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116TH CONGRESS
1ST SESSION

H. R. _____

[Report No. 116-____]

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

____ --, 2019

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2020, for military func-
6 tions administered by the Department of Defense and for
7 other purposes, namely:

8 TITLE I

9 MILITARY PERSONNEL

10 MILITARY PERSONNEL, ARMY

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
16 Army on active duty (except members of reserve compo-
17 nents provided for elsewhere), cadets, and aviation cadets;
18 for members of the Reserve Officers' Training Corps; and
19 for payments pursuant to section 156 of Public Law 97-
20 377, as amended (42 U.S.C. 402 note), and to the Depart-
21 ment of Defense Military Retirement Fund,
22 \$42,314,762,000.

23 MILITARY PERSONNEL, NAVY

24 For pay, allowances, individual clothing, subsistence,
25 interest on deposits, gratuities, permanent change of sta-

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

10 MILITARY PERSONNEL, MARINE CORPS

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

21 MILITARY PERSONNEL, AIR FORCE

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

1 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 \$31,082,769,000.

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, \$4,847,321,000.

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 \$2,113,357,000.

10 RESERVE PERSONNEL, MARINE CORPS

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

1 RESERVE PERSONNEL, AIR FORCE

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

14 NATIONAL GUARD PERSONNEL, ARMY

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

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

3 NATIONAL GUARD PERSONNEL, AIR FORCE

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

17 TITLE II

18 OPERATION AND MAINTENANCE

19 OPERATION AND MAINTENANCE, ARMY

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

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

3 OPERATION AND MAINTENANCE, NAVY

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

12 OPERATION AND MAINTENANCE, MARINE CORPS

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

16 OPERATION AND MAINTENANCE, AIR FORCE

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

1 OPERATION AND MAINTENANCE, SPACE FORCE

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

8 OPERATION AND MAINTENANCE, DEFENSE-WIDE

9 (INCLUDING TRANSFER OF FUNDS)

10 For expenses, not otherwise provided for, necessary
11 for the operation and maintenance of activities and agen-
12 cies of the Department of Defense (other than the military
13 departments), as authorized by law, \$37,256,022,000:
14 *Provided*, That not more than \$6,859,000 may be used
15 for the Combatant Commander Initiative Fund authorized
16 under section 166a of title 10, United States Code: *Pro-*
17 *vided further*, That not to exceed \$36,000,000 can be used
18 for emergencies and extraordinary expenses, to be ex-
19 pended on the approval or authority of the Secretary of
20 Defense, and payments may be made on his certificate of
21 necessity for confidential military purposes: *Provided fur-*
22 *ther*, That of the funds provided under this heading, not
23 less than \$44,500,000 shall be made available for the Pro-
24 curement Technical Assistance Cooperative Agreement
25 Program, of which not less than \$4,500,000 shall be avail-

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

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

13 OPERATION AND MAINTENANCE, ARMY RESERVE

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

21 OPERATION AND MAINTENANCE, NAVY RESERVE

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

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

4 OPERATION AND MAINTENANCE, MARINE CORPS

5 RESERVE

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

13 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

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

21 OPERATION AND MAINTENANCE, ARMY NATIONAL

22 GUARD

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

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

13 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

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

5 UNITED STATES COURT OF APPEALS FOR THE ARMED
6 FORCES

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

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

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

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

6 ENVIRONMENTAL RESTORATION, NAVY

7 (INCLUDING TRANSFER OF FUNDS)

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

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

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

21 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

22 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

12 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

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

19 COOPERATIVE THREAT REDUCTION ACCOUNT

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

1 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
2 DEVELOPMENT FUND

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

10 TITLE III
11 PROCUREMENT

12 AIRCRAFT PROCUREMENT, ARMY

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

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

3 MISSILE PROCUREMENT, ARMY

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

18 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

19 VEHICLES, ARMY

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

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

9 PROCUREMENT OF AMMUNITION, ARMY

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

1 OTHER PROCUREMENT, ARMY

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

19 AIRCRAFT PROCUREMENT, NAVY

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

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

7 WEAPONS PROCUREMENT, NAVY

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

20 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

21 CORPS

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

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

11 SHIPBUILDING AND CONVERSION, NAVY

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

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

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

1 Virginia Class Submarine, \$4,192,346,000;
2 Virginia Class Submarine (AP), \$4,266,552,000;
3 CVN Refueling Overhauls, \$667,926,000;
4 CVN Refueling Overhauls (AP), \$16,900,000;
5 DDG-1000 Program, \$155,944,000;
6 DDG-51 Destroyer, \$5,015,295,000;
7 DDG-51 Destroyer (AP), \$224,028,000;
8 FFG-Frigate, \$1,281,177,000;
9 TAO Fleet Oiler, \$981,215,000;
10 TAO Fleet Oiler (AP), \$73,000,000;
11 Towing, Salvage, and Rescue Ship, \$150,282,000;
12 LCU 1700, \$83,670,000;
13 Ship to Shore Connector, \$65,000,000;
14 Service Craft, \$56,289,000;
15 For outfitting, post delivery, conversions, and first
16 destination transportation, \$736,243,000; and
17 Completion of Prior Year Shipbuilding Programs,
18 \$55,700,000.
19 In all: \$21,699,556,000, to remain available for obli-
20 gation until September 30, 2024: *Provided*, That addi-
21 tional obligations may be incurred after September 30,
22 2024, for engineering services, tests, evaluations, and
23 other such budgeted work that must be performed in the
24 final stage of ship construction: *Provided further*, That
25 none of the funds provided under this heading for the con-

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

16 OTHER PROCUREMENT, NAVY

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

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

5 PROCUREMENT, MARINE CORPS

6 For expenses necessary for the procurement, manu-
7 facture, and modification of missiles, armament, military
8 equipment, spare parts, and accessories therefor; plant
9 equipment, appliances, and machine tools, and installation
10 thereof in public and private plants; reserve plant and
11 Government and contractor-owned equipment layaway; ve-
12 hicles for the Marine Corps, including the purchase of pas-
13 senger motor vehicles for replacement only; and expansion
14 of public and private plants, including land necessary
15 therefor, and such lands and interests therein, may be ac-
16 quired, and construction prosecuted thereon prior to ap-
17 proval of title, \$2,826,951,000, to remain available for ob-
18 ligation until September 30, 2022.

19 AIRCRAFT PROCUREMENT, AIR FORCE

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

1 plants, erection of structures, and acquisition of land, for
2 the foregoing purposes, and such lands and interests
3 therein, may be acquired, and construction prosecuted
4 thereon prior to approval of title; reserve plant and Gov-
5 ernment and contractor-owned equipment layaway; and
6 other expenses necessary for the foregoing purposes in-
7 cluding rents and transportation of things,
8 \$17,877,933,000, to remain available for obligation until
9 September 30, 2022.

10 MISSILE PROCUREMENT, AIR FORCE

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

1 SPACE PROCUREMENT, AIR FORCE

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

16 PROCUREMENT OF AMMUNITION, AIR FORCE

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

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

6 OTHER PROCUREMENT, AIR FORCE

7 For procurement and modification of equipment (in-
8 cluding ground guidance and electronic control equipment,
9 and ground electronic and communication equipment),
10 and supplies, materials, and spare parts therefor, not oth-
11 erwise provided for; the purchase of passenger motor vehi-
12 cles for replacement only; lease of passenger motor vehi-
13 cles; and expansion of public and private plants, Govern-
14 ment-owned equipment and installation thereof in such
15 plants, erection of structures, and acquisition of land, for
16 the foregoing purposes, and such lands and interests
17 therein, may be acquired, and construction prosecuted
18 thereon, prior to approval of title; reserve plant and Gov-
19 ernment and contractor-owned equipment layaway,
20 \$21,042,888,000, to remain available for obligation until
21 September 30, 2022.

22 PROCUREMENT, DEFENSE-WIDE

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

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

12 DEFENSE PRODUCTION ACT PURCHASES

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

17 TITLE IV

18 RESEARCH, DEVELOPMENT, TEST AND

19 EVALUATION

20 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

21 ARMY

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

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

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

4 NAVY

5 For expenses necessary for basic and applied sci-
6 entific research, development, test and evaluation, includ-
7 ing maintenance, rehabilitation, lease, and operation of fa-
8 cilities and equipment, \$19,125,865,000, to remain avail-
9 able for obligation until September 30, 2021. *Provided,*
10 That funds appropriated in this paragraph which are
11 available for the V-22 may be used to meet unique oper-
12 ational requirements of the Special Operations Forces.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

14 AIR FORCE

15 For expenses necessary for basic and applied sci-
16 entific research, development, test and evaluation, includ-
17 ing maintenance, rehabilitation, lease, and operation of fa-
18 cilities and equipment, \$44,795,456,000, to remain avail-
19 able for obligation until September 30, 2021.

20 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

21 DEFENSE-WIDE

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

1 as may be designated and determined by the Secretary
2 of Defense, pursuant to law; maintenance, rehabilitation,
3 lease, and operation of facilities and equipment,
4 \$24,502,308,000, to remain available for obligation until
5 September 30, 2021.

6 OPERATIONAL TEST AND EVALUATION, DEFENSE

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

16 TITLE V

17 REVOLVING AND MANAGEMENT FUNDS

18 DEFENSE WORKING CAPITAL FUNDS

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

21 DEFENSE COUNTERINTELLIGENCE AND SECURITY

22 AGENCY WORKING CAPITAL FUND

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

1 TITLE VI
2 OTHER DEPARTMENT OF DEFENSE PROGRAMS
3 DEFENSE HEALTH PROGRAM
4 For expenses, not otherwise provided for, for medical
5 and health care programs of the Department of Defense
6 as authorized by law, \$33,463,539,000; of which
7 \$31,356,942,000, shall be for operation and maintenance,
8 of which not to exceed one percent shall remain available
9 for obligation until September 30, 2021, and of which up
10 to \$15,176,945,000 may be available for contracts entered
11 into under the TRICARE program; of which
12 \$454,324,000, to remain available for obligation until Sep-
13 tember 30, 2022, shall be for procurement; and of which
14 \$1,652,273,000, to remain available for obligation until
15 September 30, 2021, shall be for research, development,
16 test and evaluation: *Provided*, That, notwithstanding any
17 other provision of law, of the amount made available under
18 this heading for research, development, test and evalua-
19 tion, not less than \$8,000,000 shall be available for HIV
20 prevention educational activities undertaken in connection
21 with United States military training, exercises, and hu-
22 manitarian assistance activities conducted primarily in Af-
23 rican nations: *Provided further*, That of the funds provided
24 under this heading for research, development, test and
25 evaluation, not less than \$920,000,000 shall be made

1 available to the United States Army Medical Research and
2 Materiel Command to carry out the congressionally di-
3 rected medical research programs.

4 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
5 DEFENSE

6 For expenses, not otherwise provided for, necessary
7 for the destruction of the United States stockpile of lethal
8 chemical agents and munitions in accordance with the pro-
9 visions of section 1412 of the Department of Defense Au-
10 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
11 struction of other chemical warfare materials that are not
12 in the chemical weapon stockpile, \$985,499,000, of which
13 \$107,351,000 shall be for operation and maintenance, of
14 which no less than \$52,452,000 shall be for the Chemical
15 Stockpile Emergency Preparedness Program, consisting of
16 \$22,444,000 for activities on military installations and
17 \$30,008,000, to remain available until September 30,
18 2021, to assist State and local governments; \$2,218,000
19 shall be for procurement, to remain available until Sep-
20 tember 30, 2022, of which not less than \$2,218,000 shall
21 be for the Chemical Stockpile Emergency Preparedness
22 Program to assist State and local governments; and
23 \$875,930,000, to remain available until September 30,
24 2021, shall be for research, development, test and evalua-

1 tion, of which \$869,430,000 shall only be for the Assem-
2 bled Chemical Weapons Alternatives program.

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

6 For drug interdiction and counter-drug activities of
7 the Department of Defense, for transfer to appropriations
8 available to the Department of Defense for military per-
9 sonnel of the reserve components serving under the provi-
10 sions of title 10 and title 32, United States Code; for oper-
11 ation and maintenance; for procurement; and for research,
12 development, test and evaluation, \$816,755,000, of which
13 \$517,171,000 shall be for counter-narcotics support;
14 \$121,922,000 shall be for the drug demand reduction pro-
15 gram; \$172,291,000 shall be for the National Guard
16 counter-drug program; and \$5,371,000 shall be for the
17 National Guard counter-drug schools program: *Provided*,
18 That the funds appropriated under this heading shall be
19 available for obligation for the same time period and for
20 the same purpose as the appropriation to which trans-
21 ferred: *Provided further*, That upon a determination that
22 all or part of the funds transferred from this appropriation
23 are not necessary for the purposes provided herein, such
24 amounts may be transferred back to this appropriation:
25 *Provided further*, That the transfer authority provided

1 under this heading is in addition to any other transfer au-
2 thority contained elsewhere in this Act: *Provided further*,
3 That section 284 of title 10, United States Code, may only
4 be carried out using amounts appropriated under this
5 heading for counter-narcotics support: *Provided further*,
6 That amounts appropriated under this heading for
7 counter-narcotics support may not be used for the con-
8 struction of fences pursuant to subsection (b)(7) of such
9 section: *Provided further*, That the transfer authority con-
10 tained in section 8005 in title VIII of this Act shall not
11 apply to amounts made available under this heading: *Pro-*
12 *vided further*, That funds appropriated under this heading
13 for counter-narcotics support may only be transferred 15
14 days following written notification to the congressional de-
15 fense committees.

16 OFFICE OF THE INSPECTOR GENERAL

17 For expenses and activities of the Office of the In-
18 spector General in carrying out the provisions of the In-
19 spector General Act of 1978, as amended, \$363,499,000,
20 of which \$360,201,000 shall be for operation and mainte-
21 nance, of which not to exceed \$700,000 is available for
22 emergencies and extraordinary expenses to be expended on
23 the approval or authority of the Inspector General, and
24 payments may be made on the Inspector General's certifi-
25 cate of necessity for confidential military purposes; of

1 which \$333,000 to remain available for obligation until
2 September 30, 2022, shall be for procurement; and of
3 which \$2,965,000, to remain available until September 30,
4 2021, shall be for research, development, test and evalua-
5 tion.

6 TITLE VII

7 RELATED AGENCIES

8 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

9 DISABILITY SYSTEM FUND

10 For payment to the Central Intelligence Agency Re-
11 tirement and Disability System Fund, to maintain the
12 proper funding level for continuing the operation of the
13 Central Intelligence Agency Retirement and Disability
14 System, \$514,000,000.

15 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

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

18 TITLE VIII

19 GENERAL PROVISIONS

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

23 SEC. 8002. During the current fiscal year, provisions
24 of law prohibiting the payment of compensation to, or em-
25 ployment of, any person not a citizen of the United States

1 shall not apply to personnel of the Department of Defense:
2 *Provided*, That salary increases granted to direct and indi-
3 rect hire foreign national employees of the Department of
4 Defense funded by this Act shall not be at a rate in excess
5 of the percentage increase authorized by law for civilian
6 employees of the Department of Defense whose pay is
7 computed under the provisions of section 5332 of title 5,
8 United States Code, or at a rate in excess of the percent-
9 age increase provided by the appropriate host nation to
10 its own employees, whichever is higher: *Provided further*,
11 That this section shall not apply to Department of De-
12 fense foreign service national employees serving at United
13 States diplomatic missions whose pay is set by the Depart-
14 ment of State under the Foreign Service Act of 1980: *Pro-*
15 *vided further*, That the limitations of this provision shall
16 not apply to foreign national employees of the Department
17 of Defense in the Republic of Turkey.

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

21 SEC. 8004. No more than 20 percent of the appro-
22 priations in this Act which are limited for obligation dur-
23 ing the current fiscal year shall be obligated during the
24 last 2 months of the fiscal year: *Provided*, That this sec-
25 tion shall not apply to obligations for support of active

1 duty training of reserve components or summer camp
2 training of the Reserve Officers' Training Corps.

3 (TRANSFER OF FUNDS)

4 SEC. 8005. Upon determination by the Secretary of
5 Defense that such action is necessary in the national inter-
6 est, he may, with the approval of the Office of Manage-
7 ment and Budget, transfer not to exceed a total of
8 \$1,000,000,000 of working capital funds of the Depart-
9 ment of Defense or funds made available in this Act to
10 the Department of Defense for military functions (except
11 military construction) between such appropriations or
12 funds or any subdivision thereof, to be merged with and
13 to be available for the same purposes, and for the same
14 time period, as the appropriation or fund to which trans-
15 ferred: *Provided*, That such authority to transfer may not
16 be used unless the Secretary of Defense and the head of
17 each entity affected by such transfer certifies in writing
18 to the congressional defense committees, as part of the
19 applicable request for reprogramming required for such
20 transfer, that the funds will be used for higher priority
21 items, based on unforeseen military requirements, than
22 those for which originally appropriated and in no case
23 where the item for which funds are requested has been
24 denied by the Congress: *Provided further*, That the Sec-
25 retary of Defense shall notify the Congress promptly of

1 all transfers made pursuant to this authority or any other
2 authority in this Act: *Provided further*, That no part of
3 the funds in this Act shall be available to prepare or
4 present a request to the Committees on Appropriations for
5 reprogramming of funds, unless for higher priority items,
6 based on unforeseen military requirements, than those for
7 which originally appropriated and in no case where the
8 item for which reprogramming is requested has been de-
9 nied by the Congress: *Provided further*, That a request for
10 multiple reprogrammings of funds using authority pro-
11 vided in this section shall be made prior to June 30, 2020.

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

1 (b) Amounts specified in the referenced tables de-
2 scribed in subsection (a) shall not be treated as subdivi-
3 sions of appropriations for purposes of section 8005 of this
4 Act: *Provided*, That section 8005 shall apply when trans-
5 fers of the amounts described in subsection (a) occur be-
6 tween appropriation accounts.

7 SEC. 8007. (a) Not later than 60 days after enact-
8 ment of this Act, the Department of Defense shall submit
9 a report to the congressional defense committees to estab-
10 lish the baseline for application of reprogramming and
11 transfer authorities for fiscal year 2020: *Provided*, That
12 the report shall include—

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

18 (2) a delineation in the table for each appro-
19 priation both by budget activity and program,
20 project, and activity as detailed in the Budget Ap-
21 pendix; and

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

24 (b) Notwithstanding section 8005 of this Act, none
25 of the funds provided in this Act shall be available for

1 reprogramming or transfer until the report identified in
2 subsection (a) is submitted to the congressional defense
3 committees, unless the Secretary of Defense certifies in
4 writing to the congressional defense committees that such
5 reprogramming or transfer is necessary as an emergency
6 requirement: *Provided*, That this subsection shall not
7 apply to transfers from the following appropriations ac-
8 counts:

- 9 (1) “Environmental Restoration, Army”;
- 10 (2) “Environmental Restoration, Navy”;
- 11 (3) “Environmental Restoration, Air Force”;
- 12 (4) “Environmental Restoration, Defense-
13 Wide”
- 14 (5) “Environmental Restoration, Formerly
15 Used Defense Sites”.

16 (TRANSFER OF FUNDS)

17 SEC. 8008. During the current fiscal year, cash bal-
18 ances in working capital funds of the Department of De-
19 fense established pursuant to section 2208 of title 10,
20 United States Code, may be maintained in only such
21 amounts as are necessary at any time for cash disburse-
22 ments to be made from such funds: *Provided*, That trans-
23 fers may be made between such funds: *Provided further*,
24 That transfers may be made between working capital
25 funds and the “Foreign Currency Fluctuations, Defense”

1 appropriation and the “Operation and Maintenance” ap-
2 propriation accounts in such amounts as may be deter-
3 mined by the Secretary of Defense, with the approval of
4 the Office of Management and Budget, except that such
5 transfers may not be made unless the Secretary of Defense
6 has notified the Congress of the proposed transfer: *Pro-*
7 *vided further*, That except in amounts equal to the
8 amounts appropriated to working capital funds in this Act,
9 no obligations may be made against a working capital fund
10 to procure or increase the value of war reserve material
11 inventory, unless the Secretary of Defense has notified the
12 Congress prior to any such obligation.

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

17 SEC. 8010. None of the funds provided in this Act
18 shall be available to initiate: (1) a multiyear contract that
19 employs economic order quantity procurement in excess of
20 \$20,000,000 in any one year of the contract or that in-
21 cludes an unfunded contingent liability in excess of
22 \$20,000,000; or (2) a contract for advance procurement
23 leading to a multiyear contract that employs economic
24 order quantity procurement in excess of \$20,000,000 in
25 any one year, unless the congressional defense committees

1 have been notified at least 30 days in advance of the pro-
2 posed contract award: *Provided*, That no part of any ap-
3 propriation contained in this Act shall be available to ini-
4 tiate a multiyear contract for which the economic order
5 quantity advance procurement is not funded at least to
6 the limits of the Government's liability: *Provided further*,
7 That no part of any appropriation contained in this Act
8 shall be available to initiate multiyear procurement con-
9 tracts for any systems or component thereof if the value
10 of the multiyear contract would exceed \$500,000,000 un-
11 less specifically provided in this Act: *Provided further*,
12 That no multiyear procurement contract can be termi-
13 nated without 30-day prior notification to the congres-
14 sional defense committees: *Provided further*, That the exe-
15 cution of multiyear authority shall require the use of a
16 present value analysis to determine lowest cost compared
17 to an annual procurement: *Provided further*, That none of
18 the funds provided in this Act may be used for a multiyear
19 contract executed after the date of the enactment of this
20 Act unless in the case of any such contract—

21 (1) the Secretary of Defense has submitted to
22 Congress a budget request for full funding of units
23 to be procured through the contract and, in the case
24 of a contract for procurement of aircraft, that in-
25 cludes, for any aircraft unit to be procured through

1 the contract for which procurement funds are re-
2 quired in that budget request for production be-
3 yond advance procurement activities in the fiscal
4 year covered by the budget, full funding of procure-
5 ment of such unit in that fiscal year;

6 (2) cancellation provisions in the contract do
7 not include consideration of recurring manufacturing
8 costs of the contractor associated with the produc-
9 tion of unfunded units to be delivered under the con-
10 tract;

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

14 (4) the contract does not provide for a price ad-
15 justment based on a failure to award a follow-on
16 contract.

17 SEC. 8011. Within the funds appropriated for the op-
18 eration and maintenance of the Armed Forces, funds are
19 hereby appropriated pursuant to section 401 of title 10,
20 United States Code, for humanitarian and civic assistance
21 costs under chapter 20 of title 10, United States Code.
22 Such funds may also be obligated for humanitarian and
23 civic assistance costs incidental to authorized operations
24 and pursuant to authority granted in section 401 of chap-
25 ter 20 of title 10, United States Code, and these obliga-

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

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

1 (b) The fiscal year 2021 budget request for the De-
2 partment of Defense as well as all justification material
3 and other documentation supporting the fiscal year 2021
4 Department of Defense budget request shall be prepared
5 and submitted to the Congress as if subsections (a) and
6 (b) of this provision were effective with regard to fiscal
7 year 2021.

8 (c) As required by section 1107 of the National De-
9 fense Authorization Act for Fiscal Year 2014 (Public Law
10 113–66; 10 U.S.C. 2358 note) civilian personnel at the
11 Department of Army Science and Technology Reinvention
12 Laboratories may not be managed on the basis of the
13 Table of Distribution and Allowances, and the manage-
14 ment of the workforce strength shall be done in a manner
15 consistent with the budget available with respect to such
16 Laboratories.

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

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

23 SEC. 8014. None of the funds appropriated by this
24 Act shall be available for the basic pay and allowances of
25 any member of the Army participating as a full-time stu-

1 dent and receiving benefits paid by the Secretary of Vet-
2 erans Affairs from the Department of Defense Education
3 Benefits Fund when time spent as a full-time student is
4 credited toward completion of a service commitment: *Pro-*
5 *vided*, That this section shall not apply to those members
6 who have reenlisted with this option prior to October 1,
7 1987: *Provided further*, That this section applies only to
8 active components of the Army.

9 (TRANSFER OF FUNDS)

10 SEC. 8015. Funds appropriated in title III of this Act
11 for the Department of Defense Pilot Mentor-Protege Pro-
12 gram may be transferred to any other appropriation con-
13 tained in this Act solely for the purpose of implementing
14 a Mentor-Protege Program developmental assistance
15 agreement pursuant to section 831 of the National De-
16 fense Authorization Act for Fiscal Year 1991 (Public Law
17 101–510; 10 U.S.C. 2302 note), as amended, under the
18 authority of this provision or any other transfer authority
19 contained in this Act.

20 SEC. 8016. None of the funds in this Act may be
21 available for the purchase by the Department of Defense
22 (and its departments and agencies) of welded shipboard
23 anchor and mooring chain 4 inches in diameter and under
24 unless the anchor and mooring chain are manufactured
25 in the United States from components which are substan-

1 tially manufactured in the United States: *Provided*, That
2 for the purpose of this section, the term “manufactured”
3 shall include cutting, heat treating, quality control, testing
4 of chain and welding (including the forging and shot blast-
5 ing process): *Provided further*, That for the purpose of this
6 section substantially all of the components of anchor and
7 mooring chain shall be considered to be produced or manu-
8 factured in the United States if the aggregate cost of the
9 components produced or manufactured in the United
10 States exceeds the aggregate cost of the components pro-
11 duced or manufactured outside the United States: *Pro-
12 vided further*, That when adequate domestic supplies are
13 not available to meet Department of Defense requirements
14 on a timely basis, the Secretary of the Service responsible
15 for the procurement may waive this restriction on a case-
16 by-case basis by certifying in writing to the Committees
17 on Appropriations that such an acquisition must be made
18 in order to acquire capability for national security pur-
19 poses.

20 SEC. 8017. None of the funds appropriated by this
21 Act shall be used for the support of any nonappropriated
22 funds activity of the Department of Defense that procures
23 malt beverages and wine with nonappropriated funds for
24 resale (including such alcoholic beverages sold by the
25 drink) on a military installation located in the United

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

15 SEC. 8018. None of the funds available to the De-
16 partment of Defense may be used to demilitarize or dis-
17 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
18 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
19 to demilitarize or destroy small arms ammunition or am-
20 munion components that are not otherwise prohibited
21 from commercial sale under Federal law, unless the small
22 arms ammunition or ammunition components are certified
23 by the Secretary of the Army or designee as unserviceable
24 or unsafe for further use.

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

10 SEC. 8020. Of the funds made available in this Act,
11 \$25,000,000 shall be available for incentive payments au-
12 thorized by section 504 of the Indian Financing Act of
13 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor
14 or a subcontractor at any tier that makes a subcontract
15 award to any subcontractor or supplier as defined in sec-
16 tion 1544 of title 25, United States Code, or a small busi-
17 ness owned and controlled by an individual or individuals
18 defined under section 4221(9) of title 25, United States
19 Code, shall be considered a contractor for the purposes
20 of being allowed additional compensation under section
21 504 of the Indian Financing Act of 1974 (25 U.S.C.
22 1544) whenever the prime contract or subcontract amount
23 is over \$500,000 and involves the expenditure of funds
24 appropriated by an Act making appropriations for the De-
25 partment of Defense with respect to any fiscal year: *Pro-*

1 *vided further*, That notwithstanding section 1906 of title
2 41, United States Code, this section shall be applicable
3 to any Department of Defense acquisition of supplies or
4 services, including any contract and any subcontract at
5 any tier for acquisition of commercial items produced or
6 manufactured, in whole or in part, by any subcontractor
7 or supplier defined in section 1544 of title 25, United
8 States Code, or a small business owned and controlled by
9 an individual or individuals defined under section 4221(9)
10 of title 25, United States Code.

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

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

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

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

6 (2) \$11,000,000 shall be available from “Air-
7 craft Procurement, Air Force”; and

8 (3) \$3,567,000 shall be available from “Other
9 Procurement, Air Force” for vehicle and commu-
10 nication equipment procurement.

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

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

23 (b) No member of a Board of Directors, Trustees,
24 Overseers, Advisory Group, Special Issues Panel, Visiting
25 Committee, or any similar entity of a defense FFRDC,

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

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

20 (d) Notwithstanding any other provision of law, of
21 the funds available to the department during fiscal year
22 2020, not more than 6,100 staff years of technical effort
23 (staff years) may be funded for defense FFRDCs: *Pro-*
24 *vided*, That this subsection shall not apply to staff years

1 funded in the National Intelligence Program (NIP) and
2 the Military Intelligence Program (MIP).

3 (e) The Secretary of Defense shall, with the submis-
4 sion of the Department's fiscal year 2021 budget request,
5 submit a report presenting the specific amounts of staff
6 years of technical effort to be allocated for each defense
7 FFRDC during that fiscal year and the associated budget
8 estimates.

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

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

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

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

19 SEC. 8027. During the current fiscal year, the De-
20 partment of Defense may acquire the modification, depot
21 maintenance and repair of aircraft, vehicles and vessels
22 as well as the production of components and other De-
23 fense-related articles, through competition between De-
24 partment of Defense depot maintenance activities and pri-
25 vate firms: *Provided*, That the Senior Acquisition Execu-

1 tive of the military department or Defense Agency con-
2 cerned, with power of delegation, shall certify that success-
3 ful bids include comparable estimates of all direct and in-
4 direct costs for both public and private bids: *Provided fur-*
5 *ther*, That Office of Management and Budget Circular A-
6 76 shall not apply to competitions conducted under this
7 section.

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

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

24 (b) The Secretary of Defense shall submit to the Con-
25 gress a report on the amount of Department of Defense

1 purchases from foreign entities in fiscal year 2020. Such
2 report shall separately indicate the dollar value of items
3 for which the Buy American Act was waived pursuant to
4 any agreement described in subsection (a)(2), the Trade
5 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
6 international agreement to which the United States is a
7 party.

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

11 SEC. 8029. During the current fiscal year, amounts
12 contained in the Department of Defense Overseas Military
13 Facility Investment Recovery Account established by sec-
14 tion 2921(c)(1) of the National Defense Authorization Act
15 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
16 be available until expended for the payments specified by
17 section 2921(c)(2) of that Act.

18 SEC. 8030. (a) Notwithstanding any other provision
19 of law, the Secretary of the Air Force may convey at no
20 cost to the Air Force, without consideration, to Indian
21 tribes located in the States of Nevada, Idaho, North Da-
22 kota, South Dakota, Montana, Oregon, Minnesota, and
23 Washington relocatable military housing units located at
24 Grand Forks Air Force Base, Malmstrom Air Force Base,
25 Mountain Home Air Force Base, Ellsworth Air Force

1 Base, and Minot Air Force Base that are excess to the
2 needs of the Air Force.

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

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

18 (d) In this section, the term “Indian tribe” means
19 any recognized Indian tribe included on the current list
20 published by the Secretary of the Interior under section
21 104 of the Federally Recognized Indian Tribe Act of 1994
22 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).

23 SEC. 8031. During the current fiscal year, appropria-
24 tions which are available to the Department of Defense
25 for operation and maintenance may be used to purchase

1 items having an investment item unit cost of not more
2 than \$250,000.

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

5 (1) disestablish, or prepare to disestablish, a
6 Senior Reserve Officers' Training Corps program in
7 accordance with Department of Defense Instruction
8 Number 1215.08, dated June 26, 2006; or

9 (2) close, downgrade from host to extension
10 center, or place on probation a Senior Reserve Offi-
11 cers' Training Corps program in accordance with the
12 information paper of the Department of the Army
13 titled "Army Senior Reserve Officer's Training
14 Corps (SROTC) Program Review and Criteria",
15 dated January 27, 2014.

16 SEC. 8033. Up to \$14,000,000 of the funds appro-
17 priated under the heading "Operation and Maintenance,
18 Navy" may be made available for the Asia Pacific Re-
19 gional Initiative Program for the purpose of enabling the
20 Pacific Command to execute Theater Security Cooperation
21 activities such as humanitarian assistance, and payment
22 of incremental and personnel costs of training and exer-
23 cising with foreign security forces: *Provided*, That funds
24 made available for this purpose may be used, notwith-
25 standing any other funding authorities for humanitarian

1 assistance, security assistance or combined exercise ex-
2 penses: *Provided further*, That funds may not be obligated
3 to provide assistance to any foreign country that is other-
4 wise prohibited from receiving such type of assistance
5 under any other provision of law.

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

16 SEC. 8035. (a) During the current fiscal year, none
17 of the appropriations or funds available to the Department
18 of Defense Working Capital Funds shall be used for the
19 purchase of an investment item for the purpose of acquir-
20 ing a new inventory item for sale or anticipated sale dur-
21 ing the current fiscal year or a subsequent fiscal year to
22 customers of the Department of Defense Working Capital
23 Funds if such an item would not have been chargeable
24 to the Department of Defense Business Operations Fund
25 during fiscal year 1994 and if the purchase of such an

1 investment item would be chargeable during the current
2 fiscal year to appropriations made to the Department of
3 Defense for procurement.

4 (b) The fiscal year 2021 budget request for the De-
5 partment of Defense as well as all justification material
6 and other documentation supporting the fiscal year 2021
7 Department of Defense budget shall be prepared and sub-
8 mitted to the Congress on the basis that any equipment
9 which was classified as an end item and funded in a pro-
10 curement appropriation contained in this Act shall be
11 budgeted for in a proposed fiscal year 2021 procurement
12 appropriation and not in the supply management business
13 area or any other area or category of the Department of
14 Defense Working Capital Funds.

15 SEC. 8036. None of the funds appropriated by this
16 Act for programs of the Central Intelligence Agency shall
17 remain available for obligation beyond the current fiscal
18 year, except for funds appropriated for the Reserve for
19 Contingencies, which shall remain available until Sep-
20 tember 30, 2021: *Provided*, That funds appropriated,
21 transferred, or otherwise credited to the Central Intel-
22 ligence Agency Central Services Working Capital Fund
23 during this or any prior or subsequent fiscal year shall
24 remain available until expended: *Provided further*, That
25 any funds appropriated or transferred to the Central Intel-

1 ligence Agency for advanced research and development ac-
2 quisition, for agent operations, and for covert action pro-
3 grams authorized by the President under section 503 of
4 the National Security Act of 1947 (50 U.S.C. 3093) shall
5 remain available until September 30, 2021.

6 SEC. 8037. Of the funds appropriated to the Depart-
7 ment of Defense under the heading “Operation and Main-
8 tenance, Defense-Wide”, not less than \$12,000,000 shall
9 be made available only for the mitigation of environmental
10 impacts, including training and technical assistance to
11 tribes, related administrative support, the gathering of in-
12 formation, documenting of environmental damage, and de-
13 veloping a system for prioritization of mitigation and cost
14 to complete estimates for mitigation, on Indian lands re-
15 sulting from Department of Defense activities.

16 SEC. 8038. (a) None of the funds appropriated in this
17 Act may be expended by an entity of the Department of
18 Defense unless the entity, in expending the funds, com-
19 plies with the Buy American Act. For purposes of this
20 subsection, the term “Buy American Act” means chapter
21 83 of title 41, United States Code.

22 (b) If the Secretary of Defense determines that a per-
23 son has been convicted of intentionally affixing a label
24 bearing a “Made in America” inscription to any product
25 sold in or shipped to the United States that is not made

1 in America, the Secretary shall determine, in accordance
2 with section 2410f of title 10, United States Code, wheth-
3 er the person should be debarred from contracting with
4 the Department of Defense.

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

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

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

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

22 (b) The Secretary of Defense or Secretary of a mili-
23 tary department may waive the limitations in subsection
24 (a), on a case-by-case basis, if the Secretary determines,
25 and certifies to the Committees on Appropriations of the

1 House of Representatives and the Senate that the grant-
2 ing of the waiver will reduce the personnel requirements
3 or the financial requirements of the department.

4 (c) This section does not apply to—

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

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

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

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

20 SEC. 8040. (a) None of the funds appropriated by
21 this Act shall be available to convert to contractor per-
22 formance an activity or function of the Department of De-
23 fense that, on or after the date of the enactment of this
24 Act, is performed by Department of Defense civilian em-
25 ployees unless—

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

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

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

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

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

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

24 (B) offering to such workers an employer-
25 sponsored health benefits plan that requires the

1 employer to contribute less towards the pre-
2 mium or subscription share than the amount
3 that is paid by the Department of Defense for
4 health benefits for civilian employees under
5 chapter 89 of title 5, United States Code.

6 (b)(1) The Department of Defense, without regard
7 to subsection (a) of this section or subsection (a), (b), or
8 (c) of section 2461 of title 10, United States Code, and
9 notwithstanding any administrative regulation, require-
10 ment, or policy to the contrary shall have full authority
11 to enter into a contract for the performance of any com-
12 mercial or industrial type function of the Department of
13 Defense that—

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

18 (B) is planned to be converted to performance
19 by a qualified nonprofit agency for the blind or by
20 a qualified nonprofit agency for other severely handi-
21 capped individuals in accordance with that Act; or

22 (C) is planned to be converted to performance
23 by a qualified firm under at least 51 percent owner-
24 ship by an Indian tribe, as defined in section 4(e)
25 of the Indian Self-Determination and Education As-

1 assistance Act (25 U.S.C. 450b(e)), or a Native Ha-
2 waiian Organization, as defined in section 8(a)(15)
3 of the Small Business Act (15 U.S.C. 637(a)(15)).

4 (2) This section shall not apply to depot contracts
5 or contracts for depot maintenance as provided in sections
6 2469 and 2474 of title 10, United States Code.

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

16 (RESCISSIONS)

17 SEC. 8041. Of the funds appropriated in Department
18 of Defense Appropriations Acts, the following funds are
19 hereby rescinded from the following accounts and pro-
20 grams in the specified amounts: *Provided*, That no
21 amounts may be rescinded from amounts that were des-
22 ignated by the Congress for Overseas Contingency Oper-
23 ations/Global War on Terrorism or as an emergency re-
24 quirement pursuant to the Concurrent Resolution on the

1 Budget or the Balanced Budget and Emergency Deficit

2 Control Act of 1985, as amended:

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

5 “Shipbuilding and Conversion, Navy: LCAC SLEP”,
6 2013/2020, \$2,000,000;

7 “Missile Procurement, Army”, 2018/2020,
8 \$14,056,000;

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

11 “Other Procurement, Army”, 2018/2020,
12 \$10,685,000;

13 “Aircraft Procurement, Navy”, 2018/2020,
14 \$126,079,000;

15 “Other Procurement, Navy”, 2018/2020,
16 \$34,087,000;

17 “Procurement, Marine Corps”, 2018/2020,
18 \$9,046,000;

19 “Aircraft Procurement, Air Force”, 2018/2020,
20 \$160,200,000;

21 “Other Procurement, Air Force”, 2018/2020,
22 \$26,000,000;

23 “Operation and Maintenance, Defense-Wide: DSCA
24 Security Cooperation Account”, 2019/2020, \$21,314,000;

1 “Aircraft Procurement, Army”, 2019/2021,
2 \$58,600,000;

3 “Procurement of Weapons and Tracked Combat Ve-
4 hicles”, 2019/2021, \$87,567,000;

5 “Other Procurement, Army”, 2019/2021,
6 \$75,173,000;

7 “Aircraft Procurement, Navy”, 2019/2021,
8 \$501,616,000;

9 “Procurement of Ammunition, Navy and Marine
10 Corps”, 2019/2021, \$22,000,000;

11 “Other Procurement, Navy”, 2019/2021,
12 \$44,964,000;

13 “Procurement, Marine Corps”, 2019/2021,
14 \$74,456,000;

15 “Aircraft Procurement, Air Force”, 2019/2021,
16 \$629,300,000;

17 “Missile Procurement, Air Force”, 2019/2021,
18 \$76,000,000;

19 “Space Procurement, Air Force”, 2019/2021,
20 \$214,509,000;

21 “Procurement of Ammunition, Air Force”, 2019/
22 2021, \$236,100,000;

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

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

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

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

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

18 SEC. 8044. Funds appropriated in this Act for oper-
19 ation and maintenance of the Military Departments, Com-
20 batant Commands and Defense Agencies shall be available
21 for reimbursement of pay, allowances and other expenses
22 which would otherwise be incurred against appropriations
23 for the National Guard and Reserve when members of the
24 National Guard and Reserve provide intelligence or coun-
25 terintelligence support to Combatant Commands, Defense

1 Agencies and Joint Intelligence Activities, including the
2 activities and programs included within the National Intel-
3 ligence Program and the Military Intelligence Program:
4 *Provided*, That nothing in this section authorizes deviation
5 from established Reserve and National Guard personnel
6 and training procedures.

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

11 (b) None of the funds available to the Central Intel-
12 ligence Agency for any fiscal year for drug interdiction or
13 counter-drug activities may be transferred to any other de-
14 partment or agency of the United States.

15 SEC. 8046. None of the funds appropriated by this
16 Act may be used for the procurement of ball and roller
17 bearings other than those produced by a domestic source
18 and of domestic origin: *Provided*, That the Secretary of
19 the military department responsible for such procurement
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 ade-
23 quate domestic supplies are not available to meet Depart-
24 ment of Defense requirements on a timely basis and that
25 such an acquisition must be made in order to acquire ca-

1 pability for national security purposes: *Provided further*,
2 That this restriction shall not apply to the purchase of
3 “commercial items”, as defined by section 103 of title 41,
4 United States Code, except that the restriction shall apply
5 to ball or roller bearings purchased as end items.

6 SEC. 8047. In addition to the amounts appropriated
7 or otherwise made available elsewhere in this Act,
8 \$44,000,000 is hereby appropriated to the Department of
9 Defense: *Provided*, That upon the determination of the
10 Secretary of Defense that it shall serve the national inter-
11 est, the Secretary shall make grants in the amounts speci-
12 fied as follows: \$20,000,000 to the United Service Organi-
13 zations and \$24,000,000 to the Red Cross.

14 SEC. 8048. None of the funds in this Act may be
15 used to purchase any supercomputer which is not manu-
16 factured in the United States, unless the Secretary of De-
17 fense certifies to the congressional defense committees
18 that such an acquisition must be made in order to acquire
19 capability for national security purposes that is not avail-
20 able from United States manufacturers.

21 SEC. 8049. Notwithstanding any other provision in
22 this Act, the Small Business Innovation Research program
23 and the Small Business Technology Transfer program set-
24 asides shall be taken proportionally from all programs,

1 projects, or activities to the extent they contribute to the
2 extramural budget.

3 SEC. 8050. None of the funds available to the De-
4 partment of Defense under this Act shall be obligated or
5 expended to pay a contractor under a contract with the
6 Department of Defense for costs of any amount paid by
7 the contractor to an employee when—

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

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

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8051. During the current fiscal year, no more
15 than \$30,000,000 of appropriations made in this Act
16 under the heading “Operation and Maintenance, Defense-
17 Wide” may be transferred to appropriations available for
18 the pay of military personnel, to be merged with, and to
19 be available for the same time period as the appropriations
20 to which transferred, to be used in support of such per-
21 sonnel in connection with support and services for eligible
22 organizations and activities outside the Department of De-
23 fense pursuant to section 2012 of title 10, United States
24 Code.

1 SEC. 8052. During the current fiscal year, in the case
2 of an appropriation account of the Department of Defense
3 for which the period of availability for obligation has ex-
4 pired or which has closed under the provisions of section
5 1552 of title 31, United States Code, and which has a
6 negative unliquidated or unexpended balance, an obliga-
7 tion or an adjustment of an obligation may be charged
8 to any current appropriation account for the same purpose
9 as the expired or closed account if—

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

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

17 (3) in the case of an expired account, the obli-
18 gation is not chargeable to a current appropriation
19 of the Department of Defense under the provisions
20 of section 1405(b)(8) of the National Defense Au-
21 thorization Act for Fiscal Year 1991, Public Law
22 101–510, as amended (31 U.S.C. 1551 note): *Pro-*
23 *vided*, That in the case of an expired account, if sub-
24 sequent review or investigation discloses that there
25 was not in fact a negative unliquidated or unex-

1 Counsel Program: *Provided*, That the funds are made
2 available for transfer to the Department of the Army, the
3 Department of the Navy, and the Department of the Air
4 Force: *Provided further*, That funds transferred shall be
5 merged with and available for the same purposes and for
6 the same time period as the appropriations to which the
7 funds are transferred: *Provided further*, That this transfer
8 authority is in addition to any other transfer authority
9 provided in this Act.

10 SEC. 8055. None of the funds appropriated in title
11 IV of this Act may be used to procure end-items for deliv-
12 ery to military forces for operational training, operational
13 use or inventory requirements: *Provided*, That this restric-
14 tion does not apply to end-items used in development,
15 prototyping, and test activities preceding and leading to
16 acceptance for operational use: *Provided further*, That the
17 Secretary of Defense shall, with submission of the Depart-
18 ment's fiscal year 2021 budget request, submit a report
19 detailing the use of funds requested in research, develop-
20 ment, test and evaluation accounts for end-items used in
21 development, prototyping and test activities preceding and
22 leading to acceptance for operational use: *Provided further*,
23 That this restriction does not apply to programs funded
24 within the National Intelligence Program: *Provided fur-*
25 *ther*, That the Secretary of Defense may waive this restric-

1 tion on a case-by-case basis by certifying in writing to the
2 Committees on Appropriations of the House of Represent-
3 atives and the Senate that it is in the national security
4 interest to do so.

5 SEC. 8056. (a) The Secretary of Defense may, on a
6 case-by-case basis, waive with respect to a foreign country
7 each limitation on the procurement of defense items from
8 foreign sources provided in law if the Secretary determines
9 that the application of the limitation with respect to that
10 country would invalidate cooperative programs entered
11 into between the Department of Defense and the foreign
12 country, or would invalidate reciprocal trade agreements
13 for the procurement of defense items entered into under
14 section 2531 of title 10, United States Code, and the
15 country does not discriminate against the same or similar
16 defense items produced in the United States for that coun-
17 try.

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

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

21 (2) options for the procurement of items that
22 are exercised after such date under contracts that
23 are entered into before such date if the option prices
24 are adjusted for any reason other than the applica-
25 tion of a waiver granted under subsection (a).

1 (c) Subsection (a) does not apply to a limitation re-
2 garding construction of public vessels, ball and roller bear-
3 ings, food, and clothing or textile materials as defined by
4 section XI (chapters 50–65) of the Harmonized Tariff
5 Schedule of the United States and products classified
6 under headings 4010, 4202, 4203, 6401 through 6406,
7 6505, 7019, 7218 through 7229, 7304.41 through
8 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109,
9 8211, 8215, and 9404.

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

18 SEC. 8058. Notwithstanding any other provision of
19 law, funds appropriated in this Act under the heading
20 “Research, Development, Test and Evaluation, Defense-
21 Wide” for any new start advanced concept technology
22 demonstration project or joint capability demonstration
23 project may only be obligated 45 days after a report, in-
24 cluding a description of the project, the planned acquisi-
25 tion and transition strategy and its estimated annual and

1 total cost, has been provided in writing to the congress-
2 sional defense committees.

3 SEC. 8059. The Secretary of Defense shall continue
4 to provide a classified quarterly report to the House and
5 Senate Appropriations Committees, Subcommittees on
6 Defense on certain matters as directed in the classified
7 annex accompanying this Act.

8 SEC. 8060. Notwithstanding section 12310(b) of title
9 10, United States Code, a Reserve who is a member of
10 the National Guard serving on full-time National Guard
11 duty under section 502(f) of title 32, United States Code,
12 may perform duties in support of the ground-based ele-
13 ments of the National Ballistic Missile Defense System.

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

1 or (2) used to manufacture ammunition pursuant to a con-
2 tract with the Department of Defense or the manufacture
3 of ammunition for export pursuant to a License for Per-
4 manent Export of Unclassified Military Articles issued by
5 the Department of State.

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

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8063. Of the amounts appropriated in this Act
19 under the heading “Operation and Maintenance, Army”,
20 \$138,103,000 shall remain available until expended: *Pro-*
21 *vided*, That, notwithstanding any other provision of law,
22 the Secretary of Defense is authorized to transfer such
23 funds to other activities of the Federal Government: *Pro-*
24 *vided further*, That the Secretary of Defense is authorized
25 to enter into and carry out contracts for the acquisition

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

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

13 (1) the appropriations account structure for the
14 National Intelligence Program budget, including
15 through the creation of a new appropriation or new
16 appropriation account;

17 (2) how the National Intelligence Program
18 budget request is presented in the unclassified P-1,
19 R-1, and O-1 documents supporting the Depart-
20 ment of Defense budget request;

21 (3) the process by which the National Intel-
22 ligence Program appropriations are apportioned to
23 the executing agencies; or

1 (4) the process by which the National Intel-
2 ligence Program appropriations are allotted, obli-
3 gated and disbursed.

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

9 (c) The Director of National Intelligence and the Sec-
10 retary of Defense may jointly, only for the purposes of
11 achieving auditable financial statements and improving
12 fiscal reporting, study and develop detailed proposals for
13 alternative financial management processes. Such study
14 shall include a comprehensive counterintelligence risk as-
15 sessment to ensure that none of the alternative processes
16 will adversely affect counterintelligence.

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

20 (1) provide the proposed alternatives to all af-
21 fected agencies;

22 (2) receive certification from all affected agen-
23 cies attesting that the proposed alternatives will help
24 achieve auditability, improve fiscal reporting, and
25 will not adversely affect counterintelligence; and

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

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

17 SEC. 8066. None of the funds available to the De-
18 partment of Defense may be obligated to modify command
19 and control relationships to give Fleet Forces Command
20 operational and administrative control of United States
21 Navy forces assigned to the Pacific fleet: *Provided*, That
22 the command and control relationships which existed on
23 October 1, 2004, shall remain in force until a written
24 modification has been proposed to the House and Senate
25 Appropriations Committees: *Provided further*, That the

1 proposed modification may be implemented 30 days after
2 the notification unless an objection is received from either
3 the House or Senate Appropriations Committees: *Provided*
4 *further*, That any proposed modification shall not preclude
5 the ability of the commander of United States Indo-Pacific
6 Command to meet operational requirements.

7 SEC. 8067. Any notice that is required to be sub-
8 mitted to the Committees on Appropriations of the Senate
9 and the House of Representatives under section 806(c)(4)
10 of the Bob Stump National Defense Authorization Act for
11 Fiscal Year 2003 (10 U.S.C. 2302 note) after the date
12 of the enactment of this Act shall be submitted pursuant
13 to that requirement concurrently to the Subcommittees on
14 Defense of the Committees on Appropriations of the Sen-
15 ate and the House of Representatives.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8068. Of the amounts appropriated in this Act
18 under the headings “Procurement, Defense-Wide” and
19 “Research, Development, Test and Evaluation, Defense-
20 Wide”, \$500,000,000 shall be for the Israeli Cooperative
21 Programs: *Provided*, That of this amount, \$95,000,000
22 shall be for the Secretary of Defense to provide to the Gov-
23 ernment of Israel for the procurement of the Iron Dome
24 defense system to counter short-range rocket threats, sub-
25 ject to the U.S.-Israel Iron Dome Procurement Agree-

1 ment, as amended; \$191,000,000 shall be for the Short
2 Range Ballistic Missile Defense (SRBMD) program, in-
3 cluding cruise missile defense research and development
4 under the SRBMD program, of which \$50,000,000 shall
5 be for co-production activities of SRBMD systems in the
6 United States and in Israel to meet Israel's defense re-
7 quirements consistent with each nation's laws, regulations,
8 and procedures, subject to the U.S.-Israeli co-production
9 agreement for SRBMD, as amended; \$55,000,000 shall
10 be for an upper-tier component to the Israeli Missile De-
11 fense Architecture, of which \$55,000,000 shall be for co-
12 production activities of Arrow 3 Upper Tier systems in
13 the United States and in Israel to meet Israel's defense
14 requirements consistent with each nation's laws, regula-
15 tions, and procedures, subject to the U.S.-Israeli co-pro-
16 duction agreement for Arrow 3 Upper Tier, as amended;
17 and \$159,000,000 shall be for the Arrow System Improve-
18 ment Program including development of a long range,
19 ground and airborne, detection suite: *Provided further,*
20 That the transfer authority provided under this provision
21 is in addition to any other transfer authority contained
22 in this Act.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 8069. Of the amounts appropriated in this Act
25 under the heading "Shipbuilding and Conversion, Navy",

1 \$55,700,000 shall be available until September 30, 2020,
2 to fund prior year shipbuilding cost increases: *Provided*,
3 That upon enactment of this Act, the Secretary of the
4 Navy shall transfer funds to the following appropriations
5 in the amounts specified: *Provided further*, That the
6 amounts transferred shall be merged with and be available
7 for the same purposes as the appropriations to which
8 transferred to:

9 (1) Under the heading “Shipbuilding and Con-
10 version, Navy”, 2016/2020: Littoral Combat Ship
11 \$14,000,000;

12 (2) Under the heading “Shipbuilding and Con-
13 version, Navy”, 2016/2020: Expeditionary Sea Base
14 \$38,000,000; and

15 (3) Under the heading “Shipbuilding and Con-
16 version, Navy”, 2018/2020: TAO Fleet Oiler
17 \$3,700,000.

18 SEC. 8070. Funds appropriated by this Act, or made
19 available by the transfer of funds in this Act, for intel-
20 ligence activities are deemed to be specifically authorized
21 by the Congress for purposes of section 504 of the Na-
22 tional Security Act of 1947 (50 U.S.C. 3094) during fiscal
23 year 2020 until the enactment of the Intelligence Author-
24 ization Act for Fiscal Year 2020.

1 SEC. 8071. None of the funds provided in this Act
2 shall be available for obligation or expenditure through a
3 reprogramming of funds that creates or initiates a new
4 program, project, or activity, unless the Secretary of De-
5 fense notifies the congressional defense committees not
6 less than 30 days in advance (or in an emergency, as far
7 in advance as is practicable) that such program, project,
8 or activity must be undertaken immediately to address a
9 documented requirement in ongoing or anticipated contin-
10 gency operations that if left unfulfilled could potentially
11 result in loss of life.

12 SEC. 8072. The budget of the President for fiscal
13 year 2021 submitted to the Congress pursuant to section
14 1105 of title 31, United States Code, shall include sepa-
15 rate budget justification documents for costs of United
16 States Armed Forces' participation in contingency oper-
17 ations for the Military Personnel accounts, the Operation
18 and Maintenance accounts, the Procurement accounts,
19 and the Research, Development, Test and Evaluation ac-
20 counts: *Provided*, That these documents shall include a de-
21 scription of the funding requested for each contingency op-
22 eration, for each military service, to include all Active and
23 Reserve components, and for each appropriations account:
24 *Provided further*, That these documents shall include esti-
25 mated costs for each element of expense or object class,

1 a reconciliation of increases and decreases for each contin-
2 gency operation, and programmatic data including, but
3 not limited to, troop strength for each Active and Reserve
4 component, and estimates of the major weapons systems
5 deployed in support of each contingency: *Provided further*,
6 That these documents shall include budget exhibits OP-
7 5 and OP-32 (as defined in the Department of Defense
8 Financial Management Regulation) for all contingency op-
9 erations for the budget year and the two preceding fiscal
10 years.

11 SEC. 8073. None of the funds in this Act may be
12 used for research, development, test, evaluation, procure-
13 ment or deployment of nuclear armed interceptors of a
14 missile defense system.

15 SEC. 8074. The Secretary of Defense may use up to
16 \$500,000,000 of the amounts appropriated or otherwise
17 made available in this Act to the Department of Defense
18 for the rapid acquisition and deployment of supplies and
19 associated support services pursuant to section 806 of the
20 Bob Stump National Defense Authorization Act for Fiscal
21 Year 2003 (Public Law 107-314; 10 U.S.C. 2302 note):
22 *Provided*, That the Secretary of Defense shall notify the
23 congressional defense committees promptly of all uses of
24 this authority.

1 SEC. 8075. None of the funds appropriated or made
2 available in this Act shall be used to reduce or disestablish
3 the operation of the 53rd Weather Reconnaissance Squad-
4 ron of the Air Force Reserve, if such action would reduce
5 the WC-130 Weather Reconnaissance mission below the
6 levels funded in this Act: *Provided*, That the Air Force
7 shall allow the 53rd Weather Reconnaissance Squadron to
8 perform other missions in support of national defense re-
9 quirements during the non-hurricane season.

10 SEC. 8076. None of the funds provided in this Act
11 shall be available for integration of foreign intelligence in-
12 formation unless the information has been lawfully col-
13 lected and processed during the conduct of authorized for-
14 eign intelligence activities: *Provided*, That information
15 pertaining to United States persons shall only be handled
16 in accordance with protections provided in the Fourth
17 Amendment of the United States Constitution as imple-
18 mented through Executive Order No. 12333.

19 SEC. 8077. (a) None of the funds appropriated by
20 this Act may be used to transfer research and develop-
21 ment, acquisition, or other program authority relating to
22 current tactical unmanned aerial vehicles (TUAVs) from
23 the Army.

24 (b) The Army shall retain responsibility for and oper-
25 ational control of the MQ-1C Gray Eagle Unmanned Aer-

1 ial Vehicle (UAV) in order to support the Secretary of De-
2 fense in matters relating to the employment of unmanned
3 aerial vehicles.

4 SEC. 8078. None of the funds appropriated by this
5 Act for programs of the Office of the Director of National
6 Intelligence shall remain available for obligation beyond
7 the current fiscal year, except for funds appropriated for
8 research and technology, which shall remain available until
9 September 30, 2021.

10 SEC. 8079. For purposes of section 1553(b) of title
11 31, United States Code, any subdivision of appropriations
12 made in this Act under the heading “Shipbuilding and
13 Conversion, Navy” shall be considered to be for the same
14 purpose as any subdivision under the heading “Ship-
15 building and Conversion, Navy” appropriations in any
16 prior fiscal year, and the 1 percent limitation shall apply
17 to the total amount of the appropriation.

18 SEC. 8080. (a) Not later than 60 days after the date
19 of enactment of this Act, the Director of National Intel-
20 ligence shall submit a report to the congressional intel-
21 ligence committees to establish the baseline for application
22 of reprogramming and transfer authorities for fiscal year
23 2020: *Provided*, That the report shall include—

24 (1) a table for each appropriation with a sepa-
25 rate column to display the President’s budget re-

1 quest, adjustments made by Congress, adjustments
2 due to enacted rescissions, if appropriate, and the
3 fiscal year enacted level;

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

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

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

16 SEC. 8081. Notwithstanding any other provision of
17 law, any transfer of funds, appropriated or otherwise made
18 available by this Act, for support to friendly foreign coun-
19 tries in connection with the conduct of operations in which
20 the United States is not participating, pursuant to section
21 331(d) of title 10, United States Code, shall be made in
22 accordance with sections 8005 or 9002 of this Act, as ap-
23 plicable.

24 SEC. 8082. Any transfer of amounts appropriated to,
25 credited to, or deposited in the Department of Defense Ac-

1 quision Workforce Development Fund in or for fiscal
2 year 2020 to a military department or Defense Agency
3 pursuant to section 1705(e)(1) of title 10, United States
4 Code, shall be covered by and subject to sections 8005 or
5 9002 of this Act, as applicable.

6 SEC. 8083. None of the funds made available by this
7 Act for excess defense articles, assistance under section
8 333 of title 10, United States Code, or peacekeeping oper-
9 ations for the countries designated annually to be in viola-
10 tion of the standards of the Child Soldiers Prevention Act
11 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may
12 be used to support any military training or operation that
13 includes child soldiers, as defined by the Child Soldiers
14 Prevention Act of 2008, unless such assistance is other-
15 wise permitted under section 404 of the Child Soldiers
16 Prevention Act of 2008.

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

- 23 (1) creates a new start effort;
- 24 (2) terminates a program with appropriated
25 funding of \$10,000,000 or more;

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

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

8 (b) None of the funds provided for the National Intel-
9 ligence Program in this or any prior appropriations Act
10 shall be available for obligation or expenditure through a
11 reprogramming or transfer of funds in accordance with
12 section 102A(d) of the National Security Act of 1947 (50
13 U.S.C. 3024(d)) that results in a cumulative increase or
14 decrease of the levels specified in the classified annex ac-
15 companying the Act unless the congressional intelligence
16 committees are notified 30 days in advance of such re-
17 programming of funds; this notification period may be re-
18 duced for urgent national security requirements.

19 SEC. 8085. The Director of National Intelligence
20 shall submit to Congress each year, at or about the time
21 that the President's budget is submitted to Congress that
22 year under section 1105(a) of title 31, United States
23 Code, a future-years intelligence program (including asso-
24 ciated annexes) reflecting the estimated expenditures and
25 proposed appropriations included in that budget. Any such

1 future-years intelligence program shall cover the fiscal
2 year with respect to which the budget is submitted and
3 at least the four succeeding fiscal years.

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

12 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

8 (1) the public posting of the report com-
9 promises national security; or

10 (2) the report contains proprietary information.

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

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

19 (1) enter into any agreement with any of its
20 employees or independent contractors that requires,
21 as a condition of employment, that the employee or
22 independent contractor agree to resolve through ar-
23 bitration any claim under title VII of the Civil
24 Rights Act of 1964 or any tort related to or arising
25 out of sexual assault or harassment, including as-

1 sault and battery, intentional infliction of emotional
2 distress, false imprisonment, or negligent hiring, su-
3 pervision, or retention; or

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

14 (b) None of the funds appropriated or otherwise
15 made available by this Act may be expended for any Fed-
16 eral contract unless the contractor certifies that it requires
17 each covered subcontractor to agree not to enter into, and
18 not to take any action to enforce any provision of, any
19 agreement as described in paragraphs (1) and (2) of sub-
20 section (a), with respect to any employee or independent
21 contractor performing work related to such subcontract.
22 For purposes of this subsection, a “covered subcon-
23 tractor” is an entity that has a subcontract in excess of
24 \$1,000,000 on a contract subject to subsection (a).

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

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

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 8091. From within the funds appropriated for
25 operation and maintenance for the Defense Health Pro-

1 gram in this Act, up to \$129,000,000, shall be available
2 for transfer to the Joint Department of Defense-Depart-
3 ment of Veterans Affairs Medical Facility Demonstration
4 Fund in accordance with the provisions of section 1704
5 of the National Defense Authorization Act for Fiscal Year
6 2010, Public Law 111–84: *Provided*, That for purposes
7 of section 1704(b), the facility operations funded are oper-
8 ations of the integrated Captain James A. Lovell Federal
9 Health Care Center, consisting of the North Chicago Vet-
10 erans Affairs Medical Center, the Navy Ambulatory Care
11 Center, and supporting facilities designated as a combined
12 Federal medical facility as described by section 706 of
13 Public Law 110–417: *Provided further*, That additional
14 funds may be transferred from funds appropriated for op-
15 eration and maintenance for the Defense Health Program
16 to the Joint Department of Defense-Department of Vet-
17 erans Affairs Medical Facility Demonstration Fund upon
18 written notification by the Secretary of Defense to the
19 Committees on Appropriations of the House of Represent-
20 atives and the Senate.

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

1 or within the United States, its territories, or possessions
2 Khalid Sheikh Mohammed or any other detainee who—

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

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

8 SEC. 8096. None of the funds appropriated or other-
9 wise made available in this Act may be used to transfer
10 any individual detained at United States Naval Station
11 Guantánamo Bay, Cuba, to the custody or control of the
12 individual's country of origin, any other foreign country,
13 or any other foreign entity except in accordance with sec-
14 tion 1034 of the National Defense Authorization Act for
15 Fiscal Year 2016 (Public Law 114–92) and section 1035
16 of the National Defense Authorization Act for Fiscal Year
17 2019 (Public Law 115–232).

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

21 SEC. 8098. (a) None of the funds appropriated or
22 otherwise made available by this or any other Act may
23 be used by the Secretary of Defense, or any other official
24 or officer of the Department of Defense, to enter into a
25 contract, memorandum of understanding, or cooperative

1 agreement with, or make a grant to, or provide a loan
2 or loan guarantee to Rosoboronexport or any subsidiary
3 of Rosoboronexport.

4 (b) The Secretary of Defense may waive the limita-
5 tion in subsection (a) if the Secretary, in consultation with
6 the Secretary of State and the Director of National Intel-
7 ligence, determines that it is in the vital national security
8 interest of the United States to do so, and certifies in writ-
9 ing to the congressional defense committees that, to the
10 best of the Secretary's knowledge:

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

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

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

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

10 SEC. 8099. None of the funds made available in this
11 Act may be used for the purchase or manufacture of a
12 flag of the United States unless such flags are treated as
13 covered items under section 2533a(b) of title 10, United
14 States Code.

15 SEC. 8100. (a) Of the funds appropriated in this Act
16 for the Department of Defense, amounts may be made
17 available, under such regulations as the Secretary of De-
18 fense may prescribe, to local military commanders ap-
19 pointed by the Secretary, or by an officer or employee des-
20 ignated by the Secretary, to provide at their discretion ex
21 gratia payments in amounts consistent with subsection (d)
22 of this section for damage, personal injury, or death that
23 is incident to combat operations of the Armed Forces in
24 a foreign country.

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

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

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

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

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

16 (d) If the Secretary of Defense determines a program
17 under subsection (a) to be appropriate in a particular set-
18 ting, the amounts of payments, if any, to be provided to
19 civilians determined to have suffered harm incident to
20 combat operations of the Armed Forces under the pro-
21 gram should be determined pursuant to regulations pre-
22 scribed by the Secretary and based on an assessment,
23 which should include such factors as cultural appropriate-
24 ness and prevailing economic conditions.

1 (e) Local military commanders shall receive legal ad-
2 vice before making ex gratia payments under this sub-
3 section. The legal advisor, under regulations of the De-
4 partment of Defense, shall advise on whether an ex gratia
5 payment is proper under this section and applicable De-
6 partment of Defense regulations.

7 (f) A written record of any ex gratia payment offered
8 or denied shall be kept by the local commander and on
9 a timely basis submitted to the appropriate office in the
10 Department of Defense as determined by the Secretary
11 of Defense.

12 (g) The Secretary of Defense shall report to the con-
13 gressional defense committees on an annual basis the effi-
14 cacy of the ex gratia payment program including the num-
15 ber of types of cases considered, amounts offered, the re-
16 sponse from ex gratia payment recipients, and any rec-
17 ommended modifications to the program.

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

20 SEC. 8102. The Secretary of each military depart-
21 ment, in reducing each research, development, test and
22 evaluation and procurement account of the military de-
23 partment as required under paragraph (1) of section
24 828(d) of the National Defense Authorization Act for Fis-
25 cal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note),

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

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

13 (1) conduct an acquisition pursuant to section
14 702 of the Foreign Intelligence Surveillance Act of
15 1978 for the purpose of targeting a United States
16 person; or

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

24 SEC. 8104. None of the funds made available in this
25 or any other Act may be used to pay the salary of any

1 officer or employee of any agency funded by this Act who
2 approves or implements the transfer of administrative re-
3 sponsibilities or budgetary resources of any program,
4 project, or activity financed by this Act to the jurisdiction
5 of another Federal agency not financed by this Act with-
6 out the express authorization of Congress: *Provided*, That
7 this limitation shall not apply to transfers of funds ex-
8 pressly provided for in Defense Appropriations Acts, or
9 provisions of Acts providing supplemental appropriations
10 for the Department of Defense.

11 SEC. 8105. Of the amounts appropriated in this Act
12 for “Operation and Maintenance, Navy”, \$352,044,000,
13 to remain available until expended, may be used for any
14 purposes related to the National Defense Reserve Fleet
15 established under section 11 of the Merchant Ship Sales
16 Act of 1946 (46 U.S.C. 57100): *Provided*, That such
17 amounts are available for reimbursements to the Ready
18 Reserve Force, Maritime Administration account of the
19 United States Department of Transportation for pro-
20 grams, projects, activities, and expenses related to the Na-
21 tional Defense Reserve Fleet.

22 SEC. 8106. None of the funds made available in this
23 Act may be obligated for activities authorized under sec-
24 tion 1208 of the Ronald W. Reagan National Defense Au-
25 thorization Act for Fiscal Year 2005 (Public Law 112–

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

17 SEC. 8107. None of the funds made available by this
18 Act may be used with respect to Iraq in contravention of
19 the War Powers Resolution (50 U.S.C. 1541 et seq.), in-
20 cluding for the introduction of United States armed forces
21 into hostilities in Iraq, into situations in Iraq where immi-
22 nent involvement in hostilities is clearly indicated by the
23 circumstances, or into Iraqi territory, airspace, or waters
24 while equipped for combat, in contravention of the con-
25 gressional consultation and reporting requirements of sec-

1 tions 3 and 4 of such Resolution (50 U.S.C. 1542 and
2 1543).

3 SEC. 8108. None of the funds provided in this Act
4 for the TAO Fleet Oiler program or the FFG-Frigate pro-
5 gram shall be used to award a new contract that provides
6 for the acquisition of the following components unless
7 those components are manufactured in the United States:
8 Auxiliary equipment (including pumps) for shipboard serv-
9 ices; propulsion equipment (including engines, reduction
10 gears, and propellers); shipboard cranes; and spreaders for
11 shipboard cranes.

12 SEC. 8109. No amounts credited or otherwise made
13 available in this or any other Act to the Department of
14 Defense Acquisition Workforce Development Fund may be
15 transferred to:

16 (1) the Rapid Prototyping Fund established
17 under section 804(d) of the National Defense Au-
18 thorization Act for Fiscal Year 2016 (10 U.S.C.
19 2302 note); or

20 (2) credited to a military-department specific
21 fund established under section 804(d)(2) of the Na-
22 tional Defense Authorization Act for Fiscal Year
23 2016 (as amended by section 897 of the National
24 Defense Authorization Act for Fiscal Year 2017).

1 SEC. 8110. None of the funds made available by this
2 Act may be used for Government Travel Charge Card ex-
3 penses by military or civilian personnel of the Department
4 of Defense for gaming, or for entertainment that includes
5 topless or nude entertainers or participants, as prohibited
6 by Department of Defense FMR, Volume 9, Chapter 3
7 and Department of Defense Instruction 1015.10 (enclo-
8 sure 3, 14a and 14b).

9 SEC. 8111. None of the funds appropriated by this
10 or any other Act may be made available to deliver F-35
11 air vehicles or any other F-35 weapon system equipment
12 to the Republic of Turkey.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8112. Of the amounts appropriated in this Act,
15 the Secretary of Defense may use up to \$82,046,000
16 under the heading “Operation and Maintenance, Defense-
17 Wide”, and up to \$44,001,000 under the heading “Re-
18 search, Development, Test and Evaluation, Defense-
19 Wide” to develop, replace, and sustain Federal Govern-
20 ment security and suitability background investigation in-
21 formation technology systems of the Office of Personnel
22 Management or other Federal agency responsible for con-
23 ducting such investigations: *Provided*, That the Secretary
24 may transfer additional amounts into these headings or
25 into “Procurement, Defense-Wide” using established re-

1 programming procedures prescribed in the Department of
2 Defense Financial Management Regulation 7000.14, Vol-
3 ume 3, Chapter 6, dated September 2015: *Provided fur-*
4 *ther*, That such funds shall supplement, not supplant any
5 other amounts made available to other Federal agencies
6 for such purposes.

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

11 (b) Nothing in subsection (a) shall limit the use of
12 funds necessary for any Federal, State, tribal, or local law
13 enforcement agency or any other entity carrying out crimi-
14 nal investigations, prosecution, or adjudication activities,
15 or for any activity necessary for the national defense, in-
16 cluding intelligence activities.

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

24 SEC. 8115. In addition to amounts provided else-
25 where in this Act, there is appropriated \$270,000,000, for

1 an additional amount for “Operation and Maintenance,
2 Defense-Wide”, to remain available until expended: *Pro-*
3 *vided*, That such funds shall only be available to the Sec-
4 retary of Defense, acting through the Office of Economic
5 Adjustment of the Department of Defense, or for transfer
6 to the Secretary of Education, notwithstanding any other
7 provision of law, to make grants, conclude cooperative
8 agreements, or supplement other Federal funds to con-
9 struct, renovate, repair, or expand elementary and sec-
10 ondary public schools on military installations in order to
11 address capacity or facility condition deficiencies at such
12 schools: *Provided further*, That in making such funds
13 available, the Office of Economic Adjustment or the Sec-
14 retary of Education shall give priority consideration to
15 those military installations with schools having the most
16 serious capacity or facility condition deficiencies as deter-
17 mined by the Secretary of Defense: *Provided further*, That
18 as a condition of receiving funds under this section a local
19 educational agency or State shall provide a matching share
20 as described in the notice titled “Department of Defense
21 Program for Construction, Renovation, Repair or Expan-
22 sion of Public Schools Located on Military Installations”
23 published by the Department of Defense in the Federal
24 Register on September 9, 2011 (76 Fed. Reg. 55883 et
25 seq.): *Provided further*, That these provisions apply to

1 funds provided under this section, and to funds previously
2 provided by Congress to construct, renovate, repair, or ex-
3 pand elementary and secondary public schools on military
4 installations in order to address capacity or facility condi-
5 tion deficiencies at such schools to the extent such funds
6 remain unobligated on the date of enactment of this sec-
7 tion.

8 SEC. 8116. In carrying out the program described in
9 the memorandum on the subject of “Policy for Assisted
10 Reproductive Services for the Benefit of Seriously or Se-
11 verely Ill/Injured (Category II or III) Active Duty Service
12 Members” issued by the Assistant Secretary of Defense
13 for Health Affairs on April 3, 2012, and the guidance
14 issued to implement such memorandum, the Secretary of
15 Defense shall apply such policy and guidance, except
16 that—

17 (1) the limitation on periods regarding embryo
18 cryopreservation and storage set forth in part III(G)
19 and in part IV(H) of such memorandum shall not
20 apply; and

21 (2) the term “assisted reproductive technology”
22 shall include embryo cryopreservation and storage
23 without limitation on the duration of such
24 cryopreservation and storage.

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

4 SEC. 8118. None of the funds provided for, or other-
5 wise made available, in this or any other Act, may be obli-
6 gated or expended by the Secretary of Defense to provide
7 motorized vehicles, aviation platforms, munitions other
8 than small arms and munitions appropriate for customary
9 ceremonial honors, operational military units, or oper-
10 ational military platforms if the Secretary determines that
11 providing such units, platforms, or equipment would un-
12 dermine the readiness of such units, platforms, or equip-
13 ment.

14 SEC. 8119. The Secretary of Defense may obligate
15 and expend funds made available under this Act for pro-
16 curement or for research, development, test and evaluation
17 for the F-35 Joint Strike Fighter to modify up to six F-
18 35 aircraft, including up to two F-35 aircraft of each vari-
19 ant, to a test configuration: *Provided*, That the Secretary
20 of Defense shall, with the concurrence of the Secretary
21 of the Air Force and the Secretary of the Navy, notify
22 the congressional defense committees not fewer than 30
23 days prior to obligating and expending funds under this
24 section: *Provided further*, That any transfer of funds pur-
25 suant to the authority provided in this section shall be

1 made in accordance with sections 8005 or 9002 of this
2 Act, as appropriate, if applicable: *Provided further*, That
3 aircraft referred to previously in this section are not addi-
4 tional to aircraft referred to in section 8135 of the Depart-
5 ment of Defense Appropriations Act, 2019.

6 SEC. 8120. Amounts appropriated for “Defense
7 Health Program” in this Act and hereafter may be obli-
8 gated to make death gratuity payments, as authorized in
9 subchapter II of chapter 75 of title 10, United States
10 Code, if no appropriation for “Military Personnel” is avail-
11 able for obligation for such payments: *Provided*, That such
12 obligations may subsequently be recorded against appro-
13 priations available for “Military Personnel”.

14 SEC. 8121. (a) None of the funds made available by
15 this or any other Act may be used to enter into a contract,
16 memorandum of understanding, or cooperative agreement
17 with, make a grant to, or provide a loan or loan guarantee
18 to any corporation that has any unpaid Federal tax liabil-
19 ity that has been assessed, for which all judicial and ad-
20 ministrative remedies have been exhausted or have lapsed,
21 and that is not being paid in a timely manner pursuant
22 to an agreement with the authority responsible for col-
23 lecting such tax liability, provided that the applicable Fed-
24 eral agency is aware of the unpaid Federal tax liability.

1 (b) Subsection (a) shall not apply if the applicable
2 Federal agency has considered suspension or debarment
3 of the corporation described in such subsection and has
4 made a determination that such suspension or debarment
5 is not necessary to protect the interests of the Federal
6 Government.

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

9 (1) Executive Order No. 13175 (65 Fed. Reg.
10 67249; relating to consultation and coordination
11 with Indian Tribal governments); or

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

14 SEC. 8123. Funds appropriated for the Next Genera-
15 tion Aerial Refueling Aircraft (KC-46), Missile Segment
16 Enhancement (MSE) Missile, and Trident missile pro-
17 grams by the Department of Defense Appropriations Act,
18 2014 (division C of Public Law 113-76) and the Depart-
19 ment of Defense Appropriations Act, 2015 (division C of
20 Public Law 113-235) are to remain available through fis-
21 cal year 2024 for the liquidation of valid obligations in-
22 curred for the programs specified in this section as of Sep-
23 tember 30, 2016.

24 SEC. 8124. During fiscal year 2020, any advance bill-
25 ing for background investigation services and related serv-

1 ices purchased from activities financed using Defense
2 Working Capital Funds shall be excluded from the calcula-
3 tion of cumulative advance billings under section
4 2208(l)(3) of title 10, United States Code.

5 SEC. 8125. None of the funds appropriated or other-
6 wise made available by this Act may be obligated or ex-
7 pended by the Department of Defense for the Space De-
8 velopment Agency (SDA), and not more than 50 percent
9 of the funds appropriated or otherwise made available by
10 this Act may be obligated or expended by the Department
11 of Defense for the Next Generation Overhead Persistent
12 Infrared program (PE 1206442F) until a period of 90
13 days has elapsed following the date on which the Secretary
14 of Defense, in consultation with the Secretary of the Air
15 Force and the Under Secretary of Defense for Research
16 and Engineering, submits to the congressional defense
17 committees—

18 (1) the proposed plan to establish the SDA, and
19 a description of the programs and projects the SDA
20 plans to carry out over the next three years, includ-
21 ing associated funding requirements;

22 (2) a description of how the Air Force and the
23 SDA will coordinate and cooperate to develop an
24 agreed-upon integrated space architecture that will
25 guide both SDA and Air Force investments;

1 (3) the process by which the SDA and the Air
2 Force will cooperate in demonstrating and proto-
3 typing new capabilities, and transition to programs
4 of record;

5 (4) the proposed physical location of the SDA
6 and the proposed number of government and con-
7 tractor personnel expected to comprise the SDA in
8 the first three years; and

9 (5) a plan to transition the SDA into the Air
10 Force not later than fiscal year 2022, or into a
11 Space Force.

12 SEC. 8126. None of the funds appropriated or other-
13 wise made available by this or any other Act may be used
14 to transfer any element, personnel, property, or resources
15 of the intelligence community, as defined in section 3 of
16 the National Security Act of 1947 (50 U.S.C. 3003), to
17 the Space Force.

18 SEC. 8127. None of the funds appropriated or other-
19 wise made available by this Act or any prior appropria-
20 tions Acts may be used to construct a wall, fence, border
21 barriers, or border security infrastructure along the south-
22 ern land border of the United States.

1 TITLE IX

2 OVERSEAS CONTINGENCY OPERATIONS

3 MILITARY PERSONNEL

4 MILITARY PERSONNEL, ARMY

5 For an additional amount for “Military Personnel,
6 Army”, \$2,743,132,000: *Provided*, That such amount is
7 designated by the Congress for Overseas Contingency Op-
8 erations/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 MILITARY PERSONNEL, NAVY

12 For an additional amount for “Military Personnel,
13 Navy”, \$356,392,000: *Provided*, That such amount is des-
14 ignated by the Congress for Overseas Contingency Oper-
15 ations/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 MILITARY PERSONNEL, MARINE CORPS

19 For an additional amount for “Military Personnel,
20 Marine Corps”, \$104,213,000: *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 MILITARY PERSONNEL, AIR FORCE

2 For an additional amount for “Military Personnel,
3 Air Force”, \$1,007,594,000: *Provided*, That such amount
4 is designated by the Congress for Overseas Contingency
5 Operations/Global War on Terrorism pursuant to section
6 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 RESERVE PERSONNEL, ARMY

9 For an additional amount for “Reserve Personnel,
10 Army”, \$34,812,000: *Provided*, That such amount is des-
11 ignated by the Congress for Overseas Contingency Oper-
12 ations/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, NAVY

16 For an additional amount for “Reserve Personnel,
17 Navy”, \$11,370,000: *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, MARINE CORPS

23 For an additional amount for “Reserve Personnel,
24 Marine Corps”, \$3,599,000: *Provided*, That such amount
25 is designated by the Congress for Overseas Contingency

1 Operations/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, AIR FORCE

5 For an additional amount for “Reserve Personnel,
6 Air Force”, \$16,428,000: *Provided*, That such amount is
7 designated by the Congress for Overseas Contingency Op-
8 erations/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 NATIONAL GUARD PERSONNEL, ARMY

12 For an additional amount for “National Guard Per-
13 sonnel, Army”, \$202,644,000: *Provided*, That such
14 amount is designated by the Congress for Overseas Con-
15 tingency Operations/Global War on Terrorism pursuant to
16 section 251(b)(2)(A)(ii) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 NATIONAL GUARD PERSONNEL, AIR FORCE

19 For an additional amount for “National Guard Per-
20 sonnel, Air Force”, \$5,624,000: *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 OPERATION AND MAINTENANCE

2 OPERATION AND MAINTENANCE, ARMY

3 For an additional amount for “Operation and Main-
4 tenance, Army”, \$18,507,827,000: *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 OPERATION AND MAINTENANCE, NAVY

10 For an additional amount for “Operation and Main-
11 tenance, Navy”, \$6,561,650,000, of which up to
12 \$190,000,000 may be transferred to the Coast Guard
13 “Operating Expenses” account: *Provided*, That such
14 amount is designated by the Congress for Overseas Con-
15 tingency Operations/Global War on Terrorism pursuant to
16 section 251(b)(2)(A)(ii) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 OPERATION AND MAINTENANCE, MARINE CORPS

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

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For an additional amount for “Operation and Main-
3 tenance, Air Force”, \$9,314,379,000: *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, DEFENSE-WIDE

9 For an additional amount for “Operation and Main-
10 tenance, Defense-Wide”, \$8,105,206,000: *Provided*, That
11 of the funds provided under this heading, not to exceed
12 \$450,000,000, to remain available until September 30,
13 2021, shall be for payments to reimburse key cooperating
14 nations for logistical, military, and other support, includ-
15 ing access, provided to United States military and stability
16 operations in Afghanistan and to counter the Islamic
17 State of Iraq and Syria: *Provided further*, That such reim-
18 bursement payments may be made in such amounts as the
19 Secretary of Defense, with the concurrence of the Sec-
20 retary of State, and in consultation with the Director of
21 the Office of Management and Budget, may determine,
22 based on documentation determined by the Secretary of
23 Defense to adequately account for the support provided,
24 and such determination is final and conclusive upon the
25 accounting officers of the United States, and 15 days fol-

1 lowing written notification to the appropriate congres-
2 sional committees: *Provided further*, That these funds may
3 be used for the purpose of providing specialized training
4 and procuring supplies and specialized equipment and pro-
5 viding such supplies and loaning such equipment on a non-
6 reimbursable basis to coalition forces supporting United
7 States military and stability operations in Afghanistan
8 and to counter the Islamic State of Iraq and Syria, and
9 15 days following written notification to the appropriate
10 congressional committees: *Provided further*, That these
11 funds may be used to support the Government of Jordan
12 in such amounts as the Secretary of Defense may deter-
13 mine, to enhance the ability of the armed forces of Jordan
14 to increase or sustain security along its borders, upon 15
15 days prior written notification to the congressional defense
16 committees outlining the amounts intended to be provided
17 and the nature of the expenses incurred: *Provided further*,
18 That of the funds provided under this heading, not to ex-
19 ceed \$749,178,000 to remain available until September
20 30, 2021, shall be available to provide support and assist-
21 ance to foreign security forces or other groups or individ-
22 uals to conduct, support or facilitate counterterrorism, cri-
23 sis response, or other Department of Defense security co-
24 operation programs: *Provided further*, That the Secretary
25 of Defense shall provide quarterly reports to the congres-

1 sional defense committees on the use of funds provided
2 in this paragraph: *Provided further*, That such amount is
3 designated by the Congress for Overseas Contingency Op-
4 erations/Global War on Terrorism pursuant to section
5 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 OPERATION AND MAINTENANCE, ARMY RESERVE

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

14 OPERATION AND MAINTENANCE, NAVY RESERVE

15 For an additional amount for “Operation and Main-
16 tenance, Navy Reserve”, \$23,036,000: *Provided*, That
17 such amount is designated by the Congress for Overseas
18 Contingency Operations/Global War on Terrorism pursu-
19 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
20 and Emergency Deficit Control Act of 1985.

21 OPERATION AND MAINTENANCE, MARINE CORPS

22 RESERVE

23 For an additional amount for “Operation and Main-
24 tenance, Marine Corps Reserve”, \$8,707,000: *Provided*,
25 That such amount is designated by the Congress for Over-

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

4 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

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

11 OPERATION AND MAINTENANCE, ARMY NATIONAL

12 GUARD

13 For an additional amount for “Operation and Main-
14 tenance, Army National Guard”, \$83,291,000: *Provided*,
15 That such amount is designated by the Congress for Over-
16 seas Contingency Operations/Global War on Terrorism
17 pursuant to section 251(b)(2)(A)(ii) of the Balanced
18 Budget and Emergency Deficit Control Act of 1985.

19 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

1 AFGHANISTAN SECURITY FORCES FUND

2 For the “Afghanistan Security Forces Fund”,
3 \$4,503,978,000, to remain available until September 30,
4 2021: *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 transfer of funds between budget
22 sub-activity groups in excess of \$20,000,000: *Provided fur-*
23 *ther*, That the United States may accept equipment pro-
24 cured using funds provided under this heading in this or
25 prior Acts that was transferred to the security forces of

1 Afghanistan and returned by such forces to the United
2 States: *Provided further*, That equipment procured using
3 funds provided under this heading in this or prior Acts,
4 and not yet transferred to the security forces of Afghani-
5 stan or transferred to the security forces of Afghanistan
6 and returned by such forces to the United States, may
7 be treated as stocks of the Department of Defense upon
8 written notification to the congressional defense commit-
9 tees: *Provided further*, That of the funds provided under
10 this heading, not less than \$10,000,000 shall be for re-
11 cruitment and retention of women in the Afghanistan Na-
12 tional Security Forces, and the recruitment and training
13 of female security personnel: *Provided further*, That funds
14 appropriated under this heading and made available for
15 the salaries and benefits of personnel of the Afghanistan
16 Security Forces may only be used for personnel who are
17 enrolled in the Afghanistan Personnel and Pay System:
18 *Provided further*, That such amount is designated by the
19 Congress for Overseas Contingency Operations/Global
20 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
21 the Balanced Budget and Emergency Deficit Control Act
22 of 1985.

23 COUNTER-ISIS TRAIN AND EQUIP FUND

24 For the “Counter-Islamic State of Iraq and Syria
25 Train and Equip Fund”, \$1,295,000,000, to remain avail-

1 able until September 30, 2021: *Provided*, That such funds
2 shall be available to the Secretary of Defense in coordina-
3 tion with the Secretary of State, to provide assistance, in-
4 cluding training; equipment; logistics support, supplies,
5 and services; stipends; infrastructure repair and renova-
6 tion; and sustainment, to foreign security forces, irregular
7 forces, groups, or individuals participating, or preparing
8 to participate in activities to counter the Islamic State of
9 Iraq and Syria, and their affiliated or associated groups:
10 *Provided further*, That these funds may be used in such
11 amounts as the Secretary of Defense may determine to
12 enhance the border security of nations adjacent to conflict
13 areas including Jordan, Lebanon, Egypt, and Tunisia re-
14 sulting from actions of the Islamic State of Iraq and
15 Syria: *Provided further*, That amounts made available
16 under this heading shall be available to provide assistance
17 only for activities in a country designated by the Secretary
18 of Defense, in coordination with the Secretary of State,
19 as having a security mission to counter the Islamic State
20 of Iraq and Syria, and following written notification to the
21 congressional defense committees of such designation:
22 *Provided further*, That the Secretary of Defense shall en-
23 sure that prior to providing assistance to elements of any
24 forces or individuals, such elements or individuals are ap-
25 propriately vetted, including at a minimum, assessing such

1 elements for associations with terrorist groups or groups
2 associated with the Government of Iran; and receiving
3 commitments from such elements to promote respect for
4 human rights and the rule of law: *Provided further*, That
5 the Secretary of Defense shall, not fewer than 15 days
6 prior to obligating from this appropriation account, notify
7 the congressional defense committees in writing of the de-
8 tails of any such obligation: *Provided further*, That the
9 Secretary of Defense may accept and retain contributions,
10 including assistance in-kind, from foreign governments,
11 including the Government of Iraq and other entities, to
12 carry out assistance authorized under this heading: *Pro-*
13 *vided further*, That contributions of funds for the purposes
14 provided herein from any foreign government or other en-
15 tity may be credited to this Fund, to remain available until
16 expended, and used for such purposes: *Provided further*,
17 That the Secretary of Defense may waive a provision of
18 law relating to the acquisition of items and support serv-
19 ices or sections 40 and 40A of the Arms Export Control
20 Act (22 U.S.C. 2780 and 2785) if the Secretary deter-
21 mines that such provision of law would prohibit, restrict,
22 delay or otherwise limit the provision of such assistance
23 and a notice of and justification for such waiver is sub-
24 mitted to the congressional defense committees, the Com-
25 mittees on Appropriations and Foreign Relations of the

1 Senate and the Committees on Appropriations and For-
2 eign Affairs of the House of Representatives: *Provided fur-*
3 *ther*, That the United States may accept equipment pro-
4 cured using funds provided under this heading, or under
5 the heading, “Iraq Train and Equip Fund” in prior Acts,
6 that was transferred to security forces, irregular forces,
7 or groups participating, or preparing to participate in ac-
8 tivities to counter the Islamic State of Iraq and Syria and
9 returned by such forces or groups to the United States,
10 and such equipment may be treated as stocks of the De-
11 partment of Defense upon written notification to the con-
12 gressional defense committees: *Provided further*, That
13 equipment procured using funds provided under this head-
14 ing, or under the heading, “Iraq Train and Equip Fund”
15 in prior Acts, and not yet transferred to security forces,
16 irregular forces, or groups participating, or preparing to
17 participate in activities to counter the Islamic State of
18 Iraq and Syria may be treated as stocks of the Depart-
19 ment of Defense when determined by the Secretary to no
20 longer be required for transfer to such forces or groups
21 and upon written notification to the congressional defense
22 committees: *Provided further*, That the Secretary of De-
23 fense shall provide quarterly reports to the congressional
24 defense committees on the use of funds provided under
25 this heading, including, but not limited to, the number of

1 individuals trained, the nature and scope of support and
2 sustainment provided to each group or individual, the area
3 of operations for each group, and the contributions of
4 other countries, groups, or individuals: *Provided further*,
5 That such amount is designated by the Congress for Over-
6 seas Contingency Operations/Global War on Terrorism
7 pursuant to section 251(b)(2)(A)(ii) of the Balanced
8 Budget and Emergency Deficit Control Act of 1985.

9 PROCUREMENT

10 AIRCRAFT PROCUREMENT, ARMY

11 For an additional amount for “Aircraft Procurement,
12 Army”, \$482,091,000, to remain available until Sep-
13 tember 30, 2022: *Provided*, That such amount is des-
14 ignated by the Congress for Overseas Contingency Oper-
15 ations/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 MISSILE PROCUREMENT, ARMY

19 For an additional amount for “Missile Procurement,
20 Army”, \$1,414,218,000, to remain available until Sep-
21 tember 30, 2022: *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 AIRCRAFT PROCUREMENT, NAVY

2 For an additional amount for “Aircraft Procurement,
3 Navy”, \$119,045,000, to remain available until September
4 30, 2022: *Provided*, That such amount is designated by
5 the Congress for Overseas Contingency Operations/Global
6 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
7 the Balanced Budget and Emergency Deficit Control Act
8 of 1985.

9 WEAPONS PROCUREMENT, NAVY

10 For an additional amount for “Weapons Procure-
11 ment, Navy”, \$116,429,000, to remain available until
12 September 30, 2022: *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, NAVY AND MARINE
18 CORPS

19 For an additional amount for “Procurement of Am-
20 munition, Navy and Marine Corps”, \$204,814,000, to re-
21 main available until September 30, 2022: *Provided*, That
22 such amount is designated by the Congress for Overseas
23 Contingency Operations/Global War on Terrorism pursu-
24 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
25 and Emergency Deficit Control Act of 1985.

1 OTHER PROCUREMENT, NAVY

2 For an additional amount for “Other Procurement,
3 Navy”, \$351,300,000, to remain available until September
4 30, 2022: *Provided*, That such amount is designated by
5 the Congress for Overseas Contingency Operations/Global
6 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
7 the Balanced Budget and Emergency Deficit Control Act
8 of 1985.

9 PROCUREMENT, MARINE CORPS

10 For an additional amount for “Procurement, Marine
11 Corps”, \$20,589,000, to remain available until September
12 30, 2022: *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 AIRCRAFT PROCUREMENT, AIR FORCE

18 For an additional amount for “Aircraft Procurement,
19 Air Force”, \$513,310,000, to remain available until Sep-
20 tember 30, 2022: *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 MISSILE PROCUREMENT, AIR FORCE

2 For an additional amount for “Missile Procurement,
3 Air Force”, \$201,671,000, to remain available until Sep-
4 tember 30, 2022: *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 AMMUNITION, AIR FORCE

10 For an additional amount for “Procurement of Am-
11 munition, Air Force”, \$939,433,000 to remain available
12 until September 30, 2022: *Provided*, That such amount
13 is designated by the Congress for Overseas Contingency
14 Operations/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 OTHER PROCUREMENT, AIR FORCE

18 For an additional amount for “Other Procurement,
19 Air Force”, \$4,011,201,000, to remain available until
20 September 30, 2022: *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 PROCUREMENT, DEFENSE-WIDE

2 For an additional amount for “Procurement, De-
3 fense-Wide”, \$465,987,000, to remain available until Sep-
4 tember 30, 2022: *Provided*, That such amount is des-
5 igned 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 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

10 For procurement of rotary-wing aircraft; combat, tac-
11 tical and support vehicles; other weapons; and other pro-
12 curement items for the reserve components of the Armed
13 Forces, \$1,300,000,000, to remain available for obligation
14 until September 30, 2022: *Provided*, That the Chiefs of
15 National Guard and Reserve components shall, not later
16 than 30 days after enactment of this Act, individually sub-
17 mit to the congressional defense committees the mod-
18 ernization priority assessment for their respective Na-
19 tional Guard or Reserve component: *Provided further*,
20 That none of the funds made available by this paragraph
21 may be used to procure manned fixed wing aircraft, or
22 procure or modify missiles, munitions, or ammunition:
23 *Provided further*, That such amount is designated by the
24 Congress for Overseas Contingency Operations/Global
25 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of

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

3 RESEARCH, DEVELOPMENT, TEST AND
4 EVALUATION

5 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
6 ARMY

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

14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
15 NAVY

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

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 AIR FORCE

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

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 DEFENSE-WIDE

12 For an additional amount for “Research, Develop-
13 ment, Test and Evaluation, Defense-Wide”, \$382,636,000
14 , to remain available until September 30, 2021: *Provided*,
15 That such amount is designated by the Congress for Over-
16 seas Contingency Operations/Global War on Terrorism
17 pursuant to section 251(b)(2)(A)(ii) of the Balanced
18 Budget and Emergency Deficit Control Act of 1985.

19 REVOLVING AND MANAGEMENT FUNDS
20 DEFENSE WORKING CAPITAL FUNDS

21 For an additional amount for “Defense Working
22 Capital Funds”, \$20,100,000: *Provided*, That such
23 amount is designated by the Congress for Overseas Con-
24 tingency Operations/Global War on Terrorism pursuant to

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

3 OTHER DEPARTMENT OF DEFENSE PROGRAMS

4 DEFENSE HEALTH PROGRAM

5 For an additional amount for “Defense Health Pro-
6 gram”, \$347,746,000, which shall be for operation and
7 maintenance: *Provided*, That such amount is designated
8 by the Congress for Overseas Contingency Operations/
9 Global War on Terrorism pursuant to section
10 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

13 DEFENSE

14 For an additional amount for “Drug Interdiction and
15 Counter-Drug Activities, Defense”, \$153,100,000: *Pro-*
16 *vided*, That the transfer authority contained in section
17 9002 in title IX of this Act shall not apply to amounts
18 made available under this heading: *Provided further*, That
19 such amount is designated by the Congress for Overseas
20 Contingency Operations/Global War on Terrorism pursu-
21 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985.

23 OFFICE OF THE INSPECTOR GENERAL

24 For an additional amount for the “Office of the In-
25 spector General”, \$24,254,000: *Provided*, That such

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

5 GENERAL PROVISIONS—THIS TITLE

6 SEC. 9001. Notwithstanding any other provision of
7 law, funds made available in this title are in addition to
8 amounts appropriated or otherwise made available for the
9 Department of Defense for fiscal year 2020.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 9002. Upon the determination of the Secretary
12 of Defense that such action is necessary in the national
13 interest, the Secretary may, with the approval of the Of-
14 fice of Management and Budget, transfer up to
15 \$500,000,000 between the appropriations or funds made
16 available to the Department of Defense in this title: *Pro-*
17 *vided*, That the Secretary shall notify the Congress
18 promptly of each transfer made pursuant to the authority
19 in this section: *Provided further*, That the authority pro-
20 vided in this section is in addition to any other transfer
21 authority available to the Department of Defense and is
22 subject to the same terms and conditions as the authority
23 provided in section 8005 of this Act.

24 SEC. 9003. Supervision and administration costs and
25 costs for design during construction associated with a con-

1 construction project funded with appropriations available for
2 operation and maintenance or the “Afghanistan Security
3 Forces Fund” provided in this Act and executed in direct
4 support of overseas contingency operations in Afghani-
5 stan, may be obligated at the time a construction contract
6 is awarded: *Provided*, That, for the purpose of this section,
7 supervision and administration costs and costs for design
8 during construction include all in-house Government costs.

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

19 SEC. 9005. Not to exceed \$5,000,000 of the amounts
20 appropriated by this title under the heading “Operation
21 and Maintenance, Army” may be used, notwithstanding
22 any other provision of law, to fund the Commanders’
23 Emergency Response Program (CERP), for the purpose
24 of enabling military commanders in Afghanistan to re-
25 spond to urgent, small-scale, humanitarian relief and re-

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

- 24 (1) The location, nature and purpose of the
25 proposed project, including how the project is in-

1 tended to advance the military campaign plan for
2 the country in which it is to be carried out.

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

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

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

1 congressional defense committees regarding support pro-
2 vided under this section.

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

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

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

12 (3) To establish any military installation or
13 base for the purpose of providing for the permanent
14 stationing of United States Armed Forces in Af-
15 ghanistan.

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

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

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

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

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

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

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

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

17 SEC. 9012. None of the funds made available by this
18 Act under the heading “Counter-ISIS Train and Equip
19 Fund” may be used to procure or transfer man-portable
20 air defense systems.

21 SEC. 9013. For the “Ukraine Security Assistance Ini-
22 tiative”, \$250,000,000 is hereby appropriated, to remain
23 available until September 30, 2020: *Provided*, That such
24 funds shall be available to the Secretary of Defense, in
25 coordination with the Secretary of State, to provide assist-

1 ance, including training; equipment; lethal assistance; lo-
2 gistics support, supplies and services; sustainment; and in-
3 telligence support to the military and national security
4 forces of Ukraine, and for replacement of any weapons
5 or articles provided to the Government of Ukraine from
6 the inventory of the United States: *Provided further*, That
7 of the amounts made available in this section,
8 \$50,000,000 shall be available only for lethal assistance
9 described in paragraphs (2) and (3) of section 1250(b)
10 of the National Defense Authorization Act for Fiscal Year
11 2016 (Public Law 114–92; 129 Stat. 1068): *Provided fur-*
12 *ther*, That the Secretary of Defense shall, not less than
13 15 days prior to obligating funds provided under this
14 heading, notify the congressional defense committees in
15 writing of the details of any such obligation: *Provided fur-*
16 *ther*, That the United States may accept equipment pro-
17 cured using funds provided under this heading in this or
18 prior Acts that was transferred to the security forces of
19 Ukraine and returned by such forces to the United States:
20 *Provided further*, That equipment procured using funds
21 provided under this heading in this or prior Acts, and not
22 yet transferred to the military or National Security Forces
23 of Ukraine or returned by such forces to the United
24 States, may be treated as stocks of the Department of De-
25 fense upon written notification to the congressional de-

1 fense committees: *Provided further*, That amounts made
2 available by this section are designated by the Congress
3 for Overseas Contingency Operations/Global War on Ter-
4 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

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

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

14 SEC. 9016. Equipment procured using funds provided
15 in prior Acts under the heading “Counterterrorism Part-
16 nerships Fund” for the program authorized by section
17 1209 of the Carl Levin and Howard P. “Buck” McKeon
18 National Defense Authorization Act for Fiscal Year 2015
19 (Public Law 113–291), and not yet transferred to author-
20 ized recipients may be transferred to foreign security
21 forces, irregular forces, groups, or individuals, authorized
22 to receive assistance using amounts provided under the
23 heading “Counter-ISIS Train and Equip Fund” in this
24 Act: *Provided*, That such equipment may be transferred

1 15 days following written notification to the congressional
2 defense committees.

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

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

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

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

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

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

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

11 (7) providing humanitarian organizations access
12 to detainees, internally displaced persons, and other
13 Pakistani civilians affected by the conflict.

14 (b) The Secretary of Defense, in coordination with
15 the Secretary of State, may waive the restriction in sub-
16 section (a) on a case-by-case basis by certifying in writing
17 to the congressional defense committees that it is in the
18 national security interest to do so: *Provided*, That if the
19 Secretary of Defense, in coordination with the Secretary
20 of State, exercises such waiver authority, the Secretaries
21 shall report to the congressional defense committees on
22 both the justification for the waiver and on the require-
23 ments of this section that the Government of Pakistan was
24 not able to meet: *Provided further*, That such report may
25 be submitted in classified form if necessary.

1 (INCLUDING TRANSFER OF FUNDS)

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

1 authority to provide funding under this section shall termi-
2 nate on September 30, 2020.

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

14 SEC. 9020. None of the funds in this Act may be
15 made available for the transfer of additional C-130 cargo
16 aircraft to the Afghanistan National Security Forces or
17 the Afghanistan Air Force until the Department of De-
18 fense provides a report to the congressional defense com-
19 mittees of the Afghanistan Air Force's medium airlift re-
20 quirements. The report should identify Afghanistan's abil-
21 ity to utilize and maintain existing medium lift aircraft
22 in the inventory and the best alternative platform, if nec-
23 essary, to provide additional support to the Afghanistan
24 Air Force's current medium airlift capacity.

1 SEC. 9021. Funds available for the Afghanistan Se-
2 curity Forces Fund may be used to provide limited train-
3 ing, equipment, and other assistance that would otherwise
4 be prohibited by 10 U.S.C. 362 to a unit of the security
5 forces of Afghanistan only if the Secretary certifies to the
6 congressional defense committees, within 30 days of a de-
7 cision to provide such assistance, that (1) a denial of such
8 assistance would present significant risk to U.S. or coal-
9 tion forces or significantly undermine United States na-
10 tional security objectives in Afghanistan; and (2) the Sec-
11 retary has sought a commitment by the Government of
12 Afghanistan to take all necessary corrective steps: *Pro-*
13 *vided*, That such certification shall be accompanied by a
14 report describing: (1) the information relating to the gross
15 violation of human rights; (2) the circumstances that ne-
16 cessitated the provision of such assistance; (3) the Afghan
17 security force unit involved; (4) the assistance provided
18 and the assistance withheld; and (5) the corrective steps
19 to be taken by the Government of Afghanistan: *Provided*
20 *further*, That every 120 days after the initial report an
21 additional report shall be submitted detailing the status
22 of any corrective steps taken by the Government of Af-
23 ghanistan: *Provided further*, That if the Government of Af-
24 ghanistan has not initiated necessary corrective steps
25 within one year of the certification, the authority under

1 this section to provide assistance to such unit shall no
2 longer apply: *Provided further*, That the Secretary shall
3 submit a report to such committees detailing the final dis-
4 position of the case by the Government of Afghanistan.

5 SEC. 9022. None of the funds made available by this
6 Act may be used to pay the expenses of any member of
7 the Taliban to participate in any meeting that does not
8 include the participation of members of the Government
9 of Afghanistan or that restricts the participation of
10 women.

11 (RESCISSIONS)

12 SEC. 9023. 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 “Operation and Maintenance, Defense-Wide: Defense
21 Security Cooperation Account”, 2019/2020, \$7,000,000;

22 “Afghanistan Security Forces Fund”, 2019/2020,
23 \$30,000,000;

24 “Counter-ISIS Train and Equip Fund”, 2019/2020,
25 \$13,000,000; and

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

3 SEC. 9024. 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 This Act may be cited as the “Department of Defense
11 Appropriations Act, 2020”.