

[COMMITTEE PRINT]

NOTICE: This bill is a draft for use of the Committee and its Staff only, in preparation for markup.

Calendar No. 000116TH CONGRESS
2^D SESSION**S. 0000****[Report No. 116-000]**

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER _____, 2020

Mr. SHELBY, 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, 2021, 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

1 money in the Treasury not otherwise appropriated, for the
2 Department of Defense for the fiscal year ending Sep-
3 tember 30, 2021, and for other purposes, namely:

4 TITLE I

5 MILITARY PERSONNEL

6 MILITARY PERSONNEL, ARMY

7 For pay, allowances, individual clothing, subsistence,
8 interest on deposits, gratuities, permanent change of sta-
9 tion travel (including all expenses thereof for organiza-
10 tional movements), and expenses of temporary duty travel
11 between permanent duty stations, for members of the
12 Army on active duty (except members of reserve compo-
13 nents provided for elsewhere), cadets, and aviation cadets;
14 for members of the Reserve Officers' Training Corps; and
15 for payments pursuant to section 156 of Public Law 97-
16 377, as amended (42 U.S.C. 402 note), and to the Depart-
17 ment of Defense Military Retirement Fund,
18 \$44,938,027,000.

19 MILITARY PERSONNEL, NAVY

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

1 vided for elsewhere), midshipmen, and aviation cadets; for
2 members of the Reserve Officers' Training Corps; and for
3 payments pursuant to section 156 of Public Law 97-377,
4 as amended (42 U.S.C. 402 note), and to the Department
5 of Defense Military Retirement Fund, \$33,737,865,000.

6 MILITARY PERSONNEL, MARINE CORPS

7 For pay, allowances, individual clothing, subsistence,
8 interest on deposits, gratuities, permanent change of sta-
9 tion travel (including all expenses thereof for organiza-
10 tional movements), and expenses of temporary duty travel
11 between permanent duty stations, for members of the Ma-
12 rine Corps on active duty (except members of the Reserve
13 provided for elsewhere); and for payments pursuant to sec-
14 tion 156 of Public Law 97-377, as amended (42 U.S.C.
15 402 note), and to the Department of Defense Military Re-
16 tirement Fund, \$14,582,146,000.

17 MILITARY PERSONNEL, AIR FORCE

18 For pay, allowances, individual clothing, subsistence,
19 interest on deposits, gratuities, permanent change of sta-
20 tion travel (including all expenses thereof for organiza-
21 tional movements), and expenses of temporary duty travel
22 between permanent duty stations, for members of the Air
23 Force on active duty (except members of reserve compo-
24 nents provided for elsewhere), cadets, and aviation cadets;
25 for members of the Reserve Officers' Training Corps; and

1 for payments pursuant to section 156 of Public Law 97–
2 377, as amended (42 U.S.C. 402 note), and to the Depart-
3 ment of Defense Military Retirement Fund,
4 \$32,850,910,000.

5 RESERVE PERSONNEL, ARMY

6 For pay, allowances, clothing, subsistence, gratuities,
7 travel, and related expenses for personnel of the Army Re-
8 serve on active duty under sections 10211, 10302, and
9 7038 of title 10, United States Code, or while serving on
10 active duty under section 12301(d) of title 10, United
11 States Code, in connection with performing duty specified
12 in section 12310(a) of title 10, United States Code, or
13 while undergoing reserve training, or while performing
14 drills or equivalent duty or other duty, and expenses au-
15 thorized by section 16131 of title 10, United States Code;
16 and for payments to the Department of Defense Military
17 Retirement Fund, \$5,062,551,000.

18 RESERVE PERSONNEL, NAVY

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

1 serve training, or while performing drills or equivalent
2 duty, and expenses authorized by section 16131 of title
3 10, United States Code; and for payments to the Depart-
4 ment of Defense Military Retirement Fund,
5 \$2,192,088,000.

6 RESERVE PERSONNEL, MARINE CORPS

7 For pay, allowances, clothing, subsistence, gratuities,
8 travel, and related expenses for personnel of the Marine
9 Corps Reserve on active duty under section 10211 of title
10 10, United States Code, or while serving on active duty
11 under section 12301(d) of title 10, United States Code,
12 in connection with performing duty specified in section
13 12310(a) of title 10, United States Code, or while under-
14 going reserve training, or while performing drills or equiv-
15 alent duty, and for members of the Marine Corps platoon
16 leaders class, and expenses authorized by section 16131
17 of title 10, United States Code; and for payments to the
18 Department of Defense Military Retirement Fund,
19 \$829,491,000.

20 RESERVE PERSONNEL, AIR FORCE

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

1 States Code, in connection with performing duty specified
2 in section 12310(a) of title 10, United States Code, or
3 while undergoing reserve training, or while performing
4 drills or equivalent duty or other duty, and expenses au-
5 thorized by section 16131 of title 10, United States Code;
6 and for payments to the Department of Defense Military
7 Retirement Fund, \$2,193,170,000.

8 NATIONAL GUARD PERSONNEL, ARMY

9 For pay, allowances, clothing, subsistence, gratuities,
10 travel, and related expenses for personnel of the Army Na-
11 tional Guard while on duty under sections 10211, 10302,
12 or 12402 of title 10 or section 708 of title 32, United
13 States Code, or while serving on duty under section
14 12301(d) of title 10 or section 502(f) of title 32, United
15 States Code, in connection with performing duty specified
16 in section 12310(a) of title 10, United States Code, or
17 while undergoing training, or while performing drills or
18 equivalent duty or other duty, and expenses authorized by
19 section 16131 of title 10, United States Code; and for pay-
20 ments to the Department of Defense Military Retirement
21 Fund, \$8,702,813,000.

22 NATIONAL GUARD PERSONNEL, AIR FORCE

23 For pay, allowances, clothing, subsistence, gratuities,
24 travel, and related expenses for personnel of the Air Na-
25 tional Guard on duty under sections 10211, 10305, or

1 12402 of title 10 or section 708 of title 32, United States
2 Code, or while serving on duty under section 12301(d) of
3 title 10 or section 502(f) of title 32, United States Code,
4 in connection with performing duty specified in section
5 12310(a) of title 10, United States Code, or while under-
6 going training, or while performing drills or equivalent
7 duty or other duty, and expenses authorized by section
8 16131 of title 10, United States Code; and for payments
9 to the Department of Defense Military Retirement Fund,
10 \$4,527,419,000.

1 TITLE II

2 OPERATION AND MAINTENANCE

3 OPERATION AND MAINTENANCE, ARMY

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance of the Army, as author-
6 ized by law, \$39,675,024,000: *Provided*, That not to ex-
7 ceed \$12,478,000 may be used for emergencies and ex-
8 traordinary expenses, to be expended upon the approval
9 or authority of the Secretary of the Army, and payments
10 may be made upon his certificate of necessity for confiden-
11 tial military purposes.

12 OPERATION AND MAINTENANCE, NAVY

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance of the Navy and the
15 Marine Corps, as authorized by law, \$49,091,602,000:
16 *Provided*, That not to exceed \$15,055,000 may be used
17 for emergencies and extraordinary expenses, to be ex-
18 pended upon the approval or authority of the Secretary
19 of the Navy, and payments may be made upon his certifi-
20 cate of necessity for confidential military purposes.

21 OPERATION AND MAINTENANCE, MARINE CORPS

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance of the Marine Corps,
24 as authorized by law, \$7,185,844,000.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Air Force, as
4 authorized by law, \$34,539,699,000: *Provided*, That not
5 to exceed \$7,699,000 may be used for emergencies and
6 extraordinary expenses, to be expended upon the approval
7 or authority of the Secretary of the Air Force, and pay-
8 ments may be made upon his certificate of necessity for
9 confidential military purposes.

10 OPERATION AND MAINTENANCE, SPACE FORCE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance of the Space Force, as
13 authorized by law, \$2,502,294,000.

14 OPERATION AND MAINTENANCE, DEFENSE-WIDE

15 (INCLUDING TRANSFER OF FUNDS)

16 For expenses, not otherwise provided for, necessary
17 for the operation and maintenance of activities and agen-
18 cies of the Department of Defense (other than the military
19 departments), as authorized by law, \$38,584,918,000:
20 *Provided*, That not more than \$3,000,000 may be used
21 for the Combatant Commander Initiative Fund authorized
22 under section 166a of title 10, United States Code: *Pro-*
23 *vided further*, That not to exceed \$36,000,000 may be
24 used for emergencies and extraordinary expenses, to be ex-
25 pended upon the approval or authority of the Secretary

1 of Defense, and payments may be made upon his certifi-
2 cate of necessity for confidential military purposes: *Pro-*
3 *vided further*, That of the funds provided under this head-
4 ing, not less than \$43,636,000 shall be made available for
5 the Procurement Technical Assistance Cooperative Agree-
6 ment Program, of which not less than \$4,500,000 shall
7 be available for centers defined in 10 U.S.C. 2411(1)(D):
8 *Provided further*, That none of the funds appropriated or
9 otherwise made available by this Act may be used to plan
10 or implement the consolidation of a budget or appropria-
11 tions liaison office of the Office of the Secretary of De-
12 fense, the office of the Secretary of a military department,
13 or the service headquarters of one of the Armed Forces
14 into a legislative affairs or legislative liaison office: *Pro-*
15 *vided further*, That \$18,000,000, to remain available until
16 expended, is available only for expenses relating to certain
17 classified activities, and may be transferred as necessary
18 by the Secretary of Defense to operation and maintenance
19 appropriations or research, development, test and evalua-
20 tion appropriations, to be merged with and to be available
21 for the same time period as the appropriations to which
22 transferred: *Provided further*, That any ceiling on the in-
23 vestment item unit cost of items that may be purchased
24 with operation and maintenance funds shall not apply to
25 the funds described in the preceding proviso: *Provided fur-*

1 *ther*, That of the funds provided under this heading,
2 \$610,159,000, of which \$410,697,000, to remain available
3 until September 30, 2022, shall be available to provide
4 support and assistance to foreign security forces or other
5 groups or individuals to conduct, support or facilitate
6 counterterrorism, crisis response, or other Department of
7 Defense security cooperation programs: *Provided further*,
8 That the transfer authority provided under this heading
9 is in addition to any other transfer authority provided else-
10 where in this Act.

11 OPERATION AND MAINTENANCE, ARMY RESERVE

12 For expenses, not otherwise provided for, necessary
13 for the operation and maintenance, including training, or-
14 ganization, and administration, of the Army Reserve; re-
15 pair of facilities and equipment; hire of passenger motor
16 vehicles; travel and transportation; care of the dead; re-
17 cruiting; procurement of services, supplies, and equip-
18 ment; and communications, \$2,885,717,000.

19 OPERATION AND MAINTENANCE, NAVY RESERVE

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

1 recruiting; procurement of services, supplies, and equip-
2 ment; and communications, \$1,103,046,000.

3 OPERATION AND MAINTENANCE, MARINE CORPS

4 RESERVE

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance, including training, or-
7 ganization, and administration, of the Marine Corps Re-
8 serve; repair of facilities and equipment; hire of passenger
9 motor vehicles; travel and transportation; care of the dead;
10 recruiting; procurement of services, supplies, and equip-
11 ment; and communications, \$281,656,000.

12 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance, including training, or-
15 ganization, and administration, of the Air Force Reserve;
16 repair of facilities and equipment; hire of passenger motor
17 vehicles; travel and transportation; care of the dead; re-
18 cruiting; procurement of services, supplies, and equip-
19 ment; and communications, \$3,251,284,000.

20 OPERATION AND MAINTENANCE, ARMY NATIONAL

21 GUARD

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

1 tures and facilities; hire of passenger motor vehicles; per-
2 sonnel services in the National Guard Bureau; travel ex-
3 penses (other than mileage), as authorized by law for
4 Army personnel on active duty, for Army National Guard
5 division, regimental, and battalion commanders while in-
6 specting units in compliance with National Guard Bureau
7 regulations when specifically authorized by the Chief, Na-
8 tional Guard Bureau; supplying and equipping the Army
9 National Guard as authorized by law; and expenses of re-
10 pair, modification, maintenance, and issue of supplies and
11 equipment (including aircraft), \$7,349,548,000.

12 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

1 while inspecting units in compliance with National Guard
2 Bureau regulations when specifically authorized by the
3 Chief, National Guard Bureau, \$6,784,996,000.

4 UNITED STATES COURT OF APPEALS FOR THE ARMED
5 FORCES

6 For salaries and expenses necessary for the United
7 States Court of Appeals for the Armed Forces,
8 \$15,211,000, of which not to exceed \$5,000 may be used
9 for official representation purposes.

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

12 For the Department of the Army, \$207,518,000, to
13 remain available until transferred: *Provided*, That the Sec-
14 retary of the Army shall, upon determining that such
15 funds are required for environmental restoration, reduc-
16 tion and recycling of hazardous waste, removal of unsafe
17 buildings and debris of the Department of the Army, or
18 for similar purposes, transfer the funds made available by
19 this appropriation to other appropriations made available
20 to the Department of the Army, to be merged with and
21 to be available for the same purposes and for the same
22 time period as the appropriations to which transferred:
23 *Provided further*, That upon a determination that all or
24 part of the funds transferred from this appropriation are
25 not necessary for the purposes provided herein, such

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

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

7 For the Department of the Navy, \$352,932,000, to
8 remain available until transferred: *Provided*, That the Sec-
9 retary of the Navy shall, upon determining that such
10 funds are required for environmental restoration, reduc-
11 tion and recycling of hazardous waste, removal of unsafe
12 buildings and debris of the Department of the Navy, or
13 for similar purposes, transfer the funds made available by
14 this appropriation to other appropriations made available
15 to the Department of the Navy, to be merged with and
16 to be available for the same purposes and for the same
17 time period as the appropriations to which transferred:
18 *Provided further*, That upon a determination that all or
19 part of the funds transferred from this appropriation are
20 not necessary for the purposes provided herein, such
21 amounts may be transferred back to this appropriation:
22 *Provided further*, That the transfer authority provided
23 under this heading is in addition to any other transfer au-
24 thority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$303,926,000,
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, \$9,105,000, 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, \$216,587,000, 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), \$109,900,000, to remain available
18 until September 30, 2022.

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, \$238,490,000, to remain
25 available until September 30, 2023.

1 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
2 DEVELOPMENT ACCOUNT

3 For the Department of Defense Acquisition Work-
4 force Development Account, \$108,181,000, to remain
5 available for obligation until September 30, 2022: *Pro-*
6 *vided*, That no other amounts may be otherwise credited
7 or transferred to the Account, or deposited into the Ac-
8 count, in fiscal year 2021 pursuant to section 1705(d) of
9 title 10, United States Code.

1 TITLE III
2 PROCUREMENT
3 AIRCRAFT PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-
5 tion, and modernization of aircraft, equipment, including
6 ordnance, ground handling equipment, spare parts, and
7 accessories therefor; specialized equipment and training
8 devices; expansion of public and private plants, including
9 the land necessary therefor, for the foregoing purposes,
10 and such lands and interests therein, may be acquired,
11 and construction prosecuted thereon prior to approval of
12 title; and procurement and installation of equipment, ap-
13 pliances, and machine tools in public and private plants;
14 reserve plant and Government and contractor-owned
15 equipment layaway; and other expenses necessary for the
16 foregoing purposes, \$3,233,194,000, to remain available
17 for obligation until September 30, 2023.

18 MISSILE PROCUREMENT, ARMY

19 For construction, procurement, production, modifica-
20 tion, and modernization of missiles, equipment, including
21 ordnance, ground handling equipment, spare parts, and
22 accessories therefor; specialized equipment and training
23 devices; expansion of public and private plants, including
24 the land necessary therefor, for the foregoing purposes,
25 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, \$3,190,699,000, to remain available
7 for obligation until September 30, 2023.

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, \$3,825,082,000, to remain available for obliga-
23 tion until September 30, 2023.

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, \$2,827,369,000, to remain
15 available for obligation until September 30, 2023.

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 \$8,647,745,000, to remain available for obligation until
8 September 30, 2023.

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 \$18,795,890,000, to remain available for obligation until
21 September 30, 2023.

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, \$4,626,495,000, to remain available for obliga-
9 tion until September 30, 2023.

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, \$819,809,000, to remain avail-
25 able for obligation until September 30, 2023.

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, \$2,891,475,000;

15 Ohio Replacement Submarine (AP),
16 \$1,253,175,000;

17 Carrier Replacement Program (CVN-80),
18 \$997,544,000;

19 Carrier Replacement Program (CVN-81),
20 \$1,645,606,000;

21 Virginia Class Submarine, \$2,334,693,000;

22 Virginia Class Submarine (AP),
23 \$2,373,187,000;

24 CVN Refueling Overhauls, \$1,531,153,000;

25 CVN Refueling Overhauls (AP), \$17,384,000;

1 DDG-1000 Program, \$78,205,000;
2 DDG-51 Destroyer, \$3,255,270,000;
3 DDG-51 Destroyer (AP), \$159,297,000;
4 FFG-Frigate, \$1,053,123,000;
5 LPD Flight II, \$1,125,801,000;
6 LPD 32 (AP), \$1,000,000;
7 LPD 33 (AP), \$1,000,000;
8 Expeditionary Sea Base (AP), \$73,000,000;
9 LHA Replacement, \$500,000,000;
10 Expeditionary Fast Transport, \$260,000,000;
11 Towing Salvage and Rescue Ship,
12 \$168,209,000;
13 LCU 1700, \$87,395,000;
14 Service Craft, \$249,781,000;
15 LCAC SLEP, \$56,461,000;
16 Auxiliary Vessels, \$60,000,000;
17 For outfitting, post delivery, conversions, and
18 first destination transportation, \$766,334,000; and
19 Completion of Prior Year Shipbuilding Pro-
20 grams, \$407,312,000.
21 In all: \$21,346,405,000, to remain available for obli-
22 gation until September 30, 2025: *Provided*, That addi-
23 tional obligations may be incurred after September 30,
24 2025, for engineering services, tests, evaluations, and
25 other such budgeted work that must be performed in the

1 final stage of ship construction: *Provided further*, That
2 none of the funds provided under this heading for the con-
3 struction or conversion of any naval vessel to be con-
4 structed in shipyards in the United States shall be ex-
5 pended in foreign facilities for the construction of major
6 components of such vessel: *Provided further*, That none
7 of the funds provided under this heading shall be used
8 for the construction of any naval vessel in foreign ship-
9 yards: *Provided further*, That funds appropriated or other-
10 wise made available by this Act for Ohio Replacement
11 Submarine (AP) may be available for the purposes author-
12 ized by subsections (f), (g), (h) or (i) of section 2218a
13 of title 10, United States Code, only in accordance with
14 the provisions of the applicable subsection.

15 OTHER PROCUREMENT, NAVY

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

1 private plants; reserve plant and Government and con-
2 tractor-owned equipment layaway, \$10,889,894,000, to
3 remain available for obligation until September 30, 2023:
4 *Provided*, That such funds are also available for the main-
5 tenance, repair, and modernization of Pacific Fleet ships
6 under a pilot program established for such purposes.

7 PROCUREMENT, MARINE CORPS

8 For expenses necessary for the procurement, manu-
9 facture, and modification of missiles, armament, military
10 equipment, spare parts, and accessories therefor; plant
11 equipment, appliances, and machine tools, and installation
12 thereof in public and private plants; reserve plant and
13 Government and contractor-owned equipment layaway; ve-
14 hicles for the Marine Corps, including the purchase of pas-
15 senger motor vehicles for replacement only; and expansion
16 of public and private plants, including land necessary
17 therefor, and such lands and interests therein, may be ac-
18 quired, and construction prosecuted thereon prior to ap-
19 proval of title, \$2,722,853,000, to remain available for ob-
20 ligation until September 30, 2023.

21 AIRCRAFT PROCUREMENT, AIR FORCE

22 For construction, procurement, and modification of
23 aircraft and equipment, including armor and armament,
24 specialized ground handling equipment, and training de-
25 vices, spare parts, and accessories therefor; specialized

1 equipment; expansion of public and private plants, Gov-
2 ernment-owned equipment and installation thereof in such
3 plants, erection of structures, and acquisition of land, for
4 the foregoing purposes, and such lands and interests
5 therein, may be acquired, and construction prosecuted
6 thereon prior to approval of title; reserve plant and Gov-
7 ernment and contractor-owned equipment layaway; and
8 other expenses necessary for the foregoing purposes in-
9 cluding rents and transportation of things,
10 \$18,360,141,000, to remain available for obligation until
11 September 30, 2023.

12 MISSILE PROCUREMENT, AIR FORCE

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

1 things, \$2,281,817,000, to remain available for obligation
2 until September 30, 2023.

3 PROCUREMENT OF AMMUNITION, AIR FORCE

4 For construction, procurement, production, and
5 modification of ammunition, and accessories therefor; spe-
6 cialized equipment and training devices; expansion of pub-
7 lic and private plants, including ammunition facilities, au-
8 thorized by section 2854 of title 10, United States Code,
9 and the land necessary therefor, for the foregoing pur-
10 poses, and such lands and interests therein, may be ac-
11 quired, and construction prosecuted thereon prior to ap-
12 proval of title; and procurement and installation of equip-
13 ment, appliances, and machine tools in public and private
14 plants; reserve plant and Government and contractor-
15 owned equipment layaway; and other expenses necessary
16 for the foregoing purposes, \$562,844,000, to remain avail-
17 able for obligation until September 30, 2023.

18 OTHER PROCUREMENT, AIR FORCE

19 For procurement and modification of equipment (in-
20 cluding ground guidance and electronic control equipment,
21 and ground electronic and communication equipment),
22 and supplies, materials, and spare parts therefor, not oth-
23 erwise provided for; the purchase of passenger motor vehi-
24 cles for replacement only; lease of passenger motor vehi-
25 cles; and expansion of public and private plants, Govern-

1 ment-owned equipment and installation thereof in such
2 plants, erection of structures, and acquisition of land, for
3 the foregoing purposes, and such lands and interests
4 therein, may be acquired, and construction prosecuted
5 thereon, prior to approval of title; reserve plant and Gov-
6 ernment and contractor-owned equipment layaway,
7 \$23,225,804,000, to remain available for obligation until
8 September 30, 2023.

9 PROCUREMENT, SPACE FORCE

10 For construction, procurement, and modification of
11 spacecraft, rockets, and related equipment, including
12 spare parts and accessories therefor; ground handling
13 equipment, and training devices; expansion of public and
14 private plants, Government-owned equipment and installa-
15 tion thereof in such plants, erection of structures, and ac-
16 quisition of land, for the foregoing purposes, and such
17 lands and interests therein, may be acquired, and con-
18 struction prosecuted thereon prior to approval of title; re-
19 serve plant and Government and contractor-owned equip-
20 ment layaway; and other expenses necessary for the fore-
21 going purposes including rents and transportation of
22 things, \$2,227,179,000, to remain available for obligation
23 until September 30, 2023.

1 PROCUREMENT, DEFENSE-WIDE

2 For expenses of activities and agencies of the Depart-
3 ment of Defense (other than the military departments)
4 necessary for procurement, production, and modification
5 of equipment, supplies, materials, and spare parts there-
6 for, not otherwise provided for; the purchase of passenger
7 motor vehicles for replacement only; expansion of public
8 and private plants, equipment, and installation thereof in
9 such plants, erection of structures, and acquisition of land
10 for the foregoing purposes, and such lands and interests
11 therein, may be acquired, and construction prosecuted
12 thereon prior to approval of title; reserve plant and Gov-
13 ernment and contractor-owned equipment layaway,
14 \$5,556,960,000, to remain available for obligation until
15 September 30, 2023.

16 DEFENSE PRODUCTION ACT PURCHASES

17 For activities by the Department of Defense pursuant
18 to sections 108, 301, 302, and 303 of the Defense Produc-
19 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
20 \$164,639,000, to remain available until expended: *Pro-*
21 *vided*, That \$60,000,000 of the funds provided under this
22 heading shall be obligated and expended by the Secretary
23 of Defense as if delegated the necessary authorities con-
24 ferred by the Defense Production Act of 1950.

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

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$12,812,686,000, to remain avail-
10 able for obligation until September 30, 2022.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$19,758,538,000, to remain avail-
17 able for obligation until September 30, 2022: *Provided*,
18 That funds appropriated in this paragraph which are
19 available for the V-22 may be used to meet unique oper-
20 ational requirements of the Special Operations Forces.

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

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

1 cilities and equipment, \$35,695,255,000, to remain avail-
2 able for obligation until September 30, 2022.

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

5 For expenses necessary for basic and applied sci-
6 entific research, development, test and evaluation, includ-
7 ing maintenance, rehabilitation, lease, and operation of fa-
8 cilities and equipment, \$10,434,327,000, to remain avail-
9 able until September 30, 2022.

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 \$25,122,150,000, to remain available for obligation until
20 September 30, 2022.

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, \$257,120,000, to remain available
5 for obligation until September 30, 2022.

1 TITLE V
2 REVOLVING AND MANAGEMENT FUNDS
3 DEFENSE WORKING CAPITAL FUNDS

4 For the Defense Working Capital Funds,
5 \$2,600,910,000.

6 TITLE VI
7 OTHER DEPARTMENT OF DEFENSE PROGRAMS
8 DEFENSE HEALTH PROGRAM

9 For expenses, not otherwise provided for, for medical
10 and health care programs of the Department of Defense
11 as authorized by law, \$33,187,053,000; of which
12 \$30,906,612,000 shall be for operation and maintenance,
13 of which not to exceed one percent shall remain available
14 for obligation until September 30, 2022, and of which up
15 to \$15,736,954,000 may be available for contracts entered
16 into under the TRICARE program; of which
17 \$530,842,000, to remain available for obligation until Sep-
18 tember 30, 2023, shall be for procurement; and of which
19 \$1,749,599,000, to remain available for obligation until
20 September 30, 2022, shall be for research, development,
21 test and evaluation: *Provided*, That of the funds provided
22 under this heading for research, development, test and
23 evaluation, not less than \$919,500,000 shall be made
24 available to the United States Army Medical Research and

1 Development Command to carry out the congressionally
2 directed medical research programs.

3 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
4 DEFENSE

5 For expenses, not otherwise provided for, necessary
6 for the destruction of the United States stockpile of lethal
7 chemical agents and munitions in accordance with the pro-
8 visions of section 1412 of the Department of Defense Au-
9 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
10 struction of other chemical warfare materials that are not
11 in the chemical weapon stockpile, \$889,500,000, of which
12 \$106,691,000 shall be for operation and maintenance, of
13 which no less than \$51,009,000 shall be for the Chemical
14 Stockpile Emergency Preparedness Program, consisting of
15 \$22,235,000 for activities on military installations and
16 \$28,774,000, to remain available until September 30,
17 2022, to assist State and local governments; \$616,000
18 shall be for procurement, to remain available until Sep-
19 tember 30, 2023, of which not less than \$616,000 shall
20 be for the Chemical Stockpile Emergency Preparedness
21 Program to assist State and local governments; and
22 \$782,193,000, to remain available until September 30,
23 2022, shall be for research, development, test and evalua-
24 tion, of which \$775,699,000 shall only be for the Assem-
25 bled Chemical Weapons Alternatives program.

1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
2 DEFENSE
3 (INCLUDING TRANSFER OF FUNDS)

4 For drug interdiction and counter-drug activities of
5 the Department of Defense, for transfer to appropriations
6 available to the Department of Defense for military per-
7 sonnel of the reserve components serving under the provi-
8 sions of title 10 and title 32, United States Code; for oper-
9 ation and maintenance; for procurement; and for research,
10 development, test and evaluation, \$923,429,000, of which
11 \$580,003,000 shall be for counter-narcotics support;
12 \$123,704,000 shall be for the drug demand reduction pro-
13 gram; \$194,211,000 shall be for the National Guard
14 counter-drug program; and \$25,511,000 shall be for the
15 National Guard counter-drug schools program: *Provided*,
16 That the funds appropriated under this heading shall be
17 available for obligation for the same time period and for
18 the same purpose as the appropriation to which trans-
19 ferred: *Provided further*, That upon a determination that
20 all or part of the funds transferred from this appropriation
21 are not necessary for the purposes provided herein, such
22 amounts may be transferred back to this appropriation:
23 *Provided further*, That the transfer authority provided
24 under this heading is in addition to any other transfer au-
25 thority contained elsewhere in this Act.

1 OFFICE OF THE INSPECTOR GENERAL

2 For expenses and activities of the Office of the In-
3 spector General in carrying out the provisions of the In-
4 spector General Act of 1978, as amended, \$371,439,000,
5 of which \$369,483,000 shall be for operation and mainte-
6 nance, of which not to exceed \$700,000 is available for
7 emergencies and extraordinary expenses to be expended
8 upon the approval or authority of the Inspector General,
9 and payments may be made upon the Inspector General's
10 certificate of necessity for confidential military purposes;
11 of which \$858,000, to remain available for obligation until
12 September 30, 2023, shall be for procurement; and of
13 which \$1,098,000, to remain available until September 30,
14 2022, shall be for research, development, test and evalua-
15 tion.

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

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

10 **INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT**

11 For necessary expenses of the Intelligence Commu-
12 nity Management Account, \$624,653,000.

1 TITLE VIII

2 GENERAL PROVISIONS

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

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

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

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

11 (TRANSFER OF FUNDS)

12 SEC. 8005. Upon determination by the Secretary of
13 Defense that such action is necessary in the national inter-
14 est, he may, with the approval of the Office of Manage-
15 ment and Budget, transfer not to exceed \$4,000,000,000
16 of working capital funds of the Department of Defense
17 or funds made available in this Act to the Department
18 of Defense for military functions (except military con-
19 struction) between such appropriations or funds or any
20 subdivision thereof, to be merged with and to be available
21 for the same purposes, and for the same time period, as
22 the appropriation or fund to which transferred: *Provided*,
23 That such authority to transfer may not be used unless
24 for higher priority items, based on unforeseen military re-
25 quirements, than those for which originally appropriated

1 and in no case where the item for which funds are re-
2 quested has been denied by the Congress: *Provided further*,
3 That the Secretary of Defense shall notify the Congress
4 promptly of all transfers made pursuant to this authority
5 or any other authority in this Act: *Provided further*, That
6 no part of the funds in this Act shall be available to pre-
7 pare or present a request to the Committees on Appropria-
8 tions for reprogramming of funds, unless for higher pri-
9 ority items, based on unforeseen military requirements,
10 than those for which originally appropriated and in no
11 case where the item for which reprogramming is requested
12 has been denied by the Congress: *Provided further*, That
13 a request for multiple reprogrammings of funds using au-
14 thority provided in this section shall be made prior to June
15 30, 2021: *Provided further*, That transfers among military
16 personnel appropriations shall not be taken into account
17 for purposes of the limitation on the amount of funds that
18 may be transferred under this section.

19 SEC. 8006. (a) With regard to the list of specific pro-
20 grams, projects, and activities (and the dollar amounts
21 and adjustments to budget activities corresponding to
22 such programs, projects, and activities) contained in the
23 tables titled “Committee Recommended Adjustments” in
24 the explanatory statement regarding this Act and the ta-
25 bles contained in the classified annex accompanying this

1 Act, the obligation and expenditure of amounts appro-
2 priated or otherwise made available in this Act for those
3 programs, projects, and activities for which the amounts
4 appropriated exceed the amounts requested are hereby re-
5 quired by law to be carried out in the manner provided
6 by such tables to the same extent as if the tables were
7 included in the text of this Act.

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

14 SEC. 8007. (a) Not later than 60 days after enact-
15 ment of this Act, the Department of Defense shall submit
16 a report to the congressional defense committees to estab-
17 lish the baseline for application of reprogramming and
18 transfer authorities for fiscal year 2021: *Provided*, That
19 the report shall include—

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

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

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

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

17 (1) “Environmental Restoration, Army”;

18 (2) “Environmental Restoration, Navy”;

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

20 (4) “Environmental Restoration, Defense-
21 Wide”;

22 (5) “Environmental Restoration, Formerly
23 Used Defense Sites”; and

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

1 (TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

12 (b) The fiscal year 2022 budget request for the De-
13 partment of Defense as well as all justification material
14 and other documentation supporting the fiscal year 2022
15 Department of Defense budget request shall be prepared
16 and submitted to the Congress as if subsections (a) and
17 (b) of this provision were effective with regard to fiscal
18 year 2022.

19 (c) Nothing in this section shall be construed to apply
20 to military (civilian) technicians.

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

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

12 (TRANSFER OF FUNDS)

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

23 (b) The Secretary of Defense shall include with the
24 budget justification documents in support of the budget
25 for any fiscal year after fiscal year 2021 (as submitted

1 to Congress pursuant to section 1105 of title 31, United
2 States Code) a description of each transfer under this sec-
3 tion that occurred during the last fiscal year before the
4 fiscal year in which such budget is submitted.

5 SEC. 8016. 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. 8017. None of the funds appropriated by this
15 Act shall be used for the support of any nonappropriated
16 funds activity of the Department of Defense that procures
17 malt beverages and wine with nonappropriated funds for
18 resale (including such alcoholic beverages sold by the
19 drink) on a military installation located in the United
20 States unless such malt beverages and wine are procured
21 within that State, or in the case of the District of Colum-
22 bia, within the District of Columbia, in which the military
23 installation is located: *Provided*, That, in a case in which
24 the military installation is located in more than one State,
25 purchases may be made in any State in which the installa-

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

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

19 SEC. 8019. No more than \$500,000 of the funds ap-
20 propriated or made available in this Act shall be used dur-
21 ing a single fiscal year for any single relocation of an orga-
22 nization, unit, activity or function of the Department of
23 Defense into or within the National Capital Region: *Pro-*
24 *vided*, That the Secretary of Defense may waive this re-
25 striction on a case-by-case basis by certifying in writing

1 to the congressional defense committees that such a relo-
2 cation is required in the best interest of the Government.

3 SEC. 8020. Of the funds made available in this Act,
4 up to \$17,500,000 may be available for incentive pay-
5 ments authorized by section 504 of the Indian Financing
6 Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime
7 contractor or a subcontractor at any tier that makes a
8 subcontract award to any subcontractor or supplier as de-
9 fined in section 1544 of title 25, United States Code, or
10 a small business owned and controlled by an individual
11 or individuals defined under section 4221(9) of title 25,
12 United States Code, shall be considered a contractor for
13 the purposes of being allowed additional compensation
14 under section 504 of the Indian Financing Act of 1974
15 (25 U.S.C. 1544) whenever the prime contract or sub-
16 contract amount is over \$500,000 and involves the ex-
17 penditure of funds appropriated by an Act making appro-
18 priations for the Department of Defense with respect to
19 any fiscal year: *Provided further*, That notwithstanding
20 section 1906 of title 41, United States Code, this section
21 shall be applicable to any Department of Defense acquisi-
22 tion of supplies or services, including any contract and any
23 subcontract at any tier for acquisition of commercial items
24 produced or manufactured, in whole or in part, by any
25 subcontractor or supplier defined in section 1544 of title

1 25, United States Code, or a small business owned and
2 controlled by an individual or individuals defined under
3 section 4221(9) of title 25, United States Code.

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

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

16 SEC. 8023. (a) Of the funds made available in this
17 Act, not less than \$56,205,000 shall be available for the
18 Civil Air Patrol Corporation, of which—

19 (1) \$43,205,000 shall be available from “Oper-
20 ation and Maintenance, Air Force” to support Civil
21 Air Patrol Corporation operation and maintenance,
22 readiness, counter-drug activities, and drug demand
23 reduction activities involving youth programs;

24 (2) \$11,200,000 shall be available from “Air-
25 craft Procurement, Air Force”; and

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

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

7 SEC. 8024. (a) None of the funds appropriated in this
8 Act are available to establish a new Department of De-
9 fense (department) Federally funded research and devel-
10 opment center (FFRDC), either as a new entity, or as
11 a separate entity administrated by an organization man-
12 aging another FFRDC, or as a nonprofit membership cor-
13 poration consisting of a consortium of other FFRDCs and
14 other nonprofit entities.

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

1 eral Joint Travel Regulations, when engaged in the per-
2 formance of membership duties.

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

13 (d) Notwithstanding any other provision of law, of
14 the funds available to the department during fiscal year
15 2021, not more than 6,017 staff years of technical effort
16 (staff years) may be funded for defense FFRDCs: *Pro-*
17 *vided*, That, within such funds for 6,017 staff years, funds
18 shall be available only for 1,148 staff years for the defense
19 studies and analysis FFRDCs: *Provided further*, That this
20 subsection shall not apply to staff years funded in the Na-
21 tional Intelligence Program (NIP) and the Military Intel-
22 ligence Program (MIP).

23 (e) The Secretary of Defense shall, with the submis-
24 sion of the department's fiscal year 2022 budget request,
25 submit a report presenting the specific amounts of staff

1 years of technical effort to be allocated for each defense
2 FFRDC during that fiscal year and the associated budget
3 estimates.

4 (f) Notwithstanding any other provision of this Act,
5 the total amount appropriated in this Act for FFRDCs
6 is hereby reduced by \$13,789,000: *Provided*, That this
7 subsection shall not apply to appropriations for the Na-
8 tional Intelligence Program (NIP) and the Military Intel-
9 ligence Program (MIP).

10 SEC. 8025. None of the funds appropriated or made
11 available in this Act shall be used to procure carbon, alloy,
12 or armor steel plate for use in any Government-owned fa-
13 cility or property under the control of the Department of
14 Defense which were not melted and rolled in the United
15 States or Canada: *Provided*, That these procurement re-
16 strictions shall apply to any and all Federal Supply Class
17 9515, American Society of Testing and Materials (ASTM)
18 or American Iron and Steel Institute (AISI) specifications
19 of carbon, alloy or armor steel plate: *Provided further*,
20 That the Secretary of the military department responsible
21 for the procurement may waive this restriction on a case-
22 by-case basis by certifying in writing to the Committees
23 on Appropriations of the House of Representatives and the
24 Senate that adequate domestic supplies are not available
25 to meet Department of Defense requirements on a timely

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

6 SEC. 8026. For the purposes of this Act, the term
7 “congressional defense committees” means the Armed
8 Services Committee of the House of Representatives, the
9 Armed Services Committee of the Senate, the Sub-
10 committee on Defense of the Committee on Appropriations
11 of the Senate, and the Subcommittee on Defense of the
12 Committee on Appropriations of the House of Representa-
13 tives.

14 SEC. 8027. During the current fiscal year, the De-
15 partment of Defense may acquire the modification, depot
16 maintenance and repair of aircraft, vehicles and vessels
17 as well as the production of components and other De-
18 fense-related articles, through competition between De-
19 partment of Defense depot maintenance activities and pri-
20 vate firms: *Provided*, That the Senior Acquisition Execu-
21 tive of the military department or Defense Agency con-
22 cerned, with power of delegation, shall certify that success-
23 ful bids include comparable estimates of all direct and in-
24 direct costs for both public and private bids: *Provided fur-*
25 *ther*, That Office of Management and Budget Circular A-

1 76 shall not apply to competitions conducted under this
2 section.

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

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

19 (b) The Secretary of Defense shall submit to the Con-
20 gress a report on the amount of Department of Defense
21 purchases from foreign entities in fiscal year 2021. Such
22 report shall separately indicate the dollar value of items
23 for which the Buy American Act was waived pursuant to
24 any agreement described in subsection (a)(2), the Trade
25 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any

1 international agreement to which the United States is a
2 party.

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

6 SEC. 8029. During the current fiscal year, amounts
7 contained in the Department of Defense Overseas Military
8 Facility Investment Recovery Account shall be available
9 until expended for the payments specified by section
10 2687a(b)(2) of title 10, United States Code.

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

21 (b) The Secretary of the Air Force shall convey, at
22 no cost to the Air Force, military housing units under sub-
23 section (a) in accordance with the request for such units
24 that are submitted to the Secretary by the Operation
25 Walking Shield Program on behalf of Indian tribes located

1 in the States of Nevada, Idaho, North Dakota, South Da-
2 kota, Montana, Oregon, Minnesota, and Washington. Any
3 such conveyance shall be subject to the condition that the
4 housing units shall be removed within a reasonable period
5 of time, as determined by the Secretary.

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

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

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

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8032. Subject to section 8005 of this Act, the
23 Secretary of Defense may transfer funds appropriated in
24 fiscal year 2021 for “Shipbuilding and Conversion, Navy:
25 LPD Flight II–LPD 31” to “Shipbuilding and Conver-

1 sion, Navy: LPD 32 (AP)”, and “Shipbuilding and Con-
2 version, Navy: LPD 33 (AP)” for fiscal year 2021 advance
3 procurement authorized by section 124(c) of S. 4049, the
4 Fiscal Year 2021 National Defense Authorization Act:
5 *Provided*, That the transfer authority provided under this
6 provision is in addition to any other transfer authority
7 contained in this Act.

8 SEC. 8033. Up to \$9,383,000 of the funds appro-
9 priated under the heading “Operation and Maintenance,
10 Navy” may be made available for the Asia Pacific Re-
11 gional Initiative Program for the purpose of enabling the
12 Pacific Command to execute Theater Security Cooperation
13 activities such as humanitarian assistance, and payment
14 of incremental and personnel costs of training and exer-
15 cising with foreign security forces: *Provided*, That funds
16 made available for this purpose may be used, notwith-
17 standing any other funding authorities for humanitarian
18 assistance, security assistance or combined exercise ex-
19 penses: *Provided further*, That funds may not be obligated
20 to provide assistance to any foreign country that is other-
21 wise prohibited from receiving such type of assistance
22 under any other provision of law.

23 SEC. 8034. The Secretary of Defense shall issue reg-
24 ulations to prohibit the sale of any tobacco or tobacco-
25 related products in military resale outlets in the United

1 States, its territories and possessions at a price below the
2 most competitive price in the local community: *Provided*,
3 That such regulations shall direct that the prices of to-
4 bacco or tobacco-related products in overseas military re-
5 tail outlets shall be within the range of prices established
6 for military retail system stores located in the United
7 States.

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

21 (b) The fiscal year 2022 budget request for the De-
22 partment of Defense as well as all justification material
23 and other documentation supporting the fiscal year 2022
24 Department of Defense budget shall be prepared and sub-
25 mitted to the Congress on the basis that any equipment

1 which was classified as an end item and funded in a pro-
2 curement appropriation contained in this Act shall be
3 budgeted for in a proposed fiscal year 2022 procurement
4 appropriation and not in the supply management business
5 area or any other area or category of the Department of
6 Defense Working Capital Funds.

7 SEC. 8036. None of the funds appropriated by this
8 Act for programs of the Central Intelligence Agency shall
9 remain available for obligation beyond the current fiscal
10 year, except for funds appropriated for the Reserve for
11 Contingencies, which shall remain available until Sep-
12 tember 30, 2022: *Provided*, That funds appropriated,
13 transferred, or otherwise credited to the Central Intel-
14 ligence Agency Central Services Working Capital Fund
15 during this or any prior or subsequent fiscal year shall
16 remain available until expended: *Provided further*, That
17 any funds appropriated or transferred to the Central Intel-
18 ligence Agency for advanced research and development ac-
19 quisition, for agent operations, and for covert action pro-
20 grams authorized by the President under section 503 of
21 the National Security Act of 1947 (50 U.S.C. 3093) shall
22 remain available until September 30, 2022.

23 SEC. 8037. Of the funds appropriated to the Depart-
24 ment of Defense under the heading “Operation and Main-
25 tenance, Defense-Wide”, not less than \$12,000,000 may

1 be made available only for the mitigation of environmental
2 impacts, including training and technical assistance to
3 tribes, related administrative support, the gathering of in-
4 formation, documenting of environmental damage, and de-
5 veloping a system for prioritization of mitigation and cost
6 to complete estimates for mitigation, on Indian lands re-
7 sulting from Department of Defense activities.

8 SEC. 8038. (a) None of the funds appropriated in this
9 Act may be expended by an entity of the Department of
10 Defense unless the entity, in expending the funds, com-
11 plies with the Buy American Act. For purposes of this
12 subsection, the term “Buy American Act” means chapter
13 83 of title 41, United States Code.

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

22 (c) In the case of any equipment or products pur-
23 chased with appropriations provided under this Act, it is
24 the sense of the Congress that any entity of the Depart-
25 ment of Defense, in expending the appropriation, purchase

1 only American-made equipment and products, provided
2 that American-made equipment and products are cost-
3 competitive, quality competitive, and available in a timely
4 fashion.

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

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

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

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

21 (c) This section does not apply to—

22 (1) field operating agencies funded within the
23 National Intelligence Program;

24 (2) an Army field operating agency established
25 to eliminate, mitigate, or counter the effects of im-

1 provided explosive devices, and, as determined by the
2 Secretary of the Army, other similar threats;

3 (3) an Army field operating agency established
4 to improve the effectiveness and efficiencies of bio-
5 metric activities and to integrate common biometric
6 technologies throughout the Department of Defense;
7 or

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

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

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

22 (2) the Competitive Sourcing Official deter-
23 mines that, over all performance periods stated in
24 the solicitation of offers for performance of the ac-
25 tivity or function, the cost of performance of the ac-

1 tivity or function by a contractor would be less costly
2 to the Department of Defense by an amount that
3 equals or exceeds the lesser of—

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

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

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

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

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

23 (b)(1) The Department of Defense, without regard
24 to subsection (a) of this section or subsection (a), (b), or
25 (c) of section 2461 of title 10, United States Code, and

1 notwithstanding any administrative regulation, require-
2 ment, or policy to the contrary shall have full authority
3 to enter into a contract for the performance of any com-
4 mercial or industrial type function of the Department of
5 Defense that—

6 (A) is included on the procurement list estab-
7 lished pursuant to section 2 of the Javits-Wagner-
8 O'Day Act (section 8503 of title 41, United States
9 Code);

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

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

21 (2) This section shall not apply to depot contracts
22 or contracts for depot maintenance as provided in sections
23 2469 and 2474 of title 10, United States Code.

24 (c) The conversion of any activity or function of the
25 Department of Defense under the authority provided by

1 this section shall be credited toward any competitive or
2 outsourcing goal, target, or measurement that may be es-
3 tablished by statute, regulation, or policy and is deemed
4 to be awarded under the authority of, and in compliance
5 with, subsection (h) of section 2304 of title 10, United
6 States Code, for the competition or outsourcing of com-
7 mercial activities.

8 (RESCISSIONS)

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

19 “Shipbuilding and Conversion, Navy: DDG-51
20 Destroyer”, 2014/2021, \$66,567,000;

21 “Procurement of Weapons and Tracked Combat
22 Vehicles, Army”, 2019/2021, \$112,369,000;

23 “Aircraft Procurement, Navy”, 2019/2021,
24 \$31,078,000;

1 “Aircraft Procurement, Air Force”, 2019/2021,
2 \$613,658,000;

3 “Aircraft Procurement, Army”, 2020/2022,
4 \$26,900,000;

5 “Missile Procurement, Army”, 2020/2022,
6 \$2,377,000;

7 “Procurement of Weapons and Tracked Combat
8 Vehicles, Army”, 2020/2022, \$140,141,000;

9 “Procurement of Ammunition, Army”, 2020/
10 2022, \$7,500,000;

11 “Other Procurement, Army”, 2020/2022,
12 \$3,575,000;

13 “Aircraft Procurement, Navy”, 2020/2022,
14 \$252,969,000;

15 “Procurement of Ammunition, Navy and Ma-
16 rine Corps”, 2020/2022, \$8,973,000;

17 “Shipbuilding and Conversion, Navy: TAO
18 Fleet Oiler (AP)”, 2020/2024, \$73,000,000;

19 “Shipbuilding and Conversion, Navy: Virginia
20 Class Submarine (AP)”, 2020/2024, \$200,000,000;

21 “Other Procurement, Navy”, 2020/2022,
22 \$54,132,000;

23 “Aircraft Procurement, Air Force”, 2020/2022,
24 \$638,487,000;

1 “Space Procurement, Air Force”, 2020/2022,
2 \$61,000,000;

3 “Other Procurement, Air Force”, 2020/2022,
4 \$73,026,000;

5 “Research, Development, Test and Evaluation,
6 Army”, 2020/2021, \$300,491,000;

7 “Research, Development, Test and Evaluation,
8 Navy”, 2020/2021, \$84,005,000;

9 “Research, Development, Test and Evaluation,
10 Air Force”, 2020/2021, \$262,562,000; and

11 “Research, Development, Test and Evaluation,
12 Defense-Wide”, 2020/2021, \$506,210,000.

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

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

1 *Provided*, That this restriction shall not apply to any ac-
2 tivities incidental to the Defense POW/MIA Accounting
3 Agency mission to recover and identify the remains of
4 United States Armed Forces personnel from the Demo-
5 cratic People's Republic of Korea.

6 SEC. 8044. In this fiscal year and each fiscal year
7 thereafter, funds appropriated for operation and mainte-
8 nance of the Military Departments, Combatant Com-
9 mands and Defense Agencies shall be available for reim-
10 bursement of pay, allowances and other expenses which
11 would otherwise be incurred against appropriations for the
12 National Guard and Reserve when members of the Na-
13 tional Guard and Reserve provide intelligence or counter-
14 intelligence support to Combatant Commands, Defense
15 Agencies and Joint Intelligence Activities, including the
16 activities and programs included within the National Intel-
17 ligence Program and the Military Intelligence Program:
18 *Provided*, That nothing in this section authorizes deviation
19 from established Reserve and National Guard personnel
20 and training procedures.

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

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

6 SEC. 8046. Of the amounts appropriated for “Work-
7 ing Capital Fund, Army”, \$125,000,000 shall be available
8 to maintain competitive rates at the arsenals.

9 SEC. 8047. In addition to the amounts appropriated
10 or otherwise made available elsewhere in this Act,
11 \$24,000,000 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: \$24,000,000 to the United Service Organi-
16 zations.

17 SEC. 8048. 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. 8049. 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. The Secretary of each military depart-
5 ment, the Director of each Defense Agency, and the head
6 of each other relevant component of the Department of
7 Defense shall submit to the congressional defense commit-
8 tees, concurrent with submission of the budget justifica-
9 tion documents to Congress pursuant to section 1105 of
10 title 31, United States Code, a report with a detailed ac-
11 counting of the Small Business Innovation Research pro-
12 gram and the Small Business Technology Transfer pro-
13 gram set-asides taken from programs, projects, or activi-
14 ties within such department, agency, or component during
15 the most recently completed fiscal year.

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

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

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

1 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

20 *Provided*, That the Under Secretary of Defense (Comp-
21 troller) shall include with the budget of the President for
22 fiscal year 2022 (as submitted to Congress pursuant to
23 section 1105 of title 31, United States Code) a statement
24 describing each instance if any, during each of the fiscal

1 years 2016 through 2021 in which the authority in this
2 section was exercised.

3 SEC. 8053. (a) Notwithstanding any other provision
4 of law, the Chief of the National Guard Bureau may per-
5 mit the use of equipment of the National Guard Distance
6 Learning Project by any person or entity on a space-avail-
7 able, reimbursable basis. The Chief of the National Guard
8 Bureau shall establish the amount of reimbursement for
9 such use on a case-by-case basis.

10 (b) Amounts collected under subsection (a) shall be
11 credited to funds available for the National Guard Dis-
12 tance Learning Project and be available to defray the costs
13 associated with the use of equipment of the project under
14 that subsection. Such funds shall be available for such
15 purposes without fiscal year limitation.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8054. Of the funds appropriated in this Act
18 under the heading “Operation and Maintenance, Defense-
19 Wide”, \$35,000,000 shall be for continued implementation
20 and expansion of the Sexual Assault Special Victims’
21 Counsel Program: *Provided*, That the funds are made
22 available for transfer to the Department of the Army, the
23 Department of the Navy, and the Department of the Air
24 Force: *Provided further*, That funds transferred shall be
25 merged with and available for the same purposes and for

1 the same time period as the appropriations to which the
2 funds are transferred: *Provided further*, That this transfer
3 authority is in addition to any other transfer authority
4 provided in this Act.

5 SEC. 8055. None of the funds appropriated in title
6 IV of this Act may be used to procure end-items for deliv-
7 ery to military forces for operational training, operational
8 use or inventory requirements: *Provided*, That this restric-
9 tion does not apply to end-items used in development,
10 prototyping, and test activities preceding and leading to
11 acceptance for operational use: *Provided further*, That this
12 restriction does not apply to programs funded within the
13 National Intelligence Program: *Provided further*, That the
14 Secretary of Defense shall, at the time of the submittal
15 to Congress of the budget of the President for fiscal year
16 2022 pursuant to section 1105 of title 31, United States
17 Code, submit to the congressional defense committees a
18 report detailing the use of funds requested in research,
19 development, test and evaluation accounts for end-items
20 used in development, prototyping and test activities pre-
21 ceding and leading to acceptance for operational use: *Pro-*
22 *vided further*, That the report shall set forth, for each end-
23 item covered by the preceding proviso, a detailed list of
24 the statutory authorities under which amounts in the ac-
25 counts described in that proviso were used for such item:

1 *Provided further*, That the Secretary of Defense shall, at
2 the time of the submittal to Congress of the budget of
3 the President for fiscal year 2022 pursuant to section
4 1105 of title 31, United States Code, submit to the con-
5 gressional defense committees a certification that funds
6 requested for fiscal year 2022 in research, development,
7 test and evaluation are in compliance with this section:
8 *Provided further*, That the Secretary of Defense may waive
9 this restriction on a case-by-case basis by certifying in
10 writing to the Committees on Appropriations of the House
11 of Representatives and the Senate that it is in the national
12 security interest to do so.

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

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

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

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

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

18 SEC. 8057. None of the funds appropriated or other-
19 wise made available by this or other Department of De-
20 fense Appropriations Acts may be obligated or expended
21 for the purpose of performing repairs or maintenance to
22 military family housing units of the Department of De-
23 fense, including areas in such military family housing
24 units that may be used for the purpose of conducting offi-
25 cial Department of Defense business.

1 SEC. 8058. Notwithstanding any other provision of
2 law, funds appropriated in this Act under the heading
3 “Research, Development, Test and Evaluation, Defense-
4 Wide” for any new start advanced concept technology
5 demonstration project or joint capability demonstration
6 project may only be obligated 45 days after a report, in-
7 cluding a description of the project, the planned acquisi-
8 tion and transition strategy and its estimated annual and
9 total cost, has been provided in writing to the congress-
10 sional defense committees: *Provided*, That the Secretary
11 of Defense may waive this restriction on a case-by-case
12 basis by certifying to the congressional defense committees
13 that it is in the national interest to do so.

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

19 SEC. 8060. Notwithstanding section 12310(b) of title
20 10, United States Code, a Reserve who is a member of
21 the National Guard serving on full-time National Guard
22 duty under section 502(f) of title 32, United States Code,
23 may perform duties in support of the ground-based ele-
24 ments of the National Ballistic Missile Defense System.

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

18 SEC. 8062. Notwithstanding any other provision of
19 law, the Chief of the National Guard Bureau, or his des-
20 ignee, may waive payment of all or part of the consider-
21 ation that otherwise would be required under section 2667
22 of title 10, United States Code, in the case of a lease of
23 personal property for a period not in excess of 1 year to
24 any organization specified in section 508(d) of title 32,
25 United States Code, or any other youth, social, or fra-

1 ternal nonprofit organization as may be approved by the
2 Chief of the National Guard Bureau, or his designee, on
3 a case-by-case basis.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8063. Of the amounts appropriated in this Act
6 under the heading “Operation and Maintenance, Army”,
7 \$133,724,000 shall remain available until expended: *Pro-*
8 *vided*, That, notwithstanding any other provision of law,
9 the Secretary of Defense is authorized to transfer such
10 funds to other activities of the Federal Government: *Pro-*
11 *vided further*, That the Secretary of Defense is authorized
12 to enter into and carry out contracts for the acquisition
13 of real property, construction, personal services, and oper-
14 ations related to projects carrying out the purposes of this
15 section: *Provided further*, That contracts entered into
16 under the authority of this section may provide for such
17 indemnification as the Secretary determines to be nec-
18 essary: *Provided further*, That projects authorized by this
19 section shall comply with applicable Federal, State, and
20 local law to the maximum extent consistent with the na-
21 tional security, as determined by the Secretary of Defense.

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

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

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

9 (3) the process by which the National Intel-
10 ligence Program appropriations are apportioned to
11 the executing agencies; or

12 (4) the process by which the National Intel-
13 ligence Program appropriations are allotted, obli-
14 gated and disbursed.

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

20 (c) The Director of National Intelligence and the Sec-
21 retary of Defense may jointly, only for the purposes of
22 achieving auditable financial statements and improving
23 fiscal reporting, study and develop detailed proposals for
24 alternative financial management processes. Such study
25 shall include a comprehensive counterintelligence risk as-

1 assessment to ensure that none of the alternative processes
2 will adversely affect counterintelligence.

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

6 (1) provide the proposed alternatives to all af-
7 fected agencies;

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

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

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8065. Of the amounts appropriated for “Oper-
18 ation and Maintenance, Navy”, up to \$1,000,000 shall be
19 available for transfer to the John C. Stennis Center for
20 Public Service Development Trust Fund established under
21 section 116 of the John C. Stennis Center for Public Serv-
22 ice Training and Development Act (2 U.S.C. 1105).

23 SEC. 8066. 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 until a written
5 modification has been proposed to the House and Senate
6 Appropriations Committees: *Provided further*, That the
7 proposed modification may be implemented 30 days after
8 the notification unless an objection is received from either
9 the House or Senate Appropriations Committees: *Provided*
10 *further*, That any proposed modification shall not preclude
11 the ability of the commander of United States Indo-Pacific
12 Command to meet operational requirements.

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

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 8068. Of the amounts appropriated in this Act
24 under the headings “Procurement, Defense-Wide” and
25 “Research, Development, Test and Evaluation, Defense-

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

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

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8069. Of the amounts appropriated in this Act
6 under the heading “Shipbuilding and Conversion, Navy”,
7 \$407,312,000 shall be available until September 30, 2021,
8 to fund prior year shipbuilding cost increases: *Provided*,
9 That upon enactment of this Act, the Secretary of the
10 Navy shall transfer funds to the following appropriations
11 in the amounts specified: *Provided further*, That the
12 amounts transferred shall be merged with and be available
13 for the same purposes as the appropriations to which
14 transferred to:

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

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

21 (3) Under the heading “Shipbuilding and Con-
22 version, Navy”, 2016/2021: CVN Refueling Over-
23 hauls \$186,200,000;

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

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

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

7 (7) Under the heading “Shipbuilding and Con-
8 version, Navy”, 2018/2021: Expeditionary Fast
9 Transport \$50,000,000.

10 SEC. 8070. Funds appropriated by this Act, or made
11 available by the transfer of funds in this Act, for intel-
12 ligence activities are deemed to be specifically authorized
13 by the Congress for purposes of section 504 of the Na-
14 tional Security Act of 1947 (50 U.S.C. 3094) during fiscal
15 year 2021 until the enactment of the Intelligence Author-
16 ization Act for Fiscal Year 2021.

17 SEC. 8071. None of the funds provided in this Act
18 shall be available for obligation or expenditure through a
19 reprogramming of funds that creates or initiates a new
20 program, project, or activity unless such program, project,
21 or activity must be undertaken immediately in the interest
22 of national security and only after written prior notifica-
23 tion to the congressional defense committees.

24 SEC. 8072. The budget of the President for fiscal
25 year 2022 submitted to the Congress pursuant to section

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

23 SEC. 8073. None of the funds in this Act may be
24 used for research, development, test, evaluation, procure-

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

3 SEC. 8074. The Secretary of Defense may use up to
4 \$650,000,000 of the amounts appropriated or otherwise
5 made available in this Act to the Department of Defense
6 for the rapid acquisition and deployment of supplies and
7 associated support services pursuant to section 806 of the
8 Bob Stump National Defense Authorization Act for Fiscal
9 Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note),
10 but only for the purposes specified in clauses (i), (ii), (iii),
11 and (iv) of subsection (c)(3)(B) of such section and sub-
12 ject to the applicable limits specified in clauses (i), (ii),
13 and (iii) of such subsection and, in the case of clause (iv)
14 of such subsection, subject to a limit of \$50,000,000: *Pro-*
15 *vided*, That the Secretary of Defense shall notify the con-
16 gressional defense committees promptly of all uses of this
17 authority.

18 SEC. 8075. None of the funds appropriated or made
19 available in this Act shall be used to reduce or disestablish
20 the operation of the 53rd Weather Reconnaissance Squad-
21 ron of the Air Force Reserve, if such action would reduce
22 the WC–130 Weather Reconnaissance mission below the
23 levels funded in this Act: *Provided*, That the Air Force
24 shall allow the 53rd Weather Reconnaissance Squadron to

1 perform other missions in support of national defense re-
2 quirements during the non-hurricane season.

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

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

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

22 SEC. 8078. None of the funds appropriated by this
23 Act for programs of the Office of the Director of National
24 Intelligence shall remain available for obligation beyond
25 the current fiscal year, except for funds appropriated for

1 research and technology, which shall remain available until
2 September 30, 2022.

3 SEC. 8079. For purposes of section 1553(b) of title
4 31, United States Code, any subdivision of appropriations
5 made in this Act under the heading “Shipbuilding and
6 Conversion, Navy” shall be considered to be for the same
7 purpose as any subdivision under the heading “Ship-
8 building and Conversion, Navy” appropriations in any
9 prior fiscal year, and the 1 percent limitation shall apply
10 to the total amount of the appropriation.

11 SEC. 8080. (a) Not later than 60 days after the date
12 of enactment of this Act, the Director of National Intel-
13 ligence shall submit a report to the congressional intel-
14 ligence committees to establish the baseline for application
15 of reprogramming and transfer authorities for fiscal year
16 2021: *Provided*, That the report shall include—

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

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

24 (3) an identification of items of special congres-
25 sional interest.

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

9 SEC. 8081. Notwithstanding any other provision of
10 law, any transfer of funds, appropriated or otherwise made
11 available by this Act, for support to friendly foreign coun-
12 tries in connection with the conduct of operations in which
13 the United States is not participating, pursuant to section
14 331(d) of title 10, United States Code, shall be made in
15 accordance with section 8005 or 9002 of this Act, as appli-
16 cable.

17 SEC. 8082. Any transfer of amounts appropriated to
18 the Department of Defense Acquisition Workforce Devel-
19 opment Account in or for fiscal year 2021 to a military
20 department or Defense Agency pursuant to section
21 1705(e)(1) of title 10, United States Code, shall be cov-
22 ered by and subject to section 8005 or 9002 of this Act,
23 as applicable.

24 SEC. 8083. None of the funds made available by this
25 Act for excess defense articles, assistance under section

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

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

16 (1) creates a new start effort;

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

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

21 (4) transfers funding between appropriations,
22 unless the congressional intelligence committees are
23 notified 30 days in advance of such reprogramming
24 of funds; this notification period may be reduced for
25 urgent national security requirements.

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

12 SEC. 8085. In this fiscal year and each fiscal year
13 thereafter, funds appropriated under the heading “Pro-
14 curement, Space Force” may be obligated for payment of
15 satellite on-orbit incentives in the fiscal year in which an
16 incentive payment is earned: *Provided*, That any obligation
17 made pursuant to this section may not be entered into
18 until 30 calendar days in session after the congressional
19 defense committees have been notified that an on-orbit in-
20 centive payment has been earned.

21 SEC. 8086. For the purposes of this Act, the term
22 “congressional intelligence committees” means the Perma-
23 nent Select Committee on Intelligence of the House of
24 Representatives, the Select Committee on Intelligence of
25 the Senate, the Subcommittee on Defense of the Com-

1 mittee on Appropriations of the House of Representatives,
2 and the Subcommittee on Defense of the Committee on
3 Appropriations of the Senate.

4 (INCLUDING TRANSFER OF FUNDS)

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

13 SEC. 8088. None of the funds appropriated by this
14 Act may be available for the purpose of making remit-
15 tances to the Department of Defense Acquisition Work-
16 force Development Account in accordance with section
17 1705 of title 10, United States Code.

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

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

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

3 (2) the report contains proprietary information.

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

8 SEC. 8090. (a) None of the funds appropriated or
9 otherwise made available by this Act may be expended for
10 any Federal contract for an amount in excess of
11 \$1,000,000, unless the contractor agrees not to—

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

22 (2) take any action to enforce any provision of
23 an existing agreement with an employee or inde-
24 pendent contractor that mandates that the employee
25 or independent contractor resolve through arbitra-

1 tion any claim under title VII of the Civil Rights Act
2 of 1964 or any tort related to or arising out of sex-
3 ual assault or harassment, including assault and
4 battery, intentional infliction of emotional distress,
5 false imprisonment, or negligent hiring, supervision,
6 or retention.

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

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

22 (d) The Secretary of Defense may waive the applica-
23 tion of subsection (a) or (b) to a particular contractor or
24 subcontractor for the purposes of a particular contract or
25 subcontract if the Secretary or the Deputy Secretary per-

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

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8091. From within the funds appropriated for
17 operation and maintenance for the Defense Health Pro-
18 gram in this Act, up to \$137,000,000, shall be available
19 for transfer to the Joint Department of Defense-Depart-
20 ment of Veterans Affairs Medical Facility Demonstration
21 Fund in accordance with the provisions of section 1704
22 of the National Defense Authorization Act for Fiscal Year
23 2010, Public Law 111–84: *Provided*, That for purposes
24 of section 1704(b), the facility operations funded are oper-
25 ations of the integrated Captain James A. Lovell Federal

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

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

18 SEC. 8093. Appropriations available to the Depart-
19 ment of Defense may be used for the purchase of heavy
20 and light armored vehicles for the physical security of per-
21 sonnel or for force protection purposes up to a limit of
22 \$450,000 per vehicle, notwithstanding price or other limi-
23 tations applicable to the purchase of passenger carrying
24 vehicles.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8094. Upon a determination by the Director of
3 National Intelligence that such action is necessary and in
4 the national interest, the Director may, with the approval
5 of the Office of Management and Budget, transfer not to
6 exceed \$1,500,000,000 of the funds made available in this
7 Act for the National Intelligence Program: *Provided*, That
8 such authority to transfer may not be used unless for
9 higher priority items, based on unforeseen intelligence re-
10 quirements, than those for which originally appropriated
11 and in no case where the item for which funds are re-
12 quested has been denied by the Congress: *Provided further*,
13 That a request for multiple reprogrammings of funds
14 using authority provided in this section shall be made
15 prior to June 30, 2021.

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

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

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

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

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

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

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

1 interest of the United States to do so, and certifies in writ-
2 ing to the congressional defense committees that, to the
3 best of the Secretary's knowledge:

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

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

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

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

1 a report containing the results of the review conducted
2 with respect to such waiver.

3 SEC. 8099. (a) None of the funds appropriated or
4 otherwise made available in this or any other Act may be
5 used to construct, acquire, or modify any facility in the
6 United States, its territories, or possessions to house any
7 individual described in subsection (c) for the purposes of
8 detention or imprisonment in the custody or under the ef-
9 fective control of the Department of Defense.

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

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

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

19 (2) is—

20 (A) in the custody or under the effective
21 control of the Department of Defense; or

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

24 SEC. 8100. Of the amounts appropriated in this Act
25 for “Shipbuilding and Conversion, Navy”, \$60,000,000, to

1 remain available until expended, may be used for the pur-
2 chase of two used sealift vessels for the National Defense
3 Reserve Fleet, established under section 11 of the Mer-
4 chant Ship Sales Act of 1946 (46 U.S.C. 57100): *Pro-*
5 *vided*, That such amounts are available for reimburse-
6 ments to the Ready Reserve Force, Maritime Administra-
7 tion account of the United States Department of Trans-
8 portation for programs, projects, activities, and expenses
9 related to the National Defense Reserve Fleet: *Provided*
10 *further*, That notwithstanding 10 U.S.C. 2218 (National
11 Defense Sealift Fund), none of these funds shall be trans-
12 ferred to the National Defense Sealift Fund for execution.

13 SEC. 8101. The Secretary of Defense shall post grant
14 awards on a public Website in a searchable format.

15 SEC. 8102. If the Secretary of a military department
16 reduces each research, development, test and evaluation,
17 and procurement account of the military department pur-
18 suant to paragraph (1) of section 828(d) of the National
19 Defense Authorization Act for Fiscal Year 2016 (Public
20 Law 114–92; 10 U.S.C. 2430 note), the Secretary shall
21 allocate the percentage reduction determined under para-
22 graph (2) of such section 828(d) proportionally from all
23 programs, projects, or activities under such account: *Pro-*
24 *vided*, That the authority under section 804(d)(2) of the
25 National Defense Authorization Act for Fiscal Year 2016

1 (Public Law 114–92; 10 U.S.C. 2302 note) to transfer
2 amounts available in the Rapid Prototyping Fund shall
3 be subject to section 8005 or 9002 of this Act, as applica-
4 ble.

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

7 (1) conduct an acquisition pursuant to section
8 702 of the Foreign Intelligence Surveillance Act of
9 1978 for the purpose of targeting a United States
10 person; or

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

18 SEC. 8104. None of the funds made available in this
19 or any other Act may be used to pay the salary of any
20 officer or employee of any agency funded by this Act who
21 approves or implements the transfer of administrative re-
22 sponsibilities or budgetary resources of any program,
23 project, or activity financed by this Act to the jurisdiction
24 of another Federal agency not financed by this Act with-
25 out the express authorization of Congress: *Provided*, That

1 this limitation shall not apply to transfers of funds ex-
2 pressly provided for in Defense Appropriations Acts, or
3 provisions of Acts providing supplemental appropriations
4 for the Department of Defense.

5 SEC. 8105. Of the amounts appropriated in this Act
6 for “Operation and Maintenance, Navy”, \$376,029,000,
7 to remain available until expended, may be used for any
8 purposes related to the National Defense Reserve Fleet
9 established under section 11 of the Merchant Ship Sales
10 Act of 1946 (46 U.S.C. 57100): *Provided*, That such
11 amounts are available for reimbursements to the Ready
12 Reserve Force, Maritime Administration account of the
13 United States Department of Transportation for pro-
14 grams, projects, activities, and expenses related to the Na-
15 tional Defense Reserve Fleet.

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

1 funds made available in this Act may be used under sec-
2 tion 1208 for any activity that is not in support of an
3 ongoing military operation being conducted by United
4 States Special Operations Forces to combat terrorism:
5 *Provided further*, That the Secretary of Defense may waive
6 the prohibitions in this section if the Secretary determines
7 that such waiver is required by extraordinary cir-
8 cumstances and, by not later than 72 hours after making
9 such waiver, notifies the congressional defense committees
10 of such waiver.

11 SEC. 8107. The Secretary of Defense, in consultation
12 with the Service Secretaries, shall submit a report to the
13 congressional defense committees, not later than 180 days
14 after the enactment of this Act, detailing the submission
15 of records during the previous 12 months to databases ac-
16 cessible to the National Instant Criminal Background
17 Check System (NICS), including the Interstate Identifica-
18 tion Index (III), the National Crime Information Center
19 (NCIC), and the NICS Index, as required by Public Law
20 110–180: *Provided*, That such report shall provide the
21 number and category of records submitted by month to
22 each such database, by Service or Component: *Provided*
23 *further*, That such report shall identify the number and
24 category of records submitted by month to those databases
25 for which the Identification for Firearm Sales (IFFS) flag

1 or other database flags were used to pre-validate the
2 records and indicate that such persons are prohibited from
3 receiving or possessing a firearm: *Provided further*, That
4 such report shall describe the steps taken during the pre-
5 vious 12 months, by Service or Component, to ensure com-
6 plete and accurate submission and appropriate flagging of
7 records of individuals prohibited from gun possession or
8 receipt pursuant to 18 U.S.C. 922(g) or (n) including ap-
9 plicable records involving proceedings under the Uniform
10 Code of Military Justice.

11 SEC. 8108. (a) None of the funds provided in this
12 Act for the TAO Fleet Oiler program shall be used to
13 award a new contract that provides for the acquisition of
14 the following components unless those components are
15 manufactured in the United States: Auxiliary equipment
16 (including pumps) for shipboard services; propulsion
17 equipment (including engines, reduction gears, and propel-
18 lers); shipboard cranes; and spreaders for shipboard
19 cranes.

20 (b) None of the funds provided in this Act for the
21 FFG(X) Frigate program shall be used to award a new
22 contract that provides for the acquisition of the following
23 components unless those components are manufactured in
24 the United States: Air circuit breakers; gyrocompasses;
25 electronic navigation chart systems; steering controls;

1 pumps; propulsion and machinery control systems; totally
2 enclosed lifeboats; auxiliary equipment pumps; shipboard
3 cranes; auxiliary chill water systems; and propulsion pro-
4 pellers: *Provided*, That the Secretary of the Navy shall in-
5 corporate United States manufactured propulsion engines
6 and propulsion reduction gears into the FFG(X) Frigate
7 program beginning not later than with the eleventh ship
8 of the program.

9 SEC. 8109. No amounts credited or otherwise made
10 available in this or any other Act to the Department of
11 Defense Acquisition Workforce Development Account may
12 be transferred to:

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

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

22 SEC. 8110. (a) None of the funds made available in
23 this Act may be used to maintain or establish a computer
24 network unless such network is designed to block access
25 to pornography websites.

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

7 SEC. 8111. None of the funds made available by this
8 Act may be used to carry out the closure or realignment
9 of the United States Naval Station, Guantánamo Bay,
10 Cuba.

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

21 SEC. 8113. The Secretary of Defense may obligate
22 and expend funds made available under this Act for pro-
23 curement or for research, development, test and evaluation
24 for the F-35 Joint Strike Fighter to modify up to six F-
25 35 aircraft, including up to two F-35 aircraft of each vari-

1 ant, to a test configuration: *Provided*, That the Secretary
2 of Defense shall, with the concurrence of the Secretary
3 of the Air Force and the Secretary of the Navy, notify
4 the congressional defense committees not fewer than 30
5 days prior to obligating and expending funds under this
6 section: *Provided further*, That any transfer of funds pur-
7 suant to the authority provided in this section shall be
8 made in accordance with section 8005 or 9002 of this Act,
9 as appropriate, if applicable: *Provided further*, That air-
10 craft referred to previously in this section are not addi-
11 tional to aircraft referred to in section 8135 of the Depart-
12 ment of Defense Appropriations Act, 2019 and section
13 8126 of the Department of Defense Appropriations Act,
14 2020.

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

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

7 SEC. 8115. During fiscal year 2021, any advance bill-
8 ing for background investigation services and related serv-
9 ices purchased from activities financed using Defense
10 Working Capital Funds shall be excluded from the calcula-
11 tion of cumulative advance billings under section
12 2208(l)(3) of title 10, United States Code.

13 SEC. 8116. None of the funds appropriated or other-
14 wise made available by this Act may be used to transfer
15 any element of the Department of the Army, the Depart-
16 ment of the Navy, a Department of Defense agency, or
17 of the Intelligence Community to the United States Space
18 Force unless, concurrent with the fiscal year 2022 budget
19 submission (as submitted to Congress pursuant to section
20 1105 of title 31, United States Code), the Secretary of
21 Defense and the Director of National Intelligence provide
22 a report to the Committees on Appropriations of the
23 House of Representatives and the Senate, detailing any
24 plans to transfer appropriate space elements of the De-
25 partment of the Army, the Department of the Navy, a De-

1 partment of Defense agency, or of the Intelligence Com-
2 munity to the Space Force and certifies in writing to the
3 Committees on Appropriations of the House of Represent-
4 atives and the Senate that such transfer is consistent with
5 the mission of the United States Space Force and will not
6 have an adverse impact on the Department or agency from
7 which such element is being transferred: *Provided*, That
8 such report shall include fiscal year 2022 budget and fu-
9 ture years defense program adjustments associated with
10 such planned transfers.

11 SEC. 8117. Funds appropriated in titles I and IX of
12 this Act under headings for “Military Personnel” may be
13 used for expenses described therein for members of the
14 Space Force on active duty: *Provided*, That amounts ap-
15 propriated under such headings may be used for payments
16 pursuant to section 156 of Public Law 97–377, as amend-
17 ed (42 U.S.C. 402 note), and to the Department of De-
18 fense Military Retirement Fund.

19 SEC. 8118. Notwithstanding any other provision of
20 this Act, to reflect savings due to lower than anticipated
21 fuel costs, the total amount appropriated in this Act is
22 hereby reduced by \$1,600,000,000.

23 SEC. 8119. (a) Amounts appropriated under title IV
24 of this Act, as detailed in budget activity eight of the ta-
25 bles of “Committee Recommended Adjustments” in the

1 explanatory statement regarding this Act, may be used for
2 expenses for the agile research, development, test and
3 evaluation, procurement, production, modification, and op-
4 eration and maintenance, only for the following Software
5 and Digital Technology Pilot programs—

6 (1) Defensive Cyber Operations Army (PE
7 0608041A);

8 (2) Risk Management Information (PE
9 0608013N);

10 (3) Maritime Tactical Command Control (PE
11 0608231N);

12 (4) Space Command and Control (PE
13 1203614SF);

14 (5) National Background Investigation Services
15 (PE 0608197V);

16 (6) Global Command and Control System-Joint
17 (PE 0308150K);

18 (7) Algorithmic Warfare Cross Functional
19 Team (PE 0308588D8Z); and

20 (8) Acquisition visibility (PE 0608648D8Z).

21 (b) None of the funds appropriated by this or prior
22 Department of Defense Appropriations Acts may be obli-
23 gated or expended to initiate additional Software and Dig-
24 ital Technology Pilot Programs in fiscal year 2021.

1 SEC. 8120. (a) In addition to amounts otherwise
2 made available in this Act, there is appropriated
3 \$100,000,000 to the Under Secretary of Defense (Acquisi-
4 tion and Sustainment), to remain available until expended.

5 (b) The funds provided by subsection (a) shall be
6 available to the Under Secretary of Defense (Acquisition
7 and Sustainment), in coordination with the Assistant Sec-
8 retary of the Army (Acquisition, Logistics and Tech-
9 nology) and the Assistant Secretary of the Navy (Re-
10 search, Development and Acquisition) and the Assistant
11 Secretary of the Air Force (Acquisition, Technology and
12 Logistics), to assess and strengthen the manufacturing
13 and defense industrial base and supply chain resiliency of
14 the United States.

15 (c)(1) The Under Secretary of Defense (Comptroller)
16 shall transfer funds provided by subsection (a) to appro-
17 priations for operation and maintenance; procurement;
18 and research, development, test and evaluation to accom-
19 plish the purposes specified in subsection (b). Such trans-
20 ferred funds shall be merged with and be available for the
21 same purposes and for the same time period as the appro-
22 priation to which they are transferred.

23 (2) The transfer authority provided by this subsection
24 shall be in addition to any other transfer authority avail-
25 able to the Department of Defense.

- 1 provision is in addition to any other transfer authority
- 2 provided elsewhere in this Act.

1 TITLE IX

2 OVERSEAS CONTINGENCY OPERATIONS

3 MILITARY PERSONNEL

4 MILITARY PERSONNEL, ARMY

5 For an additional amount for “Military Personnel,
6 Army”, \$2,748,033,000: *Provided*, That such amount is
7 designated by the Congress for Overseas Contingency Op-
8 erations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 MILITARY PERSONNEL, NAVY

12 For an additional amount for “Military Personnel,
13 Navy”, \$382,286,000: *Provided*, That such amount is des-
14 ignated by the Congress for Overseas Contingency Oper-
15 ations/Global War on Terrorism pursuant to section
16 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 MILITARY PERSONNEL, MARINE CORPS

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

1 MILITARY PERSONNEL, AIR FORCE

2 For an additional amount for “Military Personnel,
3 Air Force”, \$1,077,168,000: *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”, \$33,414,000: *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”, \$11,771,000: *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”, \$2,048,000: *Provided*, That such amount
25 is designated by the Congress for Overseas Contingency

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

4 RESERVE PERSONNEL, AIR FORCE

5 For an additional amount for “Reserve Personnel,
6 Air Force”, \$16,816,000: *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”, \$195,314,000: *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”, \$5,800,000: *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”, \$17,020,703,000: *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”, \$10,580,305,000: *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”, \$1,090,667,000: *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”, \$17,690,020,000: *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, SPACE FORCE

6 For an additional amount for “Operation and Main-
7 tenance, Space Force”, \$77,115,000: *Provided*, That such
8 amount is designated by the Congress for Overseas Con-
9 tingency Operations/Global War on Terrorism pursuant to
10 section 251(b)(2)(A)(ii) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, DEFENSE-WIDE

13 For an additional amount for “Operation and Main-
14 tenance, Defense-Wide”, \$6,063,152,000: *Provided*, That
15 such amount is designated by the Congress for Overseas
16 Contingency Operations/Global War on Terrorism pursu-
17 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
18 and Emergency Deficit Control Act of 1985.

19 OPERATION AND MAINTENANCE, ARMY RESERVE

20 For an additional amount for “Operation and Main-
21 tenance, Army Reserve”, \$33,399,000: *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 OPERATION AND MAINTENANCE, NAVY RESERVE

2 For an additional amount for “Operation and Main-
3 tenance, Navy Reserve”, \$21,492,000: *Provided*, That
4 such amount is designated by the Congress for Overseas
5 Contingency Operations/Global War on Terrorism pursu-
6 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 OPERATION AND MAINTENANCE, MARINE CORPS

9 RESERVE

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

16 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

17 For an additional amount for “Operation and Main-
18 tenance, Air Force Reserve”, \$30,090,000: *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.

1 frastructure repair, renovation, construction, and funding:
2 *Provided further*, That the Secretary of Defense may obli-
3 gate and expend funds made available to the Department
4 of Defense in this title for additional costs associated with
5 existing projects previously funded with amounts provided
6 under the heading “Afghanistan Infrastructure Fund” in
7 prior Acts: *Provided further*, That such costs shall be lim-
8 ited to contract changes resulting from inflation, market
9 fluctuation, rate adjustments, and other necessary con-
10 tract actions to complete existing projects, and associated
11 supervision and administration costs and costs for design
12 during construction: *Provided further*, That the Secretary
13 may not use more than \$50,000,000 under the authority
14 provided in this section: *Provided further*, That the Sec-
15 retary shall notify in advance such contract changes and
16 adjustments in annual reports to the congressional defense
17 committees: *Provided further*, That the authority to pro-
18 vide assistance under this heading is in addition to any
19 other authority to provide assistance to foreign nations:
20 *Provided further*, That contributions of funds for the pur-
21 poses provided herein from any person, foreign govern-
22 ment, or international organization may be credited to this
23 Fund, to remain available until expended, and used for
24 such purposes: *Provided further*, That the Secretary of De-
25 fense shall notify the congressional defense committees in

1 writing upon the receipt and upon the obligation of any
2 contribution, delineating the sources and amounts of the
3 funds received and the specific use of such contributions:
4 *Provided further*, That the Secretary of Defense shall, not
5 fewer than 15 days prior to obligating from this appro-
6 priation account, notify the congressional defense commit-
7 tees in writing of the details of any such obligation: *Pro-*
8 *vided further*, That the Secretary of Defense shall notify
9 the congressional defense committees of any proposed new
10 projects or transfer of funds between budget sub-activity
11 groups in excess of \$20,000,000: *Provided further*, That
12 the United States may accept equipment procured using
13 funds provided under this heading in this or prior Acts
14 that was transferred to the security forces of Afghanistan
15 and returned by such forces to the United States: *Provided*
16 *further*, That equipment procured using funds provided
17 under this heading in this or prior Acts, and not yet trans-
18 ferred to the security forces of Afghanistan or transferred
19 to the security forces of Afghanistan and returned by such
20 forces to the United States, may be treated as stocks of
21 the Department of Defense upon written notification to
22 the congressional defense committees: *Provided further*,
23 That of the funds provided under this heading, not less
24 than \$10,000,000 shall be for recruitment and retention
25 of women in the Afghanistan National Security Forces,

1 and the recruitment and training of female security per-
2 sonnel: *Provided further*, That such amount is designated
3 by the Congress for Overseas Contingency Operations/
4 Global War on Terrorism pursuant to section
5 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 COUNTER-ISIS TRAIN AND EQUIP FUND

8 For the “Counter-Islamic State of Iraq and Syria
9 Train and Equip Fund”, \$522,500,000, to remain avail-
10 able until September 30, 2022: *Provided*, That such funds
11 shall be available to the Secretary of Defense in coordina-
12 tion with the Secretary of State, to provide assistance, in-
13 cluding training; equipment; logistics support, supplies,
14 and services; stipends; infrastructure repair and renova-
15 tion; construction for facility fortification and humane
16 treatment; and sustainment, to foreign security forces, ir-
17 regular forces, groups, or individuals participating, or pre-
18 paring to participate in activities to counter the Islamic
19 State of Iraq and Syria, and their affiliated or associated
20 groups: *Provided further*, That amounts made available
21 under this heading shall be available to provide assistance
22 only for activities in a country designated by the Secretary
23 of Defense, in coordination with the Secretary of State,
24 as having a security mission to counter the Islamic State
25 of Iraq and Syria, and following written notification to the

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

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

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

17 PROCUREMENT

18 AIRCRAFT PROCUREMENT, ARMY

19 For an additional amount for “Aircraft Procurement,
20 Army”, \$455,112,000, to remain available until Sep-
21 tember 30, 2023: *Provided*, That such amount is des-
22 ignated by the Congress for Overseas Contingency Oper-
23 ations/Global War on Terrorism pursuant to section
24 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 MISSILE PROCUREMENT, ARMY

2 For an additional amount for “Missile Procurement,
3 Army”, \$796,599,000, to remain available until Sep-
4 tember 30, 2023: *Provided*, That such amount is des-
5 ignated by the Congress for Overseas Contingency Oper-
6 ations/Global War on Terrorism pursuant to section
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
10 VEHICLES, ARMY

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

18 PROCUREMENT OF AMMUNITION, ARMY

19 For an additional amount for “Procurement of Am-
20 muniton, Army”, \$103,875,000, to remain available until
21 September 30, 2023: *Provided*, That such amount is des-
22 ignated by the Congress for Overseas Contingency Oper-
23 ations/Global War on Terrorism pursuant to section
24 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 OTHER PROCUREMENT, ARMY

2 For an additional amount for “Other Procurement,
3 Army”, \$919,917,000, to remain available until Sep-
4 tember 30, 2023: *Provided*, That such amount is des-
5 ignated by the Congress for Overseas Contingency Oper-
6 ations/Global War on Terrorism pursuant to section
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 AIRCRAFT PROCUREMENT, NAVY

10 For an additional amount for “Aircraft Procurement,
11 Navy”, \$32,905,000, to remain available until September
12 30, 2023: *Provided*, That such amount is designated by
13 the Congress for Overseas Contingency Operations/Global
14 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
15 the Balanced Budget and Emergency Deficit Control Act
16 of 1985.

17 WEAPONS PROCUREMENT, NAVY

18 For an additional amount for “Weapons Procure-
19 ment, Navy”, \$5,572,000, to remain available until Sep-
20 tember 30, 2023: *Provided*, That such amount is des-
21 ignated by the Congress for Overseas Contingency Oper-
22 ations/Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For an additional amount for “Aircraft Procurement,
3 Air Force”, \$569,038,000, to remain available until Sep-
4 tember 30, 2023: *Provided*, That such amount is des-
5 ignated by the Congress for Overseas Contingency Oper-
6 ations/Global War on Terrorism pursuant to section
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 MISSILE PROCUREMENT, AIR FORCE

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

17 PROCUREMENT OF AMMUNITION, AIR FORCE

18 For an additional amount for “Procurement of Am-
19 muniton, Air Force”, \$785,617,000, to remain available
20 until September 30, 2023: *Provided*, That such amount
21 is designated by the Congress for Overseas Contingency
22 Operations/Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 OTHER PROCUREMENT, AIR FORCE

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

9 PROCUREMENT, DEFENSE-WIDE

10 For an additional amount for “Procurement, De-
11 fense-Wide”, \$273,491,000, to remain available until Sep-
12 tember 30, 2023: *Provided*, That such amount is des-
13 ignated by the Congress for Overseas Contingency Oper-
14 ations/Global War on Terrorism pursuant to section
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 NATIONAL GUARD AND RESERVE EQUIPMENT
18 ACCOUNT

19 For procurement of rotary-wing aircraft; combat, tac-
20 tical and support vehicles; other weapons; and other pro-
21 curement items for the reserve components of the Armed
22 Forces, \$850,000,000, to remain available for obligation
23 until September 30, 2023: *Provided*, That the Chiefs of
24 National Guard and Reserve components shall, not later
25 than 30 days after enactment of this Act, individually sub-

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

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

16 For an additional amount for “Research, Develop-
17 ment, Test and Evaluation, Army”, \$148,157,000, to re-
18 main available until September 30, 2022: *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.

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1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Navy”, \$59,562,000, to re-
5 main available until September 30, 2022: *Provided*, That
6 such amount is designated by the Congress for Overseas
7 Contingency Operations/Global War on Terrorism pursu-
8 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
9 and Emergency Deficit Control Act of 1985.

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

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

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

21 For an additional amount for “Research, Develop-
22 ment, Test and Evaluation, Defense-Wide”, \$82,818,000,
23 to remain available until September 30, 2022: *Provided*,
24 That such amount is designated by the Congress for Over-
25 seas Contingency Operations/Global War on Terrorism

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

3 REVOLVING AND MANAGEMENT FUNDS

4 DEFENSE WORKING CAPITAL FUNDS

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

11 OTHER DEPARTMENT OF DEFENSE PROGRAMS

12 DEFENSE HEALTH PROGRAM

13 For an additional amount for “Defense Health Pro-
14 gram”, \$365,098,000, which shall be for operation and
15 maintenance: *Provided*, That such amount is designated
16 by the Congress for Overseas Contingency Operations/
17 Global War on Terrorism pursuant to section
18 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 OFFICE OF THE INSPECTOR GENERAL

21 For an additional amount for the “Office of the In-
22 spector General”, \$24,069,000: *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 2021.

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 \$2,000,000,000 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 \$2,500,000 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 \$500,000: *Pro-*
3 *vided further*, That not later than 45 days after the end
4 of each 6 months of the fiscal year, the Secretary of De-
5 fense shall submit to the congressional defense committees
6 a report regarding the source of funds and the allocation
7 and use of funds during that 6-month period that were
8 made available pursuant to the authority provided in this
9 section or under any other provision of law for the pur-
10 poses described herein.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 9011. In addition to amounts appropriated in
9 title II or otherwise made available elsewhere in this Act,
10 \$2,400,000,000 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:
15 *Provided*, That the transfer authority provided under this
16 provision is in addition to any other transfer authority
17 provided 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. 9012. Of the amounts appropriated in this title
23 under the heading “Operation and Maintenance, Defense-
24 Wide”, for the Defense Security Cooperation Agency,
25 \$250,000,000 shall be for the Ukraine Security Assistance

1 Initiative: *Provided*, That such funds shall be available to
2 the Secretary of Defense, in coordination with the Sec-
3 retary of State, to provide assistance, including training;
4 equipment; lethal assistance; logistics support, supplies
5 and services; sustainment; and intelligence support to the
6 military and national security forces of Ukraine, and for
7 replacement of any weapons or articles provided to the
8 Government of Ukraine from the inventory of the United
9 States: *Provided further*, That the Secretary of Defense
10 shall, not less than 15 days prior to obligating funds pro-
11 vided under this heading, notify the congressional defense
12 committees in writing of the details of any such obligation:
13 *Provided further*, That the United States may accept
14 equipment procured using funds provided under this head-
15 ing in this or prior Acts that was transferred to the secu-
16 rity forces of Ukraine and returned by such forces to the
17 United States: *Provided further*, That equipment procured
18 using funds provided under this heading in this or prior
19 Acts, and not yet transferred to the military or National
20 Security Forces of Ukraine or returned by such forces to
21 the United States, may be treated as stocks of the Depart-
22 ment of Defense upon written notification to the congress-
23 sional defense committees: *Provided further*, That amounts
24 made available by this section are designated by the Con-
25 gress for Overseas Contingency Operations/Global War on

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

3 SEC. 9013. Funds appropriated in this title shall be
4 available for replacement of funds for items provided to
5 the Government of Ukraine from the inventory of the
6 United States to the extent specifically provided for in sec-
7 tion 9012 of this Act.

8 SEC. 9014. Equipment procured using funds provided
9 in prior Acts under the heading “Counterterrorism Part-
10 nerships Fund” for the program authorized by section
11 1209 of the Carl Levin and Howard P. “Buck” McKeon
12 National Defense Authorization Act for Fiscal Year 2015
13 (Public Law 113–291), and not yet transferred to author-
14 ized recipients may be transferred to foreign security
15 forces, irregular forces, groups, or individuals, authorized
16 to receive assistance using amounts provided under the
17 heading “Counter-ISIS Train and Equip Fund” in this
18 Act: *Provided*, That such equipment may be transferred
19 15 days following written notification to the congressional
20 defense committees.

21 SEC. 9015. None of the funds in this Act may be
22 made available for the transfer of additional C–130 cargo
23 aircraft to the Afghanistan National Security Forces or
24 the Afghanistan Air Force until the Department of De-
25 fense provides a report to the congressional defense com-

1 mittees of the Afghanistan Air Force’s medium airlift re-
2 quirements. The report should identify Afghanistan’s abil-
3 ity to utilize and maintain existing medium lift aircraft
4 in the inventory and the best alternative platform, if nec-
5 essary, to provide additional support to the Afghanistan
6 Air Force’s current medium airlift capacity.

7 SEC. 9016. Funds available for the Afghanistan Se-
8 curity Forces Fund may be used to provide limited train-
9 ing, equipment, and other assistance that would otherwise
10 be prohibited by 10 U.S.C. 362 to a unit of the security
11 forces of Afghanistan only if the Secretary certifies to the
12 congressional defense committees, within 30 days of a de-
13 cision to provide such assistance, that (1) a denial of such
14 assistance would present significant risk to U.S. or coali-
15 tion forces or significantly undermine United States na-
16 tional security objectives in Afghanistan; and (2) the Sec-
17 retary has sought a commitment by the Government of
18 Afghanistan to take all necessary corrective steps: *Pro-*
19 *vided*, That such certification shall be accompanied by a
20 report describing: (1) the information relating to the gross
21 violation of human rights; (2) the circumstances that ne-
22 cessitated the provision of such assistance; (3) the Afghan
23 security force unit involved; (4) the assistance provided
24 and the assistance withheld; and (5) the corrective steps
25 to be taken by the Government of Afghanistan: *Provided*

1 *further*, That every 120 days after the initial report an
2 additional report shall be submitted detailing the status
3 of any corrective steps taken by the Government of Af-
4 ghanistan: *Provided further*, That if the Government of Af-
5 ghanistan has not initiated necessary corrective steps
6 within one year of the certification, the authority under
7 this section to provide assistance to such unit shall no
8 longer apply: *Provided further*, That the Secretary shall
9 submit a report to such committees detailing the final dis-
10 position of the case by the Government of Afghanistan.

11 (RESCISSIONS)

12 SEC. 9017. Of the funds appropriated in Department
13 of Defense Appropriations Acts, the following funds are
14 hereby rescinded from the following accounts and pro-
15 grams in the specified amounts: *Provided*, That such
16 amounts are designated by the Congress for Overseas
17 Contingency Operations/Global War on Terrorism pursu-
18 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985:

20 “Aircraft Procurement, Air Force”, 2019/2021,
21 \$16,400,000;

22 “Operation and Maintenance, Defense-Wide:
23 DSCA Security Cooperation”, 2020/2021,
24 \$50,000,000;

1 “Operation and Maintenance, Defense-Wide:
2 Coalition Support Fund”, 2020/2021, \$45,000,000;
3 “Afghanistan Security Forces Fund”, 2020/
4 2021, \$1,000,000,000;
5 “Counter-ISIS Train and Equip Fund”, 2020/
6 2021, \$434,400,000;
7 “Procurement of Weapons and Tracked Combat
8 Vehicles, Army”, 2020/2022, \$100,000,000;
9 “Procurement of Ammunition, Air Force”,
10 2020/2022, \$49,679,000;
11 “Research, Development, Test and Evaluation,
12 Army”, 2020/2021, \$2,878,000; and
13 “Research, Development, Test and Evaluation,
14 Defense-Wide”, 2020/2021, \$17,830,000.

15 SEC. 9018. Of the amounts appropriated in this title
16 under the heading “Operation and Maintenance, Defense-
17 Wide”, for the Defense Security Cooperation Agency,
18 \$959,963,000, to remain available until September 30,
19 2022, shall be available to provide support and assistance
20 to foreign security forces or other groups or individuals
21 to conduct, support or facilitate counterterrorism, crisis
22 response, or other Department of Defense security co-
23 operation programs: *Provided*, That the Secretary of De-
24 fense shall, not less than 15 days prior to obligating funds
25 provided under this heading, notify the congressional de-

1 fense committees in writing of the details of any planned
2 obligation: *Provided further*, That the Secretary of Defense
3 shall provide quarterly reports to the congressional de-
4 fense committees on the use of such funds.

5 SEC. 9019. Of the amounts appropriated in this title
6 under the heading “Operation and Maintenance, Defense-
7 Wide”, for the Defense Security Cooperation Agency,
8 \$30,000,000, to remain available until September 30,
9 2022, shall be available for the purpose of providing spe-
10 cialized training and procuring supplies and specialized
11 equipment and providing such supplies and loaning such
12 equipment on a non-reimbursable basis to coalition forces
13 supporting United States military and stability operations
14 in Afghanistan and to counter the Islamic State of Iraq
15 and Syria: *Provided*, That the Secretary of Defense shall,
16 not less than 15 days prior to obligating funds provided
17 under this heading, notify the congressional defense com-
18 mittees in writing of the details of any planned obligation:
19 *Provided further*, That the Secretary of Defense shall pro-
20 vide quarterly reports to the congressional defense com-
21 mittees on the use of such funds.

22 SEC. 9020. Of the amounts appropriated in this title
23 under the heading “Operation and Maintenance, Defense-
24 Wide”, for the Defense Security Cooperation Agency,
25 \$250,000,000, to remain available until September 30,

1 2022, shall be available to reimburse Jordan, Lebanon,
2 Egypt, Tunisia, and Oman for enhanced border security:
3 *Provided*, That the Secretary of Defense shall, not less
4 than 15 days prior to obligating funds provided under this
5 heading, notify the congressional defense committees in
6 writing of the details of any planned obligation and the
7 nature of the expenses incurred: *Provided further*, That
8 the Secretary of Defense shall provide quarterly reports
9 to the congressional defense committees on the use of
10 funds provided in this paragraph.

11 SEC. 9021. Each amount designated in this Act by
12 the Congress for Overseas Contingency Operations/Global
13 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
14 the Balanced Budget and Emergency Deficit Control Act
15 of 1985 shall be available (or rescinded, if applicable) only
16 if the President subsequently so designates all such
17 amounts and transmits such designations to the Congress.

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