

Union Calendar No. 59

116TH CONGRESS
1ST SESSION

H. R. 2968

[Report No. 116-84]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2020, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2019

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

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2020, and for other purposes.

1 tion travel (including all expenses thereof for organiza-
2 tional movements), and expenses of temporary duty travel
3 between permanent duty stations, for members of the
4 Navy on active duty (except members of the Reserve pro-
5 vided for elsewhere), midshipmen, and aviation cadets; for
6 members of the Reserve Officers' Training Corps; and for
7 payments pursuant to section 156 of Public Law 97-377,
8 as amended (42 U.S.C. 402 note), and to the Department
9 of Defense Military Retirement Fund, \$31,679,229,000.

10 MILITARY PERSONNEL, MARINE CORPS

11 For pay, allowances, individual clothing, subsistence,
12 interest on deposits, gratuities, permanent change of sta-
13 tion travel (including all expenses thereof for organiza-
14 tional movements), and expenses of temporary duty travel
15 between permanent duty stations, for members of the Ma-
16 rine Corps on active duty (except members of the Reserve
17 provided for elsewhere); and for payments pursuant to sec-
18 tion 156 of Public Law 97-377, as amended (42 U.S.C.
19 402 note), and to the Department of Defense Military Re-
20 tirement Fund, \$14,064,751,000.

21 MILITARY PERSONNEL, AIR FORCE

22 For pay, allowances, individual clothing, subsistence,
23 interest on deposits, gratuities, permanent change of sta-
24 tion travel (including all expenses thereof for organiza-
25 tional movements), and expenses of temporary duty travel

1 United States Code, or while serving on active duty under
2 section 12301(d) of title 10, United States Code, in con-
3 nection with performing duty specified in section 12310(a)
4 of title 10, United States Code, or while undergoing re-
5 serve training, or while performing drills or equivalent
6 duty, and expenses authorized by section 16131 of title
7 10, United States Code; and for payments to the Depart-
8 ment of Defense Military Retirement Fund,
9 \$2,113,357,000.

10 RESERVE PERSONNEL, MARINE CORPS

11 For pay, allowances, clothing, subsistence, gratuities,
12 travel, and related expenses for personnel of the Marine
13 Corps Reserve on active duty under section 10211 of title
14 10, United States Code, or while serving on active duty
15 under section 12301(d) of title 10, United States Code,
16 in connection with performing duty specified in section
17 12310(a) of title 10, United States Code, or while under-
18 going reserve training, or while performing drills or equiv-
19 alent duty, and for members of the Marine Corps platoon
20 leaders class, and expenses authorized by section 16131
21 of title 10, United States Code; and for payments to the
22 Department of Defense Military Retirement Fund,
23 \$829,124,000.

1 RESERVE PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Air Force
4 Reserve on active duty under sections 10211, 10305, and
5 9038 of title 10, United States Code, or while serving on
6 active duty under section 12301(d) of title 10, United
7 States Code, in connection with performing duty specified
8 in section 12310(a) of title 10, United States Code, or
9 while undergoing reserve training, or while performing
10 drills or equivalent duty or other duty, and expenses au-
11 thorized by section 16131 of title 10, United States Code;
12 and for payments to the Department of Defense Military
13 Retirement Fund, \$1,993,280,000.

14 NATIONAL GUARD PERSONNEL, ARMY

15 For pay, allowances, clothing, subsistence, gratuities,
16 travel, and related expenses for personnel of the Army Na-
17 tional Guard while on duty under sections 10211, 10302,
18 or 12402 of title 10 or section 708 of title 32, United
19 States Code, or while serving on duty under section
20 12301(d) of title 10 or section 502(f) of title 32, United
21 States Code, in connection with performing duty specified
22 in section 12310(a) of title 10, United States Code, or
23 while undergoing training, or while performing drills or
24 equivalent duty or other duty, and expenses authorized by
25 section 16131 of title 10, United States Code; and for pay-

1 ments to the Department of Defense Military Retirement
2 Fund, \$8,664,535,000.

3 NATIONAL GUARD PERSONNEL, AIR FORCE

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Air Na-
6 tional Guard on duty under sections 10211, 10305, or
7 12402 of title 10 or section 708 of title 32, United States
8 Code, or while serving on duty under section 12301(d) of
9 title 10 or section 502(f) of title 32, United States Code,
10 in connection with performing duty specified in section
11 12310(a) of title 10, United States Code, or while under-
12 going training, or while performing drills or equivalent
13 duty or other duty, and expenses authorized by section
14 16131 of title 10, United States Code; and for payments
15 to the Department of Defense Military Retirement Fund,
16 \$4,032,521,000.

17 TITLE II

18 OPERATION AND MAINTENANCE

19 OPERATION AND MAINTENANCE, ARMY

20 For expenses, not otherwise provided for, necessary
21 for the operation and maintenance of the Army, as author-
22 ized by law, \$41,449,293,000: *Provided*, That not to ex-
23 ceed \$12,478,000 can be used for emergencies and ex-
24 traordinary expenses, to be expended upon the approval
25 or authority of the Secretary of the Army, and payments

1 may be made on his certificate of necessity for confidential
2 military purposes.

3 OPERATION AND MAINTENANCE, NAVY

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance of the Navy and the
6 Marine Corps, as authorized by law, \$51,417,389,000:
7 *Provided*, That not to exceed \$15,055,000 can be used for
8 emergencies and extraordinary expenses, to be expended
9 upon the approval or authority of the Secretary of the
10 Navy, and payments may be made on his certificate of
11 necessity for confidential military purposes.

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance of the Marine Corps,
15 as authorized by law, \$7,945,854,000.

16 OPERATION AND MAINTENANCE, AIR FORCE

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance of the Air Force, as
19 authorized by law, \$44,662,729,000: *Provided*, That not
20 to exceed \$7,699,000 can be used for emergencies and ex-
21 traordinary expenses, to be expended upon the approval
22 or authority of the Secretary of the Air Force, and pay-
23 ments may be made on his certificate of necessity for con-
24 fidential military purposes.

1 OPERATION AND MAINTENANCE, SPACE FORCE

2 For expenses, not otherwise provided for, necessary
3 to study and refine plans for the potential establishment
4 of a Space Force as a branch of the Armed Forces,
5 \$15,000,000: *Provided*, That nothing in this provision
6 shall be construed to authorize the establishment of a
7 Space Force.

8 OPERATION AND MAINTENANCE, DEFENSE-WIDE

9 (INCLUDING TRANSFER OF FUNDS)

10 For expenses, not otherwise provided for, necessary
11 for the operation and maintenance of activities and agen-
12 cies of the Department of Defense (other than the military
13 departments), as authorized by law, \$37,238,522,000:
14 *Provided*, That not more than \$6,859,000 may be used
15 for the Combatant Commander Initiative Fund authorized
16 under section 166a of title 10, United States Code: *Pro-*
17 *vided further*, That not to exceed \$36,000,000 can be used
18 for emergencies and extraordinary expenses, to be ex-
19 pended on the approval or authority of the Secretary of
20 Defense, and payments may be made on his certificate of
21 necessity for confidential military purposes: *Provided fur-*
22 *ther*, That of the funds provided under this heading, not
23 less than \$44,500,000 shall be made available for the Pro-
24 curement Technical Assistance Cooperative Agreement
25 Program, of which not less than \$4,500,000 shall be avail-

1 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
2 *vided further*, That none of the funds appropriated or oth-
3 erwise made available by this Act may be used to plan
4 or implement the consolidation of a budget or appropria-
5 tions liaison office of the Office of the Secretary of De-
6 fense, the office of the Secretary of a military department,
7 or the service headquarters of one of the Armed Forces
8 into a legislative affairs or legislative liaison office: *Pro-*
9 *vided further*, That \$17,732,000, to remain available until
10 expended, is available only for expenses relating to certain
11 classified activities, and may be transferred as necessary
12 by the Secretary of Defense to operation and maintenance
13 appropriations or research, development, test and evalua-
14 tion appropriations, to be merged with and to be available
15 for the same time period as the appropriations to which
16 transferred: *Provided further*, That any ceiling on the in-
17 vestment item unit cost of items that may be purchased
18 with operation and maintenance funds shall not apply to
19 the funds described in the preceding proviso: *Provided fur-*
20 *ther*, That of the funds provided under this heading,
21 \$623,073,000, of which \$155,768,000, to remain available
22 until September 30, 2021, shall be available to provide
23 support and assistance to foreign security forces or other
24 groups or individuals to conduct, support or facilitate
25 counterterrorism, crisis response, or other Department of

1 Defense security cooperation programs: *Provided further*,
2 That the transfer authority provided under this heading
3 is in addition to any other transfer authority provided else-
4 where in this Act: *Provided further*, That of the funds
5 made available under this heading for the Office of the
6 Secretary of Defense, Policy, 10 percent shall be withheld
7 from obligation until the Secretary of Defense submits the
8 reports required under the heading “Counter-ISIS Train
9 and Equip Fund” in the Department of Defense Appro-
10 priations Act, 2018 (Division C of Public Law 115–141)
11 and the Department of Defense Appropriations Act, 2019
12 (Division A of Public Law 115–245).

13 OPERATION AND MAINTENANCE, ARMY RESERVE

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance, including training, or-
16 ganization, and administration, of the Army Reserve; re-
17 pair of facilities and equipment; hire of passenger motor
18 vehicles; travel and transportation; care of the dead; re-
19 cruiting; procurement of services, supplies, and equip-
20 ment; and communications, \$3,009,594,000.

21 OPERATION AND MAINTENANCE, NAVY RESERVE

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance, including training, or-
24 ganization, and administration, of the Navy Reserve; re-
25 pair of facilities and equipment; hire of passenger motor

1 vehicles; travel and transportation; care of the dead; re-
2 cruiting; procurement of services, supplies, and equip-
3 ment; and communications, \$1,110,116,000.

4 OPERATION AND MAINTENANCE, MARINE CORPS
5 RESERVE

6 For expenses, not otherwise provided for, necessary
7 for the operation and maintenance, including training, or-
8 ganization, and administration, of the Marine Corps Re-
9 serve; repair of facilities and equipment; hire of passenger
10 motor vehicles; travel and transportation; care of the dead;
11 recruiting; procurement of services, supplies, and equip-
12 ment; and communications, \$294,076,000.

13 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance, including training, or-
16 ganization, and administration, of the Air Force Reserve;
17 repair of facilities and equipment; hire of passenger motor
18 vehicles; travel and transportation; care of the dead; re-
19 cruiting; procurement of services, supplies, and equip-
20 ment; and communications, \$3,356,685,000.

21 OPERATION AND MAINTENANCE, ARMY NATIONAL
22 GUARD

23 For expenses of training, organizing, and admin-
24 istering the Army National Guard, including medical and
25 hospital treatment and related expenses in non-Federal

1 hospitals; maintenance, operation, and repairs to struc-
2 tures and facilities; hire of passenger motor vehicles; per-
3 sonnel services in the National Guard Bureau; travel ex-
4 penses (other than mileage), as authorized by law for
5 Army personnel on active duty, for Army National Guard
6 division, regimental, and battalion commanders while in-
7 specting units in compliance with National Guard Bureau
8 regulations when specifically authorized by the Chief, Na-
9 tional Guard Bureau; supplying and equipping the Army
10 National Guard as authorized by law; and expenses of re-
11 pair, modification, maintenance, and issue of supplies and
12 equipment (including aircraft), \$7,448,536,000.

13 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

1 active Federal duty, for Air National Guard commanders
2 while inspecting units in compliance with National Guard
3 Bureau regulations when specifically authorized by the
4 Chief, National Guard Bureau, \$6,592,589,000.

5 UNITED STATES COURT OF APPEALS FOR THE ARMED
6 FORCES

7 For salaries and expenses necessary for the United
8 States Court of Appeals for the Armed Forces,
9 \$14,771,000, of which not to exceed \$5,000 may be used
10 for official representation purposes.

11 ENVIRONMENTAL RESTORATION, ARMY
12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of the Army, \$235,809,000, to
14 remain available until transferred: *Provided*, That the Sec-
15 retary of the Army shall, upon determining that such
16 funds are required for environmental restoration, reduc-
17 tion and recycling of hazardous waste, removal of unsafe
18 buildings and debris of the Department of the Army, or
19 for similar purposes, transfer the funds made available by
20 this appropriation to other appropriations made available
21 to the Department of the Army, to be merged with and
22 to be available for the same purposes and for the same
23 time period as the appropriations to which transferred:
24 *Provided further*, That upon a determination that all or
25 part of the funds transferred from this appropriation are

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

6 ENVIRONMENTAL RESTORATION, NAVY

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Department of the Navy, \$365,883,000, to
9 remain available until transferred: *Provided*, That the Sec-
10 retary of the Navy shall, upon determining that such
11 funds are required for environmental restoration, reduc-
12 tion and recycling of hazardous waste, removal of unsafe
13 buildings and debris of the Department of the Navy, or
14 for similar purposes, transfer the funds made available by
15 this appropriation to other appropriations made available
16 to the Department of the Navy, to be merged with and
17 to be available for the same purposes and for the same
18 time period as the appropriations to which transferred:
19 *Provided further*, That upon a determination that all or
20 part of the funds transferred from this appropriation are
21 not necessary for the purposes provided herein, such
22 amounts may be transferred back to this appropriation:
23 *Provided further*, That the transfer authority provided
24 under this heading is in addition to any other transfer au-
25 thority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$365,808,000,
4 to remain available until transferred: *Provided*, That the
5 Secretary of the Air Force shall, upon determining that
6 such funds are required for environmental restoration, re-
7 duction and recycling of hazardous waste, removal of un-
8 safe buildings and debris of the Department of the Air
9 Force, or for similar purposes, transfer the funds made
10 available by this appropriation to other appropriations
11 made available to the Department of the Air Force, to be
12 merged with and to be available for the same purposes
13 and for the same time period as the appropriations to
14 which transferred: *Provided further*, That upon a deter-
15 mination that all or part of the funds transferred from
16 this appropriation are not necessary for the purposes pro-
17 vided herein, such amounts may be transferred back to
18 this appropriation: *Provided further*, That the transfer au-
19 thority provided under this heading is in addition to any
20 other transfer authority provided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of Defense, \$19,002,000, to re-
24 main available until transferred: *Provided*, That the Sec-
25 retary of Defense shall, upon determining that such funds

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

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

19 For the Department of the Army, \$260,499,000, to
20 remain available until transferred: *Provided*, That the Sec-
21 retary of the Army shall, upon determining that such
22 funds are required for environmental restoration, reduc-
23 tion and recycling of hazardous waste, removal of unsafe
24 buildings and debris at sites formerly used by the Depart-
25 ment of Defense, transfer the funds made available by this

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

12 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

13 For expenses relating to the Overseas Humanitarian,
14 Disaster, and Civic Aid programs of the Department of
15 Defense (consisting of the programs provided under sec-
16 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
17 United States Code), \$117,663,000, to remain available
18 until September 30, 2021.

19 COOPERATIVE THREAT REDUCTION ACCOUNT

20 For assistance, including assistance provided by con-
21 tract or by grants, under programs and activities of the
22 Department of Defense Cooperative Threat Reduction
23 Program authorized under the Department of Defense Co-
24 operative Threat Reduction Act, \$353,700,000, to remain
25 available until September 30, 2022.

1 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
2 DEVELOPMENT FUND

3 For the Department of Defense Acquisition Work-
4 force Development Fund, \$400,000,000, to remain avail-
5 able for obligation until September 30, 2020: *Provided*,
6 That no other amounts may be otherwise credited or
7 transferred to the Fund, or deposited into the Fund, in
8 fiscal year 2019 pursuant to section 1705(d) of title 10,
9 United States Code.

10 TITLE III
11 PROCUREMENT
12 AIRCRAFT PROCUREMENT, ARMY

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

1 foregoing purposes, \$3,689,720,000, to remain available
2 for obligation until September 30, 2022.

3 MISSILE PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-
5 tion, and modernization of missiles, equipment, including
6 ordnance, ground handling equipment, spare parts, and
7 accessories therefor; specialized equipment and training
8 devices; expansion of public and private plants, including
9 the land necessary therefor, for the foregoing purposes,
10 and such lands and interests therein, may be acquired,
11 and construction prosecuted thereon prior to approval of
12 title; and procurement and installation of equipment, ap-
13 pliances, and machine tools in public and private plants;
14 reserve plant and Government and contractor-owned
15 equipment layaway; and other expenses necessary for the
16 foregoing purposes, \$3,218,272,000, to remain available
17 for obligation until September 30, 2022.

18 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

19 VEHICLES, ARMY

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

1 lands and interests therein, may be acquired, and con-
2 struction prosecuted thereon prior to approval of title; and
3 procurement and installation of equipment, appliances,
4 and machine tools in public and private plants; reserve
5 plant and Government and contractor-owned equipment
6 layaway; and other expenses necessary for the foregoing
7 purposes, \$4,849,373,000, to remain available for obliga-
8 tion until September 30, 2022.

9 PROCUREMENT OF AMMUNITION, ARMY

10 For construction, procurement, production, and
11 modification of ammunition, and accessories therefor; spe-
12 cialized equipment and training devices; expansion of pub-
13 lic and private plants, including ammunition facilities, au-
14 thorized by section 2854 of title 10, United States Code,
15 and the land necessary therefor, for the foregoing pur-
16 poses, and such lands and interests therein, may be ac-
17 quired, and construction prosecuted thereon prior to ap-
18 proval of title; and procurement and installation of equip-
19 ment, appliances, and machine tools in public and private
20 plants; reserve plant and Government and contractor-
21 owned equipment layaway; and other expenses necessary
22 for the foregoing purposes, \$2,583,895,000, to remain
23 available for obligation until September 30, 2022.

1 OTHER PROCUREMENT, ARMY

2 For construction, procurement, production, and
3 modification of vehicles, including tactical, support, and
4 non-tracked combat vehicles; the purchase of passenger
5 motor vehicles for replacement only; communications and
6 electronic equipment; other support equipment; spare
7 parts, ordnance, and accessories therefor; specialized
8 equipment and training devices; expansion of public and
9 private plants, including the land necessary therefor, for
10 the foregoing purposes, and such lands and interests
11 therein, may be acquired, and construction prosecuted
12 thereon prior to approval of title; and procurement and
13 installation of equipment, appliances, and machine tools
14 in public and private plants; reserve plant and Govern-
15 ment and contractor-owned equipment layaway; and other
16 expenses necessary for the foregoing purposes,
17 \$7,583,678,000, to remain available for obligation until
18 September 30, 2022.

19 AIRCRAFT PROCUREMENT, NAVY

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

1 thereon prior to approval of title; and procurement and
2 installation of equipment, appliances, and machine tools
3 in public and private plants; reserve plant and Govern-
4 ment and contractor-owned equipment layaway,
5 \$18,971,913,000, to remain available for obligation until
6 September 30, 2022.

7 WEAPONS PROCUREMENT, NAVY

8 For construction, procurement, production, modifica-
9 tion, and modernization of missiles, torpedoes, other weap-
10 ons, and related support equipment including spare parts,
11 and accessories therefor; expansion of public and private
12 plants, including the land necessary therefor, and such
13 lands and interests therein, may be acquired, and con-
14 struction prosecuted thereon prior to approval of title; and
15 procurement and installation of equipment, appliances,
16 and machine tools in public and private plants; reserve
17 plant and Government and contractor-owned equipment
18 layaway, \$4,061,797,000, to remain available for obliga-
19 tion until September 30, 2022.

20 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

21 CORPS

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

1 thORIZED by section 2854 of title 10, United States Code,
2 and the land necessary therefor, for the foregoing pur-
3 poses, and such lands and interests therein, may be ac-
4 quired, and construction prosecuted thereon prior to ap-
5 proval of title; and procurement and installation of equip-
6 ment, appliances, and machine tools in public and private
7 plants; reserve plant and Government and contractor-
8 owned equipment layaway; and other expenses necessary
9 for the foregoing purposes, \$848,782,000, to remain avail-
10 able for obligation until September 30, 2022.

11 SHIPBUILDING AND CONVERSION, NAVY

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

24 Ohio Replacement Submarine (AP), \$1,611,989,000;

25 Carrier Replacement Program, \$2,066,000,000;

1 Virginia Class Submarine, \$4,192,346,000;
2 Virginia Class Submarine (AP), \$4,266,552,000;
3 CVN Refueling Overhauls, \$667,926,000;
4 CVN Refueling Overhauls (AP), \$16,900,000;
5 DDG-1000 Program, \$155,944,000;
6 DDG-51 Destroyer, \$5,015,295,000;
7 DDG-51 Destroyer (AP), \$224,028,000;
8 FFG-Frigate, \$1,281,177,000;
9 TAO Fleet Oiler, \$981,215,000;
10 TAO Fleet Oiler (AP), \$73,000,000;
11 Towing, Salvage, and Rescue Ship, \$150,282,000;
12 LCU 1700, \$83,670,000;
13 Ship to Shore Connector, \$65,000,000;
14 Service Craft, \$56,289,000;
15 For outfitting, post delivery, conversions, and first
16 destination transportation, \$736,243,000; and
17 Completion of Prior Year Shipbuilding Programs,
18 \$55,700,000.

19 In all: \$21,699,556,000, to remain available for obli-
20 gation until September 30, 2024: *Provided*, That addi-
21 tional obligations may be incurred after September 30,
22 2024, for engineering services, tests, evaluations, and
23 other such budgeted work that must be performed in the
24 final stage of ship construction: *Provided further*, That
25 none of the funds provided under this heading for the con-

1 struction or conversion of any naval vessel to be con-
2 structed in shipyards in the United States shall be ex-
3 pended in foreign facilities for the construction of major
4 components of such vessel: *Provided further*, That none
5 of the funds provided under this heading shall be used
6 for the construction of any naval vessel in foreign ship-
7 yards: *Provided further*, That funds appropriated or other-
8 wise made available by this Act for production of the com-
9 mon missile compartment of nuclear-powered vessels may
10 be available for multiyear procurement of critical compo-
11 nents to support continuous production of such compart-
12 ments only in accordance with the provisions of subsection
13 (i) of section 2218a of title 10, United States Code (as
14 added by section 1023 of the National Defense Authoriza-
15 tion Act for Fiscal Year 2017 (Public Law 114–328)).

16 OTHER PROCUREMENT, NAVY

17 For procurement, production, and modernization of
18 support equipment and materials not otherwise provided
19 for, Navy ordnance (except ordnance for new aircraft, new
20 ships, and ships authorized for conversion); the purchase
21 of passenger motor vehicles for replacement only; expan-
22 sion of public and private plants, including the land nec-
23 essary therefor, and such lands and interests therein, may
24 be acquired, and construction prosecuted thereon prior to
25 approval of title; and procurement and installation of

1 equipment, appliances, and machine tools in public and
2 private plants; reserve plant and Government and con-
3 tractor-owned equipment layaway, \$9,123,068,000, to re-
4 main available for obligation until September 30, 2022.

5 PROCUREMENT, MARINE CORPS

6 For expenses necessary for the procurement, manu-
7 facture, and modification of missiles, armament, military
8 equipment, spare parts, and accessories therefor; plant
9 equipment, appliances, and machine tools, and installation
10 thereof in public and private plants; reserve plant and
11 Government and contractor-owned equipment layaway; ve-
12 hicles for the Marine Corps, including the purchase of pas-
13 senger motor vehicles for replacement only; and expansion
14 of public and private plants, including land necessary
15 therefor, and such lands and interests therein, may be ac-
16 quired, and construction prosecuted thereon prior to ap-
17 proval of title, \$2,838,151,000, to remain available for ob-
18 ligation until September 30, 2022.

19 AIRCRAFT PROCUREMENT, AIR FORCE

20 For construction, procurement, and modification of
21 aircraft and equipment, including armor and armament,
22 specialized ground handling equipment, and training de-
23 vices, spare parts, and accessories therefor; specialized
24 equipment; expansion of public and private plants, Gov-
25 ernment-owned equipment and installation thereof in such

1 plants, erection of structures, and acquisition of land, for
2 the foregoing purposes, and such lands and interests
3 therein, may be acquired, and construction prosecuted
4 thereon prior to approval of title; reserve plant and Gov-
5 ernment and contractor-owned equipment layaway; and
6 other expenses necessary for the foregoing purposes in-
7 cluding rents and transportation of things,
8 \$18,082,933,000, to remain available for obligation until
9 September 30, 2022.

10 MISSILE PROCUREMENT, AIR FORCE

11 For construction, procurement, and modification of
12 missiles, rockets, and related equipment, including spare
13 parts and accessories therefor; ground handling equip-
14 ment, and training devices; expansion of public and pri-
15 vate plants, Government-owned equipment and installa-
16 tion thereof in such plants, erection of structures, and ac-
17 quisition of land, for the foregoing purposes, and such
18 lands and interests therein, may be acquired, and con-
19 struction prosecuted thereon prior to approval of title; re-
20 serve plant and Government and contractor-owned equip-
21 ment layaway; and other expenses necessary for the fore-
22 going purposes including rents and transportation of
23 things, \$2,789,287,000, to remain available for obligation
24 until September 30, 2022.

1 SPACE PROCUREMENT, AIR FORCE

2 For construction, procurement, and modification of
3 spacecraft, rockets, and related equipment, including
4 spare parts and accessories therefor; ground handling
5 equipment, and training devices; expansion of public and
6 private plants, Government-owned equipment and installa-
7 tion thereof in such plants, erection of structures, and ac-
8 quisition of land, for the foregoing purposes, and such
9 lands and interests therein, may be acquired, and con-
10 struction prosecuted thereon prior to approval of title; re-
11 serve plant and Government and contractor-owned equip-
12 ment layaway; and other expenses necessary for the fore-
13 going purposes including rents and transportation of
14 things, \$2,368,443,000, to remain available for obligation
15 until September 30, 2022.

16 PROCUREMENT OF AMMUNITION, AIR FORCE

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

1 ment, appliances, and machine tools in public and private
2 plants; reserve plant and Government and contractor-
3 owned equipment layaway; and other expenses necessary
4 for the foregoing purposes, \$1,602,761,000, to remain
5 available for obligation until September 30, 2022.

6 OTHER PROCUREMENT, AIR FORCE

7 For procurement and modification of equipment (in-
8 cluding ground guidance and electronic control equipment,
9 and ground electronic and communication equipment),
10 and supplies, materials, and spare parts therefor, not oth-
11 erwise provided for; the purchase of passenger motor vehi-
12 cles for replacement only; lease of passenger motor vehi-
13 cles; and expansion of public and private plants, Govern-
14 ment-owned equipment and installation thereof in such
15 plants, erection of structures, and acquisition of land, for
16 the foregoing purposes, and such lands and interests
17 therein, may be acquired, and construction prosecuted
18 thereon, prior to approval of title; reserve plant and Gov-
19 ernment and contractor-owned equipment layaway,
20 \$21,067,888,000, to remain available for obligation until
21 September 30, 2022.

22 PROCUREMENT, DEFENSE-WIDE

23 For expenses of activities and agencies of the Depart-
24 ment of Defense (other than the military departments)
25 necessary for procurement, production, and modification

1 of equipment, supplies, materials, and spare parts there-
2 for, not otherwise provided for; the purchase of passenger
3 motor vehicles for replacement only; expansion of public
4 and private plants, equipment, and installation thereof in
5 such plants, erection of structures, and acquisition of land
6 for the foregoing purposes, and such lands and interests
7 therein, may be acquired, and construction prosecuted
8 thereon prior to approval of title; reserve plant and Gov-
9 ernment and contractor-owned equipment layaway,
10 \$5,100,866,000, to remain available for obligation until
11 September 30, 2022.

12 DEFENSE PRODUCTION ACT PURCHASES

13 For activities by the Department of Defense pursuant
14 to sections 108, 301, 302, and 303 of the Defense Produc-
15 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
16 \$64,393,000, to remain available until expended.

17 TITLE IV

18 RESEARCH, DEVELOPMENT, TEST AND

19 EVALUATION

20 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

21 ARMY

22 For expenses necessary for basic and applied sci-
23 entific research, development, test and evaluation, includ-
24 ing maintenance, rehabilitation, lease, and operation of fa-

1 cilities and equipment, \$12,046,783,000, to remain avail-
2 able for obligation until September 30, 2021.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

4 NAVY

5 For expenses necessary for basic and applied sci-
6 entific research, development, test and evaluation, includ-
7 ing maintenance, rehabilitation, lease, and operation of fa-
8 cilities and equipment, \$19,140,865,000, to remain avail-
9 able for obligation until September 30, 2021. *Provided,*
10 That funds appropriated in this paragraph which are
11 available for the V-22 may be used to meet unique oper-
12 ational requirements of the Special Operations Forces.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

14 AIR FORCE

15 For expenses necessary for basic and applied sci-
16 entific research, development, test and evaluation, includ-
17 ing maintenance, rehabilitation, lease, and operation of fa-
18 cilities and equipment, \$44,554,256,000, to remain avail-
19 able for obligation until September 30, 2021.

20 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

21 DEFENSE-WIDE

22 For expenses of activities and agencies of the Depart-
23 ment of Defense (other than the military departments),
24 necessary for basic and applied scientific research, devel-
25 opment, test and evaluation; advanced research projects

1 as may be designated and determined by the Secretary
2 of Defense, pursuant to law; maintenance, rehabilitation,
3 lease, and operation of facilities and equipment,
4 \$24,492,308,000, to remain available for obligation until
5 September 30, 2021.

6 OPERATIONAL TEST AND EVALUATION, DEFENSE

7 For expenses, not otherwise provided for, necessary
8 for the independent activities of the Director, Operational
9 Test and Evaluation, in the direction and supervision of
10 operational test and evaluation, including initial oper-
11 ational test and evaluation which is conducted prior to,
12 and in support of, production decisions; joint operational
13 testing and evaluation; and administrative expenses in
14 connection therewith, \$221,200,000, to remain available
15 for obligation until September 30, 2021.

16 TITLE V

17 REVOLVING AND MANAGEMENT FUNDS

18 DEFENSE WORKING CAPITAL FUNDS

19 For the Defense Working Capital Funds,
20 \$1,226,211,000.

21 DEFENSE COUNTERINTELLIGENCE AND SECURITY

22 AGENCY WORKING CAPITAL FUND

23 For the Defense Counterintelligence and Security
24 Agency Working Capital Fund, \$200,000,000.

1 TITLE VI
2 OTHER DEPARTMENT OF DEFENSE PROGRAMS
3 DEFENSE HEALTH PROGRAM

4 For expenses, not otherwise provided for, for medical
5 and health care programs of the Department of Defense
6 as authorized by law, \$33,476,039,000; of which
7 \$31,359,442,000, shall be for operation and maintenance,
8 of which not to exceed one percent shall remain available
9 for obligation until September 30, 2021, and of which up
10 to \$15,176,945,000 may be available for contracts entered
11 into under the TRICARE program; of which
12 \$454,324,000, to remain available for obligation until Sep-
13 tember 30, 2022, shall be for procurement; and of which
14 \$1,662,273,000, to remain available for obligation until
15 September 30, 2021, shall be for research, development,
16 test and evaluation: *Provided*, That, notwithstanding any
17 other provision of law, of the amount made available under
18 this heading for research, development, test and evalua-
19 tion, not less than \$8,000,000 shall be available for HIV
20 prevention educational activities undertaken in connection
21 with United States military training, exercises, and hu-
22 manitarian assistance activities conducted primarily in Af-
23 rican nations: *Provided further*, That of the funds provided
24 under this heading for research, development, test and
25 evaluation, not less than \$930,000,000 shall be made

1 available to the United States Army Medical Research and
2 Materiel Command to carry out the congressionally di-
3 rected medical research programs: *Provided further*, That
4 the Secretary of Defense shall submit to the House and
5 Senate Appropriations Committees quarterly reports on
6 the current status of the deployment of the electronic
7 health record: *Provided further*, That the Secretary of De-
8 fense shall provide notice to the House and Senate Appro-
9 priations Committees not later than 10 business days after
10 delaying the proposed timeline of such deployment if such
11 delay is longer than one week: *Provided further*, That the
12 Comptroller General of the United States shall perform
13 quarterly performance reviews of such deployment.

14 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
15 DEFENSE

16 For expenses, not otherwise provided for, necessary
17 for the destruction of the United States stockpile of lethal
18 chemical agents and munitions in accordance with the pro-
19 visions of section 1412 of the Department of Defense Au-
20 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
21 struction of other chemical warfare materials that are not
22 in the chemical weapon stockpile, \$985,499,000, of which
23 \$107,351,000 shall be for operation and maintenance, of
24 which no less than \$52,452,000 shall be for the Chemical
25 Stockpile Emergency Preparedness Program, consisting of

1 \$22,444,000 for activities on military installations and
2 \$30,008,000, to remain available until September 30,
3 2021, to assist State and local governments; \$2,218,000
4 shall be for procurement, to remain available until Sep-
5 tember 30, 2022, of which not less than \$2,218,000 shall
6 be for the Chemical Stockpile Emergency Preparedness
7 Program to assist State and local governments; and
8 \$875,930,000, to remain available until September 30,
9 2021, shall be for research, development, test and evalua-
10 tion, of which \$869,430,000 shall only be for the Assem-
11 bled Chemical Weapons Alternatives program.

12 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

13 DEFENSE

14 (INCLUDING TRANSFER OF FUNDS)

15 For drug interdiction and counter-drug activities of
16 the Department of Defense, for transfer to appropriations
17 available to the Department of Defense for military per-
18 sonnel of the reserve components serving under the provi-
19 sions of title 10 and title 32, United States Code; for oper-
20 ation and maintenance; for procurement; and for research,
21 development, test and evaluation, \$816,755,000, of which
22 \$517,171,000 shall be for counter-narcotics support;
23 \$121,922,000 shall be for the drug demand reduction pro-
24 gram; \$172,291,000 shall be for the National Guard
25 counter-drug program; and \$5,371,000 shall be for the

1 National Guard counter-drug schools program: *Provided*,
2 That the funds appropriated under this heading shall be
3 available for obligation for the same time period and for
4 the same purpose as the appropriation to which trans-
5 ferred: *Provided further*, That upon a determination that
6 all or part of the funds transferred from this appropriation
7 are not necessary for the purposes provided herein, such
8 amounts may be transferred back to this appropriation:
9 *Provided further*, That the transfer authority provided
10 under this heading is in addition to any other transfer au-
11 thority contained elsewhere in this Act: *Provided further*,
12 That section 284 of title 10, United States Code, may only
13 be carried out using amounts appropriated under this
14 heading for counter-narcotics support: *Provided further*,
15 That amounts appropriated under this heading for
16 counter-narcotics support may not be used for the con-
17 struction of fences pursuant to subsection (b)(7) of such
18 section: *Provided further*, That the transfer authority con-
19 tained in section 8005 in title VIII of this Act shall not
20 apply to amounts made available under this heading: *Pro-*
21 *vided further*, That funds appropriated under this heading
22 for counter-narcotics support may only be transferred 15
23 days following written notification to the congressional de-
24 fense committees.

1 OFFICE OF THE INSPECTOR GENERAL

2 For expenses and activities of the Office of the In-
3 spector General in carrying out the provisions of the In-
4 spector General Act of 1978, as amended, \$363,499,000,
5 of which \$360,201,000 shall be for operation and mainte-
6 nance, of which not to exceed \$700,000 is available for
7 emergencies and extraordinary expenses to be expended on
8 the approval or authority of the Inspector General, and
9 payments may be made on the Inspector General's certifi-
10 cate of necessity for confidential military purposes; of
11 which \$333,000 to remain available for obligation until
12 September 30, 2022, shall be for procurement; and of
13 which \$2,965,000, to remain available until September 30,
14 2021, shall be for research, development, test and evalua-
15 tion.

16 TITLE VII

17 RELATED AGENCIES

18 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

19 DISABILITY SYSTEM FUND

20 For payment to the Central Intelligence Agency Re-
21 tirement and Disability System Fund, to maintain the
22 proper funding level for continuing the operation of the
23 Central Intelligence Agency Retirement and Disability
24 System, \$514,000,000.

1 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

2 For necessary expenses of the Intelligence Commu-
3 nity Management Account, \$558,000,000.

4 TITLE VIII

5 GENERAL PROVISIONS

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

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

1 *vided further*, That the limitations of this provision shall
2 not apply to foreign national employees of the Department
3 of Defense in the Republic of Turkey.

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

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

14 (TRANSFER OF FUNDS)

15 SEC. 8005. Upon determination by the Secretary of
16 Defense that such action is necessary in the national inter-
17 est, he may, with the approval of the Office of Manage-
18 ment and Budget, transfer not to exceed a total of
19 \$1,000,000,000 of working capital funds of the Depart-
20 ment of Defense or funds made available in this Act to
21 the Department of Defense for military functions (except
22 military construction) between such appropriations or
23 funds or any subdivision thereof, to be merged with and
24 to be available for the same purposes, and for the same
25 time period, as the appropriation or fund to which trans-

1 ferred: *Provided*, That such authority to transfer may not
2 be used unless the Secretary of Defense and the head of
3 each entity affected by such transfer certifies in writing
4 to the congressional defense committees, as part of the
5 applicable request for reprogramming required for such
6 transfer, that the funds will be used for higher priority
7 items, based on unforeseen military requirements, than
8 those for which originally appropriated and in no case
9 where the item for which funds are requested has been
10 denied by the Congress: *Provided further*, That the Sec-
11 retary of Defense shall notify the Congress promptly of
12 all transfers made pursuant to this authority or any other
13 authority in this Act: *Provided further*, That no part of
14 the funds in this Act shall be available to prepare or
15 present a request to the Committees on Appropriations for
16 reprogramming of funds, unless for higher priority items,
17 based on unforeseen military requirements, than those for
18 which originally appropriated and in no case where the
19 item for which reprogramming is requested has been de-
20 nied by the Congress: *Provided further*, That a request for
21 multiple reprogrammings of funds using authority pro-
22 vided in this section shall be made prior to June 30, 2020.

23 SEC. 8006. (a) With regard to the list of specific pro-
24 grams, projects, and activities (and the dollar amounts
25 and adjustments to budget activities corresponding to

1 such programs, projects, and activities) contained in the
2 tables titled Explanation of Project Level Adjustments in
3 the explanatory statement regarding this Act, the obliga-
4 tion and expenditure of amounts appropriated or other-
5 wise made available in this Act for those programs,
6 projects, and activities for which the amounts appro-
7 priated exceed the amounts requested are hereby required
8 by law to be carried out in the manner provided by such
9 tables to the same extent as if the tables were included
10 in the text of this Act.

11 (b) Amounts specified in the referenced tables de-
12 scribed in subsection (a) shall not be treated as subdivi-
13 sions of appropriations for purposes of section 8005 of this
14 Act: *Provided*, That section 8005 shall apply when trans-
15 fers of the amounts described in subsection (a) occur be-
16 tween appropriation accounts.

17 SEC. 8007. (a) Not later than 60 days after enact-
18 ment of this Act, the Department of Defense shall submit
19 a report to the congressional defense committees to estab-
20 lish the baseline for application of reprogramming and
21 transfer authorities for fiscal year 2020: *Provided*, That
22 the report shall include—

23 (1) a table for each appropriation with a sepa-
24 rate column to display the President's budget re-
25 quest, adjustments made by Congress, adjustments

1 due to enacted rescissions, if appropriate, and the
2 fiscal year enacted level;

3 (2) a delineation in the table for each appro-
4 priation both by budget activity and program,
5 project, and activity as detailed in the Budget Ap-
6 pendix; and

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

9 (b) Notwithstanding section 8005 of this Act, none
10 of the funds provided in this Act shall be available for
11 reprogramming or transfer until the report identified in
12 subsection (a) is submitted to the congressional defense
13 committees, unless the Secretary of Defense certifies in
14 writing to the congressional defense committees that such
15 reprogramming or transfer is necessary as an emergency
16 requirement: *Provided*, That this subsection shall not
17 apply to transfers from the following appropriations ac-
18 counts:

19 (1) “Environmental Restoration, Army”;

20 (2) “Environmental Restoration, Navy”;

21 (3) “Environmental Restoration, Air Force”;

22 (4) “Environmental Restoration, Defense-
23 Wide”

24 (5) “Environmental Restoration, Formerly
25 Used Defense Sites”.

(TRANSFER OF FUNDS)

1
2 SEC. 8008. During the current fiscal year, cash bal-
3 ances in working capital funds of the Department of De-
4 fense established pursuant to section 2208 of title 10,
5 United States Code, may be maintained in only such
6 amounts as are necessary at any time for cash disburse-
7 ments to be made from such funds: *Provided*, That trans-
8 fers may be made between such funds: *Provided further*,
9 That transfers may be made between working capital
10 funds and the “Foreign Currency Fluctuations, Defense”
11 appropriation and the “Operation and Maintenance” ap-
12 propriation accounts in such amounts as may be deter-
13 mined by the Secretary of Defense, with the approval of
14 the Office of Management and Budget, except that such
15 transfers may not be made unless the Secretary of Defense
16 has notified the Congress of the proposed transfer: *Pro-*
17 *vided further*, That except in amounts equal to the
18 amounts appropriated to working capital funds in this Act,
19 no obligations may be made against a working capital fund
20 to procure or increase the value of war reserve material
21 inventory, unless the Secretary of Defense has notified the
22 Congress prior to any such obligation.

23 SEC. 8009. Funds appropriated by this Act may not
24 be used to initiate a special access program without prior

1 notification 30 calendar days in advance to the congres-
2 sional defense committees.

3 SEC. 8010. None of the funds provided in this Act
4 shall be available to initiate: (1) a multiyear contract that
5 employs economic order quantity procurement in excess of
6 \$20,000,000 in any one year of the contract or that in-
7 cludes an unfunded contingent liability in excess of
8 \$20,000,000; or (2) a contract for advance procurement
9 leading to a multiyear contract that employs economic
10 order quantity procurement in excess of \$20,000,000 in
11 any one year, unless the congressional defense committees
12 have been notified at least 30 days in advance of the pro-
13 posed contract award: *Provided*, That no part of any ap-
14 propriation contained in this Act shall be available to ini-
15 tiate a multiyear contract for which the economic order
16 quantity advance procurement is not funded at least to
17 the limits of the Government's liability: *Provided further*,
18 That no part of any appropriation contained in this Act
19 shall be available to initiate multiyear procurement con-
20 tracts for any systems or component thereof if the value
21 of the multiyear contract would exceed \$500,000,000 un-
22 less specifically provided in this Act: *Provided further*,
23 That no multiyear procurement contract can be termi-
24 nated without 30-day prior notification to the congres-
25 sional defense committees: *Provided further*, That the exe-

1 cution of multiyear authority shall require the use of a
2 present value analysis to determine lowest cost compared
3 to an annual procurement: *Provided further*, That none of
4 the funds provided in this Act may be used for a multiyear
5 contract executed after the date of the enactment of this
6 Act unless in the case of any such contract—

7 (1) the Secretary of Defense has submitted to
8 Congress a budget request for full funding of units
9 to be procured through the contract and, in the case
10 of a contract for procurement of aircraft, that in-
11 cludes, for any aircraft unit to be procured through
12 the contract for which procurement funds are re-
13 quested in that budget request for production be-
14 yond advance procurement activities in the fiscal
15 year covered by the budget, full funding of procure-
16 ment of such unit in that fiscal year;

17 (2) cancellation provisions in the contract do
18 not include consideration of recurring manufacturing
19 costs of the contractor associated with the produc-
20 tion of unfunded units to be delivered under the con-
21 tract;

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

1 (4) the contract does not provide for a price ad-
2 justment based on a failure to award a follow-on
3 contract.

4 SEC. 8011. Within the funds appropriated for the op-
5 eration and maintenance of the Armed Forces, funds are
6 hereby appropriated pursuant to section 401 of title 10,
7 United States Code, for humanitarian and civic assistance
8 costs under chapter 20 of title 10, United States Code.
9 Such funds may also be obligated for humanitarian and
10 civic assistance costs incidental to authorized operations
11 and pursuant to authority granted in section 401 of chap-
12 ter 20 of title 10, United States Code, and these obliga-
13 tions shall be reported as required by section 401(d) of
14 title 10, United States Code: *Provided*, That funds avail-
15 able for operation and maintenance shall be available for
16 providing humanitarian and similar assistance by using
17 Civic Action Teams in the Trust Territories of the Pacific
18 Islands and freely associated states of Micronesia, pursu-
19 ant to the Compact of Free Association as authorized by
20 Public Law 99–239: *Provided further*, That upon a deter-
21 mination by the Secretary of the Army that such action
22 is beneficial for graduate medical education programs con-
23 ducted at Army medical facilities located in Hawaii, the
24 Secretary of the Army may authorize the provision of med-
25 ical services at such facilities and transportation to such

1 facilities, on a nonreimbursable basis, for civilian patients
2 from American Samoa, the Commonwealth of the North-
3 ern Mariana Islands, the Marshall Islands, the Federated
4 States of Micronesia, Palau, and Guam.

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

12 (b) The fiscal year 2021 budget request for the De-
13 partment of Defense as well as all justification material
14 and other documentation supporting the fiscal year 2021
15 Department of Defense budget request shall be prepared
16 and submitted to the Congress as if subsections (a) and
17 (b) of this provision were effective with regard to fiscal
18 year 2021.

19 (c) As required by section 1107 of the National De-
20 fense Authorization Act for Fiscal Year 2014 (Public Law
21 113–66; 10 U.S.C. 2358 note) civilian personnel at the
22 Department of Army Science and Technology Reinvention
23 Laboratories may not be managed on the basis of the
24 Table of Distribution and Allowances, and the manage-
25 ment of the workforce strength shall be done in a manner

1 consistent with the budget available with respect to such
2 Laboratories.

3 (d) Nothing in this section shall be construed to apply
4 to military (civilian) technicians.

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

9 SEC. 8014. None of the funds appropriated by this
10 Act shall be available for the basic pay and allowances of
11 any member of the Army participating as a full-time stu-
12 dent and receiving benefits paid by the Secretary of Vet-
13 erans Affairs from the Department of Defense Education
14 Benefits Fund when time spent as a full-time student is
15 credited toward completion of a service commitment: *Pro-*
16 *vided*, That this section shall not apply to those members
17 who have reenlisted with this option prior to October 1,
18 1987: *Provided further*, That this section applies only to
19 active components of the Army.

20 (TRANSFER OF FUNDS)

21 SEC. 8015. Funds appropriated in title III of this Act
22 for the Department of Defense Pilot Mentor-Protege Pro-
23 gram may be transferred to any other appropriation con-
24 tained in this Act solely for the purpose of implementing
25 a Mentor-Protege Program developmental assistance

1 agreement pursuant to section 831 of the National De-
2 fense Authorization Act for Fiscal Year 1991 (Public Law
3 101–510; 10 U.S.C. 2302 note), as amended, under the
4 authority of this provision or any other transfer authority
5 contained in this Act.

6 SEC. 8016. None of the funds in this Act may be
7 available for the purchase by the Department of Defense
8 (and its departments and agencies) of welded shipboard
9 anchor and mooring chain 4 inches in diameter and under
10 unless the anchor and mooring chain are manufactured
11 in the United States from components which are substan-
12 tially manufactured in the United States: *Provided*, That
13 for the purpose of this section, the term “manufactured”
14 shall include cutting, heat treating, quality control, testing
15 of chain and welding (including the forging and shot blast-
16 ing process): *Provided further*, That for the purpose of this
17 section substantially all of the components of anchor and
18 mooring chain shall be considered to be produced or manu-
19 factured in the United States if the aggregate cost of the
20 components produced or manufactured in the United
21 States exceeds the aggregate cost of the components pro-
22 duced or manufactured outside the United States: *Pro-*
23 *vided further*, That when adequate domestic supplies are
24 not available to meet Department of Defense requirements
25 on a timely basis, the Secretary of the Service responsible

1 for the procurement may waive this restriction on a case-
2 by-case basis by certifying in writing to the Committees
3 on Appropriations that such an acquisition must be made
4 in order to acquire capability for national security pur-
5 poses.

6 SEC. 8017. None of the funds appropriated by this
7 Act shall be used for the support of any nonappropriated
8 funds activity of the Department of Defense that procures
9 malt beverages and wine with nonappropriated funds for
10 resale (including such alcoholic beverages sold by the
11 drink) on a military installation located in the United
12 States unless such malt beverages and wine are procured
13 within that State, or in the case of the District of Colum-
14 bia, within the District of Columbia, in which the military
15 installation is located: *Provided*, That, in a case in which
16 the military installation is located in more than one State,
17 purchases may be made in any State in which the installa-
18 tion is located: *Provided further*, That such local procure-
19 ment requirements for malt beverages and wine shall
20 apply to all alcoholic beverages only for military installa-
21 tions in States which are not contiguous with another
22 State: *Provided further*, That alcoholic beverages other
23 than wine and malt beverages, in contiguous States and
24 the District of Columbia shall be procured from the most
25 competitive source, price and other factors considered.

1 SEC. 8018. None of the funds available to the De-
2 partment of Defense may be used to demilitarize or dis-
3 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
4 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
5 to demilitarize or destroy small arms ammunition or am-
6 munition components that are not otherwise prohibited
7 from commercial sale under Federal law, unless the small
8 arms ammunition or ammunition components are certified
9 by the Secretary of the Army or designee as unserviceable
10 or unsafe for further use.

11 SEC. 8019. No more than \$500,000 of the funds ap-
12 propriated or made available in this Act shall be used dur-
13 ing a single fiscal year for any single relocation of an orga-
14 nization, unit, activity or function of the Department of
15 Defense into or within the National Capital Region: *Pro-*
16 *vided*, That the Secretary of Defense may waive this re-
17 striction on a case-by-case basis by certifying in writing
18 to the congressional defense committees that such a relo-
19 cation is required in the best interest of the Government.

20 SEC. 8020. Of the funds made available in this Act,
21 \$25,000,000 shall be available for incentive payments au-
22 thorized by section 504 of the Indian Financing Act of
23 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor
24 or a subcontractor at any tier that makes a subcontract
25 award to any subcontractor or supplier as defined in sec-

1 tion 1544 of title 25, United States Code, or a small busi-
2 ness owned and controlled by an individual or individuals
3 defined under section 4221(9) of title 25, United States
4 Code, shall be considered a contractor for the purposes
5 of being allowed additional compensation under section
6 504 of the Indian Financing Act of 1974 (25 U.S.C.
7 1544) whenever the prime contract or subcontract amount
8 is over \$500,000 and involves the expenditure of funds
9 appropriated by an Act making appropriations for the De-
10 partment of Defense with respect to any fiscal year: *Pro-*
11 *vided further*, That notwithstanding section 1906 of title
12 41, United States Code, this section shall be applicable
13 to any Department of Defense acquisition of supplies or
14 services, including any contract and any subcontract at
15 any tier for acquisition of commercial items produced or
16 manufactured, in whole or in part, by any subcontractor
17 or supplier defined in section 1544 of title 25, United
18 States Code, or a small business owned and controlled by
19 an individual or individuals defined under section 4221(9)
20 of title 25, United States Code.

21 SEC. 8021. Funds appropriated by this Act for the
22 Defense Media Activity shall not be used for any national
23 or international political or psychological activities.

24 SEC. 8022. During the current fiscal year, the De-
25 partment of Defense is authorized to incur obligations of

1 not to exceed \$350,000,000 for purposes specified in sec-
2 tion 2350j(c) of title 10, United States Code, in anticipa-
3 tion of receipt of contributions, only from the Government
4 of Kuwait, under that section: *Provided*, That, upon re-
5 ceipt, such contributions from the Government of Kuwait
6 shall be credited to the appropriations or fund which in-
7 curred such obligations.

8 SEC. 8023. (a) Of the funds made available in this
9 Act, not less than \$51,800,000 shall be available for the
10 Civil Air Patrol Corporation, of which—

11 (1) \$37,233,000 shall be available from “Oper-
12 ation and Maintenance, Air Force” to support Civil
13 Air Patrol Corporation operation and maintenance,
14 readiness, counter-drug activities, and drug demand
15 reduction activities involving youth programs;

16 (2) \$11,000,000 shall be available from “Air-
17 craft Procurement, Air Force”; and

18 (3) \$3,567,000 shall be available from “Other
19 Procurement, Air Force” for vehicle and commu-
20 nication equipment procurement.

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

1 SEC. 8024. (a) None of the funds appropriated in this
2 Act are available to establish a new Department of De-
3 fense (department) federally funded research and develop-
4 ment center (FFRDC), either as a new entity, or as a
5 separate entity administrated by an organization man-
6 aging another FFRDC, or as a nonprofit membership cor-
7 poration consisting of a consortium of other FFRDCs and
8 other nonprofit entities.

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

21 (c) Notwithstanding any other provision of law, none
22 of the funds available to the department from any source
23 during the current fiscal year may be used by a defense
24 FFRDC, through a fee or other payment mechanism, for
25 construction of new buildings not located on a military in-

1 stallation, for payment of cost sharing for projects funded
2 by Government grants, for absorption of contract over-
3 runs, or for certain charitable contributions, not to include
4 employee participation in community service and/or devel-
5 opment.

6 (d) Notwithstanding any other provision of law, of
7 the funds available to the department during fiscal year
8 2020, not more than 6,100 staff years of technical effort
9 (staff years) may be funded for defense FFRDCs: *Pro-*
10 *vided*, That this subsection shall not apply to staff years
11 funded in the National Intelligence Program (NIP) and
12 the Military Intelligence Program (MIP).

13 (e) The Secretary of Defense shall, with the submis-
14 sion of the Department's fiscal year 2021 budget request,
15 submit a report presenting the specific amounts of staff
16 years of technical effort to be allocated for each defense
17 FFRDC during that fiscal year and the associated budget
18 estimates.

19 (f) Notwithstanding any other provision of this Act,
20 the total amount appropriated in this Act for FFRDCs
21 is hereby increased by \$26,800,000: *Provided*, That this
22 subsection shall not apply to appropriations for the Na-
23 tional Intelligence Program (NIP) and the Military Intel-
24 ligence Program (MIP).

1 SEC. 8025. None of the funds appropriated or made
2 available in this Act shall be used to procure carbon, alloy,
3 or armor steel plate for use in any Government-owned fa-
4 cility or property under the control of the Department of
5 Defense which were not melted and rolled in the United
6 States or Canada: *Provided*, That these procurement re-
7 strictions shall apply to any and all Federal Supply Class
8 9515, American Society of Testing and Materials (ASTM)
9 or American Iron and Steel Institute (AISI) specifications
10 of carbon, alloy or armor steel plate: *Provided further*,
11 That the Secretary of the military department responsible
12 for the procurement may waive this restriction on a case-
13 by-case basis by certifying in writing to the Committees
14 on Appropriations of the House of Representatives and the
15 Senate that adequate domestic supplies are not available
16 to meet Department of Defense requirements on a timely
17 basis and that such an acquisition must be made in order
18 to acquire capability for national security purposes: *Pro-*
19 *vided further*, That these restrictions shall not apply to
20 contracts which are in being as of the date of the enact-
21 ment of this Act.

22 SEC. 8026. For the purposes of this Act, the term
23 “congressional defense committees” means the Armed
24 Services Committee of the House of Representatives, the
25 Armed Services Committee of the Senate, the Sub-

1 committee on Defense of the Committee on Appropriations
2 of the Senate, and the Subcommittee on Defense of the
3 Committee on Appropriations of the House of Representa-
4 tives.

5 SEC. 8027. During the current fiscal year, the De-
6 partment of Defense may acquire the modification, depot
7 maintenance and repair of aircraft, vehicles and vessels
8 as well as the production of components and other De-
9 fense-related articles, through competition between De-
10 partment of Defense depot maintenance activities and pri-
11 vate firms: *Provided*, That the Senior Acquisition Execu-
12 tive of the military department or Defense Agency con-
13 cerned, with power of delegation, shall certify that success-
14 ful bids include comparable estimates of all direct and in-
15 direct costs for both public and private bids: *Provided fur-*
16 *ther*, That Office of Management and Budget Circular A-
17 76 shall not apply to competitions conducted under this
18 section.

19 SEC. 8028. (a)(1) If the Secretary of Defense, after
20 consultation with the United States Trade Representative,
21 determines that a foreign country which is party to an
22 agreement described in paragraph (2) has violated the
23 terms of the agreement by discriminating against certain
24 types of products produced in the United States that are
25 covered by the agreement, the Secretary of Defense shall

1 rescind the Secretary’s blanket waiver of the Buy Amer-
2 ican Act with respect to such types of products produced
3 in that foreign country.

4 (2) An agreement referred to in paragraph (1) is any
5 reciprocal defense procurement memorandum of under-
6 standing, between the United States and a foreign country
7 pursuant to which the Secretary of Defense has prospec-
8 tively waived the Buy American Act for certain products
9 in that country.

10 (b) The Secretary of Defense shall submit to the Con-
11 gress a report on the amount of Department of Defense
12 purchases from foreign entities in fiscal year 2020. Such
13 report shall separately indicate the dollar value of items
14 for which the Buy American Act was waived pursuant to
15 any agreement described in subsection (a)(2), the Trade
16 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
17 international agreement to which the United States is a
18 party.

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

22 SEC. 8029. During the current fiscal year, amounts
23 contained in the Department of Defense Overseas Military
24 Facility Investment Recovery Account established by sec-
25 tion 2921(c)(1) of the National Defense Authorization Act

1 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
2 be available until expended for the payments specified by
3 section 2921(c)(2) of that Act.

4 SEC. 8030. (a) Notwithstanding any other provision
5 of law, the Secretary of the Air Force may convey at no
6 cost to the Air Force, without consideration, to Indian
7 tribes located in the States of Nevada, Idaho, North Da-
8 kota, South Dakota, Montana, Oregon, Minnesota, and
9 Washington relocatable military housing units located at
10 Grand Forks Air Force Base, Malmstrom Air Force Base,
11 Mountain Home Air Force Base, Ellsworth Air Force
12 Base, and Minot Air Force Base that are excess to the
13 needs of the Air Force.

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

24 (c) The Operation Walking Shield Program shall re-
25 solve any conflicts among requests of Indian tribes for

1 housing units under subsection (a) before submitting re-
2 quests to the Secretary of the Air Force under subsection
3 (b).

4 (d) In this section, the term “Indian tribe” means
5 any recognized Indian tribe included on the current list
6 published by the Secretary of the Interior under section
7 104 of the Federally Recognized Indian Tribe Act of 1994
8 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).

9 SEC. 8031. During the current fiscal year, appropria-
10 tions which are available to the Department of Defense
11 for operation and maintenance may be used to purchase
12 items having an investment item unit cost of not more
13 than \$250,000.

14 SEC. 8032. None of the funds made available by this
15 Act may be used to—

16 (1) disestablish, or prepare to disestablish, a
17 Senior Reserve Officers’ Training Corps program in
18 accordance with Department of Defense Instruction
19 Number 1215.08, dated June 26, 2006; or

20 (2) close, downgrade from host to extension
21 center, or place on probation a Senior Reserve Offi-
22 cers’ Training Corps program in accordance with the
23 information paper of the Department of the Army
24 titled “Army Senior Reserve Officer’s Training

1 Corps (SROTC) Program Review and Criteria”,
2 dated January 27, 2014.

3 SEC. 8033. Up to \$14,000,000 of the funds appro-
4 priated under the heading “Operation and Maintenance,
5 Navy” may be made available for the Asia Pacific Re-
6 gional Initiative Program for the purpose of enabling the
7 Pacific Command to execute Theater Security Cooperation
8 activities such as humanitarian assistance, and payment
9 of incremental and personnel costs of training and exer-
10 cising with foreign security forces: *Provided*, That funds
11 made available for this purpose may be used, notwith-
12 standing any other funding authorities for humanitarian
13 assistance, security assistance or combined exercise ex-
14 penses: *Provided further*, That funds may not be obligated
15 to provide assistance to any foreign country that is other-
16 wise prohibited from receiving such type of assistance
17 under any other provision of law.

18 SEC. 8034. The Secretary of Defense shall issue reg-
19 ulations to prohibit the sale of any tobacco or tobacco-
20 related products in military resale outlets in the United
21 States, its territories and possessions at a price below the
22 most competitive price in the local community: *Provided*,
23 That such regulations shall direct that the prices of to-
24 bacco or tobacco-related products in overseas military re-
25 tail outlets shall be within the range of prices established

1 for military retail system stores located in the United
2 States.

3 SEC. 8035. (a) During the current fiscal year, none
4 of the appropriations or funds available to the Department
5 of Defense Working Capital Funds shall be used for the
6 purchase of an investment item for the purpose of acquir-
7 ing a new inventory item for sale or anticipated sale dur-
8 ing the current fiscal year or a subsequent fiscal year to
9 customers of the Department of Defense Working Capital
10 Funds if such an item would not have been chargeable
11 to the Department of Defense Business Operations Fund
12 during fiscal year 1994 and if the purchase of such an
13 investment item would be chargeable during the current
14 fiscal year to appropriations made to the Department of
15 Defense for procurement.

16 (b) The fiscal year 2021 budget request for the De-
17 partment of Defense as well as all justification material
18 and other documentation supporting the fiscal year 2021
19 Department of Defense budget shall be prepared and sub-
20 mitted to the Congress on the basis that any equipment
21 which was classified as an end item and funded in a pro-
22 curement appropriation contained in this Act shall be
23 budgeted for in a proposed fiscal year 2021 procurement
24 appropriation and not in the supply management business

1 area or any other area or category of the Department of
2 Defense Working Capital Funds.

3 SEC. 8036. None of the funds appropriated by this
4 Act for programs of the Central Intelligence Agency shall
5 remain available for obligation beyond the current fiscal
6 year, except for funds appropriated for the Reserve for
7 Contingencies, which shall remain available until Sep-
8 tember 30, 2021: *Provided*, That funds appropriated,
9 transferred, or otherwise credited to the Central Intel-
10 ligence Agency Central Services Working Capital Fund
11 during this or any prior or subsequent fiscal year shall
12 remain available until expended: *Provided further*, That
13 any funds appropriated or transferred to the Central Intel-
14 ligence Agency for advanced research and development ac-
15 quisition, for agent operations, and for covert action pro-
16 grams authorized by the President under section 503 of
17 the National Security Act of 1947 (50 U.S.C. 3093) shall
18 remain available until September 30, 2021.

19 SEC. 8037. Of the funds appropriated to the Depart-
20 ment of Defense under the heading “Operation and Main-
21 tenance, Defense-Wide”, not less than \$12,000,000 shall
22 be made available only for the mitigation of environmental
23 impacts, including training and technical assistance to
24 tribes, related administrative support, the gathering of in-
25 formation, documenting of environmental damage, and de-

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

4 SEC. 8038. (a) None of the funds appropriated in this
5 Act may be expended by an entity of the Department of
6 Defense unless the entity, in expending the funds, com-
7 plies with the Buy American Act. For purposes of this
8 subsection, the term “Buy American Act” means chapter
9 83 of title 41, United States Code.

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

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

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

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

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

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

17 (c) This section does not apply to—

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

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

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

1 metric activities and to integrate common biometric
2 technologies throughout the Department of Defense;
3 or

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

8 SEC. 8040. (a) None of the funds appropriated by
9 this Act shall be available to convert to contractor per-
10 formance an activity or function of the Department of De-
11 fense that, on or after the date of the enactment of this
12 Act, is performed by Department of Defense civilian em-
13 ployees unless—

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

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

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

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

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

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

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

20 (b)(1) The Department of Defense, without regard
21 to subsection (a) of this section or subsection (a), (b), or
22 (c) of section 2461 of title 10, United States Code, and
23 notwithstanding any administrative regulation, require-
24 ment, or policy to the contrary shall have full authority
25 to enter into a contract for the performance of any com-

1 mercial or industrial type function of the Department of
2 Defense that—

3 (A) is included on the procurement list estab-
4 lished pursuant to section 2 of the Javits-Wagner-
5 O’Day Act (section 8503 of title 41, United States
6 Code);

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

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

18 (2) This section shall not apply to depot contracts
19 or contracts for depot maintenance as provided in sections
20 2469 and 2474 of title 10, United States Code.

21 (c) The conversion of any activity or function of the
22 Department of Defense under the authority provided by
23 this section shall be credited toward any competitive or
24 outsourcing goal, target, or measurement that may be es-
25 tablished by statute, regulation, or policy and is deemed

1 to be awarded under the authority of, and in compliance
2 with, subsection (h) of section 2304 of title 10, United
3 States Code, for the competition or outsourcing of com-
4 mercial activities.

5 (RESCISSIONS)

6 SEC. 8041. Of the funds appropriated in Department
7 of Defense Appropriations Acts, the following funds are
8 hereby rescinded from the following accounts and pro-
9 grams in the specified amounts: *Provided*, That no
10 amounts may be rescinded from amounts that were des-
11 ignated by the Congress for Overseas Contingency Oper-
12 ations/Global War on Terrorism or as an emergency re-
13 quirement pursuant to the Concurrent Resolution on the
14 Budget or the Balanced Budget and Emergency Deficit
15 Control Act of 1985, as amended:

16 “Shipbuilding and Conversion, Navy: DDG–51 De-
17 stroyer”, 2012/2020, \$86,000,000;

18 “Shipbuilding and Conversion, Navy: LCAC SLEP”,
19 2013/2020, \$2,000,000;

20 “Missile Procurement, Army”, 2018/2020,
21 \$14,056,000;

22 “Procurement of Weapons and Tracked Combat Ve-
23 hicles, Army”, 2018/2020, \$97,000,000;

24 “Other Procurement, Army”, 2018/2020,
25 \$10,685,000;

1 “Aircraft Procurement, Navy”, 2018/2020,
2 \$126,079,000;
3 “Other Procurement, Navy”, 2018/2020,
4 \$34,087,000;
5 “Procurement, Marine Corps”, 2018/2020,
6 \$9,046,000;
7 “Aircraft Procurement, Air Force”, 2018/2020,
8 \$160,200,000;
9 “Other Procurement, Air Force”, 2018/2020,
10 \$26,000,000;
11 “Operation and Maintenance, Defense-Wide: DSCA
12 Security Cooperation Account”, 2019/2020, \$21,314,000;
13 “Aircraft Procurement, Army”, 2019/2021,
14 \$58,600,000;
15 “Procurement of Weapons and Tracked Combat Ve-
16 hicles”, 2019/2021, \$87,567,000;
17 “Other Procurement, Army”, 2019/2021,
18 \$75,173,000;
19 “Aircraft Procurement, Navy”, 2019/2021,
20 \$501,616,000;
21 “Procurement of Ammunition, Navy and Marine
22 Corps”, 2019/2021, \$22,000,000;
23 “Other Procurement, Navy”, 2019/2021,
24 \$44,964,000;

1 “Procurement, Marine Corps”, 2019/2021,
2 \$74,456,000;

3 “Aircraft Procurement, Air Force”, 2019/2021,
4 \$629,300,000;

5 “Missile Procurement, Air Force”, 2019/2021,
6 \$76,000,000;

7 “Space Procurement, Air Force”, 2019/2021,
8 \$214,509,000;

9 “Procurement of Ammunition, Air Force”, 2019/
10 2021, \$236,100,000;

11 “Research, Development, Test and Evaluation,
12 Army”, 2019/2020, \$65,933,000;

13 “Research, Development, Test and Evaluation,
14 Navy”, 2019/2020, \$240,088,000; and

15 “Research, Development, Test and Evaluation, Air
16 Force”, 2019/2020, \$131,200,000.

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

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

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

19 SEC. 8045. (a) None of the funds available to the
20 Department of Defense for any fiscal year for drug inter-
21 diction or counter-drug activities may be transferred to
22 any other department or agency of the United States.

23 (b) None of the funds available to the Central Intel-
24 ligence Agency for any fiscal year for drug interdiction or

1 counter-drug activities may be transferred to any other de-
2 partment or agency of the United States.

3 SEC. 8046. None of the funds appropriated by this
4 Act may be used for the procurement of ball and roller
5 bearings other than those produced by a domestic source
6 and of domestic origin: *Provided*, That the Secretary of
7 the military department responsible for such procurement
8 may waive this restriction on a case-by-case basis by certi-
9 fying in writing to the Committees on Appropriations of
10 the House of Representatives and the Senate, that ade-
11 quate domestic supplies are not available to meet Depart-
12 ment of Defense requirements on a timely basis and that
13 such an acquisition must be made in order to acquire ca-
14 pability for national security purposes: *Provided further*,
15 That this restriction shall not apply to the purchase of
16 “commercial items”, as defined by section 103 of title 41,
17 United States Code, except that the restriction shall apply
18 to ball or roller bearings purchased as end items.

19 SEC. 8047. In addition to the amounts appropriated
20 or otherwise made available elsewhere in this Act,
21 \$44,000,000 is hereby appropriated to the Department of
22 Defense: *Provided*, That upon the determination of the
23 Secretary of Defense that it shall serve the national inter-
24 est, the Secretary shall make grants in the amounts speci-

1 fied as follows: \$20,000,000 to the United Service Organi-
2 zations and \$24,000,000 to the Red Cross.

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

10 SEC. 8049. Notwithstanding any other provision in
11 this Act, the Small Business Innovation Research program
12 and the Small Business Technology Transfer program set-
13 asides shall be taken proportionally from all programs,
14 projects, or activities to the extent they contribute to the
15 extramural budget.

16 SEC. 8050. None of the funds available to the De-
17 partment of Defense under this Act shall be obligated or
18 expended to pay a contractor under a contract with the
19 Department of Defense for costs of any amount paid by
20 the contractor to an employee when—

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

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8051. During the current fiscal year, no more
3 than \$30,000,000 of appropriations made in this Act
4 under the heading “Operation and Maintenance, Defense-
5 Wide” may be transferred to appropriations available for
6 the pay of military personnel, to be merged with, and to
7 be available for the same time period as the appropriations
8 to which transferred, to be used in support of such per-
9 sonnel in connection with support and services for eligible
10 organizations and activities outside the Department of De-
11 fense pursuant to section 2012 of title 10, United States
12 Code.

13 SEC. 8052. During the current fiscal year, in the case
14 of an appropriation account of the Department of Defense
15 for which the period of availability for obligation has ex-
16 pired or which has closed under the provisions of section
17 1552 of title 31, United States Code, and which has a
18 negative unliquidated or unexpended balance, an obliga-
19 tion or an adjustment of an obligation may be charged
20 to any current appropriation account for the same purpose
21 as the expired or closed account if—

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

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

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

20 SEC. 8053. (a) Notwithstanding any other provision
21 of law, the Chief of the National Guard Bureau may per-
22 mit the use of equipment of the National Guard Distance
23 Learning Project by any person or entity on a space-avail-
24 able, reimbursable basis. The Chief of the National Guard

1 Bureau shall establish the amount of reimbursement for
2 such use on a case-by-case basis.

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

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8054. Of the funds appropriated in this Act
11 under the heading “Operation and Maintenance, Defense-
12 Wide”, \$35,000,000 shall be for continued implementation
13 and expansion of the Sexual Assault Special Victims’
14 Counsel Program: *Provided*, That the funds are made
15 available for transfer to the Department of the Army, the
16 Department of the Navy, and the Department of the Air
17 Force: *Provided further*, That funds transferred shall be
18 merged with and available for the same purposes and for
19 the same time period as the appropriations to which the
20 funds are transferred: *Provided further*, That this transfer
21 authority is in addition to any other transfer authority
22 provided in this Act.

23 SEC. 8055. None of the funds appropriated in title
24 IV of this Act may be used to procure end-items for deliv-
25 ery to military forces for operational training, operational

1 use or inventory requirements: *Provided*, That this restric-
2 tion does not apply to end-items used in development,
3 prototyping, and test activities preceding and leading to
4 acceptance for operational use: *Provided further*, That the
5 Secretary of Defense shall, with submission of the Depart-
6 ment's fiscal year 2021 budget request, submit a report
7 detailing the use of funds requested in research, develop-
8 ment, test and evaluation accounts for end-items used in
9 development, prototyping and test activities preceding and
10 leading to acceptance for operational use: *Provided further*,
11 That this restriction does not apply to programs funded
12 within the National Intelligence Program: *Provided fur-*
13 *ther*, That the Secretary of Defense may waive this restric-
14 tion on a case-by-case basis by certifying in writing to the
15 Committees on Appropriations of the House of Represent-
16 atives and the Senate that it is in the national security
17 interest to do so.

18 SEC. 8056. (a) The Secretary of Defense may, on a
19 case-by-case basis, waive with respect to a foreign country
20 each limitation on the procurement of defense items from
21 foreign sources provided in law if the Secretary determines
22 that the application of the limitation with respect to that
23 country would invalidate cooperative programs entered
24 into between the Department of Defense and the foreign
25 country, or would invalidate reciprocal trade agreements

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

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

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

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

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

23 SEC. 8057. None of the funds appropriated or other-
24 wise made available by this or other Department of De-
25 fense Appropriations Acts may be obligated or expended

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

6 SEC. 8058. Notwithstanding any other provision of
7 law, funds appropriated in this Act under the heading
8 “Research, Development, Test and Evaluation, Defense-
9 Wide” for any new start advanced concept technology
10 demonstration project or joint capability demonstration
11 project may only be obligated 45 days after a report, in-
12 cluding a description of the project, the planned acquisi-
13 tion and transition strategy and its estimated annual and
14 total cost, has been provided in writing to the congres-
15 sional defense committees.

16 SEC. 8059. The Secretary of Defense shall continue
17 to provide a classified quarterly report to the House and
18 Senate Appropriations Committees, Subcommittees on
19 Defense on certain matters as directed in the classified
20 annex accompanying this Act.

21 SEC. 8060. Notwithstanding section 12310(b) of title
22 10, United States Code, a Reserve who is a member of
23 the National Guard serving on full-time National Guard
24 duty under section 502(f) of title 32, United States Code,

1 may perform duties in support of the ground-based ele-
2 ments of the National Ballistic Missile Defense System.

3 SEC. 8061. None of the funds provided in this Act
4 may be used to transfer to any nongovernmental entity
5 ammunition held by the Department of Defense that has
6 a center-fire cartridge and a United States military no-
7 menclature designation of “armor penetrator”, “armor
8 piercing (AP)”, “armor piercing incendiary (API)”, or
9 “armor-piercing incendiary tracer (API-T)”, except to an
10 entity performing demilitarization services for the Depart-
11 ment of Defense under a contract that requires the entity
12 to demonstrate to the satisfaction of the Department of
13 Defense that armor piercing projectiles are either: (1) ren-
14 dered incapable of reuse by the demilitarization process;
15 or (2) used to manufacture ammunition pursuant to a con-
16 tract with the Department of Defense or the manufacture
17 of ammunition for export pursuant to a License for Per-
18 manent Export of Unclassified Military Articles issued by
19 the Department of State.

20 SEC. 8062. Notwithstanding any other provision of
21 law, the Chief of the National Guard Bureau, or his des-
22 ignee, may waive payment of all or part of the consider-
23 ation that otherwise would be required under section 2667
24 of title 10, United States Code, in the case of a lease of
25 personal property for a period not in excess of 1 year to

1 any organization specified in section 508(d) of title 32,
2 United States Code, or any other youth, social, or fra-
3 ternal nonprofit organization as may be approved by the
4 Chief of the National Guard Bureau, or his designee, on
5 a case-by-case basis.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8063. Of the amounts appropriated in this Act
8 under the heading “Operation and Maintenance, Army”,
9 \$138,103,000 shall remain available until expended: *Pro-*
10 *vided*, That, notwithstanding any other provision of law,
11 the Secretary of Defense is authorized to transfer such
12 funds to other activities of the Federal Government: *Pro-*
13 *vided further*, That the Secretary of Defense is authorized
14 to enter into and carry out contracts for the acquisition
15 of real property, construction, personal services, and oper-
16 ations related to projects carrying out the purposes of this
17 section: *Provided further*, That contracts entered into
18 under the authority of this section may provide for such
19 indemnification as the Secretary determines to be nec-
20 essary: *Provided further*, That projects authorized by this
21 section shall comply with applicable Federal, State, and
22 local law to the maximum extent consistent with the na-
23 tional security, as determined by the Secretary of Defense.

1 SEC. 8064. (a) None of the funds appropriated in this
2 or any other Act may be used to take any action to mod-
3 ify—

4 (1) the appropriations account structure for the
5 National Intelligence Program budget, including
6 through the creation of a new appropriation or new
7 appropriation account;

8 (2) how the National Intelligence Program
9 budget request is presented in the unclassified P-1,
10 R-1, and O-1 documents supporting the Depart-
11 ment of Defense budget request;

12 (3) the process by which the National Intel-
13 ligence Program appropriations are apportioned to
14 the executing agencies; or

15 (4) the process by which the National Intel-
16 ligence Program appropriations are allotted, obli-
17 gated and disbursed.

18 (b) Nothing in section (a) shall be construed to pro-
19 hibit the merger of programs or changes to the National
20 Intelligence Program budget at or below the Expenditure
21 Center level, provided such change is otherwise in accord-
22 ance with paragraphs (a)(1)–(3).

23 (c) The Director of National Intelligence and the Sec-
24 retary of Defense may jointly, only for the purposes of
25 achieving auditable financial statements and improving

1 fiscal reporting, study and develop detailed proposals for
2 alternative financial management processes. Such study
3 shall include a comprehensive counterintelligence risk as-
4 sessment to ensure that none of the alternative processes
5 will adversely affect counterintelligence.

6 (d) Upon development of the detailed proposals de-
7 fined under subsection (c), the Director of National Intel-
8 ligence and the Secretary of Defense shall—

9 (1) provide the proposed alternatives to all af-
10 fected agencies;

11 (2) receive certification from all affected agen-
12 cies attesting that the proposed alternatives will help
13 achieve auditability, improve fiscal reporting, and
14 will not adversely affect counterintelligence; and

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

19 SEC. 8065. In addition to amounts provided else-
20 where in this Act, \$5,000,000 is hereby appropriated to
21 the Department of Defense, to remain available for obliga-
22 tion until expended: *Provided*, That notwithstanding any
23 other provision of law, that upon the determination of the
24 Secretary of Defense that it shall serve the national inter-
25 est, these funds shall be available only for a grant to the

1 Fisher House Foundation, Inc., only for the construction
2 and furnishing of additional Fisher Houses to meet the
3 needs of military family members when confronted with
4 the illness or hospitalization of an eligible military bene-
5 ficiary.

6 SEC. 8066. None of the funds available to the De-
7 partment of Defense may be obligated to modify command
8 and control relationships to give Fleet Forces Command
9 operational and administrative control of United States
10 Navy forces assigned to the Pacific fleet: *Provided*, That
11 the command and control relationships which existed on
12 October 1, 2004, shall remain in force until a written
13 modification has been proposed to the House and Senate
14 Appropriations Committees: *Provided further*, That the
15 proposed modification may be implemented 30 days after
16 the notification unless an objection is received from either
17 the House or Senate Appropriations Committees: *Provided*
18 *further*, That any proposed modification shall not preclude
19 the ability of the commander of United States Indo-Pacific
20 Command to meet operational requirements.

21 SEC. 8067. Any notice that is required to be sub-
22 mitted to the Committees on Appropriations of the Senate
23 and the House of Representatives under section 806(e)(4)
24 of the Bob Stump National Defense Authorization Act for
25 Fiscal Year 2003 (10 U.S.C. 2302 note) after the date

1 of the enactment of this Act shall be submitted pursuant
2 to that requirement concurrently to the Subcommittees on
3 Defense of the Committees on Appropriations of the Sen-
4 ate and the House of Representatives.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 8068. Of the amounts appropriated in this Act
7 under the headings “Procurement, Defense-Wide” and
8 “Research, Development, Test and Evaluation, Defense-
9 Wide”, \$500,000,000 shall be for the Israeli Cooperative
10 Programs: *Provided*, That of this amount, \$95,000,000
11 shall be for the Secretary of Defense to provide to the Gov-
12 ernment of Israel for the procurement of the Iron Dome
13 defense system to counter short-range rocket threats, sub-
14 ject to the U.S.-Israel Iron Dome Procurement Agree-
15 ment, as amended; \$191,000,000 shall be for the Short
16 Range Ballistic Missile Defense (SRBMD) program, in-
17 cluding cruise missile defense research and development
18 under the SRBMD program, of which \$50,000,000 shall
19 be for co-production activities of SRBMD systems in the
20 United States and in Israel to meet Israel’s defense re-
21 quirements consistent with each nation’s laws, regulations,
22 and procedures, subject to the U.S.-Israeli co-production
23 agreement for SRBMD, as amended; \$55,000,000 shall
24 be for an upper-tier component to the Israeli Missile De-
25 fense Architecture, of which \$55,000,000 shall be for co-

1 production activities of Arrow 3 Upper Tier systems in
2 the United States and in Israel to meet Israel's defense
3 requirements consistent with each nation's laws, regula-
4 tions, and procedures, subject to the U.S.-Israeli co-pro-
5 duction agreement for Arrow 3 Upper Tier, as amended;
6 and \$159,000,000 shall be for the Arrow System Improve-
7 ment Program including development of a long range,
8 ground and airborne, detection suite: *Provided further*,
9 That the transfer authority provided under this provision
10 is in addition to any other transfer authority contained
11 in this Act.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 8069. Of the amounts appropriated in this Act
14 under the heading "Shipbuilding and Conversion, Navy",
15 \$55,700,000 shall be available until September 30, 2020,
16 to fund prior year shipbuilding cost increases: *Provided*,
17 That upon enactment of this Act, the Secretary of the
18 Navy shall transfer funds to the following appropriations
19 in the amounts specified: *Provided further*, That the
20 amounts transferred shall be merged with and be available
21 for the same purposes as the appropriations to which
22 transferred to:

23 (1) Under the heading "Shipbuilding and Con-
24 version, Navy", 2016/2020: Littoral Combat Ship
25 \$14,000,000;

1 (2) Under the heading “Shipbuilding and Con-
2 version, Navy”, 2016/2020: Expeditionary Sea Base
3 \$38,000,000; and

4 (3) Under the heading “Shipbuilding and Con-
5 version, Navy”, 2018/2020: TAO Fleet Oiler
6 \$3,700,000.

7 SEC. 8070. Funds appropriated by this Act, or made
8 available by the transfer of funds in this Act, for intel-
9 ligence activities are deemed to be specifically authorized
10 by the Congress for purposes of section 504 of the Na-
11 tional Security Act of 1947 (50 U.S.C. 3094) during fiscal
12 year 2020 until the enactment of the Intelligence Author-
13 ization Act for Fiscal Year 2020.

14 SEC. 8071. None of the funds provided in this Act
15 shall be available for obligation or expenditure through a
16 reprogramming of funds that creates or initiates a new
17 program, project, or activity, unless the Secretary of De-
18 fense notifies the congressional defense committees not
19 less than 30 days in advance (or in an emergency, as far
20 in advance as is practicable) that such program, project,
21 or activity must be undertaken immediately to address a
22 documented requirement in ongoing or anticipated contin-
23 gency operations that if left unfulfilled could potentially
24 result in loss of life.

1 SEC. 8072. The budget of the President for fiscal
2 year 2021 submitted to the Congress pursuant to section
3 1105 of title 31, United States Code, shall include separate
4 rate budget justification documents for costs of United
5 States Armed Forces' participation in contingency operations
6 for the Military Personnel accounts, the Operation
7 and Maintenance accounts, the Procurement accounts,
8 and the Research, Development, Test and Evaluation accounts:
9 *Provided*, That these documents shall include a description
10 of the funding requested for each contingency operation,
11 for each military service, to include all Active and Reserve
12 components, and for each appropriations account:
13 *Provided further*, That these documents shall include estimated
14 costs for each element of expense or object class,
15 a reconciliation of increases and decreases for each contingency
16 operation, and programmatic data including, but not limited to,
17 troop strength for each Active and Reserve component, and
18 estimates of the major weapons systems deployed in support of
19 each contingency: *Provided further*,
20 That these documents shall include budget exhibits OP-
21 5 and OP-32 (as defined in the Department of Defense
22 Financial Management Regulation) for all contingency operations
23 for the budget year and the two preceding fiscal
24 years.

1 SEC. 8073. None of the funds in this Act may be
2 used for research, development, test, evaluation, procure-
3 ment or deployment of nuclear armed interceptors of a
4 missile defense system.

5 SEC. 8074. The Secretary of Defense may use up to
6 \$500,000,000 of the amounts appropriated or otherwise
7 made available in this Act to the Department of Defense
8 for the rapid acquisition and deployment of supplies and
9 associated support services pursuant to section 806 of the
10 Bob Stump National Defense Authorization Act for Fiscal
11 Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note):
12 *Provided*, That the Secretary of Defense shall notify the
13 congressional defense committees promptly of all uses of
14 this authority.

15 SEC. 8075. None of the funds appropriated or made
16 available in this Act shall be used to reduce or disestablish
17 the operation of the 53rd Weather Reconnaissance Squad-
18 ron of the Air Force Reserve, if such action would reduce
19 the WC–130 Weather Reconnaissance mission below the
20 levels funded in this Act: *Provided*, That the Air Force
21 shall allow the 53rd Weather Reconnaissance Squadron to
22 perform other missions in support of national defense re-
23 quirements during the non-hurricane season.

24 SEC. 8076. None of the funds provided in this Act
25 shall be available for integration of foreign intelligence in-

1 formation unless the information has been lawfully col-
2 lected and processed during the conduct of authorized for-
3 eign intelligence activities: *Provided*, That information
4 pertaining to United States persons shall only be handled
5 in accordance with protections provided in the Fourth
6 Amendment of the United States Constitution as imple-
7 mented through Executive Order No. 12333.

8 SEC. 8077. (a) None of the funds appropriated by
9 this Act may be used to transfer research and develop-
10 ment, acquisition, or other program authority relating to
11 current tactical unmanned aerial vehicles (TUAVs) from
12 the Army.

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

18 SEC. 8078. None of the funds appropriated by this
19 Act for programs of the Office of the Director of National
20 Intelligence shall remain available for obligation beyond
21 the current fiscal year, except for funds appropriated for
22 research and technology, which shall remain available until
23 September 30, 2021.

24 SEC. 8079. For purposes of section 1553(b) of title
25 31, United States Code, any subdivision of appropriations

1 made in this Act under the heading “Shipbuilding and
2 Conversion, Navy” shall be considered to be for the same
3 purpose as any subdivision under the heading “Ship-
4 building and Conversion, Navy” appropriations in any
5 prior fiscal year, and the 1 percent limitation shall apply
6 to the total amount of the appropriation.

7 SEC. 8080. (a) Not later than 60 days after the date
8 of enactment of this Act, the Director of National Intel-
9 ligence shall submit a report to the congressional intel-
10 ligence committees to establish the baseline for application
11 of reprogramming and transfer authorities for fiscal year
12 2020: *Provided*, That the report shall include—

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

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

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

22 (b) None of the funds provided for the National Intel-
23 ligence Program in this Act shall be available for re-
24 programming or transfer until the report identified in sub-
25 section (a) is submitted to the congressional intelligence

1 committees, unless the Director of National Intelligence
2 certifies in writing to the congressional intelligence com-
3 mittees that such reprogramming or transfer is necessary
4 as an emergency requirement.

5 SEC. 8081. Notwithstanding any other provision of
6 law, any transfer of funds, appropriated or otherwise made
7 available by this Act, for support to friendly foreign coun-
8 tries in connection with the conduct of operations in which
9 the United States is not participating, pursuant to section
10 331(d) of title 10, United States Code, shall be made in
11 accordance with sections 8005 or 9002 of this Act, as ap-
12 plicable.

13 SEC. 8082. Any transfer of amounts appropriated to,
14 credited to, or deposited in the Department of Defense Ac-
15 quisition Workforce Development Fund in or for fiscal
16 year 2020 to a military department or Defense Agency
17 pursuant to section 1705(e)(1) of title 10, United States
18 Code, shall be covered by and subject to sections 8005 or
19 9002 of this Act, as applicable.

20 SEC. 8083. None of the funds made available by this
21 Act for excess defense articles, assistance under section
22 333 of title 10, United States Code, or peacekeeping oper-
23 ations for the countries designated annually to be in viola-
24 tion of the standards of the Child Soldiers Prevention Act
25 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may

1 be used to support any military training or operation that
2 includes child soldiers, as defined by the Child Soldiers
3 Prevention Act of 2008, unless such assistance is other-
4 wise permitted under section 404 of the Child Soldiers
5 Prevention Act of 2008.

6 SEC. 8084. (a) None of the funds provided for the
7 National Intelligence Program in this or any prior appro-
8 priations Act shall be available for obligation or expendi-
9 ture through a reprogramming or transfer of funds in ac-
10 cordance with section 102A(d) of the National Security
11 Act of 1947 (50 U.S.C. 3024(d)) that—

12 (1) creates a new start effort;

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

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

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

22 (b) None of the funds provided for the National Intel-
23 ligence Program in this or any prior appropriations Act
24 shall be available for obligation or expenditure through a
25 reprogramming or transfer of funds in accordance with

1 section 102A(d) of the National Security Act of 1947 (50
2 U.S.C. 3024(d)) that results in a cumulative increase or
3 decrease of the levels specified in the classified annex ac-
4 companying the Act unless the congressional intelligence
5 committees are notified 30 days in advance of such re-
6 programming of funds; this notification period may be re-
7 duced for urgent national security requirements.

8 SEC. 8085. The Director of National Intelligence
9 shall submit to Congress each year, at or about the time
10 that the President's budget is submitted to Congress that
11 year under section 1105(a) of title 31, United States
12 Code, a future-years intelligence program (including asso-
13 ciated annexes) reflecting the estimated expenditures and
14 proposed appropriations included in that budget. Any such
15 future-years intelligence program shall cover the fiscal
16 year with respect to which the budget is submitted and
17 at least the four succeeding fiscal years.

18 SEC. 8086. For the purposes of this Act, the term
19 "congressional intelligence committees" means the Perma-
20 nent Select Committee on Intelligence of the House of
21 Representatives, the Select Committee on Intelligence of
22 the Senate, the Subcommittee on Defense of the Com-
23 mittee on Appropriations of the House of Representatives,
24 and the Subcommittee on Defense of the Committee on
25 Appropriations of the Senate.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8087. During the current fiscal year, not to ex-
3 ceed \$11,000,000 from each of the appropriations made
4 in title II of this Act for “Operation and Maintenance,
5 Army”, “Operation and Maintenance, Navy”, and “Oper-
6 ation and Maintenance, Air Force” may be transferred by
7 the military department concerned to its central fund es-
8 tablished for Fisher Houses and Suites pursuant to sec-
9 tion 2493(d) of title 10, United States Code.

10 SEC. 8088. None of the funds appropriated by this
11 Act may be available for the purpose of making remit-
12 tances to the Department of Defense Acquisition Work-
13 force Development Fund in accordance with section 1705
14 of title 10, United States Code.

15 SEC. 8089. (a) Any agency receiving funds made
16 available in this Act, shall, subject to subsections (b) and
17 (c), post on the public Web site of that agency any report
18 required to be submitted by the Congress in this or any
19 other Act, upon the determination by the head of the agen-
20 cy that it shall serve the national interest.

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

22 (1) the public posting of the report com-
23 promises national security; or

24 (2) the report contains proprietary information.

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

5 SEC. 8090. (a) None of the funds appropriated or
6 otherwise made available by this Act may be expended for
7 any Federal contract for an amount in excess of
8 \$1,000,000, unless the contractor agrees not to—

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

19 (2) take any action to enforce any provision of
20 an existing agreement with an employee or inde-
21 pendent contractor that mandates that the employee
22 or independent contractor resolve through arbitra-
23 tion any claim under title VII of the Civil Rights Act
24 of 1964 or any tort related to or arising out of sex-
25 ual assault or harassment, including assault and

1 battery, intentional infliction of emotional distress,
2 false imprisonment, or negligent hiring, supervision,
3 or retention.

4 (b) None of the funds appropriated or otherwise
5 made available by this Act may be expended for any Fed-
6 eral contract unless the contractor certifies that it requires
7 each covered subcontractor to agree not to enter into, and
8 not to take any action to enforce any provision of, any
9 agreement as described in paragraphs (1) and (2) of sub-
10 section (a), with respect to any employee or independent
11 contractor performing work related to such subcontract.
12 For purposes of this subsection, a “covered subcon-
13 tractor” is an entity that has a subcontract in excess of
14 \$1,000,000 on a contract subject to subsection (a).

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

19 (d) The Secretary of Defense may waive the applica-
20 tion of subsection (a) or (b) to a particular contractor or
21 subcontractor for the purposes of a particular contract or
22 subcontract if the Secretary or the Deputy Secretary per-
23 sonally determines that the waiver is necessary to avoid
24 harm to national security interests of the United States,
25 and that the term of the contract or subcontract is not

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

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 8091. From within the funds appropriated for
14 operation and maintenance for the Defense Health Pro-
15 gram in this Act, up to \$129,000,000, shall be available
16 for transfer to the Joint Department of Defense-Depart-
17 ment of Veterans Affairs Medical Facility Demonstration
18 Fund in accordance with the provisions of section 1704
19 of the National Defense Authorization Act for Fiscal Year
20 2010, Public Law 111–84: *Provided*, That for purposes
21 of section 1704(b), the facility operations funded are oper-
22 ations of the integrated Captain James A. Lovell Federal
23 Health Care Center, consisting of the North Chicago Vet-
24 erans Affairs Medical Center, the Navy Ambulatory Care
25 Center, and supporting facilities designated as a combined

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

10 SEC. 8092. None of the funds appropriated or other-
11 wise made available by this Act may be used by the De-
12 partment of Defense or a component thereof in contraven-
13 tion of the provisions of section 130h of title 10, United
14 States Code.

15 SEC. 8093. Appropriations available to the Depart-
16 ment of Defense may be used for the purchase of heavy
17 and light armored vehicles for the physical security of per-
18 sonnel or for force protection purposes up to a limit of
19 \$450,000 per vehicle, notwithstanding price or other limi-
20 tations applicable to the purchase of passenger carrying
21 vehicles.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 8094. Upon a determination by the Director of
24 National Intelligence that such action is necessary and in
25 the national interest, the Director may, with the approval

1 of the Office of Management and Budget, transfer not to
2 exceed \$1,000,000,000 of the funds made available in this
3 Act for the National Intelligence Program: *Provided*, That
4 such authority to transfer may not be used unless for
5 higher priority items, based on unforeseen intelligence re-
6 quirements, than those for which originally appropriated
7 and in no case where the item for which funds are re-
8 quested has been denied by the Congress: *Provided further*,
9 That a request for multiple reprogrammings of funds
10 using authority provided in this section shall be made
11 prior to June 30, 2020.

12 SEC. 8095. None of the funds appropriated or other-
13 wise made available in this or any other Act may be used
14 to transfer, release, or assist in the transfer or release to
15 or within the United States, its territories, or possessions
16 Khalid Sheikh Mohammed or any other detainee who—

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

19 (2) is or was held on or after June 24, 2009,
20 at United States Naval Station, Guantanamo Bay,
21 Cuba, by the Department of Defense.

22 SEC. 8096. None of the funds appropriated or other-
23 wise made available in this Act may be used to transfer
24 any individual detained at United States Naval Station
25 Guantánamo Bay, Cuba, to the custody or control of the

1 individual's country of origin, any other foreign country,
2 or any other foreign entity except in accordance with sec-
3 tion 1034 of the National Defense Authorization Act for
4 Fiscal Year 2016 (Public Law 114–92) and section 1035
5 of the National Defense Authorization Act for Fiscal Year
6 2019 (Public Law 115–232).

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

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

18 (b) The Secretary of Defense may waive the limita-
19 tion in subsection (a) if the Secretary, in consultation with
20 the Secretary of State and the Director of National Intel-
21 ligence, determines that it is in the vital national security
22 interest of the United States to do so, and certifies in writ-
23 ing to the congressional defense committees that, to the
24 best of the Secretary's knowledge:

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

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

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

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

24 SEC. 8099. None of the funds made available in this
25 Act may be used for the purchase or manufacture of a

1 flag of the United States unless such flags are treated as
2 covered items under section 2533a(b) of title 10, United
3 States Code.

4 SEC. 8100. (a) Of the funds appropriated in this Act
5 for the Department of Defense, amounts may be made
6 available, under such regulations as the Secretary of De-
7 fense may prescribe, to local military commanders ap-
8 pointed by the Secretary, or by an officer or employee des-
9 ignated by the Secretary, to provide at their discretion ex
10 gratia payments in amounts consistent with subsection (d)
11 of this section for damage, personal injury, or death that
12 is incident to combat operations of the Armed Forces in
13 a foreign country.

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

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

19 (2) a claim for damages would not be compen-
20 sable under chapter 163 of title 10, United States
21 Code (commonly known as the “Foreign Claims
22 Act”); and

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

1 (c) Any payments provided under a program under
2 subsection (a) shall not be considered an admission or ac-
3 knowledgement of any legal obligation to compensate for
4 any damage, personal injury, or death.

5 (d) If the Secretary of Defense determines a program
6 under subsection (a) to be appropriate in a particular set-
7 ting, the amounts of payments, if any, to be provided to
8 civilians determined to have suffered harm incident to
9 combat operations of the Armed Forces under the pro-
10 gram should be determined pursuant to regulations pre-
11 scribed by the Secretary and based on an assessment,
12 which should include such factors as cultural appropriate-
13 ness and prevailing economic conditions.

14 (e) Local military commanders shall receive legal ad-
15 vice before making ex gratia payments under this sub-
16 section. The legal advisor, under regulations of the De-
17 partment of Defense, shall advise on whether an ex gratia
18 payment is proper under this section and applicable De-
19 partment of Defense regulations.

20 (f) A written record of any ex gratia payment offered
21 or denied shall be kept by the local commander and on
22 a timely basis submitted to the appropriate office in the
23 Department of Defense as determined by the Secretary
24 of Defense.

1 (g) The Secretary of Defense shall report to the con-
2 gressional defense committees on an annual basis the effi-
3 cacy of the ex gratia payment program including the num-
4 ber of types of cases considered, amounts offered, the re-
5 sponse from ex gratia payment recipients, and any rec-
6 ommended modifications to the program.

7 SEC. 8101. The Secretary of Defense shall post grant
8 awards on a public website in a searchable format.

9 SEC. 8102. The Secretary of each military depart-
10 ment, in reducing each research, development, test and
11 evaluation and procurement account of the military de-
12 partment as required under paragraph (1) of section
13 828(d) of the National Defense Authorization Act for Fis-
14 cal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note),
15 as amended by section 825(a)(3) of the National Defense
16 Authorization Act for Fiscal Year 2018, shall allocate the
17 percentage reduction determined under paragraph (2) of
18 such section 828(d) proportionally from all programs,
19 projects, or activities under such account: *Provided*, That
20 the authority under section 804(d)(2) of the National De-
21 fense Authorization Act for Fiscal Year 2016 (Public Law
22 114–92; 10 U.S.C. 2302 note) to transfer amounts avail-
23 able in the Rapid Prototyping Fund shall be subject to
24 section 8005 or 9002 of this Act, as applicable.

1 SEC. 8103. None of the funds made available by this
2 Act may be used by the National Security Agency to—

3 (1) conduct an acquisition pursuant to section
4 702 of the Foreign Intelligence Surveillance Act of
5 1978 for the purpose of targeting a United States
6 person; or

7 (2) acquire, monitor, or store the contents (as
8 such term is defined in section 2510(8) of title 18,
9 United States Code) of any electronic communica-
10 tion of a United States person from a provider of
11 electronic communication services to the public pur-
12 suant to section 501 of the Foreign Intelligence Sur-
13 veillance Act of 1978.

14 SEC. 8104. None of the funds made available in this
15 or any other Act may be used to pay the salary of any
16 officer or employee of any agency funded by this Act who
17 approves or implements the transfer of administrative re-
18 sponsibilities or budgetary resources of any program,
19 project, or activity financed by this Act to the jurisdiction
20 of another Federal agency not financed by this Act with-
21 out the express authorization of Congress: *Provided*, That
22 this limitation shall not apply to transfers of funds ex-
23 pressly provided for in Defense Appropriations Acts, or
24 provisions of Acts providing supplemental appropriations
25 for the Department of Defense.

1 SEC. 8105. Of the amounts appropriated in this Act
2 for “Operation and Maintenance, Navy”, \$352,044,000,
3 to remain available until expended, may be used for any
4 purposes related to the National Defense Reserve Fleet
5 established under section 11 of the Merchant Ship Sales
6 Act of 1946 (46 U.S.C. 57100): *Provided*, That such
7 amounts are available for reimbursements to the Ready
8 Reserve Force, Maritime Administration account of the
9 United States Department of Transportation for pro-
10 grams, projects, activities, and expenses related to the Na-
11 tional Defense Reserve Fleet.

12 SEC. 8106. None of the funds made available in this
13 Act may be obligated for activities authorized under sec-
14 tion 1208 of the Ronald W. Reagan National Defense Au-
15 thorization Act for Fiscal Year 2005 (Public Law 112–
16 81; 125 Stat. 1621) to initiate support for, or expand sup-
17 port to, foreign forces, irregular forces, groups, or individ-
18 uals unless the congressional defense committees are noti-
19 fied in accordance with the direction contained in the clas-
20 sified annex accompanying this Act, not less than 15 days
21 before initiating such support: *Provided*, That none of the
22 funds made available in this Act may be used under sec-
23 tion 1208 for any activity that is not in support of an
24 ongoing military operation being conducted by United
25 States Special Operations Forces to combat terrorism:

1 *Provided further*, That the Secretary of Defense may waive
2 the prohibitions in this section if the Secretary determines
3 that such waiver is required by extraordinary cir-
4 cumstances and, by not later than 72 hours after making
5 such waiver, notifies the congressional defense committees
6 of such waiver.

7 SEC. 8107. None of the funds made available by this
8 Act may be used with respect to Iraq in contravention of
9 the War Powers Resolution (50 U.S.C. 1541 et seq.), in-
10 cluding for the introduction of United States armed forces
11 into hostilities in Iraq, into situations in Iraq where immi-
12 nent involvement in hostilities is clearly indicated by the
13 circumstances, or into Iraqi territory, airspace, or waters
14 while equipped for combat, in contravention of the con-
15 gressional consultation and reporting requirements of sec-
16 tions 3 and 4 of such Resolution (50 U.S.C. 1542 and
17 1543).

18 SEC. 8108. None of the funds provided in this Act
19 for the TAO Fleet Oiler program or the FFG-Frigate pro-
20 gram shall be used to award a new contract that provides
21 for the acquisition of the following components unless
22 those components are manufactured in the United States:
23 Auxiliary equipment (including pumps) for shipboard serv-
24 ices; propulsion equipment (including engines, reduction

1 gears, and propellers); shipboard cranes; and spreaders for
2 shipboard cranes.

3 SEC. 8109. No amounts credited or otherwise made
4 available in this or any other Act to the Department of
5 Defense Acquisition Workforce Development Fund may be
6 transferred to:

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

11 (2) credited to a military-department specific
12 fund established under section 804(d)(2) of the Na-
13 tional Defense Authorization Act for Fiscal Year
14 2016 (as amended by section 897 of the National
15 Defense Authorization Act for Fiscal Year 2017).

16 SEC. 8110. None of the funds made available by this
17 Act may be used for Government Travel Charge Card ex-
18 penses by military or civilian personnel of the Department
19 of Defense for gaming, or for entertainment that includes
20 topless or nude entertainers or participants, as prohibited
21 by Department of Defense FMR, Volume 9, Chapter 3
22 and Department of Defense Instruction 1015.10 (enclo-
23 sure 3, 14a and 14b).

24 SEC. 8111. None of the funds appropriated by this
25 or any other Act may be made available to deliver F-35

1 air vehicles or any other F-35 weapon system equipment
2 to the Republic of Turkey.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8112. Of the amounts appropriated in this Act,
5 the Secretary of Defense may use up to \$82,046,000
6 under the heading “Operation and Maintenance, Defense-
7 Wide”, and up to \$44,001,000 under the heading “Re-
8 search, Development, Test and Evaluation, Defense-
9 Wide” to develop, replace, and sustain Federal Govern-
10 ment security and suitability background investigation in-
11 formation technology systems of the Office of Personnel
12 Management or other Federal agency responsible for con-
13 ducting such investigations: *Provided*, That the Secretary
14 may transfer additional amounts into these headings or
15 into “Procurement, Defense-Wide” using established re-
16 programming procedures prescribed in the Department of
17 Defense Financial Management Regulation 7000.14, Vol-
18 ume 3, Chapter 6, dated September 2015: *Provided fur-*
19 *ther*, That such funds shall supplement, not supplant any
20 other amounts made available to other Federal agencies
21 for such purposes.

22 SEC. 8113. (a) None of the funds made available in
23 this Act may be used to maintain or establish a computer
24 network unless such network is designed to block access
25 to pornography websites.

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

7 SEC. 8114. Notwithstanding any other provision of
8 law, any transfer of funds appropriated or otherwise made
9 available by this Act to the Global Engagement Center es-
10 tablished by section 1287 of the National Defense Author-
11 ization Act for Fiscal Year 2017 (Public Law 114–328;
12 130 Stat. 22 U.S.C. 2656 note) shall be made in accord-
13 ance with section 8005 or 9002 of this Act, as applicable.

14 SEC. 8115. In addition to amounts provided else-
15 where in this Act, there is appropriated \$270,000,000, for
16 an additional amount for “Operation and Maintenance,
17 Defense-Wide”, to remain available until expended: *Pro-*
18 *vided*, That such funds shall only be available to the Sec-
19 retary of Defense, acting through the Office of Economic
20 Adjustment of the Department of Defense, or for transfer
21 to the Secretary of Education, notwithstanding any other
22 provision of law, to make grants, conclude cooperative
23 agreements, or supplement other Federal funds to con-
24 struct, renovate, repair, or expand elementary and sec-
25 ondary public schools on military installations in order to

1 address capacity or facility condition deficiencies at such
2 schools: *Provided further*, That in making such funds
3 available, the Office of Economic Adjustment or the Sec-
4 retary of Education shall give priority consideration to
5 those military installations with schools having the most
6 serious capacity or facility condition deficiencies as deter-
7 mined by the Secretary of Defense: *Provided further*, That
8 as a condition of receiving funds under this section a local
9 educational agency or State shall provide a matching share
10 as described in the notice titled “Department of Defense
11 Program for Construction, Renovation, Repair or Expan-
12 sion of Public Schools Located on Military Installations”
13 published by the Department of Defense in the Federal
14 Register on September 9, 2011 (76 Fed. Reg. 55883 et
15 seq.): *Provided further*, That these provisions apply to
16 funds provided under this section, and to funds previously
17 provided by Congress to construct, renovate, repair, or ex-
18 pand elementary and secondary public schools on military
19 installations in order to address capacity or facility condi-
20 tion deficiencies at such schools to the extent such funds
21 remain unobligated on the date of enactment of this sec-
22 tion.

23 SEC. 8116. In carrying out the program described in
24 the memorandum on the subject of “Policy for Assisted
25 Reproductive Services for the Benefit of Seriously or Se-

1 verely Ill/Injured (Category II or III) Active Duty Service
2 Members” issued by the Assistant Secretary of Defense
3 for Health Affairs on April 3, 2012, and the guidance
4 issued to implement such memorandum, the Secretary of
5 Defense shall apply such policy and guidance, except
6 that—

7 (1) the limitation on periods regarding embryo
8 cryopreservation and storage set forth in part III(G)
9 and in part IV(H) of such memorandum shall not
10 apply; and

11 (2) the term “assisted reproductive technology”
12 shall include embryo cryopreservation and storage
13 without limitation on the duration of such
14 cryopreservation and storage.

15 SEC. 8117. None of the funds made available by this
16 Act may be used to provide arms, training, or other assist-
17 ance to the Azov Battalion.

18 SEC. 8118. None of the funds provided for, or other-
19 wise made available, in this or any other Act, may be obli-
20 gated or expended by the Secretary of Defense to provide
21 motorized vehicles, aviation platforms, munitions other
22 than small arms and munitions appropriate for customary
23 ceremonial honors, operational military units, or oper-
24 ational military platforms if the Secretary determines that
25 providing such units, platforms, or equipment would un-

1 dermine the readiness of such units, platforms, or equip-
2 ment.

3 SEC. 8119. The Secretary of Defense may obligate
4 and expend funds made available under this Act for pro-
5 curement or for research, development, test and evaluation
6 for the F-35 Joint Strike Fighter to modify up to six F-
7 35 aircraft, including up to two F-35 aircraft of each vari-
8 ant, to a test configuration: *Provided*, That the Secretary
9 of Defense shall, with the concurrence of the Secretary
10 of the Air Force and the Secretary of the Navy, notify
11 the congressional defense committees not fewer than 30
12 days prior to obligating and expending funds under this
13 section: *Provided further*, That any transfer of funds pur-
14 suant to the authority provided in this section shall be
15 made in accordance with sections 8005 or 9002 of this
16 Act, as appropriate, if applicable: *Provided further*, That
17 aircraft referred to previously in this section are not addi-
18 tional to aircraft referred to in section 8135 of the Depart-
19 ment of Defense Appropriations Act, 2019.

20 SEC. 8120. Amounts appropriated for “Defense
21 Health Program” in this Act and hereafter may be obli-
22 gated to make death gratuity payments, as authorized in
23 subchapter II of chapter 75 of title 10, United States
24 Code, if no appropriation for “Military Personnel” is avail-
25 able for obligation for such payments: *Provided*, That such

1 obligations may subsequently be recorded against appro-
2 priations available for “Military Personnel”.

3 SEC. 8121. (a) None of the funds made available by
4 this or any other Act may be used to enter into a contract,
5 memorandum of understanding, or cooperative agreement
6 with, make a grant to, or provide a loan or loan guarantee
7 to any corporation that has any unpaid Federal tax liabil-
8 ity that has been assessed, for which all judicial and ad-
9 ministrative remedies have been exhausted or have lapsed,
10 and that is not being paid in a timely manner pursuant
11 to an agreement with the authority responsible for col-
12 lecting such tax liability, provided that the applicable Fed-
13 eral agency is aware of the unpaid Federal tax liability.

14 (b) Subsection (a) shall not apply if the applicable
15 Federal agency has considered suspension or debarment
16 of the corporation described in such subsection and has
17 made a determination that such suspension or debarment
18 is not necessary to protect the interests of the Federal
19 Government.

20 SEC. 8122. None of the funds made available by this
21 Act may be used in contravention of—

22 (1) Executive Order No. 13175 (65 Fed. Reg.
23 67249; relating to consultation and coordination
24 with Indian Tribal governments); or

1 (2) section 1501.2(d)(2) of title 40, Code of
2 Federal Regulations.

3 SEC. 8123. Funds appropriated for the Next Genera-
4 tion Aerial Refueling Aircraft (KC-46), Missile Segment
5 Enhancement (MSE) Missile, and Trident missile pro-
6 grams by the Department of Defense Appropriations Act,
7 2014 (division C of Public Law 113-76) and the Depart-
8 ment of Defense Appropriations Act, 2015 (division C of
9 Public Law 113-235) are to remain available through fis-
10 cal year 2024 for the liquidation of valid obligations in-
11 curred for the programs specified in this section as of Sep-
12 tember 30, 2016.

13 SEC. 8124. During fiscal year 2020, any advance bill-
14 ing for background investigation services and related serv-
15 ices purchased from activities financed using Defense
16 Working Capital Funds shall be excluded from the calcula-
17 tion of cumulative advance billings under section
18 2208(l)(3) of title 10, United States Code.

19 SEC. 8125. None of the funds appropriated or other-
20 wise made available by this Act may be obligated or ex-
21 pended by the Department of Defense for the Space De-
22 velopment Agency (SDA), and not more than 50 percent
23 of the funds appropriated or otherwise made available by
24 this Act may be obligated or expended by the Department
25 of Defense for the Next Generation Overhead Persistent

1 Infrared program (PE 1206442F) until a period of 90
2 days has elapsed following the date on which the Secretary
3 of Defense, in consultation with the Secretary of the Air
4 Force and the Under Secretary of Defense for Research
5 and Engineering, submits to the congressional defense
6 committees—

7 (1) the proposed plan to establish the SDA, and
8 a description of the programs and projects the SDA
9 plans to carry out over the next three years, includ-
10 ing associated funding requirements;

11 (2) a description of how the Air Force and the
12 SDA will coordinate and cooperate to develop an
13 agreed-upon integrated space architecture that will
14 guide both SDA and Air Force investments;

15 (3) the process by which the SDA and the Air
16 Force will cooperate in demonstrating and proto-
17 typing new capabilities, and transition to programs
18 of record;

19 (4) the proposed physical location of the SDA
20 and the proposed number of government and con-
21 tractor personnel expected to comprise the SDA in
22 the first three years; and

23 (5) a plan to transition the SDA into the Air
24 Force not later than fiscal year 2022, or into a
25 Space Force.

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

4 MILITARY PERSONNEL, MARINE CORPS

5 For an additional amount for “Military Personnel,
6 Marine Corps”, \$104,213,000: *Provided*, That such
7 amount is designated by the Congress for Overseas Con-
8 tingency Operations/Global War on Terrorism pursuant to
9 section 251(b)(2)(A)(ii) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985.

11 MILITARY PERSONNEL, AIR FORCE

12 For an additional amount for “Military Personnel,
13 Air Force”, \$1,007,594,000: *Provided*, That such amount
14 is designated by the Congress for Overseas Contingency
15 Operations/Global War on Terrorism pursuant to section
16 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 RESERVE PERSONNEL, ARMY

19 For an additional amount for “Reserve Personnel,
20 Army”, \$34,812,000: *Provided*, That such amount is des-
21 ignated by the Congress for Overseas Contingency Oper-
22 ations/Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 RESERVE PERSONNEL, NAVY

2 For an additional amount for “Reserve Personnel,
3 Navy”, \$11,370,000: *Provided*, That such amount is des-
4 ignated by the Congress for Overseas Contingency Oper-
5 ations/Global War on Terrorism pursuant to section
6 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 RESERVE PERSONNEL, MARINE CORPS

9 For an additional amount for “Reserve Personnel,
10 Marine Corps”, \$3,599,000: *Provided*, That such amount
11 is designated by the Congress for Overseas Contingency
12 Operations/Global War on Terrorism pursuant to section
13 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 RESERVE PERSONNEL, AIR FORCE

16 For an additional amount for “Reserve Personnel,
17 Air Force”, \$16,428,000: *Provided*, That such amount is
18 designated by the Congress for Overseas Contingency Op-
19 erations/Global War on Terrorism pursuant to section
20 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 NATIONAL GUARD PERSONNEL, ARMY

23 For an additional amount for “National Guard Per-
24 sonnel, Army”, \$202,644,000: *Provided*, That such
25 amount is designated by the Congress for Overseas Con-

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

4 NATIONAL GUARD PERSONNEL, AIR FORCE

5 For an additional amount for “National Guard Per-
6 sonnel, Air Force”, \$5,624,000: *Provided*, That such
7 amount is designated by the Congress for Overseas Con-
8 tingency Operations/Global War on Terrorism pursuant to
9 section 251(b)(2)(A)(ii) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985.

11 OPERATION AND MAINTENANCE

12 OPERATION AND MAINTENANCE, ARMY

13 For an additional amount for “Operation and Main-
14 tenance, Army”, \$18,507,827,000: *Provided*, That such
15 amount is designated by the Congress for Overseas Con-
16 tingency Operations/Global War on Terrorism pursuant to
17 section 251(b)(2)(A)(ii) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 OPERATION AND MAINTENANCE, NAVY

20 For an additional amount for “Operation and Main-
21 tenance, Navy”, \$6,561,650,000, of which up to
22 \$190,000,000 may be transferred to the Coast Guard
23 “Operating Expenses” account: *Provided*, That such
24 amount is designated by the Congress for Overseas Con-
25 tingency Operations/Global War on Terrorism pursuant to

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

3 OPERATION AND MAINTENANCE, MARINE CORPS

4 For an additional amount for “Operation and Main-
5 tenance, Marine Corps”, \$1,124,791,000: *Provided*, That
6 such amount is designated by the Congress for Overseas
7 Contingency Operations/Global War on Terrorism pursu-
8 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
9 and Emergency Deficit Control Act of 1985.

10 OPERATION AND MAINTENANCE, AIR FORCE

11 For an additional amount for “Operation and Main-
12 tenance, Air Force”, \$9,314,379,000: *Provided*, That such
13 amount is designated by the Congress for Overseas Con-
14 tingency Operations/Global War on Terrorism pursuant to
15 section 251(b)(2)(A)(ii) of the Balanced Budget and
16 Emergency Deficit Control Act of 1985.

17 OPERATION AND MAINTENANCE, DEFENSE-WIDE

18 For an additional amount for “Operation and Main-
19 tenance, Defense-Wide”, \$8,105,206,000: *Provided*, That
20 of the funds provided under this heading, not to exceed
21 \$450,000,000, to remain available until September 30,
22 2021, shall be for payments to reimburse key cooperating
23 nations for logistical, military, and other support, includ-
24 ing access, provided to United States military and stability
25 operations in Afghanistan and to counter the Islamic

1 State of Iraq and Syria: *Provided further*, That such reim-
2 bursement payments may be made in such amounts as the
3 Secretary of Defense, with the concurrence of the Sec-
4 retary of State, and in consultation with the Director of
5 the Office of Management and Budget, may determine,
6 based on documentation determined by the Secretary of
7 Defense to adequately account for the support provided,
8 and such determination is final and conclusive upon the
9 accounting officers of the United States, and 15 days fol-
10 lowing written notification to the appropriate congres-
11 sional committees: *Provided further*, That these funds may
12 be used for the purpose of providing specialized training
13 and procuring supplies and specialized equipment and pro-
14 viding such supplies and loaning such equipment on a non-
15 reimbursable basis to coalition forces supporting United
16 States military and stability operations in Afghanistan
17 and to counter the Islamic State of Iraq and Syria, and
18 15 days following written notification to the appropriate
19 congressional committees: *Provided further*, That these
20 funds may be used to support the Government of Jordan
21 in such amounts as the Secretary of Defense may deter-
22 mine, to enhance the ability of the armed forces of Jordan
23 to increase or sustain security along its borders, upon 15
24 days prior written notification to the congressional defense
25 committees outlining the amounts intended to be provided

1 and the nature of the expenses incurred: *Provided further*,
2 That of the funds provided under this heading, not to ex-
3 ceed \$749,178,000 to remain available until September
4 30, 2021, shall be available to provide support and assist-
5 ance to foreign security forces or other groups or individ-
6 uals to conduct, support or facilitate counterterrorism, cri-
7 sis response, or other Department of Defense security co-
8 operation programs: *Provided further*, That the Secretary
9 of Defense shall provide quarterly reports to the congress-
10 sional defense committees on the use of funds provided
11 in this paragraph: *Provided further*, That such amount is
12 designated by the Congress for Overseas Contingency Op-
13 erations/Global War on Terrorism pursuant to section
14 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, ARMY RESERVE

17 For an additional amount for “Operation and Main-
18 tenance, Army Reserve”, \$37,592,000: *Provided*, That
19 such amount is designated by the Congress for Overseas
20 Contingency Operations/Global War on Terrorism pursu-
21 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985.

23 OPERATION AND MAINTENANCE, NAVY RESERVE

24 For an additional amount for “Operation and Main-
25 tenance, Navy Reserve”, \$23,036,000: *Provided*, That

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

5 OPERATION AND MAINTENANCE, MARINE CORPS
6 RESERVE

7 For an additional amount for “Operation and Main-
8 tenance, Marine Corps Reserve”, \$8,707,000: *Provided*,
9 That such amount is designated by the Congress for Over-
10 seas Contingency Operations/Global War on Terrorism
11 pursuant to section 251(b)(2)(A)(ii) of the Balanced
12 Budget and Emergency Deficit Control Act of 1985.

13 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

14 For an additional amount for “Operation and Main-
15 tenance, Air Force Reserve”, \$29,758,000: *Provided*, That
16 such amount is designated by the Congress for Overseas
17 Contingency Operations/Global War on Terrorism pursu-
18 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, ARMY NATIONAL
21 GUARD

22 For an additional amount for “Operation and Main-
23 tenance, Army National Guard”, \$83,291,000: *Provided*,
24 That such amount is designated by the Congress for Over-
25 seas Contingency Operations/Global War on Terrorism

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

3 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

4 For an additional amount for “Operation and Main-
5 tenance, Air National Guard”, \$176,909,000: *Provided*,
6 That such amount is designated by the Congress for Over-
7 seas Contingency Operations/Global War on Terrorism
8 pursuant to section 251(b)(2)(A)(ii) of the Balanced
9 Budget and Emergency Deficit Control Act of 1985.

10 AFGHANISTAN SECURITY FORCES FUND

11 For the “Afghanistan Security Forces Fund”,
12 \$4,503,978,000, to remain available until September 30,
13 2021: *Provided*, That such funds shall be available to the
14 Secretary of Defense for the purpose of allowing the Com-
15 mander, Combined Security Transition Command—Af-
16 ghanistan, or the Secretary’s designee, to provide assist-
17 ance, with the concurrence of the Secretary of State, to
18 the security forces of Afghanistan, including the provision
19 of equipment, supplies, services, training, facility and in-
20 frastructure repair, renovation, construction, and funding:
21 *Provided further*, That the Secretary of Defense may obli-
22 gate and expend funds made available to the Department
23 of Defense in this title for additional costs associated with
24 existing projects previously funded with amounts provided
25 under the heading “Afghanistan Infrastructure Fund” in

1 prior Acts: *Provided further*, That such costs shall be lim-
2 ited to contract changes resulting from inflation, market
3 fluctuation, rate adjustments, and other necessary con-
4 tract actions to complete existing projects, and associated
5 supervision and administration costs and costs for design
6 during construction: *Provided further*, That the Secretary
7 may not use more than \$50,000,000 under the authority
8 provided in this section: *Provided further*, That the Sec-
9 retary shall notify in advance such contract changes and
10 adjustments in annual reports to the congressional defense
11 committees: *Provided further*, That the authority to pro-
12 vide assistance under this heading is in addition to any
13 other authority to provide assistance to foreign nations:
14 *Provided further*, That contributions of funds for the pur-
15 poses provided herein from any person, foreign govern-
16 ment, or international organization may be credited to this
17 Fund, to remain available until expended, and used for
18 such purposes: *Provided further*, That the Secretary of De-
19 fense shall notify the congressional defense committees in
20 writing upon the receipt and upon the obligation of any
21 contribution, delineating the sources and amounts of the
22 funds received and the specific use of such contributions:
23 *Provided further*, That the Secretary of Defense shall, not
24 fewer than 15 days prior to obligating from this appro-
25 priation account, notify the congressional defense commit-

tees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing and not fewer than 15 days prior to obligating funds for 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 transferred 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 personnel: *Provided further*, That funds appropriated under this heading and made available for the salaries and benefits of personnel of the Afghanistan Security Forces may only be used for personnel who are

1 enrolled in the Afghanistan Personnel and Pay System:
2 *Provided further*, That such amount is designated by the
3 Congress for Overseas Contingency Operations/Global
4 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
5 the Balanced Budget and Emergency Deficit Control Act
6 of 1985.

7 COUNTER-ISIS TRAIN AND EQUIP FUND

8 For the “Counter-Islamic State of Iraq and Syria
9 Train and Equip Fund”, \$1,295,000,000, to remain avail-
10 able until September 30, 2021: *Provided*, That such funds
11 shall be available to the Secretary of Defense in coordina-
12 tion with the Secretary of State, to provide assistance, in-
13 cluding training; equipment; logistics support, supplies,
14 and services; stipends; infrastructure repair and renova-
15 tion; and sustainment, to foreign security forces, irregular
16 forces, groups, or individuals participating, or preparing
17 to participate in activities to counter the Islamic State of
18 Iraq and Syria, and their affiliated or associated groups:
19 *Provided further*, That these funds may be used in such
20 amounts as the Secretary of Defense may determine to
21 enhance the border security of nations adjacent to conflict
22 areas including Jordan, Lebanon, Egypt, and Tunisia re-
23 sulting from actions of the Islamic State of Iraq and
24 Syria: *Provided further*, That amounts made available
25 under this heading shall be available to provide assistance

1 only for activities in a country designated by the Secretary
2 of Defense, in coordination with the Secretary of State,
3 as having a security mission to counter the Islamic State
4 of Iraq and Syria, and following written notification to the
5 congressional defense committees of such designation:
6 *Provided further*, That the Secretary of Defense shall en-
7 sure that prior to providing assistance to elements of any
8 forces or individuals, such elements or individuals are ap-
9 propriately vetted, including at a minimum, assessing such
10 elements for associations with terrorist groups or groups
11 associated with the Government of Iran; and receiving
12 commitments from such elements to promote respect for
13 human rights and the rule of law: *Provided further*, That
14 the Secretary of Defense shall, not fewer than 15 days
15 prior to obligating from this appropriation account, notify
16 the congressional defense committees in writing of the de-
17 tails of any such obligation: *Provided further*, That the
18 Secretary of Defense may accept and retain contributions,
19 including assistance in-kind, from foreign governments,
20 including the Government of Iraq and other entities, to
21 carry out assistance authorized under this heading: *Pro-*
22 *vided further*, That contributions of funds for the purposes
23 provided herein from any foreign government or other en-
24 tity may be credited to this Fund, to remain available until
25 expended, and used for such purposes: *Provided further*,

1 That the Secretary of Defense may waive a provision of
2 law relating to the acquisition of items and support serv-
3 ices or sections 40 and 40A of the Arms Export Control
4 Act (22 U.S.C. 2780 and 2785) if the Secretary deter-
5 mines that such provision of law would prohibit, restrict,
6 delay or otherwise limit the provision of such assistance
7 and a notice of and justification for such waiver is sub-
8 mitted to the congressional defense committees, the Com-
9 mittees on Appropriations and Foreign Relations of the
10 Senate and the Committees on Appropriations and For-
11 eign Affairs of the House of Representatives: *Provided fur-*
12 *ther*, That the United States may accept equipment pro-
13 cured using funds provided under this heading, or under
14 the heading, “Iraq Train and Equip Fund” in prior Acts,
15 that was transferred to security forces, irregular forces,
16 or groups participating, or preparing to participate in ac-
17 tivities to counter the Islamic State of Iraq and Syria and
18 returned by such forces or groups to the United States,
19 and such equipment may be treated as stocks of the De-
20 partment of Defense upon written notification to the con-
21 gressional defense committees: *Provided further*, That
22 equipment procured using funds provided under this head-
23 ing, or under the heading, “Iraq Train and Equip Fund”
24 in prior Acts, and not yet transferred to security forces,
25 irregular forces, or groups participating, or preparing to

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

3 MISSILE PROCUREMENT, ARMY

4 For an additional amount for “Missile Procurement,
5 Army”, \$1,414,218,000, to remain available until Sep-
6 tember 30, 2022: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

12 VEHICLES, ARMY

13 For an additional amount for “Procurement of Weap-
14 ons and Tracked Combat Vehicles, Army”, \$353,454,000,
15 to remain available until September 30, 2022: *Provided*,
16 That such amount is designated by the Congress for Over-
17 seas Contingency Operations/Global War on Terrorism
18 pursuant to section 251(b)(2)(A)(ii) of the Balanced
19 Budget and Emergency Deficit Control Act of 1985.

20 PROCUREMENT OF AMMUNITION, ARMY

21 For an additional amount for “Procurement of Am-
22 muniton, Army”, \$148,682,000, to remain available until
23 September 30, 2022: *Provided*, That such amount is des-
24 ignated by the Congress for Overseas Contingency Oper-
25 ations/Global War on Terrorism pursuant to section

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

3 OTHER PROCUREMENT, ARMY

4 For an additional amount for “Other Procurement,
5 Army”, \$1,105,850,000, to remain available until Sep-
6 tember 30, 2022: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 AIRCRAFT PROCUREMENT, NAVY

12 For an additional amount for “Aircraft Procurement,
13 Navy”, \$119,045,000, to remain available until September
14 30, 2022: *Provided*, That such amount is designated by
15 the Congress for Overseas Contingency Operations/Global
16 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
17 the Balanced Budget and Emergency Deficit Control Act
18 of 1985.

19 WEAPONS PROCUREMENT, NAVY

20 For an additional amount for “Weapons Procure-
21 ment, Navy”, \$116,429,000, to remain available until
22 September 30, 2022: *Provided*, That such amount is des-
23 ignated by the Congress for Overseas Contingency Oper-
24 ations/Global War on Terrorism pursuant to section

1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985.

3 AIRCRAFT PROCUREMENT, AIR FORCE

4 For an additional amount for “Aircraft Procurement,
5 Air Force”, \$513,310,000, to remain available until Sep-
6 tember 30, 2022: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 MISSILE PROCUREMENT, AIR FORCE

12 For an additional amount for “Missile Procurement,
13 Air Force”, \$201,671,000, to remain available until Sep-
14 tember 30, 2022: *Provided*, That such amount is des-
15 ignated by the Congress for Overseas Contingency Oper-
16 ations/Global War on Terrorism pursuant to section
17 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 PROCUREMENT OF AMMUNITION, AIR FORCE

20 For an additional amount for “Procurement of Am-
21 munition, Air Force”, \$939,433,000 to remain available
22 until September 30, 2022: *Provided*, That such amount
23 is designated by the Congress for Overseas Contingency
24 Operations/Global War on Terrorism pursuant to section

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

3 OTHER PROCUREMENT, AIR FORCE

4 For an additional amount for “Other Procurement,
5 Air Force”, \$4,011,201,000, to remain available until
6 September 30, 2022: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 PROCUREMENT, DEFENSE-WIDE

12 For an additional amount for “Procurement, De-
13 fense-Wide”, \$465,987,000, to remain available until Sep-
14 tember 30, 2022: *Provided*, That such amount is des-
15 ignated by the Congress for Overseas Contingency Oper-
16 ations/Global War on Terrorism pursuant to section
17 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

20 For procurement of rotary-wing aircraft; combat, tac-
21 tical and support vehicles; other weapons; and other pro-
22 curement items for the reserve components of the Armed
23 Forces, \$1,300,000,000, to remain available for obligation
24 until September 30, 2022: *Provided*, That the Chiefs of
25 National Guard and Reserve components shall, not later

1 than 30 days after enactment of this Act, individually sub-
2 mit to the congressional defense committees the mod-
3 ernization priority assessment for their respective Na-
4 tional Guard or Reserve component: *Provided further,*
5 That none of the funds made available by this paragraph
6 may be used to procure manned fixed wing aircraft, or
7 procure or modify missiles, munitions, or ammunition:
8 *Provided further,* That such amount is designated by the
9 Congress for Overseas Contingency Operations/Global
10 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
11 the Balanced Budget and Emergency Deficit Control Act
12 of 1985.

13 RESEARCH, DEVELOPMENT, TEST AND
14 EVALUATION
15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
16 ARMY

17 For an additional amount for “Research, Develop-
18 ment, Test and Evaluation, Army”, \$169,074,000, to re-
19 main available until September 30, 2021: *Provided,* That
20 such amount is designated by the Congress for Overseas
21 Contingency Operations/Global War on Terrorism pursu-
22 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
23 and Emergency Deficit Control Act of 1985.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Navy”, \$164,410,000, to re-
5 main available until September 30, 2021: *Provided*, That
6 such amount is designated by the Congress for Overseas
7 Contingency Operations/Global War on Terrorism pursu-
8 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
9 and Emergency Deficit Control Act of 1985.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 AIR FORCE

12 For an additional amount for “Research, Develop-
13 ment, Test and Evaluation, Air Force”, \$128,248,000, to
14 remain available until September 30, 2021: *Provided*,
15 That such amount is designated by the Congress for Over-
16 seas Contingency Operations/Global War on Terrorism
17 pursuant to section 251(b)(2)(A)(ii) of the Balanced
18 Budget and Emergency Deficit Control Act of 1985.

19 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
20 DEFENSE-WIDE

21 For an additional amount for “Research, Develop-
22 ment, Test and Evaluation, Defense-Wide”, \$382,636,000
23 , to remain available until September 30, 2021: *Provided*,
24 That such amount is designated by the Congress for Over-
25 seas Contingency Operations/Global War on Terrorism

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

3 REVOLVING AND MANAGEMENT FUNDS

4 DEFENSE WORKING CAPITAL FUNDS

5 For an additional amount for “Defense Working
6 Capital Funds”, \$20,100,000: *Provided*, That such
7 amount is designated by the Congress for Overseas Con-
8 tingency Operations/Global War on Terrorism pursuant to
9 section 251(b)(2)(A)(ii) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985.

11 OTHER DEPARTMENT OF DEFENSE PROGRAMS

12 DEFENSE HEALTH PROGRAM

13 For an additional amount for “Defense Health Pro-
14 gram”, \$347,746,000, which shall be for operation and
15 maintenance: *Provided*, That such amount is designated
16 by the Congress for Overseas Contingency Operations/
17 Global War on Terrorism pursuant to section
18 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

21 DEFENSE

22 For an additional amount for “Drug Interdiction and
23 Counter-Drug Activities, Defense”, \$153,100,000: *Pro-*
24 *vided*, That the transfer authority contained in section
25 9002 in title IX of this Act shall not apply to amounts

1 made available under this heading: *Provided further*, That
2 such amount is designated by the Congress for Overseas
3 Contingency Operations/Global War on Terrorism pursu-
4 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
5 and Emergency Deficit Control Act of 1985.

6 OFFICE OF THE INSPECTOR GENERAL

7 For an additional amount for the “Office of the In-
8 spector General”, \$24,254,000: *Provided*, That such
9 amount is designated by the Congress for Overseas Con-
10 tingency Operations/Global War on Terrorism pursuant to
11 section 251(b)(2)(A)(ii) of the Balanced Budget and
12 Emergency Deficit Control Act of 1985.

13 GENERAL PROVISIONS—THIS TITLE

14 SEC. 9001. Notwithstanding any other provision of
15 law, funds made available in this title are in addition to
16 amounts appropriated or otherwise made available for the
17 Department of Defense for fiscal year 2020.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 9002. Upon the determination of the Secretary
20 of Defense that such action is necessary in the national
21 interest, the Secretary may, with the approval of the Of-
22 fice of Management and Budget, transfer up to
23 \$500,000,000 between the appropriations or funds made
24 available to the Department of Defense in this title: *Pro-*
25 *vided*, That the Secretary shall notify the Congress

1 promptly of each transfer made pursuant to the authority
2 in this section: *Provided further*, That the authority pro-
3 vided in this section is in addition to any other transfer
4 authority available to the Department of Defense and is
5 subject to the same terms and conditions as the authority
6 provided in section 8005 of this Act.

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

17 SEC. 9004. From funds made available in this title,
18 the Secretary of Defense may purchase for use by military
19 and civilian employees of the Department of Defense in
20 the United States Central Command area of responsi-
21 bility: (1) passenger motor vehicles up to a limit of
22 \$75,000 per vehicle; and (2) heavy and light armored vehi-
23 cles for the physical security of personnel or for force pro-
24 tection purposes up to a limit of \$450,000 per vehicle, not-

1 withstanding price or other limitations applicable to the
2 purchase of passenger carrying vehicles.

3 SEC. 9005. Not to exceed \$5,000,000 of the amounts
4 appropriated by this title under the heading “Operation
5 and Maintenance, Army” may be used, notwithstanding
6 any other provision of law, to fund the Commanders’
7 Emergency Response Program (CERP), for the purpose
8 of enabling military commanders in Afghanistan to re-
9 spond to urgent, small-scale, humanitarian relief and re-
10 construction requirements within their areas of responsi-
11 bility: *Provided*, That each project (including any ancillary
12 or related elements in connection with such project) exe-
13 cuted under this authority shall not exceed \$2,000,000:
14 *Provided further*, That not later than 45 days after the
15 end of each 6 months of the fiscal year, the Secretary of
16 Defense shall submit to the congressional defense commit-
17 tees a report regarding the source of funds and the alloca-
18 tion and use of funds during that 6-month period that
19 were made available pursuant to the authority provided
20 in this section or under any other provision of law for the
21 purposes described herein: *Provided further*, That, not
22 later than 30 days after the end of each fiscal year quar-
23 ter, the Army shall submit to the congressional defense
24 committees quarterly commitment, obligation, and expend-
25 iture data for the CERP in Afghanistan: *Provided further*,

1 That, not less than 15 days before making funds available
2 pursuant to the authority provided in this section or under
3 any other provision of law for the purposes described here-
4 in for a project with a total anticipated cost for completion
5 of \$500,000 or more, the Secretary shall submit to the
6 congressional defense committees a written notice con-
7 taining each of the following:

8 (1) The location, nature and purpose of the
9 proposed project, including how the project is in-
10 tended to advance the military campaign plan for
11 the country in which it is to be carried out.

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

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

24 SEC. 9006. Funds available to the Department of De-
25 fense for operation and maintenance may be used, not-

1 withstanding any other provision of law, to provide sup-
2 plies, services, transportation, including airlift and sealift,
3 and other logistical support to allied forces participating
4 in a combined operation with the armed forces of the
5 United States and coalition forces supporting military and
6 stability operations in Afghanistan and to counter the Is-
7 lamic State of Iraq and Syria: *Provided*, That the Sec-
8 retary of Defense shall provide quarterly reports to the
9 congressional defense committees regarding support pro-
10 vided under this section.

11 SEC. 9007. None of the funds appropriated or other-
12 wise made available by this or any other Act shall be obli-
13 gated or expended by the United States Government for
14 a purpose as follows:

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

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

20 (3) To establish any military installation or
21 base for the purpose of providing for the permanent
22 stationing of United States Armed Forces in Af-
23 ghanistan.

24 SEC. 9008. None of the funds made available in this
25 Act may be used in contravention of the following laws

1 enacted or regulations promulgated to implement the
2 United Nations Convention Against Torture and Other
3 Cruel, Inhuman or Degrading Treatment or Punishment
4 (done at New York on December 10, 1984):

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

7 (2) Section 2242 of the Foreign Affairs Reform
8 and Restructuring Act of 1998 (division G of Public
9 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231
10 note) and regulations prescribed thereto, including
11 regulations under part 208 of title 8, Code of Fed-
12 eral Regulations, and part 95 of title 22, Code of
13 Federal Regulations.

14 (3) Sections 1002 and 1003 of the Department
15 of Defense, Emergency Supplemental Appropriations
16 to Address Hurricanes in the Gulf of Mexico, and
17 Pandemic Influenza Act, 2006 (Public Law 109–
18 148).

19 SEC. 9009. None of the funds provided for the “Af-
20 ghanistan Security Forces Fund” (ASFF) may be obli-
21 gated prior to the approval of a financial and activity plan
22 by the Afghanistan Resources Oversight Council (AROC)
23 of the Department of Defense: *Provided*, That the AROC
24 must approve the requirement and acquisition plan for any
25 service requirements in excess of \$50,000,000 annually

1 and any non-standard equipment requirements in excess
2 of \$100,000,000 using ASFF: *Provided further*, That the
3 Department of Defense must certify to the congressional
4 defense committees that the AROC has convened and ap-
5 proved a process for ensuring compliance with the require-
6 ments in the preceding proviso and accompanying report
7 language for the ASFF.

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

18 SEC. 9011. Up to \$500,000,000 of funds appro-
19 priated by this Act for the Defense Security Cooperation
20 Agency in “Operation and Maintenance, Defense-Wide”
21 may be used to provide assistance to the Government of
22 Jordan to support the armed forces of Jordan and to en-
23 hance security along its borders.

24 SEC. 9012. None of the funds made available by this
25 Act under the heading “Counter-ISIS Train and Equip

1 Fund” may be used to procure or transfer man-portable
2 air defense systems.

3 SEC. 9013. For the “Ukraine Security Assistance Ini-
4 tiative”, \$250,000,000 is hereby appropriated, to remain
5 available until September 30, 2020: *Provided*, That such
6 funds shall be available to the Secretary of Defense, in
7 coordination with the Secretary of State, to provide assist-
8 ance, including training; equipment; lethal assistance; lo-
9 gistics support, supplies and services; sustainment; and in-
10 telligence support to the military and national security
11 forces of Ukraine, and for replacement of any weapons
12 or articles provided to the Government of Ukraine from
13 the inventory of the United States: *Provided further*, That
14 of the amounts made available in this section,
15 \$50,000,000 shall be available only for lethal assistance
16 described in paragraphs (2) and (3) of section 1250(b)
17 of the National Defense Authorization Act for Fiscal Year
18 2016 (Public Law 114–92; 129 Stat. 1068): *Provided fur-*
19 *ther*, That the Secretary of Defense shall, not less than
20 15 days prior to obligating funds provided under this
21 heading, notify the congressional defense committees in
22 writing of the details of any such obligation: *Provided fur-*
23 *ther*, That the United States may accept equipment pro-
24 cured using funds provided under this heading in this or
25 prior Acts that was transferred to the security forces of

1 Ukraine and returned by such forces to the United States:
2 *Provided further*, That equipment procured using funds
3 provided under this heading in this or prior Acts, and not
4 yet transferred to the military or National Security Forces
5 of Ukraine or returned by such forces to the United
6 States, may be treated as stocks of the Department of De-
7 fense upon written notification to the congressional de-
8 fense committees: *Provided further*, That amounts made
9 available by this section are designated by the Congress
10 for Overseas Contingency Operations/Global War on Ter-
11 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985.

13 SEC. 9014. Funds appropriated in this title shall be
14 available for replacement of funds for items provided to
15 the Government of Ukraine from the inventory of the
16 United States to the extent specifically provided for in sec-
17 tion 9013 of this Act.

18 SEC. 9015. None of the funds made available by this
19 Act under section 9013 may be used to procure or transfer
20 man-portable air defense systems.

21 SEC. 9016. Equipment procured using funds provided
22 in prior Acts under the heading “Counterterrorism Part-
23 nerships Fund” for the program authorized by section
24 1209 of the Carl Levin and Howard P. “Buck” McKeon
25 National Defense Authorization Act for Fiscal Year 2015

1 (Public Law 113–291), and not yet transferred to author-
2 ized recipients may be transferred to foreign security
3 forces, irregular forces, groups, or individuals, authorized
4 to receive assistance using amounts provided under the
5 heading “Counter-ISIS Train and Equip Fund” in this
6 Act: *Provided*, That such equipment may be transferred
7 15 days following written notification to the congressional
8 defense committees.

9 SEC. 9017. (a) None of the funds appropriated or
10 otherwise made available by this Act under the heading
11 “Operation and Maintenance, Defense-Wide” for pay-
12 ments under section 1233 of Public Law 110–181 for re-
13 imbursement to the Government of Pakistan may be made
14 available unless the Secretary of Defense, in coordination
15 with the Secretary of State, certifies to the congressional
16 defense committees that the Government of Pakistan is—

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

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

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

9 (4) preventing the proliferation of nuclear-re-
10 lated material and expertise;

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

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

16 (7) providing humanitarian organizations access
17 to detainees, internally displaced persons, and other
18 Pakistani civilians affected by the conflict.

19 (b) The Secretary of Defense, in coordination with
20 the Secretary of State, may waive the restriction in sub-
21 section (a) on a case-by-case basis by certifying in writing
22 to the congressional defense committees that it is in the
23 national security interest to do so: *Provided*, That if the
24 Secretary of Defense, in coordination with the Secretary
25 of State, exercises such waiver authority, the Secretaries

1 shall report to the congressional defense committees on
2 both the justification for the waiver and on the require-
3 ments of this section that the Government of Pakistan was
4 not able to meet: *Provided further*, That such report may
5 be submitted in classified form if necessary.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 9018. In addition to amounts otherwise made
8 available in this Act, \$500,000,000 is hereby appropriated
9 to the Department of Defense and made available for
10 transfer only to the operation and maintenance, military
11 personnel, and procurement accounts, to improve near-
12 term intelligence, surveillance, and reconnaissance capa-
13 bilities and related processing, exploitation, and dissemi-
14 nation functions of the Department of Defense: *Provided*,
15 That the transfer authority provided in this section is in
16 addition to any other transfer authority provided else-
17 where in this Act: *Provided further*, That not later than
18 30 days prior to exercising the transfer authority provided
19 in this section, the Secretary of Defense shall submit a
20 report to the congressional defense committees on the pro-
21 posed uses of these funds: *Provided further*, That the
22 funds provided in this section may not be transferred to
23 any program, project, or activity specifically limited or de-
24 nied by this Act: *Provided further*, That such funds may
25 not be obligated for new start efforts: *Provided further*,

1 That amounts made available by this section are des-
2 ignated by the Congress for Overseas Contingency Oper-
3 ations/Global War on Terrorism pursuant to section
4 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985: *Provided further*, That the
6 authority to provide funding under this section shall termi-
7 nate on September 30, 2020.

8 SEC. 9019. None of the funds made available by this
9 Act may be used with respect to Syria in contravention
10 of the War Powers Resolution (50 U.S.C. 1541 et seq.),
11 including for the introduction of United States armed or
12 military forces into hostilities in Syria, into situations in
13 Syria where imminent involvement in hostilities is clearly
14 indicated by the circumstances, or into Syrian territory,
15 airspace, or waters while equipped for combat, in con-
16 travention of the congressional consultation and reporting
17 requirements of sections 3 and 4 of that law (50 U.S.C.
18 1542 and 1543).

19 SEC. 9020. None of the funds in this Act may be
20 made available for the transfer of additional C-130 cargo
21 aircraft to the Afghanistan National Security Forces or
22 the Afghanistan Air Force until the Department of De-
23 fense provides a report to the congressional defense com-
24 mittees of the Afghanistan Air Force's medium airlift re-
25 quirements. The report should identify Afghanistan's abil-

1 ity to utilize and maintain existing medium lift aircraft
2 in the inventory and the best alternative platform, if nec-
3 essary, to provide additional support to the Afghanistan
4 Air Force's current medium airlift capacity.

5 SEC. 9021. Funds available for the Afghanistan Se-
6 curity Forces Fund may be used to provide limited train-
7 ing, equipment, and other assistance that would otherwise
8 be prohibited by 10 U.S.C. 362 to a unit of the security
9 forces of Afghanistan only if the Secretary certifies to the
10 congressional defense committees, within 30 days of a de-
11 cision to provide such assistance, that (1) a denial of such
12 assistance would present significant risk to U.S. or coali-
13 tion forces or significantly undermine United States na-
14 tional security objectives in Afghanistan; and (2) the Sec-
15 retary has sought a commitment by the Government of
16 Afghanistan to take all necessary corrective steps: *Pro-*
17 *vided*, That such certification shall be accompanied by a
18 report describing: (1) the information relating to the gross
19 violation of human rights; (2) the circumstances that ne-
20 cessitated the provision of such assistance; (3) the Afghan
21 security force unit involved; (4) the assistance provided
22 and the assistance withheld; and (5) the corrective steps
23 to be taken by the Government of Afghanistan: *Provided*
24 *further*, That every 120 days after the initial report an
25 additional report shall be submitted detailing the status

1 “Afghanistan Security Forces Fund”, 2019/2020,
2 \$30,000,000;

3 “Counter-ISIS Train and Equip Fund”, 2019/2020,
4 \$13,000,000; and

5 “Procurement of Ammunition, Navy and Marine
6 Corps”, 2019/2021, \$16,574,000.

7 SEC. 9024. Each amount designated in this Act by
8 the Congress for Overseas Contingency Operations/Global
9 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
10 the Balanced Budget and Emergency Deficit Control Act
11 of 1985 shall be available (or rescinded, if applicable) only
12 if the President subsequently so designates all such
13 amounts and transmits such designations to the Congress.

14 SEC. 9025. (a) The Authorization for Use of Military
15 Force (Public Law 107–40; 50 U.S.C. 1541 note) is here-
16 by repealed.

17 (b) The repeal contained in subsection (a)—

18 (1) takes effect on the date that is 240 days
19 after the date of the enactment of this Act; and

20 (2) applies with respect to each operation or
21 other action that is being carried out pursuant to
22 the Authorization for Use of Military Force initiated
23 before such effective date.

24 SEC. 9026. Nothing in this Act may be construed as
25 authorizing the use of force against Iran.

1 **TITLE X—TO DIRECT THE RE-**
2 **MOVAL OF UNITED STATES**
3 **ARMED FORCES FROM HOS-**
4 **TILITIES IN THE REPUBLIC**
5 **OF YEMEN THAT HAVE NOT**
6 **BEEN AUTHORIZED BY CON-**
7 **GRESS**

8 **SEC. 10001. FINDINGS.**

9 Congress makes the following findings:

10 (1) Congress has the sole power to declare war
11 under article I, section 8, clause 11 of the United
12 States Constitution.

13 (2) Congress has not declared war with respect
14 to, or provided a specific statutory authorization for,
15 the conflict between military forces led by Saudi
16 Arabia, including forces from the United Arab Emir-
17 ates, Bahrain, Kuwait, Egypt, Jordan, Morocco,
18 Senegal, and Sudan (the Saudi-led coalition),
19 against the Houthis, also known as Ansar Allah, in
20 the Republic of Yemen.

21 (3) Since March 2015, members of the United
22 States Armed Forces have been introduced into hos-
23 tilities between the Saudi-led coalition and the
24 Houthis, including providing to the Saudi-led coali-

1 tion aerial targeting assistance, intelligence sharing,
2 and mid-flight aerial refueling.

3 (4) The United States has established a Joint
4 Combined Planning Cell with Saudi Arabia, in which
5 members of the United States Armed Forces assist
6 in aerial targeting and help to coordinate military
7 and intelligence activities.

8 (5) In December 2017, Secretary of Defense
9 James N. Mattis stated, “We have gone in to be
10 very—to be helpful where we can in identifying how
11 you do target analysis and how you make certain
12 you hit the right thing.”.

13 (6) The conflict between the Saudi-led coalition
14 and the Houthis constitutes, within the meaning of
15 section 4(a) of the War Powers Resolution (50
16 U.S.C. 1543(a)), either hostilities or a situation
17 where imminent involvement in hostilities is clearly
18 indicated by the circumstances into which United
19 States Armed Forces have been introduced.

20 (7) Section 5(c) of the War Powers Resolution
21 (50 U.S.C. 1544(c)) states that “at any time that
22 United States Armed Forces are engaged in hos-
23 tilities outside the territory of the United States, its
24 possessions and territories without a declaration of
25 war or specific statutory authorization, such forces

1 shall be removed by the President if the Congress so
2 directs”.

3 (8) Section 8(c) of the War Powers Resolution
4 (50 U.S.C. 1547(c)) defines the introduction of
5 United States Armed Forces to include “the assign-
6 ment of members of such armed forces to command,
7 coordinate, participate in the movement of, or ac-
8 company the regular or irregular military forces of
9 any foreign country or government when such mili-
10 tary forces are engaged, or there exists an imminent
11 threat that such forces will become engaged, in hos-
12 tilities,” and activities that the United States is con-
13 ducting in support of the Saudi-led coalition, includ-
14 ing aerial refueling and targeting assistance, fall
15 within this definition.

16 (9) Section 1013 of the Department of State
17 Authorization Act, Fiscal Years 1984 and 1985 (50
18 U.S.C. 1546a) provides that any joint resolution or
19 bill to require the removal of United States Armed
20 Forces engaged in hostilities without a declaration of
21 war or specific statutory authorization shall be con-
22 sidered in accordance with the expedited procedures
23 of section 601(b) of the International Security and
24 Arms Export Control Act of 1976 (Public Law 94–
25 329; 90 Stat. 765).

1 (10) No specific statutory authorization for the
2 use of United States Armed Forces with respect to
3 the conflict between the Saudi-led coalition and the
4 Houthis in Yemen has been enacted, and no provi-
5 sion of law explicitly authorizes the provision of tar-
6 geting assistance or of midair refueling services to
7 warplanes of Saudi Arabia or the United Arab Emir-
8 ates that are engaged in such conflict.

9 **SEC. 10002. REMOVAL OF UNITED STATES ARMED FORCES**
10 **FROM HOSTILITIES IN THE REPUBLIC OF**
11 **YEMEN THAT HAVE NOT BEEN AUTHORIZED**
12 **BY CONGRESS.**

13 Pursuant to section 1013 of the Department of State
14 Authorization Act, Fiscal Years 1984 and 1985 (50
15 U.S.C. 1546a) and in accordance with the provisions of
16 section 601(b) of the International Security Assistance
17 and Arms Export Control Act of 1976 (Public Law 94–
18 329; 90 Stat. 765), Congress hereby directs the President
19 to remove United States Armed Forces from hostilities in
20 or affecting the Republic of Yemen, except United States
21 Armed Forces engaged in operations directed at al Qaeda
22 or associated forces, by not later than the date that is
23 30 days after the date of the enactment of this Act (unless
24 the President requests and Congress authorizes a later
25 date), and unless and until a declaration of war or specific

1 authorization for such use of United States Armed Forces
2 has been enacted. For purposes of this title, in this sec-
3 tion, the term “hostilities” includes in-flight refueling of
4 non-United States aircraft conducting missions as part of
5 the ongoing civil war in Yemen.

6 **SEC. 10003. RULE OF CONSTRUCTION REGARDING CONTIN-**
7 **UED MILITARY OPERATIONS AND COOPERA-**
8 **TION WITH ISRAEL.**

9 Nothing in this title shall be construed to influence
10 or disrupt any military operations and cooperation with
11 Israel.

12 **SEC. 10004. RULE OF CONSTRUCTION REGARDING INTEL-**
13 **LIGENCE SHARING.**

14 Nothing in this title may be construed to influence
15 or disrupt any intelligence, counterintelligence, or inves-
16 tigative activities relating to threats in or emanating from
17 Yemen conducted by, or in conjunction with, the United
18 States Government involving—

- 19 (1) the collection of intelligence;
20 (2) the analysis of intelligence; or
21 (3) the sharing of intelligence between the
22 United States and any coalition partner if the Presi-
23 dent determines such sharing is appropriate and in
24 the national security interests of the United States.

1 **SEC. 10005. REPORT ON RISKS POSED BY CEASING SAUDI**
2 **ARABIA SUPPORT OPERATIONS.**

3 Not later than 90 days after the date of the enact-
4 ment of this Act, the President shall submit to Congress
5 a report assessing the risks posed to United States citizens
6 and the civilian population of Saudi Arabia and the risk
7 of regional humanitarian crises if the United States were
8 to cease support operations with respect to the conflict be-
9 tween the Saudi-led coalition and the Houthis in Yemen.

10 **SEC. 10006. REPORT ON INCREASED RISK OF TERRORIST**
11 **ATTACKS TO UNITED STATES ARMED FORCES**
12 **ABROAD, ALLIES, AND THE CONTINENTAL**
13 **UNITED STATES IF SAUDI ARABIA CEASES**
14 **YEMEN-RELATED INTELLIGENCE SHARING**
15 **WITH THE UNITED STATES.**

16 Not later than 90 days after the date of the enact-
17 ment of this Act, the President shall submit to Congress
18 a report assessing the increased risk of terrorist attacks
19 on United States Armed Forces abroad, allies, and to the
20 continental United States if the Government of Saudi Ara-
21 bia were to cease Yemen-related intelligence sharing with
22 the United States.

1 **SEC. 10007. RULE OF CONSTRUCTION REGARDING NO AU-**
2 **THORIZATION FOR USE OF MILITARY FORCE.**

3 Consistent with section 8(a)(1) of the War Powers
4 Resolution (50 U.S.C. 1547(a)(1)), nothing in this title
5 may be construed as authorizing the use of military force.

6 This Act may be cited as the “Department of Defense
7 Appropriations Act, 2020”.

Union Calendar No. 59

116TH CONGRESS
1ST Session

H. R. 2968

[Report No. 116-84]

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2020, and for other purposes.

MAY 23, 2019

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