

Union Calendar No. 364

116TH CONGRESS
2^D SESSION

H. R. 7617

[Report No. 116–453]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2021, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2020

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, 2021, 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, \$33,757,999,000.

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, \$14,534,551,000.

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 between permanent duty stations, for members of the Air
2 Force on active duty (except members of reserve compo-
3 nents provided for elsewhere), cadets, and aviation cadets;
4 for members of the Reserve Officers' Training Corps; and
5 for payments pursuant to section 156 of Public Law 97-
6 377, as amended (42 U.S.C. 402 note), and to the Depart-
7 ment of Defense Military Retirement Fund,
8 \$32,675,965,000.

9 RESERVE PERSONNEL, ARMY

10 For pay, allowances, clothing, subsistence, gratuities,
11 travel, and related expenses for personnel of the Army Re-
12 serve on active duty under sections 10211, 10302, and
13 7038 of title 10, United States Code, or while serving on
14 active duty under section 12301(d) of title 10, United
15 States Code, in connection with performing duty specified
16 in section 12310(a) of title 10, United States Code, or
17 while undergoing reserve training, or while performing
18 drills or equivalent duty or other duty, and expenses au-
19 thorized by section 16131 of title 10, United States Code;
20 and for payments to the Department of Defense Military
21 Retirement Fund, \$5,025,216,000.

22 RESERVE PERSONNEL, NAVY

23 For pay, allowances, clothing, subsistence, gratuities,
24 travel, and related expenses for personnel of the Navy Re-
25 serve on active duty under section 10211 of title 10,

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 \$2,223,690,000.

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 \$857,394,000.

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 8038 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, \$2,179,763,000.

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, \$8,639,005,000.

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 \$4,525,466,000.

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, \$40,424,428,000: *Provided*, That not to ex-
23 ceed \$12,478,000 can be used for emergencies and ex-
24 traordinary expenses, to be expended on the approval or
25 authority of the Secretary of the Army, and payments may

1 be made on his certificate of necessity for confidential mili-
2 tary 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, \$49,248,117,000:
7 *Provided*, That not to exceed \$15,055,000 can be used for
8 emergencies and extraordinary expenses, to be expended
9 on the approval or authority of the Secretary of the Navy,
10 and payments may be made on his certificate of necessity
11 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, \$7,512,336,000.

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, \$33,595,328,000: *Provided*, That not
20 to exceed \$7,699,000 can be used for emergencies and ex-
21 traordinary expenses, to be expended on the approval or
22 authority of the Secretary of the Air Force, and payments
23 may be made on his certificate of necessity for confidential
24 military purposes.

1 OPERATION AND MAINTENANCE, SPACE FORCE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Space Force, as
4 authorized by law, \$2,498,544,000.

5 OPERATION AND MAINTENANCE, DEFENSE-WIDE

6 (INCLUDING TRANSFER OF FUNDS)

7 For expenses, not otherwise provided for, necessary
8 for the operation and maintenance of activities and agen-
9 cies of the Department of Defense (other than the military
10 departments), as authorized by law, \$38,967,817,000:
11 *Provided*, That not more than \$6,859,000 may be used
12 for the Combatant Commander Initiative Fund authorized
13 under section 166a of title 10, United States Code: *Pro-*
14 *vided further*, That not to exceed \$36,000,000 can be used
15 for emergencies and extraordinary expenses, to be ex-
16 pended on the approval or authority of the Secretary of
17 Defense, and payments may be made on his certificate of
18 necessity for confidential military purposes: *Provided fur-*
19 *ther*, That of the funds provided under this heading, not
20 less than \$48,000,000 shall be made available for the Pro-
21 curement Technical Assistance Cooperative Agreement
22 Program, of which not less than \$4,500,000 shall be avail-
23 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
24 *vided further*, That none of the funds appropriated or oth-
25 erwise made available by this Act may be used to plan

1 or implement the consolidation of a budget or appropria-
2 tions liaison office of the Office of the Secretary of De-
3 fense, the office of the Secretary of a military department,
4 or the service headquarters of one of the Armed Forces
5 into a legislative affairs or legislative liaison office: *Pro-*
6 *vided further*, That \$17,732,000, to remain available until
7 expended, is available only for expenses relating to certain
8 classified activities, and may be transferred as necessary
9 by the Secretary of Defense to operation and maintenance
10 appropriations or research, development, test and evalua-
11 tion appropriations, to be merged with and to be available
12 for the same time period as the appropriations to which
13 transferred: *Provided further*, That any ceiling on the in-
14 vestment item unit cost of items that may be purchased
15 with operation and maintenance funds shall not apply to
16 the funds described in the preceding proviso: *Provided fur-*
17 *ther*, That of the funds provided under this heading,
18 \$659,225,000, of which \$164,806,000 to remain available
19 until September 30, 2022, shall be available to provide
20 support and assistance to foreign security forces or other
21 groups or individuals to conduct, support or facilitate
22 counterterrorism, crisis response, or other Department of
23 Defense security cooperation programs; of which not less
24 than \$30,000,000 shall be available for International Se-
25 curity Cooperation Programs with countries in the United

1 States Africa Command area of responsibility; of which
2 not less than \$130,000,000 shall be available for Inter-
3 national Security Cooperation Programs with countries in
4 the United States Southern Command area of responsi-
5 bility; and not to exceed \$21,814,000 shall be for Defense
6 Security Cooperation Agency headquarters expenses: *Pro-*
7 *vided further*, That the Secretary of Defense shall notify
8 the congressional defense committees in writing and not
9 fewer than 15 days prior to obligating funds for Inter-
10 national Security Cooperation Programs: *Provided further*,
11 That the Secretary of Defense shall provide quarterly re-
12 ports to the Committees on Appropriations of the House
13 of Representatives and the Senate on the use and status
14 of funds provided under this heading: *Provided further*,
15 That the transfer authority provided under this heading
16 is in addition to any other transfer authority provided else-
17 where in this Act.

18 OPERATION AND MAINTENANCE, ARMY RESERVE

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance, including training, or-
21 ganization, and administration, of the Army Reserve; re-
22 pair of facilities and equipment; hire of passenger motor
23 vehicles; travel and transportation; care of the dead; re-
24 cruiting; procurement of services, supplies, and equip-
25 ment; and communications, \$3,004,717,000.

1 OPERATION AND MAINTENANCE, NAVY RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Navy Reserve; re-
5 pair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$1,155,746,000.

9 OPERATION AND MAINTENANCE, MARINE CORPS

10 RESERVE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance, including training, or-
13 ganization, and administration, of the Marine Corps Re-
14 serve; repair of facilities and equipment; hire of passenger
15 motor vehicles; travel and transportation; care of the dead;
16 recruiting; procurement of services, supplies, and equip-
17 ment; and communications, \$322,706,000.

18 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance, including training, or-
21 ganization, and administration, of the Air Force Reserve;
22 repair of facilities and equipment; hire of passenger motor
23 vehicles; travel and transportation; care of the dead; re-
24 cruiting; procurement of services, supplies, and equip-
25 ment; and communications, \$3,300,284,000.

1 modification, maintenance, and issue of supplies and
2 equipment, including those furnished from stocks under
3 the control of agencies of the Department of Defense;
4 travel expenses (other than mileage) on the same basis as
5 authorized by law for Air National Guard personnel on
6 active Federal duty, for Air National Guard commanders
7 while inspecting units in compliance with National Guard
8 Bureau regulations when specifically authorized by the
9 Chief, National Guard Bureau, \$6,853,942,000.

10 UNITED STATES COURT OF APPEALS FOR THE ARMED
11 FORCES

12 For salaries and expenses necessary for the United
13 States Court of Appeals for the Armed Forces,
14 \$15,211,000, of which not to exceed \$5,000 may be used
15 for official representation purposes.

16 ENVIRONMENTAL RESTORATION, ARMY
17 (INCLUDING TRANSFER OF FUNDS)

18 For the Department of the Army, \$264,285,000, to
19 remain available until transferred: *Provided*, That the Sec-
20 retary of the Army shall, upon determining that such
21 funds are required for environmental restoration, reduc-
22 tion and recycling of hazardous waste, removal of unsafe
23 buildings and debris of the Department of the Army, or
24 for similar purposes, transfer the funds made available by
25 this appropriation to other appropriations made available

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

11 ENVIRONMENTAL RESTORATION, NAVY

12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of the Navy, \$404,250,000, to
14 remain available until transferred: *Provided*, That the Sec-
15 retary of the Navy 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 Navy, 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 Navy, 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, AIR FORCE

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Department of the Air Force, \$509,250,000,
9 to remain available until transferred: *Provided*, That the
10 Secretary of the Air Force shall, upon determining that
11 such funds are required for environmental restoration, re-
12 duction and recycling of hazardous waste, removal of un-
13 safe buildings and debris of the Department of the Air
14 Force, or for similar purposes, transfer the funds made
15 available by this appropriation to other appropriations
16 made available to the Department of the Air Force, to be
17 merged with and to be available for the same purposes
18 and for the same time period as the appropriations to
19 which transferred: *Provided further*, That upon a deter-
20 mination that all or part of the funds transferred from
21 this appropriation are not necessary for the purposes pro-
22 vided herein, such amounts may be transferred back to
23 this appropriation: *Provided further*, That the transfer au-
24 thority provided under this heading is in addition to any
25 other transfer authority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of Defense, \$19,952,000, to re-
4 main available until transferred: *Provided*, That the Sec-
5 retary of Defense shall, upon determining that such funds
6 are required for environmental restoration, reduction and
7 recycling of hazardous waste, removal of unsafe buildings
8 and debris of the Department of Defense, or for similar
9 purposes, transfer the funds made available by this appro-
10 priation to other appropriations made available to the De-
11 partment of Defense, to be merged with and to be avail-
12 able for the same purposes and for the same time period
13 as the appropriations to which transferred: *Provided fur-*
14 *ther*, That upon a determination that all or part of the
15 funds transferred from this appropriation are not nec-
16 essary for the purposes provided herein, such amounts
17 may be transferred back to this appropriation: *Provided*
18 *further*, That the transfer authority provided under this
19 heading is in addition to any other transfer authority pro-
20 vided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, FORMERLY USED
22 DEFENSE SITES
23 (INCLUDING TRANSFER OF FUNDS)

24 For the Department of the Army, \$288,750,000, to
25 remain available until transferred: *Provided*, That the Sec-

1 retary of the Army shall, upon determining that such
2 funds are required for environmental restoration, reduc-
3 tion and recycling of hazardous waste, removal of unsafe
4 buildings and debris at sites formerly used by the Depart-
5 ment of Defense, transfer the funds made available by this
6 appropriation to other appropriations made available to
7 the Department of the Army, to be merged with and to
8 be available for the same purposes and for the same time
9 period as the appropriations to which transferred: *Pro-*
10 *vided further*, That upon a determination that all or part
11 of the funds transferred from this appropriation are not
12 necessary for the purposes provided herein, such amounts
13 may be transferred back to this appropriation: *Provided*
14 *further*, That the transfer authority provided under this
15 heading is in addition to any other transfer authority pro-
16 vided elsewhere in this Act.

17 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

18 For expenses relating to the Overseas Humanitarian,
19 Disaster, and Civic Aid programs of the Department of
20 Defense (consisting of the programs provided under sec-
21 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
22 United States Code), \$147,500,000, to remain available
23 until September 30, 2022: *Provided*, That such amounts
24 shall not be subject to the limitation in section 407(c)(3)
25 of title 10, United States Code.

1 COOPERATIVE THREAT REDUCTION ACCOUNT

2 For assistance, including assistance provided by con-
3 tract or by grants, under programs and activities of the
4 Department of Defense Cooperative Threat Reduction
5 Program authorized under the Department of Defense Co-
6 operative Threat Reduction Act, \$360,190,000, to remain
7 available until September 30, 2023.

8 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
9 DEVELOPMENT ACCOUNT

10 For the Department of Defense Acquisition Work-
11 force Development Account, \$198,501,000, to remain
12 available for obligation until September 30, 2021: *Pro-*
13 *vided*, That no other amounts may be otherwise credited
14 or transferred to the Account, or deposited into the Ac-
15 count, in fiscal year 2021 pursuant to section 1705(d) of
16 title 10, United States Code.

17 TITLE III

18 PROCUREMENT

19 AIRCRAFT PROCUREMENT, ARMY

20 For construction, procurement, production, modifica-
21 tion, and modernization of aircraft, equipment, including
22 ordnance, ground handling equipment, spare parts, and
23 accessories therefor; specialized equipment and training
24 devices; expansion of public and private plants, including
25 the land necessary therefor, for the foregoing purposes,

1 and such lands and interests therein, may be acquired,
2 and construction prosecuted thereon prior to approval of
3 title; and procurement and installation of equipment, ap-
4 pliances, and machine tools in public and private plants;
5 reserve plant and Government and contractor-owned
6 equipment layaway; and other expenses necessary for the
7 foregoing purposes, \$3,503,013,000, to remain available
8 for obligation until September 30, 2023.

9 MISSILE PROCUREMENT, ARMY

10 For construction, procurement, production, modifica-
11 tion, and modernization of missiles, equipment, including
12 ordnance, ground handling equipment, spare parts, and
13 accessories therefor; specialized equipment and training
14 devices; expansion of public and private plants, including
15 the land necessary therefor, for the foregoing purposes,
16 and such lands and interests therein, may be acquired,
17 and construction prosecuted thereon prior to approval of
18 title; and procurement and installation of equipment, ap-
19 pliances, and machine tools in public and private plants;
20 reserve plant and Government and contractor-owned
21 equipment layaway; and other expenses necessary for the
22 foregoing purposes, \$3,419,333,000, to remain available
23 for obligation until September 30, 2023.

1 proval of title; and procurement and installation of equip-
2 ment, appliances, and machine tools in public and private
3 plants; reserve plant and Government and contractor-
4 owned equipment layaway; and other expenses necessary
5 for the foregoing purposes, \$2,789,898,000, to remain
6 available for obligation until September 30, 2023.

7 OTHER PROCUREMENT, ARMY

8 For construction, procurement, production, and
9 modification of vehicles, including tactical, support, and
10 non-tracked combat vehicles; the purchase of passenger
11 motor vehicles for replacement only; communications and
12 electronic equipment; other support equipment; spare
13 parts, ordnance, and accessories therefor; specialized
14 equipment and training devices; expansion of public and
15 private plants, including the land necessary therefor, 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; and procurement and
19 installation of equipment, appliances, and machine tools
20 in public and private plants; reserve plant and Govern-
21 ment and contractor-owned equipment layaway; and other
22 expenses necessary for the foregoing purposes,
23 \$8,453,422,000, to remain available for obligation until
24 September 30, 2023.

1 AIRCRAFT PROCUREMENT, NAVY

2 For construction, procurement, production, modifica-
3 tion, and modernization of aircraft, equipment, including
4 ordnance, spare parts, and accessories therefor; specialized
5 equipment; expansion of public and private plants, includ-
6 ing the land necessary therefor, and such lands and inter-
7 ests therein, may be acquired, and construction prosecuted
8 thereon prior to approval of title; and procurement and
9 installation of equipment, appliances, and machine tools
10 in public and private plants; reserve plant and Govern-
11 ment and contractor-owned equipment layaway,
12 \$17,710,109,000, to remain available for obligation until
13 September 30, 2023.

14 WEAPONS PROCUREMENT, NAVY

15 For construction, procurement, production, modifica-
16 tion, and modernization of missiles, torpedoes, other weap-
17 ons, and related support equipment including spare parts,
18 and accessories therefor; expansion of public and private
19 plants, including the land necessary therefor, and such
20 lands and interests therein, may be acquired, and con-
21 struction prosecuted thereon prior to approval of title; and
22 procurement and installation of equipment, appliances,
23 and machine tools in public and private plants; reserve
24 plant and Government and contractor-owned equipment

1 long lead time components and designs for vessels to be
2 constructed or converted in the future; and expansion of
3 public and private plants, including land necessary there-
4 for, and such lands and interests therein, may be acquired,
5 and construction prosecuted thereon prior to approval of
6 title, as follows:

- 7 Columbia Class Submarine, \$2,862,179,000;
- 8 Columbia Class Submarine (AP), \$1,123,175,000;
- 9 Carrier Replacement Program (CVN-80),
10 \$904,800,000;
- 11 Carrier Replacement Program (CVN-81),
12 \$1,606,432,000;
- 13 Virginia Class Submarine, \$4,603,213,000;
- 14 Virginia Class Submarine (AP), \$2,173,187,000;
- 15 CVN Refueling Overhauls, \$1,878,453,000;
- 16 CVN Refueling Overhauls (AP), \$17,384,000;
- 17 DDG-1000 Program, \$78,205,000;
- 18 DDG-51 Destroyer, \$2,931,245,000;
- 19 DDG-51 Destroyer (AP), \$29,297,000;
- 20 FFG-Frigate, \$1,053,123,000;
- 21 LPD Flight II, \$1,155,801,000;
- 22 TAO Fleet Oiler, \$20,000,000;
- 23 Towing, Salvage, and Rescue Ship, \$157,790,000;
- 24 LCU 1700, \$87,395,000;
- 25 Service Craft, \$244,147,000;

1 LCAC SLEP, \$56,461,000;

2 For COVID–19 recovery for second, third, and fourth
3 tier suppliers, \$100,000,000;

4 For outfitting, post delivery, conversions, and first
5 destination transportation, \$806,539,000; and

6 Completion of Prior Year Shipbuilding Programs,
7 \$369,112,000.

8 In all: \$22,257,938,000, to remain available for obli-
9 gation until September 30, 2025: *Provided*, That addi-
10 tional obligations may be incurred after September 30,
11 2025, for engineering services, tests, evaluations, and
12 other such budgeted work that must be performed in the
13 final stage of ship construction: *Provided further*, That
14 none of the funds provided under this heading for the con-
15 struction or conversion of any naval vessel to be con-
16 structed in shipyards in the United States shall be ex-
17 pended in foreign facilities for the construction of major
18 components of such vessel: *Provided further*, That none
19 of the funds provided under this heading shall be used
20 for the construction of any naval vessel in foreign ship-
21 yards: *Provided further*, That funds appropriated or other-
22 wise made available by this Act for Columbia Class Sub-
23 marine (AP) may be available for the purposes authorized
24 by subsections (f), (g), (h) or (i) of section 2218a of title

1 10, United States Code, only in accordance with the provi-
2 sions of the applicable subsection.

3 OTHER PROCUREMENT, NAVY

4 For procurement, production, and modernization of
5 support equipment and materials not otherwise provided
6 for, Navy ordnance (except ordnance for new aircraft, new
7 ships, and ships authorized for conversion); the purchase
8 of passenger motor vehicles for replacement only; expan-
9 sion of public and private plants, including the land nec-
10 essary therefor, and such lands and interests therein, may
11 be acquired, and construction prosecuted thereon prior to
12 approval of title; and procurement and installation of
13 equipment, appliances, and machine tools in public and
14 private plants; reserve plant and Government and con-
15 tractor-owned equipment layaway, \$9,986,796,000, to re-
16 main available for obligation until September 30, 2023:
17 *Provided*, That such funds are also available for the main-
18 tenance, repair, and modernization of Pacific Fleet ships
19 under a pilot program established for such purposes.

20 PROCUREMENT, MARINE CORPS

21 For expenses necessary for the procurement, manu-
22 facture, and modification of missiles, armament, military
23 equipment, spare parts, and accessories therefor; plant
24 equipment, appliances, and machine tools, and installation
25 thereof in public and private plants; reserve plant and

1 Government and contractor-owned equipment layaway; ve-
2 hicles for the Marine Corps, including the purchase of pas-
3 senger motor vehicles for replacement only; and expansion
4 of public and private plants, including land necessary
5 therefor, and such lands and interests therein, may be ac-
6 quired, and construction prosecuted thereon prior to ap-
7 proval of title, \$2,693,354,000, to remain available for ob-
8 ligation until September 30, 2023.

9 AIRCRAFT PROCUREMENT, AIR FORCE

10 For construction, procurement, and modification of
11 aircraft and equipment, including armor and armament,
12 specialized ground handling equipment, and training de-
13 vices, spare parts, and accessories therefor; specialized
14 equipment; expansion of public and private plants, Gov-
15 ernment-owned equipment and installation thereof in such
16 plants, erection of structures, and acquisition of land, for
17 the foregoing purposes, and such lands and interests
18 therein, may be acquired, and construction prosecuted
19 thereon prior to approval of title; reserve plant and Gov-
20 ernment and contractor-owned equipment layaway; and
21 other expenses necessary for the foregoing purposes in-
22 cluding rents and transportation of things,
23 \$19,587,853,000, to remain available for obligation until
24 September 30, 2023.

1 MISSILE PROCUREMENT, AIR FORCE

2 For construction, procurement, and modification of
3 missiles, rockets, and related equipment, including spare
4 parts and accessories therefor; ground handling equip-
5 ment, and training devices; expansion of public and pri-
6 vate 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, \$2,249,157,000, to remain available for obligation
15 until September 30, 2023.

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, \$609,338,000, to remain avail-
5 able for obligation until September 30, 2023.

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 \$23,603,470,000, to remain available for obligation until
21 September 30, 2023.

22 PROCUREMENT, SPACE FORCE

23 For construction, procurement, and modification of
24 spacecraft, rockets, and related equipment, including
25 spare parts and accessories therefor; ground handling

1 equipment, and training devices; expansion of public and
2 private plants, Government-owned equipment and installa-
3 tion thereof in such plants, erection of structures, and ac-
4 quisition of land, for the foregoing purposes, and such
5 lands and interests therein, may be acquired, and con-
6 struction prosecuted thereon prior to approval of title; re-
7 serve plant and Government and contractor-owned equip-
8 ment layaway; and other expenses necessary for the fore-
9 going purposes including rents and transportation of
10 things, \$2,289,934,000, to remain available for obligation
11 until September 30, 2023.

12 PROCUREMENT, DEFENSE-WIDE

13 For expenses of activities and agencies of the Depart-
14 ment of Defense (other than the military departments)
15 necessary for procurement, production, and modification
16 of equipment, supplies, materials, and spare parts there-
17 for, not otherwise provided for; the purchase of passenger
18 motor vehicles for replacement only; expansion of public
19 and private plants, equipment, and installation thereof in
20 such plants, erection of structures, and acquisition of land
21 for the foregoing purposes, and such lands and interests
22 therein, may be acquired, and construction prosecuted
23 thereon prior to approval of title; reserve plant and Gov-
24 ernment and contractor-owned equipment layaway,

1 \$5,418,220,000, to remain available for obligation until
2 September 30, 2023.

3 DEFENSE PRODUCTION ACT PURCHASES

4 For activities by the Department of Defense pursuant
5 to sections 108, 301, 302, and 303 of the Defense Produc-
6 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
7 \$191,931,000, to remain available until expended.

8 TITLE IV

9 RESEARCH, DEVELOPMENT, TEST AND
10 EVALUATION

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

12 ARMY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$13,126,499,000, to remain avail-
17 able for obligation until September 30, 2022.

18 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

19 NAVY

20 For expenses necessary for basic and applied sci-
21 entific research, development, test and evaluation, includ-
22 ing maintenance, rehabilitation, lease, and operation of fa-
23 cilities and equipment, \$20,165,874,000, to remain avail-
24 able for obligation until September 30, 2022: *Provided*,
25 That funds appropriated in this paragraph which are

1 available for the V-22 may be used to meet unique oper-
2 ational requirements of the Special Operations Forces.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 AIR FORCE

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, \$36,040,609,000, to remain avail-
9 able for obligation until September 30, 2022.

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

12 For expenses necessary for basic and applied sci-
13 entific research, development, test and evaluation, includ-
14 ing maintenance, rehabilitation, lease, and operation of fa-
15 cilities and equipment, \$10,187,840,000, to remain avail-
16 able until September 30, 2022.

17 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
18 DEFENSE-WIDE

19 For expenses of activities and agencies of the Depart-
20 ment of Defense (other than the military departments),
21 necessary for basic and applied scientific research, devel-
22 opment, test and evaluation; advanced research projects
23 as may be designated and determined by the Secretary
24 of Defense, pursuant to law; maintenance, rehabilitation,
25 lease, and operation of facilities and equipment,

1 \$24,617,177,000, to remain available for obligation until
2 September 30, 2022.

3 OPERATIONAL TEST AND EVALUATION, DEFENSE

4 For expenses, not otherwise provided for, necessary
5 for the independent activities of the Director, Operational
6 Test and Evaluation, in the direction and supervision of
7 operational test and evaluation, including initial oper-
8 ational test and evaluation which is conducted prior to,
9 and in support of, production decisions; joint operational
10 testing and evaluation; and administrative expenses in
11 connection therewith, \$210,090,000, to remain available
12 for obligation until September 30, 2022.

13 TITLE V

14 REVOLVING AND MANAGEMENT FUNDS

15 DEFENSE WORKING CAPITAL FUNDS

16 For the Defense Working Capital Funds,
17 \$1,348,910,000.

18 TITLE VI

19 OTHER DEPARTMENT OF DEFENSE PROGRAMS

20 DEFENSE HEALTH PROGRAM

21 For expenses, not otherwise provided for, for medical
22 and health care programs of the Department of Defense
23 as authorized by law, \$33,297,902,000; of which
24 \$31,097,781,000, shall be for operation and maintenance,
25 of which not to exceed one percent shall remain available

1 for obligation until September 30, 2022, and of which up
2 to \$16,024,715,000 may be available for contracts entered
3 into under the TRICARE program; of which
4 \$557,896,000, to remain available for obligation until Sep-
5 tember 30, 2023, shall be for procurement; and of which
6 \$1,642,225,000, to remain available for obligation until
7 September 30, 2022, shall be for research, development,
8 test and evaluation: *Provided*, That, notwithstanding any
9 other provision of law, of the amount made available under
10 this heading for research, development, test and evalua-
11 tion, not less than \$8,000,000 shall be available for HIV
12 prevention educational activities undertaken in connection
13 with United States military training, exercises, and hu-
14 manitarian assistance activities conducted primarily in Af-
15 rican nations: *Provided further*, That of the funds provided
16 under this heading for research, development, test and
17 evaluation, not less than \$1,020,500,000 shall be made
18 available to the United States Army Medical Research and
19 Development Command to carry out the congressionally
20 directed medical research programs: *Provided further*,
21 That the Secretary of Defense shall submit to the Con-
22 gressional defense committees quarterly reports on the
23 current status of the deployment of the electronic health
24 record: *Provided further*, That the Secretary of Defense
25 shall provide notice to the Congressional defense commit-

1 tees not later than ten business days after delaying the
2 proposed timeline of such deployment if such delay is
3 longer than one week: *Provided further*, That the Comp-
4 troller General of the United States shall perform quar-
5 terly performance reviews of such deployment.

6 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
7 DEFENSE

8 For expenses, not otherwise provided for, necessary
9 for the destruction of the United States stockpile of lethal
10 chemical agents and munitions in accordance with the pro-
11 visions of section 1412 of the Department of Defense Au-
12 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
13 struction of other chemical warfare materials that are not
14 in the chemical weapon stockpile, \$889,500,000, of which
15 \$106,691,000 shall be for operation and maintenance, of
16 which no less than \$51,009,000 shall be for the Chemical
17 Stockpile Emergency Preparedness Program, consisting of
18 \$22,235,000 for activities on military installations and
19 \$28,774,000, to remain available until September 30,
20 2022, to assist State and local governments; \$616,000
21 shall be for procurement, to remain available until Sep-
22 tember 30, 2023, of which not less than \$616,000 shall
23 be for the Chemical Stockpile Emergency Preparedness
24 Program to assist State and local governments; and
25 \$782,193,000, to remain available until September 30,

1 2022, shall be for research, development, test and evalua-
2 tion, of which \$775,699,000 shall only be for the Assem-
3 bled Chemical Weapons Alternatives program.

4 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
5 DEFENSE
6 (INCLUDING TRANSFER OF FUNDS)

7 For drug interdiction and counter-drug activities of
8 the Department of Defense, for transfer to appropriations
9 available to the Department of Defense for military per-
10 sonnel of the reserve components serving under the provi-
11 sions of title 10 and title 32, United States Code; for oper-
12 ation and maintenance; for procurement; and for research,
13 development, test and evaluation, \$746,223,000, of which
14 \$421,029,000 shall be for counter-narcotics support;
15 \$123,704,000 shall be for the drug demand reduction pro-
16 gram; \$195,979,000 shall be for the National Guard
17 counter-drug program; and \$5,511,000 shall be for the
18 National Guard counter-drug schools program: *Provided*,
19 That the funds appropriated under this heading shall be
20 available for obligation for the same time period and for
21 the same purpose as the appropriation to which trans-
22 ferred: *Provided further*, That upon a determination that
23 all or part of the funds transferred from this appropriation
24 are not necessary for the purposes provided herein, such
25 amounts may be transferred back to this appropriation:

1 *Provided further*, That the transfer authority provided
2 under this heading is in addition to any other transfer au-
3 thority contained elsewhere in this Act: *Provided further*,
4 That funds appropriated under this heading for counter-
5 narcotics support may only be transferred 15 days fol-
6 lowing written notification to the congressional defense
7 committees.

8 OFFICE OF THE INSPECTOR GENERAL

9 For expenses and activities of the Office of the In-
10 spector General in carrying out the provisions of the In-
11 spector General Act of 1978, as amended, \$387,696,000,
12 of which \$385,740,000 shall be for operation and mainte-
13 nance, of which not to exceed \$700,000 is available for
14 emergencies and extraordinary expenses to be expended on
15 the approval or authority of the Inspector General, and
16 payments may be made on the Inspector General's certifi-
17 cate of necessity for confidential military purposes; of
18 which \$858,000, to remain available for obligation until
19 September 30, 2023, shall be for procurement; and of
20 which \$1,098,000, to remain available until September 30,
21 2022, shall be for research, development, test and evalua-
22 tion.

1 TITLE VII
2 RELATED AGENCIES
3 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
4 DISABILITY SYSTEM FUND

5 For payment to the Central Intelligence Agency Re-
6 tirement and Disability System Fund, to maintain the
7 proper funding level for continuing the operation of the
8 Central Intelligence Agency Retirement and Disability
9 System, \$514,000,000.

10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

11 For necessary expenses of the Intelligence Commu-
12 nity Management Account, \$619,728,000.

13 TITLE VIII
14 GENERAL PROVISIONS

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

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

1 employees of the Department of Defense whose pay is
2 computed under the provisions of section 5332 of title 5,
3 United States Code, or at a rate in excess of the percent-
4 age increase provided by the appropriate host nation to
5 its own employees, whichever is higher: *Provided further*,
6 That this section shall not apply to Department of De-
7 fense foreign service national employees serving at United
8 States diplomatic missions whose pay is set by the Depart-
9 ment of State under the Foreign Service Act of 1980: *Pro-*
10 *vided further*, That the limitations of this provision shall
11 not apply to foreign national employees of the Department
12 of Defense in the Republic of Turkey.

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

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

23 (TRANSFER OF FUNDS)

24 SEC. 8005. Upon determination by the Secretary of
25 Defense that such action is necessary in the national inter-

1 est, the Secretary may, with the approval of the Office
2 of Management and Budget, transfer not to exceed
3 \$1,000,000,000 of working capital funds of the Depart-
4 ment of Defense or funds made available in this Act to
5 the Department of Defense for military functions (except
6 military construction) between such appropriations or
7 funds or any subdivision thereof, to be merged with and
8 to be available for the same purposes, and for the same
9 time period, as the appropriation or fund to which trans-
10 ferred: *Provided*, That such authority to transfer may not
11 be used unless for higher priority items, based on unfore-
12 seen military requirements, than those for which originally
13 appropriated and in no case where the item for which
14 funds are requested has been denied by the Congress: *Pro-*
15 *vided further*, That the Secretary of Defense shall notify
16 the Congress promptly of all transfers made pursuant to
17 this authority or any other authority in this Act: *Provided*
18 *further*, That no part of the funds in this Act shall be
19 available to prepare or present a request to the Commit-
20 tees on Appropriations of the House of Representatives
21 and the Senate for reprogramming of funds, unless for
22 higher priority items, based on unforeseen military re-
23 quirements, than those for which originally appropriated
24 and in no case where the item for which reprogramming
25 is requested has been denied by the Congress: *Provided*

1 *further*, That a request for multiple reprogrammings of
2 funds using authority provided in this section shall be
3 made prior to June 30, 2021: *Provided further*, That
4 transfers among military personnel appropriations shall
5 not be taken into account for purposes of the limitation
6 on the amount of funds that may be transferred under
7 this section.

8 SEC. 8006. (a) With regard to the list of specific pro-
9 grams, projects, and activities (and the dollar amounts
10 and adjustments to budget activities corresponding to
11 such programs, projects, and activities) contained in the
12 tables titled Explanation of Project Level Adjustments in
13 the explanatory statement regarding this Act, the obliga-
14 tion and expenditure of amounts appropriated or other-
15 wise made available in this Act for those programs,
16 projects, and activities for which the amounts appro-
17 priated exceed the amounts requested are hereby required
18 by law to be carried out in the manner provided by such
19 tables to the same extent as if the tables were included
20 in the text of this Act.

21 (b) Amounts specified in the referenced tables de-
22 scribed in subsection (a) shall not be treated as subdivi-
23 sions of appropriations for purposes of section 8005 of this
24 Act: *Provided*, That section 8005 shall apply when trans-

1 fers of the amounts described in subsection (a) occur be-
2 tween appropriation accounts.

3 SEC. 8007. (a) Not later than 60 days after enact-
4 ment of this Act, the Department of Defense shall submit
5 a report to the congressional defense committees to estab-
6 lish the baseline for application of reprogramming and
7 transfer authorities for fiscal year 2021: *Provided*, That
8 the report shall include—

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

14 (2) a delineation in the table for each appro-
15 priation both by budget activity and program,
16 project, and activity as detailed in the Budget Ap-
17 pendix; and

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

20 (b) Notwithstanding section 8005 of this Act, none
21 of the funds provided in this Act shall be available for
22 reprogramming or transfer until the report identified in
23 subsection (a) is submitted to the congressional defense
24 committees, unless the Secretary of Defense certifies in
25 writing to the congressional defense committees that such

1 reprogramming or transfer is necessary as an emergency
2 requirement: *Provided*, That this subsection shall not
3 apply to transfers from the following appropriations ac-
4 counts:

5 “Environmental Restoration, Army”;

6 “Environmental Restoration, Navy”;

7 “Environmental Restoration, Air Force”;

8 “Environmental Restoration, Defense-Wide”; and

9 “Environmental Restoration, Formerly Used Defense
10 Sites”.

11 (TRANSFER OF FUNDS)

12 SEC. 8008. During the current fiscal year, cash bal-
13 ances in working capital funds of the Department of De-
14 fense established pursuant to section 2208 of title 10,
15 United States Code, may be maintained in only such
16 amounts as are necessary at any time for cash disburse-
17 ments to be made from such funds: *Provided*, That trans-
18 fers may be made between such funds: *Provided further*,
19 That transfers may be made between working capital
20 funds and the “Foreign Currency Fluctuations, Defense”
21 appropriation and the “Operation and Maintenance” ap-
22 propriation accounts in such amounts as may be deter-
23 mined by the Secretary of Defense, with the approval of
24 the Office of Management and Budget, except that such
25 transfers may not be made unless the Secretary of Defense

1 has notified the Congress of the proposed transfer: *Pro-*
2 *vided further*, That except in amounts equal to the
3 amounts appropriated to working capital funds in this Act,
4 no obligations may be made against a working capital fund
5 to procure or increase the value of war reserve material
6 inventory, unless the Secretary of Defense has notified the
7 Congress prior to any such obligation.

8 SEC. 8009. Funds appropriated by this Act may not
9 be used to initiate a special access program without prior
10 notification 30 calendar days in advance to the congres-
11 sional defense committees.

12 SEC. 8010. None of the funds provided in this Act
13 shall be available to initiate: (1) a multiyear contract that
14 employs economic order quantity procurement in excess of
15 \$20,000,000 in any one year of the contract or that in-
16 cludes an unfunded contingent liability in excess of
17 \$20,000,000; or (2) a contract for advance procurement
18 leading to a multiyear contract that employs economic
19 order quantity procurement in excess of \$20,000,000 in
20 any one year, unless the congressional defense committees
21 have been notified at least 30 days in advance of the pro-
22 posed contract award: *Provided*, That no part of any ap-
23 propriation contained in this Act shall be available to ini-
24 tiate a multiyear contract for which the economic order
25 quantity advance procurement is not funded at least to

1 the limits of the Government's liability: *Provided further*,
2 That no part of any appropriation contained in this Act
3 shall be available to initiate multiyear procurement con-
4 tracts for any systems or component thereof if the value
5 of the multiyear contract would exceed \$500,000,000 un-
6 less specifically provided in this Act: *Provided further*,
7 That no multiyear procurement contract can be termi-
8 nated without 30-day prior notification to the congres-
9 sional defense committees: *Provided further*, That the exe-
10 cution of multiyear authority shall require the use of a
11 present value analysis to determine lowest cost compared
12 to an annual procurement: *Provided further*, That none of
13 the funds provided in this Act may be used for a multiyear
14 contract executed after the date of the enactment of this
15 Act unless in the case of any such contract—

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

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

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

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

12 SEC. 8011. Within the funds appropriated for the op-
13 eration and maintenance of the Armed Forces, funds are
14 hereby appropriated pursuant to section 401 of title 10,
15 United States Code, for humanitarian and civic assistance
16 costs under chapter 20 of title 10, United States Code.
17 Such funds may also be obligated for humanitarian and
18 civic assistance costs incidental to authorized operations
19 and pursuant to authority granted in section 401 of title
20 10, United States Code, and these obligations shall be re-
21 ported as required by section 401(d) of title 10, United
22 States Code: *Provided*, That funds available for operation
23 and maintenance shall be available for providing humani-
24 tarian and similar assistance by using Civic Action Teams
25 in the Trust Territories of the Pacific Islands and freely

1 associated states of Micronesia, pursuant to the Compact
2 of Free Association as authorized by Public Law 99–239:
3 *Provided further*, That upon a determination by the Sec-
4 retary of the Army that such action is beneficial for grad-
5 uate medical education programs conducted at Army med-
6 ical facilities located in Hawaii, the Secretary of the Army
7 may authorize the provision of medical services at such
8 facilities and transportation to such facilities, on a nonre-
9 imburseable basis, for civilian patients from American
10 Samoa, the Commonwealth of the Northern Mariana Is-
11 lands, the Marshall Islands, the Federated States of Mi-
12 cronesia, Palau, and Guam.

13 SEC. 8012. (a) During the current fiscal year, the
14 civilian personnel of the Department of Defense may not
15 be managed on the basis of any constraint or limitation
16 in terms of man years, end strength, full-time equivalent
17 positions, or maximum number of employees, but are to
18 be managed primarily on the basis of, and in a manner
19 consistent with—

20 (1) the total force management policies and
21 procedures established under section 129a of title
22 10, United States Code;

23 (2) the workload required to carry out the func-
24 tions and activities of the Department; and

1 (3) the funds made available to the Department
2 for such fiscal year.

3 (b) None of the funds appropriated by this Act may
4 be used to reduce the civilian workforce programmed full
5 time equivalent levels absent the appropriate analysis of
6 the impacts of these reductions on workload, military force
7 structure, lethality, readiness, operational effectiveness,
8 stress on the military force, and fully burdened costs.

9 (c) None of the funds appropriated by this Act may
10 be used for term or temporary hiring authorities for en-
11 during functions.

12 (d) A projection of the number of full-time equivalent
13 positions shall not be considered a constraint or limitation
14 for purposes of subsection (a) and reducing funding for
15 under-execution of such a projection shall not be consid-
16 ered managing based on a constraint or limitation for pur-
17 poses of such subsection.

18 (e) The fiscal year 2022 budget request for the De-
19 partment of Defense, and any justification material and
20 other documentation supporting such request, shall be
21 prepared and submitted to Congress as if subsections (a)
22 and (b) were effective with respect to such fiscal year.

23 (f) Nothing in this section shall be construed to apply
24 to military (civilian) technicians.

1 authority of this provision or any other transfer authority
2 contained in this Act.

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

1 Senate that such an acquisition must be made in order
2 to acquire capability for national security purposes.

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

23 SEC. 8018. None of the funds available to the De-
24 partment of Defense may be used to demilitarize or dis-
25 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,

1 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
2 to demilitarize or destroy small arms ammunition or am-
3 munition components that are not otherwise prohibited
4 from commercial sale under Federal law, unless the small
5 arms ammunition or ammunition components are certified
6 by the Secretary of the Army or designee as unserviceable
7 or unsafe for further use.

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

17 SEC. 8020. In addition to the funds provided else-
18 where in this Act, \$25,000,000 is appropriated only for
19 incentive payments authorized by section 504 of the In-
20 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,
21 That a prime contractor or a subcontractor at any tier
22 that makes a subcontract award to any subcontractor or
23 supplier as defined in section 1544 of title 25, United
24 States Code, or a small business owned and controlled by
25 an individual or individuals defined under section 4221(9)

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

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

21 SEC. 8022. During the current fiscal year, the De-
22 partment of Defense is authorized to incur obligations of
23 not to exceed \$350,000,000 for purposes specified in sec-
24 tion 2350j(c) of title 10, United States Code, in anticipa-
25 tion of receipt of contributions, only from the Government

1 of Kuwait, under that section: *Provided*, That, upon re-
2 ceipt, such contributions from the Government of Kuwait
3 shall be credited to the appropriations or fund which in-
4 curred such obligations.

5 SEC. 8023. (a) The Secretary of Defense shall notify
6 the congressional defense committees in writing not more
7 than 15 days after the receipt of any contribution of funds
8 received from the government of a foreign country for any
9 purpose relating to the stationing or operations of the
10 United States Armed Forces.

11 (b) Any notification submitted under subsection (a)
12 shall include the amount of the contribution; the purpose
13 for which such contribution was made; and the authority
14 under which such contribution was accepted by the Sec-
15 retary of Defense.

16 (c) The Secretary of Defense shall, not fewer than
17 15 days prior to obligating funds received pursuant to sub-
18 section (a), submit to the congressional defense commit-
19 tees in writing a notification of the details of any such
20 obligation, including—

21 (1) the total amount of such contributions and
22 the date received;

23 (2) the account or accounts to which such con-
24 tributions were deposited and may be subsequently
25 transferred;

1 (3) a description of the purpose for which such
2 contributions were made; any contributions expected
3 in future years from the foreign country; any agree-
4 ment or memorandum of understanding between the
5 United States and such country relating to such con-
6 tributions; and any associated in-kind contributions;

7 (4) the planned use of such contributions, in-
8 cluding whether such contributions would support
9 existing or new stationing or operations of the
10 United States Armed Forces; and

11 (5) a list of any additional congressional action
12 or notification (other than the notification required
13 by this section) needed prior to the obligation or ex-
14 penditure of such contributions.

15 (d) Nothing in this section may be construed to au-
16 thorize the Secretary to accept contributions from a for-
17 eign country.

18 SEC. 8024. (a) Of the funds made available in this
19 Act, not less than \$56,205,000 shall be available for the
20 Civil Air Patrol Corporation, of which—

21 (1) \$43,205,000 shall be available from “Oper-
22 ation and Maintenance, Air Force” to support Civil
23 Air Patrol Corporation operation and maintenance,
24 readiness, counter-drug activities, and drug demand
25 reduction activities involving youth programs;

1 (2) \$11,200,000 shall be available from “Air-
2 craft Procurement, Air Force”; and

3 (3) \$1,800,000 shall be available from “Other
4 Procurement, Air Force” for vehicle procurement.

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

9 SEC. 8025. (a) None of the funds appropriated in this
10 Act are available to establish a new Department of De-
11 fense (department) federally funded research and develop-
12 ment center (FFRDC), either as a new entity, or as a
13 separate entity administrated by an organization man-
14 aging another FFRDC, or as a nonprofit membership cor-
15 poration consisting of a consortium of other FFRDCs and
16 other nonprofit entities.

17 (b) No member of a Board of Directors, Trustees,
18 Overseers, Advisory Group, Special Issues Panel, Visiting
19 Committee, or any similar entity of a defense FFRDC,
20 and no paid consultant to any defense FFRDC, except
21 when acting in a technical advisory capacity, may be com-
22 pensated for his or her services as a member of such enti-
23 ty, or as a paid consultant by more than one FFRDC in
24 a fiscal year: *Provided*, That a member of any such entity
25 referred to previously in this subsection shall be allowed

1 travel expenses and per diem as authorized under the Fed-
2 eral Joint Travel Regulations, when engaged in the per-
3 formance of membership duties.

4 (c) Notwithstanding any other provision of law, none
5 of the funds available to the department from any source
6 during the current fiscal year may be used by a defense
7 FFRDC, through a fee or other payment mechanism, for
8 construction of new buildings not located on a military in-
9 stallation, for payment of cost sharing for projects funded
10 by Government grants, for absorption of contract over-
11 runs, or for certain charitable contributions, not to include
12 employee participation in community service and/or devel-
13 opment.

14 (d) Notwithstanding any other provision of law, of
15 the funds available to the department during fiscal year
16 2021, not more than 6,110 staff years of technical effort
17 (staff years) may be funded for defense FFRDCs: *Pro-*
18 *vided*, That, of the specific amount referred to previously
19 in this subsection, not more than 1,148 staff years may
20 be funded for the defense studies and analysis FFRDCs:
21 *Provided further*, That this subsection shall not apply to
22 staff years funded in the National Intelligence Program
23 and the Military Intelligence Program.

24 (e) The Secretary of Defense shall, with the submis-
25 sion of the department's fiscal year 2022 budget request,

1 submit a report presenting the specific amounts of staff
2 years of technical effort to be allocated for each defense
3 FFRDC during that fiscal year and the associated budget
4 estimates.

5 (f) Notwithstanding any other provision of this Act,
6 the total amount appropriated in this Act for FFRDCs
7 is hereby increased by \$21,834,000: *Provided*, That this
8 subsection shall not apply to appropriations for the Na-
9 tional Intelligence Program (NIP) and the Military Intel-
10 ligence Program (MIP).

11 SEC. 8026. None of the funds appropriated or made
12 available in this Act shall be used to procure carbon, alloy,
13 or armor steel plate for use in any Government-owned fa-
14 cility or property under the control of the Department of
15 Defense which were not melted and rolled in the United
16 States or Canada: *Provided*, That these procurement re-
17 strictions shall apply to any and all Federal Supply Class
18 9515, American Society of Testing and Materials (ASTM)
19 or American Iron and Steel Institute (AISI) specifications
20 of carbon, alloy or armor steel plate: *Provided further*,
21 That the Secretary of the military department responsible
22 for the procurement may waive this restriction on a case-
23 by-case basis by certifying in writing to the Committees
24 on Appropriations of the House of Representatives and the
25 Senate that adequate domestic supplies are not available

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

7 SEC. 8027. For the purposes of this Act, the term
8 “congressional defense committees” means the Armed
9 Services Committee of the House of Representatives, the
10 Armed Services Committee of the Senate, the Sub-
11 committee on Defense of the Committee on Appropriations
12 of the Senate, and the Subcommittee on Defense of the
13 Committee on Appropriations of the House of Representa-
14 tives.

15 SEC. 8028. During the current fiscal year, the De-
16 partment of Defense may acquire the modification, depot
17 maintenance and repair of aircraft, vehicles and vessels
18 as well as the production of components and other De-
19 fense-related articles, through competition between De-
20 partment of Defense depot maintenance activities and pri-
21 vate firms: *Provided*, That the Senior Acquisition Execu-
22 tive of the military department or Defense Agency con-
23 cerned, with power of delegation, shall certify that success-
24 ful bids include comparable estimates of all direct and in-
25 direct costs for both public and private bids: *Provided fur-*

1 *ther*, That Office of Management and Budget Circular A-
2 76 shall not apply to competitions conducted under this
3 section.

4 SEC. 8029. (a)(1) If the Secretary of Defense, after
5 consultation with the United States Trade Representative,
6 determines that a foreign country which is party to an
7 agreement described in paragraph (2) has violated the
8 terms of the agreement by discriminating against certain
9 types of products produced in the United States that are
10 covered by the agreement, the Secretary of Defense shall
11 rescind the Secretary's blanket waiver of the Buy Amer-
12 ican Act with respect to such types of products produced
13 in that foreign country.

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

20 (b) The Secretary of Defense shall submit to the Con-
21 gress a report on the amount of Department of Defense
22 purchases from foreign entities in fiscal year 2021. Such
23 report shall separately indicate the dollar value of items
24 for which the Buy American Act was waived pursuant to
25 any agreement described in subsection (a)(2), the Trade

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

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

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

14 SEC. 8031. (a) Notwithstanding any other provision
15 of law, the Secretary of the Air Force may convey at no
16 cost to the Air Force, without consideration, to Indian
17 tribes located in the States of Nevada, Idaho, North Da-
18 kota, South Dakota, Montana, Oregon, Minnesota, and
19 Washington relocatable military housing units located at
20 Grand Forks Air Force Base, Malmstrom Air Force Base,
21 Mountain Home Air Force Base, Ellsworth Air Force
22 Base, and Minot Air Force Base that are excess to the
23 needs of the Air Force.

24 (b) The Secretary of the Air Force shall convey, at
25 no cost to the Air Force, military housing units under sub-

1 section (a) in accordance with the request for such units
2 that are submitted to the Secretary by the Operation
3 Walking Shield Program on behalf of Indian tribes located
4 in the States of Nevada, Idaho, North Dakota, South Da-
5 kota, Montana, Oregon, Minnesota, and Washington. Any
6 such conveyance shall be subject to the condition that the
7 housing units shall be removed within a reasonable period
8 of time, as determined by the Secretary.

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

14 (d) In this section, the term “Indian tribe” means
15 any recognized Indian tribe included on the current list
16 published by the Secretary of the Interior under section
17 104 of the Federally Recognized Indian Tribe Act of 1994
18 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).

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

24 SEC. 8033. Up to \$14,000,000 of the funds appro-
25 priated under the heading “Operation and Maintenance,

1 Navy” may be made available for the Asia Pacific Re-
2 gional Initiative Program for the purpose of enabling the
3 United States Indo-Pacific Command to execute Theater
4 Security Cooperation activities such as humanitarian as-
5 sistance, and payment of incremental and personnel costs
6 of training and exercising with foreign security forces:
7 *Provided*, That funds made available for this purpose may
8 be used, notwithstanding any other funding authorities for
9 humanitarian assistance, security assistance or combined
10 exercise expenses: *Provided further*, That funds may not
11 be obligated to provide assistance to any foreign country
12 that is otherwise prohibited from receiving such type of
13 assistance under any other provision of law.

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

24 SEC. 8035. (a) During the current fiscal year, none
25 of the appropriations or funds available to the Department

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

12 (b) The fiscal year 2022 budget request for the De-
13 partment of Defense as well as all justification material
14 and other documentation supporting the fiscal year 2022
15 Department of Defense budget shall be prepared and sub-
16 mitted to the Congress on the basis that any equipment
17 which was classified as an end item and funded in a pro-
18 curement appropriation contained in this Act shall be
19 budgeted for in a proposed fiscal year 2022 procurement
20 appropriation and not in the supply management business
21 area or any other area or category of the Department of
22 Defense Working Capital Funds.

23 SEC. 8036. None of the funds appropriated by this
24 Act for programs of the Central Intelligence Agency shall
25 remain available for obligation beyond the current fiscal

1 year, except for funds appropriated for the Reserve for
2 Contingencies, which shall remain available until Sep-
3 tember 30, 2022: *Provided*, That funds appropriated,
4 transferred, or otherwise credited to the Central Intel-
5 ligence Agency Central Services Working Capital Fund
6 during this or any prior or subsequent fiscal year shall
7 remain available until expended: *Provided further*, That
8 any funds appropriated or transferred to the Central Intel-
9 ligence Agency for advanced research and development ac-
10 quisition, for agent operations, and for covert action pro-
11 grams authorized by the President under section 503 of
12 the National Security Act of 1947 (50 U.S.C. 3093) shall
13 remain available until September 30, 2022: *Provided fur-*
14 *ther*, That any funds appropriated or transferred to the
15 Central Intelligence Agency for the construction, improve-
16 ment, or alteration of facilities, including leased facilities,
17 to be used primarily by personnel of the intelligence com-
18 munity shall remain available until September 30, 2023.

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 a concurrent resolution on the
14 budget or the Balanced Budget and Emergency Deficit
15 Control Act of 1985, as amended:

16 “Weapons and Tracked Combat Vehicles, Army”,
17 2019/2021, \$14,250,000;

18 “Other Procurement, Army”, 2019/2021,
19 \$12,953,000;

20 “Aircraft Procurement, Navy”, 2019/2021,
21 \$7,983,000;

22 “Other Procurement, Navy”, 2019/2021,
23 \$2,226,000;

24 “Aircraft Procurement, Air Force”, 2019/2021,
25 \$236,624,000;

1 “Other Procurement, Air Force”, 2019/2021,
2 \$12,400,000;
3 “Operation and Maintenance, Defense-Wide: Defense
4 Security Cooperation Agency”, 2020/2021, \$20,000,000;
5 “Weapons and Tracked Combat Vehicles, Army”,
6 2020/2022, \$93,840,000;
7 “Other Procurement, Army”, 2020/2022,
8 \$10,878,000;
9 “Aircraft Procurement, Navy”, 2020/2022,
10 \$351,009,000;
11 “Shipbuilding and Conversation, Navy: CVN Refuel-
12 ing Overhauls”, 2020/2024, \$13,100,000;
13 “Shipbuilding and Conversion, Navy: TAO Fleet
14 Oiler (AP)”, 2020/2024, \$73,000,000;
15 “Other Procurement, Navy”, 2020/2022,
16 \$60,920,000;
17 “Procurement, Marine Corps”, 2020/2022,
18 \$33,539,000;
19 “Aircraft Procurement, Air Force”, 2020/2022,
20 \$439,458,000;
21 “Missile Procurement, Air Force”, 2020/2022,
22 \$24,500,000;
23 “Other Procurement, Air Force”, 2020/2022,
24 \$11,226,000;

1 “Research, Development, Test and Evaluation,
2 Army”, 2020/2021, \$310,622,000;

3 “Research, Development, Test and Evaluation,
4 Navy”, 2020/2021, \$70,000,000;

5 “Research, Development, Test and Evaluation, Air
6 Force”, 2020/2021, \$219,341,000;

7 “Research, Development, Test and Evaluation, De-
8 fense-Wide”, 2020/2021, \$323,231,000; and

9 “Defense Counterintelligence and Security Agency
10 Working Capital Fund”, 2020/20XX, \$150,000,000.

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

20 SEC. 8043. None of the funds appropriated or other-
21 wise made available in this Act may be obligated or ex-
22 pended for assistance to the Democratic People’s Republic
23 of Korea unless specifically appropriated for that purpose.

24 SEC. 8044. Funds appropriated in this Act for oper-
25 ation and maintenance of the Military Departments, Com-

1 batant Commands and Defense Agencies shall be available
2 for reimbursement of pay, allowances and other expenses
3 which would otherwise be incurred against appropriations
4 for the National Guard and Reserve when members of the
5 National Guard and Reserve provide intelligence or coun-
6 terintelligence support to Combatant Commands, Defense
7 Agencies and Joint Intelligence Activities, including the
8 activities and programs included within the National Intel-
9 ligence Program and the Military Intelligence Program:
10 *Provided*, That nothing in this section authorizes deviation
11 from established Reserve and National Guard personnel
12 and training procedures.

13 SEC. 8045. (a) None of the funds available to the
14 Department of Defense for any fiscal year for drug inter-
15 diction or counter-drug activities may be transferred to
16 any other department or agency of the United States ex-
17 cept as specifically provided in an appropriations law.

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

23 SEC. 8046. None of the funds appropriated by this
24 Act may be used for the procurement of ball and roller
25 bearings other than those produced by a domestic source

1 and of domestic origin: *Provided*, That the Secretary of
2 the military department responsible for such procurement
3 may waive this restriction on a case-by-case basis by certi-
4 fying in writing to the Committees on Appropriations of
5 the House of Representatives and the Senate, that ade-
6 quate domestic supplies are not available to meet Depart-
7 ment of Defense requirements on a timely basis and that
8 such an acquisition must be made in order to acquire ca-
9 pability for national security purposes: *Provided further*,
10 That this restriction shall not apply to the purchase of
11 “commercial items”, as defined by section 103 of title 41,
12 United States Code, except that the restriction shall apply
13 to ball or roller bearings purchased as end items.

14 SEC. 8047. In addition to the amounts appropriated
15 or otherwise made available elsewhere in this Act,
16 \$47,500,000 is hereby appropriated to the Department of
17 Defense: *Provided*, That upon the determination of the
18 Secretary of Defense that it shall serve the national inter-
19 est, the Secretary shall make grants in the amounts speci-
20 fied as follows: \$22,500,000 to the United Service Organi-
21 zations and \$25,000,000 to the Red Cross.

22 SEC. 8048. None of the funds in this Act may be
23 used to purchase any supercomputer which is not manu-
24 factured in the United States, unless the Secretary of De-
25 fense certifies to the congressional defense committees

1 that such an acquisition must be made in order to acquire
2 capability for national security purposes that is not avail-
3 able from United States manufacturers.

4 SEC. 8049. Notwithstanding any other provision in
5 this Act, the Small Business Innovation Research program
6 and the Small Business Technology Transfer program set-
7 asides shall be taken proportionally from all programs,
8 projects, or activities to the extent they contribute to the
9 extramural budget.

10 SEC. 8050. None of the funds available to the De-
11 partment of Defense under this Act shall be obligated or
12 expended to pay a contractor under a contract with the
13 Department of Defense for costs of any amount paid by
14 the contractor to an employee when—

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

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

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8051. During the current fiscal year, no more
22 than \$30,000,000 of appropriations made in this Act
23 under the heading “Operation and Maintenance, Defense-
24 Wide” may be transferred to appropriations available for
25 the pay of military personnel, to be merged with, and to

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

7 SEC. 8052. During the current fiscal year, in the case
8 of an appropriation account of the Department of Defense
9 for which the period of availability for obligation has ex-
10 pired or which has closed under the provisions of section
11 1552 of title 31, United States Code, and which has a
12 negative unliquidated or unexpended balance, an obliga-
13 tion or an adjustment of an obligation may be charged
14 to any current appropriation account for the same purpose
15 as the expired or closed account if—

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

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

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

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

14 *Provided*, That the Under Secretary of Defense (Comp-
15 troller) shall include with the budget of the President for
16 fiscal year 2022 (as submitted to Congress pursuant to
17 section 1105 of title 31, United States Code) a statement
18 describing each instance if any, during each of the fiscal
19 years 2016 through 2021 in which the authority in this
20 section was exercised.

21 SEC. 8053. (a) Notwithstanding any other provision
22 of law, the Chief of the National Guard Bureau may per-
23 mit the use of equipment of the National Guard Distance
24 Learning Project by any person or entity on a space-avail-
25 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”, \$40,000,000 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, at the time of the submittal
6 to Congress of the budget of the President for fiscal year
7 2022 pursuant to section 1105 of title 31, United States
8 Code, submit to the congressional defense committees a
9 report detailing the use of funds requested in research,
10 development, test and evaluation accounts for end-items
11 used in development, prototyping and test activities pre-
12 ceding and leading to acceptance for operational use: *Pro-*
13 *vided further*, That the report shall set forth, for each end-
14 item covered by the preceding proviso, a detailed list of
15 the statutory authorities under which amounts in the ac-
16 counts described in that proviso were used for such item:
17 *Provided further*, That this restriction does not apply to
18 programs funded within the National Intelligence Pro-
19 gram: *Provided further*, That the Secretary of Defense
20 may waive this restriction on a case-by-case basis by certi-
21 fying in writing to the Committees on Appropriations of
22 the House of Representatives and the Senate that it is
23 in the national security interest to do so.

24 SEC. 8056. (a) The Secretary of Defense may, on a
25 case-by-case basis, waive with respect to a foreign country

1 each limitation on the procurement of defense items from
2 foreign sources provided in law if the Secretary determines
3 that the application of the limitation with respect to that
4 country would invalidate cooperative programs entered
5 into between the Department of Defense and the foreign
6 country, or would invalidate reciprocal trade agreements
7 for the procurement of defense items entered into under
8 section 2531 of title 10, United States Code, and the
9 country does not discriminate against the same or similar
10 defense items produced in the United States for that coun-
11 try.

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

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

15 (2) options for the procurement of items that
16 are exercised after such date under contracts that
17 are entered into before such date if the option prices
18 are adjusted for any reason other than the applica-
19 tion of a waiver granted under subsection (a).

20 (c) Subsection (a) does not apply to a limitation re-
21 garding construction of public vessels, ball and roller bear-
22 ings, food, and clothing or textile materials as defined by
23 section XI (chapters 50–65) of the Harmonized Tariff
24 Schedule of the United States and products classified
25 under headings 4010, 4202, 4203, 6401 through 6406,

1 6505, 7019, 7218 through 7229, 7304.41 through
2 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109,
3 8211, 8215, and 9404.

4 SEC. 8057. None of the funds appropriated or other-
5 wise made available by this or other Department of De-
6 fense Appropriations Acts may be obligated or expended
7 for the purpose of performing repairs or maintenance to
8 military family housing units of the Department of De-
9 fense, including areas in such military family housing
10 units that may be used for the purpose of conducting offi-
11 cial Department of Defense business.

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

22 SEC. 8059. The Secretary of Defense shall continue
23 to provide a classified quarterly report to the Committees
24 on Appropriations of the House of Representatives and the

1 Senate, Subcommittees on Defense on certain matters as
2 directed in the classified annex accompanying this Act.

3 SEC. 8060. Notwithstanding section 12310(b) of title
4 10, United States Code, a Reserve who is a member of
5 the National Guard serving on full-time National Guard
6 duty under section 502(f) of title 32, United States Code,
7 may perform duties in support of the ground-based ele-
8 ments of the National Ballistic Missile Defense System.

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

1 SEC. 8062. Notwithstanding any other provision of
2 law, the Chief of the National Guard Bureau, or his des-
3 ignee, may waive payment of all or part of the consider-
4 ation that otherwise would be required under section 2667
5 of title 10, United States Code, in the case of a lease of
6 personal property for a period not in excess of 1 year to
7 any organization specified in section 508(d) of title 32,
8 United States Code, or any other youth, social, or fra-
9 ternal nonprofit organization as may be approved by the
10 Chief of the National Guard Bureau, or his designee, on
11 a case-by-case basis.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 8063. Of the amounts appropriated in this Act
14 under the heading “Operation and Maintenance, Army”,
15 \$137,724,000 shall remain available until expended: *Pro-*
16 *vided*, That, notwithstanding any other provision of law,
17 the Secretary of Defense is authorized to transfer such
18 funds to other activities of the Federal Government: *Pro-*
19 *vided further*, That the Secretary of Defense is authorized
20 to enter into and carry out contracts for the acquisition
21 of real property, construction, personal services, and oper-
22 ations related to projects carrying out the purposes of this
23 section: *Provided further*, That contracts entered into
24 under the authority of this section may provide for such
25 indemnification as the Secretary determines to be nec-

1 essary: *Provided further*, That projects authorized by this
2 section shall comply with applicable Federal, State, and
3 local law to the maximum extent consistent with the na-
4 tional security, as determined by the Secretary of Defense.

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

8 (1) the appropriations account structure for the Na-
9 tional Intelligence Program budget, including through the
10 creation of a new appropriation or new appropriation ac-
11 count;

12 (2) how the National Intelligence Program budget re-
13 quest is presented in the unclassified P-1, R-1, and O-
14 1 documents supporting the Department of Defense budg-
15 et request;

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

19 (4) the process by which the National Intelligence
20 Program appropriations are allotted, obligated, and dis-
21 bursed.

22 (b) Nothing in subsection (a) shall be construed to
23 prohibit the merger of programs or changes to the Na-
24 tional Intelligence Program budget at or below the Ex-

1 penditure Center level, provided such change is otherwise
2 in accordance with paragraphs (a)(1)-(3).

3 SEC. 8065. In addition to amounts provided else-
4 where in this Act, \$5,000,000 is hereby appropriated to
5 the Department of Defense, to remain available for obliga-
6 tion until expended: *Provided*, That notwithstanding any
7 other provision of law, that upon the determination of the
8 Secretary of Defense that it shall serve the national inter-
9 est, these funds shall be available only for a grant to the
10 Fisher House Foundation, Inc., only for the construction
11 and furnishing of additional Fisher Houses to meet the
12 needs of military family members when confronted with
13 the illness or hospitalization of an eligible military bene-
14 ficiary.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8066. Of the amounts appropriated for “Oper-
17 ation and Maintenance, Navy”, up to \$1,000,000 shall be
18 available for transfer to the John C. Stennis Center for
19 Public Service Development Trust Fund established under
20 section 116 of the John C. Stennis Center for Public Serv-
21 ice Training and Development Act (2 U.S.C. 1105).

22 SEC. 8067. None of the funds available to the De-
23 partment of Defense may be obligated to modify command
24 and control relationships to give Fleet Forces Command
25 operational and administrative control of United States

1 Navy forces assigned to the Pacific fleet: *Provided*, That
2 the command and control relationships which existed on
3 October 1, 2004, shall remain in force until a written
4 modification has been proposed to the Committees on Ap-
5 propriations of the House of Representatives and the Sen-
6 ate: *Provided further*, That the proposed modification may
7 be implemented 30 days after the notification unless an
8 objection is received from either the House or Senate Ap-
9 propriations Committees: *Provided further*, That any pro-
10 posed modification shall not preclude the ability of the
11 commander of United States Indo-Pacific Command to
12 meet operational requirements.

13 SEC. 8068. Any notice that is required to be sub-
14 mitted to the Committees on Appropriations of the House
15 of Representatives and the Senate under section 806(c)(4)
16 of the Bob Stump National Defense Authorization Act for
17 Fiscal Year 2003 (10 U.S.C. 2302 note) after the date
18 of the enactment of this Act shall be submitted pursuant
19 to that requirement concurrently to the Subcommittees on
20 Defense of the Committees on Appropriations of the
21 House of Representatives and the Senate.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 8069. Of the amounts appropriated in this Act
24 under the headings “Procurement, Defense-Wide” and
25 “Research, Development, Test and Evaluation, Defense-

1 Wide”, \$500,000,000 shall be for the Israeli Cooperative
2 Programs: *Provided*, That of this amount, \$73,000,000
3 shall be for the Secretary of Defense to provide to the Gov-
4 ernment of Israel for the procurement of the Iron Dome
5 defense system to counter short-range rocket threats, sub-
6 ject to the U.S.-Israel Iron Dome Procurement Agree-
7 ment, as amended; \$177,000,000 shall be for the Short
8 Range Ballistic Missile Defense (SRBMD) program, in-
9 cluding cruise missile defense research and development
10 under the SRBMD program, of which \$50,000,000 shall
11 be for co-production activities of SRBMD systems in the
12 United States and in Israel to meet Israel’s defense re-
13 quirements consistent with each nation’s laws, regulations,
14 and procedures, subject to the U.S.-Israeli co-production
15 agreement for SRBMD, as amended; \$77,000,000 shall
16 be for an upper-tier component to the Israeli Missile De-
17 fense Architecture, of which \$77,000,000 shall be for co-
18 production activities of Arrow 3 Upper Tier systems in
19 the United States and in Israel to meet Israel’s defense
20 requirements consistent with each nation’s laws, regula-
21 tions, and procedures, subject to the U.S.-Israeli co-pro-
22 duction agreement for Arrow 3 Upper Tier, as amended;
23 and \$173,000,000 shall be for the Arrow System Improve-
24 ment Program including development of a long range,
25 ground and airborne, detection suite: *Provided further*,

1 That the transfer authority provided under this provision
2 is in addition to any other transfer authority contained
3 in this Act.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8070. Of the amounts appropriated in this Act
6 under the heading “Shipbuilding and Conversion, Navy”,
7 \$369,112,000 shall be available until September 30, 2021,
8 to fund prior year shipbuilding cost increases: *Provided*,
9 That upon enactment of this Act, the Secretary of the
10 Navy shall transfer funds to the following appropriations
11 in the amounts specified: *Provided further*, That the
12 amounts transferred shall be merged with and be available
13 for the same purposes as the appropriations to which
14 transferred to:

15 (1) Under the heading “Shipbuilding and Con-
16 version, Navy”, 2008/2021: Carrier Replacement
17 Program \$71,000,000;

18 (2) Under the heading “Shipbuilding and Con-
19 version, Navy”, 2015/2021: DDG-51 Destroyer
20 \$9,634,000;

21 (3) Under the heading “Shipbuilding and Con-
22 version, Navy”, 2016/2021: CVN Refueling Over-
23 hauls \$198,000,000;

24 (4) Under the heading “Shipbuilding and Con-
25 version, Navy”, 2016/2021: LPD-17 \$30,578,000;

1 (5) Under the heading “Shipbuilding and Con-
2 version, Navy”, 2016/2021: TAO Fleet Oiler
3 \$42,500,000; and

4 (6) Under the heading “Shipbuilding and Con-
5 version, Navy”, 2018/2021: TAO Fleet Oiler
6 \$17,400,000.

7 SEC. 8071. 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 2021 until the enactment of the Intelligence Author-
13 ization Act for Fiscal Year 2021.

14 SEC. 8072. 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 practicable) that such program, project, or
21 activity must be undertaken immediately in the interest
22 of national security and only after written prior notifica-
23 tion to the congressional defense committees.

24 SEC. 8073. The budget of the President for fiscal
25 year 2022 submitted to the Congress pursuant to section

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

23 SEC. 8074. None of the funds in this Act may be
24 used for research, development, test, evaluation, procure-

1 ment or deployment of nuclear armed interceptors of a
2 missile defense system.

3 SEC. 8075. The Secretary of Defense may use up to
4 \$500,000,000 of the amounts appropriated or otherwise
5 made available in this Act to the Department of Defense
6 for the rapid acquisition and deployment of supplies and
7 associated support services pursuant to section 806 of the
8 Bob Stump National Defense Authorization Act for Fiscal
9 Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note):
10 *Provided*, That the Secretary of Defense shall notify the
11 congressional defense committees promptly of all uses of
12 such authority.

13 SEC. 8076. None of the funds appropriated or made
14 available in this Act shall be used to reduce or disestablish
15 the operation of the 53rd Weather Reconnaissance Squad-
16 ron of the Air Force Reserve, if such action would reduce
17 the WC–130 Weather Reconnaissance mission below the
18 levels funded in this Act: *Provided*, That the Air Force
19 shall allow the 53rd Weather Reconnaissance Squadron to
20 perform other missions in support of national defense re-
21 quirements during the non-hurricane season.

22 SEC. 8077. None of the funds provided in this Act
23 shall be available for integration of foreign intelligence in-
24 formation unless the information has been lawfully col-
25 lected and processed during the conduct of authorized for-

1 eign intelligence activities: *Provided*, That information
2 pertaining to United States persons shall only be handled
3 in accordance with protections provided in the Fourth
4 Amendment of the United States Constitution as imple-
5 mented through Executive Order No. 12333.

6 SEC. 8078. (a) None of the funds appropriated by
7 this Act may be used to transfer research and develop-
8 ment, acquisition, or other program authority relating to
9 current tactical unmanned aerial vehicles (TUAVs) from
10 the Army.

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

16 SEC. 8079. None of the funds appropriated by this
17 Act for programs of the Office of the Director of National
18 Intelligence shall remain available for obligation beyond
19 the current fiscal year, except for funds appropriated for
20 research and technology, which shall remain available until
21 September 30, 2022.

22 SEC. 8080. For purposes of section 1553(b) of title
23 31, United States Code, any subdivision of appropriations
24 made in this Act under the heading “Shipbuilding and
25 Conversion, Navy” shall be considered to be for the same

1 purpose as any subdivision under the heading “Ship-
2 building and Conversion, Navy” appropriations in any
3 prior fiscal year, and the 1 percent limitation shall apply
4 to the total amount of the appropriation.

5 SEC. 8081. (a) Not later than 60 days after the date
6 of enactment of this Act, the Director of National Intel-
7 ligence shall submit a report to the congressional intel-
8 ligence committees to establish the baseline for application
9 of reprogramming and transfer authorities for fiscal year
10 2021: *Provided*, That the report shall include—

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

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

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

20 (b) None of the funds provided for the National Intel-
21 ligence Program in this Act shall be available for re-
22 programming or transfer until the report identified in sub-
23 section (a) is submitted to the congressional intelligence
24 committees, unless the Director of National Intelligence
25 certifies in writing to the congressional intelligence com-

1 mittees that such reprogramming or transfer is necessary
2 as an emergency requirement.

3 SEC. 8082. Notwithstanding any other provision of
4 law, any transfer of funds, appropriated or otherwise made
5 available by this Act, for support to friendly foreign coun-
6 tries in connection with the conduct of operations in which
7 the United States is not participating, pursuant to section
8 331(d) of title 10, United States Code, shall be made in
9 accordance with section 8005 or 9002 of this Act, as appli-
10 cable.

11 SEC. 8083. Any transfer of amounts appropriated to,
12 credited to, or deposited in the Department of Defense Ac-
13 quisition Workforce Development Account in or for fiscal
14 year 2021 to a military department or Defense Agency
15 pursuant to section 1705(e)(1) of title 10, United States
16 Code, shall be covered by and subject to section 8005 or
17 9002 of this Act, as applicable.

18 SEC. 8084. None of the funds made available by this
19 Act for excess defense articles, assistance under section
20 333 of title 10, United States Code, or peacekeeping oper-
21 ations for the countries designated annually to be in viola-
22 tion of the standards of the Child Soldiers Prevention Act
23 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may
24 be used to support any military training or operation that
25 includes child soldiers, as defined by the Child Soldiers

1 Prevention Act of 2008, unless such assistance is other-
2 wise permitted under section 404 of the Child Soldiers
3 Prevention Act of 2008.

4 SEC. 8085. (a) None of the funds provided for the
5 National Intelligence Program in this or any prior appro-
6 priations Act shall be available for obligation or expendi-
7 ture through a reprogramming or transfer of funds in ac-
8 cordance with section 102A(d) of the National Security
9 Act of 1947 (50 U.S.C. 3024(d)) that—

10 (1) creates a new start effort;

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

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

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

20 (b) None of the funds provided for the National Intel-
21 ligence Program in this or any prior appropriations Act
22 shall be available for obligation or expenditure through a
23 reprogramming or transfer of funds in accordance with
24 section 102A(d) of the National Security Act of 1947 (50
25 U.S.C. 3024(d)) that results in a cumulative increase or

1 decrease of the levels specified in the classified annex ac-
2 companying the Act unless the congressional intelligence
3 committees are notified 30 days in advance of such re-
4 programming of funds; this notification period may be re-
5 duced for urgent national security requirements.

6 SEC. 8086. For the purposes of this Act, the term
7 “congressional intelligence committees” means the Perma-
8 nent Select Committee on Intelligence of the House of
9 Representatives, the Select Committee on Intelligence of
10 the Senate, the Subcommittee on Defense of the Com-
11 mittee on Appropriations of the House of Representatives,
12 and the Subcommittee on Defense of the Committee on
13 Appropriations of the Senate.

14 (INCLUDING TRANSFER OF FUNDS)

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

23 SEC. 8088. None of the funds appropriated by this
24 Act may be available for the purpose of making remit-
25 tances to the Department of Defense Acquisition Work-

1 force Development Account in accordance with section
2 1705 of title 10, United States Code.

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

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

10 (1) the public posting of the report com-
11 promises national security; or

12 (2) the report contains proprietary information.

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

17 SEC. 8090. (a) None of the funds appropriated or
18 otherwise made available by this Act may be expended for
19 any Federal contract for an amount in excess of
20 \$1,000,000, unless the contractor agrees not to—

21 (1) enter into any agreement with any of its
22 employees or independent contractors that requires,
23 as a condition of employment, that the employee or
24 independent contractor agree to resolve through ar-
25 bitration any claim under title VII of the Civil

1 Rights Act of 1964 or any tort related to or arising
2 out of sexual assault or harassment, including as-
3 sault and battery, intentional infliction of emotional
4 distress, false imprisonment, or negligent hiring, su-
5 pervision, or retention; or

6 (2) take any action to enforce any provision of
7 an existing agreement with an employee or inde-
8 pendent contractor that mandates that the employee
9 or independent contractor resolve through arbitra-
10 tion any claim under title VII of the Civil Rights Act
11 of 1964 or any tort related to or arising out of sex-
12 ual assault or harassment, including assault and
13 battery, intentional infliction of emotional distress,
14 false imprisonment, or negligent hiring, supervision,
15 or retention.

16 (b) None of the funds appropriated or otherwise
17 made available by this Act may be expended for any Fed-
18 eral contract unless the contractor certifies that it requires
19 each covered subcontractor to agree not to enter into, and
20 not to take any action to enforce any provision of, any
21 agreement as described in paragraphs (1) and (2) of sub-
22 section (a), with respect to any employee or independent
23 contractor performing work related to such subcontract.
24 For purposes of this subsection, a “covered subcon-

1 tractor” is an entity that has a subcontract in excess of
2 \$1,000,000 on a contract subject to subsection (a).

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

7 (d) The Secretary of Defense may waive the applica-
8 tion of subsection (a) or (b) to a particular contractor or
9 subcontractor for the purposes of a particular contract or
10 subcontract if the Secretary or the Deputy Secretary per-
11 sonally determines that the waiver is necessary to avoid
12 harm to national security interests of the United States,
13 and that the term of the contract or subcontract is not
14 longer than necessary to avoid such harm. The determina-
15 tion shall set forth with specificity the grounds for the
16 waiver and for the contract or subcontract term selected,
17 and shall state any alternatives considered in lieu of a
18 waiver and the reasons each such alternative would not
19 avoid harm to national security interests of the United
20 States. The Secretary of Defense shall transmit to Con-
21 gress, and simultaneously make public, any determination
22 under this subsection not less than 15 business days be-
23 fore the contract or subcontract addressed in the deter-
24 mination may be awarded.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8091. From within the funds appropriated for
3 operation and maintenance for the Defense Health Pro-
4 gram in this Act, up to \$137,000,000, shall be available
5 for transfer to the Joint Department of Defense-Depart-
6 ment of Veterans Affairs Medical Facility Demonstration
7 Fund in accordance with the provisions of section 1704
8 of the National Defense Authorization Act for Fiscal Year
9 2010, Public Law 111–84: *Provided*, That for purposes
10 of section 1704(b), the facility operations funded are oper-
11 ations of the integrated Captain James A. Lovell Federal
12 Health Care Center, consisting of the North Chicago Vet-
13 erans Affairs Medical Center, the Navy Ambulatory Care
14 Center, and supporting facilities designated as a combined
15 Federal medical facility as described by section 706 of
16 Public Law 110–417: *Provided further*, That additional
17 funds may be transferred from funds appropriated for op-
18 eration and maintenance for the Defense Health Program
19 to the Joint Department of Defense-Department of Vet-
20 erans Affairs Medical Facility Demonstration Fund upon
21 written notification by the Secretary of Defense to the
22 Committees on Appropriations of the House of Represent-
23 atives and the Senate.

24 SEC. 8092. None of the funds appropriated or other-
25 wise made available by this Act may be used by the De-

1 partment of Defense or a component thereof in contraven-
2 tion of the provisions of section 130h of title 10, United
3 States Code.

4 SEC. 8093. Appropriations available to the Depart-
5 ment of Defense may be used for the purchase of heavy
6 and light armored vehicles for the physical security of per-
7 sonnel or for force protection purposes up to a limit of
8 \$450,000 per vehicle, notwithstanding price or other limi-
9 tations applicable to the purchase of passenger carrying
10 vehicles.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8094. Upon a determination by the Director of
13 National Intelligence that such action is necessary and in
14 the national interest, the Director may, with the approval
15 of the Office of Management and Budget, transfer not to
16 exceed \$1,000,000,000 of the funds made available in this
17 Act for the National Intelligence Program: *Provided*, That
18 such authority to transfer may not be used unless for
19 higher priority items, based on unforeseen intelligence re-
20 quirements, than those for which originally appropriated
21 and in no case where the item for which funds are re-
22 quested has been denied by the Congress: *Provided further*,
23 That a request for multiple reprogrammings of funds
24 using authority provided in this section shall be made
25 prior to June 30, 2021.

1 SEC. 8095. None of the funds made available by this
2 Act may be used in contravention of the War Powers Res-
3 olution (50 U.S.C. 1541 et seq.).

4 SEC. 8096. (a) None of the funds appropriated or
5 otherwise made available by this or any other Act may
6 be used by the Secretary of Defense, or any other official
7 or officer of the Department of Defense, to enter into a
8 contract, memorandum of understanding, or cooperative
9 agreement with, or make a grant to, or provide a loan
10 or loan guarantee to Rosoboronexport or any subsidiary
11 of Rosoboronexport.

12 (b) The Secretary of Defense may waive the limita-
13 tion in subsection (a) if the Secretary, in consultation with
14 the Secretary of State and the Director of National Intel-
15 ligence, determines that it is in the vital national security
16 interest of the United States to do so, and certifies in writ-
17 ing to the congressional defense committees that—

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

22 (2) the armed forces of the Russian Federation
23 have withdrawn from Crimea, other than armed
24 forces present on military bases subject to agree-
25 ments in force between the Government of the Rus-

1 sian Federation and the Government of Ukraine;
2 and

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

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

16 SEC. 8097. None of the funds made available in this
17 Act may be used for the purchase or manufacture of a
18 flag of the United States unless such flags are treated as
19 covered items under section 2533a(b) of title 10, United
20 States Code.

21 SEC. 8098. The Secretary of Defense shall post grant
22 awards on a public website in a searchable format.

23 SEC. 8099. The Secretary of each military depart-
24 ment, in reducing each research, development, test and
25 evaluation and procurement account of the military de-

1 partment as required under paragraph (1) of section
2 828(d) of the National Defense Authorization Act for Fis-
3 cal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note),
4 as amended by section 825(a)(3) of the National Defense
5 Authorization Act for Fiscal Year 2018, shall allocate the
6 percentage reduction determined under paragraph (2) of
7 such section 828(d) proportionally from all programs,
8 projects, or activities under such account: *Provided*, That
9 the authority under section 804(d)(2) of the National De-
10 fense Authorization Act for Fiscal Year 2016 (Public Law
11 114–92; 10 U.S.C. 2302 note) to transfer amounts avail-
12 able in the Rapid Prototyping Fund shall be subject to
13 section 8005 or 9002 of this Act, as applicable.

14 SEC. 8100. None of the funds made available by this
15 Act may be used by the National Security Agency to—

16 (1) conduct an acquisition pursuant to section
17 702 of the Foreign Intelligence Surveillance Act of
18 1978 for the purpose of targeting a United States
19 person; or

20 (2) acquire, monitor, or store the contents (as
21 such term is defined in section 2510(8) of title 18,
22 United States Code) of any electronic communica-
23 tion of a United States person from a provider of
24 electronic communication services to the public pur-

1 suant to section 501 of the Foreign Intelligence Sur-
2 veillance Act of 1978.

3 SEC. 8101. None of the funds made available in this
4 or any other Act may be used to pay the salary of any
5 officer or employee of any agency funded by this Act who
6 approves or implements the transfer of administrative re-
7 sponsibilities or budgetary resources of any program,
8 project, or activity financed by this Act to the jurisdiction
9 of another Federal agency not financed by this Act with-
10 out the express authorization of Congress: *Provided*, That
11 this limitation shall not apply to transfers of funds ex-
12 pressly provided for in Defense Appropriations Acts, or
13 provisions of Acts providing supplemental appropriations
14 for the Department of Defense.

15 SEC. 8102. Of the amounts appropriated in this Act
16 for “Operation and Maintenance, Navy”, \$436,029,000,
17 to remain available until expended, may be used for any
18 purposes related to the National Defense Reserve Fleet
19 established under section 11 of the Merchant Ship Sales
20 Act of 1946 (46 U.S.C. 57100): *Provided*, That such
21 amounts are available for reimbursements to the Ready
22 Reserve Force, Maritime Administration account of the
23 United States Department of Transportation for pro-
24 grams, projects, activities, and expenses related to the Na-
25 tional Defense Reserve Fleet.

1 SEC. 8103. None of the funds made available in this
2 Act may be obligated for activities authorized under sec-
3 tion 1208 of the Ronald W. Reagan National Defense Au-
4 thorization Act for Fiscal Year 2005 (Public Law 112-
5 81; 125 Stat. 1621) to initiate support for, or expand sup-
6 port to, foreign forces, irregular forces, groups, or individ-
7 uals unless the congressional defense committees are noti-
8 fied in accordance with the direction contained in the clas-
9 sified annex accompanying this Act, not less than 15 days
10 before initiating such support: *Provided*, That none of the
11 funds made available in this Act may be used under sec-
12 tion 1208 for any activity that is not in support of an
13 ongoing military operation being conducted by United
14 States Special Operations Forces to combat terrorism:
15 *Provided further*, That the Secretary of Defense may waive
16 the prohibitions in this section if the Secretary determines
17 that such waiver is required by extraordinary cir-
18 cumstances and, by not later than 72 hours after making
19 such waiver, notifies the congressional defense committees
20 of such waiver.

21 SEC. 8104. (a) None of the funds provided in this
22 Act for the TAO Fleet Oiler program shall be used to
23 award a new contract that provides for the acquisition of
24 the following components unless those components are
25 manufactured in the United States: Auxiliary equipment

1 (including pumps) for shipboard services; propulsion
2 equipment (including engines, reduction gears, and propel-
3 lers); shipboard cranes; and spreaders for shipboard
4 cranes.

5 (b) None of the funds provided in this Act for the
6 FFG(X) Frigate program shall be used to award a new
7 contract that provides for the acquisition of the following
8 components unless those components are manufactured in
9 the United States: Air circuit breakers; gyrocompasses;
10 electronic navigation chart systems; steering controls;
11 pumps; propulsion and machinery control systems; totally
12 enclosed lifeboats; auxiliary equipment pumps; shipboard
13 cranes; auxiliary chill water systems; and propulsion pro-
14 pellers: *Provided*, That the Secretary of the Navy shall in-
15 corporate United States manufactured propulsion engines
16 and propulsion reduction gears into the FFG(X) Frigate
17 program beginning not later than with the eleventh ship
18 of the program.

19 SEC. 8105. No amounts credited or otherwise made
20 available in this or any other Act to the Department of
21 Defense Acquisition Workforce Development Account may
22 be transferred to:

23 (1) the Rapid Prototyping Fund established
24 under section 804(d) of the National Defense Au-

1 thorization Act for Fiscal Year 2016 (10 U.S.C.
2 2302 note); or

3 (2) credited to a military-department specific
4 fund established under section 804(d)(2) of the Na-
5 tional Defense Authorization Act for Fiscal Year
6 2016 (as amended by section 897 of the National
7 Defense Authorization Act for Fiscal Year 2017).

8 SEC. 8106. None of the funds made available by this
9 Act may be used for Government Travel Charge Card ex-
10 penses by military or civilian personnel of the Department
11 of Defense for gaming, or for entertainment that includes
12 topless or nude entertainers or participants, as prohibited
13 by Department of Defense FMR, Volume 9, Chapter 3
14 and Department of Defense Instruction 1015.10 (enclo-
15 sure 3, 14a and 14b).

16 SEC. 8107. (a) None of the funds made available in
17 this Act may be used to maintain or establish a computer
18 network unless such network is designed to block access
19 to pornography websites.

20 (b) Nothing in subsection (a) shall limit the use of
21 funds necessary for any Federal, State, tribal, or local law
22 enforcement agency or any other entity carrying out crimi-
23 nal investigations, prosecution, or adjudication activities,
24 or for any activity necessary for the national defense, in-
25 cluding intelligence activities.

1 SEC. 8108. None of the funds appropriated by this
2 Act may be made available to deliver F-35 air vehicles
3 or any other F-35 weapon system equipment to the Re-
4 public of Turkey, except in accordance with section 1245
5 of the National Defense Authorization Act for Fiscal Year
6 2020 (Public Law 116-92).

7 SEC. 8109. 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 22 U.S.C. 2656 note) shall be made in accordance with
13 section 8005 or 9002 of this Act, as applicable.

14 SEC. 8110. 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. 8111. 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. 8112. None of the funds provided for, or other-
16 wise made available, in this or any prior Act making ap-
17 propriations to the Department of Defense, may be obli-
18 gated or expended by the Secretary of Defense to provide
19 motorized vehicles, aviation platforms, munitions other
20 than small arms and munitions appropriate for customary
21 ceremonial honors, operational military units, or oper-
22 ational military platforms if the Secretary determines that
23 providing such units, platforms, or equipment would un-
24 dermine the readiness of such units, platforms, or equip-
25 ment.

1 SEC. 8113. The Secretary of Defense may obligate
2 and expend funds made available under this Act for pro-
3 curement or for research, development, test and evaluation
4 for the F-35 Joint Strike Fighter to modify up to six F-
5 35 aircraft, including up to two F-35 aircraft of each vari-
6 ant, to a test configuration: *Provided*, That the Secretary
7 of Defense shall, with the concurrence of the Secretary
8 of the Air Force and the Secretary of the Navy, notify
9 the congressional defense committees not fewer than 30
10 days prior to obligating and expending funds under this
11 section: *Provided further*, That any transfer of funds pur-
12 suant to the authority provided in this section shall be
13 made in accordance with section 8005 or 9002 of this Act,
14 as appropriate, if applicable: *Provided further*, That air-
15 craft referred to previously in this section are not addi-
16 tional to aircraft referred to in section 8135 of the Depart-
17 ment of Defense Appropriations Act, 2019 and section
18 8126 of the Department of Defense Appropriations Act,
19 2020.

20 SEC. 8114. 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. 8115. (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. 8116. During fiscal year 2021, any advance bill-
21 ing for background investigation services and related serv-
22 ices purchased from activities financed using Defense
23 Working Capital Funds shall be excluded from the calcula-
24 tion of cumulative advance billings under section
25 2208(l)(3) of title 10, United States Code.

1 SEC. 8117. None of the funds appropriated or other-
2 wise made available by this Act may be used to transfer
3 the National Reconnaissance Office to the United States
4 Space Force.

5 SEC. 8118. None of the funds appropriated or other-
6 wise made available by this Act may be used to transfer
7 any element of the Department of the Army, the Depart-
8 ment of the Navy, or a Defense Agency to the United
9 States Space Force unless, not less than 60 days prior
10 to initiating such transfer, the Secretary of Defense cer-
11 tifies in writing to the Committees on Appropriations of
12 the House of Representatives and the Senate that such
13 transfer is in the national security interest of the United
14 States and will not have an adverse impact on the Depart-
15 ment or agency from which such element is being trans-
16 ferred: *Provided*, That such certification shall include a
17 detailed description of the element and timeline for such
18 transfer.

19 SEC. 8119. Funds appropriated in titles I and IX of
20 this Act under the heading “Military Personnel” may be
21 used for expenses described therein for members of the
22 United States Space Force on active duty: *Provided*, that
23 amounts appropriated under such headings may be used
24 for payments pursuant to section 156 of Public Law 97–

1 377, as amended (42 U.S.C. 402 note), and to the Depart-
2 ment of Defense Military Retirement Fund.

3 SEC. 8120. Prior to the initial obligation of funds
4 made available in titles II and IX of this Act for the De-
5 fense Security Cooperation Agency (DSCA), the Director
6 of DSCA shall submit a spend plan by budget activity and
7 sub-activity to the Committees on Appropriations of the
8 House of Representatives and the Senate: *Provided*, That
9 for funds planned for International Security Cooperation
10 Programs, the Director shall, in coordination with the
11 commanders of each geographic combatant command, in-
12 clude amounts planned for each combatant command and
13 country, and a comparison to such amounts provided in
14 the previous three fiscal years: *Provided further*, That
15 amounts in such plan shall only reflect those amounts des-
16 igned in the fiscal year 2021 budget justification mate-
17 rials and modified by the fiscal year 2021 appropriations
18 adjustments in this Act and in the table in the report ac-
19 companying this Act: *Provided further*, That the Secretary
20 of Defense shall notify such Committees in writing and
21 not fewer than 15 days prior to obligating such funds for
22 any proposed new projects or activities, or transfer of
23 funds between budget sub-activity groups: *Provided fur-*
24 *ther*, That such plan shall be updated and submitted to
25 such Committees upon notification of such funds to in-

1 clude a justification for any changes: *Provided further*,
2 That a similar plan shall be provided to such Committees
3 outlining funds requested for fiscal year 2022 with the
4 submission of the fiscal year 2022 budget request.

5 SEC. 8121. Notwithstanding any other provision of
6 this Act, to reflect savings due to favorable foreign ex-
7 change rates, the total amount appropriated in this Act
8 is hereby reduced by \$436,000,000.

9 SEC. 8122. Notwithstanding any other provision of
10 this Act, to reflect savings due to lower than anticipated
11 fuel costs, the total amount appropriated in this Act is
12 hereby reduced by \$1,000,000,000.

13 SEC. 8123. None of the funds appropriated by this
14 Act may be used to exclude, or implement the exclusion
15 of, the Department of Defense, or any agency, activity,
16 or subdivision thereof, from coverage under section
17 7103(b)(1) or (2) of title 5, United States Code (com-
18 monly referred to as the “Federal Service Labor-Manage-
19 ment Relations Statute”).

20 SEC. 8124. Not later than 60 days after the date of
21 enactment of this Act, the Secretary of Defense, in coordi-
22 nation with the Secretary of State, shall provide all rel-
23 evant information and documents to the appropriate judi-
24 cial authorities in El Salvador investigating the December
25 1981 massacre in El Mozote: *Provided*, That not later

1 than 30 days following such action, the Secretary of De-
2 fense shall submit a report to the Committees on Appro-
3 priations of the House of Representatives and the Senate
4 describing the information and documents provided and
5 the authorities that received them.

6 SEC. 8125. (a) Funds appropriated under title IV of
7 this Act may be used for expenses for agile development,
8 test and evaluation, procurement, production and modi-
9 fication, and the operation and maintenance for the fol-
10 lowing software pilot programs—

11 (1) Space Command and Control
12 (PE1203614SF);

13 (2) Algorithmic Warfare Cross Functional
14 Team (PE0308588D8Z);

15 (3) Risk Management Information
16 (PE0608013N);

17 (4) Maritime Tactical Command Control
18 (PE0608231N);

19 (5) National Background Investigation
20 Services (PE0608197V);

21 (6) Global Command and Control System
22 – Joint (PE0308150K);

23 (7) Defensive Cyber Operations Army
24 (PE0608041A); and

1 (8) Acquisition Visibility
2 (PE0608648D8Z).

3 (b) Not later than 30 days after the date of the enact-
4 ment of this Act, the Secretary of Defense shall submit
5 to the Committees on Appropriations of the House of Rep-
6 resentatives and the Senate a plan for carrying out each
7 pilot program specified in subsection (a), including goals
8 and metrics for each program.

9 (c) Following the submission of the plan under sub-
10 section (b), the Secretary of Defense shall provide to the
11 Committees on Appropriations of the House of Represent-
12 atives and the Senate a quarterly report on the status of
13 each pilot program specified in subsection (a).

14 SEC. 8126. (a) Not later than 30 days after the date
15 of the enactment of this Act, and quarterly thereafter, the
16 Secretary of Defense shall submit to the congressional de-
17 fense committees a report that includes—

18 (1) the number of members of the Armed
19 Forces deployed by each geographic combatant
20 command (other than United States Northern
21 Command), set forth separately by each of the
22 Armed Forces and whether regular, National
23 Guard, or Reserve;

24 (2) the number of Department of Defense
25 civilian employees deployed by each geographic

1 combatant command (other than United States
2 Northern Command);

3 (3) the number of Department of Defense
4 contractor employees deployed by each geo-
5 graphic combatant command (other than
6 United States Northern Command); and

7 (4) for each category of personnel de-
8 scribed in paragraphs (1) through (3), the
9 country and named operation to which such
10 personnel are assigned, if applicable; a descrip-
11 tion of the functions performed by such per-
12 sonnel; and a comparison of the number of per-
13 sonnel to the number of such personnel in re-
14 ports previously submitted under this section.

15 (b) Each report under subsection (a) shall be sub-
16 mitted in unclassified form, but may include a classified
17 annex.

18 SEC. 8127. Not more than 15 days before deploying
19 a security force assistance brigade of the United States
20 Army to a friendly foreign country to conduct a program
21 to provide training or equipment to the security forces of
22 such country to build the capacity of such forces, the Sec-
23 retary of Defense shall submit to the congressional defense
24 committees a notification that includes—

1 (1) an identification of the United States Army
2 brigade, including the number of individuals to be
3 deployed;

4 (2) a description of any education and training
5 provided to such brigade before deployment in order
6 to conduct the program, including on the language,
7 cultural, and the social dynamics of the friendly for-
8 eign country where the program would be conducted;

9 (3) a description of the amount, type, and pur-
10 pose of the training or equipment to be provided
11 under the program;

12 (4) the authority under which the program is
13 authorized, whether congressional notification (other
14 than the notification required by this section) is re-
15 quired to conduct the program under such authority,
16 and whether such notification has been made;

17 (5) an identification of the foreign country in
18 which the program would be conducted, the specific
19 security forces whose capacity would be built under
20 the program, and an evaluation of the ability of such
21 forces to absorb the training and equipment to be
22 provided under the program;

23 (6) the cost, implementation timeline, and deliv-
24 ery schedule for the training and equipment to be

1 provided under the program, and the source of
2 funds;

3 (7) a description of any arrangements made for
4 sustainment of the program;

5 (8) information, including the amount, type,
6 and purpose, of any prior assistance provided to the
7 foreign country by any security force assistance bri-
8 gade of the United States Army;

9 (9) information, including the amount, type,
10 and purpose, on the security assistance provided to
11 the foreign country during the current and prior fis-
12 cal year under other train and equip programs, and
13 a description of how the training and equipment to
14 be provided under the program fits into the overall
15 objective of such programs; and

16 (10) a description of whether training and
17 equipment to be provided under the program could
18 be provided pursuant to other train and equip au-
19 thorities.

20 SEC. 8128. Of funds made available by section 8102
21 of the Department of Defense Appropriations Act, 2014
22 (division C of Public Law 113–76) that remain unobli-
23 gated as of the date of the enactment of this Act, up to
24 \$13,000,000 shall be available for grants, cooperative
25 agreements, and to supplement other Federal funds for

1 the following authorized purposes: public healthcare pro-
2 fessionals and public health laboratory staff; laboratory
3 and medical equipment; and medical supplies: *Provided*,
4 That the Secretary of Defense shall, not less than 15 days
5 prior to obligating funds made available for such purposes,
6 notify the congressional defense committees in writing of
7 the details of any such obligation.

8 SEC. 8129. None of the funds provided in this Act
9 for requirements development, performance specification
10 development, concept design and development, ship con-
11 figuration development, systems engineering, naval archi-
12 tecture, marine engineering, operations research analysis,
13 industry studies, preliminary design, development of the
14 Detailed Design and Construction Request for Proposals
15 solicitation package, or related activities for the AS(X)
16 Submarine Tender, T-ARC(X) Cable Laying and Repair
17 Ship, T-AGOS(X) Oceanographic Surveillance Ship, Light
18 Amphibious Warship, Next Generation Medium Amphib-
19 ious Ship, or Next Generation Medium Logistics Ship may
20 be used to award a new contract for such activities unless
21 these contracts include specifications that all hull, me-
22 chanical, and electrical components are manufactured in
23 the United States.

1 SEC. 8130. None of the funds made available by this
2 Act may be obligated or expended for the purpose of de-
3 commissioning any Navy Littoral Combat Ships.

4 SEC. 8131. (a) Not later than three days after a sig-
5 nificant deployment or redeployment of members of the
6 Armed Forces to a location outside the United States, the
7 Secretary of Defense shall submit to the congressional de-
8 fense committees a notification that includes—

9 (1) the number of members of the Armed
10 Forces deployed or redeployed;

11 (2) the name of each unit deployed or re-
12 deployed;

13 (3) the duration of the orders for the de-
14 ployment or redeployment;

15 (4) the location of the deployment or rede-
16 ployment;

17 (5) the purpose for the deployment or re-
18 deployment;

19 (6) the estimated cost of the deployment or
20 redeployment over such timeline; and

21 (7) an explanation of how the Secretary in-
22 tends to pay the costs of such deployment or re-
23 deployment, including identification of the spe-
24 cific accounts that will be used to pay such
25 costs for each fiscal year.

1 (b) Each notification under subsection (a) shall be
2 submitted in unclassified form, but may include a classi-
3 fied annex.

4 (c) Nothing in this section shall be construed to au-
5 thorize a deployment or redeployment.

6 SEC. 8132. None of the funds made available by this
7 Act may be obligated or expended in a manner that does
8 not comply with the requirements of section 365 of H.R.
9 7120, One Hundred Sixteenth Congress, as passed by the
10 House of Representatives on June 25, 2020.

11 SEC. 8133. None of the funds made available by this
12 Act or any prior Department of Defense Appropriations
13 Acts may be used to conduct, or make specific prepara-
14 tions for, any explosive nuclear weapons test that produces
15 any yield.

16 SEC. 8134. None of the funds appropriated or other-
17 wise made available by this Act or any prior Department
18 of Defense Appropriations Acts may be used to construct
19 a wall, fence, border barriers, or border security infra-
20 structure along the southern land border of the United
21 States: *Provided*, That none of the funds appropriated or
22 otherwise made available under the heading “Drug Inter-
23 diction and Counter-drug Activities, Defense” in title VI
24 of this Act may be used for the construction of fences pur-

1 suant to subsection (b)(7) of section 284 of title 10,
2 United States Code.

3 SEC. 8135. Notwithstanding any other provision of
4 law, funds made available to the Department of Defense
5 for fiscal year 2020 that were transferred by such Depart-
6 ment on February 13, 2020, and remain unobligated as
7 of the date of the enactment of this Act shall be returned
8 to the original account or accounts and may not be used
9 for any purpose other than the original purposes for which
10 they were appropriated by the Department of Defense Ap-
11 propriations Act, 2020 (division A of Public Law 116–93),
12 notwithstanding the transfer authority provided by section
13 8005 of such Act.

14 SEC. 8136. None of the funds made available by this
15 Act may be used for members of the Armed Forces serving
16 on active duty in support of security or immigration en-
17 forcement operations at the southern border unless the
18 agency requesting such support enters into an agreement
19 with the Secretary of Defense to reimburse the Depart-
20 ment of Defense for all costs incurred by the Department
21 to provide such services.

22 SEC. 8137. Of the amounts appropriated in this Act
23 under the heading “Operation and Maintenance, Defense-
24 Wide”, \$50,000,000, to remain available until September
25 30, 2022: *Provided*, That such funds shall only be avail-

1 able to the Secretary of Defense, acting through the Office
2 of Economic Adjustment of the Department of Defense,
3 to make grants to communities impacted by military avia-
4 tion noise for the purpose of installing noise mitigating
5 insulation at covered facilities: *Provided further*, That, to
6 be eligible to receive a grant under the program, a commu-
7 nity must enter into an agreement with the Secretary
8 under which the community prioritizes the use of funds
9 for the installation of noise mitigation at covered facilities
10 in the community: *Provided further*, That, in carrying out
11 the program, the Secretary of Defense shall coordinate
12 and minimize duplication of efforts with the noise mitiga-
13 tion program established under part 150 of title 14, Code
14 of Federal Regulations: *Provided further*, That, in this sec-
15 tion, the term “covered facilities” means hospitals,
16 daycare facilities, schools, facilities serving senior citizens,
17 and private residences that are located within one mile of
18 a military installation or another location at which mili-
19 tary aircraft are stationed or are located in an area im-
20 pacted by excessive military aviation noise, as determined
21 by the Department of Defense’s noise monitoring pro-
22 grams.

23 SEC. 8138. None of the funds appropriated or other-
24 wise made available by this Act or any prior Department
25 of Defense Appropriations Acts may be used to provide

1 guidance on, review, prepare, approve, or recommend
2 budget request funding levels or initiatives for the Depart-
3 ment of Energy.

4 SEC. 8139. Of the funds appropriated in this Act
5 under the heading “Operation and Maintenance, Army”,
6 \$1,000,000 shall be made available for expenses for the
7 renaming of Army installations, facilities, roads, and
8 streets named after confederate leaders and officers.

9 TITLE IX

10 OVERSEAS CONTINGENCY OPERATIONS

11 MILITARY PERSONNEL

12 MILITARY PERSONNEL, ARMY

13 For an additional amount for “Military Personnel,
14 Army”, \$2,748,033,000: *Provided*, That such amount is
15 designated by the Congress for Overseas Contingency Op-
16 erations/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 MILITARY PERSONNEL, NAVY

20 For an additional amount for “Military Personnel,
21 Navy”, \$382,286,000: *Provided*, That such amount is des-
22 ignated by the Congress for Overseas Contingency Oper-
23 ations/Global War on Terrorism pursuant to section
24 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 MILITARY PERSONNEL, MARINE CORPS

2 For an additional amount for “Military Personnel,
3 Marine Corps”, \$129,943,000: *Provided*, That such
4 amount is designated by the Congress for Overseas Con-
5 tingency Operations/Global War on Terrorism pursuant to
6 section 251(b)(2)(A)(ii) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 MILITARY PERSONNEL, AIR FORCE

9 For an additional amount for “Military Personnel,
10 Air Force”, \$1,077,168,000: *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, ARMY

16 For an additional amount for “Reserve Personnel,
17 Army”, \$33,414,000: *Provided*, That such amount is des-
18 ignated by the Congress for Overseas Contingency Oper-
19 ations/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 RESERVE PERSONNEL, NAVY

23 For an additional amount for “Reserve Personnel,
24 Navy”, \$11,771,000: *Provided*, That such amount is des-
25 ignated by the Congress for Overseas Contingency Oper-

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 RESERVE PERSONNEL, MARINE CORPS

5 For an additional amount for “Reserve Personnel,
6 Marine Corps”, \$2,048,000: *Provided*, That such amount
7 is designated by the Congress for Overseas Contingency
8 Operations/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 RESERVE PERSONNEL, AIR FORCE

12 For an additional amount for “Reserve Personnel,
13 Air Force”, \$16,816,000: *Provided*, That such amount is
14 designated by the Congress for Overseas Contingency Op-
15 erations/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 NATIONAL GUARD PERSONNEL, ARMY

19 For an additional amount for “National Guard Per-
20 sonnel, Army”, \$195,314,000: *Provided*, That such
21 amount is designated by the Congress for Overseas Con-
22 tingency Operations/Global War on Terrorism pursuant to
23 section 251(b)(2)(A)(ii) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For an additional amount for “National Guard Per-
3 sonnel, Air Force”, \$5,800,000: *Provided*, That such
4 amount is designated by the Congress for Overseas Con-
5 tingency Operations/Global War on Terrorism pursuant to
6 section 251(b)(2)(A)(ii) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 OPERATION AND MAINTENANCE

9 OPERATION AND MAINTENANCE, ARMY

10 For an additional amount for “Operation and Main-
11 tenance, Army”, \$16,530,754,000: *Provided*, That such
12 amount is designated by the Congress for Overseas Con-
13 tingency Operations/Global War on Terrorism pursuant to
14 section 251(b)(2)(A)(ii) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, NAVY

17 For an additional amount for “Operation and Main-
18 tenance, Navy”, \$10,942,741,000: *Provided*, That such
19 amount is designated by the Congress for Overseas Con-
20 tingency Operations/Global War on Terrorism pursuant to
21 section 251(b)(2)(A)(ii) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

23 OPERATION AND MAINTENANCE, MARINE CORPS

24 For an additional amount for “Operation and Main-
25 tenance, Marine Corps”, \$1,145,600,000: *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, AIR FORCE

6 For an additional amount for “Operation and Main-
7 tenance, Air Force”, \$18,861,862,000: *Provided*, That
8 such amount is designated by the Congress for Overseas
9 Contingency Operations/Global War on Terrorism pursu-
10 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
11 and Emergency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, SPACE FORCE

13 For an additional amount for “Operation and Main-
14 tenance, Space Force”, \$77,115,000: *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, DEFENSE-WIDE

20 For an additional amount for “Operation and Main-
21 tenance, Defense-Wide”, \$6,169,693,000: *Provided*, That
22 of the funds provided under this heading, not to exceed
23 \$180,000,000, to remain available until September 30,
24 2022, shall be for payments to reimburse key cooperating
25 nations for logistical, military, and other support, includ-

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

1 days prior written notification to the congressional defense
2 committees outlining the amounts intended to be provided
3 and the nature of the expenses incurred: *Provided further*,
4 That of the funds provided under this heading, not to ex-
5 ceed \$1,206,296,000, to remain available until September
6 30, 2022, shall be available to provide support and assist-
7 ance to foreign security forces or other groups or individ-
8 uals to conduct, support or facilitate counterterrorism, cri-
9 sis response, or other Department of Defense security co-
10 operation programs, of which not less than \$130,000,000
11 shall be available for International Security Cooperation
12 Programs with countries in the United States Africa Com-
13 mand area of responsibility: *Provided further*, That the
14 Secretary of Defense shall notify the congressional defense
15 committees in writing and not fewer than 15 days prior
16 to obligating funds for International Security Cooperation
17 Programs: *Provided further*, That these funds may be used
18 in such amounts as the Secretary of Defense may deter-
19 mine to enhance the border security of nations adjacent
20 to conflict areas including Jordan, Lebanon, Egypt, and
21 Tunisia resulting from actions of the Islamic State of Iraq
22 and Syria: *Provided further*, That the Secretary of Defense
23 shall provide quarterly reports to the Committees on Ap-
24 propriations of the House of Representatives and the Sen-
25 ate on the use and status of funds provided under this

1 heading: *Provided further*, That such amount is designated
2 by the Congress for Overseas Contingency Operations/
3 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.

6 OPERATION AND MAINTENANCE, ARMY RESERVE

7 For an additional amount for “Operation and Main-
8 tenance, Army Reserve”, \$33,399,000: *Provided*, That
9 such amount is designated by the Congress for Overseas
10 Contingency Operations/Global War on Terrorism pursu-
11 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
12 and Emergency Deficit Control Act of 1985.

13 OPERATION AND MAINTENANCE, NAVY RESERVE

14 For an additional amount for “Operation and Main-
15 tenance, Navy Reserve”, \$21,492,000: *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, MARINE CORPS

21 RESERVE

22 For an additional amount for “Operation and Main-
23 tenance, Marine Corps Reserve”, \$8,707,000: *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 FORCE RESERVE

4 For an additional amount for “Operation and Main-
5 tenance, Air Force Reserve”, \$30,090,000: *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, ARMY NATIONAL

11 GUARD

12 For an additional amount for “Operation and Main-
13 tenance, Army National Guard”, \$79,792,000: *Provided*,
14 That such amount is designated by the Congress for Over-
15 seas Contingency Operations/Global War on Terrorism
16 pursuant to section 251(b)(2)(A)(ii) of the Balanced
17 Budget and Emergency Deficit Control Act of 1985.

18 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

19 For an additional amount for “Operation and Main-
20 tenance, Air National Guard”, \$175,642,000: *Provided*,
21 That such amount is designated by the Congress for Over-
22 seas Contingency Operations/Global War on Terrorism
23 pursuant to section 251(b)(2)(A)(ii) of the Balanced
24 Budget and Emergency Deficit Control Act of 1985.

1 AFGHANISTAN SECURITY FORCES FUND

2 For the “Afghanistan Security Forces Fund”,
3 \$3,047,612,000, to remain available until September 30,
4 2022: *Provided*, That such funds shall be available to the
5 Secretary of Defense for the purpose of allowing the Com-
6 mander, Combined Security Transition Command—Af-
7 ghanistan, or the Secretary’s designee, to provide assist-
8 ance, with the concurrence of the Secretary of State, to
9 the security forces of Afghanistan, including the provision
10 of equipment, supplies, services, training, facility and in-
11 frastructure repair, renovation, construction, and funding:
12 *Provided further*, That the Secretary of Defense may obli-
13 gate and expend funds made available to the Department
14 of Defense in this title for additional costs associated with
15 existing projects previously funded with amounts provided
16 under the heading “Afghanistan Infrastructure Fund” in
17 prior Acts: *Provided further*, That such costs shall be lim-
18 ited to contract changes resulting from inflation, market
19 fluctuation, rate adjustments, and other necessary con-
20 tract actions to complete existing projects, and associated
21 supervision and administration costs and costs for design
22 during construction: *Provided further*, That the Secretary
23 may not use more than \$50,000,000 under the authority
24 provided in this section: *Provided further*, That the Sec-
25 retary shall notify in advance such contract changes and

1 adjustments in annual reports to the congressional defense
2 committees: *Provided further*, That the authority to pro-
3 vide assistance under this heading is in addition to any
4 other authority to provide assistance to foreign nations:
5 *Provided further*, That contributions of funds for the pur-
6 poses provided herein from any person, foreign govern-
7 ment, or international organization may be credited to this
8 Fund, to remain available until expended, and used for
9 such purposes: *Provided further*, That the Secretary of De-
10 fense shall notify the congressional defense committees in
11 writing upon the receipt and upon the obligation of any
12 contribution, delineating the sources and amounts of the
13 funds received and the specific use of such contributions:
14 *Provided further*, That the Secretary of Defense shall, not
15 fewer than 15 days prior to obligating from this appro-
16 priation account, notify the congressional defense commit-
17 tees in writing of the details of any such obligation: *Pro-*
18 *vided further*, That the Secretary of Defense shall notify
19 the congressional defense committees in writing and not
20 fewer than 15 days prior to obligating funds for any pro-
21 posed new projects or activities, or transfer of funds be-
22 tween budget sub-activity groups in excess of
23 \$10,000,000: *Provided further*, That the United States
24 may accept equipment procured using funds provided
25 under this heading in this or prior Acts that was trans-

1 ferred to the security forces of Afghanistan and returned
2 by such forces to the United States: *Provided further*, That
3 equipment procured using funds provided under this head-
4 ing in this or prior Acts, and not yet transferred to the
5 security forces of Afghanistan or transferred to the secu-
6 rity forces of Afghanistan and returned by such forces to
7 the United States, may be treated as stocks of the Depart-
8 ment of Defense upon written notification to the congres-
9 sional defense committees: *Provided further*, That of the
10 funds provided under this heading, not less than
11 \$20,000,000 shall be for recruitment and retention of
12 women in the Afghanistan National Security Forces, and
13 the recruitment and training of female security personnel:
14 *Provided further*, That funds appropriated under this
15 heading and made available for the salaries and benefits
16 of personnel of the Afghanistan Security Forces may only
17 be used for personnel who are enrolled in the Afghanistan
18 Personnel and Pay System: *Provided further*, That funds
19 appropriated under this heading for the Afghanistan Secu-
20 rity Forces may only be obligated if the Secretary of De-
21 fense, in consultation with the Secretary of State, certifies
22 in writing to the congressional defense committees that
23 such forces are controlled by a civilian, representative gov-
24 ernment that is protecting human rights and women's
25 rights and preventing terrorists and terrorist groups from

1 using the territory of Afghanistan to threaten the security
2 of the United States and United States allies: *Provided*
3 *further*, That such amount is designated by the Congress
4 for Overseas Contingency Operations/Global War on Ter-
5 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 COUNTER-ISIS TRAIN AND EQUIP FUND

8 For the “Counter-Islamic State of Iraq and Syria
9 Train and Equip Fund”, \$700,000,000, to remain avail-
10 able until September 30, 2022: *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; construction for facility fortification and humane
16 treatment; and sustainment, to foreign security forces, ir-
17 regular forces, groups, or individuals participating, or pre-
18 paring to participate in activities to counter the Islamic
19 State of Iraq and Syria, and their affiliated or associated
20 groups: *Provided further*, That amounts made available
21 under this heading shall be available to provide assistance
22 only for activities in a country designated by the Secretary
23 of Defense, in coordination with the Secretary of State,
24 as having a security mission to counter the Islamic State
25 of Iraq and Syria, and following written notification to the

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

1 to the acquisition of items and support services or sections
2 40 and 40A of the Arms Export Control Act (22 U.S.C.
3 2780 and 2785) if the Secretary determines that such pro-
4 vision of law would prohibit, restrict, delay or otherwise
5 limit the provision of such assistance and a notice of and
6 justification for such waiver is submitted to the congres-
7 sional defense committees, the Committees on Appropria-
8 tions and Foreign Relations of the Senate and the Com-
9 mittees on Appropriations and Foreign Affairs of the
10 House of Representatives: *Provided further*, That the
11 United States may accept equipment procured using funds
12 provided under this heading, or under the heading, “Iraq
13 Train and Equip Fund” in prior Acts, that was trans-
14 ferred to security forces, irregular forces, or groups par-
15 ticipating, or preparing to participate in activities to
16 counter the Islamic State of Iraq and Syria and returned
17 by such forces or groups to the United States, and such
18 equipment may be treated as stocks of the Department
19 of Defense upon written notification to the congressional
20 defense committees: *Provided further*, That equipment
21 procured using funds provided under this heading, or
22 under the heading, “Iraq Train and Equip Fund” in prior
23 Acts, and not yet transferred to security forces, irregular
24 forces, or groups participating, or preparing to participate
25 in activities to counter the Islamic State of Iraq and Syria

1 may be treated as stocks of the Department of Defense
2 when determined by the Secretary to no longer be required
3 for transfer to such forces or groups and upon written
4 notification to the congressional defense committees: *Pro-*
5 *vided further*, That the Secretary of Defense shall provide
6 quarterly reports to the congressional defense committees
7 on the use of funds provided under this heading, including,
8 but not limited to, the number of individuals trained, the
9 nature and scope of support and sustainment provided to
10 each group or individual, the area of operations for each
11 group, and the contributions of other countries, groups,
12 or individuals: *Provided further*, That such amount is des-
13 ignated by the Congress for Overseas Contingency Oper-
14 ations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 PROCUREMENT

18 AIRCRAFT PROCUREMENT, ARMY

19 For an additional amount for “Aircraft Procurement,
20 Army”, \$595,112,000, to remain available until Sep-
21 tember 30, 2023: *Provided*, That such amount is des-
22 ignated by the Congress for Overseas Contingency Oper-
23 ations/Global War on Terrorism pursuant to section
24 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 MISSILE PROCUREMENT, ARMY

2 For an additional amount for “Missile Procurement,
3 Army”, \$865,992,000, to remain available until Sep-
4 tember 30, 2023: *Provided*, That such amount is des-
5 ignated by the Congress for Overseas Contingency Oper-
6 ations/Global War on Terrorism pursuant to section
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
10 VEHICLES, ARMY

11 For an additional amount for “Procurement of Weap-
12 ons and Tracked Combat Vehicles, Army”, \$15,225,000,
13 to remain available until September 30, 2023: *Provided*,
14 That such amount is designated by the Congress for Over-
15 seas Contingency Operations/Global War on Terrorism
16 pursuant to section 251(b)(2)(A)(ii) of the Balanced
17 Budget and Emergency Deficit Control Act of 1985.

18 PROCUREMENT OF AMMUNITION, ARMY

19 For an additional amount for “Procurement of Am-
20 muniton, Army”, \$110,668,000, to remain available until
21 September 30, 2023: *Provided*, That such amount is des-
22 ignated by the Congress for Overseas Contingency Oper-
23 ations/Global War on Terrorism pursuant to section
24 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 OTHER PROCUREMENT, ARMY

2 For an additional amount for “Other Procurement,
3 Army”, \$875,666,000, to remain available until Sep-
4 tember 30, 2023: *Provided*, That such amount is des-
5 ignated by the Congress for Overseas Contingency Oper-
6 ations/Global War on Terrorism pursuant to section
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 AIRCRAFT PROCUREMENT, NAVY

10 For an additional amount for “Aircraft Procurement,
11 Navy”, \$33,241,000, to remain available until September
12 30, 2023: *Provided*, That such amount is designated by
13 the Congress for Overseas Contingency Operations/Global
14 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
15 the Balanced Budget and Emergency Deficit Control Act
16 of 1985.

17 WEAPONS PROCUREMENT, NAVY

18 For an additional amount for “Weapons Procure-
19 ment, Navy”, \$5,572,000, to remain available until Sep-
20 tember 30, 2023: *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 AIRCRAFT PROCUREMENT, AIR FORCE

2 For an additional amount for “Aircraft Procurement,
3 Air Force”, \$787,665,000, to remain available until Sep-
4 tember 30, 2023: *Provided*, That such amount is des-
5 ignated by the Congress for Overseas Contingency Oper-
6 ations/Global War on Terrorism pursuant to section
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 MISSILE PROCUREMENT, AIR FORCE

10 For an additional amount for “Missile Procurement,
11 Air Force”, \$223,772,000, to remain available until Sep-
12 tember 30, 2023: *Provided*, That such amount is des-
13 ignated by the Congress for Overseas Contingency Oper-
14 ations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 PROCUREMENT OF AMMUNITION, AIR FORCE

18 For an additional amount for “Procurement of Am-
19 muniton, Air Force”, \$802,455,000, to remain available
20 until September 30, 2023: *Provided*, That such amount
21 is designated by the Congress for Overseas Contingency
22 Operations/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 OTHER PROCUREMENT, AIR FORCE

2 For an additional amount for “Other Procurement,
3 Air Force”, \$355,339,000, to remain available until Sep-
4 tember 30, 2023: *Provided*, That such amount is des-
5 ignated by the Congress for Overseas Contingency Oper-
6 ations/Global War on Terrorism pursuant to section
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 PROCUREMENT, DEFENSE-WIDE

10 For an additional amount for “Procurement, De-
11 fense-Wide”, \$335,837,000, to remain available until Sep-
12 tember 30, 2023: *Provided*, That such amount is des-
13 ignated by the Congress for Overseas Contingency Oper-
14 ations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

18 For procurement of rotary-wing aircraft; combat, tac-
19 tical and support vehicles; other weapons; and other pro-
20 curement items for the reserve components of the Armed
21 Forces, \$1,000,000,000, to remain available for obligation
22 until September 30, 2023: *Provided*, That the Chiefs of
23 National Guard and Reserve components shall, not later
24 than 30 days after enactment of this Act, individually sub-
25 mit to the congressional defense committees the mod-

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

11 RESEARCH, DEVELOPMENT, TEST AND
12 EVALUATION

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
14 ARMY

15 For an additional amount for “Research, Develop-
16 ment, Test and Evaluation, Army”, \$175,824,000, to re-
17 main available until September 30, 2022: *Provided*, That
18 such amount is designated by the Congress for Overseas
19 Contingency Operations/Global War on Terrorism pursu-
20 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
21 and Emergency Deficit Control Act of 1985.

22 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
23 NAVY

24 For an additional amount for “Research, Develop-
25 ment, Test and Evaluation, Navy”, \$59,562,000, to re-

1 main available until September 30, 2022: *Provided*, 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 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
7 AIR FORCE

8 For an additional amount for “Research, Develop-
9 ment, Test and Evaluation, Air Force”, \$5,304,000, to re-
10 main available until September 30, 2022: *Provided*, That
11 such amount is designated by the Congress for Overseas
12 Contingency Operations/Global War on Terrorism pursu-
13 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
14 and Emergency Deficit Control Act of 1985.

15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
16 DEFENSE-WIDE

17 For an additional amount for “Research, Develop-
18 ment, Test and Evaluation, Defense-Wide”, \$80,818,000,
19 to remain available until September 30, 2022: *Provided*,
20 That such amount is designated by the Congress for Over-
21 seas Contingency Operations/Global War on Terrorism
22 pursuant to section 251(b)(2)(A)(ii) of the Balanced
23 Budget and Emergency Deficit Control Act of 1985.

1 REVOLVING AND MANAGEMENT FUNDS

2 DEFENSE WORKING CAPITAL FUNDS

3 For an additional amount for “Defense Working
4 Capital Funds”, \$20,090,000: *Provided*, That such
5 amount is designated by the Congress for Overseas Con-
6 tingency Operations/Global War on Terrorism pursuant to
7 section 251(b)(2)(A)(ii) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 OTHER DEPARTMENT OF DEFENSE PROGRAMS

10 DEFENSE HEALTH PROGRAM

11 For an additional amount for “Defense Health Pro-
12 gram”, \$365,098,000, which shall be for operation and
13 maintenance: *Provided*, That such amount is designated
14 by the Congress for Overseas Contingency Operations/
15 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 OFFICE OF THE INSPECTOR GENERAL

19 For an additional amount for the “Office of the In-
20 spector General”, \$24,069,000: *Provided*, That such
21 amount is designated by the Congress for Overseas Con-
22 tingency Operations/Global War on Terrorism pursuant to
23 section 251(b)(2)(A)(ii) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

1 GENERAL PROVISIONS—THIS TITLE

2 SEC. 9001. Notwithstanding any other provision of
3 law, funds made available in this title are in addition to
4 amounts appropriated or otherwise made available for the
5 Department of Defense for fiscal year 2021.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 9002. Upon the determination of the Secretary
8 of Defense that such action is necessary in the national
9 interest, the Secretary may, with the approval of the Of-
10 fice of Management and Budget, transfer up to
11 \$900,000,000 between the appropriations or funds made
12 available to the Department of Defense in this title: *Pro-*
13 *vided*, That the Secretary shall notify the Congress
14 promptly of each transfer made pursuant to the authority
15 in this section: *Provided further*, That the authority pro-
16 vided in this section is in addition to any other transfer
17 authority available to the Department of Defense and is
18 subject to the same terms and conditions as the authority
19 provided in section 8005 of this Act.

20 SEC. 9003. Supervision and administration costs and
21 costs for design during construction associated with a con-
22 struction project funded with appropriations available for
23 operation and maintenance or the “Afghanistan Security
24 Forces Fund” provided in this Act and executed in direct
25 support of overseas contingency operations in Afghani-

1 stan, may be obligated at the time a construction contract
2 is awarded: *Provided*, That, for the purpose of this section,
3 supervision and administration costs and costs for design
4 during construction include all in-house Government costs.

5 SEC. 9004. From funds made available in this title,
6 the Secretary of Defense may purchase for use by military
7 and civilian employees of the Department of Defense in
8 the United States Central Command area of responsi-
9 bility: (1) passenger motor vehicles up to a limit of
10 \$75,000 per vehicle; and (2) heavy and light armored vehi-
11 cles for the physical security of personnel or for force pro-
12 tection purposes up to a limit of \$450,000 per vehicle, not-
13 withstanding price or other limitations applicable to the
14 purchase of passenger carrying vehicles.

15 SEC. 9005. Not to exceed \$2,000,000 of the amounts
16 appropriated by this title under the heading “Operation
17 and Maintenance, Army” may be used, notwithstanding
18 any other provision of law, to fund the Commanders’
19 Emergency Response Program (CERP), for the purpose
20 of enabling military commanders in Afghanistan to re-
21 spond to urgent, small-scale, humanitarian relief and re-
22 construction requirements within their areas of responsi-
23 bility: *Provided*, That each project (including any ancillary
24 or related elements in connection with such project) exe-
25 cuted under this authority shall not exceed \$1,000,000:

1 *Provided further*, That not later than 45 days after the
2 end of each 6 months of the fiscal year, the Secretary of
3 Defense shall submit to the congressional defense commit-
4 tees a report regarding the source of funds and the alloca-
5 tion and use of funds during that 6-month period that
6 were made available pursuant to the authority provided
7 in this section or under any other provision of law for the
8 purposes described herein: *Provided further*, That, not
9 later than 30 days after the end of each fiscal year quar-
10 ter, the Army shall submit to the congressional defense
11 committees quarterly commitment, obligation, and expend-
12 iture data for the CERP in Afghanistan: *Provided further*,
13 That, not less than 15 days before making funds available
14 pursuant to the authority provided in this section or under
15 any other provision of law for the purposes described here-
16 in for a project with a total anticipated cost for completion
17 of \$500,000 or more, the Secretary shall submit to the
18 congressional defense committees a written notice con-
19 taining each of the following:

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

24 (2) The budget, implementation timeline with
25 milestones, and completion date for the proposed

1 project, including any other CERP funding that has
2 been or is anticipated to be contributed to the com-
3 pletion of the project.

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

11 SEC. 9006. Funds available to the Department of De-
12 fense for operation and maintenance may be used, not-
13 withstanding any other provision of law, to provide sup-
14 plies, services, transportation, including airlift and sealift,
15 and other logistical support to allied forces participating
16 in a combined operation with the armed forces of the
17 United States and coalition forces supporting military and
18 stability operations in Afghanistan and to counter the Is-
19 lamic State of Iraq and Syria: *Provided*, That the Sec-
20 retary of Defense shall provide quarterly reports to the
21 congressional defense committees regarding support pro-
22 vided under this section.

23 SEC. 9007. None of the funds appropriated or other-
24 wise made available by this or any other Act shall be obli-

1 gated or expended by the United States Government for
2 a purpose as follows:

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

6 (2) To exercise United States control over any
7 oil resource of Iraq or Syria.

8 (3) To establish any military installation or
9 base for the purpose of providing for the permanent
10 stationing of United States Armed Forces in Af-
11 ghanistan.

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

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

20 (2) Section 2242 of the Foreign Affairs Reform
21 and Restructuring Act of 1998 (division G of Public
22 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231
23 note) and regulations prescribed thereto, including
24 regulations under part 208 of title 8, Code of Fed-

1 eral Regulations, and part 95 of title 22, Code of
2 Federal Regulations.

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

8 SEC. 9009. None of the funds provided for the “Af-
9 ghanistan Security Forces Fund” (ASFF) may be obli-
10 gated prior to the approval of a financial and activity plan
11 by the Afghanistan Resources Oversight Council (AROC)
12 of the Department of Defense: *Provided*, That the AROC
13 must approve the requirement and acquisition plan for any
14 service requirements in excess of \$50,000,000 annually
15 and any non-standard equipment requirements in excess
16 of \$100,000,000 using ASFF: *Provided further*, That the
17 Department of Defense must certify to the congressional
18 defense committees that the AROC has convened and ap-
19 proved a process for ensuring compliance with the require-
20 ments in the preceding proviso and accompanying report
21 language for the ASFF.

22 SEC. 9010. Funds made available in this title to the
23 Department of Defense for operation and maintenance
24 may be used to purchase items having an investment unit
25 cost of not more than \$250,000: *Provided*, That, upon de-

1 termination by the Secretary of Defense that such action
2 is necessary to meet the operational requirements of a
3 Commander of a Combatant Command engaged in contin-
4 gency operations overseas, such funds may be used to pur-
5 chase items having an investment item unit cost of not
6 more than \$500,000.

7 SEC. 9011. Up to \$500,000,000 of funds appro-
8 priated by this Act for the Defense Security Cooperation
9 Agency in “Operation and Maintenance, Defense-Wide”
10 may be used to provide assistance to the Government of
11 Jordan to support the armed forces of Jordan and to en-
12 hance security along its borders.

13 SEC. 9012. None of the funds made available by this
14 Act under the headings “Afghanistan Security Forces
15 Fund” and “Counter-ISIS Train and Equip Fund”, and
16 under the heading “Operation and Maintenance, Defense-
17 Wide” for Department of Defense security cooperation
18 grant programs, may be used to procure or transfer man-
19 portable air defense systems.

20 SEC. 9013. Of the amounts appropriated in this title
21 under the heading “Operation and Maintenance, Defense-
22 Wide”, for the Defense Security Cooperation Agency,
23 \$275,000,000, of which \$137,500,000 to remain available
24 until September 30, 2021, shall be for the Ukraine Secu-
25 rity Assistance Initiative: *Provided*, That such funds shall

1 be available to the Secretary of Defense, in coordination
2 with the Secretary of State, to provide assistance, includ-
3 ing training; equipment; lethal assistance; logistics sup-
4 port, supplies and services; sustainment; and intelligence
5 support to the military and national security forces of
6 Ukraine, and for replacement of any weapons or articles
7 provided to the Government of Ukraine from the inventory
8 of the United States: *Provided further*, That of the
9 amounts made available in this section, \$50,000,000 shall
10 be available only for lethal assistance described in para-
11 graphs (2) and (3) of section 1250(b) of the National De-
12 fense Authorization Act for Fiscal Year 2016 (Public Law
13 114–92): *Provided further*, That the Secretary of Defense
14 shall, not less than 15 days prior to obligating funds made
15 available in this section, notify the congressional defense
16 committees in writing of the details of any such obligation:
17 *Provided further*, That the Secretary of Defense shall, not
18 more than 60 days after such notification is made, inform
19 such committees if such funds have not been obligated and
20 the reasons therefor: *Provided further*, That the United
21 States may accept equipment procured using funds made
22 available in this section in this or prior Acts that was
23 transferred to the security forces of Ukraine and returned
24 by such forces to the United States: *Provided further*, That
25 equipment procured using funds made available in this

1 section in this or prior Acts, and not yet transferred to
2 the military or National Security Forces of Ukraine or re-
3 turned by such forces to the United States, may be treated
4 as stocks of the Department of Defense upon written noti-
5 fication to the congressional defense committees: *Provided*
6 *further*, That, notwithstanding any other provision of law,
7 amounts made available in this section shall be exempt
8 from apportionment under chapter 15 of title 31, United
9 States Code.

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

15 SEC. 9015. 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. 9016. Equipment procured using funds provided
19 in prior Acts under the heading “Counterterrorism Part-
20 nerships Fund” for the program authorized by section
21 1209 of the Carl Levin and Howard P. “Buck” McKeon
22 National Defense Authorization Act for Fiscal Year 2015
23 (Public Law 113–291), or under the heading “Iraq Train
24 and Equip Fund” for the program authorized by section
25 1236 of such Act, and not yet transferred to authorized

1 recipients may be transferred to foreign security forces,
2 irregular forces, groups, or individuals, authorized to re-
3 ceive assistance using amounts provided under the heading
4 “Counter-ISIS Train and Equip Fund” in this Act: *Pro-*
5 *vided*, That such equipment may be transferred 15 days
6 following written notification to the congressional defense
7 committees.

8 SEC. 9017. (a) None of the funds appropriated or
9 otherwise made available by this Act under the headings
10 “Operation and Maintenance, Defense-Wide” and
11 “Counter-ISIS Train and Equip Fund” for reimburse-
12 ment made to the Government of Pakistan under section
13 1226 of the National Defense Authorization Act for Fiscal
14 Year 2016 (22 U.S.C. 2151 note) may be made available
15 unless the Secretary of Defense, in coordination with the
16 Secretary of State, certifies to the congressional defense
17 committees that the Government of Pakistan is—

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

1 carrying out cross border attacks into neighboring
2 countries;

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

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

11 (4) preventing the proliferation of nuclear-re-
12 lated material and expertise;

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

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

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

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

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

8 SEC. 9018. None of the funds made available by this
9 Act may be used with respect to Iraq in contravention of
10 the War Powers Resolution (50 U.S.C. 1541 et seq.), in-
11 cluding for the introduction of United States armed forces
12 into hostilities in Iraq, into situations in Iraq where immi-
13 nent involvement in hostilities is clearly indicated by the
14 circumstances, or into Iraqi territory, airspace, or waters
15 while equipped for combat, in contravention of the con-
16 gressional consultation and reporting requirements of sec-
17 tions 3 and 4 of such Resolution (50 U.S.C. 1542 and
18 1543).

19 SEC. 9019. None of the funds made available by this
20 Act may be used with respect to Syria in contravention
21 of the War Powers Resolution (50 U.S.C. 1541 et seq.),
22 including for the introduction of United States armed or
23 military forces into hostilities in Syria, into situations in
24 Syria where imminent involvement in hostilities is clearly
25 indicated by the circumstances, or into Syrian territory,

1 airspace, or waters while equipped for combat, in con-
2 travention of the congressional consultation and reporting
3 requirements of sections 3 and 4 of that law (50 U.S.C.
4 1542 and 1543).

5 SEC. 9020. None of the funds in this Act may be
6 made available for the transfer of additional C-130 cargo
7 aircraft to the Afghanistan National Security Forces or
8 the Afghanistan Air Force.

9 SEC. 9021. Funds made available by this Act under
10 the heading “Afghanistan Security Forces Fund” may be
11 used to provide limited training, equipment, and other as-
12 sistance that would otherwise be prohibited by 10 U.S.C.
13 362 to a unit of the security forces of Afghanistan only
14 if the Secretary of Defense certifies to the congressional
15 defense committees, within 30 days of a decision to pro-
16 vide such assistance, that (1) a denial of such assistance
17 would present significant risk to United States or coalition
18 forces or significantly undermine United States national
19 security objectives in Afghanistan; and (2) the Secretary
20 has sought a commitment by the Government of Afghani-
21 stan to take all necessary corrective steps: *Provided*, That
22 such certification shall be accompanied by a report de-
23 scribing: (1) the information relating to the gross violation
24 of human rights; (2) the circumstances that necessitated
25 the provision of such assistance; (3) the Afghan security

1 force unit involved; (4) the assistance provided and the
2 assistance withheld; and (5) the corrective steps to be
3 taken by the Government of Afghanistan: *Provided fur-*
4 *ther*, That every 120 days after the initial report an addi-
5 tional report shall be submitted detailing the status of any
6 corrective steps taken by the Government of Afghanistan:
7 *Provided further*, That if the Government of Afghanistan
8 has not initiated necessary corrective steps within one year
9 of the certification, the authority under this section to pro-
10 vide assistance to such unit shall no longer apply: *Provided*
11 *further*, That the Secretary shall submit a report to such
12 committees detailing the final disposition of the case by
13 the Government of Afghanistan.

14 SEC. 9022. None of the funds made available by this
15 Act may be made available for any member of the Taliban
16 except to support a reconciliation activity that includes the
17 participation of members of the Government of Afghani-
18 stan, does not restrict the participation of women, and is
19 authorized by section 1218 of the National Defense Au-
20 thorization Act for Fiscal Year 2020 (Public Law 116-
21 92).

22 SEC. 9023. Nothing in this Act may be construed as
23 authorizing the use of force against Iran.

24 SEC. 9024. Not later than 15 days after the date on
25 which any foreign base that involves the stationing or op-

1 erations of the United States Armed Forces, including a
2 temporary base, permanent base, or base owned and oper-
3 ated by a foreign country, is opened or closed, the Sec-
4 retary of Defense shall notify the congressional defense
5 committees in writing of the opening or closing of such
6 base: *Provided*, that such notification shall also include in-
7 formation on any personnel changes, costs, and savings
8 associated with the opening or closing of such base.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 9025. In addition to amounts otherwise made
11 available in this Act, \$250,000,000 is hereby appropriated
12 to the Department of Defense and made available for
13 transfer only to the operation and maintenance, military
14 personnel, and procurement accounts, to improve near-
15 term intelligence, surveillance, and reconnaissance capa-
16 bilities and related processing, exploitation, and dissemi-
17 nation functions of the Department of Defense: *Provided*,
18 That the transfer authority provided in this section is in
19 addition to any other transfer authority provided else-
20 where in this Act: *Provided further*, That not later than
21 30 days prior to exercising the transfer authority provided
22 in this section, the Secretary of Defense shall submit a
23 report to the congressional defense committees on the pro-
24 posed uses of these funds: *Provided further*, That the
25 funds provided in this section may not be transferred to

1 any program, project, or activity specifically limited or de-
2 nied by this Act: *Provided further*, That such funds may
3 not be obligated for new start efforts: *Provided further*,
4 That amounts made available by this section are des-
5 ignated by the Congress for Overseas Contingency Oper-
6 ations/Global War on Terrorism pursuant to section
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985: *Provided further*, That the
9 authority to provide funding under this section shall termi-
10 nate on September 30, 2021.

11 (RESCISSIONS)

12 SEC. 9026. Of the funds appropriated in Department
13 of Defense Appropriations Acts, the following funds are
14 hereby rescinded from the following accounts and pro-
15 grams in the specified amounts: *Provided*, That such
16 amounts are 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 “Aircraft Procurement, Air Force”, 2019/2021,
21 \$16,400,000;

22 “Operation and Maintenance, Defense-Wide: Defense
23 Security Cooperation Agency”, 2020/2021, \$80,000,000;

24 “Afghanistan Security Forces Fund”, 2020/2021,
25 \$1,100,000,000; and

1 “Counter-ISIS Train and Equip Fund”, 2020/2021,
2 \$250,000,000.

3 SEC. 9027. Each amount designated in this Act by
4 the Congress for Overseas Contingency Operations/Global
5 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
6 the Balanced Budget and Emergency Deficit Control Act
7 of 1985 shall be available (or rescinded, if applicable) only
8 if the President subsequently so designates all such
9 amounts and transmits such designations to the Congress.

10 SEC. 9028. Effective 240 days after the date of the
11 enactment of this Act, the Authorization for Use of Mili-
12 tary Force (Public Law 107–40; 50 U.S.C. 1541 note)
13 is hereby repealed.

14 SEC. 9029. The Authorization for Use of Military
15 Force Against Iraq Resolution of 2002 (Public Law 107–
16 243; 50 U.S.C. 1541 note) is hereby repealed.

17 SEC. 9030. (a)(1) Except as provided in paragraph
18 (2), none of the funds appropriated or otherwise made
19 available by this Act may be obligated or expended for any
20 use of military force in or against Iran unless Congress
21 has—

22 (A) declared war; or

23 (B) enacted specific statutory authorization for such
24 use of military force after the date of the enactment of

1 this Act that meets the requirements of the War Powers
2 Resolution (50 U.S.C. 1541 et seq.).

3 (2) The prohibition under paragraph (1) shall not
4 apply to a use of military force that is consistent with sec-
5 tion (2)(c) of the War Powers Resolution.

6 (b) Nothing in this section may be construed—

7 (1) to prevent the President from using nec-
8 essary and appropriate force to defend United States
9 allies and partners if Congress enacts specific statu-
10 tory authorization for such use of force consistent
11 with the requirements of the War Powers Resolution
12 (50 U.S.C. 1541 et seq.);

13 (2) to relieve the executive branch of restric-
14 tions on the use of force, reporting, or consultation
15 requirements set forth in the War Powers Resolution
16 (50 U.S.C. 1541 et seq.); or

17 (3) to authorize the use of military force.

18

19 This Act may be cited as the “Department of Defense
20 Appropriations Act, 2021”.

Union Calendar No. 364

116TH CONGRESS
2^D SESSION

H. R. 7617

[Report No. 116-453]

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2021, and for other purposes.

JULY 16, 2020

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