wise made available by this Act for production of the com-
mon missile compartment of nuclear-powered vessels may
be available for multiyear procurement of critical compo-
nents to support continuous production of such compart-
ments only in accordance with the provisions of subsection
(i) of section 2218a of title 10, United States Code (as
added by section 1023 of the National Defense Authoriza-
tion Act for Fiscal Year 2017 (Public Law 114–328)).

Other Procurement, Navy

For procurement, production, and modernization of
support equipment and materials not otherwise provided
for, Navy ordnance (except ordnance for new aircraft, new
ships, and ships authorized for conversion); the purchase
of passenger motor vehicles for replacement only; expan-
sion of public and private plants, including the land nec-
essary therefor; and such lands and interests therein, may
be acquired, and construction prosecuted thereon prior to
approval of title; and procurement and installation of
equipment, appliances, and machine tools in public and
private plants; reserve plant and Government and con-
tractor-owned equipment layaway, $10,393,562,000, to remain available for obligation until September 30, 2021.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $2,800,997,000, to remain available for obligation until September 30, 2021.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests
therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $15,772,473,000, to remain available for obligation until September 30, 2021.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,614,954,000, to remain available for obligation until September 30, 2021.

SPACE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of spacecraft, rockets, and related equipment, including...
spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,224,142,000, to remain available for obligation until September 30, 2021.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary
for the foregoing purposes, $1,564,880,000, to remain
available for obligation until September 30, 2021.

Other Procurement, Air Force

For procurement and modification of equipment (in-
cluding ground guidance and electronic control equipment,
and ground electronic and communication equipment),
and supplies, materials, and spare parts therefor, not oth-
ervise provided for; the purchase of passenger motor vehi-
cles for replacement only; lease of passenger motor vehi-
cles; and expansion of public and private plants, Govern-
ment-owned equipment and installation thereof in such
plants, erection of structures, and acquisition of land, for
the foregoing purposes, and such lands and interests
therein, may be acquired, and construction prosecuted
thereon, prior to approval of title; reserve plant and Gov-
ernment and contractor-owned equipment layaway,
$20,839,366,000, to remain available for obligation until
September 30, 2021.

Procurement, Defense-Wide

For expenses of activities and agencies of the Depart-
ment of Defense (other than the military departments)
necessary for procurement, production, and modification
of equipment, supplies, materials, and spare parts there-
for, not otherwise provided for; the purchase of passenger
motor vehicles for replacement only; expansion of public
and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $6,663,821,000, to remain available for obligation until September 30, 2021.

NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT For procurement of rotary-wing aircraft; combat, tactical and support vehicles; other weapons; and other procurement items for the reserve components of the Armed Forces, $900,000,000, to remain available for obligation until September 30, 2021: Provided, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: Provided further, That none of the funds made available by this paragraph may be used to procure manned fixed wing aircraft, or procure or modify missiles, munitions, or ammunition.

DEFENSE PRODUCTION ACT PURCHASES
For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Produ-
tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533), $38,578,000, to remain available until expended.

**TITLE IV**

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION**

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, Army**

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,812,458,000, to remain available for obligation until September 30, 2020.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, Navy**

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,992,064,000, to remain available for obligation until September 30, 2020: *Provided,* That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces.
For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $40,896,667,000, to remain available for obligation until September 30, 2020.

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $24,049,621,000, to remain available for obligation until September 30, 2020.

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational
testing and evaluation; and administrative expenses in connection therewith, $381,009,000, to remain available for obligation until September 30, 2020.

TITLE V
REVOLVING AND MANAGEMENT FUNDS
DEFENSE WORKING CAPITAL FUNDS
For the Defense Working Capital Funds, $1,641,115,000.

TITLE VI
OTHER DEPARTMENT OF DEFENSE PROGRAMS
DEFENSE HEALTH PROGRAM
For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $34,135,992,000; of which $31,588,995,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2020, and of which up to $15,152,801,000 may be available for contracts entered into under the TRICARE program; of which $873,160,000, to remain available for obligation until September 30, 2021, shall be for procurement; and of which $1,673,837,000, to remain available for obligation until September 30, 2020, shall be for research, development, test and evaluation: Provided, That of the funds provided under this heading for research, development, test and
evaluation, not less than $761,500,000 shall be made
available to the United States Army Medical Research and
Materiel Command to carry out the congressionally di-
rected medical research programs.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

DEFENSE

For expenses, not otherwise provided for, necessary
for the destruction of the United States stockpile of lethal
chemical agents and munitions in accordance with the pro-
visions of section 1412 of the Department of Defense Au-
 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
struction of other chemical warfare materials that are not
in the chemical weapon stockpile, $993,816,000, of which
$105,997,000 shall be for operation and maintenance, of
which no less than $52,735,000 shall be for the Chemical
Stockpile Emergency Preparedness Program, consisting of
$21,600,000 for activities on military installations and
$31,135,000, to remain available until September 30, 2020,
to assist State and local governments; $1,091,000
shall be for procurement, to remain available until Sep-

tember 30, 2021, of which $1,091,000 shall be for the
Chemical Stockpile Emergency Preparedness Program to
assist State and local governments; and $886,728,000, to
remain available until September 30, 2020, shall be for
research, development, test and evaluation, of which
$880,283,000 shall only be for the Assembled Chemical Weapons Alternatives program.

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

(Including Transfer of Funds)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $872,525,000, of which $507,171,000 shall be for counter-narcotics support; $117,900,000 shall be for the drug demand reduction program; $217,178,000 shall be for the National Guard counter-drug program; and $30,276,000 shall be for the National Guard counter-drug schools program: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided
under this heading is in addition to any other transfer au-

Office of the Inspector General

For expenses and activities of the Office of the In-

pector General in carrying out the provisions of the In-

spector General Act of 1978, as amended, $329,273,000,

of which $325,236,000 shall be for operation and mainte-

nance, of which not to exceed $700,000 is available for

emergencies and extraordinary expenses to be expended on

the approval or authority of the Inspector General, and

payments may be made on the Inspector General’s certifi-

cate of necessity for confidential military purposes; of

which $60,000, to remain available for obligation until

September 30, 2021, shall be for procurement; and of

which $3,977,000, to remain available until September 30,

2020, shall be for research, development, test and evalua-

tion.

TITLE VII

RELATED AGENCIES

Central Intelligence Agency Retirement and

Disability System Fund

For payment to the Central Intelligence Agency Re-

tirement and Disability System Fund, to maintain the

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

For necessary expenses of the Intelligence Community Management Account, $529,624,000.

TITLE VIII

GENERAL PROVISIONS

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

Sec. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense:

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

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

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

(TRANSFER OF FUNDS)

Sec. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available...
for the same purposes, and for the same time period, as
the appropriation or fund to which transferred: Provided,
That such authority to transfer may not be used unless
for higher priority items, based on unforeseen military re-
quirements, than those for which originally appropriated
and in no case where the item for which funds are re-
quested has been denied by the Congress: Provided further,
That 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 pre-
pare or present a request to the Committees on Appropria-
tions for reprogramming of funds, unless for higher pri-
ority items, based on unforeseen military requirements,
than those for which originally appropriated and in no
case where the item for which reprogramming is requested
has been denied by the Congress: Provided further, That
a request for multiple reprogrammings of funds using au-
thority provided in this section shall be made prior to June
30, 2019: Provided further, That transfers among military
personnel appropriations shall not be taken into account
for purposes of the limitation on the amount of funds that
may be transferred under this section.

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

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

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2019: Provided, That the report shall include—

(1) a table for each appropriation with a separate column to display the President’s budget re-
quest, 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 appro-
priation both by budget activity and program,
project, and activity as detailed in the Budget Ap-
pendix; and
(3) an identification of items of special congres-
sional 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: Provided, That this subsection shall not
apply to transfers from the following appropriations ac-
counts:
(1) “Environmental Restoration, Army”;
(2) “Environmental Restoration, Navy”;
(3) “Environmental Restoration, Air Force”;  
(4) “Environmental Restoration, Defense-
Wide”;
(5) “Environmental Restoration, Formerly Used Defense Sites”; and

(6) “Drug Interdiction and Counter-drug Activities, Defense”.

(TRANSFER OF FUNDS)

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

Sec. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

Sec. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government’s liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 un-
less specifically provided in this Act: \textit{Provided further},

That no multiyear procurement contract can be termi-
nated without 30-day prior notification to the congres-
sional defense committees: \textit{Provided further}, That the exe-
cution of multiyear authority shall require the use of a
present value analysis to determine lowest cost compared
to an annual procurement: \textit{Provided further}, That none of
the funds provided in this Act may be used for a multiyear
contract executed after the date of the enactment of this
Act unless in the case of any such contract—

\((1)\) the Secretary of Defense has submitted to
Congress a budget request for full funding of units
to be procured through the contract and, in the case
of a contract for procurement of aircraft, that in-
cludes, for any aircraft unit to be procured through
the contract for which procurement funds are re-
quested in that budget request for production be-

\((2)\) cancellation provisions in the contract do
not include consideration of recurring manufacturing
costs of the contractor associated with the produc-
tion of unfunded units to be delivered under the con-
tract;
(3) the contract provides that payments to the
contractor under the contract shall not be made in
advance of incurred costs on funded units; and
(4) the contract does not provide for a price ad-
justment based on a failure to award a follow-on
contract.

Funds appropriated in title III of this Act may be
used for multiyear procurement contracts for any or all
of the following projects:

(1) Standard Missile–3 IB;
(2) Standard Missile–6;
(3) F/A–18E/F Super Hornet and EA–18G
Aircraft variants;
(4) E–2D Advanced Hawkeye (AHE) Aircraft;
and
(5) C–130J, KC–130J, HC–130J; MC–130J,
AC–130J Aircraft:

Provided, That the multiyear procurement authority for
the E–2D Advanced Hawkeye (AHE) and the F/A–18E/
F Super Hornet programs provided for by this section
shall be subject to the certification requirement in section
2306b(i) of title 10, United States Code, with the cost
analysis in connection with such certification to be current
as of the date of such certification and to be submitted
to Congress prior to the Secretary exercising the authority
in accordance with section 2306b(i)(3) of title 10, United
States Code: Provided further, That the multiyear procure-
ment authority for the Standard Missile—6 program pro-
vided for by this section shall be subject to the certification
requirement in section 2306b(i) of title 10, United States
Code, with the cost analysis in connection with such cer-
tification to be current as of the date of such certification
and to be submitted to Congress prior to the Secretary
exercising the authority in accordance with section
2306b(i)(3) of title 10, United States Code.

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

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

(b) The fiscal year 2020 budget request for the De-
partment of Defense as well as all justification material 
and other documentation supporting the fiscal year 2020 
Department of Defense budget request shall be prepared 
and submitted to the Congress as if subsections (a) and 
(b) of this provision were effective with regard to fiscal 
year 2020.
(c) Nothing in this section shall be construed to apply
to military (civilian) technicians.

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

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

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act
for the Department of Defense Pilot Mentor-Protégé Pro-
gram may be transferred to any other appropriation con-
tained in this Act solely for the purpose of implementing
a Mentor-Protégé Program developmental assistance
agreement pursuant to section 831 of the National De-
fense Authorization Act for Fiscal Year 1991 (Public Law

*S 3159 PCS*
101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That, in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

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

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

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

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

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

Sec. 8022. (a) Of the funds made available in this Act, not less than $46,100,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $33,600,000 shall be available from “Operation and Maintenance, Air Force” to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) $10,800,000 shall be available from “Aircraft Procurement, Air Force”; and

(3) $1,700,000 shall be available from “Other Procurement, Air Force” for vehicle procurement.

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

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

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

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

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2019, not more than 6,030 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That, of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department’s fiscal year 2020 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $179,000,000: Provided, That this subsection shall not apply to appropriations for the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).
Sec. 8024. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, that the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

Sec. 8025. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Sub-
committee on Defense of the Committee on Appropriations
of the Senate, and the Subcommittee on Defense of the
Committee on Appropriations of the House of Representa-
tives.

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

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

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

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2019. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

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

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

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

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

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

(d) In this section, the term “Indian tribe” means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).

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

SEC. 8031. Up to $10,518,000 of the funds appropriated under the heading “Operation and Maintenance, Navy” may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated
to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

Sec. 8032. The Secretary of Defense shall issue regulations to prohibit the sale of any tobacco or tobacco-related products in military resale outlets in the United States, its territories and possessions at a price below the most competitive price in the local community: Provided, That such regulations shall direct that the prices of tobacco or tobacco-related products in overseas military retail outlets shall be within the range of prices established for military retail system stores located in the United States.

Sec. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current
fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2020 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2020 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2020 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

Sec. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2020: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development ac-
quisition, for agent operations, and for covert action pro-
grams authorized by the President under section 503 of
the National Security Act of 1947 (50 U.S.C. 3093) shall
remain available until September 30, 2020.

SEC. 8035. Of the funds appropriated to the Depart-
ment of Defense under the heading “Operation and Main-
tenance, Defense-Wide”, not less than $12,000,000 may
be made available only for the mitigation of environmental
impacts, including training and technical assistance to
tribes, related administrative support, the gathering of in-
formation, documenting of environmental damage, and de-
veloping a system for prioritization of mitigation and cost
to complete estimates for mitigation, on Indian lands re-
sulting from Department of Defense activities.

SEC. 8036. (a) None of the funds appropriated in this
Act may be expended by an entity of the Department of
Defense unless the entity, in expending the funds, com-
plies with the Buy American Act. For purposes of this
subsection, the term “Buy American Act” means chapter
83 of title 41, United States Code.

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

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

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

(1) to establish a field operating agency; or

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

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

(c) This section does not apply to—

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

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

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

(4) an Air Force field operating agency estab-
lished to administer the Air Force Mortuary Affairs
Program and Mortuary Operations for the Depart-
ment of Defense and authorized Federal entities.

Sec. 8038. (a) None of the funds appropriated by
this Act shall be available to convert to contractor per-
formance an activity or function of the Department of De-
fense that, on or after the date of the enactment of this
Act, is performed by Department of Defense civilian em-
ployees unless—
(1) the conversion is based on the result of a
public-private competition that includes a most effi-
cient and cost effective organization plan developed
by such activity or function;

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

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

(B) $10,000,000; and

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

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

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

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

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

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

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

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

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

(RESCISSIONS)

Sec. 8039. Of the funds appropriated in Department
of Defense Appropriations Acts, the following funds are
hereby rescinded from the following accounts and pro-
grams in the specified amounts: Provided, That no
amounts may be rescinded from amounts that were des-
ignated by the Congress for Overseas Contingency Oper-
ations/Global War on Terrorism or as an emergency re-
quirement pursuant to the Concurrent Resolution on the
Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

“Aircraft Procurement, Army”, 2017/2019, $16,000,000;

“Missile Procurement, Army”, 2017/2019, $12,900,000;

“Other Procurement, Army”, 2017/2019, $7,465,000;

“Other Procurement, Navy”, 2017/2019, $32,344,000;

“Aircraft Procurement, Air Force”, 2017/2019, $179,029,000;

“Space Procurement, Air Force”, 2017/2019, $15,000,000;

“Other Procurement, Air Force”, 2017/2019, $29,600,000;

“Defense Health Program: Procurement”, 2017/2019, $2,413,000;

“Aircraft Procurement, Army”, 2018/2020, $4,939,000;

“Missile Procurement, Army”, 2018/2020, $149,400,000;

“Procurement of Weapons and Tracked Combat Vehicles, Army”, 2018/2020, $210,506,000;
“Other Procurement, Army”, 2018/2020, $115,389,000;
“Aircraft Procurement, Navy”, 2018/2020, $14,600,000;
“Other Procurement, Navy”, 2018/2020, $36,600,000;
“Aircraft Procurement, Air Force”, 2018/2020, $254,166,000;
“Space Procurement, Air Force”, 2018/2020, $192,300,000;
“Procurement of Ammunition, Air Force”, 2018/2020, $17,100,000;
“Other Procurement, Air Force”, 2018/2020, $128,500,000;
“Research, Development, Test and Evaluation, Air Force”, 2018/2019, $505,300,000;
“Research, Development, Test and Evaluation, Defense-Wide”, 2018/2019, $25,000,000; and

Sec. 8040. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National
Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

SEC. 8041. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People’s Republic of Korea unless specifically appropriated for that purpose.

SEC. 8042. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program:

Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.
SEC. 8043. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

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

SEC. 8044. Of the amounts appropriated for “Working Capital Fund, Army”, $99,000,000 shall be available to maintain competitive rates at the arsenals.

SEC. 8045. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $20,000,000 is hereby appropriated to the Department of Defense: Provided, That upon the determination of the Secretary of Defense that it shall serve the national interest, the Secretary shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations.

SEC. 8046. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees
that such an acquisition must be made in order to acquire
capability for national security purposes that is not avail-
able from United States manufacturers.

Sec. 8047. Notwithstanding any other provision in
this Act, the Small Business Innovation Research program
and the Small Business Technology Transfer program set-
asides shall be taken proportionally from all programs,
projects, or activities to the extent they contribute to the
extramural budget.

Sec. 8048. None of the funds available to the De-
partment of Defense under this Act shall be obligated or
expended to pay a contractor under a contract with the
Department of Defense for costs of any amount paid by
the contractor to an employee when—

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

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

(INCLUDING TRANSFER OF FUNDS)

Sec. 8049. During the current fiscal year, no more
than $30,000,000 of appropriations made in this Act
under the heading “Operation and Maintenance, Defense-
Wide” may be transferred to appropriations available for
the pay of military personnel, to be merged with, and to
be available for the same time period as the appropriations
to which transferred, to be used in support of such per-
sonnel in connection with support and services for eligible
organizations and activities outside the Department of De-
fense pursuant to section 2012 of title 10, United States
Code.

Sec. 8050. During the current fiscal year, in the case
of an appropriation account of the Department of Defense
for which the period of availability for obligation has ex-
pired or which has closed under the provisions of section
1552 of title 31, United States Code, and which has a
negative unliquidated or unexpended balance, an obliga-
tion or an adjustment of an obligation may be charged
to any current appropriation account for the same purpose
as the expired or closed account if—

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

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

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

Sec. 8051. (a) Notwithstanding any other provision
of law, the Chief of the National Guard Bureau may per-
mit the use of equipment of the National Guard Distance
Learning Project by any person or entity on a space-avail-
able, reimbursable basis. The Chief of the National Guard
Bureau shall establish the amount of reimbursement for
such use on a case-by-case basis.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. Of the funds appropriated in this Act under the heading “Operation and Maintenance, Defense-wide”, $25,000,000 shall be for continued implementation and expansion of the Sexual Assault Special Victims’ Counsel Program: Provided, That the funds are made available for transfer to the Department of the Army, the Department of the Navy, and the Department of the Air Force: Provided further, That funds transferred shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: Provided further, That this transfer authority is in addition to any other transfer authority provided in this Act.

SEC. 8053. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That the Secretary of Defense shall, with submission of the department’s fiscal year 2020 budget request, submit a report
detailing the use of funds requested in research, development, test and evaluation accounts for end-items used in development, prototyping and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

Sec. 8054. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—
(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

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

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

(INCLUDING TRANSFER OF FUNDS)

Sec. 8055. Of the amounts appropriated for “Operation and Maintenance, Navy”, up to $1,000,000 shall be available for transfer to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105).

Sec. 8056. Notwithstanding any other provision of law, funds appropriated in this Act under the heading
“Research, Development, Test and Evaluation, Defense-Wide” for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8057. The Secretary of Defense shall continue to provide a classified quarterly report to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8058. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8059. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has
a center-fire cartridge and a United States military no-
menclature designation of “armor penetrator”, “armor
piercing (AP)”, “armor piercing incendiary (API)”, or
“armor-piercing incendiary tracer (API–T)”, except to an
entity performing demilitarization services for the Depart-
ment of Defense under a contract that requires the entity
to demonstrate to the satisfaction of the Department of
Defense that armor piercing projectiles are either: (1) ren-
dered incapable of reuse by the demilitarization process;
or (2) used to manufacture ammunition pursuant to a con-
tact with the Department of Defense or the manufacture
of ammunition for export pursuant to a License for Per-
manent Export of Unclassified Military Articles issued by
the Department of State.

SEC. 8060. Notwithstanding any other provision of
law, the Chief of the National Guard Bureau, or his des-
ignee, may waive payment of all or part of the consider-
ation that otherwise would be required under section 2667
of title 10, United States Code, in the case of a lease of
personal property for a period not in excess of 1 year to
any organization specified in section 508(d) of title 32,
United States Code, or any other youth, social, or fra-
ternal nonprofit organization as may be approved by the
Chief of the National Guard Bureau, or his designee, on
a case-by-case basis.
Sec. 8061. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Army”, $62,483,700 shall remain available until expended: Provided, That, notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

Sec. 8062. (a) None of the funds appropriated in this or any other Act may be used to take any action to modify—

(1) the appropriations account structure for the National Intelligence Program budget, including through the creation of a new appropriation or new appropriation account;
(2) how the National Intelligence Program budget request is presented in the unclassified P–1, R–1, and O–1 documents supporting the Department of Defense budget request;

(3) the process by which the National Intelligence Program appropriations are apportioned to the executing agencies; or

(4) the process by which the National Intelligence Program appropriations are allotted, obligated and disbursed.

(b) Nothing in section (a) shall be construed to prohibit the merger of programs or changes to the National Intelligence Program budget at or below the Expenditure Center level, provided such change is otherwise in accordance with paragraphs (a)(1)–(3).

(e) The Director of National Intelligence and the Secretary of Defense may jointly, only for the purposes of achieving auditable financial statements and improving fiscal reporting, study and develop detailed proposals for alternative financial management processes. Such study shall include a comprehensive counterintelligence risk assessment to ensure that none of the alternative processes will adversely affect counterintelligence.
(d) Upon development of the detailed proposals defined under subsection (c), the Director of National Intelligence and the Secretary of Defense shall—

(1) provide the proposed alternatives to all affected agencies;

(2) receive certification from all affected agencies attesting that the proposed alternatives will help achieve auditability, improve fiscal reporting, and will not adversely affect counterintelligence; and

(3) not later than 30 days after receiving all necessary certifications under paragraph (2), present the proposed alternatives and certifications to the congressional defense and intelligence committees.

Sec. 8063. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of United States Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force until a written modification has been proposed to the House and Senate Appropriations Committees: Provided further, That the proposed modification may be implemented 30 days after the notification unless an objection is received from either the House or Senate Appropriations Committees: Provided
further, That any proposed modification shall not preclude the ability of the commander of United States Pacific Command to meet operational requirements.

SEC. 8064. Any notice that is required to be submitted to the Committees on Appropriations of the Senate and the House of Representatives under section 806(c)(4) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) after the date of the enactment of this Act shall be submitted pursuant to that requirement concurrently to the Subcommittees on Defense of the Committees on Appropriations of the Senate and the House of Representatives.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8065. Of the amounts appropriated in this Act under the headings “Procurement, Defense-Wide” and “Research, Development, Test and Evaluation, Defense-Wide”, $500,000,000 shall be for the Israeli Cooperative Programs: Provided, That of this amount, $70,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, subject to the U.S.-Israel Iron Dome Procurement Agreement, as amended; $187,000,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development
under the SRBMD program, of which $50,000,000 shall be for co-production activities of SRBMD systems in the United States and in Israel to meet Israel’s defense requirements consistent with each nation’s laws, regulations, and procedures, subject to the U.S.-Israeli co-production agreement for SRBMD, as amended; $80,000,000 shall be for an upper-tier component to the Israeli Missile Defense Architecture, of which $80,000,000 shall be for co-production activities of Arrow 3 Upper Tier systems in the United States and in Israel to meet Israel’s defense requirements consistent with each nation’s laws, regulations, and procedures, subject to the U.S.-Israeli co-production agreement for Arrow 3 Upper Tier, as amended; and $163,000,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8066. Of the amounts appropriated in this Act under the heading “Shipbuilding and Conversion, Navy”, $207,099,000 shall be available until September 30, 2019, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the
Navy shall transfer funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading “Shipbuilding and Conversion, Navy”, 2011/2019: LHA Replacement $25,100,000;

(2) Under the heading “Shipbuilding and Conversion, Navy”, 2013/2019: DDG-51 Destroyer $53,966,000;

(3) Under the heading “Shipbuilding and Conversion, Navy”, 2014/2019: Littoral Combat Ship $19,498,000;


(5) Under the heading “Shipbuilding and Conversion, Navy”, 2015/2019: LCAC $9,400,000; and


Sec. 8067. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized
by the Congress for purposes of section 504 of the Na-
tional Security Act of 1947 (50 U.S.C. 3094) during fiscal
year 2019 until the enactment of the Intelligence Author-
ization Act for Fiscal Year 2019.

SEC. 8068. None of the funds provided in this Act
shall be available for obligation or expenditure through a
reprogramming of funds that creates or initiates a new
program, project, or activity unless such program, project,
or activity must be undertaken immediately in the interest
of national security and only after written prior notifica-
tion to the congressional defense committees.

SEC. 8069. The budget of the President for fiscal
year 2020 submitted to the Congress pursuant to section
1105 of title 31, United States Code, shall include sepa-
rate budget justification documents for costs of United
States Armed Forces’ participation in contingency oper-
ations for the Military Personnel accounts, the Operation
and Maintenance accounts, the Procurement accounts,
and the Research, Development, Test and Evaluation ac-
counts: Provided, That these documents shall include a de-
scription of the funding requested for each contingency op-
eration, for each military service, to include all Active and
Reserve components, and for each appropriations account:
Provided further, That these documents shall include esti-
mated costs for each element of expense or object class,
a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8070. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8071. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities, or for any activity necessary for the national defense, including intelligence activities.
(TRANSFER OF FUNDS)

Sec. 8072. The Secretary of Defense may transfer up to $800,000,000 of the amounts appropriated or otherwise made available in this Act to the Department of Defense for the rapid acquisition and deployment of supplies and associated support pursuant to section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note): Provided, That the Secretary of Defense shall notify the congressional defense committees promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority provided elsewhere in this Act.

Sec. 8073. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

Sec. 8074. None of the funds provided in this Act shall be available for integration of foreign intelligence in-
formation unless the information has been lawfully col-
lected and processed during the conduct of authorized for-
eign intelligence activities: Provided, That information
pertaining to United States persons shall only be handled
in accordance with protections provided in the Fourth
Amendment of the United States Constitution as imple-
mented through Executive Order No. 12333.

Sec. 8075. (a) None of the funds appropriated by
this Act may be used to transfer research and develop-
ment, acquisition, or other program authority relating to
current tactical unmanned aerial vehicles (TUAVs) from
the Army.

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

Sec. 8076. None of the funds appropriated by this
Act for programs of the Office of the Director of National
Intelligence shall remain available for obligation beyond
the current fiscal year, except for funds appropriated for
research and technology, which shall remain available until

Sec. 8077. For purposes of section 1553(b) of title
31, United States Code, any subdivision of appropriations
made in this Act under the heading “Shipbuilding and
Conversion, Navy” shall be considered to be for the same
purpose as any subdivision under the heading “Ship-
building and Conversion, Navy” appropriations in any
prior fiscal year, and the 1 percent limitation shall apply
to the total amount of the appropriation.

SEC. 8078. (a) Not later than 60 days after the date
of enactment of this Act, the Director of National Intel-
ligence shall submit a report to the congressional intel-
ligence committees to establish the baseline for application
of reprogramming and transfer authorities for fiscal year
2019: Provided, That the report shall include—

(1) a table for each appropriation with a sepa-
rate column to display the President’s budget re-
quest, 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 appro-
priation by Expenditure Center and project; and

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

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

Sec. 8079. None of the funds provided in this Act for the TAO–205 program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Auxiliary equipment (including pumps) for shipboard services; propulsion equipment (including engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes.

Sec. 8080. Notwithstanding any other provision of law, any transfer of funds, appropriated or otherwise made available by this Act, for support to friendly foreign countries in connection with the conduct of operations in which the United States is not participating, pursuant to section 331(d) of title 10, United States Code, shall be made in accordance with sections 8005 or 9002 of this Act, as applicable.

Sec. 8081. Any transfer of amounts appropriated to, credited to, or deposited in the Department of Defense Acquisition Workforce Development Fund in or for fiscal year 2019 to a military department or Defense Agency pursuant to section 1705(e)(1) of title 10, United States
Code, shall be covered by and subject to sections 8005 or 9002 of this Act, as applicable.

SEC. 8082. None of the funds made available by this Act for excess defense articles, assistance under section 333 of title 10, United States Code, or peacekeeping operations for the countries designated annually to be in violation of the standards of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may be used to support any military training or operation that includes child soldiers, as defined by the Child Soldiers Prevention Act of 2008, unless such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008.

SEC. 8083. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that—

(1) creates a new start effort;

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

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

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

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

SEC. 8084. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President’s budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.
SEC. 8085. For the purposes of this Act, the term “congressional intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8086. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for “Operation and Maintenance, Army”, “Operation and Maintenance, Navy”, and “Operation and Maintenance, Air Force” may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

SEC. 8087. None of the funds appropriated by this Act may be available for the purpose of making remittances to the Department of Defense Acquisition Workforce Development Fund in accordance with section 1705 of title 10, United States Code.

SEC. 8088. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report
required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

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

(2) the report contains proprietary information.

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

Sec. 8089. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000, unless the contractor agrees not to—

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

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

(c) The prohibitions in this section do not apply with respect to a contractor’s or subcontractor’s agreements with employees or independent contractors that may not be enforced in a court of the United States.
(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8090. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $113,000,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704
of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: Provided, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: Provided further, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

Sec. 8091. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Defense or a component thereof in contravention of the provisions of section 130h of title 10, United States Code.

Sec. 8092. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of
$450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8093. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed $1,500,000,000 of the funds made available in this Act for the National Intelligence Program: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are 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, 2019.

Sec. 8094. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

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

SEC. 8095. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

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

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

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

(2) is—

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

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.
SEC. 8096. None of the funds appropriated or otherwise made available in this Act may be used to transfer any individual detained at United States Naval Station Guantánamo Bay, Cuba, to the custody or control of the individual’s country of origin, any other foreign country, or any other foreign entity except in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) and section 1034 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

SEC. 8097. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 8098. (a) None of the funds appropriated or otherwise made available by this or any other Act may be used by the Secretary of Defense, or any other official or officer of the Department of Defense, to enter into a contract, memorandum of understanding, or cooperative agreement with, or make a grant to, or provide a loan or loan guarantee to Rosoboronexport or any subsidiary of Rosoboronexport.

(b) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary, in consultation with the Secretary of State and the Director of National Intelligence, determines that it is in the vital national security
interest of the United States to do so, and certifies in writ-
ing to the congressional defense committees that, to the
best of the Secretary’s knowledge:

(1) Rosoboronexport has ceased the transfer of
lethal military equipment to, and the maintenance of
existing lethal military equipment for, the Govern-
ment of the Syrian Arab Republic;

(2) The armed forces of the Russian Federation
have withdrawn from Crimea, other than armed
forces present on military bases subject to agree-
ments in force between the Government of the Rus-
sian Federation and the Government of Ukraine;
and

(3) Agents of the Russian Federation have
ceased taking active measures to destabilize the con-
trol of the Government of Ukraine over eastern
Ukraine.

(c) The Inspector General of the Department of De-
fense shall conduct a review of any action involving
Rosoboronexport with respect to a waiver issued by the
Secretary of Defense pursuant to subsection (b), and not
later than 90 days after the date on which such a waiver
is issued by the Secretary of Defense, the Inspector Gen-
eral shall submit to the congressional defense committees
a report containing the results of the review conducted
with respect to such waiver.

Sec. 8099. The Secretary of Defense, in consultation
with the Service Secretaries, shall submit two reports to
the congressional defense committees, not later than
March 1, 2019, and not later than September 1, 2019,
detailing the submission of records during the previous 6
months to databases accessible to the National Instant
Criminal Background Check System (NICS), including
the Interstate Identification Index (III), the National
Crime Information Center (NCIC), and the NICS Index,
as required by Public Law 110–180: Provided, That such
reports shall provide the number and category of records
submitted by month to each such database, by Service or
Component: Provided further, That such reports shall
identify the number and category of records submitted by
month to those databases for which the Identification for
Firearm Sales (IFFS) flag or other database flags were
used to pre-validate the records and indicate that such
persons are prohibited from receiving or possessing a fire-
arm: Provided further, That such reports shall describe the
steps taken during the previous 6 months, by Service or
Component, to ensure complete and accurate submission
and appropriate flagging of records of individuals prohib-
ited from gun possession or receipt pursuant to 18 U.S.C.
922(g) or (n) including applicable records involving proceedings under the Uniform Code of Military Justice.

Sec. 8100. (a) Of the funds appropriated in this Act for the Department of Defense, amounts should be made available, under such regulations as the Secretary of Defense may prescribe, to local military commanders appointed by the Secretary, or by an officer or employee designated by the Secretary, to provide at their discretion ex gratia payments in amounts consistent with subsection (d) of this section for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

(b) An ex gratia payment under this section may be provided only if—

(1) the prospective foreign civilian recipient is determined by the local military commander to be friendly to the United States;

(2) a claim for damages would not be compensable under chapter 163 of title 10, United States Code (commonly known as the “Foreign Claims Act”); and

(3) the property damage, personal injury, or death was not caused by action by an enemy.

(c) Nature of Payments.—Any payments provided under a program under subsection (a) shall not be consid-
ered an admission or acknowledgement of any legal obligation to compensate for any damage, personal injury, or death.

(d) AMOUNT OF PAYMENTS.—If the Secretary of Defense determines a program under subsection (a) to be appropriate in a particular setting, the amounts of payments, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment, which should include such factors as cultural appropriateness and prevailing economic conditions.

(e) LEGAL ADVICE.—Local military commanders shall receive legal advice before making ex gratia payments under this subsection. The legal advisor, under regulations of the Department of Defense, shall advise on whether an ex gratia payment is proper under this section and applicable Department of Defense regulations.

(f) WRITTEN RECORD.—A written record of any ex gratia payment offered or denied shall be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.
(g) REPORT.—The Secretary of Defense shall report to the congressional defense committees on an annual basis the efficacy of the ex gratia payment program including the number of types of cases considered, amounts offered, the response from ex gratia payment recipients, and any recommended modifications to the program.

SEC. 8101. None of the funds available in this Act to the Department of Defense, other than appropriations made for necessary or routine refurbishments, upgrades or maintenance activities, shall be used to reduce or to prepare to reduce the number of deployed and non-deployed strategic delivery vehicles and launchers below the levels set forth in the report submitted to Congress in accordance with section 1042 of the National Defense Authorization Act for Fiscal Year 2012.

SEC. 8102. Amounts in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be obligated and expended in fiscal year 2020 for the payment of death gratuities authorized by subchapter II of chapter 75 of title 10, United States Code, that are payable during the period in which the appropriations bill for fiscal year 2020 for the Department has not become law and an Act or joint resolution making continuing appropriations for fiscal year 2020 for the Department is not in effect (a "lapse
in appropriations’’): Provided, That, upon enactment of
the appropriations Act for fiscal year 2020 for the Depart-
ment, such obligations and expenditures shall be recorded
against the appropriations made available by such Act for
the payment of such death gratuities.

Sec. 8103. The Secretary of each military depart-
ment, in reducing each research, development, test and
evaluation and procurement account of the military de-
partment as required under paragraph (1) of section
828(d) of the National Defense Authorization Act for Fisc-

cal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note),
as amended by section 825(a)(3) of the National Defense
Authorization Act for Fiscal Year 2018, shall allocate the
percentage reduction determined under paragraph (2) of
such section 828(d) proportionally from all programs,
projects, or activities under such account: Provided, That
the authority under section 804(d)(2) of the National De-
fense Authorization Act for Fiscal Year 2016 (Public Law
114–92; 10 U.S.C. 2302 note) to transfer amounts avail-
able in the Rapid Prototyping Fund shall be subject to
section 8005 or 9002 of this Act, as applicable.

Sec. 8104. None of the funds made available by this
Act may be used by the National Security Agency to—

(1) conduct an acquisition pursuant to section

702 of the Foreign Intelligence Surveillance Act of
1978 for the purpose of targeting a United States person; or

(2) acquire, monitor, or store the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication of a United States person from a provider of electronic communication services to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.

SEC. 8105. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of any agency funded by this Act who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8106. None of the funds made available in this Act may be obligated for activities authorized under section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 112–
(81; 125 Stat. 1621) to initiate support for, or expand sup-
port to, foreign forces, irregular forces, groups, or individ-
uals unless the congressional defense committees are noti-
fied in accordance with the direction contained in the clas-
sified annex accompanying this Act, not less than 15 days
before initiating such support: Provided, That none of the
funds made available in this Act may be used under sec-
tion 1208 for any activity that is not in support of an
ongoing military operation being conducted by United
States Special Operations Forces to combat terrorism:
Provided further, That the Secretary of Defense may waive
the prohibitions in this section if the Secretary determines
that such waiver is required by extraordinary cir-
cumstances and, by not later than 72 hours after making
such waiver, notifies the congressional defense committees
of such waiver.

Sec. 8107. Of the amounts appropriated in this Act
for “Operation and Maintenance, Navy”, $310,805,000,
to remain available until expended, may be used for any
purposes related to the National Defense Reserve Fleet
established under section 11 of the Merchant Ship Sales
Act of 1946 (50 U.S.C. 4405): Provided, That such
amounts are available for reimbursements to the Ready
Reserve Force, Maritime Administration account of the
United States Department of Transportation for pro-
grams, projects, activities, and expenses related to the Na-
tional Defense Reserve Fleet.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8108. Of the amounts appropriated in this Act, the Secretary of Defense may use up to $52,657,000 under the heading “Operation and Maintenance, Defense-
Wide”, and up to $39,400,000 under the heading “Re-
search, Development, Test and Evaluation, Defense-
Wide” to develop, replace, and sustain Federal Govern-
ment security and suitability background investigation in-
formation technology systems of the Office of Personnel Management or other Federal agency responsible for con-
ducting such investigations: Provided, That the Secretary may transfer additional amounts into these headings or into “Procurement, Defense-Wide” using established re-
programming procedures prescribed in the Department of Defense Financial Management Regulation 7000.14, Vol-
ume 3, Chapter 6, dated September 2015: Provided fur-
ther, That such funds shall supplement, not supplant any other amounts made available to other Federal agencies for such purposes.

SEC. 8109. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.
Sec. 8110. Notwithstanding any other provision of law, any transfer of funds appropriated or otherwise made available by this Act to the Global Engagement Center established by section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 22 U.S.C. 2656 note) shall be made in accordance with section 8005 or 9002 of this Act, as applicable.

Sec. 8111. No amounts credited or otherwise made available in this or any other Act to the Department of Defense Acquisition Workforce Development Fund may be transferred to:

(1) the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2302 note); or

(2) credited to a military-department specific fund established under section 804(d)(2) of the National Defense Authorization Act for Fiscal Year 2016 (as amended by section 897 of the National Defense Authorization Act for Fiscal Year 2017).

Sec. 8112. Notwithstanding any other provision of law, from funds made available to the Department of Defense in title II of this Act under the heading “Operation and Maintenance, Defense-Wide”, $15,000,000 shall be available for a project in a country designated by the Sec-
retary of Defense: Provided, That in furtherance of the
project, the Department of Defense is authorized to ac-
quire services, including services performed pursuant to
a grant agreement, from another Federal agency, on an
advance of funds or reimbursable basis: Provided further,
That an order for services placed under this section is
deemed to be an obligation in the same manner that a
similar order placed under a contract with a private con-
tractor is an obligation.

SEC. 8113. None of the funds appropriated by this
Act may be made available to transfer, or to facilitate the
transfer of, F–35 aircraft to Turkey, including any de-
fense articles or services related to such aircraft, until the
Secretary of Defense, in consultation with the Secretary
of State, certifies to the appropriate congressional commit-
tees that the Government of Turkey is not purchasing the
S–400 missile defense system from Russia and will not
accept the delivery of such system.

TITLE IX
OVERSEAS CONTINGENCY OPERATIONS
MILITARY PERSONNEL
MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel,
Army”, $2,929,154,000: Provided, That such amount is
designated by the Congress for Overseas Contingency Op-
Military Personnel, Navy

For an additional amount for “Military Personnel, Navy”, $385,461,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Military Personnel, Marine Corps

For an additional amount for “Military Personnel, Marine Corps”, $109,232,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Military Personnel, Air Force

For an additional amount for “Military Personnel, Air Force”, $964,508,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, $37,007,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy”, $11,100,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for “Reserve Personnel, Marine Corps”, $2,380,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for “Reserve Personnel, Air Force”, $21,076,000: Provided, That such amount is designated by the Congress for Overseas Contingency Op-
For an additional amount for "National Guard Personnel, Army", $195,283,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "National Guard Personnel, Air Force", $5,460,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Operation and Maintenance, Army", $19,028,500,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
For an additional amount for “Operation and Maintenance, Navy”, $5,572,155,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Operation and Maintenance, Marine Corps”, $1,475,800,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Operation and Maintenance, Air Force”, $10,055,789,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Operation and Maintenance, Defense-Wide”, $8,354,905,000: Provided, That of the funds provided under this heading, not to exceed
$900,000,000, to remain available until September 30, 2020, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria: Provided further, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria, and 15 days following notification to the appropriate congressional committees: Provided further, That these funds may be used in accordance with section 1226 of the National De-
fense Authorization Act for Fiscal Year 2016 (Public Law 114–92), upon 15 days prior written notification to the congressional defense committees outlining the amounts intended to be provided and the nature of the expenses incurred: Provided further, That of the funds provided under this heading, not to exceed $793,000,000, to remain available until September 30, 2020, shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or other Department of Defense security cooperation programs: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for “Operation and Maintenance, Army Reserve”, $41,887,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
For an additional amount for “Operation and Maintenance, Navy Reserve”, $25,637,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, $3,345,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Operation and Maintenance, Air Force Reserve”, $60,500,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
Operation and Maintenance, Army National Guard

For an additional amount for “Operation and Maintenance, Army National Guard”, $110,729,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Operation and Maintenance, Air National Guard

For an additional amount for “Operation and Maintenance, Air National Guard”, $15,870,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Afghanistan Security Forces Fund

For the “Afghanistan Security Forces Fund”, $4,666,815,000, to remain available until September 30, 2020: Provided, That such funds shall be available to the Secretary of Defense for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and in-
Provided further, That the Secretary of Defense may obligate and expend funds made available to the Department of Defense in this title for additional costs associated with existing projects previously funded with amounts provided under the heading “Afghanistan Infrastructure Fund” in prior Acts: Provided further, That such costs shall be limited to contract changes resulting from inflation, market fluctuation, rate adjustments, and other necessary contract actions to complete existing projects, and associated supervision and administration costs and costs for design during construction: Provided further, That the Secretary may not use more than $50,000,000 under the authority provided in this section: Provided further, That the Secretary shall notify in advance such contract changes and adjustments in annual reports to the congressional defense committees: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary of Defense shall notify the congressional defense committees in
writing upon the receipt and upon the obligation of any
contribution, delineating the sources and amounts of the
funds received and the specific use of such contributions:

**Provided further,** That the Secretary of Defense shall, not
fewer than 15 days prior to obligating from this appro-
priation account, notify the congressional defense commit-
tees in writing of the details of any such obligation: **Pro-
vided further,** That the Secretary of Defense shall notify
the congressional defense committees of any proposed new
projects or transfer of funds between budget sub-activity
groups in excess of $20,000,000: **Provided further,** That
the United States may accept equipment procured using
funds provided under this heading in this or prior Acts
that was transferred to the security forces of Afghanistan
and returned by such forces to the United States: **Provided
further,** That equipment procured using funds provided
under this heading in this or prior Acts, and not yet trans-
ferred to the security forces of Afghanistan or transferred
to the security forces of Afghanistan and returned by such
forces to the United States, may be treated as stocks of
the Department of Defense upon written notification to
the congressional defense committees: **Provided further,**
That of the funds provided under this heading, not less
than $10,000,000 shall be for recruitment and retention
of women in the Afghanistan National Security Forces,
and the recruitment and training of female security per-
sonnel: Provided further, That such amount is designated
by the Congress for Overseas Contingency Operations/
Global War on Terrorism pursuant to section
251(b)(2)(A)(ii) of the Balanced Budget and Emergency

COUNTER-ISIS TRAIN AND EQUIP FUND

For the “Counter-Islamic State of Iraq and Syria
Train and Equip Fund”, $994,000,000, to remain avail-
able until September 30, 2020: Provided, That such funds
shall be available to the Secretary of Defense in coordina-
tion with the Secretary of State, to provide assistance, in-
cluding training; equipment; logistics support, supplies,
and services; stipends; infrastructure repair and renova-
tion; and sustainment, to foreign security forces, irregular
forces, groups, or individuals participating, or preparing
to participate in activities to counter the Islamic State of
Iraq and Syria, and their affiliated or associated groups:
Provided further, That amounts made available under this
heading shall be available to provide assistance only for
activities in a country designated by the Secretary of De-
fense, in coordination with the Secretary of State, as hav-
ing a security mission to counter the Islamic State of Iraq
and Syria, and following written notification to the con-
gressional defense committees of such designation: Pro-
Provided further, That the Secretary of Defense shall ensure that prior to providing assistance to elements of any forces or individuals, such elements or individuals are appropriately vetted, including at a minimum, assessing such elements for associations with terrorist groups or groups associated with the Government of Iran; and receiving commitments from such elements to promote respect for human rights and the rule of law: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: Provided further, That the Secretary of Defense may accept and retain contributions, including assistance in-kind, from foreign governments, including the Government of Iraq and other entities, to carry out assistance authorized under this heading: Provided further, That contributions of funds for the purposes provided herein from any foreign government or other entity may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary of Defense may waive a provision of law relating to the acquisition of items and support services or sections 40 and 40A of the Arms Export Control Act (22 U.S.C. 2780 and 2785) if the Secretary determines that such provision of law would prohibit, restrict,
delay or otherwise limit the provision of such assistance
and a notice of and justification for such waiver is sub-
mitted to the congressional defense committees, the Com-
mittees on Appropriations and Foreign Relations of the
Senate and the Committees on Appropriations and For-
eign Affairs of the House of Representatives: Provided fur-
ther, That the United States may accept equipment pro-
cured using funds provided under this heading, or under
the heading, “Iraq Train and Equip Fund” in prior Acts,
that was transferred to security forces, irregular forces,
or groups participating, or preparing to participate in ac-
tivities to counter the Islamic State of Iraq and Syria and
returned by such forces or groups to the United States,
may be treated as stocks of the Department of Defense
upon written notification to the congressional defense
committees: Provided further, That equipment procured
using funds provided under this heading, or under the
heading, “Iraq Train and Equip Fund” in prior Acts, and
not yet transferred to security forces, irregular forces, or
groups participating, or preparing to participate in activi-
ties to counter the Islamic State of Iraq and Syria may
be treated as stocks of the Department of Defense when
determined by the Secretary to no longer be required for
transfer to such forces or groups and upon written notifi-
cation to the congressional defense committees: Provided
further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided under this heading, including, but not limited to, the number of individuals trained, the nature and scope of support and sustainment provided to each group or individual, the area of operations for each group, and the contributions of other countries, groups, or individuals: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for “Aircraft Procurement, Army”, $363,363,000, to remain available until September 30, 2021: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for “Missile Procurement, Army”, $1,740,985,000, to remain available until September 30, 2021: Provided, That such amount is des-
Procurement of Weapons and Tracked Combat Vehicles, Army

For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Army”, $1,107,183,000, to remain available until September 30, 2021: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Procurement of Ammunition, Army

For an additional amount for “Procurement of Ammunition, Army”, $299,075,000, to remain available until September 30, 2021: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Other Procurement, Army

For an additional amount for “Other Procurement, Army”, $1,372,487,000, to remain available until Sep-

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for “Aircraft Procurement, Navy”, $80,119,000, to remain available until September 30, 2021: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for “Weapons Procurement, Navy”, $14,134,000, to remain available until September 30, 2021: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, $223,312,000, to re-
main available until September 30, 2021: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**OTHER PROCUREMENT, NAVY**

For an additional amount for “Other Procurement, Navy”, $181,173,000, to remain available until September 30, 2021: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**PROCUREMENT, MARINE CORPS**

For an additional amount for “Procurement, Marine Corps”, $58,023,000, to remain available until September 30, 2021: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**AIRCRAFT PROCUREMENT, AIR FORCE**

For an additional amount for “Aircraft Procurement, Air Force”, $1,007,888,000, to remain available until September 30, 2021: Provided, That such amount is des-

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for “Missile Procurement, Air Force”, $493,526,000, to remain available until September 30, 2021: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for “Procurement of Ammunition, Air Force”, $1,371,516,000, to remain available until September 30, 2021: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force”, $3,705,044,000, to remain available until September 30, 2021: Provided, That such amount is designated by the Congress for Overseas Contingency Oper-

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, $557,135,000, to remain available until September 30, 2021: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for “Research, Development, Test and Evaluation, Army”, $325,104,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”, $167,812,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

AIR FORCE

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, $287,971,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

DEFENSE-WIDE


REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds”, $15,190,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, $352,068,000, which shall be for operation and maintenance: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, $143,100,000: Provided, That such amount is designated by the Congress
for Overseas Contingency Operations/Global War on Ter-
rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-

Office of the Inspector General

For an additional amount for the “Office of the In-
spector General”, $24,692,000: Provided, That such
amount is designated by the Congress for Overseas Con-
tingency Operations/Global War on Terrorism pursuant to
section 251(b)(2)(A)(ii) of the Balanced Budget and

General Provisions—This Title

Sec. 9001. Notwithstanding any other provision of
law, funds made available in this title are in addition to
amounts appropriated or otherwise made available for the
Department of Defense for fiscal year 2019.

(including transfer of funds)

Sec. 9002. Upon the determination of the Secretary
of Defense that such action is necessary in the national
interest, the Secretary may, with the approval of the Of-
fice of Management and Budget, transfer up to
$2,000,000,000 between the appropriations or funds made
available to the Department of Defense in this title: Pro-
vided, That the Secretary shall notify the Congress
promptly of each transfer made pursuant to the authority
in this section: Provided further, That the authority pro-
vided in this section is in addition to any other transfer
authority available to the Department of Defense and is
subject to the same terms and conditions as the authority
provided in section 8005 of this Act.

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

SEC. 9004. From funds made available in this title,
the Secretary of Defense may purchase for use by military
and civilian employees of the Department of Defense in
the United States Central Command area of responsi-
bility: (1) passenger motor vehicles up to a limit of
$75,000 per vehicle; and (2) heavy and light armored vehi-
cles for the physical security of personnel or for force pro-
tection purposes up to a limit of $450,000 per vehicle, not-
withstanding price or other limitations applicable to the
purchase of passenger carrying vehicles.
SEC. 9005. Not to exceed $5,000,000 of the amounts appropriated by this title under the heading “Operation and Maintenance, Army” may be used, notwithstanding any other provision of law, to fund the Commanders’ Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: Provided, That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $2,000,000: Provided further, That not later than 45 days after the end of each 6 months of the fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that 6-month period that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: Provided further, That, not later than 30 days after the end of each fiscal year quarter, the Army shall submit to the congressional defense committees quarterly commitment, obligation, and expenditure data for the CERP in Afghanistan: Provided further, That, not less than 15 days before making funds available pursuant to the authority provided in this section or under
any other provision of law for the purposes described here- 

in for a project with a total anticipated cost for completion 
of $500,000 or more, the Secretary shall submit to the 

congressional defense committees a written notice con- 
taining each of the following:

(1) The location, nature and purpose of the 

proposed project, including how the project is in- 
tended to advance the military campaign plan for 
the country in which it is to be carried out.

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

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

SEC. 9006. Funds available to the Department of De- 

fense for operation and maintenance may be used, not- 
withstanding any other provision of law, to provide sup- 
plies, services, transportation, including airlift and sealift,
and other logistical support to allied forces participating in a combined operation with the armed forces of the United States and coalition forces supporting military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

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

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

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

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

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

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

   (2) Section 2242 of the Foreign Affairs Reform
        and Restructuring Act of 1998 (division G of Public
        note) and regulations prescribed thereto, including
        regulations under part 208 of title 8, Code of Fed-
        eral Regulations, and part 95 of title 22, Code of
        Federal Regulations.

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

Sec. 9009. None of the funds provided for the “Af-
ghanistan Security Forces Fund” (ASFF) may be obli-
gated prior to the approval of a financial and activity plan
by the Afghanistan Resources Oversight Council (AROC)
of the Department of Defense: Provided, That the AROC
must approve the requirement and acquisition plan for any
service requirements in excess of $50,000,000 annually
and any non-standard equipment requirements in excess
of $100,000,000 using ASFF: Provided further, That the
Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding proviso and accompanying report language for the ASFF.

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

SEC. 9011. (a) None of the funds appropriated or otherwise made available by this Act under the heading “Operation and Maintenance, Defense-Wide” for payments under section 1233 of Public Law 110–181 for reimbursement to the Government of Pakistan may be made available unless the Secretary of Defense, in coordination with the Secretary of State, certifies to the congressional defense committees that the Government of Pakistan is—

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

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

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

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

(5) implementing policies to protect judicial independence and due process of law;

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

(7) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.
(b) The Secretary of Defense, in coordination with the Secretary of State, may waive the restriction in subsection (a) on a case-by-case basis by certifying in writing to the congressional defense committees that it is in the national security interest to do so: Provided, That if the Secretary of Defense, in coordination with the Secretary of State, exercises such waiver authority, the Secretaries shall report to the congressional defense committees on both the justification for the waiver and on the requirements of this section that the Government of Pakistan was not able to meet: Provided further, That such report may be submitted in classified form if necessary.

Sec. 9012. None of the funds in this Act may be made available for the transfer of additional C–130 cargo aircraft to the Afghanistan National Security Forces or the Afghanistan Air Force until the Department of Defense provides a report to the congressional defense committees of the Afghanistan Air Force’s medium airlift requirements. The report should identify Afghanistan’s ability to utilize and maintain existing medium lift aircraft in the inventory and the best alternative platform, if necessary, to provide additional support to the Afghanistan Air Force’s current medium airlift capacity.
SEC. 9013. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

“Operation and Maintenance, Defense-Wide: Coalition Support Funds”, 2018/2019, $800,000,000;


“Counter-ISIS Train and Equip Fund”, 2018/2019, $400,000,000; and


SEC. 9014. Funds available for the Afghanistan Security Forces Fund may be used to provide limited training, equipment, and other assistance that would otherwise be prohibited by 10 U.S.C. 362 to a unit of the security forces of Afghanistan only if the Secretary certifies to the congressional defense committees, within 30 days of a de-
cision to provide such assistance, that (1) a denial of such assistance would present significant risk to U.S. or coalition forces or significantly undermine United States national security objectives in Afghanistan; and (2) the Secretary has sought a commitment by the Government of Afghanistan to take all necessary corrective steps: Provided, That such certification shall be accompanied by a report describing: (1) the information relating to the gross violation of human rights; (2) the circumstances that necessitated the provision of such assistance; (3) the Afghan security force unit involved; (4) the assistance provided and the assistance withheld; and (5) the corrective steps to be taken by the Government of Afghanistan: Provided further, That every 120 days after the initial report an additional report shall be submitted detailing the status of any corrective steps taken by the Government of Afghanistan: Provided further, That if the Government of Afghanistan has not initiated necessary corrective steps within one year of the certification, the authority under this section to provide assistance to such unit shall no longer apply: Provided further, That the Secretary shall submit a report to such committees detailing the final disposition of the case by the Government of Afghanistan.

Sec. 9015. Equipment procured using funds provided in prior Acts under the heading “Counterterrorism Part-
nerships Fund” for the program authorized by section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), and not yet transferred to authorized recipients may be transferred to foreign security forces, irregular forces, groups, or individuals, authorized to receive assistance using amounts provided under the heading “Counter-ISIS Train and Equip Fund” in this Act: Provided, That such equipment may be transferred 15 days following written notification to the congressional defense committees.

Sec. 9016. Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress. This Act may be cited as the “Department of Defense Appropriations Act, 2019”.

S 3159 PCS
A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

June 28, 2018

[Report No. 115-290]

S. 3159

115TH CONGRESS