

[FULL COMMITTEE PRINT]

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Union Calendar No. _____

117TH CONGRESS
1ST SESSION

H. R. _____

[Report No. __-__]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2022, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. MCCOLLUM, 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, 2022, 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,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 fiscal year ending September 30, 2022, for military func-
4 tions administered by the Department of Defense and for
5 other purposes, namely:

6

TITLE I

7

MILITARY PERSONNEL

8

MILITARY PERSONNEL, ARMY

9 For pay, allowances, individual clothing, subsistence,
10 interest on deposits, gratuities, permanent change of sta-
11 tion travel (including all expenses thereof for organiza-
12 tional movements), and expenses of temporary duty travel
13 between permanent duty stations, for members of the
14 Army on active duty (except members of reserve compo-
15 nents provided for elsewhere), cadets, and aviation cadets;
16 for members of the Reserve Officers' Training Corps; and
17 for payments pursuant to section 156 of Public Law 97-
18 377, as amended (42 U.S.C. 402 note), and to the Depart-
19 ment of Defense Military Retirement Fund,
20 \$47,875,354,000.

21

MILITARY PERSONNEL, NAVY

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
2 Navy on active duty (except members of the Reserve pro-
3 vided for elsewhere), midshipmen, and aviation cadets; for
4 members of the Reserve Officers' Training Corps; and for
5 payments pursuant to section 156 of Public Law 97-377,
6 as amended (42 U.S.C. 402 note), and to the Department
7 of Defense Military Retirement Fund, \$35,458,629,000.

8 MILITARY PERSONNEL, MARINE CORPS

9 For pay, allowances, individual clothing, subsistence,
10 interest on deposits, gratuities, permanent change of sta-
11 tion travel (including all expenses thereof for organiza-
12 tional movements), and expenses of temporary duty travel
13 between permanent duty stations, for members of the Ma-
14 rine Corps on active duty (except members of the Reserve
15 provided for elsewhere); and for payments pursuant to sec-
16 tion 156 of Public Law 97-377, as amended (42 U.S.C.
17 402 note), and to the Department of Defense Military Re-
18 tirement Fund, \$14,595,837,000.

19 MILITARY PERSONNEL, AIR FORCE

20 For pay, allowances, individual clothing, subsistence,
21 interest on deposits, gratuities, permanent change of sta-
22 tion travel (including all expenses thereof for organiza-
23 tional movements), and expenses of temporary duty travel
24 between permanent duty stations, for members of the Air
25 Force on active duty (except members of reserve compo-

1 nents provided for elsewhere), cadets, and aviation cadets;
2 for members of the Reserve Officers' Training Corps; and
3 for payments pursuant to section 156 of Public Law 97–
4 377, as amended (42 U.S.C. 402 note), and to the Depart-
5 ment of Defense Military Retirement Fund,
6 \$35,016,131,000.

7 RESERVE PERSONNEL, ARMY

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Army Re-
10 serve on active duty under sections 10211, 10302, and
11 7038 of title 10, United States Code, or while serving on
12 active duty under section 12301(d) of title 10, United
13 States Code, in connection with performing duty specified
14 in section 12310(a) of title 10, United States Code, or
15 while undergoing reserve training, or while performing
16 drills or equivalent duty or other duty, and expenses au-
17 thorized by section 16131 of title 10, United States Code;
18 and for payments to the Department of Defense Military
19 Retirement Fund, \$5,172,805,000.

20 RESERVE PERSONNEL, NAVY

21 For pay, allowances, clothing, subsistence, gratuities,
22 travel, and related expenses for personnel of the Navy Re-
23 serve on active duty under section 10211 of title 10,
24 United States Code, or while serving on active duty under
25 section 12301(d) of title 10, United States Code, in con-

1 nection with performing duty specified in section 12310(a)
2 of title 10, United States Code, or while undergoing re-
3 serve training, or while performing drills or equivalent
4 duty, and expenses authorized by section 16131 of title
5 10, United States Code; and for payments to the Depart-
6 ment of Defense Military Retirement Fund,
7 \$2,294,229,000.

8 RESERVE PERSONNEL, MARINE CORPS

9 For pay, allowances, clothing, subsistence, gratuities,
10 travel, and related expenses for personnel of the Marine
11 Corps Reserve on active duty under section 10211 of title
12 10, United States Code, or while serving on active duty
13 under section 12301(d) of title 10, United States Code,
14 in connection with performing duty specified in section
15 12310(a) of title 10, United States Code, or while under-
16 going reserve training, or while performing drills or equiv-
17 alent duty, and for members of the Marine Corps platoon
18 leaders class, and expenses authorized by section 16131
19 of title 10, United States Code; and for payments to the
20 Department of Defense Military Retirement Fund,
21 \$866,219,000.

22 RESERVE PERSONNEL, AIR FORCE

23 For pay, allowances, clothing, subsistence, gratuities,
24 travel, and related expenses for personnel of the Air Force
25 Reserve on active duty under sections 10211, 10305, and

1 8038 of title 10, United States Code, or while serving on
2 active duty under section 12301(d) of title 10, United
3 States Code, in connection with performing duty specified
4 in section 12310(a) of title 10, United States Code, or
5 while undergoing reserve training, or while performing
6 drills or equivalent duty or other duty, and expenses au-
7 thorized by section 16131 of title 10, United States Code;
8 and for payments to the Department of Defense Military
9 Retirement Fund, \$2,374,433,000.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For pay, allowances, clothing, subsistence, gratuities,
12 travel, and related expenses for personnel of the Army Na-
13 tional Guard while on duty under sections 10211, 10302,
14 or 12402 of title 10 or section 708 of title 32, United
15 States Code, or while serving on duty under section
16 12301(d) of title 10 or section 502(f) of title 32, United
17 States Code, in connection with performing duty specified
18 in section 12310(a) of title 10, United States Code, or
19 while undergoing training, or while performing drills or
20 equivalent duty or other duty, and expenses authorized by
21 section 16131 of title 10, United States Code; and for pay-
22 ments to the Department of Defense Military Retirement
23 Fund, \$8,988,044,000.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Air Na-
4 tional Guard on duty under sections 10211, 10305, or
5 12402 of title 10 or section 708 of title 32, United States
6 Code, or while serving on duty under section 12301(d) of
7 title 10 or section 502(f) of title 32, United States Code,
8 in connection with performing duty specified in section
9 12310(a) of title 10, United States Code, or while under-
10 going training, or while performing drills or equivalent
11 duty or other duty, and expenses authorized by section
12 16131 of title 10, United States Code; and for payments
13 to the Department of Defense Military Retirement Fund,
14 \$4,818,279,000.

15 TITLE II

16 OPERATION AND MAINTENANCE

17 OPERATION AND MAINTENANCE, ARMY

18 For expenses, not otherwise provided for, necessary
19 for the operation and maintenance of the Army, as author-
20 ized by law, \$54,343,965,000: *Provided*, That not to ex-
21 ceed \$12,478,000 may be used for emergencies and ex-
22 traordinary expenses, to be expended upon the approval
23 or authority of the Secretary of the Army, and payments
24 may be made upon his certificate of necessity for confiden-
25 tial military purposes.

1 OPERATION AND MAINTENANCE, NAVY

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Navy and the
4 Marine Corps, as authorized by law, \$61,086,598,000:
5 *Provided*, That not to exceed \$15,055,000 may be used
6 for emergencies and extraordinary expenses, to be ex-
7 pended upon the approval or authority of the Secretary
8 of the Navy, and payments may be made upon his certifi-
9 cate of necessity for confidential military purposes.

10 OPERATION AND MAINTENANCE, MARINE CORPS

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance of the Marine Corps,
13 as authorized by law, \$9,090,653,000.

14 OPERATION AND MAINTENANCE, AIR FORCE

15 For expenses, not otherwise provided for, necessary
16 for the operation and maintenance of the Air Force, as
17 authorized by law, \$53,756,603,000: *Provided*, That not
18 to exceed \$7,699,000 may be used for emergencies and
19 extraordinary expenses, to be expended upon the approval
20 or authority of the Secretary of the Air Force, and pay-
21 ments may be made upon his certificate of necessity for
22 confidential military purposes.

1 OPERATION AND MAINTENANCE, SPACE FORCE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Space Force, as
4 authorized by law, \$3,372,212,000.

5 OPERATION AND MAINTENANCE, DEFENSE-WIDE

6 (INCLUDING TRANSFER OF FUNDS)

7 For expenses, not otherwise provided for, necessary
8 for the operation and maintenance of activities and agen-
9 cies of the Department of Defense (other than the military
10 departments), as authorized by law, \$45,306,975,000:
11 *Provided*, That not more than \$3,000,000 may be used
12 for the Combatant Commander Initiative Fund authorized
13 under section 166a of title 10, United States Code: *Pro-*
14 *vided further*, That not to exceed \$36,000,000 may be
15 used for emergencies and extraordinary expenses, to be ex-
16 pended upon the approval or authority of the Secretary
17 of Defense, and payments may be made upon his certifi-
18 cate of necessity for confidential military purposes: *Pro-*
19 *vided further*, That of the funds provided under this head-
20 ing, not less than \$50,000,000 shall be made available for
21 the Procurement Technical Assistance Cooperative Agree-
22 ment Program, of which not less than \$4,500,000 shall
23 be available for centers defined in 10 U.S.C. 2411(1)(D):
24 *Provided further*, That none of the funds appropriated or
25 otherwise made available by this Act may be used to plan

1 or implement the consolidation of a budget or appropria-
2 tions liaison office of the Office of the Secretary of De-
3 fense, the office of the Secretary of a military department,
4 or the service headquarters of one of the Armed Forces
5 into a legislative affairs or legislative liaison office: *Pro-*
6 *vided further*, That \$18,000,000, to remain available until
7 expended, is available only for expenses relating to certain
8 classified activities, and may be transferred as necessary
9 by the Secretary of Defense to operation and maintenance
10 appropriations or research, development, test and evalua-
11 tion appropriations, to be merged with and to be available
12 for the same time period as the appropriations to which
13 transferred: *Provided further*, That any ceiling on the in-
14 vestment item unit cost of items that may be purchased
15 with operation and maintenance funds shall not apply to
16 the funds described in the preceding proviso: *Provided fur-*
17 *ther*, That the Secretary of Defense shall provide quarterly
18 reports to the Committees on Appropriations of the House
19 of Representatives and the Senate on the use and status
20 of funds made available in this paragraph: *Provided fur-*
21 *ther*, That the transfer authority provided under this head-
22 ing is in addition to any other transfer authority provided
23 elsewhere in this Act.

1 AFGHANISTAN SECURITY FORCES FUND

2 For the “Afghanistan Security Forces Fund”,
3 \$3,045,341,000, to remain available until September 30,
4 2023: *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 of any proposed new
20 projects or activities, or transfer of funds between budget
21 sub-activity groups in excess of \$20,000,000: *Provided fur-*
22 *ther*, That the United States may accept equipment pro-
23 cured using funds provided under this heading in this or
24 prior Acts that was transferred to the security forces of
25 Afghanistan and returned by such forces to the United

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

1 United States and United States allies: *Provided further*,
2 That funds appropriated under this heading may only be
3 obligated after the Secretary of Defense certifies in writing
4 to the congressional defense committees that a program
5 is in place to monitor, evaluate, and oversee such funds.

6 COUNTER-ISIS TRAIN AND EQUIP FUND

7 For the “Counter-Islamic State of Iraq and Syria
8 Train and Equip Fund”, \$500,000,000, to remain avail-
9 able until September 30, 2023: *Provided*, That such funds
10 shall be available to the Secretary of Defense in coordina-
11 tion with the Secretary of State, to provide assistance, in-
12 cluding training; equipment; logistics support, supplies,
13 and services; stipends; infrastructure repair and renova-
14 tion; construction for facility fortification and humane
15 treatment; and sustainment, to foreign security forces, ir-
16 regular forces, groups, or individuals participating, or pre-
17 paring to participate in activities to counter the Islamic
18 State of Iraq and Syria, and their affiliated or associated
19 groups: *Provided further*, That amounts made available
20 under this heading shall be available to provide assistance
21 only for activities in a country designated by the Secretary
22 of Defense, in coordination with the Secretary of State,
23 as having a security mission to counter the Islamic State
24 of Iraq and Syria, and following written notification to the
25 congressional defense committees of such designation:

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

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

1 when determined by the Secretary to no longer be required
2 for transfer to such forces or groups and upon written
3 notification to the congressional defense committees: *Pro-*
4 *vided further*, That the Secretary of Defense shall provide
5 quarterly reports to the congressional defense committees
6 on the use of funds provided under this heading, including,
7 but not limited to, the number of individuals trained, the
8 nature and scope of support and sustainment provided to
9 each group or individual, the area of operations for each
10 group, and the contributions of other countries, groups,
11 or individuals.

12 OPERATION AND MAINTENANCE, ARMY RESERVE

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance, including training, or-
15 ganization, and administration, of the Army Reserve; re-
16 pair of facilities and equipment; hire of passenger motor
17 vehicles; travel and transportation; care of the dead; re-
18 cruiting; procurement of services, supplies, and equip-
19 ment; and communications, \$2,992,135,000.

20 OPERATION AND MAINTENANCE, NAVY RESERVE

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

1 recruiting; procurement of services, supplies, and equip-
2 ment; and communications, \$1,147,698,000.

3 OPERATION AND MAINTENANCE, MARINE CORPS

4 RESERVE

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance, including training, or-
7 ganization, and administration, of the Marine Corps Re-
8 serve; repair of facilities and equipment; hire of passenger
9 motor vehicles; travel and transportation; care of the dead;
10 recruiting; procurement of services, supplies, and equip-
11 ment; and communications, \$286,550,000.

12 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance, including training, or-
15 ganization, and administration, of the Air Force Reserve;
16 repair of facilities and equipment; hire of passenger motor
17 vehicles; travel and transportation; care of the dead; re-
18 cruiting; procurement of services, supplies, and equip-
19 ment; and communications, \$3,335,606,000.

20 OPERATION AND MAINTENANCE, ARMY NATIONAL

21 GUARD

22 For expenses of training, organizing, and admin-
23 istering the Army National Guard, including medical and
24 hospital treatment and related expenses in non-Federal
25 hospitals; maintenance, operation, and repairs to struc-

1 tures and facilities; hire of passenger motor vehicles; per-
2 sonnel services in the National Guard Bureau; travel ex-
3 penses (other than mileage), as authorized by law for
4 Army personnel on active duty, for Army National Guard
5 division, regimental, and battalion commanders while in-
6 specting units in compliance with National Guard Bureau
7 regulations when specifically authorized by the Chief, Na-
8 tional Guard Bureau; supplying and equipping the Army
9 National Guard as authorized by law; and expenses of re-
10 pair, modification, maintenance, and issue of supplies and
11 equipment (including aircraft), \$7,617,209,000.

12 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

1 while inspecting units in compliance with National Guard
2 Bureau regulations when specifically authorized by the
3 Chief, National Guard Bureau, \$6,568,750,000.

4 UNITED STATES COURT OF APPEALS FOR THE ARMED
5 FORCES

6 For salaries and expenses necessary for the United
7 States Court of Appeals for the Armed Forces,
8 \$15,589,000, of which not to exceed \$5,000 may be used
9 for official representation purposes.

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

12 For the Department of the Army, \$251,008,000, to
13 remain available until transferred: *Provided*, That the Sec-
14 retary of the Army shall, upon determining that such
15 funds are required for environmental restoration, reduc-
16 tion and recycling of hazardous waste, removal of unsafe
17 buildings and debris of the Department of the Army, or
18 for similar purposes, transfer the funds made available by
19 this appropriation to other appropriations made available
20 to the Department of the Army, to be merged with and
21 to be available for the same purposes and for the same
22 time period as the appropriations to which transferred:
23 *Provided further*, That upon a determination that all or
24 part of the funds transferred from this appropriation are
25 not necessary for the purposes provided herein, such

1 amounts may be transferred back to this appropriation:
2 *Provided further*, That the transfer authority provided
3 under this heading is in addition to any other transfer au-
4 thority provided elsewhere in this Act.

5 ENVIRONMENTAL RESTORATION, NAVY
6 (INCLUDING TRANSFER OF FUNDS)

7 For the Department of the Navy, \$372,813,000, to
8 remain available until transferred: *Provided*, That the Sec-
9 retary of the Navy shall, upon determining that such
10 funds are required for environmental restoration, reduc-
11 tion and recycling of hazardous waste, removal of unsafe
12 buildings and debris of the Department of the Navy, or
13 for similar purposes, transfer the funds made available by
14 this appropriation to other appropriations made available
15 to the Department of the Navy, to be merged with and
16 to be available for the same purposes and for the same
17 time period as the appropriations to which transferred:
18 *Provided further*, That upon a determination that all or
19 part of the funds transferred from this appropriation are
20 not necessary for the purposes provided herein, such
21 amounts may be transferred back to this appropriation:
22 *Provided further*, That the transfer authority provided
23 under this heading is in addition to any other transfer au-
24 thority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$377,210,000,
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, \$10,979,000, 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, \$292,580,000, 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), \$150,051,000, to remain available
18 until September 30, 2023: *Provided*, That such amounts
19 shall not be subject to the limitation in section 407(c)(3)
20 of title 10, United States Code.

21 COOPERATIVE THREAT REDUCTION ACCOUNT

22 For assistance, including assistance provided by con-
23 tract or by grants, under programs and activities of the
24 Department of Defense Cooperative Threat Reduction
25 Program authorized under the Department of Defense Co-

1 operative Threat Reduction Act, \$344,849,000, to remain
2 available until September 30, 2024.

3 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
4 DEVELOPMENT ACCOUNT

5 For the Department of Defense Acquisition Work-
6 force Development Account, \$54,679,000, to remain avail-
7 able for obligation until September 30, 2022: *Provided*,
8 That no other amounts may be otherwise credited or
9 transferred to the Account, or deposited into the Account,
10 in fiscal year 2022 pursuant to section 1705(d) of title
11 10, United States Code.

12 TITLE III
13 PROCUREMENT

14 AIRCRAFT PROCUREMENT, ARMY

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

1 equipment layaway; and other expenses necessary for the
2 foregoing purposes, \$3,215,131,000, to remain available
3 for obligation until September 30, 2024.

4 MISSILE PROCUREMENT, ARMY

5 For construction, procurement, production, modifica-
6 tion, and modernization of missiles, equipment, including
7 ordnance, ground handling equipment, spare parts, and
8 accessories therefor; specialized equipment and training
9 devices; expansion of public and private plants, including
10 the land necessary therefor, for the foregoing purposes,
11 and such lands and interests therein, may be acquired,
12 and construction prosecuted thereon prior to approval of
13 title; and procurement and installation of equipment, ap-
14 pliances, and machine tools in public and private plants;
15 reserve plant and Government and contractor-owned
16 equipment layaway; and other expenses necessary for the
17 foregoing purposes, \$3,496,591,000, to remain available
18 for obligation until September 30, 2024.

19 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

20 VEHICLES, ARMY

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

1 necessary therefor, for the foregoing purposes, and such
2 lands and interests therein, may be acquired, and con-
3 struction prosecuted thereon prior to approval of title; and
4 procurement and installation of equipment, appliances,
5 and machine tools in public and private plants; reserve
6 plant and Government and contractor-owned equipment
7 layaway; and other expenses necessary for the foregoing
8 purposes, \$3,811,616,000, to remain available for obliga-
9 tion until September 30, 2024.

10 PROCUREMENT OF AMMUNITION, ARMY

11 For construction, procurement, production, and
12 modification of ammunition, and accessories therefor; spe-
13 cialized equipment and training devices; expansion of pub-
14 lic and private plants, including ammunition facilities, au-
15 thorized by section 2854 of title 10, United States Code,
16 and the land necessary therefor, for the foregoing pur-
17 poses, and such lands and interests therein, may be ac-
18 quired, and construction prosecuted thereon prior to ap-
19 proval of title; and procurement and installation of equip-
20 ment, appliances, and machine tools in public and private
21 plants; reserve plant and Government and contractor-
22 owned equipment layaway; and other expenses necessary
23 for the foregoing purposes, \$2,243,933,000, to remain
24 available for obligation until September 30, 2024.

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 \$8,537,213,000, to remain available for obligation until
18 September 30, 2024.

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 \$16,998,875,000, to remain available for obligation until
6 September 30, 2024.

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, \$3,718,711,000, to remain available for obliga-
19 tion until September 30, 2024.

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, \$879,388,000, to remain avail-
10 able for obligation until September 30, 2024.

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 Columbia Class Submarine, \$3,003,000,000;

1 Columbia Class Submarine (AP),
2 \$1,601,805,000;
3 Carrier Replacement Program (CVN-80),
4 \$1,062,205,000;
5 Carrier Replacement Program (CVN-81),
6 \$1,287,719,000;
7 Virginia Class Submarine, \$4,329,240,000;
8 Virginia Class Submarine (AP),
9 \$2,104,917,000;
10 CVN Refueling Overhauls, \$2,265,018,000;
11 CVN Refueling Overhauls (AP), \$66,262,000;
12 DDG-1000 Program, \$56,597,000;
13 DDG-51 Destroyer, \$3,334,825,000;
14 FFG-Frigate, \$1,087,900,000;
15 FFG-Frigate (AP), \$69,100,000;
16 LPD Flight II, \$60,636,000;
17 LHA Replacement, \$68,637,000;
18 TAO Fleet Oiler, \$688,184,000;
19 TAGOS SURTASS Ships, \$434,384,000;
20 Towing, Salvage, and Rescue Ship,
21 \$86,785,000;
22 LCU 1700, \$67,928,000;
23 Ship to Shore Connector, \$135,252,000;
24 Service Craft, \$67,866,000;
25 LCAC SLEP, \$32,712,000;

1 Auxiliary Vessels, \$299,900,000;
2 For outfitting, post delivery, conversions, and
3 first destination transportation, \$614,731,000; and
4 Completion of Prior Year Shipbuilding Pro-
5 grams, \$660,795,000.

6 In all: \$23,486,398,000, to remain available for obli-
7 gation until September 30, 2026: *Provided*, That addi-
8 tional obligations may be incurred after September 30,
9 2026, for engineering services, tests, evaluations, and
10 other such budgeted work that must be performed in the
11 final stage of ship construction: *Provided further*, That
12 none of the funds provided under this heading for the con-
13 struction or conversion of any naval vessel to be con-
14 structed in shipyards in the United States shall be ex-
15 pended in foreign facilities for the construction of major
16 components of such vessel: *Provided further*, That none
17 of the funds provided under this heading shall be used
18 for the construction of any naval vessel in foreign ship-
19 yards: *Provided further*, That funds appropriated or other-
20 wise made available by this Act for Columbia Class Sub-
21 marine (AP) may be available for the purposes authorized
22 by subsections (f), (g), (h) or (i) of section 2218a of title
23 10, United States Code, only in accordance with the provi-
24 sions of the applicable subsection.

1 OTHER PROCUREMENT, NAVY

2 For procurement, production, and modernization of
3 support equipment and materials not otherwise provided
4 for, Navy ordnance (except ordnance for new aircraft, new
5 ships, and ships authorized for conversion); the purchase
6 of passenger motor vehicles for replacement only; expan-
7 sion of public and private plants, including the land nec-
8 essary therefor, and such lands and interests therein, may
9 be acquired, and construction prosecuted thereon prior to
10 approval of title; and procurement and installation of
11 equipment, appliances, and machine tools in public and
12 private plants; reserve plant and Government and con-
13 tractor-owned equipment layaway, \$10,451,162,000, to
14 remain available for obligation until September 30, 2024:
15 *Provided*, That such funds are also available for the main-
16 tenance, repair, and modernization of Pacific Fleet ships
17 under a pilot program established for such purposes.

18 PROCUREMENT, MARINE CORPS

19 For expenses necessary for the procurement, manu-
20 facture, and modification of missiles, armament, military
21 equipment, spare parts, and accessories therefor; plant
22 equipment, appliances, and machine tools, and installation
23 thereof in public and private plants; reserve plant and
24 Government and contractor-owned equipment layaway; ve-
25 hicles for the Marine Corps, including the purchase of pas-

1 senger motor vehicles for replacement only; and expansion
2 of public and private plants, including land necessary
3 therefor, and such lands and interests therein, may be ac-
4 quired, and construction prosecuted thereon prior to ap-
5 proval of title, \$2,835,365,000, to remain available for ob-
6 ligation until September 30, 2024.

7 AIRCRAFT PROCUREMENT, AIR FORCE

8 For construction, procurement, and modification of
9 aircraft and equipment, including armor and armament,
10 specialized ground handling equipment, and training de-
11 vices, spare parts, and accessories therefor; specialized
12 equipment; expansion of public and private plants, Gov-
13 ernment-owned equipment and installation thereof in such
14 plants, erection of structures, and acquisition of land, for
15 the foregoing purposes, and such lands and interests
16 therein, may be acquired, and construction prosecuted
17 thereon prior to approval of title; reserve plant and Gov-
18 ernment and contractor-owned equipment layaway; and
19 other expenses necessary for the foregoing purposes in-
20 cluding rents and transportation of things,
21 \$16,628,047,000, to remain available for obligation until
22 September 30, 2024.

23 MISSILE PROCUREMENT, AIR FORCE

24 For construction, procurement, and modification of
25 missiles, rockets, and related equipment, including spare

1 parts and accessories therefor; ground handling equip-
2 ment, and training devices; expansion of public and pri-
3 vate plants, Government-owned equipment and installa-
4 tion thereof in such plants, erection of structures, and ac-
5 quisition of land, for the foregoing purposes, and such
6 lands and interests therein, may be acquired, and con-
7 struction prosecuted thereon prior to approval of title; re-
8 serve plant and Government and contractor-owned equip-
9 ment layaway; and other expenses necessary for the fore-
10 going purposes including rents and transportation of
11 things, \$2,529,462,000, to remain available for obligation
12 until September 30, 2024.

13 PROCUREMENT OF AMMUNITION, AIR FORCE

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

1 for the foregoing purposes, \$672,321,000, to remain avail-
2 able for obligation until September 30, 2024.

3 OTHER PROCUREMENT, AIR FORCE

4 For procurement and modification of equipment (in-
5 cluding ground guidance and electronic control equipment,
6 and ground electronic and communication equipment),
7 and supplies, materials, and spare parts therefor, not oth-
8 erwise provided for; the purchase of passenger motor vehi-
9 cles for replacement only; lease of passenger motor vehi-
10 cles; and expansion of public and private plants, Govern-
11 ment-owned equipment and installation thereof in such
12 plants, erection of structures, and acquisition of land, for
13 the foregoing purposes, and such lands and interests
14 therein, may be acquired, and construction prosecuted
15 thereon, prior to approval of title; reserve plant and Gov-
16 ernment and contractor-owned equipment layaway,
17 \$25,292,801,000, to remain available for obligation until
18 September 30, 2024.

19 PROCUREMENT, SPACE FORCE

20 For construction, procurement, and modification of
21 spacecraft, rockets, and related equipment, including
22 spare parts and accessories therefor; ground handling
23 equipment, and training devices; expansion of public and
24 private plants, Government-owned equipment and installa-
25 tion thereof in such plants, erection of structures, and ac-

1 quision of land, for the foregoing purposes, and such
2 lands and interests therein, may be acquired, and con-
3 struction prosecuted thereon prior to approval of title; re-
4 serve plant and Government and contractor-owned equip-
5 ment layaway; and other expenses necessary for the fore-
6 going purposes including rents and transportation of
7 things, \$2,741,708,000, to remain available for obligation
8 until September 30, 2024.

9 PROCUREMENT, DEFENSE-WIDE

10 For expenses of activities and agencies of the Depart-
11 ment of Defense (other than the military departments)
12 necessary for procurement, production, and modification
13 of equipment, supplies, materials, and spare parts there-
14 for, not otherwise provided for; the purchase of passenger
15 motor vehicles for replacement only; expansion of public
16 and private plants, equipment, and installation thereof in
17 such plants, erection of structures, and acquisition of land
18 for the foregoing purposes, and such lands and interests
19 therein, may be acquired, and construction prosecuted
20 thereon prior to approval of title; reserve plant and Gov-
21 ernment and contractor-owned equipment layaway,
22 \$5,413,546,000, to remain available for obligation until
23 September 30, 2024.

1 DEFENSE PRODUCTION ACT PURCHASES

2 For activities by the Department of Defense pursuant
3 to sections 108, 301, 302, and 303 of the Defense Produc-
4 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
5 \$385,927,000, to remain available until expended: *Pro-*
6 *vided*, That no less than \$60,000,000 of the funds pro-
7 vided under this heading shall be obligated and expended
8 by the Secretary of Defense in behalf of the Department
9 of Defense as if delegated the necessary authorities con-
10 ferred by the Defense Production Act of 1950.

11 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

12 For procurement of rotary-wing aircraft; combat, tac-
13 tical and support vehicles; other weapons; and other pro-
14 curement items for the reserve components of the Armed
15 Forces, \$950,000,000, to remain available for obligation
16 until September 30, 2024: *Provided*, That the Chiefs of
17 National Guard and Reserve components shall, not later
18 than 30 days after the date of the enactment of this Act,
19 individually submit to the congressional defense commit-
20 tees the modernization priority assessment for their re-
21 spective National Guard or Reserve component: *Provided*
22 *further*, That none of the funds made available by this
23 paragraph may be used to procure manned fixed wing air-
24 craft, or procure or modify missiles, munitions, or ammu-
25 nition.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TEST AND
3 EVALUATION

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$13,381,427,000, to remain avail-
10 able for obligation until September 30, 2023.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$20,694,650,000, to remain avail-
17 able for obligation until September 30, 2023: *Provided*,
18 That funds appropriated in this paragraph which are
19 available for the V-22 may be used to meet unique oper-
20 ational requirements of the Special Operations Forces.

21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
22 AIR FORCE

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

1 cilities and equipment, \$39,062,352,000, to remain avail-
2 able for obligation until September 30, 2023.

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

5 For expenses necessary for basic and applied sci-
6 entific research, development, test and evaluation, includ-
7 ing maintenance, rehabilitation, lease, and operation of fa-
8 cilities and equipment, \$10,774,318,000, to remain avail-
9 able until September 30, 2023.

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

12 For expenses of activities and agencies of the Depart-
13 ment of Defense (other than the military departments),
14 necessary for basic and applied scientific research, devel-
15 opment, test and evaluation; advanced research projects
16 as may be designated and determined by the Secretary
17 of Defense, pursuant to law; maintenance, rehabilitation,
18 lease, and operation of facilities and equipment,
19 \$26,239,486,000, to remain available for obligation until
20 September 30, 2023.

21 OPERATIONAL TEST AND EVALUATION, DEFENSE

22 For expenses, not otherwise provided for, necessary
23 for the independent activities of the Director, Operational
24 Test and Evaluation, in the direction and supervision of
25 operational test and evaluation, including initial oper-

1 ational test and evaluation which is conducted prior to,
2 and in support of, production decisions; joint operational
3 testing and evaluation; and administrative expenses in
4 connection therewith, \$216,591,000, to remain available
5 for obligation until September 30, 2023.

6

TITLE V

7

REVOLVING AND MANAGEMENT FUNDS

8

DEFENSE WORKING CAPITAL FUNDS

9

For the Defense Working Capital Funds,

10 \$1,902,000,000.

11

TITLE VI

12

OTHER DEPARTMENT OF DEFENSE PROGRAMS

13

DEFENSE HEALTH PROGRAM

14

For expenses, not otherwise provided for, for medical

15 and health care programs of the Department of Defense

16 as authorized by law, \$36,658,536,000; of which

17 \$34,064,317,000 shall be for operation and maintenance,

18 of which not to exceed one percent shall remain available

19 for obligation until September 30, 2023, and of which up

20 to \$18,032,079,000 may be available for contracts entered

21 into under the TRICARE program; of which

22 \$755,539,000, to remain available for obligation until Sep-

23 tember 30, 2024, shall be for procurement; and of which

24 \$1,838,680,000, to remain available for obligation until

25 September 30, 2023, shall be for research, development,

1 test and evaluation: *Provided*, That, notwithstanding any
2 other provision of law, of the amount made available under
3 this heading for research, development, test and evalua-
4 tion, not less than \$10,000,000 shall be available for HIV
5 prevention educational activities undertaken in connection
6 with United States military training, exercises, and hu-
7 manitarian assistance activities conducted primarily in Af-
8 rican nations: *Provided further*, That of the funds provided
9 under this heading for research, development, test and
10 evaluation, not less than \$1,104,000,000 shall be made
11 available to the United States Army Medical Research and
12 Development Command to carry out the congressionally
13 directed medical research programs: *Provided further*,
14 That the Secretary of Defense shall submit to the congres-
15 sional defense committees quarterly reports on the current
16 status of the deployment of the electronic health record:
17 *Provided further*, That the Secretary of Defense shall pro-
18 vide notice to the congressional defense committees not
19 later than 10 business days after delaying the proposed
20 timeline of such deployment if such delay is longer than
21 1 week: *Provided further*, That the Comptroller General
22 of the United States shall perform quarterly performance
23 reviews of such deployment.

1 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
2 DEFENSE

3 For expenses, not otherwise provided for, necessary
4 for the destruction of the United States stockpile of lethal
5 chemical agents and munitions in accordance with the pro-
6 visions of section 1412 of the Department of Defense Au-
7 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
8 struction of other chemical warfare materials that are not
9 in the chemical weapon stockpile, \$1,094,352,000, of
10 which \$93,121,000 shall be for operation and mainte-
11 nance, of which no less than \$22,134,000 shall be for the
12 Chemical Stockpile Emergency Preparedness Program,
13 consisting of \$44,453,000 for activities on military instal-
14 lations and \$26,534,000, to remain available until Sep-
15 tember 30, 2023, to assist State and local governments;
16 and \$1,001,231,000, to remain available until September
17 30, 2023, shall be for research, development, test and eval-
18 uation, of which \$995,011,000 shall only be for the As-
19 sembled Chemical Weapons Alternatives program.

20 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
21 DEFENSE

22 (INCLUDING TRANSFER OF FUNDS)

23 For drug interdiction and counter-drug activities of
24 the Department of Defense, for transfer to appropriations
25 available to the Department of Defense for military per-

1 sonnel of the reserve components serving under the provi-
2 sions of title 10 and title 32, United States Code; for oper-
3 ation and maintenance; for procurement; and for research,
4 development, test and evaluation, \$844,996,000, of which
5 \$519,097,000 shall be for counter-narcotics support;
6 \$126,024,000 shall be for the drug demand reduction pro-
7 gram; \$194,211,000 shall be for the National Guard
8 counter-drug program; and \$5,664,000 shall be for the
9 National Guard counter-drug schools program: *Provided*,
10 That the funds appropriated under this heading shall be
11 available for obligation for the same time period and for
12 the same purpose as the appropriation to which trans-
13 ferred: *Provided further*, That upon a determination that
14 all or part of the funds transferred from this appropriation
15 are not necessary for the purposes provided herein, such
16 amounts may be transferred back to this appropriation:
17 *Provided further*, That the transfer authority provided
18 under this heading is in addition to any other transfer au-
19 thority contained elsewhere in this Act: *Provided further*,
20 That the Secretary of Defense shall notify the Committees
21 on Appropriations of the House of Representatives and the
22 Senate in writing not fewer than 15 days prior to the
23 transfer of funds between projects.

1 OFFICE OF THE INSPECTOR GENERAL

2 For expenses and activities of the Office of the In-
3 spector General in carrying out the provisions of the In-
4 spector General Act of 1978, as amended, \$438,363,000,
5 of which \$435,918,000 shall be for operation and mainte-
6 nance, of which not to exceed \$700,000 is available for
7 emergencies and extraordinary expenses to be expended
8 upon the approval or authority of the Inspector General,
9 and payments may be made upon the Inspector General's
10 certificate of necessity for confidential military purposes;
11 of which \$80,000, to remain available for obligation until
12 September 30, 2024, shall be for procurement; and of
13 which \$2,365,000, to remain available until September 30,
14 2023, shall be for research, development, test and evalua-
15 tion.

16 TITLE VII

17 RELATED AGENCIES

18 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

19 DISABILITY SYSTEM FUND

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

1 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

2 For necessary expenses of the Intelligence Commu-
3 nity Management Account, \$562,500,000.

4 TITLE VIII

5 GENERAL PROVISIONS

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

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

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

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

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

14 (TRANSFER OF FUNDS)

15 SEC. 8005. Upon determination by the Secretary of
16 Defense that such action is necessary in the national inter-
17 est, the Secretary may, with the approval of the Office
18 of Management and Budget, transfer not to exceed
19 \$6,000,000,000 of working capital funds of the Depart-
20 ment of Defense or funds made available in this Act to
21 the Department of Defense for military functions (except
22 military construction) between such appropriations or
23 funds or any subdivision thereof, to be merged with and
24 to be available for the same purposes, and for the same
25 time period, as the appropriation or fund to which trans-

1 ferred: *Provided*, That such authority to transfer may not
2 be used unless for higher priority items, based on unfore-
3 seen military requirements, than those for which originally
4 appropriated and in no case where the item for which
5 funds are requested has been denied by the Congress: *Pro-*
6 *vided further*, That the Secretary of Defense shall notify
7 the Congress promptly of all transfers made pursuant to
8 this authority or any other authority in this Act: *Provided*
9 *further*, That no part of the funds in this Act shall be
10 available to prepare or present a request to the Commit-
11 tees on Appropriations of the House of Representatives
12 and the Senate for reprogramming of funds, unless for
13 higher priority items, based on unforeseen military re-
14 quirements, than those for which originally appropriated
15 and in no case where the item for which reprogramming
16 is requested has been denied by the Congress: *Provided*
17 *further*, That a request for multiple reprogrammings of
18 funds using authority provided in this section shall be
19 made prior to June 30, 2022: *Provided further*, That
20 transfers among military personnel appropriations shall
21 not be taken into account for purposes of the limitation
22 on the amount of funds that may be transferred under
23 this section.

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

1 and adjustments to budget activities corresponding to
2 such programs, projects, and activities) contained in the
3 tables titled Explanation of Project Level Adjustments in
4 the explanatory statement regarding this Act and the ta-
5 bles contained in the classified annex accompanying this
6 Act, the obligation and expenditure of amounts appro-
7 priated or otherwise made available in this Act for those
8 programs, projects, and activities for which the amounts
9 appropriated adjust the amounts requested are hereby re-
10 quired by law to be carried out in the manner provided
11 by such tables to the same extent as if the tables were
12 included in the text of this Act.

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

19 SEC. 8007. (a) Not later than 60 days after the date
20 of the enactment of this Act, the Department of Defense
21 shall submit a report to the congressional defense commit-
22 tees to establish the baseline for application of reprogram-
23 ming and transfer authorities for fiscal year 2022: *Pro-*
24 *vided*, That the report shall include—

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

6 (2) a delineation in the table for each appropriation
7 both by budget activity and program, project, and activity
8 as detailed in the Budget Appendix; and
9

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

12 (b) Notwithstanding section 8005 of this Act, none
13 of the funds provided in this Act shall be available for
14 reprogramming or transfer until the report identified in
15 subsection (a) is submitted to the congressional defense
16 committees, unless the Secretary of Defense certifies in
17 writing to the congressional defense committees that such
18 reprogramming or transfer is necessary as an emergency
19 requirement: *Provided*, That this subsection shall not
20 apply to transfers from the following appropriations accounts:
21

22 (1) “Environmental Restoration, Army”;

23 (2) “Environmental Restoration, Navy”;

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

1 (4) “Environmental Restoration, Defense-
2 Wide”;

3 (5) “Environmental Restoration, Formerly
4 Used Defense Sites”; and

5 (6) “Drug Interdiction and Counter-drug Ac-
6 tivities, Defense”.

7 (TRANSFER OF FUNDS)

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

1 to procure or increase the value of war reserve material
2 inventory, unless the Secretary of Defense has notified the
3 Congress prior to any such obligation.

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

8 SEC. 8010. None of the funds provided in this Act
9 shall be available to initiate: (1) a multiyear contract that
10 employs economic order quantity procurement in excess of
11 \$20,000,000 in any one year of the contract or that in-
12 cludes an unfunded contingent liability in excess of
13 \$20,000,000; or (2) a contract for advance procurement
14 leading to a multiyear contract that employs economic
15 order quantity procurement in excess of \$20,000,000 in
16 any one year, unless the congressional defense committees
17 have been notified at least 30 days in advance of the pro-
18 posed contract award: *Provided*, That no part of any ap-
19 propriation contained in this Act shall be available to ini-
20 tiate a multiyear contract for which the economic order
21 quantity advance procurement is not funded at least to
22 the limits of the Government's liability: *Provided further*,
23 That no part of any appropriation contained in this Act
24 shall be available to initiate multiyear procurement con-
25 tracts for any systems or component thereof if the value

1 of the multiyear contract would exceed \$500,000,000 un-
2 less specifically provided in this Act: *Provided further*,
3 That no multiyear procurement contract can be termi-
4 nated without 30-day prior notification to the congres-
5 sional defense committees: *Provided further*, That the exe-
6 cution of multiyear authority shall require the use of a
7 present value analysis to determine lowest cost compared
8 to an annual procurement: *Provided further*, That none of
9 the funds provided in this Act may be used for a multiyear
10 contract executed after the date of the date of the enact-
11 ment of this Act unless in the case of any such contract—

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

22 (2) cancellation provisions in the contract do
23 not include consideration of recurring manufacturing
24 costs of the contractor associated with the produc-

1 tion of unfunded units to be delivered under the con-
2 tract;

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

6 (4) the contract does not provide for a price ad-
7 justment based on a failure to award a follow-on
8 contract.

9 Funds appropriated in title III of this Act may be used
10 for multiyear procurement contracts for the UH/HH-60M
11 Black Hawk project and the AH-64E Apache project.

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

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

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

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

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

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

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

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

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

18 (e) The fiscal year 2023 budget request for the De-
19 partment of Defense, and any justification material and
20 other documentation supporting such request, shall be
21 prepared and submitted to Congress as if subsections (a)
22 and (b) were effective with respect to such fiscal year.

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

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

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

16 (TRANSFER OF FUNDS)

17 SEC. 8015. (a) Funds appropriated in title III of this
18 Act for the Department of Defense Pilot Mentor-Protégé
19 Program may be transferred to any other appropriation
20 contained in this Act solely for the purpose of imple-
21 menting a Mentor-Protégé Program developmental assist-
22 ance agreement pursuant to section 831 of the National
23 Defense Authorization Act for Fiscal Year 1991 (Public
24 Law 101-510; 10 U.S.C. 2302 note), as amended, under

1 the authority of this provision or any other transfer au-
2 thority contained in this Act.

3 (b) The Secretary of Defense shall include with the
4 budget justification documents in support of the budget
5 for any fiscal year after fiscal year 2021 (as submitted
6 to Congress pursuant to section 1105 of title 31, United
7 States Code) a description of each transfer under this sec-
8 tion that occurred during the last fiscal year before the
9 fiscal year in which such budget is submitted.

10 SEC. 8016. None of the funds in this Act may be
11 available for the purchase by the Department of Defense
12 (and its departments and agencies) of welded shipboard
13 anchor and mooring chain 4 inches in diameter and under
14 unless the anchor and mooring chain are manufactured
15 in the United States from components which are substan-
16 tially manufactured in the United States: *Provided*, That
17 for the purpose of this section, the term “manufactured”
18 shall include cutting, heat treating, quality control, testing
19 of chain and welding (including the forging and shot blast-
20 ing process): *Provided further*, That for the purpose of this
21 section substantially all of the components of anchor and
22 mooring chain shall be considered to be produced or manu-
23 factured in the United States if the aggregate cost of the
24 components produced or manufactured in the United
25 States exceeds the aggregate cost of the components pro-

1 duced or manufactured outside the United States: *Pro-*
2 *vided further*, That when adequate domestic supplies are
3 not available to meet Department of Defense requirements
4 on a timely basis, the Secretary of the Service responsible
5 for the procurement may waive this restriction on a case-
6 by-case basis by certifying in writing to the Committees
7 on Appropriations of the House of Representatives and the
8 Senate that such an acquisition must be made in order
9 to acquire capability for national security purposes.

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

1 State: *Provided further*, That alcoholic beverages other
2 than wine and malt beverages, in contiguous States and
3 the District of Columbia shall be procured from the most
4 competitive source, price and other factors considered.

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

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

24 SEC. 8020. In addition to the funds provided else-
25 where in this Act, \$25,000,000 is appropriated only for

1 incentive payments authorized by section 504 of the In-
2 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,
3 That a prime contractor or a subcontractor at any tier
4 that makes a subcontract award to any subcontractor or
5 supplier as defined in section 1544 of title 25, United
6 States Code, or a small business owned and controlled by
7 an individual or individuals defined under section 4221(9)
8 of title 25, United States Code, shall be considered a con-
9 tractor for the purposes of being allowed additional com-
10 pensation under section 504 of the Indian Financing Act
11 of 1974 (25 U.S.C. 1544) whenever the prime contract
12 or subcontract amount is over \$500,000 and involves the
13 expenditure of funds appropriated by an Act making ap-
14 propriations for the Department of Defense with respect
15 to any fiscal year: *Provided further*, That notwithstanding
16 section 1906 of title 41, United States Code, this section
17 shall be applicable to any Department of Defense acquisi-
18 tion of supplies or services, including any contract and any
19 subcontract at any tier for acquisition of commercial items
20 produced or manufactured, in whole or in part, by any
21 subcontractor or supplier defined in section 1544 of title
22 25, United States Code, or a small business owned and
23 controlled by an individual or individuals defined under
24 section 4221(9) of title 25, United States Code.

1 SEC. 8021. (a) Notwithstanding any other provision
2 of law, the Secretary of the Air Force may convey at no
3 cost to the Air Force, without consideration, to Indian
4 tribes located in the States of Nevada, Idaho, North Da-
5 kota, South Dakota, Montana, Oregon, Minnesota, and
6 Washington relocatable military housing units located at
7 Grand Forks Air Force Base, Malmstrom Air Force Base,
8 Mountain Home Air Force Base, Ellsworth Air Force
9 Base, and Minot Air Force Base that are excess to the
10 needs of the Air Force.

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

21 (c) The Operation Walking Shield Program shall re-
22 solve any conflicts among requests of Indian tribes for
23 housing units under subsection (a) before submitting re-
24 quests to the Secretary of the Air Force under subsection
25 (b).

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

6 SEC. 8022. 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. 8023. Funds appropriated by this Act for the
17 Defense Media Activity shall not be used for any national
18 or international political or psychological activities.

19 SEC. 8024. Of the funds appropriated under this Act
20 for wages paid to employees of a for-profit contractor of
21 the Department of Defense, such contractor shall pay each
22 such employee a wage of not less than \$15 per hour.

23 SEC. 8025. (a) No requirement to submit a report
24 to Congress in any covered provision of law may be satis-

1 fied by the submission of a report to Congress pursuant
2 to another provision of law.

3 (b) In this section, the term “covered provision of
4 law” means the following:

5 (1) A provision of this Act or any prior Act
6 making appropriations for the Department of De-
7 fense.

8 (2) A provision in a report or explanatory state-
9 ment of Congress accompanying an Act described in
10 paragraph (1).

11 SEC. 8026. (a) Of the funds made available in this
12 Act, not less than \$60,500,000 shall be available for the
13 Civil Air Patrol Corporation, of which—

14 (1) \$47,300,000 shall be available from “Oper-
15 ation and Maintenance, Air Force” to support Civil
16 Air Patrol Corporation operation and maintenance,
17 readiness, counter-drug activities, and drug demand
18 reduction activities involving youth programs;

19 (2) \$11,400,000 shall be available from “Air-
20 craft Procurement, Air Force”; and

21 (3) \$1,800,000 shall be available from “Other
22 Procurement, Air Force” for vehicle procurement.

23 (b) The Secretary of the Air Force should waive reim-
24 bursement for any funds used by the Civil Air Patrol for

1 counter-drug activities in support of Federal, State, and
2 local government agencies.

3 SEC. 8027. (a) None of the funds appropriated in this
4 Act are available to establish a new Department of De-
5 fense (department) federally funded research and develop-
6 ment center (FFRDC), either as a new entity, or as a
7 separate entity administrated by an organization man-
8 aging another FFRDC, or as a nonprofit membership cor-
9 poration consisting of a consortium of other FFRDCs and
10 other nonprofit entities.

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

23 (c) Notwithstanding any other provision of law, none
24 of the funds available to the department from any source
25 during the current fiscal year may be used by a defense

1 FFRDC, through a fee or other payment mechanism, for
2 construction of new buildings not located on a military in-
3 stallation, for payment of cost sharing for projects funded
4 by Government grants, for absorption of contract over-
5 runs, or for certain charitable contributions, not to include
6 employee participation in community service and/or devel-
7 opment.

8 (d) Notwithstanding any other provision of law, of
9 the funds available to the department during fiscal year
10 2022, not more than 6,336 staff years of technical effort
11 (staff years) may be funded for defense FFRDCs: *Pro-*
12 *vided*, That, within such funds for 6,336 staff years, funds
13 shall be available only for 1,148 staff years for the defense
14 studies and analysis FFRDCs: *Provided further*, That this
15 subsection shall not apply to staff years funded in the Na-
16 tional Intelligence Program (NIP) and the Military Intel-
17 ligence Program (MIP).

18 (e) The Secretary of Defense shall, with the submis-
19 sion of the Department's fiscal year 2023 budget request,
20 submit a report presenting the specific amounts of staff
21 years of technical effort to be allocated for each defense
22 FFRDC during that fiscal year and the associated budget
23 estimates.

24 SEC. 8028. For the purposes of this Act, the term
25 "congressional defense committees" means the Armed

1 Services Committee of the House of Representatives, the
2 Armed Services Committee of the Senate, the Sub-
3 committee on Defense of the Committee on Appropriations
4 of the Senate, and the Subcommittee on Defense of the
5 Committee on Appropriations of the House of Representa-
6 tives.

7 SEC. 8029. For the purposes of this Act, the term
8 “congressional intelligence committees” means the Perma-
9 nent Select Committee on Intelligence of the House of
10 Representatives, the Select Committee on Intelligence of
11 the Senate, the Subcommittee on Defense of the Com-
12 mittee on Appropriations of the House of Representatives,
13 and the Subcommittee on Defense of the Committee on
14 Appropriations of the Senate.

15 SEC. 8030. During the current fiscal year, the De-
16 partment of Defense may acquire the modification, depot
17 maintenance and repair of aircraft, vehicles and vessels
18 as well as the production of components and other De-
19 fense-related articles, through competition between De-
20 partment of Defense depot maintenance activities and pri-
21 vate firms: *Provided*, That the Senior Acquisition Execu-
22 tive of the military department or Defense Agency con-
23 cerned, with power of delegation, shall certify that success-
24 ful bids include comparable estimates of all direct and in-
25 direct costs for both public and private bids: *Provided fur-*

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

4 SEC. 8031. (a) None of the funds appropriated in this
5 Act may be expended by an entity of the Department of
6 Defense unless the entity, in expending the funds, com-
7 plies with the Buy American Act. For purposes of this
8 subsection, the term “Buy American Act” means chapter
9 83 of title 41, United States Code.

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

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

1 SEC. 8032. None of the funds appropriated or made
2 available in this Act shall be used to procure carbon, alloy,
3 or armor steel plate for use in any Government-owned fa-
4 cility or property under the control of the Department of
5 Defense which were not melted and rolled in the United
6 States or Canada: *Provided*, That these procurement re-
7 strictions shall apply to any and all Federal Supply Class
8 9515, American Society of Testing and Materials (ASTM)
9 or American Iron and Steel Institute (AISI) specifications
10 of carbon, alloy or armor steel plate: *Provided further*,
11 That the Secretary of the military department responsible
12 for the procurement may waive this restriction on a case-
13 by-case basis by certifying in writing to the Committees
14 on Appropriations of the House of Representatives and the
15 Senate that adequate domestic supplies are not available
16 to meet Department of Defense requirements on a timely
17 basis and that such an acquisition must be made in order
18 to acquire capability for national security purposes: *Pro-*
19 *vided further*, That these restrictions shall not apply to
20 contracts which are in being as of the date of the enact-
21 ment of this Act.

22 SEC. 8033. (a)(1) If the Secretary of Defense, after
23 consultation with the United States Trade Representative,
24 determines that a foreign country which is party to an
25 agreement described in paragraph (2) has violated the

1 terms of the agreement by discriminating against certain
2 types of products produced in the United States that are
3 covered by the agreement, the Secretary of Defense shall
4 rescind the Secretary's blanket waiver of the Buy Amer-
5 ican Act with respect to such types of products produced
6 in that foreign country.

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

13 (b) The Secretary of Defense shall submit to the Con-
14 gress a report on the amount of Department of Defense
15 purchases from foreign entities in fiscal year 2022. Such
16 report shall separately indicate the dollar value of items
17 for which the Buy American Act was waived pursuant to
18 any agreement described in subsection (a)(2), the Trade
19 Agreements Act of 1979 (19 U.S.C. 2501 et seq.), or any
20 international agreement to which the United States is a
21 party.

22 (c) For purposes of this section, the term "Buy
23 American Act" means chapter 83 of title 41, United
24 States Code.

1 SEC. 8034. None of the funds appropriated by this
2 Act may be used for the procurement of ball and roller
3 bearings other than those produced by a domestic source
4 and of domestic origin: *Provided*, That the Secretary of
5 the military department responsible for such procurement
6 may waive this restriction on a case-by-case basis by certi-
7 fying in writing to the Committees on Appropriations of
8 the House of Representatives and the Senate, that ade-
9 quate domestic supplies are not available to meet Depart-
10 ment of Defense requirements on a timely basis and that
11 such an acquisition must be made in order to acquire ca-
12 pability for national security purposes: *Provided further*,
13 That this restriction shall not apply to the purchase of
14 “commercial products”, as defined by section 103 of title
15 41, United States Code, except that the restriction shall
16 apply to ball or roller bearings purchased as end items.

17 SEC. 8035. None of the funds in this Act may be
18 used to purchase any supercomputer which is not manu-
19 factured in the United States, unless the Secretary of De-
20 fense certifies to the congressional defense committees
21 that such an acquisition must be made in order to acquire
22 capability for national security purposes that is not avail-
23 able from United States manufacturers.

24 SEC. 8036. (a) The Secretary of Defense may, on a
25 case-by-case basis, waive with respect to a foreign country

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

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

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

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

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

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

4 SEC. 8037. None of the funds made available in this
5 Act may be used for the purchase or manufacture of a
6 flag of the United States unless such flags are treated as
7 covered items under section 2533a(b) of title 10, United
8 States Code.

9 SEC. 8038. During the current fiscal year, amounts
10 contained in the Department of Defense Overseas Military
11 Facility Investment Recovery Account shall be available
12 until expended for the payments specified by section
13 2687a(b)(2) of title 10, United States Code.

14 SEC. 8039. During the current fiscal year, appropria-
15 tions which are available to the Department of Defense
16 for operation and maintenance may be used to purchase
17 items having an investment item unit cost of not more
18 than \$250,000.

19 SEC. 8040. None of the funds appropriated or other-
20 wise made available by this Act may be used in contraven-
21 tion of the First Amendment of the Constitution.

22 SEC. 8041. Up to \$14,000,000 of the funds appro-
23 priated under the heading “Operation and Maintenance,
24 Navy” may be made available for the Asia Pacific Re-
25 gional Initiative Program for the purpose of enabling the

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

12 SEC. 8042. The Secretary of Defense shall issue reg-
13 ulations to prohibit the sale of any tobacco or tobacco-
14 related products in military resale outlets in the United
15 States, its territories and possessions at a price below the
16 most competitive price in the local community: *Provided*,
17 That such regulations shall direct that the prices of to-
18 bacco or tobacco-related products in overseas military re-
19 tail outlets shall be within the range of prices established
20 for military retail system stores located in the United
21 States.

22 SEC. 8043. (a) During the current fiscal year, none
23 of the appropriations or funds available to the Department
24 of Defense Working Capital Funds shall be used for the
25 purchase of an investment item for the purpose of acquir-

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

10 (b) The fiscal year 2023 budget request for the De-
11 partment of Defense as well as all justification material
12 and other documentation supporting the fiscal year 2023
13 Department of Defense budget shall be prepared and sub-
14 mitted to the Congress on the basis that any equipment
15 which was classified as an end item and funded in a pro-
16 curement appropriation contained in this Act shall be
17 budgeted for in a proposed fiscal year 2023 procurement
18 appropriation and not in the supply management business
19 area or any other area or category of the Department of
20 Defense Working Capital Funds.

21 SEC. 8044. None of the funds appropriated by this
22 Act for programs of the Central Intelligence Agency shall
23 remain available for obligation beyond the current fiscal
24 year, except for funds appropriated for the Reserve for
25 Contingencies, which shall remain available until Sep-

1 tember 30, 2023: *Provided*, That funds appropriated,
2 transferred, or otherwise credited to the Central Intel-
3 ligence Agency Central Services Working Capital Fund
4 during this or any prior or subsequent fiscal year shall
5 remain available until expended: *Provided further*, That
6 any funds appropriated or transferred to the Central Intel-
7 ligence Agency for advanced research and development ac-
8 quisition, for agent operations, and for covert action pro-
9 grams authorized by the President under section 503 of
10 the National Security Act of 1947 (50 U.S.C. 3093) shall
11 remain available until September 30, 2023: *Provided fur-*
12 *ther*, That any funds appropriated or transferred to the
13 Central Intelligence Agency for the construction, improve-
14 ment, or alteration of facilities, including leased facilities,
15 to be used primarily by personnel of the intelligence com-
16 munity shall remain available until September 30, 2024.

17 SEC. 8045. (a) Except as provided in subsections (b)
18 and (c), none of the funds made available by this Act may
19 be used—

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

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

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

8 (c) This section does not apply to—

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

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

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

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

24 SEC. 8046. (a) None of the funds appropriated by
25 this Act shall be available to convert to contractor per-

1 performance an activity or function of the Department of De-
2 fense that, on or after the date of the enactment of this
3 Act, is performed by Department of Defense civilian em-
4 ployees unless—

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

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

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

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

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

24 (A) not making an employer-sponsored
25 health insurance plan available to the workers

1 who are to be employed in the performance of
2 that activity or function under the contract; or

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

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

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

22 (B) is planned to be converted to performance
23 by a qualified nonprofit agency for the blind or by
24 a qualified nonprofit agency for other severely handi-
25 capped individuals in accordance with that Act; or

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

8 (2) This section shall not apply to depot con-
9 tracts or contracts for depot maintenance as pro-
10 vided in sections 2469 and 2474 of title 10, United
11 States Code.

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

21 (RESCISSIONS)

22 SEC. 8047. Of the funds appropriated in Department
23 of Defense Appropriations Acts, the following funds are
24 hereby rescinded from the following accounts and pro-
25 grams in the specified amounts: *Provided*, That no

1 amounts may be rescinded from amounts that were des-
2 ignated by the Congress as an emergency requirement
3 pursuant to a concurrent resolution on the budget or the
4 Balanced Budget and Emergency Deficit Control Act of
5 1985:

6 “Shipbuilding and Conversion, Navy: Expedi-
7 tionary Fast Transport”, 2015/2023, \$4,300,000;

8 “Missile Procurement, Army”, 2020/2022,
9 \$6,953,000;

10 “Procurement of Weapons and Tracked Combat
11 Vehicles, Army”, 2020/2022, \$4,500,000;

12 “Other Procurement, Army”, 2020/2022,
13 \$13,000,000;

14 “Aircraft Procurement, Air Force”, 2020/2022,
15 \$47,000,000;

16 “Missile Procurement, Air Force”, 2020/2022,
17 \$40,000,000;

18 “Other Procurement, Air Force”, 2020/2022,
19 \$38,000,000;

20 “Operation and Maintenance, Defense-Wide”,
21 2021/2022, \$161,000,000;

22 “Afghanistan Security Forces Fund”, 2021/
23 2022, \$200,000,000;

24 “Counter-ISIS Train and Equip Fund”, 2021/
25 2022, \$200,000,000;

1 “Aircraft Procurement, Army”, 2021/2023,
2 \$5,000,000;

3 “Procurement of Weapons and Tracked Combat
4 Vehicles, Army”, 2021/2023, \$4,533,000;

5 “Other Procurement, Army”, 2021/2023,
6 \$3,177,000;

7 “Aircraft Procurement, Navy”, 2021/2023,
8 \$15,210,000;

9 “Weapons Procurement, Navy”, 2021/2023,
10 \$87,035,000;

11 “Procurement of Ammunition, Navy and Ma-
12 rine Corps”, 2021/2023, \$5,194,000;

13 “Other Procurement, Navy”, 2021/2023,
14 \$64,325,000;

15 “Aircraft Procurement, Air Force”, 2021/2023,
16 \$97,700,000;

17 “Procurement of Ammunition, Air Force”,
18 2021/2023, \$351,689,000;

19 “Other Procurement, Air Force”, 2021/2023,
20 \$95,000,000;

21 “Research, Development, Test and Evaluation,
22 Army”, 2021/2022, \$50,216,000;

23 “Research, Development, Test and Evaluation,
24 Navy”, 2021/2022, \$16,522,000;

1 “Research, Development, Test and Evaluation,
2 Space Force”, 2021/2022, \$94,600,000; and

3 “Defense Counterintelligence and Security
4 Agency Working Capital Fund”, 2021/XXXX,
5 \$30,000,000.

6 SEC. 8048. None of the funds available in this Act
7 may be used to reduce the authorized positions for mili-
8 tary technicians (dual status) of the Army National
9 Guard, Air National Guard, Army Reserve and Air Force
10 Reserve for the purpose of applying any administratively
11 imposed civilian personnel ceiling, freeze, or reduction on
12 military technicians (dual status), unless such reductions
13 are a direct result of a reduction in military force struc-
14 ture.

15 SEC. 8049. None of the funds appropriated or other-
16 wise made available in this Act may be obligated or ex-
17 pended for assistance to the Democratic People’s Republic
18 of Korea unless specifically appropriated for that purpose:
19 *Provided*, That this restriction shall not apply to any ac-
20 tivities incidental to the Defense POW/MIA Accounting
21 Agency mission to recover and identify the remains of
22 United States Armed Forces personnel from the Demo-
23 cratic People’s Republic of Korea.

24 SEC. 8050. Funds appropriated in this Act for oper-
25 ation and maintenance of the Military Departments, Com-

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

13 SEC. 8051. (a) None of the funds available to the
14 Department of Defense for any fiscal year for drug inter-
15 diction or counter-drug activities may be transferred to
16 any other department or agency of the United States ex-
17 cept as specifically provided in an appropriations law.

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

23 SEC. 8052. In addition to the amounts appropriated
24 or otherwise made available elsewhere in this Act,
25 \$49,000,000 is hereby appropriated to the Department of

1 Defense: *Provided*, That upon the determination of the
2 Secretary of Defense that it shall serve the national inter-
3 est, the Secretary shall make grants in the amounts speci-
4 fied as follows: \$24,000,000 to the United Service Organi-
5 zations and \$25,000,000 to the Red Cross.

6 SEC. 8053. Notwithstanding any other provision in
7 this Act, the Small Business Innovation Research program
8 and the Small Business Technology Transfer program set-
9 asides shall be taken proportionally from all programs,
10 projects, or activities to the extent they contribute to the
11 extramural budget. The Secretary of each military depart-
12 ment, the Director of each Defense Agency, and the head
13 of each other relevant component of the Department of
14 Defense shall submit to the congressional defense commit-
15 tees, concurrent with submission of the budget justifica-
16 tion documents to Congress pursuant to section 1105 of
17 title 31, United States Code, a report with a detailed ac-
18 counting of the Small Business Innovation Research pro-
19 gram and the Small Business Technology Transfer pro-
20 gram set-asides taken from programs, projects, or activi-
21 ties within such department, agency, or component during
22 the most recently completed fiscal year.

23 SEC. 8054. None of the funds available to the De-
24 partment of Defense under this Act shall be obligated or
25 expended to pay a contractor under a contract with the

1 Department of Defense for costs of any amount paid by
2 the contractor to an employee when—

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

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

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8055. During the current fiscal year, no more
10 than \$30,000,000 of appropriations made in this Act
11 under the heading “Operation and Maintenance, Defense-
12 Wide” may be transferred to appropriations available for
13 the pay of military personnel, to be merged with, and to
14 be available for the same time period as the appropriations
15 to which transferred, to be used in support of such per-
16 sonnel in connection with support and services for eligible
17 organizations and activities outside the Department of De-
18 fense pursuant to section 2012 of title 10, United States
19 Code.

20 SEC. 8056. During the current fiscal year, in the case
21 of an appropriation account of the Department of Defense
22 for which the period of availability for obligation has ex-
23 pired or which has closed under the provisions of section
24 1552 of title 31, United States Code, and which has a
25 negative unliquidated or unexpended balance, an obliga-

1 tion or an adjustment of an obligation may be charged
2 to any current appropriation account for the same purpose
3 as the expired or closed account if—

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

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

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

1 tion may not exceed an amount equal to 1 percent
2 of the total appropriation for that account:

3 *Provided, That the Under Secretary of Defense (Comp-*
4 *troller) shall include with the budget of the President for*
5 *fiscal year 2023 (as submitted to Congress pursuant to*
6 *section 1105 of title 31, United States Code) a statement*
7 *describing each instance if any, during each of the fiscal*
8 *years 2016 through 2022 in which the authority in this*
9 *section was exercised.*

10 SEC. 8057. (a) Notwithstanding any other provision
11 of law, the Chief of the National Guard Bureau may per-
12 mit the use of equipment of the National Guard Distance
13 Learning Project by any person or entity on a space-avail-
14 able, reimbursable basis. The Chief of the National Guard
15 Bureau shall establish the amount of reimbursement for
16 such use on a case-by-case basis.

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

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 8058. Of the funds appropriated in this Act
25 under the heading “Operation and Maintenance, Defense-

1 Wide”, \$47,000,000 shall be for continued implementation
2 and expansion of the Sexual Assault Special Victims’
3 Counsel Program: *Provided*, That the funds are made
4 available for transfer to the Department of the Army, the
5 Department of the Navy, and the Department of the Air
6 Force: *Provided further*, That funds transferred shall be
7 merged with and available for the same purposes and for
8 the same time period as the appropriations to which the
9 funds are transferred: *Provided further*, That this transfer
10 authority is in addition to any other transfer authority
11 provided in this Act.

12 SEC. 8059. None of the funds appropriated in title
13 IV of this Act may be used to procure end-items for deliv-
14 ery to military forces for operational training, operational
15 use or inventory requirements: *Provided*, That this restric-
16 tion does not apply to end-items used in development,
17 prototyping, and test activities preceding and leading to
18 acceptance for operational use: *Provided further*, That this
19 restriction does not apply to programs funded within the
20 National Intelligence Program: *Provided further*, That the
21 Secretary of Defense shall, at the time of the submittal
22 to Congress of the budget of the President for fiscal year
23 2023 pursuant to section 1105 of title 31, United States
24 Code, submit to the congressional defense committees a
25 report detailing the use of funds requested in research,

1 development, test and evaluation accounts for end-items
2 used in development, prototyping and test activities pre-
3 ceding and leading to acceptance for operational use: *Pro-*
4 *vided further*, That the report shall set forth, for each end-
5 item covered by the preceding proviso, a detailed list of
6 the statutory authorities under which amounts in the ac-
7 counts described in that proviso were used for such item:
8 *Provided further*, That the Secretary of Defense shall, at
9 the time of the submittal to Congress of the budget of
10 the President for fiscal year 2023 pursuant to section
11 1105 of title 31, United States Code, submit to the con-
12 gressional defense committees a certification that funds
13 requested for fiscal year 2023 in research, development,
14 test and evaluation are in compliance with this section:
15 *Provided further*, That the Secretary of Defense may waive
16 this restriction on a case-by-case basis by certifying in
17 writing to the Committees on Appropriations of the House
18 of Representatives and the Senate that it is in the national
19 security interest to do so.

20 SEC. 8060. None of the funds appropriated or other-
21 wise made available by this or other Department of De-
22 fense Appropriations Acts may be obligated or expended
23 for the purpose of performing repairs or maintenance to
24 military family housing units of the Department of De-
25 fense, including areas in such military family housing

1 units that may be used for the purpose of conducting offi-
2 cial Department of Defense business.

3 SEC. 8061. Notwithstanding any other provision of
4 law, funds appropriated in this Act under the heading
5 “Research, Development, Test and Evaluation, Defense-
6 Wide” for any new start advanced concept technology
7 demonstration project or joint capability demonstration
8 project may only be obligated 45 days after a report, in-
9 cluding a description of the project, the planned acquisi-
10 tion and transition strategy and its estimated annual and
11 total cost, has been provided in writing to the congres-
12 sional defense committees: *Provided*, That the Secretary
13 of Defense may waive this restriction on a case-by-case
14 basis by certifying to the congressional defense committees
15 that it is in the national interest to do so.

16 SEC. 8062. The Secretary of Defense shall continue
17 to provide a classified quarterly report to the Committees
18 on Appropriations of the House of Representatives and the
19 Senate, Subcommittees on Defense on certain matters as
20 directed in the classified annex accompanying this Act.

21 SEC. 8063. Notwithstanding section 12310(b) of title
22 10, United States Code, a Reserve who is a member of
23 the National Guard serving on full-time National Guard
24 duty under section 502(f) of title 32, United States Code,

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

3 SEC. 8064. None of the funds provided in this Act
4 may be used to transfer to any nongovernmental entity
5 ammunition held by the Department of Defense that has
6 a center-fire cartridge and a United States military no-
7 menclature designation of “armor penetrator”, “armor
8 piercing (AP)”, “armor piercing incendiary (API)”, or
9 “armor-piercing incendiary tracer (API-T)”, except to an
10 entity performing demilitarization services for the Depart-
11 ment of Defense under a contract that requires the entity
12 to demonstrate to the satisfaction of the Department of
13 Defense that armor piercing projectiles are either: (1) ren-
14 dered incapable of reuse by the demilitarization process;
15 or (2) used to manufacture ammunition pursuant to a con-
16 tract with the Department of Defense or the manufacture
17 of ammunition for export pursuant to a License for Per-
18 manent Export of Unclassified Military Articles issued by
19 the Department of State.

20 SEC. 8065. Notwithstanding any other provision of
21 law, the Chief of the National Guard Bureau, or his des-
22 ignee, may waive payment of all or part of the consider-
23 ation that otherwise would be required under section 2667
24 of title 10, United States Code, in the case of a lease of
25 personal property for a period not in excess of 1 year to

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

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8066. Of the amounts appropriated in this Act
8 under the heading “Operation and Maintenance, Army”,
9 \$152,925,875 shall remain available until expended: *Pro-*
10 *vided*, That, notwithstanding any other provision of law,
11 the Secretary of Defense is authorized to transfer such
12 funds to other activities of the Federal Government: *Pro-*
13 *vided further*, That the Secretary of Defense is authorized
14 to enter into and carry out contracts for the acquisition
15 of real property, construction, personal services, and oper-
16 ations related to projects carrying out the purposes of this
17 section: *Provided further*, That contracts entered into
18 under the authority of this section may provide for such
19 indemnification as the Secretary determines to be nec-
20 essary: *Provided further*, That projects authorized by this
21 section shall comply with applicable Federal, State, and
22 local law to the maximum extent consistent with the na-
23 tional security, as determined by the Secretary of Defense.

1 SEC. 8067. (a) None of the funds appropriated in this
2 or any other Act may be used to take any action to mod-
3 ify—

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

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

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

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

18 (b) Nothing in subsection (a) shall be construed to
19 prohibit the merger of programs or changes to the Na-
20 tional Intelligence Program budget at or below the Ex-
21 penditure Center level, provided such change is otherwise
22 in accordance with paragraphs (a)(1)–(3).

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

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

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

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

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

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

19 SEC. 8068. In addition to amounts provided else-
20 where in this Act, \$5,000,000 is hereby appropriated to
21 the Department of Defense, to remain available for obliga-
22 tion until expended: *Provided*, That notwithstanding any
23 other provision of law, that upon the determination of the
24 Secretary of Defense that it shall serve the national inter-
25 est, these funds shall be available only for a grant to the

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

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8069. During the current fiscal year, not to ex-
8 ceed \$11,000,000 from each of the appropriations made
9 in title II of this Act for “Operation and Maintenance,
10 Army”, “Operation and Maintenance, Navy”, and “Oper-
11 ation and Maintenance, Air Force” may be transferred by
12 the military department concerned to its central fund es-
13 tablished for Fisher Houses and Suites pursuant to sec-
14 tion 2493(d) of title 10, United States Code.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8070. Of the amounts appropriated for “Oper-
17 ation and Maintenance, Navy”, up to \$1,000,000 shall be
18 available for transfer to the John C. Stennis Center for
19 Public Service Development Trust Fund established under
20 section 116 of the John C. Stennis Center for Public Serv-
21 ice Training and Development Act (2 U.S.C. 1105).

22 SEC. 8071. None of the funds available to the De-
23 partment of Defense may be obligated to modify command
24 and control relationships to give Fleet Forces Command
25 operational and administrative control of United States

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

13 SEC. 8072. Any notice that is required to be sub-
14 mitted to the Committees on Appropriations of the House
15 of Representatives and the Senate under section 806(c)(4)
16 of the Bob Stump National Defense Authorization Act for
17 Fiscal Year 2003 (10 U.S.C. 2302 note) after the date
18 of the enactment of this Act shall be submitted pursuant
19 to that requirement concurrently to the Subcommittees on
20 Defense of the Committees on Appropriations of the
21 House of Representatives and the Senate.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 8073. Of the amounts appropriated in this Act
24 under the headings “Procurement, Defense-Wide” and
25 “Research, Development, Test and Evaluation, Defense-

1 Wide”, \$500,000,000 shall be for the Israeli Cooperative
2 Programs: *Provided*, That of this amount, \$108,000,000
3 shall be for the Secretary of Defense to provide to the Gov-
4 ernment of Israel for the procurement of the Iron Dome
5 defense system to counter short-range rocket threats, sub-
6 ject to the U.S.-Israel Iron Dome Procurement Agree-
7 ment, as amended; \$157,000,000 shall be for the Short
8 Range Ballistic Missile Defense (SRBMD) program, in-
9 cluding cruise missile defense research and development
10 under the SRBMD program, of which \$30,000,000 shall
11 be for co-production activities of SRBMD systems in the
12 United States and in Israel to meet Israel’s defense re-
13 quirements consistent with each nation’s laws, regulations,
14 and procedures, subject to the U.S.-Israeli co-production
15 agreement for SRBMD, as amended; \$62,000,000 shall
16 be for an upper-tier component to the Israeli Missile De-
17 fense Architecture, of which \$62,000,000 shall be for co-
18 production activities of Arrow 3 Upper Tier systems in
19 the United States and in Israel to meet Israel’s defense
20 requirements consistent with each nation’s laws, regula-
21 tions, and procedures, subject to the U.S.-Israeli co-pro-
22 duction agreement for Arrow 3 Upper Tier, as amended;
23 and \$173,000,000 shall be for the Arrow System Improve-
24 ment Program including development of a long range,
25 ground and airborne, detection suite: *Provided further*,

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

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8074. Of the amounts appropriated in this Act
6 under the heading “Shipbuilding and Conversion, Navy”,
7 \$660,795,000 shall be available until September 30, 2022,
8 to fund prior year shipbuilding cost increases: *Provided*,
9 That upon enactment of this Act, the Secretary of the
10 Navy shall transfer funds to the following appropriations
11 in the amounts specified: *Provided further*, That the
12 amounts transferred shall be merged with and be available
13 for the same purposes as the appropriations to which
14 transferred to:

15 (1) Under the heading “Shipbuilding and Con-
16 version, Navy”, 2013/2022: Carrier Replacement
17 Program \$291,000,000;

18 (2) Under the heading “Shipbuilding and Con-
19 version, Navy”, 2015/2022: DDG-51 Destroyer
20 \$44,577,000;

21 (3) Under the heading “Shipbuilding and Con-
22 version, Navy”, 2016/2022: CVN Refueling Over-
23 hauls \$158,800,000;

1 (4) Under the heading “Shipbuilding and Con-
2 version, Navy”, 2016/2022: DDG-51 Destroyer
3 \$1,176,000;

4 (5) Under the heading “Shipbuilding and Con-
5 version, Navy”, 2016/2022: Littoral Combat Ship
6 \$24,860,000;

7 (6) Under the heading “Shipbuilding and Con-
8 version, Navy”, 2016/2022: TAO Fleet Oiler
9 \$23,358,000;

10 (7) Under the heading “Shipbuilding and Con-
11 version, Navy”, 2017/2022: LPD-17 \$53,682,000;

12 (8) Under the heading “Shipbuilding and Con-
13 version, Navy”, 2017/2022: Littoral Combat Ship
14 \$20,000,000; and

15 (9) Under the heading “Shipbuilding and Con-
16 version, Navy”, 2018/2022: TAO Fleet Oiler
17 \$43,342,000.

18 SEC. 8075. 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 2022 until the enactment of the Intelligence Author-
24 ization Act for Fiscal Year 2022.

1 SEC. 8076. 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 such program, project,
5 or activity must be undertaken immediately in the interest
6 of national security and only after written prior notifica-
7 tion to the congressional defense committees.

8 SEC. 8077. The budget of the President for fiscal
9 year 2023 submitted to the Congress pursuant to section
10 1105 of title 31, United States Code, shall include sepa-
11 rate budget justification documents for costs of United
12 States Armed Forces' participation in contingency oper-
13 ations for the Military Personnel accounts, the Operation
14 and Maintenance accounts, the Procurement accounts,
15 and the Research, Development, Test and Evaluation ac-
16 counts: *Provided*, That these documents shall include a de-
17 scription of the funding requested for each contingency op-
18 eration, for each military service, to include all Active and
19 Reserve components, and for each appropriations account:
20 *Provided further*, That these documents shall include esti-
21 mated costs for each element of expense or object class,
22 a reconciliation of increases and decreases for each contin-
23 gency operation, and programmatic data including, but
24 not limited to, troop strength for each Active and Reserve
25 component, and estimates of the major weapons systems

1 deployed in support of each contingency: *Provided further*,
2 That these documents shall include budget exhibits OP–
3 5 and OP–32 (as defined in the Department of Defense
4 Financial Management Regulation) for all contingency op-
5 erations for the budget year and the two preceding fiscal
6 years.

7 SEC. 8078. None of the funds in this Act may be
8 used for research, development, test, evaluation, procure-
9 ment or deployment of nuclear armed interceptors of a
10 missile defense system.

11 SEC. 8079. The Secretary of Defense may use up to
12 \$650,000,000 of the amounts appropriated or otherwise
13 made available in this Act to the Department of Defense
14 for the rapid acquisition and deployment of supplies and
15 associated support services pursuant to section 806 of the
16 Bob Stump National Defense Authorization Act for Fiscal
17 Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note),
18 but only for the purposes specified in clauses (i), (ii), (iii),
19 and (iv) of subsection (c)(3)(B) of such section and sub-
20 ject to the applicable limits specified in clauses (i), (ii),
21 and (iii) of such subsection and, in the case of clause (iv)
22 of such subsection, subject to a limit of \$50,000,000: *Pro-*
23 *vided*, That the Secretary of Defense shall notify the con-
24 gressional defense committees promptly of all uses of this
25 authority.

1 SEC. 8080. 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. 8081. 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. 8082. (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. 8083. 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, 2023, and except for funds appropriated
10 for the purchase of real property, which shall remain avail-
11 able until September 30, 2024.

12 SEC. 8084. For purposes of section 1553(b) of title
13 31, United States Code, any subdivision of appropriations
14 made in this Act under the heading “Shipbuilding and
15 Conversion, Navy” shall be considered to be for the same
16 purpose as any subdivision under the heading “Ship-
17 building and Conversion, Navy” appropriations in any
18 prior fiscal year, and the 1 percent limitation shall apply
19 to the total amount of the appropriation.

20 SEC. 8085. (a) Not later than 60 days after the date
21 of the enactment of this Act, the Director of National In-
22 telligence shall submit a report to the congressional intel-
23 ligence committees to establish the baseline for application
24 of reprogramming and transfer authorities for fiscal year
25 2022: *Provided*, That the report shall include—

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

6 (2) a delineation in the table for each appropriation
7 by Expenditure Center and project; and

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

10 (b) None of the funds provided for the National Intelligence
11 Program in this Act shall be available for reprogramming
12 or transfer until the report identified in subsection
13 (a) is submitted to the congressional intelligence
14 committees, unless the Director of National Intelligence
15 certifies in writing to the congressional intelligence
16 committees that such reprogramming or transfer is necessary
17 as an emergency requirement.

18 SEC. 8086. Any transfer of amounts appropriated to
19 the Department of Defense Acquisition Workforce Development
20 Account in or for fiscal year 2022 to a military
21 department or Defense Agency pursuant to section
22 1705(e)(1) of title 10, United States Code, shall be covered
23 by and subject to section 8005 of this Act.

24 SEC. 8087. (a) None of the funds provided for the
25 National Intelligence Program in this or any prior appro-

1 priations Act shall be available for obligation or expendi-
2 ture through a reprogramming or transfer of funds in ac-
3 cordance with section 102A(d) of the National Security
4 Act of 1947 (50 U.S.C. 3024(d)) that—

5 (1) creates a new start effort;

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

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

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

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

1 SEC. 8088. None of the funds appropriated by this
2 Act may be available for the purpose of making remit-
3 tances to the Department of Defense Acquisition Work-
4 force Development Account in accordance with section
5 1705 of title 10, United States Code.

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

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

13 (1) the public posting of the report com-
14 promises national security; or

15 (2) the report contains proprietary information.

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

20 SEC. 8090. (a) None of the funds appropriated or
21 otherwise made available by this Act may be expended for
22 any Federal contract for an amount in excess of
23 \$1,000,000, unless the contractor agrees not to—

24 (1) enter into any agreement with any of its employ-
25 ees or independent contractors that requires, as a condi-

1 tion of employment, that the employee or independent con-
2 tractor agree to resolve through arbitration any claim
3 under title VII of the Civil Rights Act of 1964 or any
4 tort related to or arising out of sexual assault or harass-
5 ment, including assault and battery, intentional infliction
6 of emotional distress, false imprisonment, or negligent hir-
7 ing, supervision, or retention; or

8 (2) take any action to enforce any provision of an
9 existing agreement with an employee or independent con-
10 tractor that mandates that the employee or independent
11 contractor resolve through arbitration any claim under
12 title VII of the Civil Rights Act of 1964 or any tort related
13 to or arising out of sexual assault or harassment, includ-
14 ing assault and battery, intentional infliction of emotional
15 distress, false imprisonment, or negligent hiring, super-
16 vision, or retention.

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

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

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

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

1 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8094. Upon a determination by the Director of
13 National Intelligence that such action is necessary and in
14 the national interest, the Director may, with the approval
15 of the Office of Management and Budget, transfer not to
16 exceed \$1,500,000,000 of the funds made available in this
17 Act for the National Intelligence Program: *Provided*, That
18 such authority to transfer may not be used unless for
19 higher priority items, based on unforeseen intelligence re-
20 quirements, than those for which originally appropriated
21 and in no case where the item for which funds are re-
22 quested has been denied by the Congress: *Provided further*,
23 That a request for multiple reprogrammings of funds
24 using authority provided in this section shall be made
25 prior to June 30, 2022.

1 SEC. 8095. Of the amounts appropriated in this Act
2 for “Shipbuilding and Conversion, Navy”, \$299,900,000,
3 to remain available for obligation until September 30,
4 2026, may be used for the purchase of five used sealift
5 vessels for the National Defense Reserve Fleet, established
6 under section 11 of the Merchant Ship Sales Act of 1946
7 (46 U.S.C. 57100): *Provided*, That such amounts are
8 available for reimbursements to the Ready Reserve Force,
9 Maritime Administration account of the United States De-
10 partment of Transportation for programs, projects, activi-
11 ties, and expenses related to the National Defense Reserve
12 Fleet: *Provided further*, That notwithstanding section
13 2218 of title 10, United States Code, none of these funds
14 shall be transferred to the National Defense Sealift Fund
15 for execution.

16 SEC. 8096. The Secretary of Defense shall post grant
17 awards on a public website in a searchable format.

18 SEC. 8097. If the Secretary of a military department
19 reduces each research, development, test and evaluation,
20 and procurement account of the military department pur-
21 suant to paragraph (1) of section 828(d) of the National
22 Defense Authorization Act for Fiscal Year 2016 (Public
23 Law 114–92; 10 U.S.C. 2430 note), the Secretary shall
24 allocate the reduction determined under paragraph (2) of
25 such section 828(d) proportionally from all programs,

1 projects, or activities under such account: *Provided*, That
2 the authority under section 804(d)(2) of the National De-
3 fense Authorization Act for Fiscal Year 2016 (Public Law
4 114–92; 10 U.S.C. 2302 note) to transfer amounts avail-
5 able in the Rapid Prototyping Fund shall be subject to
6 section 8005 of this Act.

7 SEC. 8098. None of the funds made available by this
8 Act may be used by the National Security Agency to—

9 (1) conduct an acquisition pursuant to section
10 702 of the Foreign Intelligence Surveillance Act of
11 1978 for the purpose of targeting a United States
12 person; or

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

20 SEC. 8099. None of the funds made available in this
21 or any other Act may be used to pay the salary of any
22 officer or employee of any agency funded by this Act who
23 approves or implements the transfer of administrative re-
24 sponsibilities or budgetary resources of any program,
25 project, or activity financed by this Act to the jurisdiction

1 of another Federal agency not financed by this Act with-
2 out the express authorization of Congress: *Provided*, That
3 this limitation shall not apply to transfers of funds ex-
4 pressly provided for in Defense Appropriations Acts, or
5 provisions of Acts providing supplemental appropriations
6 for the Department of Defense.

7 SEC. 8100. Of the amounts appropriated in this Act
8 for “Operation and Maintenance, Navy”, \$435,032,000,
9 to remain available until expended, may be used for any
10 purposes related to the National Defense Reserve Fleet
11 established under section 11 of the Merchant Ship Sales
12 Act of 1946 (46 U.S.C. 57100): *Provided*, That such
13 amounts are available for reimbursements to the Ready
14 Reserve Force, Maritime Administration account of the
15 United States Department of Transportation for pro-
16 grams, projects, activities, and expenses related to the Na-
17 tional Defense Reserve Fleet.

18 SEC. 8101. None of the funds made available in this
19 Act may be obligated for activities authorized under sec-
20 tion 1208 of the Ronald W. Reagan National Defense Au-
21 thorization Act for Fiscal Year 2005 (Public Law 112–
22 81; 125 Stat. 1621) to initiate support for, or expand sup-
23 port to, foreign forces, irregular forces, groups, or individ-
24 uals unless the congressional defense committees are noti-
25 fied in accordance with the direction contained in the clas-

1 sified annex accompanying this Act, not less than 15 days
2 before initiating such support: *Provided*, That none of the
3 funds made available in this Act may be used under sec-
4 tion 1208 for any activity that is not in support of an
5 ongoing military operation being conducted by United
6 States Special Operations Forces to combat terrorism:
7 *Provided further*, That the Secretary of Defense may waive
8 the prohibitions in this section if the Secretary determines
9 that such waiver is required by extraordinary cir-
10 cumstances and, by not later than 72 hours after making
11 such waiver, notifies the congressional defense committees
12 of such waiver.

13 SEC. 8102. The Secretary of Defense, in consultation
14 with the Service Secretaries, shall submit a report to the
15 congressional defense committees, not later than 180 days
16 after the date of the enactment of this Act, detailing the
17 submission of records during the previous 12 months to
18 databases accessible to the National Instant Criminal
19 Background Check System (NICS), including the Inter-
20 state Identification Index (III), the National Crime Infor-
21 mation Center (NCIC), and the NICS Index, as required
22 by Public Law 110–180: *Provided*, That such report shall
23 provide the number and category of records submitted by
24 month to each such database, by Service or Component:
25 *Provided further*, That such report shall identify the num-

1 ber and category of records submitted by month to those
2 databases for which the Identification for Firearm Sales
3 (IFFS) flag or other database flags were used to pre-vali-
4 date the records and indicate that such persons are pro-
5 hibited from receiving or possessing a firearm: *Provided*
6 *further*, That such report shall describe the steps taken
7 during the previous 12 months, by Service or Component,
8 to ensure complete and accurate submission and appro-
9 priate flagging of records of individuals prohibited from
10 gun possession or receipt pursuant to 18 U.S.C. 922(g)
11 or (n) including applicable records involving proceedings
12 under the Uniform Code of Military Justice.

13 SEC. 8103. (a) None of the funds provided in this
14 Act for the TAO Fleet Oiler program shall be used to
15 award a new contract that provides for the acquisition of
16 the following components unless those components are
17 manufactured in the United States: Auxiliary equipment
18 (including pumps) for shipboard services; propulsion
19 equipment (including engines, reduction gears, and propel-
20 lers); shipboard cranes; spreaders for shipboard cranes;
21 and anchor chains specifically for the seventh and subse-
22 quent ships of the fleet.

23 (b) None of the funds provided in this Act for the
24 FFG(X) Frigate program shall be used to award a new
25 contract that provides for the acquisition of the following

1 components unless those components are manufactured in
2 the United States: Air circuit breakers; gyrocompasses;
3 electronic navigation chart systems; steering controls;
4 pumps; propulsion and machinery control systems; totally
5 enclosed lifeboats; auxiliary equipment pumps; shipboard
6 cranes; auxiliary chill water systems; and propulsion pro-
7 pellers: *Provided*, That the Secretary of the Navy shall in-
8 corporate United States manufactured propulsion engines
9 and propulsion reduction gears into the FFG(X) Frigate
10 program beginning not later than with the eleventh ship
11 of the program.

12 SEC. 8104. None of the funds provided in this Act
13 for requirements development, performance specification
14 development, concept design and development, ship con-
15 figuration development, systems engineering, naval archi-
16 tecture, marine engineering, operations research analysis,
17 industry studies, preliminary design, development of the
18 Detailed Design and Construction Request for Proposals
19 solicitation package, or related activities for the AS(X)
20 Submarine Tender, T-ARC(X) Cable Laying and Repair
21 Ship, or T-AGOS(X) Oceanographic Surveillance Ship
22 may be used to award a new contract for such activities
23 unless these contracts include specifications that all auxil-
24 iary equipment, including pumps and propulsion shafts
25 are manufactured in the United States.

1 SEC. 8105. None of the funds made available by this
2 Act may be obligated or expended for the purpose of de-
3 commissioning the USS *Fort Worth*, the USS *Detroit*, or
4 the USS *Little Rock*.

5 SEC. 8106. No amounts credited or otherwise made
6 available in this or any other Act to the Department of
7 Defense Acquisition Workforce Development Account may
8 be transferred to:

9 (1) the Rapid Prototyping Fund established
10 under section 804(d) of the National Defense Au-
11 thorization Act for Fiscal Year 2016 (10 U.S.C.
12 2302 note); or

13 (2) credited to a military-department specific
14 fund established under section 804(d)(2) of the Na-
15 tional Defense Authorization Act for Fiscal Year
16 2016 (as amended by section 897 of the National
17 Defense Authorization Act for Fiscal Year 2017).

18 SEC. 8107. None of the funds made available by this
19 Act may be used for Government Travel Charge Card ex-
20 penses by military or civilian personnel of the Department
21 of Defense for gaming, or for entertainment that includes
22 topless or nude entertainers or participants, as prohibited
23 by Department of Defense FMR, Volume 9, Chapter 3
24 and Department of Defense Instruction 1015.10 (encl-
25 sure 3, 14a and 14b).

1 SEC. 8108. (a) None of the funds made available in
2 this Act may be used to maintain or establish a computer
3 network unless such network is designed to block access
4 to pornography websites.

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

11 SEC. 8109. In addition to amounts provided else-
12 where in this Act, there is appropriated \$300,000,000, for
13 an additional amount for “Operation and Maintenance,
14 Defense-Wide”, to remain available until expended: *Pro-*
15 *vided*, That such funds shall only be available to the Sec-
16 retary of Defense, acting through the Office of Local De-
17 fense Community Cooperation of the Department of De-
18 fense, or for transfer to the Secretary of Education, not-
19 withstanding any other provision of law, to make grants,
20 conclude cooperative agreements, or supplement other
21 Federal funds to construct, renovate, repair, or expand el-
22 ementary and secondary public schools on military instal-
23 lations in order to address capacity or facility condition
24 deficiencies at such schools: *Provided further*, That in
25 making such funds available, the Office of Local Defense

1 Community Cooperation or the Secretary of Education
2 shall give priority consideration to those military installa-
3 tions with schools having the most serious capacity or fa-
4 cility condition deficiencies as determined by the Secretary
5 of Defense: *Provided further*, That as a condition of receiv-
6 ing funds under this section a local educational agency or
7 State shall provide a matching share as described in the
8 notice titled “Department of Defense Program for Con-
9 struction, Renovation, Repair or Expansion of Public
10 Schools Located on Military Installations” published by
11 the Department of Defense in the Federal Register on
12 September 9, 2011 (76 Fed. Reg. 55883 et seq.): *Provided*
13 *further*, That all laborers and mechanics employed by con-
14 tractors or subcontractors in the performance of construc-
15 tion, alteration, or repair work funded, in whole or in part,
16 using funds made available under this section shall be paid
17 wages at rates not less than those prevailing on projects
18 of a character similar in the locality as determined by the
19 Secretary of Labor in accordance with subchapter IV of
20 chapter 31 of title 40, United States Code: *Provided fur-*
21 *ther*, That, with respect to the labor standards specified
22 in the preceding proviso, the Secretary of Labor shall have
23 the authority and functions set forth in Reorganization
24 Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C.
25 App.) and section 3145 of title 40, United States Code:

1 *Provided further*, That these provisions apply to funds pro-
2 vided under this section, and to funds previously provided
3 by Congress to construct, renovate, repair, or expand ele-
4 mentary and secondary public schools on military installa-
5 tions in order to address capacity or facility condition defi-
6 ciencies at such schools to the extent such funds remain
7 unobligated on the date of enactment of this Act.

8 SEC. 8110. 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. 8111. None of the funds provided for, or other-
2 wise made available, in this or any other Act, may be obli-
3 gated or expended by the Secretary of Defense to provide
4 motorized vehicles, aviation platforms, munitions other
5 than small arms and munitions appropriate for customary
6 ceremonial honors, operational military units, or oper-
7 ational military platforms if the Secretary determines that
8 providing such units, platforms, or equipment would un-
9 dermine the readiness of such units, platforms, or equip-
10 ment.

11 SEC. 8112. The Secretary of Defense may obligate
12 and expend funds made available under this Act for pro-
13 curement or for research, development, test and evaluation
14 for the F-35 Joint Strike Fighter to modify up to six F-
15 35 aircraft, including up to two F-35 aircraft of each vari-
16 ant, to a test configuration: *Provided*, That the Secretary
17 of Defense shall, with the concurrence of the Secretary
18 of the Air Force and the Secretary of the Navy, notify
19 the congressional defense committees not fewer than 30
20 days prior to obligating and expending funds under this
21 section: *Provided further*, That any transfer of funds pur-
22 suant to the authority provided in this section shall be
23 made in accordance with section 8005 of this Act: *Pro-*
24 *vided further*, That aircraft referred to previously in this
25 section are not additional to aircraft referred to in section

1 8135 of the Department of Defense Appropriations Act,
2 2019; section 8126 of the Department of Defense Approp-
3 riations Act, 2020; and section 8122 of the Department
4 of Defense Appropriations Act, 2021.

5 SEC. 8113. Amounts appropriated for “Defense
6 Health Program” in this Act and hereafter may be obli-
7 gated to make death gratuity payments, as authorized in
8 subchapter II of chapter 75 of title 10, United States
9 Code, if no appropriation for “Military Personnel” is avail-
10 able for obligation for such payments: *Provided*, That such
11 obligations may subsequently be recorded against appro-
12 priations available for “Military Personnel”.

13 SEC. 8114. (a) None of the funds made available by
14 this or any other Act may be used to enter into a contract,
15 memorandum of understanding, or cooperative agreement
16 with, make a grant to, or provide a loan or loan guarantee
17 to any corporation that has any unpaid Federal tax liabil-
18 ity that has been assessed, for which all judicial and ad-
19 ministrative remedies have been exhausted or have lapsed,
20 and that is not being paid in a timely manner pursuant
21 to an agreement with the authority responsible for col-
22 lecting such tax liability, provided that the applicable Fed-
23 eral agency is aware of the unpaid Federal tax liability.

24 (b) Subsection (a) shall not apply if the applicable
25 Federal agency has considered suspension or debarment

1 of the corporation described in such subsection and has
2 made a determination that such suspension or debarment
3 is not necessary to protect the interests of the Federal
4 Government.

5 SEC. 8115. During fiscal year 2022, any advance bill-
6 ing for background investigation services and related serv-
7 ices purchased from activities financed using Defense
8 Working Capital Funds shall be excluded from the calcula-
9 tion of cumulative advance billings under section
10 2208(l)(3) of title 10, United States Code.

11 SEC. 8116. None of the funds appropriated or other-
12 wise made available by this Act may be used to transfer
13 the National Reconnaissance Office to the Space Force:
14 *Provided*, That nothing in this Act shall be construed to
15 limit or prohibit cooperation, collaboration, and coordina-
16 tion between the National Reconnaissance Office and the
17 Space Force or any other elements of the Department of
18 Defense.

19 SEC. 8117. None of the funds appropriated or other-
20 wise made available by this Act may be used to transfer
21 any element of the Department of the Army, the Depart-
22 ment of the Navy, or a Department of Defense agency
23 to the Space Force unless, concurrent with the fiscal year
24 2023 budget submission (as submitted to Congress pursu-
25 ant to section 1105 of title 31, United States Code), the

1 Secretary of Defense provides a report to the Committees
2 on Appropriations of the House of Representatives and the
3 Senate, detailing any plans to transfer appropriate space
4 elements of the Department of the Army, the Department
5 of the Navy, or a Department of Defense agency to the
6 Space Force and certifies in writing to the Committees
7 on Appropriations of the House of Representatives and the
8 Senate that such transfer is consistent with the mission
9 of the Space Force and will not have an adverse impact
10 on the Department or agency from which such element
11 is being transferred: *Provided*, That such report shall in-
12 clude fiscal year 2023 budget and future years defense
13 program adjustments associated with such planned trans-
14 fers.

15 SEC. 8118. None of the funds appropriated or other-
16 wise made available by this Act may be used to establish
17 a field operating agency of the Space Force.

18 SEC. 8119. Funds appropriated in title I of this Act
19 under headings for “Military Personnel” may be used for
20 expenses described therein for members of the Space
21 Force on active duty: *Provided*, That amounts appro-
22 priated under such headings may be used for payments
23 pursuant to section 156 of Public Law 97–377, as amend-
24 ed (42 U.S.C. 402 note), and to the Department of De-
25 fense Military Retirement Fund.

1 SEC. 8120. The Commander of United States Cyber
2 Command shall, subject to the authority, direction, and
3 control of the Principal Cyber Advisor of the Department
4 of Defense, be responsible for directly controlling and
5 managing the planning, programming, budgeting, and exe-
6 cution of the resources to train, equip, operate, and sus-
7 tain the Cyber Mission Forces: *Provided*, That such re-
8 sponsibility shall take effect on October 1, 2021, and apply
9 to resources beginning with fiscal year 2024.

10 SEC. 8121. Notwithstanding any other provision of
11 this Act, to reflect savings due to lower than anticipated
12 fuel costs, the total amount appropriated in this Act is
13 hereby reduced by \$150,000,000.

14 SEC. 8122. (a) Amounts appropriated under title IV
15 of this Act, as detailed in budget activity eight of the ta-
16 bles in the explanatory statement regarding this Act, may
17 be used for expenses for the agile research, development,
18 test and evaluation, procurement, production, modifica-
19 tion, and operation and maintenance, only for the fol-
20 lowing Software and Digital Technology Pilot programs—

21 (1) Defensive Cyber Operations Army (PE
22 0608041A);

23 (2) Risk Management Information (PE
24 0608013N);

1 (3) Maritime Tactical Command Control (PE
2 0608231N);

3 (4) Space Command and Control (PE
4 1203614SF);

5 (5) National Background Investigation Services
6 (PE 0608197V);

7 (6) Global Command and Control System-Joint
8 (PE 0308150K);

9 (7) Algorithmic Warfare Cross Functional
10 Team (PE 0308588D8Z);

11 (8) Acquisition visibility (PE 0608648D8Z);

12 (9) Joint Artificial Intelligence (PE
13 0604532K);

14 (10) Air and Space Operations Center (Air
15 Force) (PE 0608941F);

16 (11) Defense Enterprise Accounting and Man-
17 agement System (PE 0608920F); and

18 (12) Strategic Mission Planning and Execution
19 System (PE 0608158F).

20 (b) None of the funds appropriated by this or prior
21 Department of Defense Appropriations Acts may be obli-
22 gated or expended to initiate additional Software and Dig-
23 ital Technology Pilot Programs in fiscal year 2022.

24 SEC. 8123. Of the amounts appropriated in this Act
25 under the heading “Operation and Maintenance, Defense-

1 Wide”, \$75,000,000, to remain available until September
2 30, 2025: *Provided*, That such funds shall only be avail-
3 able to the Secretary of Defense, acting through the Office
4 of Local Defense Community Cooperation of the Depart-
5 ment of Defense, to make grants to communities impacted
6 by military aviation noise for the purpose of installing
7 noise mitigating insulation at covered facilities: *Provided*
8 *further*, That, to be eligible to receive a grant under the
9 program, a community must enter into an agreement with
10 the Secretary under which the community prioritizes the
11 use of funds for the installation of noise mitigation at cov-
12 ered facilities in the community: *Provided further*, That
13 as a condition of receiving funds under this section a State
14 or local entity shall provide a matching share of ten per-
15 cent: *Provided further*, That grants under the program
16 may be used to meet the Federal match requirement under
17 the airport improvement program established under sub-
18 chapter I of chapter 471 and subchapter I of chapter 475
19 of title 49, United States Code: *Provided further*, That,
20 in carrying out the program, the Secretary of Defense
21 shall coordinate with the Secretary of Transportation to
22 minimize duplication of efforts with any other noise miti-
23 gation program compliant with part 150 of title 14, Code
24 of Federal Regulations: *Provided further*, That, in this sec-
25 tion, the term “covered facilities” means hospitals,

1 daycare facilities, schools, facilities serving senior citizens,
2 and private residences that are located within one mile or
3 a day-night average sound level of 65 or greater of a mili-
4 tary installation or another location at which military air-
5 craft are stationed or are located in an area impacted by
6 military aviation noise within one mile or a day-night aver-
7 age sound level of 65 or greater, as determined by the
8 Department of Defense or Federal Aviation Administra-
9 tion noise modeling programs.

10 SEC. 8124. None of the funds made available by this
11 Act may be obligated or expended in a manner that does
12 not comply with the requirements of section 2576a of title
13 10, United States Code, as if the amendments to such sec-
14 tion included in section 365 of H.R. 1280 of the 117th
15 Congress, as passed by the House of Representatives on
16 March 3, 2021, were enacted into law.

17 SEC. 8125. None of the funds made available in this
18 Act may be used in contravention of the following laws
19 enacted or regulations promulgated to implement the
20 United Nations Convention Against Torture and Other
21 Cruel, Inhuman or Degrading Treatment or Punishment
22 (done at New York on December 10, 1984):

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

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

8 (3) Sections 1002 and 1003 of the Department
9 of Defense, Emergency Supplemental Appropriations
10 to Address Hurricanes in the Gulf of Mexico, and
11 Pandemic Influenza Act, 2006 (Public Law 109–
12 148).

13 SEC. 8126. During the current fiscal year, the De-
14 partment of Defense is authorized to incur obligations of
15 not to exceed \$350,000,000 for purposes specified in sec-
16 tion 2350j(c) of title 10, United States Code, in anticipa-
17 tion of receipt of contributions, only from the Government
18 of Kuwait, under that section: *Provided*, That, upon re-
19 ceipt, such contributions from the Government of Kuwait
20 shall be credited to the appropriations or fund which in-
21 curred such obligations.

22 SEC. 8127. The Secretary of Defense shall notify the
23 congressional defense committees in writing not more than
24 30 days after the receipt of any contribution of funds re-
25 ceived from the government of a foreign country for any

1 purpose relating to the stationing or operations of the
2 United States Armed Forces: *Provided*, That such notifi-
3 cation shall include the amount of the contribution; the
4 purpose for which such contribution was made; and the
5 authority under which such contribution was accepted by
6 the Secretary of Defense: *Provided further*, That not fewer
7 than 15 days prior to obligating such funds, the Secretary
8 of Defense shall submit to the congressional defense com-
9 mittees in writing a notification of the planned use of such
10 contributions, including whether such contributions would
11 support existing or new stationing or operations of the
12 United States Armed Forces.

13 SEC. 8128. From funds made available in this title,
14 the Secretary of Defense may purchase for use by military
15 and civilian employees of the Department of Defense in
16 the United States Central Command area of responsi-
17 bility: (1) passenger motor vehicles up to a limit of
18 \$75,000 per vehicle; and (2) heavy and light armored vehi-
19 cles for the physical security of personnel or for force pro-
20 tection purposes up to a limit of \$450,000 per vehicle, not-
21 withstanding price or other limitations applicable to the
22 purchase of passenger carrying vehicles.

23 SEC. 8129. Funds made available in this title to the
24 Department of Defense for operation and maintenance
25 may be used to purchase items having an investment unit

1 cost of not more than \$250,000: *Provided*, That, upon de-
2 termination by the Secretary of Defense that such action
3 is necessary to meet the operational requirements of a
4 Commander of a Combatant Command engaged in contin-
5 gency operations overseas, such funds may be used to pur-
6 chase items having an investment item unit cost of not
7 more than \$500,000.

8 SEC. 8130. None of the funds made available by this
9 Act may be used in contravention of the War Powers Res-
10 olution (50 U.S.C. 1541 et seq.).

11 SEC. 8131. None of the funds made available by this
12 Act may be used with respect to Iraq in contravention of
13 the War Powers Resolution (50 U.S.C. 1541 et seq.), in-
14 cluding for the introduction of United States Armed
15 Forces into hostilities in Iraq, into situations in Iraq
16 where imminent involvement in hostilities is clearly indi-
17 cated by the circumstances, or into Iraqi territory, air-
18 space, or waters while equipped for combat, in contraven-
19 tion of the congressional consultation and reporting re-
20 quirements of sections 3 and 4 of such Resolution (50
21 U.S.C. 1542 and 1543).

22 SEC. 8132. None of the funds made available by this
23 Act may be used with respect to Syria in contravention
24 of the War Powers Resolution (50 U.S.C. 1541 et seq.),
25 including for the introduction of United States armed or

1 military forces into hostilities in Syria, into situations in
2 Syria where imminent involvement in hostilities is clearly
3 indicated by the circumstances, or into Syrian territory,
4 airspace, or waters while equipped for combat, in con-
5 travention of the congressional consultation and reporting
6 requirements of sections 3 and 4 of that law (50 U.S.C.
7 1542 and 1543).

8 SEC. 8133. Nothing in this Act may be construed as
9 authorizing the use of force against Iran or the Demo-
10 cratic People's Republic of Korea.

11 SEC. 8134. None of the funds appropriated or other-
12 wise made available by this or any other Act shall be obli-
13 gated or expended by the United States Government for
14 a purpose as follows:

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

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

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

24 SEC. 8135. Not later than 15 days after the date on
25 which any foreign base that involves the stationing or op-

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

9 SEC. 8136. The Secretary of Defense shall provide
10 quarterly reports to the congressional defense committees
11 on the deployment of United States Armed Forces by each
12 geographic combatant command, including the number of
13 members of the Armed Forces, civilian employees of the
14 Department of Defense, and contract personnel, as well
15 as the country and named operation, if applicable, to
16 which such personnel are assigned.

17 SEC. 8137. None of the funds made available by this
18 Act under the headings “Afghanistan Security Forces
19 Fund” and “Counter-ISIS Train and Equip Fund”, and
20 under the heading “Operation and Maintenance, Defense-
21 Wide” for Department of Defense security cooperation
22 grant programs, may be used to procure or transfer man-
23 portable air defense systems.

24 SEC. 8138. None of the funds made available by this
25 Act for excess defense articles, assistance under section

1 333 of title 10, United States Code, or peacekeeping oper-
2 ations for the countries designated annually to be in viola-
3 tion of the standards of the Child Soldiers Prevention Act
4 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may
5 be used to support any military training or operation that
6 includes child soldiers, as defined by the Child Soldiers
7 Prevention Act of 2008, unless such assistance is other-
8 wise permitted under section 404 of the Child Soldiers
9 Prevention Act of 2008.

10 SEC. 8139. None of the funds in this Act may be
11 made available for the transfer of additional C–130 cargo
12 aircraft to the Afghanistan National Security Forces or
13 the Afghanistan Air Force.

14 SEC. 8140. None of the funds made available by this
15 Act may be made available for any member of the Taliban.

16 SEC. 8141. None of the funds provided for the “Af-
17 ghanistan Security Forces Fund” (ASFF) may be obli-
18 gated prior to the approval of a financial and activity plan
19 by the Afghanistan Resources Oversight Council (AROC)
20 of the Department of Defense: *Provided*, That the AROC
21 must approve the requirement and acquisition plan for any
22 service requirements in excess of \$50,000,000 annually
23 and any non-standard equipment requirements in excess
24 of \$100,000,000 using ASFF: *Provided further*, That the
25 Department of Defense must certify to the congressional

1 defense committees that the AROC has convened and ap-
2 proved a process for ensuring compliance with the require-
3 ments in the preceding proviso and accompanying report
4 language for the ASFF.

5 SEC. 8142. Notwithstanding any other provision of
6 law, any transfer of funds, appropriated or otherwise made
7 available by this Act, for support to friendly foreign coun-
8 tries in connection with the conduct of operations in which
9 the United States is not participating, pursuant to section
10 331(d) of title 10, United States Code, shall be made in
11 accordance with section 8005 of this Act.

12 SEC. 8143. Funds appropriated in this Act under the
13 heading “Operation and Maintenance, Defense-Wide”, for
14 the Defense Security Cooperation Agency, may be used,
15 notwithstanding any other provision of law, to provide
16 supplies, services, transportation, including airlift and sea-
17 lift, and other logistical support to coalition forces sup-
18 porting military and stability operations in Afghanistan
19 and to counter the Islamic State of Iraq and Syria: *Pro-*
20 *vided*, That the Secretary of Defense shall provide quar-
21 terly reports to the congressional defense committees re-
22 garding support provided under this section.

23 SEC. 8144. Funds made available by this Act under
24 the heading “Afghanistan Security Forces Fund” may be
25 used to provide limited training, equipment, and other as-

1 sistance that would otherwise be prohibited by 10 U.S.C.
2 362 to a unit of the security forces of Afghanistan only
3 if the Secretary of Defense certifies to the congressional
4 defense committees, within 30 days of a decision to pro-
5 vide such assistance, that (1) a denial of such assistance
6 would present significant risk to United States or coalition
7 forces or significantly undermine United States national
8 security objectives in Afghanistan; and (2) the Secretary
9 has sought a commitment by the Government of Afghani-
10 stan to take all necessary corrective steps: *Provided*, That
11 such certification shall be accompanied by a report de-
12 scribing: (1) the information relating to the gross violation
13 of human rights; (2) the circumstances that necessitated
14 the provision of such assistance; (3) the Afghan security
15 force unit involved; (4) the assistance provided and the
16 assistance withheld; and (5) the corrective steps to be
17 taken by the Government of Afghanistan: *Provided fur-*
18 *ther*, That every 120 days after the initial report an addi-
19 tional report shall be submitted detailing the status of any
20 corrective steps taken by the Government of Afghanistan:
21 *Provided further*, That if the Government of Afghanistan
22 has not initiated necessary corrective steps within 1 year
23 of the certification, the authority under this section to pro-
24 vide assistance to such unit shall no longer apply: *Provided*
25 *further*, That the Secretary shall submit a report to such

1 committees detailing the final disposition of the case by
2 the Government of Afghanistan.

3 SEC. 8145. In addition to amounts appropriated or
4 otherwise made available elsewhere in this Act,
5 \$25,000,000 is hereby appropriated to the Department of
6 Defense to provide transport and safe passage to a citizen
7 or national of Afghanistan who has provided faithful and
8 valuable service to the United States in Afghanistan and
9 has experienced or is experiencing an ongoing serious
10 threat as a consequence of such service, including the
11 spouse, child, or surviving spouse or child of such a per-
12 son: *Provided*, That the Secretary of Defense shall coordi-
13 nate with the Secretary of State and the Secretary of
14 Homeland Security in carrying out this section: *Provided*
15 *further*, That the Secretary of Defense shall notify the
16 Committees on Appropriations of the House of Represent-
17 atives and the Senate not later than 15 days after pro-
18 viding such transport and safe passage.

19 SEC. 8146. Of the amounts appropriated in this Act
20 under the heading “Operation and Maintenance, Defense-
21 Wide”, for the Defense Security Cooperation Agency,
22 \$1,138,150,000, to remain available until September 30,
23 2023, shall be available for International Security Co-
24 operation Programs and other programs to provide sup-
25 port and assistance to foreign security forces or other

1 groups or individuals to conduct, support or facilitate
2 counterterrorism, crisis response, or building partner ca-
3 pacity programs: *Provided*, That the Secretary of Defense
4 shall, not later than 15 days prior to obligating funds
5 made available in this section, notify the congressional de-
6 fense committees in writing of the details of any planned
7 obligation: *Provided further*, That the Secretary of Defense
8 shall provide quarterly reports to the Committees on Ap-
9 propriations of the House of Representatives and the Sen-
10 ate on the use and status of funds made available in this
11 section: *Provided further*, That the Secretary of Defense
12 shall, not later than 30 days after the date of the enact-
13 ment of this Act, submit to the Committees on Appropria-
14 tions of the House of Representatives and the Senate a
15 detailed spend plan for amounts made available for the
16 Defense Security Cooperation Agency: *Provided further*,
17 That the Secretary of Defense shall, not less than 15 days
18 prior to obligating funds in a manner that would deviate
19 from such plan, notify such committees in writing of any
20 planned obligation.

21 SEC. 8147. Of the amounts appropriated in this Act
22 under the heading “Operation and Maintenance, Defense-
23 Wide”, for the Defense Security Cooperation Agency,
24 \$60,000,000, to remain available until September 30,
25 2023, shall be for payments to reimburse key cooperating

1 nations for logistical, military, and other support, includ-
2 ing access, provided to United States military and stability
3 operations in Afghanistan and to counter the Islamic
4 State of Iraq and Syria: *Provided*, That such reimburse-
5 ment payments may be made in such amounts as the Sec-
6 retary of Defense, with the concurrence of the Secretary
7 of State, and in consultation with the Director of the Of-
8 fice of Management and Budget, may determine, based
9 on documentation determined by the Secretary of Defense
10 to adequately account for the support provided, and such
11 determination is final and conclusive upon the accounting
12 officers of the United States, and 15 days following writ-
13 ten notification to the appropriate congressional commit-
14 tees: *Provided further*, That these funds may be used for
15 the purpose of providing specialized training and pro-
16 curing supplies and specialized equipment and providing
17 such supplies and loaning such equipment on a non-reim-
18 bursable basis to coalition forces supporting United States
19 military and stability operations in Afghanistan and to
20 counter the Islamic State of Iraq and Syria, and 15 days
21 following written notification to the appropriate congres-
22 sional committees: *Provided further*, That the Secretary of
23 Defense shall provide quarterly reports to the Committees
24 on Appropriations of the House of Representatives and the

1 Senate on the use and status of funds made available in
2 this section.

3 SEC. 8148. Of the amounts appropriated in this Act
4 under the heading “Operation and Maintenance, Defense-
5 Wide”, for the Defense Security Cooperation Agency,
6 \$370,000,000, to remain available until September 30,
7 2023, shall be available to reimburse Jordan, Lebanon,
8 Egypt, Tunisia, and Oman under section 1226 of the Na-
9 tional Defense Authorization Act for Fiscal Year 2016 (22
10 U.S.C. 2151 note), for enhanced border security, of which
11 not less than \$150,000,000 shall be for Jordan: *Provided*,
12 That the Secretary of Defense shall, not less than 15 days
13 prior to obligating funds made available in this section,
14 notify the congressional defense committees in writing of
15 the details of any planned obligation and the nature of
16 the expenses incurred: *Provided further*, That the Sec-
17 retary of Defense shall provide quarterly reports to the
18 Committees on Appropriations of the House of Represent-
19 atives and the Senate on the use and status of funds made
20 available in this section.

21 SEC. 8149. Up to \$500,000,000 of funds appro-
22 priated by this Act for the Defense Security Cooperation
23 Agency in “Operation and Maintenance, Defense-Wide”
24 may be used to provide assistance to the Government of

1 Jordan to support the armed forces of Jordan and to en-
2 hance security along its borders.

3 SEC. 8150. Of the amounts appropriated in this Act
4 under the heading “Operation and Maintenance, Defense-
5 Wide”, for the Defense Security Cooperation Agency,
6 \$275,000,000, of which \$137,500,000 to remain available
7 until September 30, 2023 shall be for the Ukraine Secu-
8 rity Assistance Initiative: *Provided*, That such funds shall
9 be available to the Secretary of Defense, in coordination
10 with the Secretary of State, to provide assistance, includ-
11 ing training; equipment; lethal assistance; logistics sup-
12 port, supplies and services; sustainment; and intelligence
13 support to the military and national security forces of
14 Ukraine, and for replacement of any weapons or articles
15 provided to the Government of Ukraine from the inventory
16 of the United States: *Provided further*, That the Secretary
17 of Defense shall, not less than 15 days prior to obligating
18 funds made available in this section, notify the congres-
19 sional defense committees in writing of the details of any
20 such obligation: *Provided further*, That the Secretary of
21 Defense shall, not more than 60 days after such notifica-
22 tion is made, inform such committees if such funds have
23 not been obligated and the reasons therefor: *Provided fur-*
24 *ther*, That the United States may accept equipment pro-
25 cured using funds made available in this section in this

1 or prior Acts that was transferred to the security forces
2 of Ukraine and returned by such forces to the United
3 States: *Provided further*, That equipment procured using
4 funds made available in this section in this or prior Acts,
5 and not yet transferred to the military or National Secu-
6 rity Forces of Ukraine or returned by such forces to the
7 United States, may be treated as stocks of the Depart-
8 ment of Defense upon written notification to the congres-
9 sional defense committees: *Provided further*, That the Sec-
10 retary of Defense shall provide quarterly reports to the
11 Committees on Appropriations of the House of Represent-
12 atives and the Senate on the use and status of funds made
13 available in this section.

14 SEC. 8151. (a) None of the funds appropriated or
15 otherwise made available by this or any other Act may
16 be used by the Secretary of Defense, or any other official
17 or officer of the Department of Defense, to enter into a
18 contract, memorandum of understanding, or cooperative
19 agreement with, or make a grant to, or provide a loan
20 or loan guarantee to Rosoboronexport or any subsidiary
21 of Rosoboronexport.

22 (b) The Secretary of Defense may waive the limita-
23 tion in subsection (a) if the Secretary, in consultation with
24 the Secretary of State and the Director of National Intel-
25 ligence, determines that it is in the vital national security

1 interest of the United States to do so, and certifies in writ-
2 ing to the congressional defense committees that—

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

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

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

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

1 SEC. 8152. 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. 8153. None of the funds appropriated or other-
5 wise made available by this Act may be used to support
6 or facilitate offensive military operations conducted by the
7 Saudi-led coalition against the Houthis in the war in
8 Yemen.

9 SEC. 8154. Not later than 90 days after the date of
10 the enactment of this Act, the Secretary of Defense, in
11 coordination with the Secretary of State, shall submit to
12 the congressional defense committees an integrated secu-
13 rity cooperation strategy for assistance for certain priority
14 partner countries in accordance with the report accom-
15 panying this Act.

16 SEC. 8155. None of the funds appropriated or other-
17 wise made available by this Act may be used to operate
18 the detention facility at United States Naval Station,
19 Guantanamo Bay, Cuba, after September 30, 2022.

20 SEC. 8156. Not later than 60 days after the date of
21 the enactment of this Act, the Secretary of Defense, in
22 coordination with the Secretary of State, shall provide all
23 relevant information and documents to the appropriate ju-
24 dicial authorities in El Salvador investigating the Decem-
25 ber 1981 massacre in El Mozote: *Provided*, That not later

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

6 This Act may be cited as the “Department of Defense
7 Appropriations Act, 2022”.

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[FULL COMMITTEE PRINT]

Union Calendar No. _____

117TH CONGRESS
1ST Session

H. R. _____

[Report No. _ - _]

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2022, and for other purposes.

_____, 2008

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