

Calendar No. 500114TH CONGRESS
2^D SESSION**S. 3000****[Report No. 114-263]**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2016

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

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of Defense for the fiscal year ending Sep-
6 tember 30, 2017, and for other purposes, namely:

1

TITLE I

2

MILITARY PERSONNEL

3

MILITARY PERSONNEL, ARMY

4

For pay, allowances, individual clothing, subsistence,
interest on deposits, gratuities, permanent change of sta-
tion travel (including all expenses thereof for organiza-
tional movements), and expenses of temporary duty travel
between permanent duty stations, for members of the
Army on active duty (except members of reserve compo-
nents provided for elsewhere), cadets, and aviation cadets;
for members of the Reserve Officers' Training Corps; and
for payments pursuant to section 156 of Public Law 97-
377, as amended (42 U.S.C. 402 note), and to the Depart-
ment of Defense Military Retirement Fund,
\$39,962,113,000.

16

MILITARY PERSONNEL, NAVY

17

For pay, allowances, individual clothing, subsistence,
interest on deposits, gratuities, permanent change of sta-
tion travel (including all expenses thereof for organiza-
tional movements), and expenses of temporary duty travel
between permanent duty stations, for members of the
Navy on active duty (except members of the Reserve pro-
vided for elsewhere), midshipmen, and aviation cadets; for
members of the Reserve Officers' Training Corps; and for
payments pursuant to section 156 of Public Law 97-377,

25

1 as amended (42 U.S.C. 402 note), and to the Department
2 of Defense Military Retirement Fund, \$27,712,455,000.

3 MILITARY PERSONNEL, MARINE CORPS

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the Ma-
9 rine Corps on active duty (except members of the Reserve
10 provided for elsewhere); and for payments pursuant to sec-
11 tion 156 of Public Law 97-377, as amended (42 U.S.C.
12 402 note), and to the Department of Defense Military Re-
13 tirement Fund, \$12,698,935,000.

14 MILITARY PERSONNEL, AIR FORCE

15 For pay, allowances, individual clothing, subsistence,
16 interest on deposits, gratuities, permanent change of sta-
17 tion travel (including all expenses thereof for organiza-
18 tional movements), and expenses of temporary duty travel
19 between permanent duty stations, for members of the Air
20 Force on active duty (except members of reserve compo-
21 nents provided for elsewhere), cadets, and aviation cadets;
22 for members of the Reserve Officers' Training Corps; and
23 for payments pursuant to section 156 of Public Law 97-
24 377, as amended (42 U.S.C. 402 note), and to the Depart-

1 ment of Defense Military Retirement Fund,
2 \$27,706,468,000.

3 RESERVE PERSONNEL, ARMY

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Army Re-
6 serve on active duty under sections 10211, 10302, and
7 3038 of title 10, United States Code, or while serving on
8 active duty under section 12301(d) of title 10, United
9 States Code, in connection with performing duty specified
10 in section 12310(a) of title 10, United States Code, or
11 while undergoing reserve training, or while performing
12 drills or equivalent duty or other duty, and expenses au-
13 thorized by section 16131 of title 10, United States Code;
14 and for payments to the Department of Defense Military
15 Retirement Fund, \$4,466,763,000.

16 RESERVE PERSONNEL, NAVY

17 For pay, allowances, clothing, subsistence, gratuities,
18 travel, and related expenses for personnel of the Navy Re-
19 serve on active duty under section 10211 of title 10,
20 United States Code, or while serving on active duty under
21 section 12301(d) of title 10, United States Code, in con-
22 nection with performing duty specified in section 12310(a)
23 of title 10, United States Code, or while undergoing re-
24 serve training, or while performing drills or equivalent
25 duty, and expenses authorized by section 16131 of title

1 10, United States Code; and for payments to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$1,918,395,000.

4 RESERVE PERSONNEL, MARINE CORPS

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Marine
7 Corps Reserve on active duty under section 10211 of title
8 10, United States Code, or while serving on active duty
9 under section 12301(d) of title 10, United States Code,
10 in connection with performing duty specified in section
11 12310(a) of title 10, United States Code, or while under-
12 going reserve training, or while performing drills or equiv-
13 alent duty, and for members of the Marine Corps platoon
14 leaders class, and expenses authorized by section 16131
15 of title 10, United States Code; and for payments to the
16 Department of Defense Military Retirement Fund,
17 \$743,265,000.

18 RESERVE PERSONNEL, AIR FORCE

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Air Force
21 Reserve on active duty under sections 10211, 10305, and
22 8038 of title 10, United States Code, or while serving on
23 active duty under section 12301(d) of title 10, United
24 States Code, in connection with performing duty specified
25 in section 12310(a) of title 10, United States Code, or

1 while undergoing reserve training, or while performing
2 drills or equivalent duty or other duty, and expenses au-
3 thorized by section 16131 of title 10, United States Code;
4 and for payments to the Department of Defense Military
5 Retirement Fund, \$1,715,360,000.

6 NATIONAL GUARD PERSONNEL, ARMY

7 For pay, allowances, clothing, subsistence, gratuities,
8 travel, and related expenses for personnel of the Army Na-
9 tional Guard while on duty under sections 10211, 10302,
10 or 12402 of title 10 or section 708 of title 32, United
11 States Code, or while serving on duty under section
12 12301(d) of title 10 or section 502(f) of title 32, 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 training, or while performing drills or
16 equivalent duty or other duty, and expenses authorized by
17 section 16131 of title 10, United States Code; and for pay-
18 ments to the Department of Defense Military Retirement
19 Fund, \$7,781,224,000.

20 NATIONAL GUARD PERSONNEL, AIR FORCE

21 For pay, allowances, clothing, subsistence, gratuities,
22 travel, and related expenses for personnel of the Air Na-
23 tional Guard on duty under sections 10211, 10305, or
24 12402 of title 10 or section 708 of title 32, United States
25 Code, or while serving on duty under section 12301(d) of

1 title 10 or section 502(f) of title 32, United States Code,
2 in connection with performing duty specified in section
3 12310(a) of title 10, United States Code, or while under-
4 going training, or while performing drills or equivalent
5 duty or other duty, and expenses authorized by section
6 16131 of title 10, United States Code; and for payments
7 to the Department of Defense Military Retirement Fund,
8 \$3,271,538,000.

9 TITLE II

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

12 For expenses, not otherwise provided for, necessary
13 for the operation and maintenance of the Army, as author-
14 ized by law, \$33,550,500,000: *Provided*, That not to ex-
15 ceed \$12,478,000 can be used for emergencies and ex-
16 traordinary expenses, to be expended on the approval or
17 authority of the Secretary of the Army, and payments may
18 be made on his certificate of necessity for confidential mili-
19 tary purposes.

20 OPERATION AND MAINTENANCE, NAVY

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance of the Navy and the
23 Marine Corps, as authorized by law, \$39,590,181,000:
24 *Provided*, That not to exceed \$15,055,000 can be used for
25 emergencies and extraordinary expenses, to be expended

1 on the approval or authority of the Secretary of the Navy,
2 and payments may be made on his certificate of necessity
3 for confidential military purposes.

4 OPERATION AND MAINTENANCE, MARINE CORPS

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance of the Marine Corps,
7 as authorized by law, \$6,000,258,000.

8 OPERATION AND MAINTENANCE, AIR FORCE

9 For expenses, not otherwise provided for, necessary
10 for the operation and maintenance of the Air Force, as
11 authorized by law, \$37,260,692,000: *Provided*, That not
12 to exceed \$7,699,000 can be used for emergencies and ex-
13 traordinary expenses, to be expended on the approval or
14 authority of the Secretary of the Air Force, and payments
15 may be made on his certificate of necessity for confidential
16 military purposes.

17 OPERATION AND MAINTENANCE, DEFENSE-WIDE

18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance of activities and agen-
21 cies of the Department of Defense (other than the military
22 departments), as authorized by law, \$32,478,682,000:
23 *Provided*, That not more than \$15,000,000 may be used
24 for the Combatant Commander Initiative Fund authorized
25 under section 166a of title 10, United States Code: *Pro-*

1 *vided further*, That not to exceed \$36,000,000 can be used
2 for emergencies and extraordinary expenses, to be ex-
3 pended on the approval or authority of the Secretary of
4 Defense, and payments may be made on his certificate of
5 necessity for confidential military purposes: *Provided fur-*
6 *ther*, That of the funds provided under this heading, not
7 less than \$34,964,000 shall be made available for the Pro-
8 curement Technical Assistance Cooperative Agreement
9 Program, of which not less than \$3,600,000 shall be avail-
10 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
11 *vided further*, That none of the funds appropriated or oth-
12 erwise made available by this Act may be used to plan
13 or implement the consolidation of a budget or appropria-
14 tions liaison office of the Office of the Secretary of De-
15 fense, the office of the Secretary of a military department,
16 or the service headquarters of one of the Armed Forces
17 into a legislative affairs or legislative liaison office: *Pro-*
18 *vided further*, That \$5,023,000, to remain available until
19 expended, is available only for expenses relating to certain
20 classified activities, and may be transferred as necessary
21 by the Secretary of Defense to operation and maintenance
22 appropriations or research, development, test and evalua-
23 tion appropriations, to be merged with and to be available
24 for the same time period as the appropriations to which
25 transferred: *Provided further*, That any ceiling on the in-

1 vestment item unit cost of items that may be purchased
2 with operation and maintenance funds shall not apply to
3 the funds described in the preceding proviso: *Provided fur-*
4 *ther*, That the transfer authority provided under this head-
5 ing is in addition to any other transfer authority provided
6 elsewhere in this Act.

7 OPERATION AND MAINTENANCE, ARMY RESERVE

8 For expenses, not otherwise provided for, necessary
9 for the operation and maintenance, including training, or-
10 ganization, and administration, of the Army Reserve; re-
11 pair of facilities and equipment; hire of passenger motor
12 vehicles; travel and transportation; care of the dead; re-
13 cruiting; procurement of services, supplies, and equip-
14 ment; and communications, \$2,704,531,000.

15 OPERATION AND MAINTENANCE, NAVY RESERVE

16 For expenses, not otherwise provided for, necessary
17 for the operation and maintenance, including training, or-
18 ganization, and administration, of the Navy Reserve; re-
19 pair of facilities and equipment; hire of passenger motor
20 vehicles; travel and transportation; care of the dead; re-
21 cruiting; procurement of services, supplies, and equip-
22 ment; and communications, \$927,656,000.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance, including training, or-
5 ganization, and administration, of the Marine Corps Re-
6 serve; repair of facilities and equipment; hire of passenger
7 motor vehicles; travel and transportation; care of the dead;
8 recruiting; procurement of services, supplies, and equip-
9 ment; and communications, \$270,633,000.

10 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance, including training, or-
13 ganization, and administration, of the Air Force Reserve;
14 repair of facilities and equipment; hire of passenger motor
15 vehicles; travel and transportation; care of the dead; re-
16 cruiting; procurement of services, supplies, and equip-
17 ment; and communications, \$3,050,929,000.

18 OPERATION AND MAINTENANCE, ARMY NATIONAL

19 GUARD

20 For expenses of training, organizing, and admin-
21 istering the Army National Guard, including medical and
22 hospital treatment and related expenses in non-Federal
23 hospitals; maintenance, operation, and repairs to struc-
24 tures and facilities; hire of passenger motor vehicles; per-
25 sonnel services in the National Guard Bureau; travel ex-

1 penses (other than mileage), as authorized by law for
2 Army personnel on active duty, for Army National Guard
3 division, regimental, and battalion commanders while in-
4 specting units in compliance with National Guard Bureau
5 regulations when specifically authorized by the Chief, Na-
6 tional Guard Bureau; supplying and equipping the Army
7 National Guard as authorized by law; and expenses of re-
8 pair, modification, maintenance, and issue of supplies and
9 equipment (including aircraft), \$6,765,385,000.

10 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

1 Bureau regulations when specifically authorized by the
2 Chief, National Guard Bureau, \$6,600,000,000.

3 UNITED STATES COURT OF APPEALS FOR THE ARMED
4 FORCES

5 For salaries and expenses necessary for the United
6 States Court of Appeals for the Armed Forces,
7 \$14,194,000, of which not to exceed \$5,000 may be used
8 for official representation purposes.

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

11 For the Department of the Army, \$170,167,000, to
12 remain available until transferred: *Provided*, That the Sec-
13 retary of the Army shall, upon determining that such
14 funds are required for environmental restoration, reduc-
15 tion and recycling of hazardous waste, removal of unsafe
16 buildings and debris of the Department of the Army, or
17 for similar purposes, transfer the funds made available by
18 this appropriation to other appropriations made available
19 to the Department of the Army, to be merged with and
20 to be available for the same purposes and for the same
21 time period as the appropriations to which transferred:
22 *Provided further*, That upon a determination that all or
23 part of the funds transferred from this appropriation are
24 not necessary for the purposes provided herein, such
25 amounts may be transferred back to this appropriation:

1 *Provided further*, That the transfer authority provided
2 under this heading is in addition to any other transfer au-
3 thority provided elsewhere in this Act.

4 ENVIRONMENTAL RESTORATION, NAVY

5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of the Navy, \$281,762,000, to
7 remain available until transferred: *Provided*, That the Sec-
8 retary of the Navy shall, upon determining that such
9 funds are required for environmental restoration, reduc-
10 tion and recycling of hazardous waste, removal of unsafe
11 buildings and debris of the Department of the Navy, or
12 for similar purposes, transfer the funds made available by
13 this appropriation to other appropriations made available
14 to the Department of the Navy, to be merged with and
15 to be available for the same purposes and for the same
16 time period as the appropriations to which transferred:
17 *Provided further*, That upon a determination that all or
18 part of the funds transferred from this appropriation are
19 not necessary for the purposes provided herein, such
20 amounts may be transferred back to this appropriation:
21 *Provided further*, That the transfer authority provided
22 under this heading is in addition to any other transfer au-
23 thority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$371,521,000,
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, \$9,009,000, 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, \$207,084,000, 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), \$120,125,000, to remain available
18 until September 30, 2018.

19 COOPERATIVE THREAT REDUCTION ACCOUNT

20 For assistance, including assistance provided by con-
21 tract or by grants, under programs and activities of the
22 Department of Defense Cooperative Threat Reduction
23 Program authorized under the Department of Defense Co-
24 operative Threat Reduction Act, \$325,604,000, to remain
25 available until September 30, 2019.

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TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$4,088,298,000, to remain available for obligation until September 30, 2019.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired,

1 and construction prosecuted thereon prior to approval of
2 title; and procurement and installation of equipment, ap-
3 pliances, and machine tools in public and private plants;
4 reserve plant and Government and contractor-owned
5 equipment layaway; and other expenses necessary for the
6 foregoing purposes, \$1,501,289,000, to remain available
7 for obligation until September 30, 2019.

8 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
9 VEHICLES, ARMY

10 For construction, procurement, production, and
11 modification of weapons and tracked combat vehicles,
12 equipment, including ordnance, spare parts, and acces-
13 sories therefor; specialized equipment and training devices;
14 expansion of public and private plants, including the land
15 necessary therefor, for the foregoing purposes, and such
16 lands and interests therein, may be acquired, and con-
17 struction prosecuted thereon prior to approval of title; and
18 procurement and installation of equipment, appliances,
19 and machine tools in public and private plants; reserve
20 plant and Government and contractor-owned equipment
21 layaway; and other expenses necessary for the foregoing
22 purposes, \$2,161,777,000, to remain available for obliga-
23 tion until September 30, 2019.

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$1,467,066,000, to remain
15 available for obligation until September 30, 2019.

16 OTHER PROCUREMENT, ARMY

17 For construction, procurement, production, and
18 modification of vehicles, including tactical, support, and
19 non-tracked combat vehicles; the purchase of passenger
20 motor vehicles for replacement only; communications and
21 electronic equipment; other support equipment; spare
22 parts, ordnance, and accessories therefor; specialized
23 equipment and training devices; expansion of public and
24 private plants, including the land necessary therefor, for
25 the foregoing purposes, and such lands and interests

1 therein, may be acquired, and construction prosecuted
2 thereon prior to approval of title; and procurement and
3 installation of equipment, appliances, and machine tools
4 in public and private plants; reserve plant and Govern-
5 ment and contractor-owned equipment layaway; and other
6 expenses necessary for the foregoing purposes,
7 \$5,862,299,000, to remain available for obligation until
8 September 30, 2019.

9 AIRCRAFT PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-
11 tion, and modernization of aircraft, equipment, including
12 ordnance, spare parts, and accessories therefor; specialized
13 equipment; expansion of public and private plants, includ-
14 ing the land necessary therefor, and such lands and inter-
15 ests therein, may be acquired, and construction prosecuted
16 thereon prior to approval of title; and procurement and
17 installation of equipment, appliances, and machine tools
18 in public and private plants; reserve plant and Govern-
19 ment and contractor-owned equipment layaway,
20 \$15,472,048,000, to remain available for obligation until
21 September 30, 2019.

22 WEAPONS PROCUREMENT, NAVY

23 For construction, procurement, production, modifica-
24 tion, and modernization of missiles, torpedoes, other weap-
25 ons, and related support equipment including spare parts,

1 and accessories therefor; expansion of public and private
2 plants, including the land necessary therefor, and such
3 lands and interests therein, may be acquired, and con-
4 struction prosecuted thereon prior to approval of title; and
5 procurement and installation of equipment, appliances,
6 and machine tools in public and private plants; reserve
7 plant and Government and contractor-owned equipment
8 layaway, \$3,226,750,000, to remain available for obliga-
9 tion until September 30, 2019.

10 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
11 CORPS

12 For construction, procurement, production, and
13 modification of ammunition, and accessories therefor; spe-
14 cialized equipment and training devices; expansion of pub-
15 lic and private plants, including ammunition facilities, au-
16 thorized by section 2854 of title 10, United States Code,
17 and the land necessary therefor, for the foregoing pur-
18 poses, and such lands and interests therein, may be ac-
19 quired, and construction prosecuted thereon prior to ap-
20 proval of title; and procurement and installation of equip-
21 ment, appliances, and machine tools in public and private
22 plants; reserve plant and Government and contractor-
23 owned equipment layaway; and other expenses necessary
24 for the foregoing purposes, \$662,968,000, to remain avail-
25 able for obligation until September 30, 2019.

1 SHIPBUILDING AND CONVERSION, NAVY

2 For expenses necessary for the construction, acquisi-
 3 tion, or conversion of vessels as authorized by law, includ-
 4 ing armor and armament thereof, plant equipment, appli-
 5 ances, and machine tools and installation thereof in public
 6 and private plants; reserve plant and Government and con-
 7 tractor-owned equipment layaway; procurement of critical,
 8 long lead time components and designs for vessels to be
 9 constructed or converted in the future; and expansion of
 10 public and private plants, including land necessary there-
 11 for, and such lands and interests therein, may be acquired,
 12 and construction prosecuted thereon prior to approval of
 13 title, as follows:

14 Ohio Replacement Submarine (AP),
 15 \$773,138,000;

16 Carrier Replacement Program, \$1,275,783,000;

17 Carrier Replacement Program (AP),
 18 \$1,370,784,000;

19 Virginia Class Submarine, \$3,187,985,000;

20 Virginia Class Submarine (AP),
 21 \$1,852,234,000;

22 CVN Refueling Overhauls, \$1,743,220,000;

23 CVN Refueling Overhauls (AP), \$233,149,000;

24 DDG-1000 Program, \$271,756,000;

25 DDG-51 Destroyer, \$3,614,792,000;

1 Littoral Combat Ship, \$1,600,625,000;
2 Amphibious Ship Replacement (AP),
3 \$200,000,000;
4 LHA Replacement, \$1,623,024,000;
5 TAO Fleet Oiler (AP), \$73,079,000;
6 Moored Training Ship, \$624,527,000;
7 Ship to Shore Connector, \$128,067,000;
8 Service Craft, \$65,192,000;
9 LCAC Service Life Extension Program,
10 \$1,774,000;
11 YP Craft Maintenance/ROH/SLEP,
12 \$21,363,000;
13 For outfitting, post delivery, conversions, and
14 first destination transportation, \$639,958,000;
15 Completion of Prior Year Shipbuilding Pro-
16 grams, \$160,274,000; and
17 Polar Icebreakers, \$1,000,000,000.

18 In all: \$20,460,724,000, to remain available for obli-
19 gation until September 30, 2021: *Provided*, That addi-
20 tional obligations may be incurred after September 30,
21 2021, for engineering services, tests, evaluations, and
22 other such budgeted work that must be performed in the
23 final stage of ship construction: *Provided further*, That
24 none of the funds provided under this heading for the con-
25 struction or conversion of any naval vessel to be con-

1 structed in shipyards in the United States shall be ex-
2 pended in foreign facilities for the construction of major
3 components of such vessel: *Provided further*, That none
4 of the funds provided under this heading shall be used
5 for the construction of any naval vessel in foreign ship-
6 yards.

7 OTHER PROCUREMENT, NAVY

8 For procurement, production, and modernization of
9 support equipment and materials not otherwise provided
10 for, Navy ordnance (except ordnance for new aircraft, new
11 ships, and ships authorized for conversion); the purchase
12 of passenger motor vehicles for replacement only; expan-
13 sion of public and private plants, including the land nec-
14 essary therefor, and such lands and interests therein, may
15 be acquired, and construction prosecuted thereon prior to
16 approval of title; and procurement and installation of
17 equipment, appliances, and machine tools in public and
18 private plants; reserve plant and Government and con-
19 tractor-owned equipment layaway, \$6,229,762,000, to re-
20 main available for obligation until September 30, 2019.

21 PROCUREMENT, MARINE CORPS

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

1 thereof in public and private plants; reserve plant and
2 Government and contractor-owned equipment layaway; ve-
3 hicles for the Marine Corps, including the purchase of pas-
4 senger motor vehicles for replacement only; and expansion
5 of public and private plants, including land necessary
6 therefor, and such lands and interests therein, may be ac-
7 quired, and construction prosecuted thereon prior to ap-
8 proval of title, \$1,362,769,000, to remain available for ob-
9 ligation until September 30, 2019.

10 AIRCRAFT PROCUREMENT, AIR FORCE

11 For construction, procurement, and modification of
12 aircraft and equipment, including armor and armament,
13 specialized ground handling equipment, and training de-
14 vices, spare parts, and accessories therefor; specialized
15 equipment; expansion of public and private plants, Gov-
16 ernment-owned equipment and installation thereof in such
17 plants, erection of structures, and acquisition of land, for
18 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; and
22 other expenses necessary for the foregoing purposes in-
23 cluding rents and transportation of things,
24 \$13,667,822,000, to remain available for obligation until
25 September 30, 2019.

1 MISSILE PROCUREMENT, AIR FORCE

2 For construction, procurement, and modification of
3 missiles, rockets, and related equipment, including spare
4 parts and accessories therefor; ground handling equip-
5 ment, and training devices; expansion of public and pri-
6 vate plants, Government-owned equipment and installa-
7 tion thereof in such plants, erection of structures, and ac-
8 quisition of land, for the foregoing purposes, and such
9 lands and interests therein, may be acquired, and con-
10 struction prosecuted thereon prior to approval of title; re-
11 serve plant and Government and contractor-owned equip-
12 ment layaway; and other expenses necessary for the fore-
13 going purposes including rents and transportation of
14 things, \$2,408,769,000, to remain available for obligation
15 until September 30, 2019.

16 SPACE PROCUREMENT, AIR FORCE

17 For construction, procurement, and modification of
18 spacecraft, rockets, and related equipment, including
19 spare parts and accessories therefor; ground handling
20 equipment, and training devices; expansion of public and
21 private plants, Government-owned equipment and installa-
22 tion thereof in such plants, erection of structures, and ac-
23 quisition of land, for the foregoing purposes, and such
24 lands and interests therein, may be acquired, and con-
25 struction prosecuted thereon prior to approval of title; re-

1 serve plant and Government and contractor-owned equip-
2 ment layaway; and other expenses necessary for the fore-
3 going purposes including rents and transportation of
4 things, \$2,527,743,000, to remain available for obligation
5 until September 30, 2019.

6 PROCUREMENT OF AMMUNITION, AIR FORCE

7 For construction, procurement, production, and
8 modification of ammunition, and accessories therefor; spe-
9 cialized equipment and training devices; expansion of pub-
10 lic and private plants, including ammunition facilities, au-
11 thorized by section 2854 of title 10, United States Code,
12 and the land necessary therefor, for the foregoing pur-
13 poses, and such lands and interests therein, may be ac-
14 quired, and construction prosecuted thereon prior to ap-
15 proval of title; and procurement and installation of equip-
16 ment, appliances, and machine tools in public and private
17 plants; reserve plant and Government and contractor-
18 owned equipment layaway; and other expenses necessary
19 for the foregoing purposes, \$1,665,219,000, to remain
20 available for obligation until September 30, 2019.

21 OTHER PROCUREMENT, AIR FORCE

22 For procurement and modification of equipment (in-
23 cluding ground guidance and electronic control equipment,
24 and ground electronic and communication equipment),
25 and supplies, materials, and spare parts therefor, not oth-

1 erwise provided for; the purchase of passenger motor vehi-
2 cles for replacement only; lease of passenger motor vehi-
3 cles; and expansion of public and private plants, Govern-
4 ment-owned equipment and installation thereof in such
5 plants, erection of structures, and acquisition of land, for
6 the foregoing purposes, and such lands and interests
7 therein, may be acquired, and construction prosecuted
8 thereon, prior to approval of title; reserve plant and Gov-
9 ernment and contractor-owned equipment layaway,
10 \$17,503,191,000, to remain available for obligation until
11 September 30, 2019.

12 PROCUREMENT, DEFENSE-WIDE

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

1 \$4,921,274,000, to remain available for obligation until
2 September 30, 2019.

3 DEFENSE PRODUCTION ACT PURCHASES

4 For activities by the Department of Defense pursuant
5 to sections 108, 301, 302, and 303 of the Defense Produc-
6 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
7 \$64,065,000, to remain available until expended.

8 TITLE IV

9 RESEARCH, DEVELOPMENT, TEST AND
10 EVALUATION

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

12 ARMY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$7,767,010,000, to remain avail-
17 able for obligation until September 30, 2018.

18 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

19 NAVY

20 For expenses necessary for basic and applied sci-
21 entific research, development, test and evaluation, includ-
22 ing maintenance, rehabilitation, lease, and operation of fa-
23 cilities and equipment, \$16,877,818,000, to remain avail-
24 able for obligation until September 30, 2018: *Provided*,
25 That funds appropriated in this paragraph which are

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

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

4 AIR FORCE

5 For expenses necessary for basic and applied sci-
6 entific research, development, test and evaluation, includ-
7 ing maintenance, rehabilitation, lease, and operation of fa-
8 cilities and equipment, \$27,490,944,000, to remain avail-
9 able for obligation until September 30, 2018.

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 \$18,478,028,000, to remain available for obligation until
20 September 30, 2018.

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, \$186,994,000, to remain available
5 for obligation until September 30, 2018.

6

TITLE V

7

REVOLVING AND MANAGEMENT FUNDS

8

DEFENSE WORKING CAPITAL FUNDS

9

For the Defense Working Capital Funds,

10 \$1,561,613,000.

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, \$33,989,723,000; of which

17 \$31,848,917,000 shall be for operation and maintenance,

18 of which not to exceed one percent shall remain available

19 for obligation until September 30, 2018, and of which up

20 to \$15,814,444,000 may be available for contracts entered

21 into under the TRICARE program; of which

22 \$410,499,000, to remain available for obligation until Sep-

23 tember 30, 2019, shall be for procurement; and of which

24 \$1,730,307,000, to remain available for obligation until

25 September 30, 2018, shall be for research, development,

1 test and evaluation: *Provided*, That of the funds provided
2 under this heading for research, development, test and
3 evaluation, not less than \$681,500,000 shall be made
4 available to the United States Army Medical Research and
5 Materiel Command to carry out the congressionally di-
6 rected medical research programs.

7 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
8 DEFENSE

9 For expenses, not otherwise provided for, necessary
10 for the destruction of the United States stockpile of lethal
11 chemical agents and munitions in accordance with the pro-
12 visions of section 1412 of the Department of Defense Au-
13 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
14 struction of other chemical warfare materials that are not
15 in the chemical weapon stockpile, \$523,726,000, of which
16 \$119,985,000 shall be for operation and maintenance, of
17 which no less than \$49,533,000 shall be for the Chemical
18 Stockpile Emergency Preparedness Program, consisting of
19 \$20,368,000 for activities on military installations and
20 \$29,165,000, to remain available until September 30,
21 2018, to assist State and local governments, and of which
22 not more than \$13,700,000, to remain available until Sep-
23 tember 30, 2018, shall be for the destruction of eight
24 United States-origin chemical munitions in the Republic
25 of Panama, to the extent authorized by law; \$15,132,000

1 shall be for procurement, to remain available until Sep-
2 tember 30, 2019, of which \$15,132,000 shall be for the
3 Chemical Stockpile Emergency Preparedness Program to
4 assist State and local governments; and \$388,609,000, to
5 remain available until September 30, 2018, shall be for
6 research, development, test and evaluation, of which
7 \$380,892,000 shall only be for the Assembled Chemical
8 Weapons Alternatives program.

9 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

10 DEFENSE

11 (INCLUDING TRANSFER OF FUNDS)

12 For drug interdiction and counter-drug activities of
13 the Department of Defense, for transfer to appropriations
14 available to the Department of Defense for military per-
15 sonnel of the reserve components serving under the provi-
16 sions of title 10 and title 32, United States Code; for oper-
17 ation and maintenance; for procurement; and for research,
18 development, test and evaluation, \$994,800,000, of which
19 \$646,087,000 shall be for counter-narcotics support;
20 \$114,713,000 shall be for the drug demand reduction pro-
21 gram; \$214,000,000 shall be for the National Guard
22 counter-drug program; and \$20,000,000 shall be for the
23 National Guard counter-drug schools program: *Provided*,
24 That the funds appropriated under this heading shall be
25 available for obligation for the same time period and for

1 the same purpose as the appropriation to which trans-
2 ferred: *Provided further*, That upon a determination that
3 all or part of the funds transferred from this appropriation
4 are not necessary for the purposes provided herein, such
5 amounts may be transferred back to this appropriation:
6 *Provided further*, That the transfer authority provided
7 under this heading is in addition to any other transfer au-
8 thority contained elsewhere in this Act.

9 OFFICE OF THE INSPECTOR GENERAL

10 For expenses and activities of the Office of the In-
11 spector General in carrying out the provisions of the In-
12 spector General Act of 1978, as amended, \$306,942,000,
13 of which \$303,789,000 shall be for operation and mainte-
14 nance, of which not to exceed \$700,000 is available for
15 emergencies and extraordinary expenses to be expended on
16 the approval or authority of the Inspector General, and
17 payments may be made on the Inspector General's certifi-
18 cate of necessity for confidential military purposes; and
19 of which \$3,153,000, to remain available until September
20 30, 2018, shall be for research, development, test and eval-
21 uation.

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

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

10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

11 For necessary expenses of the Intelligence Commu-
12 nity Management Account, \$525,396,000.

13 TITLE VIII
14 GENERAL PROVISIONS

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

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

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

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

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

23 (TRANSFER OF FUNDS)

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

1 est, he may, with the approval of the Office of Manage-
2 ment and Budget, transfer not to exceed \$5,000,000,000
3 of working capital funds of the Department of Defense
4 or funds made available in this Act to the Department
5 of Defense for military functions (except military con-
6 struction) between such appropriations or funds or any
7 subdivision thereof, to be merged with and to be available
8 for the same purposes, and for the same time period, as
9 the appropriation or fund to which transferred: *Provided*,
10 That such authority to transfer may not be used unless
11 for higher priority items, based on unforeseen military re-
12 quirements, than those for which originally appropriated
13 and in no case where the item for which funds are re-
14 quested has been denied by the Congress: *Provided further*,
15 That the Secretary of Defense shall notify the Congress
16 promptly of all transfers made pursuant to this authority
17 or any other authority in this Act: *Provided further*, That
18 no part of the funds in this Act shall be available to pre-
19 pare or present a request to the Committees on Appropria-
20 tions for reprogramming of funds, unless for higher pri-
21 ority items, based on unforeseen military requirements,
22 than those for which originally appropriated and in no
23 case where the item for which reprogramming is requested
24 has been denied by the Congress: *Provided further*, That
25 a request for multiple reprogrammings of funds using au-

1 thority provided in this section shall be made prior to June
2 30, 2017: *Provided further*, That transfers among military
3 personnel appropriations shall not be taken into account
4 for purposes of the limitation on the amount of funds that
5 may be transferred under this section.

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

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

1 SEC. 8007. (a) Not later than 60 days after enact-
2 ment of this Act, the Department of Defense shall submit
3 a report to the congressional defense committees to estab-
4 lish the baseline for application of reprogramming and
5 transfer authorities for fiscal year 2017: *Provided*, That
6 the report shall include—

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

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

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

18 (b) Notwithstanding section 8005 of this Act, none
19 of the funds provided in this Act shall be available for
20 reprogramming or transfer until the report identified in
21 subsection (a) is submitted to the congressional defense
22 committees, unless the Secretary of Defense certifies in
23 writing to the congressional defense committees that such
24 reprogramming or transfer is necessary as an emergency
25 requirement: *Provided*, That this subsection shall not

1 apply to transfers from the following appropriations ac-
2 counts:

- 3 (1) “Environmental Restoration, Army”;
- 4 (2) “Environmental Restoration, Navy”;
- 5 (3) “Environmental Restoration, Air Force”;
- 6 (4) “Environmental Restoration, Defense-
7 wide”; and
- 8 (5) “Environmental Restoration, Formerly
9 Used Defense Sites”.

10 (TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

12 Funds appropriated in title III of this Act may be
13 used for a multiyear procurement contract as follows: AH-
14 64E Apache Helicopter and UH-60M Blackhawk Heli-
15 copter.

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

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

17 SEC. 8012. None of the funds appropriated by this
18 Act shall be used for the support of any nonappropriated
19 funds activity of the Department of Defense that procures
20 malt beverages and wine with nonappropriated funds for
21 resale (including such alcoholic beverages sold by the
22 drink) on a military installation located in the United
23 States unless such malt beverages and wine are procured
24 within that State, or in the case of the District of Colum-
25 bia, within the District of Columbia, in which the military

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

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

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

1 1987: *Provided further*, That this section applies only to
2 active components of the Army.

3 (TRANSFER OF FUNDS)

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

14 SEC. 8016. Of the amounts appropriated for “Work-
15 ing Capital Fund, Army”, \$140,000,000 shall be available
16 to maintain competitive rates at the arsenals.

17 SEC. 8017. None of the funds available to the De-
18 partment of Defense may be used to demilitarize or dis-
19 pose of M–1 Carbines, M–1 Garand rifles, M–14 rifles,
20 .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or
21 to demilitarize or destroy small arms ammunition or am-
22 munition components that are not otherwise prohibited
23 from commercial sale under Federal law, unless the small
24 arms ammunition or ammunition components are certified
25 by the Secretary of the Army or designee as unserviceable

1 or unsafe for further use except as provided by any other
2 provision of law.

3 SEC. 8018. No more than \$500,000 of the funds ap-
4 propriated or made available in this Act shall be used dur-
5 ing a single fiscal year for any single relocation of an orga-
6 nization, unit, activity or function of the Department of
7 Defense into or within the National Capital Region: *Pro-*
8 *vided*, That the Secretary of Defense may waive this re-
9 striction on a case-by-case basis by certifying in writing
10 to the congressional defense committees that such a relo-
11 cation is required in the best interest of the Government.

12 SEC. 8019. Of the funds made available in this Act,
13 up to \$15,000,000 may be available for incentive pay-
14 ments authorized by section 504 of the Indian Financing
15 Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime
16 contractor or a subcontractor at any tier that makes a
17 subcontract award to any subcontractor or supplier as de-
18 fined in section 1544 of title 25, United States Code, or
19 a small business owned and controlled by an individual
20 or individuals defined under section 4221(9) of title 25,
21 United States Code, shall be considered a contractor for
22 the purposes of being allowed additional compensation
23 under section 504 of the Indian Financing Act of 1974
24 (25 U.S.C. 1544) whenever the prime contract or sub-
25 contract amount is over \$500,000 and involves the ex-

1 penditure of funds appropriated by an Act making appro-
2 priations for the Department of Defense with respect to
3 any fiscal year: *Provided further*, That notwithstanding
4 section 1906 of title 41, United States Code, this section
5 shall be applicable to any Department of Defense acquisi-
6 tion of supplies or services, including any contract and any
7 subcontract at any tier for acquisition of commercial items
8 produced or manufactured, in whole or in part, by any
9 subcontractor or supplier defined in section 1544 of title
10 25, United States Code, or a small business owned and
11 controlled by an individual or individuals defined under
12 section 4221(9) of title 25, United States Code.

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

16 SEC. 8021. During the current fiscal year, the De-
17 partment of Defense is authorized to incur obligations of
18 not to exceed \$350,000,000 for purposes specified in sec-
19 tion 2350j(c) of title 10, United States Code, in anticipa-
20 tion of receipt of contributions, only from the Government
21 of Kuwait, under that section: *Provided*, That, upon re-
22 ceipt, such contributions from the Government of Kuwait
23 shall be credited to the appropriations or fund which in-
24 curred such obligations.

1 SEC. 8022. (a) Of the funds made available in this
2 Act, not less than \$40,635,000 shall be available for the
3 Civil Air Patrol Corporation, of which—

4 (1) \$28,535,000 shall be available from “Oper-
5 ation and Maintenance, Air Force” to support Civil
6 Air Patrol Corporation operation and maintenance,
7 readiness, counter-drug activities, and drug demand
8 reduction activities involving youth programs;

9 (2) \$10,400,000 shall be available from “Air-
10 craft Procurement, Air Force”; and

11 (3) \$1,700,000 shall be available from “Other
12 Procurement, Air Force” for vehicle procurement.

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

17 SEC. 8023. (a) None of the funds appropriated in this
18 Act are available to establish a new Department of De-
19 fense (department) federally funded research and develop-
20 ment center (FFRDC), either as a new entity, or as a
21 separate entity administrated by an organization man-
22 aging another FFRDC, or as a nonprofit membership cor-
23 poration consisting of a consortium of other FFRDCs and
24 other nonprofit entities.

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

13 (c) Notwithstanding any other provision of law, none
14 of the funds available to the department from any source
15 during fiscal year 2017 may be used by a defense FFRDC,
16 through a fee or other payment mechanism, for construc-
17 tion of new buildings not located on a military installation,
18 for payment of cost sharing for projects funded by Govern-
19 ment grants, for absorption of contract overruns, or for
20 certain charitable contributions, not to include employee
21 participation in community service and/or development.

22 (d) Notwithstanding any other provision of law, of
23 the funds available to the department during fiscal year
24 2017, not more than 5,750 staff years of technical effort
25 (staff years) may be funded for defense FFRDCs: *Pro-*

1 *vided*, That, of the specific amount referred to previously
2 in this subsection, not more than 1,125 staff years may
3 be funded for the defense studies and analysis FFRDCs:
4 *Provided further*, That this subsection shall not apply to
5 staff years funded in the National Intelligence Program
6 (NIP) and the Military Intelligence Program (MIP).

7 (e) The Secretary of Defense shall, with the submis-
8 sion of the department's fiscal year 2018 budget request,
9 submit a report presenting the specific amounts of staff
10 years of technical effort to be allocated for each defense
11 FFRDC during that fiscal year and the associated budget
12 estimates.

13 (f) Notwithstanding any other provision of this Act,
14 the total amount appropriated in this Act for FFRDCs
15 is hereby reduced by \$55,800,000.

16 SEC. 8024. None of the funds appropriated or made
17 available in this Act shall be used to procure carbon, alloy,
18 or armor steel plate for use in any Government-owned fa-
19 cility or property under the control of the Department of
20 Defense which were not melted and rolled in the United
21 States or Canada: *Provided*, That these procurement re-
22 strictions shall apply to any and all Federal Supply Class
23 9515, American Society of Testing and Materials (ASTM)
24 or American Iron and Steel Institute (AISI) specifications
25 of carbon, alloy or armor steel plate: *Provided further*,

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

12 SEC. 8025. For the purposes of this Act, the term
13 “congressional defense committees” means the Armed
14 Services Committee of the House of Representatives, the
15 Armed Services Committee of the Senate, the Sub-
16 committee on Defense of the Committee on Appropriations
17 of the Senate, and the Subcommittee on Defense of the
18 Committee on Appropriations of the House of Representa-
19 tives.

20 SEC. 8026. During the current fiscal year, the De-
21 partment of Defense may acquire the modification, depot
22 maintenance and repair of aircraft, vehicles and vessels
23 as well as the production of components and other De-
24 fense-related articles, through competition between De-
25 partment of Defense depot maintenance activities and pri-

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

9 SEC. 8027. (a)(1) If the Secretary of Defense, after
10 consultation with the United States Trade Representative,
11 determines that a foreign country which is party to an
12 agreement described in paragraph (2) has violated the
13 terms of the agreement by discriminating against certain
14 types of products produced in the United States that are
15 covered by the agreement, the Secretary of Defense shall
16 rescind the Secretary's blanket waiver of the Buy Amer-
17 ican Act with respect to such types of products produced
18 in that foreign country.

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

1 (b) The Secretary of Defense shall submit to the Con-
2 gress a report on the amount of Department of Defense
3 purchases from foreign entities in fiscal year 2017. Such
4 report shall separately indicate the dollar value of items
5 for which the Buy American Act was waived pursuant to
6 any agreement described in subsection (a)(2), the Trade
7 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
8 international agreement to which the United States is a
9 party.

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

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

20 SEC. 8029. (a) Notwithstanding any other provision
21 of law, the Secretary of the Air Force may convey at no
22 cost to the Air Force, without consideration, to Indian
23 tribes located in the States of Nevada, Idaho, North Da-
24 kota, South Dakota, Montana, Oregon, Minnesota, and
25 Washington relocatable military housing units located at

1 Grand Forks Air Force Base, Malmstrom Air Force Base,
2 Mountain Home Air Force Base, Ellsworth Air Force
3 Base, and Minot Air Force Base that are excess to the
4 needs of the Air Force.

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

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

20 (d) In this section, the term “Indian tribe” means
21 any recognized Indian tribe included on the current list
22 published by the Secretary of the Interior under section
23 104 of the Federally Recognized Indian Tribe Act of 1994
24 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–
25 1).

1 SEC. 8030. During the current fiscal year, appropria-
2 tions which are available to the Department of Defense
3 for operation and maintenance may be used to purchase
4 items having an investment item unit cost of not more
5 than \$250,000.

6 SEC. 8031. Of the amount appropriated by title VI
7 under the heading “DEFENSE HEALTH PROGRAM”,
8 \$10,000,000 shall be available for peer-reviewed medical
9 research on amyotrophic lateral sclerosis (ALS).

10 SEC. 8032. The Secretary of Defense shall issue reg-
11 ulations to prohibit the sale of any tobacco or tobacco-
12 related products in military resale outlets in the United
13 States, its territories and possessions at a price below the
14 most competitive price in the local community: *Provided*,
15 That such regulations shall direct that the prices of to-
16 bacco or tobacco-related products in overseas military re-
17 tail outlets shall be within the range of prices established
18 for military retail system stores located in the United
19 States.

20 SEC. 8033. (a) During the current fiscal year, none
21 of the appropriations or funds available to the Department
22 of Defense Working Capital Funds shall be used for the
23 purchase of an investment item for the purpose of acquir-
24 ing a new inventory item for sale or anticipated sale dur-
25 ing the current fiscal year or a subsequent fiscal year to

1 customers of the Department of Defense Working Capital
2 Funds if such an item would not have been chargeable
3 to the Department of Defense Business Operations Fund
4 during fiscal year 1994 and if the purchase of such an
5 investment item would be chargeable during the current
6 fiscal year to appropriations made to the Department of
7 Defense for procurement.

8 (b) The fiscal year 2018 budget request for the De-
9 partment of Defense as well as all justification material
10 and other documentation supporting the fiscal year 2018
11 Department of Defense budget shall be prepared and sub-
12 mitted to the Congress on the basis that any equipment
13 which was classified as an end item and funded in a pro-
14 curement appropriation contained in this Act shall be
15 budgeted for in a proposed fiscal year 2018 procurement
16 appropriation and not in the supply management business
17 area or any other area or category of the Department of
18 Defense Working Capital Funds.

19 SEC. 8034. None of the funds appropriated by this
20 Act for programs of the Central Intelligence Agency shall
21 remain available for obligation beyond the current fiscal
22 year, except for funds appropriated for the Reserve for
23 Contingencies, which shall remain available until Sep-
24 tember 30, 2018: *Provided*, That funds appropriated,
25 transferred, or otherwise credited to the Central Intel-

1 ligence Agency Central Services Working Capital Fund
2 during this or any prior or subsequent fiscal year shall
3 remain available until expended: *Provided further*, That
4 any funds appropriated or transferred to the Central Intel-
5 ligence Agency for advanced research and development ac-
6 quisition, for agent operations, and for covert action pro-
7 grams authorized by the President under section 503 of
8 the National Security Act of 1947 (50 U.S.C. 3093) shall
9 remain available until September 30, 2018.

10 SEC. 8035. Notwithstanding any other provision of
11 law, funds made available in this Act and hereafter for
12 the Defense Intelligence Agency may be used for the de-
13 sign, development, and deployment of General Defense In-
14 telligence Program intelligence communications and intel-
15 ligence information systems for the Services, the Unified
16 and Specified Commands, and the component commands.

17 SEC. 8036. Of the funds appropriated to the Depart-
18 ment of Defense under the heading “Operation and Main-
19 tenance, Defense-Wide”, not less than \$12,000,000 may
20 be made available only for the mitigation of environmental
21 impacts, including training and technical assistance to
22 tribes, related administrative support, the gathering of in-
23 formation, documenting of environmental damage, and de-
24 veloping a system for prioritization of mitigation and cost

1 to complete estimates for mitigation, on Indian lands re-
2 sulting from Department of Defense activities.

3 SEC. 8037. (a) None of the funds appropriated in this
4 Act may be expended by an entity of the Department of
5 Defense unless the entity, in expending the funds, com-
6 plies with the Buy American Act. For purposes of this
7 subsection, the term “Buy American Act” means chapter
8 83 of title 41, United States Code.

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

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

1 SEC. 8038. Notwithstanding any other provision of
2 law, none of the funds appropriated or otherwise made
3 available by this or any other Act may be used to consoli-
4 date or relocate any element of a United States Air Force
5 Rapid Engineer Deployable Heavy Operational Repair
6 Squadron Engineer (RED HORSE) outside of the United
7 States until the Secretary of the Air Force—

8 (1) completes an analysis and comparison of
9 the cost and infrastructure investment required to
10 consolidate or relocate a RED HORSE squadron
11 outside of the United States versus within the
12 United States;

13 (2) provides to the congressional defense com-
14 mittees a report detailing the findings of the cost
15 analysis; and

16 (3) certifies in writing to the congressional de-
17 fense committees that the preferred site for the con-
18 solidation or relocation yields the greatest savings
19 for the Air Force:

20 *Provided*, That the term “United States” in this section
21 does not include any territory or possession of the United
22 States.

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

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

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

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

14 (c) This section does not apply to—

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (A) is included on the procurement list estab-
25 lished pursuant to section 2 of the Javits-Wagner-

1 O'Day Act (section 8503 of title 41, United States
2 Code);

3 (B) is planned to be converted to performance
4 by a qualified nonprofit agency for the blind or by
5 a qualified nonprofit agency for other severely handi-
6 capped individuals in accordance with that Act; or

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

14 (2) This section shall not apply to depot contracts
15 or contracts for depot maintenance as provided in sections
16 2469 and 2474 of title 10, United States Code.

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

(RESCISSIONS)

1
2 SEC. 8041. Of the funds appropriated in Department
3 of Defense Appropriations Acts, the following funds are
4 hereby rescinded from the following accounts and pro-
5 grams in the specified amounts: Provided, That no
6 amounts may be rescinded from amounts that were des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism or as an emergency re-
9 quirement pursuant to the Concurrent Resolution on the
10 Budget or the Balanced Budget and Emergency Deficit
11 Control Act of 1985, as amended:

12 “Other Procurement, Army”, 2015/2017,
13 \$60,311,000;

14 “Aircraft Procurement, Navy, 2015/2017”,
15 \$120,000,000;

16 “Weapons Procurement, Navy”, 2015/2017,
17 \$11,933,000;

18 “Missile Procurement, Air Force”, 2015/2017,
19 \$10,000,000;

20 “Other Procurement, Air Force”, 2015/2017,
21 \$25,500,000;

22 “Aircraft Procurement, Army”, 2016/2018,
23 \$46,594,000;

24 “Missile Procurement, Army”, 2016/2018,
25 \$11,410,000;

1 “Procurement of Ammunition, Army”, 2016/
2 2018, \$8,646,000;

3 “Other Procurement, Army”, 2016/2018,
4 \$89,737,000;

5 “Procurement of Ammunition, Navy and Ma-
6 rine Corps”, 2016/2018, \$6,868,000;

7 “Procurement, Marine Corps”, 2016/2018,
8 \$13,000,000;

9 “Other Procurement, Navy”, 2016/2018,
10 \$19,980,000;

11 “Aircraft Procurement, Air Force”, 2016/2018,
12 \$354,600,000;

13 “Missile Procurement, Air Force”, 2016/2018,
14 \$44,700,000;

15 “Space Procurement, Air Force”, 2016/2018,
16 \$157,000,000;

17 “Other Procurement, Air Force”, 2016/2018,
18 \$20,000,000;

19 “Research, Development, Test and Evaluation,
20 Army”, 2016/2017, \$11,593,000;

21 “Research, Development, Test and Evaluation,
22 Navy”, 2016/2017, \$31,219,000;

23 “Research, Development, Test and Evaluation,
24 Air Force”, 2016/2017, \$337,600,000;

1 “Research, Development, Test and Evaluation,
2 Defense-wide”, 2016/2017, \$102,918,000; and

3 “Ship Modernization, Operations and
4 Sustainment Fund”, 2014/2021, \$1,317,300,000.

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

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

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

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

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

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

17 SEC. 8046. None of the funds made available by this
18 Act may be used to retire, divest, realign, or transfer RQ-
19 4B Global Hawk aircraft, or to disestablish or convert
20 units associated with such aircraft.

21 SEC. 8047. None of the funds made available by this
22 Act for Evolved Expendable Launch Vehicle service com-
23 petitive procurements may be used unless the competitive
24 procurements are open for award to all certified providers
25 of Evolved Expendable Launch Vehicle-class systems: *Pro-*

1 *vided*, That the award shall be made to the provider that
2 offers the best value to the government: *Provided further*,
3 That notwithstanding any other provision of law, award
4 may be made to a launch service provider competing with
5 any certified launch vehicle in its inventory regardless of
6 the country of origin of the rocket engine that will be used
7 on its launch vehicle, in order to ensure robust competition
8 and continued assured access to space.

9 SEC. 8048. In addition to the amounts appropriated
10 or otherwise made available elsewhere in this Act,
11 \$20,000,000 is hereby appropriated to the Department of
12 Defense: *Provided*, That upon the determination of the
13 Secretary of Defense that it shall serve the national inter-
14 est, the Secretary shall make grants in the amounts speci-
15 fied as follows: \$20,000,000 to the United Service Organi-
16 zations.

17 SEC. 8049. 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. 8050. Notwithstanding any other provision in
25 this Act, the Small Business Innovation Research program

1 and the Small Business Technology Transfer program set-
2 asides shall be taken proportionally from all programs,
3 projects, or activities to the extent they contribute to the
4 extramural budget.

5 SEC. 8051. None of the funds available to the De-
6 partment of Defense under this Act shall be obligated or
7 expended to pay a contractor under a contract with the
8 Department of Defense for costs of any amount paid by
9 the contractor to an employee when—

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

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

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8052. During the current fiscal year, no more
17 than \$30,000,000 of appropriations made in this Act
18 under the heading “Operation and Maintenance, Defense-
19 Wide” may be transferred to appropriations available for
20 the pay of military personnel, to be merged with, and to
21 be available for the same time period as the appropriations
22 to which transferred, to be used in support of such per-
23 sonnel in connection with support and services for eligible
24 organizations and activities outside the Department of De-

1 fense pursuant to section 2012 of title 10, United States
2 Code.

3 SEC. 8053. During the current fiscal year, in the case
4 of an appropriation account of the Department of Defense
5 for which the period of availability for obligation has ex-
6 pired or which has closed under the provisions of section
7 1552 of title 31, United States Code, and which has a
8 negative unliquidated or unexpended balance, an obliga-
9 tion or an adjustment of an obligation may be charged
10 to any current appropriation account for the same purpose
11 as the expired or closed account if—

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

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

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

1 sequent review or investigation discloses that there
2 was not in fact a negative unliquidated or unex-
3 pended balance in the account, any charge to a cur-
4 rent account under the authority of this section shall
5 be reversed and recorded against the expired ac-
6 count: *Provided further*, That the total amount
7 charged to a current appropriation under this sec-
8 tion may not exceed an amount equal to 1 percent
9 of the total appropriation for that account.

10 SEC. 8054. (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 SEC. 8055. None of the funds available to the De-
24 partment of Defense may be obligated to modify command
25 and control relationships to give Fleet Forces Command

1 operational and administrative control of United States
2 Navy forces assigned to the Pacific fleet: *Provided*, That
3 the command and control relationships which existed on
4 October 1, 2004, shall remain in force unless changes are
5 specifically authorized in a subsequent Act: *Provided fur-*
6 *ther*, That this section does not apply to administrative
7 control of Navy Air and Missile Defense Command.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8056. Of the funds appropriated in this Act
10 under the heading “Operation and Maintenance, Defense-
11 wide”, \$25,000,000 shall be for continued implementation
12 and expansion of the Sexual Assault Special Victims’
13 Counsel Program: *Provided*, That the funds are made
14 available for transfer to the Department of the Army, the
15 Department of the Navy, and the Department of the Air
16 Force: *Provided further*, That funds transferred shall be
17 merged with and available for the same purposes and for
18 the same time period as the appropriations to which the
19 funds are transferred: *Provided further*, That this transfer
20 authority is in addition to any other transfer authority
21 provided in this Act.

22 SEC. 8057. None of the funds appropriated in title
23 IV of this Act may be used to procure end-items for deliv-
24 ery to military forces for operational training, operational
25 use or inventory requirements: *Provided*, That this restric-

1 tion does not apply to end-items used in development,
2 prototyping, and test activities preceding and leading to
3 acceptance for operational use: *Provided further*, That this
4 restriction does not apply to programs funded within the
5 National Intelligence Program: *Provided further*, That the
6 Secretary of Defense may waive this restriction on a case-
7 by-case basis by certifying in writing to the Committees
8 on Appropriations of the House of Representatives and the
9 Senate that it is in the national security interest to do
10 so.

11 SEC. 8058. (a) The Secretary of Defense may, on a
12 case-by-case basis, waive with respect to a foreign country
13 each limitation on the procurement of defense items from
14 foreign sources provided in law if the Secretary determines
15 that the application of the limitation with respect to that
16 country would invalidate cooperative programs entered
17 into between the Department of Defense and the foreign
18 country, or would invalidate reciprocal trade agreements
19 for the procurement of defense items entered into under
20 section 2531 of title 10, United States Code, and the
21 country does not discriminate against the same or similar
22 defense items produced in the United States for that coun-
23 try.

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

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

3 (2) options for the procurement of items that
4 are exercised after such date under contracts that
5 are entered into before such date if the option prices
6 are adjusted for any reason other than the applica-
7 tion of a waiver granted under subsection (a).

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

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8059. Of the amounts appropriated for “Oper-
19 ation and Maintenance, Navy”, up to \$1,000,000 may be
20 available for transfer to the John C. Stennis Center for
21 Public Service Development Trust Fund established under
22 section 116 of the John C. Stennis Center for Public Serv-
23 ice Training and Development Act (2 U.S.C. 1105).

24 SEC. 8060. Notwithstanding any other provision of
25 law, funds appropriated in this Act under the heading

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

12 SEC. 8061. The Secretary of Defense shall continue
13 to provide a classified quarterly report to the House and
14 Senate Appropriations Committees, Subcommittees on
15 Defense on certain matters as directed in the classified
16 annex accompanying this Act.

17 SEC. 8062. Notwithstanding section 12310(b) of title
18 10, United States Code, a Reserve who is a member of
19 the National Guard serving on full-time National Guard
20 duty under section 502(f) of title 32, United States Code,
21 may perform duties in support of the ground-based ele-
22 ments of the National Ballistic Missile Defense System.

23 SEC. 8063. None of the funds provided in this Act
24 may be used to transfer to any nongovernmental entity
25 ammunition held by the Department of Defense that has

1 a center-fire cartridge and a United States military no-
2 menclature designation of “armor penetrator”, “armor
3 piercing (AP)”, “armor piercing incendiary (API)”, or
4 “armor-piercing incendiary tracer (API-T)”, except to an
5 entity performing demilitarization services for the Depart-
6 ment of Defense under a contract that requires the entity
7 to demonstrate to the satisfaction of the Department of
8 Defense that armor piercing projectiles are either: (1) ren-
9 dered incapable of reuse by the demilitarization process;
10 or (2) used to manufacture ammunition pursuant to a con-
11 tract with the Department of Defense or the manufacture
12 of ammunition for export pursuant to a License for Per-
13 manent Export of Unclassified Military Articles issued by
14 the Department of State.

15 SEC. 8064. Notwithstanding any other provision of
16 law, the Chief of the National Guard Bureau, or his des-
17 ignee, may waive payment of all or part of the consider-
18 ation that otherwise would be required under section 2667
19 of title 10, United States Code, in the case of a lease of
20 personal property for a period not in excess of 1 year to
21 any organization specified in section 508(d) of title 32,
22 United States Code, or any other youth, social, or fra-
23 ternal nonprofit organization as may be approved by the
24 Chief of the National Guard Bureau, or his designee, on
25 a case-by-case basis.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8065. Of the amounts appropriated in this Act
3 under the heading “Operation and Maintenance, Army”,
4 \$75,950,170 shall remain available until expended: *Pro-*
5 *vided*, That, notwithstanding any other provision of law,
6 the Secretary of Defense is authorized to transfer such
7 funds to other activities of the Federal Government: *Pro-*
8 *vided further*, That the Secretary of Defense is authorized
9 to enter into and carry out contracts for the acquisition
10 of real property, construction, personal services, and oper-
11 ations related to projects carrying out the purposes of this
12 section: *Provided further*, That contracts entered into
13 under the authority of this section may provide for such
14 indemnification as the Secretary determines to be nec-
15 essary: *Provided further*, That projects authorized by this
16 section shall comply with applicable Federal, State, and
17 local law to the maximum extent consistent with the na-
18 tional security, as determined by the Secretary of Defense.

19 SEC. 8066. (a) None of the funds appropriated in this
20 or any other Act may be used to take any action to mod-
21 ify—

22 (1) the appropriations account structure for the
23 National Intelligence Program budget, including
24 through the creation of a new appropriation or new
25 appropriation account;

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

5 (3) the process by which the National Intel-
6 ligence Program appropriations are apportioned to
7 the executing agencies; or

8 (4) the process by which the National Intel-
9 ligence Program appropriations are allotted, obli-
10 gated and disbursed.

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

16 (c) The Director of National Intelligence and the Sec-
17 retary of Defense may jointly, only for the purposes of
18 achieving auditable financial statements and improving
19 fiscal reporting, study and develop detailed proposals for
20 alternative financial management processes. Such study
21 shall include a comprehensive counterintelligence risk as-
22 sessment to ensure that none of the alternative processes
23 will adversely affect counterintelligence.

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

4 (1) provide the proposed alternatives to all af-
5 fected agencies;

6 (2) receive certification from all affected agen-
7 cies attesting that the proposed alternatives will help
8 achieve auditability, improve fiscal reporting, and
9 will not adversely affect counterintelligence; and

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

14 SEC. 8067. No funds provided in this Act shall be
15 used to deny an Inspector General funded under this Act
16 timely access to any records, documents, or other mate-
17 rials available to the department or agency over which that
18 Inspector General has responsibilities under the Inspector
19 General Act of 1978, or to prevent or impede that Inspec-
20 tor General's access to such records, documents, or other
21 materials, under any provision of law, except a provision
22 of law that expressly refers to the Inspector General and
23 expressly limits the Inspector General's right of access. A
24 department or agency covered by this section shall provide
25 its Inspector General with access to all such records, docu-

1 ments, and other materials in a timely manner. Each In-
2 spector General shall ensure compliance with statutory
3 limitations on disclosure relevant to the information pro-
4 vided by the establishment over which that Inspector Gen-
5 eral has responsibilities under the Inspector General Act
6 of 1978. Each Inspector General covered by this section
7 shall report to the Committees on Appropriations of the
8 House of Representatives and the Senate within 5 cal-
9 endar days any failures to comply with this requirement.

10 SEC. 8068. Of the amounts appropriated in this Act
11 under the headings “Procurement, Defense-Wide” and
12 “Research, Development, Test and Evaluation, Defense-
13 Wide”, \$600,735,000 shall be for the Israeli Cooperative
14 Programs: *Provided*, That of this amount, \$62,000,000
15 shall be for the Secretary of Defense to provide to the Gov-
16 ernment of Israel for the procurement of the Iron Dome
17 defense system to counter short-range rocket threats, sub-
18 ject to the U.S.-Israel Iron Dome Procurement Agree-
19 ment, as amended; \$266,511,000 shall be for the Short
20 Range Ballistic Missile Defense (SRBMD) program, in-
21 cluding cruise missile defense research and development
22 under the SRBMD program, of which \$150,000,000 shall
23 be for co-production activities of SRBMD missiles in the
24 United States and in Israel to meet Israel’s defense re-
25 quirements consistent with each nation’s laws, regulations,

1 and procedures, of which not more than \$90,000,000, sub-
2 ject to previously established transfer procedures, may be
3 obligated or expended until establishment of a U.S.-Israeli
4 co-production agreement for SRBMD; \$204,893,000 shall
5 be for an upper-tier component to the Israeli Missile De-
6 fense Architecture, of which \$120,000,000 shall be for co-
7 production activities of Arrow 3 Upper Tier missiles in
8 the United States and in Israel to meet Israel's defense
9 requirements consistent with each nation's laws, regula-
10 tions, and procedures, of which not more than
11 \$70,000,000 subject to previously established transfer
12 procedures, may be obligated or expended until establish-
13 ment of a U.S.-Israeli co-production agreement for Arrow
14 3 Upper Tier; and \$67,331,000 shall be for the Arrow
15 System Improvement Program including development of
16 a long range, ground and airborne, detection suite.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8069. Of the amounts appropriated in this Act
19 under the heading "Shipbuilding and Conversion, Navy",
20 \$160,274,000 shall be available until September 30, 2017,
21 to fund prior year shipbuilding cost increases: *Provided*,
22 That upon enactment of this Act, the Secretary of the
23 Navy shall transfer funds to the following appropriations
24 in the amounts specified: *Provided further*, That the
25 amounts transferred shall be merged with and be available

1 for the same purposes as the appropriations to which
2 transferred to:

3 (1) Under the heading “Shipbuilding and Con-
4 version, Navy”, 2012/2017: LPD–17 Amphibious
5 Transport Dock Program \$45,060,000;

6 (2) Under the heading “Shipbuilding and Con-
7 version, Navy”, 2011/2017: DDG–51 Destroyer
8 \$15,959,000;

9 (3) Under the heading “Shipbuilding and Con-
10 version, Navy”, 2012/2017: Littoral Combat Ship
11 \$3,600,000;

12 (4) Under the heading “Shipbuilding and Con-
13 version, Navy”, 2013/2017: Littoral Combat Ship
14 \$82,400,000;

15 (5) Under the heading “Shipbuilding and Con-
16 version, Navy”, 2012/2017: Expeditionary Fast
17 Transport \$6,710,000; and

18 (6) Under the heading “Shipbuilding and Con-
19 version, Navy”, 2013/2017: Expeditionary Fast
20 Transport \$6,545,000.

21 SEC. 8070. Funds appropriated by this Act, or made
22 available by the transfer of funds in this Act, for intel-
23 ligence activities are deemed to be specifically authorized
24 by the Congress for purposes of section 504 of the Na-
25 tional Security Act of 1947 (50 U.S.C. 3094) during fiscal

1 year 2017 until the enactment of the Intelligence Author-
2 ization Act for Fiscal Year 2017.

3 SEC. 8071. None of the funds provided in this Act
4 shall be available for obligation or expenditure through a
5 reprogramming of funds that creates or initiates a new
6 program, project, or activity unless such program, project,
7 or activity must be undertaken immediately in the interest
8 of national security and only after written prior notifica-
9 tion to the congressional defense committees.

10 SEC. 8072. The budget of the President for fiscal
11 year 2018 submitted to the Congress pursuant to section
12 1105 of title 31, United States Code, shall include sepa-
13 rate budget justification documents for costs of United
14 States Armed Forces' participation in contingency oper-
15 ations for the Military Personnel accounts, the Operation
16 and Maintenance accounts, the Procurement accounts,
17 and the Research, Development, Test and Evaluation ac-
18 counts: *Provided*, That these documents shall include a de-
19 scription of the funding requested for each contingency op-
20 eration, for each military service, to include all Active and
21 Reserve components, and for each appropriations account:
22 *Provided further*, That these documents shall include esti-
23 mated costs for each element of expense or object class,
24 a reconciliation of increases and decreases for each contin-
25 gency operation, and programmatic data including, but

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

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

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8074. The Secretary of Defense may transfer
15 funds from any available Department of the Navy appro-
16 priation to any available Navy ship construction appro-
17 priation for the purpose of liquidating necessary changes
18 resulting from inflation, market fluctuations, or rate ad-
19 justments for any ship construction program appropriated
20 in law: *Provided*, That the Secretary may transfer not to
21 exceed \$50,000,000 under the authority provided by this
22 section: *Provided further*, That the Secretary may not
23 transfer any funds until 30 days after the proposed trans-
24 fer has been reported to the Committees on Appropria-
25 tions of the House of Representatives and the Senate, un-

1 less a response from the Committees is received sooner:
2 *Provided further*, That any funds transferred pursuant to
3 this section shall retain the same period of availability as
4 when originally appropriated: *Provided further*, That the
5 transfer authority provided by this section is in addition
6 to any other transfer authority contained elsewhere in this
7 Act.

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

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

1 SEC. 8077. (a) None of the funds appropriated by
2 this Act may be used to transfer research and develop-
3 ment, acquisition, or other program authority relating to
4 current tactical unmanned aerial vehicles (TUAVs) from
5 the Army.

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

11 SEC. 8078. Up to \$10,120,000 of the funds appro-
12 priated under the heading “Operation and Maintenance,
13 Navy” may be made available for the Asia Pacific Re-
14 gional Initiative Program for the purpose of enabling the
15 Pacific Command to execute Theater Security Cooperation
16 activities such as humanitarian assistance, and payment
17 of incremental and personnel costs of training and exer-
18 cising with foreign security forces: *Provided*, That funds
19 made available for this purpose may be used, notwith-
20 standing any other funding authorities for humanitarian
21 assistance, security assistance or combined exercise ex-
22 penses: *Provided further*, That funds may not be obligated
23 to provide assistance to any foreign country that is other-
24 wise prohibited from receiving such type of assistance
25 under any other provision of law.

1 SEC. 8079. None of the funds appropriated by this
2 Act for programs of the Office of the Director of National
3 Intelligence shall remain available for obligation beyond
4 the current fiscal year, except for funds appropriated for
5 research and technology, which shall remain available until
6 September 30, 2018.

7 SEC. 8080. For purposes of section 1553(b) of title
8 31, United States Code, any subdivision of appropriations
9 made in this Act under the heading “Shipbuilding and
10 Conversion, Navy” shall be considered to be for the same
11 purpose as any subdivision under the heading “Ship-
12 building and Conversion, Navy” appropriations in any
13 prior fiscal year, and the 1 percent limitation shall apply
14 to the total amount of the appropriation.

15 SEC. 8081. (a) Not later than 60 days after the date
16 of enactment of this Act, the Director of National Intel-
17 ligence shall submit a report to the congressional intel-
18 ligence committees to establish the baseline for application
19 of reprogramming and transfer authorities for fiscal year
20 2017: *Provided*, That the report shall include—

21 (1) a table for each appropriation with a sepa-
22 rate column to display the President’s budget re-
23 quest, adjustments made by Congress, adjustments
24 due to enacted rescissions, if appropriate, and the
25 fiscal year enacted level;

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

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

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

13 (RESCISSION)

14 SEC. 8082. Of the unobligated balances available to
15 the Department of Defense, the following funds are per-
16 manently rescinded from the following accounts and pro-
17 grams in the specified amounts to reflect excess cash bal-
18 ances in Department of Defense Acquisition Workforce
19 Development Fund: *Provided*, That no amounts may be
20 rescinded from amounts that were designated by the Con-
21 gress for Overseas Contingency Operations/Global War
22 Terrorism or as an emergency requirement pursuant to
23 the Concurrent Resolution on the Budget or the Balanced
24 Budget and Emergency Deficit Control Act of 1985, as
25 amended:

1 From “Department of Defense Acquisition
2 Workforce Development Fund, Defense, 2015/
3 2017”, \$400,000,000.

4 SEC. 8083. None of the funds made available by this
5 Act for excess defense articles, assistance under section
6 1206 of the National Defense Authorization Act for Fiscal
7 Year 2006 (Public Law 109–163; 119 Stat. 3456), or
8 peacekeeping operations for the countries designated an-
9 nually to be in violation of the standards of the Child Sol-
10 diers Prevention Act of 2008 (Public Law 110–457; 22
11 U.S.C. 2370e–1) may be used to support any military
12 training or operation that includes child soldiers, as de-
13 fined by the Child Soldiers Prevention Act of 2008, unless
14 such assistance is otherwise permitted under section 404
15 of the Child Soldiers Prevention Act of 2008.

16 SEC. 8084. Of the amounts appropriated for “Oper-
17 ation and Maintenance, Defense-Wide”, \$67,500,000, to
18 remain available until expended, shall be available, not-
19 withstanding any other provision of law, to the Secretary
20 of Defense acting through the Office of Economic Adjust-
21 ment of the Department of Defense to make grants, con-
22 clude cooperative agreements, and supplement other Fed-
23 eral funds to address the need for assistance to support
24 critical existing and enduring military installations and
25 missions on Guam, as well as any potential Department

1 of Defense growth, for purposes of addressing the need
2 for civilian water and wastewater improvements.

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

9 (1) creates a new start effort;

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

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

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

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

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

5 SEC. 8086. The Director of National Intelligence
6 shall submit to Congress each year, at or about the time
7 that the President's budget is submitted to Congress that
8 year under section 1105(a) of title 31, United States
9 Code, a future-years intelligence program (including asso-
10 ciated annexes) reflecting the estimated expenditures and
11 proposed appropriations included in that budget. Any such
12 future-years intelligence program shall cover the fiscal
13 year with respect to which the budget is submitted and
14 at least the four succeeding fiscal years.

15 SEC. 8087. For the purposes of this Act, the term
16 “congressional intelligence committees” means the Perma-
17 nent Select Committee on Intelligence of the House of
18 Representatives, the Select Committee on Intelligence of
19 the Senate, the Subcommittee on Defense of the Com-
20 mittee on Appropriations of the House of Representatives,
21 and the Subcommittee on Defense of the Committee on
22 Appropriations of the Senate.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 8088. In addition to amounts appropriated in
25 title II or otherwise made available elsewhere in this Act,

1 \$1,450,000,000 is hereby appropriated to the Department
2 of Defense and made available for transfer to the oper-
3 ation and maintenance accounts of the Army, Navy, Ma-
4 rine Corps, and Air Force (including National Guard and
5 reserve) for purposes of improving military readiness: *Pro-*
6 *vided*, That the transfer authority provided under this pro-
7 vision is in addition to any other transfer authority pro-
8 vided elsewhere in this Act.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8089. During the current fiscal year, not to ex-
11 ceed \$11,000,000 from each of the appropriations made
12 in title II of this Act for “Operation and Maintenance,
13 Army”, “Operation and Maintenance, Navy”, and “Oper-
14 ation and Maintenance, Air Force” may be transferred by
15 the military department concerned to its central fund es-
16 tablished for Fisher Houses and Suites pursuant to sec-
17 tion 2493(d) of title 10, United States Code.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 8090. Funds appropriated by this Act for oper-
20 ation and maintenance may be available for the purpose
21 of making remittances and transfer to the Defense Acqui-
22 sition Workforce Development Fund in accordance with
23 section 1705 of title 10, United States Code.

24 SEC. 8091. (a) Any agency receiving funds made
25 available in this Act, shall, subject to subsections (b) and

1 (c), post on the public Web site of that agency any report
2 required to be submitted by the Congress in this or any
3 other Act, upon the determination by the head of the agen-
4 cy that it shall serve the national interest.

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

6 (1) the public posting of the report com-
7 promises national security; or

8 (2) the report contains proprietary information.

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

13 SEC. 8092. (a) None of the funds appropriated or
14 otherwise made available by this Act may be expended for
15 any Federal contract for an amount in excess of
16 \$1,000,000, unless the contractor agrees not to—

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

1 distress, false imprisonment, or negligent hiring, su-
2 pervision, or retention; or

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

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

24 (c) The prohibitions in this section do not apply with
25 respect to a contractor’s or subcontractor’s agreements

1 with employees or independent contractors that may not
2 be enforced in a court of the United States.

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

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8093. From within the funds appropriated for
23 operation and maintenance for the Defense Health Pro-
24 gram in this Act, up to \$122,375,000, shall be available
25 for transfer to the Joint Department of Defense-Depart-

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

19 SEC. 8094. Appropriations available to the Depart-
20 ment of Defense may be used for the purchase of heavy
21 and light armored vehicles for the physical security of per-
22 sonnel or for force protection purposes up to a limit of
23 \$450,000 per vehicle, notwithstanding price or other limi-
24 tations applicable to the purchase of passenger carrying
25 vehicles.

1 SEC. 8095. None of the funds appropriated or other-
2 wise made available by this Act or any other Act may be
3 used by the Department of Defense or a component there-
4 of in contravention of the provisions of section 130h of
5 title 10, United States Code.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8096. Upon a determination by the Director of
8 National Intelligence that such action is necessary and in
9 the national interest, the Director may, with the approval
10 of the Office of Management and Budget, transfer not to
11 exceed \$2,000,000,000 of the funds made available in this
12 Act for the National Intelligence Program: *Provided*, That
13 such authority to transfer may not be used unless for
14 higher priority items, based on unforeseen intelligence re-
15 quirements, than those for which originally appropriated
16 and in no case where the item for which funds are re-
17 quested has been denied by the Congress: *Provided further*,
18 That a request for multiple reprogrammings of funds
19 using authority provided in this section shall be made
20 prior to June 30, 2017.

21 SEC. 8097. None of the funds appropriated or other-
22 wise made available in this or any other Act may be used
23 to transfer, release, or assist in the transfer or release to
24 or within the United States, its territories, or possessions
25 Khalid Sheikh Mohammed or any other detainee who—

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

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

6 SEC. 8098. (a) None of the funds appropriated or
7 otherwise made available in this or any other Act may be
8 used to construct, acquire, or modify any facility in the
9 United States, its territories, or possessions to house any
10 individual described in subsection (c) for the purposes of
11 detention or imprisonment in the custody or under the ef-
12 fective control of the Department of Defense.

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

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

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

22 (2) is—

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

1 (B) otherwise under detention at United
2 States Naval Station, Guantánamo Bay, Cuba.

3 SEC. 8099. None of the funds appropriated or other-
4 wise made available in this Act may be used to transfer
5 any individual detained at United States Naval Station
6 Guantánamo Bay, Cuba, to the custody or control of the
7 individual's country of origin, any other foreign country,
8 or any other foreign entity except in accordance with the
9 National Defense Authorization Act for Fiscal Year 2017.

10 SEC. 8100. None of the funds made available by this
11 Act may be used in contravention of the War Powers Res-
12 olution (50 U.S.C. 1541 et seq.).

13 SEC. 8101. (a) None of the funds appropriated or
14 otherwise made available by this or any other Act may
15 be used by the Secretary of Defense, or any other official
16 or officer of the Department of Defense, to enter into a
17 contract, memorandum of understanding, or cooperative
18 agreement with, or make a grant to, or provide a loan
19 or loan guarantee to Rosoboronexport or any subsidiary
20 of Rosoboronexport.

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

1 ing to the congressional defense committees that, to the
2 best of the Secretary's knowledge:

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. 8102. (a) Of the funds appropriated in this Act
2 for the Department of Defense, amounts may be made
3 available, under such regulations as the Secretary of De-
4 fense may prescribe, to local military commanders ap-
5 pointed by the Secretary, or by an officer or employee des-
6 ignated by the Secretary, to provide at their discretion ex
7 gratia payments in amounts consistent with subsection (d)
8 of this section for damage, personal injury, or death that
9 is incident to combat operations of the Armed Forces in
10 a foreign country.

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

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

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

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

22 (c) NATURE OF PAYMENTS.—Any payments provided
23 under a program under subsection (a) shall not be consid-
24 ered an admission or acknowledgement of any legal obliga-

1 tion to compensate for any damage, personal injury, or
2 death.

3 (d) AMOUNT OF PAYMENTS.—If the Secretary of De-
4 fense determines a program under subsection (a) to be ap-
5 propriate in a particular setting, the amounts of pay-
6 ments, if any, to be provided to civilians determined to
7 have suffered harm incident to combat operations of the
8 Armed Forces under the program should be determined
9 pursuant to regulations prescribed by the Secretary and
10 based on an assessment, which should include such factors
11 as cultural appropriateness and prevailing economic condi-
12 tions.

13 (e) LEGAL ADVICE.—Local military commanders
14 shall receive legal advice before making ex gratia pay-
15 ments under this subsection. The legal advisor, under reg-
16 ulations of the Department of Defense, shall advise on
17 whether an ex gratia payment is proper under this section
18 and applicable Department of Defense regulations.

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

24 (g) REPORT.—The Secretary of Defense shall report
25 to the congressional defense committees on an annual

1 basis the efficacy of the ex gratia payment program in-
2 cluding the number of types of cases considered, amounts
3 offered, the response from ex gratia payment recipients,
4 and any recommended modifications to the program.

5 SEC. 8103. None of the funds available in this Act
6 to the Department of Defense, other than appropriations
7 made for necessary or routine refurbishments, upgrades
8 or maintenance activities, shall be used to reduce or to
9 prepare to reduce the number of deployed and non-de-
10 ployed strategic delivery vehicles and launchers below the
11 levels set forth in the report submitted to Congress in ac-
12 cordance with section 1042 of the National Defense Au-
13 thorization Act for Fiscal Year 2012.

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

1 SEC. 8105. None of the funds provided in this Act
2 for the T-AO(X) program shall be used to award a new
3 contract that provides for the acquisition of the following
4 components unless those components are manufactured in
5 the United States: Auxiliary equipment (including pumps)
6 for shipboard services; propulsion equipment (including
7 engines, reduction gears, and propellers); shipboard
8 cranes; and spreaders for shipboard cranes: *Provided*,
9 That the Secretary of the military department responsible
10 for such procurement may waive these restrictions on a
11 case-by-case basis by certifying in writing to the Commit-
12 tees on Appropriations of the House of Representatives
13 and the Senate that adequate domestic supplies are not
14 available to meet Department of Defense requirements on
15 a timely and cost competitive basis and that such an ac-
16 quisition must be made in order to acquire capability for
17 national security purposes.

18 SEC. 8106. The amount appropriated in title II of
19 this Act for “Operation and Maintenance, Army” is here-
20 by reduced by \$306,500,000 to reflect excess cash bal-
21 ances in Department of Defense Working Capital Funds.

22 SEC. 8107. Notwithstanding any other provision of
23 this Act, to reflect savings due to lower than anticipated
24 fuel costs, the total amount appropriated in title II of this
25 Act is hereby reduced by \$1,587,000,000.

1 SEC. 8108. Of the amounts appropriated in this Act
2 for “Operation and Maintenance, Navy”, \$274,524,000,
3 to remain available until expended, may be used for any
4 purposes related to the National Defense Reserve Fleet
5 established under section 11 of the Merchant Ship Sales
6 Act of 1946 (50 U.S.C. 4405): *Provided*, That such
7 amounts are available for reimbursements to the Ready
8 Reserve Force, Maritime Administration account of the
9 United States Department of Transportation for pro-
10 grams, projects, activities, and expenses related to the Na-
11 tional Defense Reserve Fleet.

12 SEC. 8109. Of the amounts appropriated in this Act,
13 the Secretary of Defense may use up to \$20,000,000
14 under the heading “Operation and Maintenance, Defense-
15 Wide”, and up to \$75,000,000 under the heading “Re-
16 search, Development, Test and Evaluation, Defense-
17 Wide” to develop, replace, and sustain Federal Govern-
18 ment security and suitability background investigation in-
19 formation technology systems of the Office of Personnel
20 Management or other Federal agency responsible for con-
21 ducting such investigations.

1 TITLE IX
2 OVERSEAS CONTINGENCY OPERATIONS/GLOBAL
3 WAR ON TERRORISM
4 MILITARY PERSONNEL
5 MILITARY PERSONNEL, ARMY

6 For an additional amount for “Military Personnel,
7 Army”, \$2,051,578,000: *Provided*, That such amount is
8 designated by the Congress for Overseas Contingency Op-
9 erations/Global War on Terrorism pursuant to section
10 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 MILITARY PERSONNEL, NAVY

13 For an additional amount for “Military Personnel,
14 Navy”, \$330,557,000: *Provided*, That such amount is des-
15 ignated by the Congress for Overseas Contingency Oper-
16 ations/Global War on Terrorism pursuant to section
17 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 MILITARY PERSONNEL, MARINE CORPS

20 For an additional amount for “Military Personnel,
21 Marine Corps”, \$179,733,000: *Provided*, That such
22 amount is designated by the Congress for Overseas Con-
23 tingency Operations/Global War on Terrorism pursuant to
24 section 251(b)(2)(A)(ii) of the Balanced Budget and
25 Emergency Deficit Control Act of 1985.

1 MILITARY PERSONNEL, AIR FORCE

2 For an additional amount for “Military Personnel,
3 Air Force”, \$719,896,000: *Provided*, That such amount
4 is designated by the Congress for Overseas Contingency
5 Operations/Global War on Terrorism pursuant to section
6 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 RESERVE PERSONNEL, ARMY

9 For an additional amount for “Reserve Personnel,
10 Army”, \$42,506,000: *Provided*, That such amount is des-
11 ignated by the Congress for Overseas Contingency Oper-
12 ations/Global War on Terrorism pursuant to section
13 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 RESERVE PERSONNEL, NAVY

16 For an additional amount for “Reserve Personnel,
17 Navy”, \$11,929,000: *Provided*, That such amount is des-
18 ignated by the Congress for Overseas Contingency Oper-
19 ations/Global War on Terrorism pursuant to section
20 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 RESERVE PERSONNEL, MARINE CORPS

23 For an additional amount for “Reserve Personnel,
24 Marine Corps”, \$3,764,000: *Provided*, That such amount
25 is designated by the Congress for Overseas Contingency

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

4 RESERVE PERSONNEL, AIR FORCE

5 For an additional amount for “Reserve Personnel,
6 Air Force”, \$20,535,000: *Provided*, That such amount is
7 designated by the Congress for Overseas Contingency Op-
8 erations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 NATIONAL GUARD PERSONNEL, ARMY

12 For an additional amount for “National Guard Per-
13 sonnel, Army”, \$196,472,000: *Provided*, That such
14 amount is designated by the Congress for Overseas Con-
15 tingency Operations/Global War on Terrorism pursuant to
16 section 251(b)(2)(A)(ii) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 NATIONAL GUARD PERSONNEL, AIR FORCE

19 For an additional amount for “National Guard Per-
20 sonnel, Air Force”, \$5,288,000: *Provided*, That such
21 amount is designated by the Congress for Overseas Con-
22 tingency Operations/Global War on Terrorism pursuant to
23 section 251(b)(2)(A)(ii) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE

2 OPERATION AND MAINTENANCE, ARMY

3 For an additional amount for “Operation and Main-
4 tenance, Army”, \$15,065,587,000: *Provided*, That such
5 amount is designated by the Congress for Overseas Con-
6 tingency Operations/Global War on Terrorism pursuant to
7 section 251(b)(2)(A)(ii) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 OPERATION AND MAINTENANCE, NAVY

10 For an additional amount for “Operation and Main-
11 tenance, Navy”, \$6,664,699,000: *Provided*, That such
12 amount is designated by the Congress for Overseas Con-
13 tingency Operations/Global War on Terrorism pursuant to
14 section 251(b)(2)(A)(ii) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, MARINE CORPS

17 For an additional amount for “Operation and Main-
18 tenance, Marine Corps”, \$1,244,359,000: *Provided*, That
19 such amount is designated by the Congress for Overseas
20 Contingency Operations/Global War on Terrorism pursu-
21 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985.

23 OPERATION AND MAINTENANCE, AIR FORCE

24 For an additional amount for “Operation and Main-
25 tenance, Air Force”, \$9,347,672,000: *Provided*, That such

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

5 OPERATION AND MAINTENANCE, DEFENSE-WIDE

6 For an additional amount for “Operation and Main-
7 tenance, Defense-Wide”, \$6,314,973,000: *Provided*, That
8 of the funds provided under this heading, not to exceed
9 \$620,000,000, to remain available until September 30,
10 2018, shall be for payments to reimburse key cooperating
11 nations for logistical, military, and other support, includ-
12 ing access, provided to United States military and stability
13 operations in Afghanistan and to counter the Islamic
14 State of Iraq and the Levant: *Provided further*, That such
15 reimbursement payments may be made in such amounts
16 as the Secretary of Defense, with the concurrence of the
17 Secretary of State, and in consultation with the Director
18 of the Office of Management and Budget, may determine,
19 based on documentation determined by the Secretary of
20 Defense to adequately account for the support provided,
21 and such determination is final and conclusive upon the
22 accounting officers of the United States, and 15 days fol-
23 lowing notification to the appropriate congressional com-
24 mittees: *Provided further*, That these funds may be used
25 for the purpose of providing specialized training and pro-

1 curing supplies and specialized equipment and providing
2 such supplies and loaning such equipment on a non-reim-
3 bursable basis to coalition forces supporting United States
4 military and stability operations in Afghanistan and to
5 counter the Islamic State of Iraq and the Levant, and 15
6 days following notification to the appropriate congres-
7 sional committees: *Provided further*, That of the funds
8 provided under this heading, not to exceed \$850,000,000
9 to remain available until September 30, 2018, shall be
10 available to provide support and assistance to foreign secu-
11 rity forces or other groups or individuals to conduct, sup-
12 port or facilitate counterterrorism, crisis response, or Se-
13 curity Enhancement Activities in accordance with the Na-
14 tional Defense Authorization Act for Fiscal Year 2017:
15 *Provided further*, That the Secretary of Defense shall pro-
16 vide quarterly reports to the congressional defense com-
17 mittees on the use of funds provided in this paragraph:
18 *Provided further*, That such amount is designated by the
19 Congress for Overseas Contingency Operations/Global
20 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
21 the Balanced Budget and Emergency Deficit Control Act
22 of 1985.

23 OPERATION AND MAINTENANCE, ARMY RESERVE

24 For an additional amount for “Operation and Main-
25 tenance, Army Reserve”, \$38,679,000: *Provided*, That

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

5 OPERATION AND MAINTENANCE, NAVY RESERVE

6 For an additional amount for “Operation and Main-
7 tenance, Navy Reserve”, \$26,265,000: *Provided*, That
8 such amount is designated by the Congress for Overseas
9 Contingency Operations/Global War on Terrorism pursu-
10 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
11 and Emergency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 RESERVE

14 For an additional amount for “Operation and Main-
15 tenance, Marine Corps Reserve”, \$3,304,000: *Provided*,
16 That such amount is designated by the Congress for Over-
17 seas Contingency Operations/Global War on Terrorism
18 pursuant to section 251(b)(2)(A)(ii) of the Balanced
19 Budget and Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

21 For an additional amount for “Operation and Main-
22 tenance, Air Force Reserve”, \$57,586,000: *Provided*, That
23 such amount is designated by the Congress for Overseas
24 Contingency Operations/Global War on Terrorism pursu-

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

3 OPERATION AND MAINTENANCE, ARMY NATIONAL
4 GUARD

5 For an additional amount for “Operation and Main-
6 tenance, Army National Guard”, \$127,035,000: *Provided*,
7 That such amount is designated by the Congress for Over-
8 seas Contingency Operations/Global War on Terrorism
9 pursuant to section 251(b)(2)(A)(ii) of the Balanced
10 Budget and Emergency Deficit Control Act of 1985.

11 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

18 AFGHANISTAN SECURITY FORCES FUND

19 For the “Afghanistan Security Forces Fund”,
20 \$3,448,715,000, to remain available until September 30,
21 2018: *Provided*, That such funds shall be available to the
22 Secretary of Defense, notwithstanding any other provision
23 of law, for the purpose of allowing the Commander, Com-
24 bined Security Transition Command—Afghanistan, or the
25 Secretary’s designee, to provide assistance, with the con-

1 currence of the Secretary of State, to the security forces
2 of Afghanistan, including the provision of equipment, sup-
3 plies, services, training, facility and infrastructure repair,
4 renovation, construction, and funding: *Provided further,*
5 That the Secretary of Defense may obligate and expend
6 funds made available to the Department of Defense in this
7 title for additional costs associated with existing projects
8 previously funded with amounts provided under the head-
9 ing “Afghanistan Infrastructure Fund” in prior Acts: *Pro-*
10 *vided further,* That such costs shall be limited to contract
11 changes resulting from inflation, market fluctuation, rate
12 adjustments, and other necessary contract actions to com-
13 plete existing projects, and associated supervision and ad-
14 ministration costs and costs for design during construc-
15 tion: *Provided further,* That the Secretary may not use
16 more than \$50,000,000 under the authority provided in
17 this section: *Provided further,* That the Secretary shall no-
18 tify in advance such contract changes and adjustments in
19 annual reports to the congressional defense committees:
20 *Provided further,* That the authority to provide assistance
21 under this heading is in addition to any other authority
22 to provide assistance to foreign nations: *Provided further,*
23 That contributions of funds for the purposes provided
24 herein from any person, foreign government, or inter-
25 national organization may be credited to this Fund, to re-

1 main available until expended, and used for such purposes:
2 *Provided further*, That the Secretary of Defense shall no-
3 tify the congressional defense committees in writing upon
4 the receipt and upon the obligation of any contribution,
5 delineating the sources and amounts of the funds received
6 and the specific use of such contributions: *Provided fur-*
7 *ther*, That the Secretary of Defense shall, not fewer than
8 15 days prior to obligating from this appropriation ac-
9 count, notify the congressional defense committees in writ-
10 ing of the details of any such obligation: *Provided further*,
11 That the Secretary of Defense shall notify the congres-
12 sional defense committees of any proposed new projects
13 or transfer of funds between budget sub-activity groups
14 in excess of \$20,000,000: *Provided further*, That the
15 United States may accept equipment procured using funds
16 provided under this heading in this or prior Acts that was
17 transferred to the security forces of Afghanistan and re-
18 turned by such forces to the United States: *Provided fur-*
19 *ther*, That equipment procured using funds provided under
20 this heading in this or prior Acts, and not yet transferred
21 to the security forces of Afghanistan or transferred to the
22 security forces of Afghanistan and returned by such forces
23 to the United States, may be treated as stocks of the De-
24 partment of Defense upon written notification to the con-
25 gressional defense committees: *Provided further*, That of

1 the funds provided under this heading, not less than
2 \$10,000,000 shall be for recruitment and retention of
3 women in the Afghanistan National Security Forces, and
4 the recruitment and training of female security personnel:
5 *Provided further*, That such amount is designated by the
6 Congress for Overseas Contingency Operations/Global
7 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
8 the Balanced Budget and Emergency Deficit Control Act
9 of 1985.

10 COUNTER-ISIL TRAIN AND EQUIP FUND

11 For the “Counter-the Islamic State of Iraq and the
12 Levant Train and Equip Fund”, \$930,000,000, to remain
13 available until September 30, 2018: *Provided*, That such
14 funds shall be available to the Secretary of Defense in co-
15 ordination with the Secretary of State, to provide assist-
16 ance, including training; equipment; logistics support, sup-
17 plies, and services; stipends; infrastructure repair and ren-
18 ovation, and sustainment, to foreign security forces, irreg-
19 ular forces, groups, or individuals participating, or pre-
20 paring to participate in activities to counter the Islamic
21 State of Iraq and the Levant: *Provided further*, That
22 amounts made available under this heading shall be avail-
23 able to provide assistance only for activities in a country
24 designated by the Secretary of Defense, in coordination
25 with the Secretary of State, and following written notifica-

1 tion to the congressional defense committees of such des-
2 igation: *Provided further*, That the Secretary of Defense
3 shall ensure that prior to providing assistance to elements
4 of any forces or individuals, such elements or individuals
5 are appropriately vetted, including at a minimum, assess-
6 ing such elements for associations with terrorist groups
7 or groups associated with the Government of Iran; and
8 receiving commitments from such elements to promote re-
9 spect for human rights and the rule of law: *Provided fur-*
10 *ther*, That the Secretary of Defense may accept and retain
11 contributions, including assistance in-kind, from foreign
12 governments, including the Government of Iraq and other
13 entities, to carry out assistance authorized under this
14 heading: *Provided further*, That contributions of funds for
15 the purposes provided herein from any foreign government
16 or other entity may be credited to this Fund, to remain
17 available until expended, and used for such purposes: *Pro-*
18 *vided further*, That the Secretary of Defense may waive
19 a provision of law relating to the acquisition of items and
20 support services or sections 40 and 40A of the Arms Ex-
21 port Control Act (22 U.S.C. 2780 and 2785) if the Sec-
22 retary determines that such provision of law would pro-
23 hibit, restrict, delay or otherwise limit the provision of
24 such assistance and a notice of and justification for such
25 waiver is submitted to the appropriate congressional com-

1 mittees: *Provided further*, That the term “appropriate con-
2 gressional committees” under this heading means the
3 “congressional defense committees”, the Committees on
4 Appropriations and Foreign Relations of the Senate and
5 the Committees on Appropriations and Foreign Affairs of
6 the House of Representatives: *Provided further*, That the
7 United States may accept equipment procured using funds
8 provided under this heading, or under the heading, “Iraq
9 Train and Equip Fund” in prior Acts, that was trans-
10 ferred to security forces, irregular forces, or groups par-
11 ticipating, or preparing to participate in activities to
12 counter the Islamic State of Iraq and the Levant and re-
13 turned by such forces or groups to the United States, may
14 be treated as stocks of the Department of Defense upon
15 written notification to the congressional defense commit-
16 tees: *Provided further*, That equipment procured using
17 funds provided under this heading, or under the heading,
18 “Iraq Train and Equip Fund” in prior Acts, and not yet
19 transferred to security forces, irregular forces, or groups
20 participating, or preparing to participate in activities to
21 counter the Islamic State of Iraq and the Levant may be
22 treated as stocks of the Department of Defense when de-
23 termined by the Secretary to no longer be required for
24 transfer to such forces or groups and upon written notifi-
25 cation to the congressional defense committees: *Provided*

1 *further*, That the Secretary of Defense shall provide quar-
2 terly reports to the congressional defense committees on
3 the use of funds provided under this heading: *Provided*
4 *further*, That such amount is designated by the Congress
5 for Overseas Contingency Operations/Global War on Ter-
6 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985.

8 PROCUREMENT

9 AIRCRAFT PROCUREMENT, ARMY

10 For an additional amount for “Aircraft Procurement,
11 Army”, \$313,171,000, to remain available until Sep-
12 tember 30, 2019: *Provided*, That such amount is des-
13 ignated by the Congress for Overseas Contingency Oper-
14 ations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 MISSILE PROCUREMENT, ARMY

18 For an additional amount for “Missile Procurement,
19 Army”, \$632,817,000, to remain available until Sep-
20 tember 30, 2019: *Provided*, That such amount is des-
21 ignated by the Congress for Overseas Contingency Oper-
22 ations/Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
2 VEHICLES, ARMY

3 For an additional amount for “Procurement of Weap-
4 ons and Tracked Combat Vehicles, Army”, \$390,744,000,
5 to remain available until September 30, 2019: *Provided*,
6 That such amount is designated by the Congress for Over-
7 seas Contingency Operations/Global War on Terrorism
8 pursuant to section 251(b)(2)(A)(ii) of the Balanced
9 Budget and Emergency Deficit Control Act of 1985.

10 PROCUREMENT OF AMMUNITION, ARMY

11 For an additional amount for “Procurement of Am-
12 munition, Army”, \$290,670,000, to remain available until
13 September 30, 2019: *Provided*, That such amount is des-
14 ignated by the Congress for Overseas Contingency Oper-
15 ations/Global War on Terrorism pursuant to section
16 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 OTHER PROCUREMENT, ARMY

19 For an additional amount for “Other Procurement,
20 Army”, \$1,343,010,000, to remain available until Sep-
21 tember 30, 2019: *Provided*, That such amount is des-
22 ignated by the Congress for Overseas Contingency Oper-
23 ations/Global War on Terrorism pursuant to section
24 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 AIRCRAFT PROCUREMENT, NAVY

2 For an additional amount for “Aircraft Procurement,
3 Navy”, \$384,930,000, to remain available until September
4 30, 2019: *Provided*, That such amount is designated by
5 the Congress for Overseas Contingency Operations/Global
6 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
7 the Balanced Budget and Emergency Deficit Control Act
8 of 1985.

9 WEAPONS PROCUREMENT, NAVY

10 For an additional amount for “Weapons Procure-
11 ment, Navy”, \$8,600,000, to remain available until Sep-
12 tember 30, 2019: *Provided*, That such amount is des-
13 ignated by the Congress for Overseas Contingency Oper-
14 ations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
18 CORPS

19 For an additional amount for “Procurement of Am-
20 munition, Navy and Marine Corps”, \$65,699,000, to re-
21 main available until September 30, 2019: *Provided*, That
22 such amount is designated by the Congress for Overseas
23 Contingency Operations/Global War on Terrorism pursu-
24 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
25 and Emergency Deficit Control Act of 1985.

1 OTHER PROCUREMENT, NAVY

2 For an additional amount for “Other Procurement,
3 Navy”, \$99,811,000, to remain available until September
4 30, 2019: *Provided*, That such amount is designated by
5 the Congress for Overseas Contingency Operations/Global
6 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
7 the Balanced Budget and Emergency Deficit Control Act
8 of 1985.

9 PROCUREMENT, MARINE CORPS

10 For an additional amount for “Procurement, Marine
11 Corps”, \$118,939,000, to remain available until Sep-
12 tember 30, 2019: *Provided*, That such amount is des-
13 ignated by the Congress for Overseas Contingency Oper-
14 ations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 AIRCRAFT PROCUREMENT, AIR FORCE

18 For an additional amount for “Aircraft Procurement,
19 Air Force”, \$794,099,000, to remain available until Sep-
20 tember 30, 2019: *Provided*, That such amount is des-
21 ignated by the Congress for Overseas Contingency Oper-
22 ations/Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 MISSILE PROCUREMENT, AIR FORCE

2 For an additional amount for “Missile Procurement,
3 Air Force”, \$322,745,000, to remain available until Sep-
4 tember 30, 2019: *Provided*, That such amount is des-
5 ignated by the Congress for Overseas Contingency Oper-
6 ations/Global War on Terrorism pursuant to section
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 PROCUREMENT OF AMMUNITION, AIR FORCE

10 For an additional amount for “Procurement of Am-
11 munition, Air Force”, \$474,908,000, to remain available
12 until September 30, 2019: *Provided*, That such amount
13 is designated by the Congress for Overseas Contingency
14 Operations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 OTHER PROCUREMENT, AIR FORCE

18 For an additional amount for “Other Procurement,
19 Air Force”, \$3,590,556,000, to remain available until
20 September 30, 2019: *Provided*, That such amount is des-
21 ignated by the Congress for Overseas Contingency Oper-
22 ations/Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 PROCUREMENT, DEFENSE-WIDE

2 For an additional amount for “Procurement, De-
3 fense-Wide”, \$219,184,000, to remain available until Sep-
4 tember 30, 2019: *Provided*, That such amount is des-
5 ignated by the Congress for Overseas Contingency Oper-
6 ations/Global War on Terrorism pursuant to section
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

10 For procurement of aircraft, missiles, tracked combat
11 vehicles, other weapons and other procurement for the re-
12 serve components of the Armed Forces, \$900,000,000, to
13 remain available for obligation until September 30, 2019:
14 *Provided*, That the Chiefs of National Guard and Reserve
15 components shall, not later than 30 days after enactment
16 of this Act, individually submit to the congressional de-
17 fense committees the modernization priority assessment
18 for their respective National Guard or Reserve component:
19 *Provided further*, That such amount is designated by the
20 Congress for Overseas Contingency Operations/Global
21 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
22 the Balanced Budget and Emergency Deficit Control Act
23 of 1985.

1 RESEARCH, DEVELOPMENT, TEST AND
2 EVALUATION

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 ARMY

5 For an additional amount for “Research, Develop-
6 ment, Test and Evaluation, Army”, \$100,522,000, to re-
7 main available until September 30, 2018: *Provided*, That
8 such amount is designated by the Congress for Overseas
9 Contingency Operations/Global War on Terrorism pursu-
10 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
11 and Emergency Deficit Control Act of 1985.

12 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
13 NAVY

14 For an additional amount for “Research, Develop-
15 ment, Test and Evaluation, Navy”, \$78,323,000, to re-
16 main available until September 30, 2018: *Provided*, That
17 such amount is designated by the Congress for Overseas
18 Contingency Operations/Global War on Terrorism pursu-
19 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
20 and Emergency Deficit Control Act of 1985.

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

23 For an additional amount for “Research, Develop-
24 ment, Test and Evaluation, Air Force”, \$32,905,000, to
25 remain available until September 30, 2018: *Provided*,

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

5 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
6 DEFENSE-WIDE

7 For an additional amount for “Research, Develop-
8 ment, Test and Evaluation, Defense-Wide”,
9 \$162,419,000, to remain available until September 30,
10 2018: *Provided*, That such amount is designated by the
11 Congress for Overseas Contingency Operations/Global
12 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
13 the Balanced Budget and Emergency Deficit Control Act
14 of 1985.

15 REVOLVING AND MANAGEMENT FUNDS

16 DEFENSE WORKING CAPITAL FUNDS

17 For an additional amount for “Defense Working
18 Capital Funds”, \$140,633,000: *Provided*, That such
19 amount is designated by the Congress for Overseas Con-
20 tingency Operations/Global War on Terrorism pursuant to
21 section 251(b)(2)(A)(ii) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

1 OTHER DEPARTMENT OF DEFENSE PROGRAMS
2 DEFENSE HEALTH PROGRAM

3 For an additional amount for “Defense Health Pro-
4 gram”, \$331,764,000, which shall be for operation and
5 maintenance: *Provided*, That such amount is designated
6 by the Congress for Overseas Contingency Operations/
7 Global War on Terrorism pursuant to section
8 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
11 DEFENSE

12 For an additional amount for “Drug Interdiction and
13 Counter-Drug Activities, Defense”, \$215,333,000: *Pro-*
14 *vided*, That such amount is designated by the Congress
15 for Overseas Contingency Operations/Global War on Ter-
16 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
17 anced Budget and Emergency Deficit Control Act of 1985.

18 JOINT IMPROVISED-THREAT DEFEAT FUND

19 (INCLUDING TRANSFER OF FUNDS)

20 For the “Joint Improvised-Threat Defeat Fund”,
21 \$333,272,000, to remain available until September 30,
22 2019: *Provided*, That such funds shall be available to the
23 Secretary of Defense, notwithstanding any other provision
24 of law, for the purpose of allowing the Director of the
25 Joint Improvised-Threat Defeat Organization to inves-

1 tigate, develop and provide equipment, supplies, services,
2 training, facilities, personnel and funds to assist United
3 States forces in the defeat of improvised explosive devices:
4 *Provided further*, That the Secretary of Defense may
5 transfer funds provided herein to appropriations for mili-
6 tary personnel; operation and maintenance; procurement;
7 research, development, test and evaluation; and defense
8 working capital funds to accomplish the purpose provided
9 herein: *Provided further*, That this transfer authority is
10 in addition to any other transfer authority available to the
11 Department of Defense: *Provided further*, That the Sec-
12 retary of Defense shall, not fewer than 5 days prior to
13 making transfers from this appropriation, notify the con-
14 gressional defense committees in writing of the details of
15 any such transfer: *Provided further*, That such amount is
16 designated by the Congress for Overseas Contingency Op-
17 erations/Global War on Terrorism pursuant to section
18 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 OFFICE OF THE INSPECTOR GENERAL

21 For an additional amount for the “Office of the In-
22 spector General”, \$22,062,000: *Provided*, That such
23 amount is designated by the Congress for Overseas Con-
24 tingency Operations/Global War on Terrorism pursuant to

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

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 9001. Notwithstanding any other provision of
5 law, funds made available in this title are in addition to
6 amounts appropriated or otherwise made available for the
7 Department of Defense for fiscal year 2017.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 9002. Upon the determination of the Secretary
10 of Defense that such action is necessary in the national
11 interest, the Secretary may, with the approval of the Of-
12 fice of Management and Budget, transfer up to
13 \$2,500,000,000 between the appropriations or funds made
14 available to the Department of Defense in this title: *Pro-*
15 *vided*, That the Secretary shall notify the Congress
16 promptly of each transfer made pursuant to the authority
17 in this section: *Provided further*, That the authority pro-
18 vided in this section is in addition to any other transfer
19 authority available to the Department of Defense and is
20 subject to the same terms and conditions as the authority
21 provided in section 8005 of this Act.

22 SEC. 9003. Supervision and administration costs and
23 costs for design during construction associated with a con-
24 struction project funded with appropriations available for
25 operation and maintenance or the “Afghanistan Security

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

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

17 SEC. 9005. Not to exceed \$5,000,000 of the amounts
18 appropriated by this title under the heading “Operation
19 and Maintenance, Army” may be used, notwithstanding
20 any other provision of law, to fund the Commanders’
21 Emergency Response Program (CERP), for the purpose
22 of enabling military commanders in Afghanistan to re-
23 spond to urgent, small-scale, humanitarian relief and re-
24 construction requirements within their areas of responsi-
25 bility: *Provided*, That each project (including any ancillary

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

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

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

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

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

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

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

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

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

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

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

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

1 regulations under part 208 of title 8, Code of Fed-
2 eral Regulations, and part 95 of title 22, Code of
3 Federal Regulations.

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

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

23 SEC. 9010. 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. 9011. (a) None of the funds appropriated or
9 otherwise made available by this Act under the heading
10 “Operation and Maintenance, Defense-Wide” for pay-
11 ments under section 1233 of Public Law 110–181 for re-
12 imbursement to the Government of Pakistan may be made
13 available unless the Secretary of Defense, in coordination
14 with the Secretary of State, certifies to the congressional
15 defense committees that the Government of Pakistan is—

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

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

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

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

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

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

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

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

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

6 SEC. 9012. None of the funds made available by this
7 Act may be used with respect to Syria in contravention
8 of the War Powers Resolution (50 U.S.C. 1541 et seq.),
9 including for the introduction of United States armed or
10 military forces into hostilities in Syria, into situations in
11 Syria where imminent involvement in hostilities is clearly
12 indicated by the circumstances, or into Syrian territory,
13 airspace, or waters while equipped for combat, in con-
14 travention of the congressional consultation and reporting
15 requirements of sections 3 and 4 of that law (50 U.S.C.
16 1542 and 1543).

17 SEC. 9013. None of the funds in this Act may be
18 made available for the transfer of additional C-130 cargo
19 aircraft to the Afghanistan National Security Forces or
20 the Afghanistan Air Force until the Department of De-
21 fense provides a report to the congressional defense com-
22 mittees of the Afghanistan Air Force's medium airlift re-
23 quirements. The report should identify Afghanistan's abil-
24 ity to utilize and maintain existing medium lift aircraft
25 in the inventory and the best alternative platform, if nec-

1 essary, to provide additional support to the Afghanistan
2 Air Force’s current medium airlift capacity.

3 (RESCISSIONS)

4 SEC. 9014. Of the funds appropriated in Department
5 of Defense Appropriations Acts, the following funds are
6 hereby rescinded from the following accounts and pro-
7 grams in the specified amounts: *Provided*, That such
8 amounts are designated by the Congress for Overseas
9 Contingency Operations/Global War on Terrorism pursu-
10 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
11 and Emergency Deficit Control Act of 1985:

12 “Other Procurement, Air Force”, 2016/2018,
13 \$169,000,000; and

14 “Afghanistan Security Forces Fund”, 2016/
15 2017, \$400,000,000.

16 (RESCISSION)

17 SEC. 9015. Of the funds appropriated in Department
18 of Defense Appropriations Acts, the following funds are
19 hereby rescinded from the following accounts and pro-
20 grams in the specified amounts: *Provided*, That amounts
21 rescinded pursuant to this section that were previously
22 designated by the Congress for contingency operations di-
23 rectly related to the global war on terrorism pursuant to
24 section 3(c)(2) of H. Res. 5 (112th Congress) and as an
25 emergency requirement pursuant to section 403(a) of S.

1 Con. Res. 13 (111th Congress) are designated by the Con-
2 gress for Overseas Contingency Operations/Global War on
3 Terrorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985:
5 “Operation and Maintenance, Defense-Wide:
6 Coalition Support Funds”, XXXX, \$14,244,000.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 9016. In addition to amounts appropriated in
9 title II or otherwise made available elsewhere in this Act,
10 \$1,000,000,000 is hereby appropriated to the Department
11 of Defense and made available for transfer to the oper-
12 ation and maintenance accounts of the Army, Navy, Ma-
13 rine Corps, and Air Force (including National Guard and
14 reserve) for purposes of improving military readiness: *Pro-*
15 *vided*, That the transfer authority provided under this pro-
16 vision is in addition to any other transfer authority pro-
17 vided elsewhere in this Act: *Provided further*, That such
18 amount is designated by the Congress for Overseas Con-
19 tingency Operations/Global War on Terrorism pursuant to
20 section 251(b)(2)(A)(ii) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 SEC. 9017. Each amount designated in this Act by
23 the Congress for Overseas Contingency Operations/Global
24 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
25 the Balanced Budget and Emergency Deficit Control Act

1 of 1985 shall be available (or rescinded, if applicable) only
2 if the President subsequently so designates all such
3 amounts and transmits such designations to the Congress.

4 This Act may be cited as the “Department of Defense
5 Appropriations Act, 2017”.

Calendar No. 500

114TH CONGRESS
2^D SESSION

S. 3000

[Report No. 114-263]

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.

MAY 26, 2016

Read twice and placed on the calendar