

115TH CONGRESS
1ST SESSION

H. J. RES. 124

Making further additional continuing appropriations for fiscal year 2018,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2017

Mr. FRELINGHUYSEN submitted the following joint resolution; which was referred to the Committee on Appropriations, and in addition to the Committees on the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JOINT RESOLUTION

Making further additional continuing appropriations for fiscal
year 2018, and for other purposes.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

3 **DIVISION A—FURTHER ADDITIONAL**
4 **CONTINUING APPROPRIATIONS ACT, 2018**

5 SEC. 101. The Continuing Appropriations Act, 2018
6 (division D of Public Law 115–56) is further amended—

7 (1) by striking the date specified in section
8 106(3) and inserting “January 19, 2018”; and

9 (2) by adding after section 142 the following:

1 “SEC. 143. Notwithstanding section 104, amounts
2 made available by section 111 for ‘Department of Home-
3 land Security—Coast Guard—Retired Pay’ may be obli-
4 gated to carry out Retired Pay Reform, as authorized by
5 part 1 of subtitle D of title VI of the National Defense
6 Authorization Act for Fiscal Year 2016 (Public Law 114–
7 92, as amended), and the matter under such heading in
8 division F of the Consolidated Appropriations Act, 2017
9 (Public Law 115–31; 131 Stat. 409) shall be applied dur-
10 ing the period covered by this Act by inserting ‘payment
11 of continuation pay under section 356 of title 37, United
12 States Code,’ after ‘payment for career status bonuses,’.

13 “SEC. 144. In addition to amounts provided by sec-
14 tion 101, amounts are provided for ‘Department of Health
15 and Human Services—Indian Health Service—Indian
16 Health Services’ at a rate for operations of \$11,761,000
17 and amounts are provided for ‘Department of Health and
18 Human Services—Indian Health Service—Indian Health
19 Facilities’ at a rate for operations of \$1,104,000, for an
20 additional amount for costs of staffing and operating
21 newly constructed facilities; and such amounts may be ap-
22 portioned up to the rate for operations necessary to staff
23 and operate newly constructed facilities.

24 “SEC. 145. Amounts made available by section 101
25 for ‘Department of Health and Human Services—Admin-

1 istration for Children and Families—Refugee and Entrant
2 Assistance’ may be apportioned up to the rate for oper-
3 ations necessary to maintain program operations for car-
4 rying out section 235 of the William Wilberforce Traf-
5 ficking Victims Protection Reauthorization Act of 2008 (8
6 U.S.C. 1232) and section 462 of the Homeland Security
7 Act of 2002 (6 U.S.C. 279) at the level provided in fiscal
8 year 2017.

9 “SEC. 146. Notwithstanding section 101, amounts
10 are provided for the purposes described in the third para-
11 graph under the heading ‘Department of Health and
12 Human Services—Office of the Secretary—Public Health
13 and Social Services Emergency Fund’ at a rate for oper-
14 ations of \$112,000,000; and such amounts may be appor-
15 tioned up to the rate for operations necessary to prepare
16 for or respond to an influenza pandemic.

17 “SEC. 147. (a) Notwithstanding any other provision
18 of law, with respect to the revised security category (as
19 that term is defined in section 250(c)(4)(D) of the Bal-
20 anced Budget and Emergency Deficit Control Act of
21 1985), any sequestration order issued under such Act for
22 fiscal year 2018 shall have no force or effect.

23 “(b) Notwithstanding any other provision of law, with
24 respect to the revised nonsecurity category (as that term
25 is defined in section 250(c)(4)(E) of such Act)—

1 tion travel (including all expenses thereof for organiza-
2 tional movements), and expenses of temporary duty travel
3 between permanent duty stations, for members of the
4 Army on active duty (except members of reserve compo-
5 nents provided for elsewhere), cadets, and aviation cadets;
6 for members of the Reserve Officers' Training Corps; and
7 for payments pursuant to section 156 of Public Law 97-
8 377, as amended (42 U.S.C. 402 note), and to the Depart-
9 ment of Defense Military Retirement Fund,
10 \$41,427,054,000.

11 MILITARY PERSONNEL, NAVY

12 For pay, allowances, individual clothing, subsistence,
13 interest on deposits, gratuities, permanent change of sta-
14 tion travel (including all expenses thereof for organiza-
15 tional movements), and expenses of temporary duty travel
16 between permanent duty stations, for members of the
17 Navy on active duty (except members of the Reserve pro-
18 vided for elsewhere), midshipmen, and aviation cadets; for
19 members of the Reserve Officers' Training Corps; and for
20 payments pursuant to section 156 of Public Law 97-377,
21 as amended (42 U.S.C. 402 note), and to the Department
22 of Defense Military Retirement Fund, \$28,707,918,000
23 (reduced by \$2,000,000) (increased by \$2,000,000).

1 MILITARY PERSONNEL, MARINE CORPS

2 For pay, allowances, individual clothing, subsistence,
3 interest on deposits, gratuities, permanent change of sta-
4 tion travel (including all expenses thereof for organiza-
5 tional movements), and expenses of temporary duty travel
6 between permanent duty stations, for members of the Ma-
7 rine Corps on active duty (except members of the Reserve
8 provided for elsewhere); and for payments pursuant to sec-
9 tion 156 of Public Law 97-377, as amended (42 U.S.C.
10 402 note), and to the Department of Defense Military Re-
11 tirement Fund, \$13,165,714,000.

12 MILITARY PERSONNEL, AIR FORCE

13 For pay, allowances, individual clothing, subsistence,
14 interest on deposits, gratuities, permanent change of sta-
15 tion travel (including all expenses thereof for organiza-
16 tional movements), and expenses of temporary duty travel
17 between permanent duty stations, for members of the Air
18 Force on active duty (except members of reserve compo-
19 nents provided for elsewhere), cadets, and aviation cadets;
20 for members of the Reserve Officers' Training Corps; and
21 for payments pursuant to section 156 of Public Law 97-
22 377, as amended (42 U.S.C. 402 note), and to the Depart-
23 ment of Defense Military Retirement Fund,
24 \$28,738,320,000.

1 RESERVE PERSONNEL, ARMY

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Army Re-
4 serve on active duty under sections 10211, 10302, and
5 3038 of title 10, United States Code, or while serving on
6 active duty under section 12301(d) of title 10, United
7 States Code, in connection with performing duty specified
8 in section 12310(a) of title 10, United States Code, or
9 while undergoing reserve training, or while performing
10 drills or equivalent duty or other duty, and expenses au-
11 thorized by section 16131 of title 10, United States Code;
12 and for payments to the Department of Defense Military
13 Retirement Fund, \$4,721,128,000.

14 RESERVE PERSONNEL, NAVY

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

1 ment of Defense Military Retirement Fund,
2 \$1,987,662,000.

3 RESERVE PERSONNEL, MARINE CORPS

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Marine
6 Corps Reserve on active duty under section 10211 of title
7 10, United States Code, or while serving on active duty
8 under section 12301(d) of title 10, United States Code,
9 in connection with performing duty specified in section
10 12310(a) of title 10, United States Code, or while under-
11 going reserve training, or while performing drills or equiv-
12 alent duty, and for members of the Marine Corps platoon
13 leaders class, and expenses authorized by section 16131
14 of title 10, United States Code; and for payments to the
15 Department of Defense Military Retirement Fund,
16 \$762,793,000.

17 RESERVE PERSONNEL, AIR FORCE

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

1 drills or equivalent duty or other duty, and expenses au-
2 thorized by section 16131 of title 10, United States Code;
3 and for payments to the Department of Defense Military
4 Retirement Fund, \$1,808,434,000.

5 NATIONAL GUARD PERSONNEL, ARMY

6 For pay, allowances, clothing, subsistence, gratuities,
7 travel, and related expenses for personnel of the Army Na-
8 tional Guard while on duty under sections 10211, 10302,
9 or 12402 of title 10 or section 708 of title 32, United
10 States Code, or while serving on duty under section
11 12301(d) of title 10 or section 502(f) of title 32, United
12 States Code, in connection with performing duty specified
13 in section 12310(a) of title 10, United States Code, or
14 while undergoing training, or while performing drills or
15 equivalent duty or other duty, and expenses authorized by
16 section 16131 of title 10, United States Code; and for pay-
17 ments to the Department of Defense Military Retirement
18 Fund, \$8,252,426,000.

19 NATIONAL GUARD PERSONNEL, AIR FORCE

20 For pay, allowances, clothing, subsistence, gratuities,
21 travel, and related expenses for personnel of the Air Na-
22 tional Guard on duty under sections 10211, 10305, or
23 12402 of title 10 or section 708 of title 32, United States
24 Code, or while serving on duty under section 12301(d) of
25 title 10 or section 502(f) of title 32, United States Code,

1 in connection with performing duty specified in section
2 12310(a) of title 10, United States Code, or while under-
3 going training, or while performing drills or equivalent
4 duty or other duty, and expenses authorized by section
5 16131 of title 10, United States Code; and for payments
6 to the Department of Defense Military Retirement Fund,
7 \$3,406,137,000.

8 TITLE II

9 OPERATION AND MAINTENANCE

10 OPERATION AND MAINTENANCE, ARMY

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance of the Army, as author-
13 ized by law, \$38,483,846,000 (reduced by \$5,000,000)
14 (reduced by \$5,600,000) (reduced by \$6,000,000): *Pro-*
15 *vided*, That not to exceed \$12,478,000 can be used for
16 emergencies and extraordinary expenses, to be expended
17 on the approval or authority of the Secretary of the Army,
18 and payments may be made on his certificate of necessity
19 for confidential military purposes.

20 OPERATION AND MAINTENANCE, NAVY

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance of the Navy and the
23 Marine Corps, as authorized by law, \$45,980,133,000 (re-
24 duced by \$598,000) (reduced by \$7,000,000): *Provided*,
25 That not to exceed \$15,055,000 can be used for emer-

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

5 OPERATION AND MAINTENANCE, MARINE CORPS

6 For expenses, not otherwise provided for, necessary
7 for the operation and maintenance of the Marine Corps,
8 as authorized by law, \$6,885,884,000.

9 OPERATION AND MAINTENANCE, AIR FORCE

10 For expenses, not otherwise provided for, necessary
11 for the operation and maintenance of the Air Force, as
12 authorized by law, \$38,592,745,000: *Provided*, That not
13 to exceed \$7,699,000 can be used for emergencies and ex-
14 traordinary expenses, to be expended on the approval or
15 authority of the Secretary of the Air Force, and payments
16 may be made on his certificate of necessity for confidential
17 military purposes.

18 OPERATION AND MAINTENANCE, DEFENSE-WIDE

19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses, not otherwise provided for, necessary
21 for the operation and maintenance of activities and agen-
22 cies of the Department of Defense (other than the military
23 departments), as authorized by law, \$33,771,769,000 (in-
24 creased by \$5,000,000) (reduced by \$10,000,000) (re-
25 duced by \$100,000) (increased by \$100,000) (reduced by

1 \$194,897,000) (increased by \$194,897,000) (reduced by
2 \$26,200,000) (reduced by \$20,000,000) (reduced by
3 \$6,000,000) (reduced by \$4,000,000) (reduced by
4 \$20,000,000) (reduced by \$1,000,000) (reduced by
5 \$10,000,000) (reduced by \$2,500,000) (reduced by
6 \$2,000,000) (reduced by \$8,000,000) (reduced by
7 \$6,250,000) (reduced by \$10,000,000) (reduced by
8 \$10,000,000) (reduced by \$30,000,000) (reduced by
9 \$34,734,000) (reduced by \$60,000,000): *Provided*, That
10 not more than \$15,000,000 may be used for the Combat-
11 ant Commander Initiative Fund authorized under section
12 166a of title 10, United States Code: *Provided further*,
13 That not to exceed \$36,000,000 can be used for emer-
14 gencies and extraordinary expenses, to be expended on the
15 approval or authority of the Secretary of Defense, and
16 payments may be made on his certificate of necessity for
17 confidential military purposes: *Provided further*, That of
18 the funds provided under this heading, not less than
19 \$38,458,000 shall be made available for the Procurement
20 Technical Assistance Cooperative Agreement Program, of
21 which not less than \$3,600,000 shall be available for cen-
22 ters defined in 10 U.S.C. 2411(1)(D): *Provided further*,
23 That none of the funds appropriated or otherwise made
24 available by this Act may be used to plan or implement
25 the consolidation of a budget or appropriations liaison of-

1 fice of the Office of the Secretary of Defense, the office
2 of the Secretary of a military department, or the service
3 headquarters of one of the Armed Forces into a legislative
4 affairs or legislative liaison office: *Provided further*, That
5 \$9,385,000, to remain available until expended, is avail-
6 able only for expenses relating to certain classified activi-
7 ties, and may be transferred as necessary by the Secretary
8 of Defense to operation and maintenance appropriations
9 or research, development, test and evaluation appropria-
10 tions, to be merged with and to be available for the same
11 time period as the appropriations to which transferred:
12 *Provided further*, That any ceiling on the investment item
13 unit cost of items that may be purchased with operation
14 and maintenance funds shall not apply to the funds de-
15 scribed in the preceding proviso: *Provided further*, That
16 of the funds provided under this heading, \$415,000,000,
17 of which \$100,000,000 to remain available until Sep-
18 tember 30, 2019, shall be available to provide support and
19 assistance to foreign security forces or other groups or in-
20 dividuals to conduct, support or facilitate counterter-
21 rorism, crisis response, or other Department of Defense
22 security cooperation programs: *Provided further*, That the
23 transfer authority provided under this heading is in addi-
24 tion to any other transfer authority provided elsewhere in
25 this Act.

1 OPERATION AND MAINTENANCE, ARMY RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Army Reserve; re-
5 pair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$2,870,163,000.

9 OPERATION AND MAINTENANCE, NAVY RESERVE

10 For expenses, not otherwise provided for, necessary
11 for the operation and maintenance, including training, or-
12 ganization, and administration, of the Navy Reserve; re-
13 pair of facilities and equipment; hire of passenger motor
14 vehicles; travel and transportation; care of the dead; re-
15 cruiting; procurement of services, supplies, and equip-
16 ment; and communications, \$1,038,507,000.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 RESERVE

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance, including training, or-
21 ganization, and administration, of the Marine Corps Re-
22 serve; repair of facilities and equipment; hire of passenger
23 motor vehicles; travel and transportation; care of the dead;
24 recruiting; procurement of services, supplies, and equip-
25 ment; and communications, \$282,337,000.

1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Air Force Reserve;
5 repair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$3,233,745,000.

9 OPERATION AND MAINTENANCE, ARMY NATIONAL

10 GUARD

11 For expenses of training, organizing, and admin-
12 istering the Army National Guard, including medical and
13 hospital treatment and related expenses in non-Federal
14 hospitals; maintenance, operation, and repairs to struc-
15 tures and facilities; hire of passenger motor vehicles; per-
16 sonnel services in the National Guard Bureau; travel ex-
17 penses (other than mileage), as authorized by law for
18 Army personnel on active duty, for Army National Guard
19 division, regimental, and battalion commanders while in-
20 specting units in compliance with National Guard Bureau
21 regulations when specifically authorized by the Chief, Na-
22 tional Guard Bureau; supplying and equipping the Army
23 National Guard as authorized by law; and expenses of re-
24 pair, modification, maintenance, and issue of supplies and
25 equipment (including aircraft), \$7,275,820,000.

1 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

2 For expenses of training, organizing, and admin-
3 istering the Air National Guard, including medical and
4 hospital treatment and related expenses in non-Federal
5 hospitals; maintenance, operation, and repairs to struc-
6 tures and facilities; transportation of things, hire of pas-
7 senger motor vehicles; supplying and equipping the Air
8 National Guard, as authorized by law; expenses for repair,
9 modification, maintenance, and issue of supplies and
10 equipment, including those furnished from stocks under
11 the control of agencies of the Department of Defense;
12 travel expenses (other than mileage) on the same basis as
13 authorized by law for Air National Guard personnel on
14 active Federal duty, for Air National Guard commanders
15 while inspecting units in compliance with National Guard
16 Bureau regulations when specifically authorized by the
17 Chief, National Guard Bureau, \$6,735,930,000.

18 UNITED STATES COURT OF APPEALS FOR THE ARMED

19 FORCES

20 For salaries and expenses necessary for the United
21 States Court of Appeals for the Armed Forces,
22 \$14,538,000, of which not to exceed \$5,000 may be used
23 for official representation purposes.

1 ENVIRONMENTAL RESTORATION, ARMY
2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Army, \$215,809,000, to
4 remain available until transferred: *Provided*, That the Sec-
5 retary of the Army shall, upon determining that such
6 funds are required for environmental restoration, reduc-
7 tion and recycling of hazardous waste, removal of unsafe
8 buildings and debris of the Department of the Army, or
9 for similar purposes, transfer the funds made available by
10 this appropriation to other appropriations made available
11 to the Department of the Army, to be merged with and
12 to be available for the same purposes and for the same
13 time period as the appropriations to which transferred:
14 *Provided further*, That upon a determination that all or
15 part of the funds transferred from this appropriation are
16 not necessary for the purposes provided herein, such
17 amounts may be transferred back to this appropriation:
18 *Provided further*, That the transfer authority provided
19 under this heading is in addition to any other transfer au-
20 thority provided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, NAVY
22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of the Navy, \$288,915,000 (in-
24 creased by \$34,734,000) (increased by \$30,000,000), to
25 remain available until transferred: *Provided*, That the Sec-

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

17 ENVIRONMENTAL RESTORATION, AIR FORCE

18 (INCLUDING TRANSFER OF FUNDS)

19 For the Department of the Air Force, \$308,749,000
20 (increased by \$30,000,000), to remain available until
21 transferred: *Provided*, That the Secretary of the Air Force
22 shall, upon determining that such funds are required for
23 environmental restoration, reduction and recycling of haz-
24 ardous waste, removal of unsafe buildings and debris of
25 the Department of the Air Force, or for similar purposes,

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

13 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

14 (INCLUDING TRANSFER OF FUNDS)

15 For the Department of Defense, \$9,002,000 (in-
16 creased by \$10,000,000), to remain available until trans-
17 ferred: *Provided*, That the Secretary of Defense shall,
18 upon determining that such funds are required for envi-
19 ronmental restoration, reduction and recycling of haz-
20 ardous waste, removal of unsafe buildings and debris of
21 the Department of Defense, or for similar purposes, trans-
22 fer the funds made available by this appropriation to other
23 appropriations made available to the Department of De-
24 fense, to be merged with and to be available for the same
25 purposes and for the same time period as the appropria-

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

8 ENVIRONMENTAL RESTORATION, FORMERLY USED
9 DEFENSE SITES

10 (INCLUDING TRANSFER OF FUNDS)

11 For the Department of the Army, \$233,673,000, to
12 remain available until transferred: *Provided*, That the Sec-
13 retary of the Army shall, upon determining that such
14 funds are required for environmental restoration, reduc-
15 tion and recycling of hazardous waste, removal of unsafe
16 buildings and debris at sites formerly used by the Depart-
17 ment of Defense, transfer the funds made available by this
18 appropriation to other appropriations made available to
19 the Department of the Army, to be merged with and to
20 be available for the same purposes and for the same time
21 period as the appropriations to which transferred: *Pro-*
22 *vided further*, That upon a determination that all or part
23 of the funds transferred from this appropriation are not
24 necessary for the purposes provided herein, such amounts
25 may be transferred back to this appropriation: *Provided*

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

4 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

5 For expenses relating to the Overseas Humanitarian,
 6 Disaster, and Civic Aid programs of the Department of
 7 Defense (consisting of the programs provided under sec-
 8 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
 9 United States Code), \$107,900,000, to remain available
 10 until September 30, 2018.

11 COOPERATIVE THREAT REDUCTION ACCOUNT

12 For assistance, including assistance provided by con-
 13 tract or by grants, under programs and activities of the
 14 Department of Defense Cooperative Threat Reduction
 15 Program authorized under the Department of Defense Co-
 16 operative Threat Reduction Act, \$324,600,000, to remain
 17 available until September 30, 2019.

18 OPERATION AND MAINTENANCE, NATIONAL DEFENSE

19 RESTORATION FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 In addition to amounts provided elsewhere in this
 22 Act, there is appropriated \$5,000,000,000, for the “Oper-
 23 ation and Maintenance, National Defense Restoration
 24 Fund”: *Provided*, That such funds provided under this
 25 heading shall only be available for programs, projects and

1 activities necessary to implement the 2018 National De-
2 fense Strategy: *Provided further*, That such funds shall not
3 be available for transfer until 30 days after the Secretary
4 has submitted, and the congressional defense committees
5 have approved, the proposed allocation plan for the use
6 of such funds to implement such strategy: *Provided fur-*
7 *ther*, That such allocation plan shall include a detailed jus-
8 tification for the use of such funds and a description of
9 how such investments are necessary to implement the
10 strategy: *Provided further*, That the Secretary of Defense
11 may transfer these funds only to operation and mainte-
12 nance accounts: *Provided further*, That the funds trans-
13 ferred shall be merged with and shall be available for the
14 same purposes and for the same time period, as the appro-
15 priation to which transferred: *Provided further*, That none
16 of the funds made available under this heading may be
17 transferred to any program, project, or activity specifically
18 limited or denied by this Act: *Provided further*, That the
19 transfer authority provided under this heading is in addi-
20 tion to any other transfer authority available to the De-
21 partment of Defense.

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TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$4,456,533,000, to remain available for obligation until September 30, 2020.

MISSILE PROCUREMENT, ARMY

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

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$1,811,808,000, to remain
15 available for obligation until September 30, 2020.

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 \$6,356,044,000 (increased by \$30,000,000), to remain
8 available for obligation until September 30, 2020.

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 \$17,908,270,000, to remain available for obligation until
21 September 30, 2020.

22 WEAPONS PROCUREMENT, NAVY

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

1 and accessories therefor; expansion of public and private
2 plants, including the land necessary therefor, and such
3 lands and interests therein, may be acquired, and con-
4 struction prosecuted thereon prior to approval of title; and
5 procurement and installation of equipment, appliances,
6 and machine tools in public and private plants; reserve
7 plant and Government and contractor-owned equipment
8 layaway, \$3,387,826,000 (increased by \$26,200,000), to
9 remain available for obligation until September 30, 2020.

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, \$735,651,000, to remain avail-
25 able for obligation until September 30, 2020.

1 SHIPBUILDING AND CONVERSION, NAVY

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

14 Ohio Replacement Submarine (AP),
15 \$842,853,000;

16 Carrier Replacement Program, \$1,869,646,000;

17 Carrier Replacement Program (AP),
18 \$2,561,058,000;

19 Virginia Class Submarine, \$3,305,315,000;

20 Virginia Class Submarine (AP),
21 \$1,920,596,000;

22 CVN Refueling Overhauls, \$1,569,669,000;

23 CVN Refueling Overhauls (AP), \$75,897,000;

24 DDG-1000 Program, \$164,976,000;

25 DDG-51 Destroyer, \$3,499,079,000;

1 DDG-51 Destroyer (AP), \$90,336,000;
2 Littoral Combat Ship, \$1,566,971,000;
3 Expeditionary Sea Base, \$635,000,000;
4 LHA Replacement, \$1,695,077,000;
5 TAO Fleet Oiler, \$449,415,000;
6 TAO Fleet Oiler (AP), \$75,068,000;
7 Ship to Shore Connector, \$390,554,000;
8 Service Craft, \$23,994,000;
9 Towing, Salvage, and Rescue Ship,
10 \$76,204,000;
11 LCU 1700, \$31,850,000;
12 For outfitting, post delivery, conversions, and
13 first destination transportation, \$542,626,000; and
14 Completion of Prior Year Shipbuilding Pro-
15 grams, \$117,542,000.
16 In all: \$21,503,726,000, to remain available for obli-
17 gation until September 30, 2022: *Provided*, That addi-
18 tional obligations may be incurred after September 30,
19 2022, for engineering services, tests, evaluations, and
20 other such budgeted work that must be performed in the
21 final stage of ship construction: *Provided further*, That
22 none of the funds provided under this heading for the con-
23 struction or conversion of any naval vessel to be con-
24 structed in shipyards in the United States shall be ex-
25 pended in foreign facilities for the construction of major

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

13 OTHER PROCUREMENT, NAVY

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

1 tractor-owned equipment layaway, \$7,852,952,000, to re-
2 main available for obligation until September 30, 2020.

3 PROCUREMENT, MARINE CORPS

4 For expenses necessary for the procurement, manu-
5 facture, and modification of missiles, armament, military
6 equipment, spare parts, and accessories therefor; plant
7 equipment, appliances, and machine tools, and installation
8 thereof in public and private plants; reserve plant and
9 Government and contractor-owned equipment layaway; ve-
10 hicles for the Marine Corps, including the purchase of pas-
11 senger motor vehicles for replacement only; and expansion
12 of public and private plants, including land necessary
13 therefor, and such lands and interests therein, may be ac-
14 quired, and construction prosecuted thereon prior to ap-
15 proval of title, \$1,818,846,000 (increased by
16 \$20,000,000), to remain available for obligation until Sep-
17 tember 30, 2020.

18 AIRCRAFT PROCUREMENT, AIR FORCE

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

1 the foregoing purposes, and such lands and interests
2 therein, may be acquired, and construction prosecuted
3 thereon prior to approval of title; reserve plant and Gov-
4 ernment and contractor-owned equipment layaway; and
5 other expenses necessary for the foregoing purposes in-
6 cluding rents and transportation of things,
7 \$16,553,196,000 (increased by \$16,000,000), to remain
8 available for obligation until September 30, 2020.

9 MISSILE PROCUREMENT, AIR FORCE

10 For construction, procurement, and modification of
11 missiles, rockets, and related equipment, including spare
12 parts and accessories therefor; ground handling equip-
13 ment, and training devices; expansion of public and pri-
14 vate 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, \$2,203,101,000, to remain available for obligation
23 until September 30, 2020.

1 SPACE PROCUREMENT, AIR FORCE

2 For construction, procurement, and modification of
3 spacecraft, rockets, and related equipment, including
4 spare parts and accessories therefor; ground handling
5 equipment, and training devices; expansion of public and
6 private plants, Government-owned equipment and installa-
7 tion thereof in such plants, erection of structures, and ac-
8 quisition of land, for the foregoing purposes, and such
9 lands and interests therein, may be acquired, and con-
10 struction prosecuted thereon prior to approval of title; re-
11 serve plant and Government and contractor-owned equip-
12 ment layaway; and other expenses necessary for the fore-
13 going purposes including rents and transportation of
14 things, \$3,210,355,000, to remain available for obligation
15 until September 30, 2020.

16 PROCUREMENT OF AMMUNITION, AIR FORCE

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

1 ment, appliances, and machine tools in public and private
2 plants; reserve plant and Government and contractor-
3 owned equipment layaway; and other expenses necessary
4 for the foregoing purposes, \$1,316,977,000, to remain
5 available for obligation until September 30, 2020.

6 OTHER PROCUREMENT, AIR FORCE

7 For procurement and modification of equipment (in-
8 cluding ground guidance and electronic control equipment,
9 and ground electronic and communication equipment),
10 and supplies, materials, and spare parts therefor, not oth-
11 erwise provided for; the purchase of passenger motor vehi-
12 cles for replacement only; lease of passenger motor vehi-
13 cles; and expansion of public and private plants, Govern-
14 ment-owned equipment and installation thereof in such
15 plants, erection of structures, and acquisition of land, for
16 the foregoing purposes, and such lands and interests
17 therein, may be acquired, and construction prosecuted
18 thereon, prior to approval of title; reserve plant and Gov-
19 ernment and contractor-owned equipment layaway,
20 \$19,318,814,000, to remain available for obligation until
21 September 30, 2020.

22 PROCUREMENT, DEFENSE-WIDE

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

1 of equipment, supplies, materials, and spare parts there-
2 for, not otherwise provided for; the purchase of passenger
3 motor vehicles for replacement only; expansion of public
4 and private plants, equipment, and installation thereof in
5 such plants, erection of structures, and acquisition of land
6 for the foregoing purposes, and such lands and interests
7 therein, may be acquired, and construction prosecuted
8 thereon prior to approval of title; reserve plant and Gov-
9 ernment and contractor-owned equipment layaway,
10 \$5,239,239,000 (reduced by \$10,000,000), to remain
11 available for obligation until September 30, 2020.

12 DEFENSE PRODUCTION ACT PURCHASES

13 For activities by the Department of Defense pursuant
14 to sections 108, 301, 302, and 303 of the Defense Produc-
15 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
16 \$67,401,000, to remain available until expended.

17 PROCUREMENT, NATIONAL DEFENSE RESTORATION

18 FUND

19 (INCLUDING TRANSFER OF FUNDS)

20 In addition to amounts provided elsewhere in this
21 Act, there is appropriated \$12,622,931,000, for the “Pro-
22 curement, National Defense Restoration Fund”: *Provided*,
23 That such funds provided under this heading shall only
24 be available for programs, projects and activities necessary
25 to implement the 2018 National Defense Strategy: *Pro-*

1 *vided further*, That such funds shall not be available for
2 transfer until 30 days after the Secretary has submitted,
3 and the congressional defense committees have approved,
4 the proposed allocation plan for the use of such funds to
5 implement such strategy: *Provided further*, That such allo-
6 cation plan shall include a detailed justification for the use
7 of such funds and a description of how such investments
8 are necessary to implement the strategy: *Provided further*,
9 That the Secretary of Defense may transfer these funds
10 only to procurement accounts: *Provided further*, That the
11 funds transferred shall be merged with and shall be avail-
12 able for the same purposes and for the same time period,
13 as the appropriation to which transferred: *Provided fur-*
14 *ther*, That none of the funds made available under this
15 heading may be transferred to any program, project, or
16 activity specifically limited or denied by this Act, except
17 for missile defense requirements resulting from urgent or
18 emergent operational needs: *Provided further*, That the
19 transfer authority provided under this heading is in addi-
20 tion to any other transfer authority available to the De-
21 partment of Defense.

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, \$9,674,222,000 (increased by
10 \$6,000,000) (increased by \$4,000,000) (increased by
11 \$12,000,000) (increased by \$5,000,000), to remain avail-
12 able for obligation until September 30, 2019.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
14 NAVY

15 For expenses necessary for basic and applied sci-
16 entific research, development, test and evaluation, includ-
17 ing maintenance, rehabilitation, lease, and operation of fa-
18 cilities and equipment, \$17,196,521,000 (increased by
19 \$598,000) (increased by \$20,000,000) (reduced by
20 \$2,500,000) (increased by \$24,000,000), to remain avail-
21 able for obligation until September 30, 2019: *Provided*,
22 That funds appropriated in this paragraph which are
23 available for the V-22 may be used to meet unique oper-
24 ational requirements of the Special Operations Forces.

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

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment, \$33,874,980,000 (increased by
7 \$5,000,000) (increased by \$6,000,000) (increased by
8 \$10,000,000) (reduced by \$30,000,000) (increased by
9 \$30,000,000), to remain available for obligation until Sep-
10 tember 30, 2019.

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

13 (INCLUDING TRANSFER OF FUNDS)

14 For expenses of activities and agencies of the Depart-
15 ment of Defense (other than the military departments),
16 necessary for basic and applied scientific research, devel-
17 opment, test and evaluation; advanced research projects
18 as may be designated and determined by the Secretary
19 of Defense, pursuant to law; maintenance, rehabilitation,
20 lease, and operation of facilities and equipment,
21 \$20,698,353,000 (reduced by \$16,000,000) (reduced by
22 \$12,000,000) (reduced by \$2,500,000) (reduced by
23 \$12,500,000) (increased by \$20,000,000) (reduced by
24 \$20,000,000) (reduced by \$4,135,000) (increased by
25 \$4,135,000) (reduced by \$27,500,000) (increased by

1 \$10,000,000), to remain available for obligation until Sep-
2 tember 30, 2019: *Provided*, That, of the funds made avail-
3 able in this paragraph, \$250,000,000 for the Defense
4 Rapid Innovation Program shall only be available for ex-
5 penses, not otherwise provided for, to include program
6 management and oversight, to conduct research, develop-
7 ment, test and evaluation to include proof of concept dem-
8 onstration; engineering, testing, and validation; and tran-
9 sition to full-scale production: *Provided further*, That the
10 Secretary of Defense may transfer funds provided herein
11 for the Defense Rapid Innovation Program to appropria-
12 tions for research, development, test and evaluation to ac-
13 complish the purpose provided herein: *Provided further*,
14 That this transfer authority is in addition to any other
15 transfer authority available to the Department of Defense:
16 *Provided further*, That the Secretary of Defense shall, not
17 fewer than 30 days prior to making transfers from this
18 appropriation, notify the congressional defense committees
19 in writing of the details of any such transfer.

20 OPERATIONAL TEST AND EVALUATION, DEFENSE

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

1 and in support of, production decisions; joint operational
2 testing and evaluation; and administrative expenses in
3 connection therewith, \$210,900,000, to remain available
4 for obligation until September 30, 2019.

5 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
6 NATIONAL DEFENSE RESTORATION FUND
7 (INCLUDING TRANSFER OF FUNDS)

8 In addition to amounts provided elsewhere in this
9 Act, there is appropriated \$1,000,000,000, for the “Re-
10 search, Development, Test and Evaluation, National De-
11 fense Restoration Fund”: *Provided*, That such funds pro-
12 vided under this heading shall only be available for pro-
13 grams, projects and activities necessary to implement the
14 2018 National Defense Strategy: *Provided further*, That
15 such funds shall not be available for transfer until 30 days
16 after the Secretary has submitted, and the congressional
17 defense committees have approved, the proposed allocation
18 plan for the use of such funds to implement such strategy:
19 *Provided further*, That such allocation plan shall include
20 a detailed justification for the use of such funds and a
21 description of how such investments are necessary to im-
22 plement the strategy: *Provided further*, That the Secretary
23 of Defense may transfer these funds only to research, de-
24 velopment, test and evaluation accounts: *Provided further*,
25 That the funds transferred shall be merged with and shall

1 be available for the same purposes and for the same time
 2 period, as the appropriation to which transferred: *Pro-*
 3 *vided further*, That none of the funds made available under
 4 this heading may be transferred to any program, project,
 5 or activity specifically limited or denied by this Act, except
 6 for missile defense requirements resulting from urgent or
 7 emergent operational needs: *Provided further*, That the
 8 transfer authority provided under this heading is in addi-
 9 tion to any other transfer authority available to the De-
 10 partment of Defense.

11 TITLE V

12 REVOLVING AND MANAGEMENT FUNDS

13 DEFENSE WORKING CAPITAL FUNDS

14 For the Defense Working Capital Funds,
 15 \$1,586,596,000.

16 TITLE VI

17 OTHER DEPARTMENT OF DEFENSE PROGRAMS

18 DEFENSE HEALTH PROGRAM

19 For expenses, not otherwise provided for, for medical
 20 and health care programs of the Department of Defense
 21 as authorized by law, \$33,931,566,000 (increased by
 22 \$7,000,000) (increased by \$1,000,000) (increased by
 23 \$10,000,000) (increased by \$2,000,000) (increased by
 24 \$2,000,000) (increased by \$10,000,000) (increased by
 25 \$5,000,000) (increased by \$10,000,000); of which

1 \$31,735,923,000 (increased by \$2,000,000) (increased by
2 \$5,000,000) shall be for operation and maintenance, of
3 which not to exceed one percent shall remain available for
4 obligation until September 30, 2019, and of which up to
5 \$15,349,700,000 may be available for contracts entered
6 into under the TRICARE program; of which
7 \$895,328,000, to remain available for obligation until Sep-
8 tember 30, 2020, shall be for procurement; and of which
9 \$1,300,315,000 (increased by \$7,000,000) (increased by
10 \$1,000,000) (increased by \$10,000,000) (increased by
11 \$2,000,000) (increased by \$10,000,000) (increased by
12 \$10,000,000), to remain available for obligation until Sep-
13 tember 30, 2019, shall be for research, development, test
14 and evaluation: *Provided*, That, notwithstanding any other
15 provision of law, of the amount made available under this
16 heading for research, development, test and evaluation,
17 not less than \$8,000,000 shall be available for HIV pre-
18 vention educational activities undertaken in connection
19 with United States military training, exercises, and hu-
20 manitarian assistance activities conducted primarily in Af-
21 rican nations: *Provided further*, That of the funds provided
22 under this heading for research, development, test and
23 evaluation, not less than \$627,100,000 shall be made
24 available to the United States Army Medical Research and

1 Materiel Command to carry out the congressionally di-
2 rected 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, \$961,732,000, of which
12 \$104,237,000 shall be for operation and maintenance, of
13 which no less than \$49,401,000 shall be for the Chemical
14 Stockpile Emergency Preparedness Program, consisting of
15 \$21,045,000 for activities on military installations and
16 \$28,356,000, to remain available until September 30,
17 2019, to assist State and local governments; \$18,081,000
18 shall be for procurement, to remain available until Sep-
19 tember 30, 2020, of which \$18,081,000 shall be for the
20 Chemical Stockpile Emergency Preparedness Program to
21 assist State and local governments; and \$839,414,000, to
22 remain available until September 30, 2019, shall be for
23 research, development, test and evaluation, of which
24 \$750,700,000 shall only be for the Assembled Chemical
25 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, \$854,814,000, of which
11 \$532,648,000 shall be for counter-narcotics support;
12 \$120,813,000 shall be for the drug demand reduction pro-
13 gram; and \$201,353,000 shall be for the National Guard
14 counter-drug program: *Provided*, That the funds appro-
15 priated under this heading shall be available for obligation
16 for the same time period and for the same purpose as the
17 appropriation to which transferred: *Provided further*, That
18 upon a determination that all or part of the funds trans-
19 ferred from this appropriation are not necessary for the
20 purposes provided herein, such amounts may be trans-
21 ferred back to this appropriation: *Provided further*, That
22 the transfer authority provided under this heading is in
23 addition to any other transfer authority contained else-
24 where 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, \$336,887,000,
5 of which \$334,087,000 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 on
8 the approval or authority of the Inspector General, and
9 payments may be made on the Inspector General's certifi-
10 cate of necessity for confidential military purposes; and
11 of which \$2,800,000, to remain available until September
12 30, 2019, shall be for research, development, test and eval-
13 uation.

14 TITLE VII
15 RELATED AGENCIES16 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
17 DISABILITY SYSTEM FUND

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

23 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

24 For necessary expenses of the Intelligence Commu-
25 nity Management Account, \$522,100,000.

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TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense:

Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

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, 2017: *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 Explanation of Project Level Adjustments in
24 the explanatory statement regarding this Act, the obliga-
25 tion and expenditure of amounts appropriated or other-

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

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

13 SEC. 8007. (a) Not later than 60 days after enact-
14 ment of this Act, the Department of Defense shall submit
15 a report to the congressional defense committees to estab-
16 lish the baseline for application of reprogramming and
17 transfer authorities for fiscal year 2018: *Provided*, That
18 the report shall include—

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

24 (2) a delineation in the table for each appro-
25 priation both by budget activity and program,

1 project, and activity as detailed in the Budget Ap-
2 pendix; and

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

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

15 (1) “Environmental Restoration, Army”;

16 (2) “Environmental Restoration, Navy” ;

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

18 (4) “Environmental Restoration, Defense-
19 Wide”

20 (5) “Environmental Restoration, Formerly
21 Used Defense Sites”; and

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

(TRANSFER OF FUNDS)

1
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 Funds appropriated in title III of this Act may be used,
5 subject to section 2306b of title 10 , United States Code,
6 for multiyear procurement contracts as follows: V-22 Os-
7 prey aircraft variants; up to 13 SSN Virginia Class Sub-
8 marines and Government-furnished equipment; and
9 DDG-51 Arleigh Burke class Flight III guided missile de-
10 stroyers, the MK 41 Vertical Launching Systems, and as-
11 sociated Government-furnished systems and subsystems.

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

1 Islands and freely associated states of Micronesia, pursu-
2 ant to the Compact of Free Association as authorized by
3 Public Law 99–239: *Provided further*, That upon a deter-
4 mination by the Secretary of the Army that such action
5 is beneficial for graduate medical education programs con-
6 ducted at Army medical facilities located in Hawaii, the
7 Secretary of the Army may authorize the provision of med-
8 ical services at such facilities and transportation to such
9 facilities, on a nonreimbursable basis, for civilian patients
10 from American Samoa, the Commonwealth of the North-
11 ern Mariana Islands, the Marshall Islands, the Federated
12 States of Micronesia, Palau, and Guam.

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

20 (b) The fiscal year 2019 budget request for the De-
21 partment of Defense as well as all justification material
22 and other documentation supporting the fiscal year 2019
23 Department of Defense budget request shall be prepared
24 and submitted to the Congress as if subsections (a) and

1 (b) of this provision were effective with regard to fiscal
2 year 2019.

3 (c) As required by section 1107 of the National De-
4 fense Authorization Act for Fiscal Year 2014 (Public Law
5 113–66; 10 U.S.C. 2358 note) civilian personnel at the
6 Department of Army Science and Technology Reinvention
7 Laboratories may not be managed on the basis of the
8 Table of Distribution and Allowances, and the manage-
9 ment of the workforce strength shall be done in a manner
10 consistent with the budget available with respect to such
11 Laboratories.

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

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

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

1 who have reenlisted with this option prior to October 1,
2 1987: *Provided further*, That this section applies only to
3 active components of the Army.

4 (TRANSFER OF FUNDS)

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

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

1 section substantially all of the components of anchor and
2 mooring chain shall be considered to be produced or manu-
3 factured in the United States if the aggregate cost of the
4 components produced or manufactured in the United
5 States exceeds the aggregate cost of the components pro-
6 duced or manufactured outside the United States: *Pro-*
7 *vided further*, That when adequate domestic supplies are
8 not available to meet Department of Defense requirements
9 on a timely basis, the Secretary of the service responsible
10 for the procurement may waive this restriction on a case-
11 by-case basis by certifying in writing to the Committees
12 on Appropriations that such an acquisition must be made
13 in order to acquire capability for national security pur-
14 poses.

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

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

10 SEC. 8019. Of the funds made available in this Act,
11 \$20,000,000 shall be available for incentive payments au-
12 thorized by section 504 of the Indian Financing Act of
13 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor
14 or a subcontractor at any tier that makes a subcontract
15 award to any subcontractor or supplier as defined in sec-
16 tion 1544 of title 25, United States Code, or a small busi-
17 ness owned and controlled by an individual or individuals
18 defined under section 4221(9) of title 25, United States
19 Code, shall be considered a contractor for the purposes
20 of being allowed additional compensation under section
21 504 of the Indian Financing Act of 1974 (25 U.S.C.
22 1544) whenever the prime contract or subcontract amount
23 is over \$500,000 and involves the expenditure of funds
24 appropriated by an Act making appropriations for the De-
25 partment of Defense with respect to any fiscal year: *Pro-*

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

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

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

23 SEC. 8022. (a) Of the funds made available in this
24 Act, not less than \$43,100,000 shall be available for the
25 Civil Air Patrol Corporation, of which—

1 (1) \$30,800,000 shall be available from “Oper-
2 ation and Maintenance, Air Force” to support Civil
3 Air Patrol Corporation operation and maintenance,
4 readiness, counter-drug activities, and drug demand
5 reduction activities involving youth programs;

6 (2) \$10,600,000 shall be available from “Air-
7 craft Procurement, Air Force”; and

8 (3) \$1,700,000 shall be available from “Other
9 Procurement, Air Force” for vehicle procurement.

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

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

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

1 when acting in a technical advisory capacity, may be com-
2 pensated for his or her services as a member of such enti-
3 ty, or as a paid consultant by more than one FFRDC in
4 a fiscal year: *Provided*, That a member of any such entity
5 referred to previously in this subsection shall be allowed
6 travel expenses and per diem as authorized under the Fed-
7 eral Joint Travel Regulations, when engaged in the per-
8 formance of membership duties.

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

19 (d) Notwithstanding any other provision of law, of
20 the funds available to the department during fiscal year
21 2018, not more than 6,000 staff years of technical effort
22 (staff years) may be funded for defense FFRDCs: *Pro-*
23 *vided*, That, of the specific amount referred to previously
24 in this subsection, not more than 1,180 staff years may
25 be funded for the defense studies and analysis FFRDCs:

1 *Provided further*, That this subsection shall not apply to
2 staff years funded in the National Intelligence Program
3 (NIP) and the Military Intelligence Program (MIP).

4 (e) The Secretary of Defense shall, with the submis-
5 sion of the department's fiscal year 2019 budget request,
6 submit a report presenting the specific amounts of staff
7 years of technical effort to be allocated for each defense
8 FFRDC during that fiscal year and the associated budget
9 estimates.

10 (f) Notwithstanding any other provision of this Act,
11 the total amount appropriated in this Act for FFRDCs
12 is hereby reduced by \$210,000,000.

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

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

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

17 SEC. 8026. During the current fiscal year, the De-
18 partment of Defense may acquire the modification, depot
19 maintenance and repair of aircraft, vehicles and vessels
20 as well as the production of components and other De-
21 fense-related articles, through competition between De-
22 partment of Defense depot maintenance activities and pri-
23 vate firms: *Provided*, That the Senior Acquisition Execu-
24 tive of the military department or Defense Agency con-
25 cerned, with power of delegation, shall certify that success-

1 ful bids include comparable estimates of all direct and in-
2 direct costs for both public and private bids: *Provided fur-*
3 *ther*, That Office of Management and Budget Circular A-
4 76 shall not apply to competitions conducted under this
5 section.

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

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

22 (b) The Secretary of Defense shall submit to the Con-
23 gress a report on the amount of Department of Defense
24 purchases from foreign entities in fiscal year 2018. Such
25 report shall separately indicate the dollar value of items

1 for which the Buy American Act was waived pursuant to
2 any agreement described in subsection (a)(2), the Trade
3 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
4 international agreement to which the United States is a
5 party.

6 (c) For purposes of this section, the term Buy Amer-
7 ican Act means chapter 83 of title 41, United States Code.

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

15 SEC. 8029. (a) Notwithstanding any other provision
16 of law, the Secretary of the Air Force may convey at no
17 cost to the Air Force, without consideration, to Indian
18 tribes located in the States of Nevada, Idaho, North Da-
19 kota, South Dakota, Montana, Oregon, Minnesota, and
20 Washington relocatable military housing units located at
21 Grand Forks Air Force Base, Malmstrom Air Force Base,
22 Mountain Home Air Force Base, Ellsworth Air Force
23 Base, and Minot Air Force Base that are excess to the
24 needs of the Air Force.

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

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

16 (d) In this section, the term Indian tribe means any
17 recognized Indian tribe included on the current list pub-
18 lished by the Secretary of the Interior under section 104
19 of the Federally Recognized Indian Tribe Act of 1994
20 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-
21 1).

22 SEC. 8030. During the current fiscal year, appropria-
23 tions which are available to the Department of Defense
24 for operation and maintenance may be used to purchase

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

3 SEC. 8031. None of the funds made available by this
4 Act may be used to—

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

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

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

1 SEC. 8033. (a) During the current fiscal year, none
2 of the appropriations or funds available to the Department
3 of Defense Working Capital Funds shall be used for the
4 purchase of an investment item for the purpose of acquir-
5 ing a new inventory item for sale or anticipated sale dur-
6 ing the current fiscal year or a subsequent fiscal year to
7 customers of the Department of Defense Working Capital
8 Funds if such an item would not have been chargeable
9 to the Department of Defense Business Operations Fund
10 during fiscal year 1994 and if the purchase of such an
11 investment item would be chargeable during the current
12 fiscal year to appropriations made to the Department of
13 Defense for procurement.

14 (b) The fiscal year 2019 budget request for the De-
15 partment of Defense as well as all justification material
16 and other documentation supporting the fiscal year 2019
17 Department of Defense budget shall be prepared and sub-
18 mitted to the Congress on the basis that any equipment
19 which was classified as an end item and funded in a pro-
20 curement appropriation contained in this Act shall be
21 budgeted for in a proposed fiscal year 2019 procurement
22 appropriation and not in the supply management business
23 area or any other area or category of the Department of
24 Defense Working Capital Funds.

1 SEC. 8034. None of the funds appropriated by this
2 Act for programs of the Central Intelligence Agency shall
3 remain available for obligation beyond the current fiscal
4 year, except for funds appropriated for the Reserve for
5 Contingencies, which shall remain available until Sep-
6 tember 30, 2019: *Provided*, That funds appropriated,
7 transferred, or otherwise credited to the Central Intel-
8 ligence Agency Central Services Working Capital Fund
9 during this or any prior or subsequent fiscal year shall
10 remain available until expended: *Provided further*, That
11 any funds appropriated or transferred to the Central Intel-
12 ligence Agency for advanced research and development ac-
13 quisition, for agent operations, and for covert action pro-
14 grams authorized by the President under section 503 of
15 the National Security Act of 1947 (50 U.S.C. 3093) shall
16 remain available until September 30, 2019.

17 SEC. 8035. Notwithstanding any other provision of
18 law, funds made available in this Act and hereafter for
19 the Defense Intelligence Agency may be used for the de-
20 sign, development, and deployment of General Defense In-
21 telligence Program intelligence communications and intel-
22 ligence information systems for the Services, the Unified
23 and Specified Commands, and the component commands.

24 SEC. 8036. Of the funds appropriated to the Depart-
25 ment of Defense under the heading “Operation and Main-

1 tenance, Defense-Wide”, not less than \$12,000,000 shall
2 be made available only for the mitigation of environmental
3 impacts, including training and technical assistance to
4 tribes, related administrative support, the gathering of in-
5 formation, documenting of environmental damage, and de-
6 veloping a system for prioritization of mitigation and cost
7 to complete estimates for mitigation, on Indian lands re-
8 sulting from Department of Defense activities.

9 SEC. 8037. (a) None of the funds appropriated in this
10 Act may be expended by an entity of the Department of
11 Defense unless the entity, in expending the funds, com-
12 plies with the Buy American Act. For purposes of this
13 subsection, the term Buy American Act means chapter 83
14 of title 41, United States Code.

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

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

1 ment of Defense, in expending the appropriation, purchase
2 only American-made equipment and products, provided
3 that American-made equipment and products are cost-
4 competitive, quality competitive, and available in a timely
5 fashion.

6 SEC. 8038. (a) Except as provided in subsections (b)
7 and (c), none of the funds made available by this Act may
8 be used—

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

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

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

22 (c) This section does not apply to—

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

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

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

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

14 SEC. 8039. (a) None of the funds appropriated by
15 this Act shall be available to convert to contractor per-
16 formance an activity or function of the Department of De-
17 fense that, on or after the date of the enactment of this
18 Act, is performed by Department of Defense civilian em-
19 ployees unless—

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

24 (2) the Competitive Sourcing Official deter-
25 mines that, over all performance periods stated in

1 the solicitation of offers for performance of the ac-
2 tivity or function, the cost of performance of the ac-
3 tivity or function by a contractor would be less costly
4 to the Department of Defense by an amount that
5 equals or exceeds the lesser of—

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

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

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

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

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

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

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

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

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

1 “Aircraft Procurement, Air Force”, 2016/2018,
2 \$82,700,000;
3 “Missile Procurement, Army”, 2017/2019,
4 \$19,319,000;
5 “Procurement of Weapons and Tracked Combat
6 Vehicles, Army”, 2017/2019, \$9,764,000;
7 “Other Procurement, Army”, 2017/2019,
8 \$10,000,000;
9 “Aircraft Procurement, Navy”, 2017/2019,
10 \$105,600,000;
11 “Weapons Procurement, Navy”, 2017/2019,
12 \$54,122,000;
13 “Shipbuilding and Conversion, Navy”, 2017/
14 2021, \$45,116,000;
15 “Aircraft Procurement, Air Force”, 2017/2019,
16 \$63,293,000;
17 “Missile Procurement, Air Force”, 2017/2019,
18 \$31,639,000;
19 “Space Procurement, Air Force”, 2017/2019,
20 \$15,000,000;
21 “Other Procurement, Air Force”, 2017/2019,
22 \$105,000,000;
23 “Research, Development, Test and Evaluation,
24 Navy”, 2017/2018, \$34,128,000;

1 “Research, Development, Test and Evaluation,
2 Air Force”, 2017/2018, \$41,700,000.

3 SEC. 8041. None of the funds available in this Act
4 may be used to reduce the authorized positions for mili-
5 tary technicians (dual status) of the Army National
6 Guard, Air National Guard, Army Reserve and Air Force
7 Reserve for the purpose of applying any administratively
8 imposed civilian personnel ceiling, freeze, or reduction on
9 military technicians (dual status), unless such reductions
10 are a direct result of a reduction in military force struc-
11 ture.

12 SEC. 8042. None of the funds appropriated or other-
13 wise made available in this Act may be obligated or ex-
14 pended for assistance to the Democratic People’s Republic
15 of Korea unless specifically appropriated for that purpose.

16 SEC. 8043. Funds appropriated in this Act for oper-
17 ation and maintenance of the Military Departments, Com-
18 batant Commands and Defense Agencies shall be available
19 for reimbursement of pay, allowances and other expenses
20 which would otherwise be incurred against appropriations
21 for the National Guard and Reserve when members of the
22 National Guard and Reserve provide intelligence or coun-
23 terintelligence support to Combatant Commands, Defense
24 Agencies and Joint Intelligence Activities, including the
25 activities and programs included within the National Intel-

1 ligence Program and the Military Intelligence Program:
2 *Provided*, That nothing in this section authorizes deviation
3 from established Reserve and National Guard personnel
4 and training procedures.

5 SEC. 8044. (a) None of the funds available to the
6 Department of Defense for any fiscal year for drug inter-
7 diction or counter-drug activities may be transferred to
8 any other department or agency of the United States ex-
9 cept as specifically provided in an appropriations law.

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

15 SEC. 8045. None of the funds appropriated by this
16 Act may be used for the procurement of ball and roller
17 bearings other than those produced by a domestic source
18 and of domestic origin: *Provided*, That the Secretary of
19 the military department responsible for such procurement
20 may waive this restriction on a case-by-case basis by certi-
21 fying in writing to the Committees on Appropriations of
22 the House of Representatives and the Senate, that ade-
23 quate domestic supplies are not available to meet Depart-
24 ment of Defense requirements on a timely basis and that
25 such an acquisition must be made in order to acquire ca-

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

6 SEC. 8046. None of the funds made available by this
7 Act for Evolved Expendable Launch Vehicle service com-
8 petitive procurements may be used unless the competitive
9 procurements are open for award to all certified providers
10 of Evolved Expendable Launch Vehicle-class systems: *Pro-*
11 *vided*, That the award shall be made to the provider that
12 offers the best value to the government.

13 SEC. 8047. In addition to the amounts appropriated
14 or otherwise made available elsewhere in this Act,
15 \$44,000,000 is hereby appropriated to the Department of
16 Defense: *Provided*, That upon the determination of the
17 Secretary of Defense that it shall serve the national inter-
18 est, the Secretary shall make grants in the amounts speci-
19 fied as follows: \$20,000,000 to the United Service Organi-
20 zations and \$24,000,000 to the Red Cross.

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

1 capability for national security purposes that is not avail-
2 able from United States manufacturers.

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

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

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

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

19 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

22 (3) in the case of an expired account, the obli-
23 gation is not chargeable to a current appropriation
24 of the Department of Defense under the provisions
25 of section 1405(b)(8) of the National Defense Au-

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

13 SEC. 8053. (a) Notwithstanding any other provision
14 of law, the Chief of the National Guard Bureau may per-
15 mit the use of equipment of the National Guard Distance
16 Learning Project by any person or entity on a space-avail-
17 able, reimbursable basis. The Chief of the National Guard
18 Bureau shall establish the amount of reimbursement for
19 such use on a case-by-case basis.

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

1 same purposes and for the same time period as the appro-
2 priations to which the funds are transferred: *Provided fur-*
3 *ther*, That this transfer authority is in addition to any
4 other transfer authority provided in this Act.

5 SEC. 8056. 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 may waive this restriction on a case-
15 by-case basis by certifying in writing to the Committees
16 on Appropriations of the House of Representatives and the
17 Senate that it is in the national security interest to do
18 so.

19 SEC. 8057. (a) The Secretary of Defense may, on a
20 case-by-case basis, waive with respect to a foreign country
21 each limitation on the procurement of defense items from
22 foreign sources provided in law if the Secretary determines
23 that the application of the limitation with respect to that
24 country would invalidate cooperative programs entered
25 into between the Department of Defense and the foreign

1 country, or would invalidate reciprocal trade agreements
2 for the procurement of defense items entered into under
3 section 2531 of title 10, United States Code, and the
4 country does not discriminate against the same or similar
5 defense items produced in the United States for that coun-
6 try.

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

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

10 (2) options for the procurement of items that
11 are exercised after such date under contracts that
12 are entered into before such date if the option prices
13 are adjusted for any reason other than the applica-
14 tion of a waiver granted under subsection (a).

15 (c) Subsection (a) does not apply to a limitation re-
16 garding construction of public vessels, ball and roller bear-
17 ings, food, and clothing or textile materials as defined by
18 section XI (chapters 50–65) of the Harmonized Tariff
19 Schedule of the United States and products classified
20 under headings 4010, 4202, 4203, 6401 through 6406,
21 6505, 7019, 7218 through 7229, 7304.41 through
22 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109,
23 8211, 8215, and 9404.

24 SEC. 8058. None of the funds appropriated or other-
25 wise made available by this or other Department of De-

1 fense Appropriations Acts may be obligated or expended
2 for the purpose of performing repairs or maintenance to
3 military family housing units of the Department of De-
4 fense, including areas in such military family housing
5 units that may be used for the purpose of conducting offi-
6 cial Department of Defense business.

7 SEC. 8059. Notwithstanding any other provision of
8 law, funds appropriated in this Act under the heading
9 “Research, Development, Test and Evaluation, Defense-
10 Wide” for any new start advanced concept technology
11 demonstration project or joint capability demonstration
12 project may only be obligated 45 days after a report, in-
13 cluding a description of the project, the planned acquisi-
14 tion and transition strategy and its estimated annual and
15 total cost, has been provided in writing to the congres-
16 sional defense committees: *Provided*, That the Secretary
17 of Defense may waive this restriction on a case-by-case
18 basis by certifying to the congressional defense committees
19 that it is in the national interest to do so.

20 SEC. 8060. The Secretary of Defense shall continue
21 to provide a classified quarterly report to the House and
22 Senate Appropriations Committees, Subcommittees on
23 Defense on certain matters as directed in the classified
24 annex accompanying this Act.

1 SEC. 8061. Notwithstanding section 12310(b) of title
2 10, United States Code, a Reserve who is a member of
3 the National Guard serving on full-time National Guard
4 duty under section 502(f) of title 32, United States Code,
5 may perform duties in support of the ground-based ele-
6 ments of the National Ballistic Missile Defense System.

7 SEC. 8062. None of the funds provided in this Act
8 may be used to transfer to any nongovernmental entity
9 ammunition held by the Department of Defense that has
10 a center-fire cartridge and a United States military no-
11 menclature designation of “armor penetrator”, “armor
12 piercing (AP)”, “armor piercing incendiary (API)”, or
13 “armor-piercing incendiary tracer (API-T)”, except to an
14 entity performing demilitarization services for the Depart-
15 ment of Defense under a contract that requires the entity
16 to demonstrate to the satisfaction of the Department of
17 Defense that armor piercing projectiles are either:

18 (1) rendered incapable of reuse by the demili-
19 tarization process; or

20 (2) used to manufacture ammunition pursuant
21 to a contract with the Department of Defense or the
22 manufacture of ammunition for export pursuant to
23 a License for Permanent Export of Unclassified
24 Military Articles issued by the Department of State.

1 SEC. 8063. Notwithstanding any other provision of
2 law, the Chief of the National Guard Bureau, or his des-
3 ignee, may waive payment of all or part of the consider-
4 ation that otherwise would be required under section 2667
5 of title 10, United States Code, in the case of a lease of
6 personal property for a period not in excess of 1 year to
7 any organization specified in section 508(d) of title 32,
8 United States Code, or any other youth, social, or fra-
9 ternal nonprofit organization as may be approved by the
10 Chief of the National Guard Bureau, or his designee, on
11 a case-by-case basis.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 8064. Of the amounts appropriated in this Act
14 under the heading “Operation and Maintenance, Army”,
15 \$66,881,780 shall remain available until expended: *Pro-*
16 *vided*, That, notwithstanding any other provision of law,
17 the Secretary of Defense is authorized to transfer such
18 funds to other activities of the Federal Government: *Pro-*
19 *vided further*, That the Secretary of Defense is authorized
20 to enter into and carry out contracts for the acquisition
21 of real property, construction, personal services, and oper-
22 ations related to projects carrying out the purposes of this
23 section: *Provided further*, That contracts entered into
24 under the authority of this section may provide for such
25 indemnification as the Secretary determines to be nec-

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

5 SEC. 8065. (a) None of the funds appropriated in this
6 or any other Act may be used to take any action to mod-
7 ify—

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

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

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

19 (4) the process by which the National Intel-
20 ligence Program appropriations are allotted, obli-
21 gated and disbursed.

22 (b) Nothing in section (a) shall be construed to pro-
23 hibit the merger of programs or changes to the National
24 Intelligence Program budget at or below the Expenditure

1 Center level, provided such change is otherwise in accord-
2 ance with paragraphs (a)(1)–(3).

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

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

14 (1) provide the proposed alternatives to all af-
15 fected agencies;

16 (2) receive certification from all affected agen-
17 cies attesting that the proposed alternatives will help
18 achieve auditability, improve fiscal reporting, and
19 will not adversely affect counterintelligence; and

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

24 SEC. 8066. In addition to amounts provided else-
25 where in this Act, \$5,000,000 (increased by \$5,000,000)

1 is hereby appropriated to the Department of Defense, to
2 remain available for obligation until expended: *Provided*,
3 That notwithstanding any other provision of law, that
4 upon the determination of the Secretary of Defense that
5 it shall serve the national interest, these funds shall be
6 available only for a grant to the Fisher House Foundation,
7 Inc., only for the construction and furnishing of additional
8 Fisher Houses to meet the needs of military family mem-
9 bers when confronted with the illness or hospitalization of
10 an eligible military beneficiary.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8067. Of the amounts appropriated in this Act
13 under the headings “Procurement, Defense-Wide” and
14 “Research, Development, Test and Evaluation, Defense-
15 Wide”, \$705,800,000 shall be for the Israeli Cooperative
16 Programs: *Provided*, That of this amount, \$92,000,000
17 shall be for the Secretary of Defense to provide to the Gov-
18 ernment of Israel for the procurement of the Iron Dome
19 defense system to counter short-range rocket threats, sub-
20 ject to the U.S.-Israel Iron Dome Procurement Agree-
21 ment, as amended; \$221,500,000 shall be for the Short
22 Range Ballistic Missile Defense (SRBMD) program, in-
23 cluding cruise missile defense research and development
24 under the SRBMD program, of which \$120,000,000 shall
25 be for co-production activities of SRBMD missiles in the

1 United States and in Israel to meet Israel’s defense re-
2 quirements consistent with each nation’s laws, regulations,
3 and procedures, subject to the U.S.-Israeli co-production
4 agreement for SRBMD, as amended; \$205,000,000 shall
5 be for an upper-tier component to the Israeli Missile De-
6 fense Architecture, of which \$120,000,000 shall be for co-
7 production activities of Arrow 3 Upper Tier missiles in
8 the United States and in Israel to meet Israel’s defense
9 requirements consistent with each nation’s laws, regula-
10 tions, and procedures, subject to the U.S.-Israeli co-pro-
11 duction agreement for Arrow 3 Upper Tier, as amended;
12 \$105,000,000 shall be for testing of the upper-tier compo-
13 nent to the Israeli Missile Defense Architecture in the
14 United States; and \$82,300,000 shall be for the Arrow
15 System Improvement Program including development of
16 a long range, ground and airborne, detection suite: *Pro-*
17 *vided further*, That the transfer authority provided under
18 this provision is in addition to any other transfer authority
19 contained in this Act.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8068. Of the amounts appropriated in this Act
22 under the heading “Shipbuilding and Conversion, Navy”,
23 \$117,542,000 shall be available until September 30, 2018,
24 to fund prior year shipbuilding cost increases: *Provided*,
25 That upon enactment of this Act, the Secretary of the

1 Navy shall transfer funds to the following appropriations
2 in the amounts specified: *Provided further*, That the
3 amounts transferred shall be merged with and be available
4 for the same purposes as the appropriations to which
5 transferred to:

6 (1) Under the heading “Shipbuilding and Con-
7 version, Navy”, 2012/2018: Carrier Replacement
8 Program \$20,000,000;

9 (2) Under the heading “Shipbuilding and Con-
10 version, Navy”, 2008/2018: DDG–51 Destroyer
11 \$19,436,000;

12 (3) Under the heading “Shipbuilding and Con-
13 version, Navy”, 2012/2018: Littoral Combat Ship
14 \$6,394,000;

15 (4) Under the heading “Shipbuilding and Con-
16 version, Navy”, 2012/2018: LHA Replacement
17 \$14,200,000;

18 (5) Under the heading “Shipbuilding and Con-
19 version, Navy”, 2013/2018: DDG–51 Destroyer
20 \$31,941,000;

21 (6) Under the heading “Shipbuilding and Con-
22 version, Navy”, 2014/2018: Littoral Combat Ship
23 \$20,471,000; and

24 (7) Under the heading “Shipbuilding and Con-
25 version, Navy”, 2015/2018: LCAC \$5,100,000.

1 SEC. 8069. Funds appropriated by this Act, or made
2 available by the transfer of funds in this Act, for intel-
3 ligence activities are deemed to be specifically authorized
4 by the Congress for purposes of section 504 of the Na-
5 tional Security Act of 1947 (50 U.S.C. 3094) during fiscal
6 year 2018 until the enactment of the Intelligence Author-
7 ization Act for Fiscal Year 2018.

8 SEC. 8070. None of the funds provided in this Act
9 shall be available for obligation or expenditure through a
10 reprogramming of funds that creates or initiates a new
11 program, project, or activity unless such program, project,
12 or activity must be undertaken immediately in the interest
13 of national security and only after written prior notifica-
14 tion to the congressional defense committees.

15 SEC. 8071. The budget of the President for fiscal
16 year 2018 submitted to the Congress pursuant to section
17 1105 of title 31, United States Code, shall include sepa-
18 rate budget justification documents for costs of United
19 States Armed Forces' participation in contingency oper-
20 ations for the Military Personnel accounts, the Operation
21 and Maintenance accounts, the Procurement accounts,
22 and the Research, Development, Test and Evaluation ac-
23 counts: *Provided*, That these documents shall include a de-
24 scription of the funding requested for each contingency op-
25 eration, for each military service, to include all Active and

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

14 SEC. 8072. None of the funds in this Act may be
15 used for research, development, test, evaluation, procure-
16 ment or deployment of nuclear armed interceptors of a
17 missile defense system.

18 SEC. 8073. Notwithstanding any other provision of
19 this Act, to reflect savings due to favorable foreign ex-
20 change rates, the total amount appropriated in this Act
21 is hereby reduced by \$289,000,000.

22 SEC. 8074. None of the funds appropriated or made
23 available in this Act shall be used to reduce or disestablish
24 the operation of the 53rd Weather Reconnaissance Squad-
25 ron of the Air Force Reserve, if such action would reduce

1 the WC-130 Weather Reconnaissance mission below the
2 levels funded in this Act: *Provided*, That the Air Force
3 shall allow the 53rd Weather Reconnaissance Squadron to
4 perform other missions in support of national defense re-
5 quirements during the non-hurricane season.

6 SEC. 8075. None of the funds provided in this Act
7 shall be available for integration of foreign intelligence in-
8 formation unless the information has been lawfully col-
9 lected and processed during the conduct of authorized for-
10 eign intelligence activities: *Provided*, That information
11 pertaining to United States persons shall only be handled
12 in accordance with protections provided in the Fourth
13 Amendment of the United States Constitution as imple-
14 mented through Executive Order No. 12333.

15 SEC. 8076. (a) None of the funds appropriated by
16 this Act may be used to transfer research and develop-
17 ment, acquisition, or other program authority relating to
18 current tactical unmanned aerial vehicles (TUAVs) from
19 the Army.

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

1 SEC. 8077. None of the funds appropriated by this
2 Act for programs of the Office of the Director of National
3 Intelligence shall remain available for obligation beyond
4 the current fiscal year, except for funds appropriated for
5 research and technology, which shall remain available until
6 September 30, 2019.

7 SEC. 8078. For purposes of section 1553(b) of title
8 31, United States Code, any subdivision of appropriations
9 made in this Act under the heading “Shipbuilding and
10 Conversion, Navy” shall be considered to be for the same
11 purpose as any subdivision under the heading “Ship-
12 building and Conversion, Navy” appropriations in any
13 prior fiscal year, and the 1 percent limitation shall apply
14 to the total amount of the appropriation.

15 SEC. 8079. (a) Not later than 60 days after the date
16 of enactment of this Act, the Director of National Intel-
17 ligence shall submit a report to the congressional intel-
18 ligence committees to establish the baseline for application
19 of reprogramming and transfer authorities for fiscal year
20 2018: *Provided*, That the report shall include—

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

1 From “Department of Defense Acquisition
2 Workforce Development Fund, Defense”,
3 \$10,000,000.

4 SEC. 8082. None of the funds made available by this
5 Act for excess defense articles, assistance under section
6 333 of title 10, United States Code, or peacekeeping oper-
7 ations for the countries designated annually to be in viola-
8 tion of the standards of the Child Soldiers Prevention Act
9 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may
10 be used to support any military training or operation that
11 includes child soldiers, as defined by the Child Soldiers
12 Prevention Act of 2008, unless such assistance is other-
13 wise permitted under section 404 of the Child Soldiers
14 Prevention Act of 2008.

15 SEC. 8083. (a) None of the funds provided for the
16 National Intelligence Program in this or any prior appro-
17 priations Act shall be available for obligation or expendi-
18 ture through a reprogramming or transfer of funds in ac-
19 cordance with section 102A(d) of the National Security
20 Act of 1947 (50 U.S.C. 3024(d)) that—

- 21 (1) creates a new start effort;
- 22 (2) terminates a program with appropriated
23 funding of \$10,000,000 or more;
- 24 (3) transfers funding into or out of the Na-
25 tional Intelligence Program; or

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

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

17 SEC. 8084. The Director of National Intelligence
18 shall submit to Congress each year, at or about the time
19 that the President's budget is submitted to Congress that
20 year under section 1105(a) of title 31, United States
21 Code, a future-years intelligence program (including asso-
22 ciated annexes) reflecting the estimated expenditures and
23 proposed appropriations included in that budget. Any such
24 future-years intelligence program shall cover the fiscal

1 year with respect to which the budget is submitted and
2 at least the four succeeding fiscal years.

3 SEC. 8085. For the purposes of this Act, the term
4 “congressional intelligence committees” means the Perma-
5 nent Select Committee on Intelligence of the House of
6 Representatives, the Select Committee on Intelligence of
7 the Senate, the Subcommittee on Defense of the Com-
8 mittee on Appropriations of the House of Representatives,
9 and the Subcommittee on Defense of the Committee on
10 Appropriations of the Senate.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8086. During the current fiscal year, not to ex-
13 ceed \$11,000,000 from each of the appropriations made
14 in title II of this Act for “Operation and Maintenance,
15 Army”, “Operation and Maintenance, Navy”, and “Oper-
16 ation and Maintenance, Air Force” may be transferred by
17 the military department concerned to its central fund es-
18 tablished for Fisher Houses and Suites pursuant to sec-
19 tion 2493(d) of title 10, United States Code.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8087. Not to exceed \$500,000,000 appropriated
22 by this Act for operation and maintenance may be avail-
23 able for the purpose of making remittances and transfer
24 to the Defense Acquisition Workforce Development Fund

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

3 SEC. 8088. (a) Any agency receiving funds made
4 available in this Act, shall, subject to subsections (b) and
5 (c), post on the public website of that agency any report
6 required to be submitted by the Congress in this or any
7 other Act, upon the determination by the head of the agen-
8 cy that it shall serve the national interest.

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

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

12 (2) the report contains proprietary information.

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

17 SEC. 8089. (a) None of the funds appropriated or
18 otherwise made available by this Act may be expended for
19 any Federal contract for an amount in excess of
20 \$1,000,000, unless the contractor agrees not to—

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

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

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

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

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

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

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8090. From within the funds appropriated for
3 operation and maintenance for the Defense Health Pro-
4 gram in this Act, up to \$115,519,000, shall be available
5 for transfer to the Joint Department of Defense-Depart-
6 ment of Veterans Affairs Medical Facility Demonstration
7 Fund in accordance with the provisions of section 1704
8 of the National Defense Authorization Act for Fiscal Year
9 2010, Public Law 111–84: *Provided*, That for purposes
10 of section 1704(b), the facility operations funded are oper-
11 ations of the integrated Captain James A. Lovell Federal
12 Health Care Center, consisting of the North Chicago Vet-
13 erans Affairs Medical Center, the Navy Ambulatory Care
14 Center, and supporting facilities designated as a combined
15 Federal medical facility as described by section 706 of
16 Public Law 110–417: *Provided further*, That additional
17 funds may be transferred from funds appropriated for op-
18 eration and maintenance for the Defense Health Program
19 to the Joint Department of Defense-Department of Vet-
20 erans Affairs Medical Facility Demonstration Fund upon
21 written notification by the Secretary of Defense to the
22 Committees on Appropriations of the House of Represent-
23 atives and the Senate.

24 SEC. 8091. None of the funds appropriated or other-
25 wise made available by this Act may be used by the De-

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

4 SEC. 8092. Appropriations available to the Depart-
5 ment of Defense may be used for the purchase of heavy
6 and light armored vehicles for the physical security of per-
7 sonnel or for force protection purposes up to a limit of
8 \$450,000 per vehicle, notwithstanding price or other limi-
9 tations applicable to the purchase of passenger carrying
10 vehicles.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8093. Upon a determination by the Director of
13 National Intelligence that such action is necessary and in
14 the national interest, the Director may, with the approval
15 of the Office of Management and Budget, transfer not to
16 exceed \$1,500,000,000 of the funds made available in this
17 Act for the National Intelligence Program: *Provided*, That
18 such authority to transfer may not be used unless for
19 higher priority items, based on unforeseen intelligence re-
20 quirements, than those for which originally appropriated
21 and in no case where the item for which funds are re-
22 quested has been denied by the Congress: *Provided further*,
23 That a request for multiple reprogrammings of funds
24 using authority provided in this section shall be made
25 prior to June 30, 2017.

1 SEC. 8094. None of the funds appropriated or other-
2 wise made available in this or any other Act may be used
3 to transfer, release, or assist in the transfer or release to
4 or within the United States, its territories, or possessions
5 Khalid Sheikh Mohammed or any other detainee who—

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

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

11 SEC. 8095. (a) None of the funds appropriated or
12 otherwise made available in this or any other Act may be
13 used to construct, acquire, or modify any facility in the
14 United States, its territories, or possessions to house any
15 individual described in subsection (c) for the purposes of
16 detention or imprisonment in the custody or under the ef-
17 fective control of the Department of Defense.

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

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

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

4 (2) is—

5 (A) in the custody or under the effective
6 control of the Department of Defense; or

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

9 SEC. 8096. None of the funds appropriated or other-
10 wise made available in this Act may be used to transfer
11 any individual detained at United States Naval Station
12 Guantánamo Bay, Cuba, to the custody or control of the
13 individual's country of origin, any other foreign country,
14 or any other foreign entity except in accordance with sec-
15 tion 1034 of the National Defense Authorization Act for
16 Fiscal Year 2016 (Public Law 114–92) and section 1034
17 of the National Defense Authorization Act for Fiscal Year
18 2017 (Public Law 114–328).

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

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

1 contract, memorandum of understanding, or cooperative
2 agreement with, or make a grant to, or provide a loan
3 or loan guarantee to Rosoboronexport or any subsidiary
4 of Rosoboronexport.

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

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

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

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

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

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

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

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

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

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

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

12 (c) NATURE OF PAYMENTS.—Any payments provided
13 under a program under subsection (a) shall not be consid-
14 ered an admission or acknowledgement of any legal obliga-
15 tion to compensate for any damage, personal injury, or
16 death.

17 (d) AMOUNT OF PAYMENTS.—If the Secretary of De-
18 fense determines a program under subsection (a) to be ap-
19 propriate in a particular setting, the amounts of pay-
20 ments, if any, to be provided to civilians determined to
21 have suffered harm incident to combat operations of the
22 Armed Forces under the program should be determined
23 pursuant to regulations prescribed by the Secretary and
24 based on an assessment, which should include such factors

1 as cultural appropriateness and prevailing economic condi-
2 tions.

3 (e) LEGAL ADVICE.—Local military commanders
4 shall receive legal advice before making ex gratia pay-
5 ments under this subsection. The legal advisor, under reg-
6 ulations of the Department of Defense, shall advise on
7 whether an ex gratia payment is proper under this section
8 and applicable Department of Defense regulations.

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

14 (g) REPORT.—The Secretary of Defense shall report
15 to the congressional defense committees on an annual
16 basis the efficacy of the ex gratia payment program in-
17 cluding the number of types of cases considered, amounts
18 offered, the response from ex gratia payment recipients,
19 and any recommended modifications to the program.

20 SEC. 8101. None of the funds available in this Act
21 to the Department of Defense, other than appropriations
22 made for necessary or routine refurbishments, upgrades
23 or maintenance activities, shall be used to reduce or to
24 prepare to reduce the number of deployed and non-de-
25 ployed strategic delivery vehicles and launchers below the

1 levels set forth in the report submitted to Congress in ac-
2 cordance with section 1042 of the National Defense Au-
3 thorization Act for Fiscal Year 2012.

4 SEC. 8102. The Secretary of Defense shall post grant
5 awards on a public Website in a searchable format.

6 SEC. 8103. None of the funds made available by this
7 Act may be used to fund the performance of a flight dem-
8 onstration team at a location outside of the United States:
9 *Provided*, That this prohibition applies only if a perform-
10 ance of a flight demonstration team at a location within
11 the United States was canceled during the current fiscal
12 year due to insufficient funding.

13 SEC. 8104. None of the funds made available by this
14 Act may be used by the National Security Agency to—

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

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

1 SEC. 8105. None of the funds made available by this
2 Act may be obligated or expended to implement the Arms
3 Trade Treaty until the Senate approves a resolution of
4 ratification for the Treaty.

5 SEC. 8106. None of the funds made available in this
6 or any other Act may be used to pay the salary of any
7 officer or employee of any agency funded by this Act who
8 approves or implements the transfer of administrative re-
9 sponsibilities or budgetary resources of any program,
10 project, or activity financed by this Act to the jurisdiction
11 of another Federal agency not financed by this Act unless
12 explicitly provided for in a Defense Appropriations Act:
13 *Provided*, That this limitation shall not apply to transfers
14 of funds expressly provided for in Defense Appropriations
15 Acts, or provisions of Acts providing supplemental appro-
16 priations for the Department of Defense.

17 SEC. 8107. None of the funds made available in this
18 Act may be obligated for activities authorized under sec-
19 tion 1208 of the Ronald W. Reagan National Defense Au-
20 thorization Act for Fiscal Year 2005 (Public Law 112–
21 81; 125 Stat. 1621) to initiate support for, or expand sup-
22 port to, foreign forces, irregular forces, groups, or individ-
23 uals unless the congressional defense committees are noti-
24 fied in accordance with the direction contained in the clas-
25 sified annex accompanying this Act, not less than 15 days

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

12 SEC. 8108. None of the funds made available by this
13 Act may be used with respect to Iraq in contravention of
14 the War Powers Resolution (50 U.S.C. 1541 et seq.), in-
15 cluding for the introduction of United States armed forces
16 into hostilities in Iraq, into situations in Iraq where immi-
17 nent involvement in hostilities is clearly indicated by the
18 circumstances, or into Iraqi territory, airspace, or waters
19 while equipped for combat, in contravention of the con-
20 gressional consultation and reporting requirements of sec-
21 tions 3 and 4 of such Resolution (50 U.S.C. 1542 and
22 1543).

23 SEC. 8109. None of the funds provided in this Act
24 for the T-AO Fleet Oiler or the Towing, Salvage, and Res-
25 cue Ship programs shall be used to award a new contract

1 that provides for the acquisition of the following compo-
2 nents unless those components are manufactured in the
3 United States: Auxiliary equipment (including pumps) for
4 shipboard services; propulsion equipment (including en-
5 gines, reduction gears, and propellers); shipboard cranes;
6 and spreaders for shipboard cranes.

7 SEC. 8110. The amount appropriated in title II of
8 this Act for “Operation and Maintenance, Army” is here-
9 by reduced by \$75,000,000 to reflect excess cash balances
10 in Department of Defense Working Capital Funds.

11 SEC. 8111. Notwithstanding any other provision of
12 this Act, to reflect savings due to lower than anticipated
13 fuel costs, the total amount appropriated in title II of this
14 Act is hereby reduced by \$1,007,267,000.

15 SEC. 8112. None of the funds made available by this
16 Act may be used for Government Travel Charge Card ex-
17 penses by military or civilian personnel of the Department
18 of Defense for gaming, or for entertainment that includes
19 topless or nude entertainers or participants, as prohibited
20 by Department of Defense FMR, Volume 9, Chapter 3
21 and Department of Defense Instruction 1015.10 (enclo-
22 sure 3, 14a and 14b).

23 SEC. 8113. None of the funds made available by this
24 Act may be used to propose, plan for, or execute a new

1 or additional Base Realignment and Closure (BRAC)
2 round.

3 SEC. 8114. Of the amounts appropriated in this Act
4 for “Operation and Maintenance, Navy”, \$289,255,000,
5 to remain available until expended, may be used for any
6 purposes related to the National Defense Reserve Fleet
7 established under section 11 of the Merchant Ship Sales
8 Act of 1946 (50 U.S.C. 4405): *Provided*, That such
9 amounts are available for reimbursements to the Ready
10 Reserve Force, Maritime Administration account of the
11 United States Department of Transportation for pro-
12 grams, projects, activities, and expenses related to the Na-
13 tional Defense Reserve Fleet.

14 SEC. 8115. None of the funds made available by this
15 Act for the Joint Surveillance Target Attack Radar Sys-
16 tem recapitalization program may be obligated or ex-
17 pended for pre-milestone B activities after March 31,
18 2018, except for source selection and other activities nec-
19 essary to enter the engineering and manufacturing devel-
20 opment phase.

21 SEC. 8116. None of the funds made available by this
22 Act may be used to carry out the closure or realignment
23 of the United States Naval Station, Guantánamo Bay,
24 Cuba.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8117. Additional readiness funds made available
3 in title II of this Act for “Operation and Maintenance,
4 Army”, “Operation and Maintenance, Navy”, “Operation
5 and Maintenance, Marine Corps”, and “Operation and
6 Maintenance, Air Force” may be transferred to and
7 merged with any appropriation of the Department of De-
8 fense for activities related to the Zika virus in order to
9 provide health support for the full range of military oper-
10 ations and sustain the health of the members of the Armed
11 Forces, civilian employees of the Department of Defense,
12 and their families, to include: research and development,
13 disease surveillance, vaccine development, rapid detection,
14 vector controls and surveillance, training, and outbreak re-
15 sponse: *Provided*, That the authority provided in this sec-
16 tion is subject to the same terms and conditions as the
17 authority provided in section 8005 of this Act.

18 SEC. 8118. (a) None of the funds made available in
19 this Act may be used to maintain or establish a computer
20 network unless such network is designed to block access
21 to pornography websites.

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

1 or for any activity necessary for the national defense, in-
2 cluding intelligence activities.

3 SEC. 8119. Notwithstanding any other provision of
4 law, any transfer of funds appropriated or otherwise made
5 available by this Act to the Global Engagement Center
6 pursuant to section 1287 of the National Defense Author-
7 ization Act for Fiscal Year 2017 (Public Law 114–328)
8 shall be made in accordance with section 8005 or 9002
9 of this Act, as applicable.

10 SEC. 8120. No amounts credited or otherwise made
11 available in this or any other Act to the Department of
12 Defense Acquisition Workforce Development Fund may be
13 transferred to:

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

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

23 (INCLUDING TRANSFER FUND)

24 SEC. 8121. In addition to amounts provided else-
25 where in this Act for military personnel pay, including ac-

1 tive duty, reserve and National Guard personnel,
2 \$206,400,000 is hereby appropriated to the Department
3 of Defense and made available for transfer only to military
4 personnel accounts: *Provided*, That the transfer authority
5 provided under this heading is in addition to any other
6 transfer authority provided elsewhere in this Act.

7 SEC. 8122. In addition to amounts provided else-
8 where in this Act, there is appropriated \$235,000,000, for
9 an additional amount for “Operation and Maintenance,
10 Defense-Wide”, to remain available until expended: *Pro-*
11 *vided*, That such funds shall only be available to the Sec-
12 retary of Defense, acting through the Office of Economic
13 Adjustment of the Department of Defense, or for transfer
14 to the Secretary of Education, notwithstanding any other
15 provision of law, to make grants, conclude cooperative
16 agreements, or supplement other Federal funds to con-
17 struct, renovate, repair, or expand elementary and sec-
18 ondary public schools on military installations in order to
19 address capacity or facility condition deficiencies at such
20 schools: *Provided further*, That in making such funds
21 available, the Office of Economic Adjustment or the Sec-
22 retary of Education shall give priority consideration to
23 those military installations with schools having the most
24 serious capacity or facility condition deficiencies as deter-
25 mined by the Secretary of Defense: *Provided further*, That

1 as a condition of receiving funds under this section a local
2 educational agency or State shall provide a matching share
3 as described in the notice titled “Department of Defense
4 Program for Construction, Renovation, Repair or Expan-
5 sion of Public Schools Located on Military Installations”
6 published by the Department of Defense in the Federal
7 Register on September 9, 2011 (76 Fed. Reg. 55883 et
8 seq.): *Provided further*, That these provisions apply to
9 funds provided under this section, and to funds previously
10 provided by Congress to construct, renovate, repair, or ex-
11 pand elementary and secondary public schools on military
12 installations in order to address capacity or facility condi-
13 tion deficiencies at such schools to the extent such funds
14 remain unobligated on the date of enactment of this sec-
15 tion.

16 SEC. 8123. None of the funds made available by this
17 Act may be used to carry out the changes to the Joint
18 Travel Regulations of the Department of Defense de-
19 scribed in the memorandum of the Per Diem Travel and
20 Transportation Allowance Committee titled “UTD/CTD
21 for MAP 118–13/CAP 118–13 - Flat Rate Per Diem for
22 Long Term TDY” and dated October 1, 2014.

23 SEC. 8124. In carrying out the program described in
24 the memorandum on the subject of “Policy for Assisted
25 Reproductive Services for the Benefit of Seriously or Se-

1 verely Ill/Injured (Category II or III) Active Duty Service
2 Members” issued by the Assistant Secretary of Defense
3 for Health Affairs on April 3, 2012, and the guidance
4 issued to implement such memorandum, the Secretary of
5 Defense shall apply such policy and guidance, except
6 that—

7 (1) the limitation on periods regarding embryo
8 cryopreservation and storage set forth in part III(G)
9 and in part IV(H) of such memorandum shall not
10 apply; and

11 (2) the term “assisted reproductive technology”
12 shall include embryo cryopreservation and storage
13 without limitation on the duration of such
14 cryopreservation and storage.

15 TITLE IX

16 OVERSEAS CONTINGENCY OPERATIONS/GLOBAL

17 WAR ON TERRORISM

18 MILITARY PERSONNEL

19 MILITARY PERSONNEL, ARMY

20 For an additional amount for “Military Personnel,
21 Army”, \$2,635,317,000: *Provided*, That such amount is
22 designated by the Congress for Overseas Contingency Op-
23 erations/Global War on Terrorism pursuant to section
24 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 MILITARY PERSONNEL, NAVY

2 For an additional amount for “Military Personnel,
3 Navy”, \$377,857,000: *Provided*, That such amount is des-
4 ignated by the Congress for Overseas Contingency Oper-
5 ations/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 MILITARY PERSONNEL, MARINE CORPS

9 For an additional amount for “Military Personnel,
10 Marine Corps”, \$103,800,000: *Provided*, That such
11 amount is designated by the Congress for Overseas Con-
12 tingency Operations/Global War on Terrorism pursuant to
13 section 251(b)(2)(A)(ii) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985.

15 MILITARY PERSONNEL, AIR FORCE

16 For an additional amount for “Military Personnel,
17 Air Force”, \$912,779,000: *Provided*, That such amount
18 is designated by the Congress for Overseas Contingency
19 Operations/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, ARMY

23 For an additional amount for “Reserve Personnel,
24 Army”, \$24,942,000: *Provided*, That such amount is des-
25 ignated by the Congress for Overseas Contingency Oper-

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

4 RESERVE PERSONNEL, NAVY

5 For an additional amount for “Reserve Personnel,
6 Navy”, \$9,091,000: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 RESERVE PERSONNEL, MARINE CORPS

12 For an additional amount for “Reserve Personnel,
13 Marine Corps”, \$2,328,000: *Provided*, That such amount
14 is designated by the Congress for Overseas Contingency
15 Operations/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 RESERVE PERSONNEL, AIR FORCE

19 For an additional amount for “Reserve Personnel,
20 Air Force”, \$20,569,000: *Provided*, That such amount is
21 designated by the Congress for Overseas Contingency Op-
22 erations/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 NATIONAL GUARD PERSONNEL, ARMY

2 For an additional amount for “National Guard Per-
3 sonnel, Army”, \$184,589,000: *Provided*, That such
4 amount is designated by the Congress for Overseas Con-
5 tingency Operations/Global War on Terrorism pursuant to
6 section 251(b)(2)(A)(ii) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 NATIONAL GUARD PERSONNEL, AIR FORCE

9 For an additional amount for “National Guard Per-
10 sonnel, Air Force”, \$5,004,000: *Provided*, That such
11 amount is designated by the Congress for Overseas Con-
12 tingency Operations/Global War on Terrorism pursuant to
13 section 251(b)(2)(A)(ii) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985.

15 MILITARY PERSONNEL, NATIONAL DEFENSE

16 RESTORATION FUND

17 (INCLUDING TRANSFER OF FUNDS)

18 In addition to amounts provided elsewhere in this
19 Act, there is appropriated \$1,000,000,000, for the “Mili-
20 tary Personnel, National Defense Restoration Fund”: *Pro-*
21 *vided*, That such funds provided under this heading shall
22 only be available for programs, projects and activities nec-
23 essary to implement the 2018 National Defense Strategy:
24 *Provided further*, That such funds shall not be available
25 for transfer until 30 days after the Secretary has sub-

1 mitted, and the congressional defense committees have ap-
2 proved, the proposed allocation plan for the use of such
3 funds to implement such strategy: *Provided further*, That
4 such allocation plan shall include a detailed justification
5 for the use of such funds and a description of how such
6 investments are necessary to implement the strategy: *Pro-*
7 *vided further*, That the Secretary of Defense may transfer
8 these funds only to military personnel accounts: *Provided*
9 *further*, That the funds transferred shall be merged with
10 and shall be available for the same purposes and for the
11 same time period, as the appropriation to which trans-
12 ferred: *Provided further*, That none of the funds made
13 available under this heading may be transferred to any
14 program, project, or activity specifically limited or denied
15 by this Act: *Provided further*, That the transfer authority
16 provided under this heading is in addition to any other
17 transfer authority available to the Department of Defense:
18 *Provided further*, That such amount is designated by the
19 Congress for Overseas Contingency Operations/Global
20 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
21 the Balanced Budget and Emergency Deficit Control Act
22 of 1985.

1 OPERATION AND MAINTENANCE

2 OPERATION AND MAINTENANCE, ARMY

3 For an additional amount for “Operation and Main-
4 tenance, Army”, \$16,126,403,000: *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”, \$5,875,015,000, of which up to
12 \$161,885,000 may be transferred to the Coast Guard
13 “Operating Expenses” account: *Provided*, That such
14 amount is designated by the Congress for Overseas Con-
15 tingency Operations/Global War on Terrorism pursuant to
16 section 251(b)(2)(A)(ii) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 OPERATION AND MAINTENANCE, MARINE CORPS

19 For an additional amount for “Operation and Main-
20 tenance, Marine Corps”, \$1,116,640,000: *Provided*, That
21 such amount is designated by the Congress for Overseas
22 Contingency Operations/Global War on Terrorism pursu-
23 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
24 and Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For an additional amount for “Operation and Main-
3 tenance, Air Force”, \$10,266,295,000: *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, DEFENSE-WIDE

9 For an additional amount for “Operation and Main-
10 tenance, Defense-Wide”, \$6,944,201,000: *Provided*, That
11 of the funds provided under this heading, not to exceed
12 \$900,000,000, to remain available until September 30,
13 2019, shall be for payments to reimburse key cooperating
14 nations for logistical, military, and other support, includ-
15 ing access, provided to United States military and stability
16 operations in Afghanistan and to counter the Islamic
17 State of Iraq and the Levant: *Provided further*, That such
18 reimbursement payments may be made in such amounts
19 as the Secretary of Defense, with the concurrence of the
20 Secretary of State, and in consultation with the Director
21 of the Office of Management and Budget, may determine,
22 based on documentation determined by the Secretary of
23 Defense to adequately account for the support provided,
24 and such determination is final and conclusive upon the
25 accounting officers of the United States, and 15 days fol-

1 lowing notification to the appropriate congressional com-
2 mittees: *Provided further*, That funds provided under this
3 heading may be used for the purpose of providing special-
4 ized training and procuring supplies and specialized equip-
5 ment and providing such supplies and loaning such equip-
6 ment on a non-reimbursable basis to coalition forces sup-
7 porting United States military and stability operations in
8 Afghanistan and to counter the Islamic State of Iraq and
9 the Levant, and 15 days following notification to the ap-
10 propriate congressional committees: *Provided further*,
11 That funds provided under this heading may be used to
12 support the Government of Jordan, in such amounts as
13 the Secretary of Defense may determine, to enhance the
14 ability of the armed forces of Jordan to increase or sustain
15 security along its borders, upon 15 days prior written noti-
16 fication to the congressional defense committees outlining
17 the amounts intended to be provided and the nature of
18 the expenses incurred: *Provided further*, That of the funds
19 provided under this heading, not to exceed \$750,000,000,
20 to remain available until September 30, 2019, shall be
21 available to provide support and assistance to foreign secu-
22 rity forces or other groups or individuals to conduct, sup-
23 port, or facilitate counterterrorism, crisis response, or
24 other Department of Defense security cooperation pro-
25 grams: *Provided further*, That such amount is designated

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

5 OPERATION AND MAINTENANCE, ARMY RESERVE

6 For an additional amount for “Operation and Main-
7 tenance, Army Reserve”, \$24,699,000: *Provided*, That
8 such amount is designated by the Congress for Overseas
9 Contingency Operations/Global War on Terrorism pursu-
10 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
11 and Emergency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, NAVY RESERVE

13 For an additional amount for “Operation and Main-
14 tenance, Navy Reserve”, \$23,980,000: *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, MARINE CORPS

20 RESERVE

21 For an additional amount for “Operation and Main-
22 tenance, Marine Corps Reserve”, \$3,367,000: *Provided*,
23 That such amount is designated by the Congress for Over-
24 seas Contingency Operations/Global War on Terrorism

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

3 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

4 For an additional amount for “Operation and Main-
5 tenance, Air Force Reserve”, \$58,523,000: *Provided*, That
6 such amount is designated by the Congress for Overseas
7 Contingency Operations/Global War on Terrorism pursu-
8 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
9 and Emergency Deficit Control Act of 1985.

10 OPERATION AND MAINTENANCE, ARMY NATIONAL

11 GUARD

12 For an additional amount for “Operation and Main-
13 tenance, Army National Guard”, \$108,111,000: *Provided*,
14 That such amount is designated by the Congress for Over-
15 seas Contingency Operations/Global War on Terrorism
16 pursuant to section 251(b)(2)(A)(ii) of the Balanced
17 Budget and Emergency Deficit Control Act of 1985.

18 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

19 For an additional amount for “Operation and Main-
20 tenance, Air National Guard”, \$15,400,000: *Provided*,
21 That such amount is designated by the Congress for Over-
22 seas Contingency Operations/Global War on Terrorism
23 pursuant to section 251(b)(2)(A)(ii) of the Balanced
24 Budget and Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE, NATIONAL DEFENSE
2 RESTORATION FUND
3 (INCLUDING TRANSFER OF FUNDS)

4 In addition to amounts provided elsewhere in this
5 Act, there is appropriated \$2,000,000,000, for the “Oper-
6 ation and Maintenance, National Defense Restoration
7 Fund”: *Provided*, That such funds provided under this
8 heading shall only be available for programs, projects and
9 activities necessary to implement the 2018 National De-
10 fense Strategy: *Provided further*, That such funds shall not
11 be available for transfer until 30 days after the Secretary
12 has submitted, and the congressional defense committees
13 have approved, the proposed allocation plan for the use
14 of such funds to implement such strategy: *Provided fur-*
15 *ther*, That such allocation plan shall include a detailed jus-
16 tification for the use of such funds and a description of
17 how such investments are necessary to implement the
18 strategy: *Provided further*, That the Secretary of Defense
19 may transfer these funds only to operation and mainte-
20 nance accounts: *Provided further*, That the funds trans-
21 ferred shall be merged with and shall be available for the
22 same purposes and for the same time period, as the appro-
23 priation to which transferred: *Provided further*, That none
24 of the funds made available under this heading may be
25 transferred to any program, project, or activity specifically

1 limited or denied by this Act: *Provided further*, That the
2 transfer authority provided under this heading is in addi-
3 tion to any other transfer authority available to the De-
4 partment of Defense: *Provided further*, That such amount
5 is designated by the Congress for Overseas Contingency
6 Operations/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 AFGHANISTAN SECURITY FORCES FUND

10 For the “Afghanistan Security Forces Fund”,
11 \$4,937,515,000 (reduced by \$12,000,000), to remain
12 available until September 30, 2019: *Provided*, That such
13 funds shall be available to the Secretary of Defense, not-
14 withstanding any other provision of law, for the purpose
15 of allowing the Commander, Combined Security Transi-
16 tion Command—Afghanistan, or the Secretary’s designee,
17 to provide assistance, with the concurrence of the Sec-
18 retary of State, to the security forces of Afghanistan, in-
19 cluding the provision of equipment, supplies, services,
20 training, facility and infrastructure repair, renovation,
21 construction, and funding: *Provided further*, That the Sec-
22 retary of Defense may obligate and expend funds made
23 available to the Department of Defense in this title for
24 additional costs associated with existing projects pre-
25 viously funded with amounts provided under the heading

1 “Afghanistan Infrastructure Fund” in prior Acts: *Pro-*
2 *vided further*, That such costs shall be limited to contract
3 changes resulting from inflation, market fluctuation, rate
4 adjustments, and other necessary contract actions to com-
5 plete existing projects, and associated supervision and ad-
6 ministration costs and costs for design during construc-
7 tion: *Provided further*, That the Secretary may not use
8 more than \$50,000,000 under the authority provided in
9 this section: *Provided further*, That the Secretary shall no-
10 tify in advance such contract changes and adjustments in
11 annual reports to the congressional defense committees:
12 *Provided further*, That the authority to provide assistance
13 under this heading is in addition to any other authority
14 to provide assistance to foreign nations: *Provided further*,
15 That contributions of funds for the purposes provided
16 herein from any person, foreign government, or inter-
17 national organization may be credited to this Fund, to re-
18 main available until expended, and used for such purposes:
19 *Provided further*, That the Secretary of Defense shall no-
20 tify the congressional defense committees in writing upon
21 the receipt and upon the obligation of any contribution,
22 delineating the sources and amounts of the funds received
23 and the specific use of such contributions: *Provided fur-*
24 *ther*, That the Secretary of Defense shall, not fewer than
25 15 days prior to obligating from this appropriation ac-

1 count, notify the congressional defense committees in writ-
2 ing of the details of any such obligation: *Provided further*,
3 That the Secretary of Defense shall notify the congres-
4 sional defense committees of any proposed new projects
5 or transfer of funds between budget sub-activity groups
6 in excess of \$20,000,000: *Provided further*, That the
7 United States may accept equipment procured using funds
8 provided under this heading in this or prior Acts that was
9 transferred to the security forces of Afghanistan and re-
10 turned by such forces to the United States: *Provided fur-*
11 *ther*, That equipment procured using funds provided under
12 this heading in this or prior Acts, and not yet transferred
13 to the security forces of Afghanistan or transferred to the
14 security forces of Afghanistan and returned by such forces
15 to the United States, may be treated as stocks of the De-
16 partment of Defense upon written notification to the con-
17 gressional defense committees: *Provided further*, That of
18 the funds provided under this heading, not less than
19 \$10,000,000 shall be for recruitment and retention of
20 women in the Afghanistan National Security Forces, and
21 the recruitment and training of female security personnel:
22 *Provided further*, That such amount is designated by the
23 Congress for Overseas Contingency Operations/Global
24 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of

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

3 COUNTER-ISIL TRAIN AND EQUIP FUND

4 For the “Counter-Islamic State of Iraq and the Le-
5 vant Train and Equip Fund”, \$1,769,000,000, to remain
6 available until September 30, 2019: *Provided*, That such
7 funds shall be available to the Secretary of Defense in co-
8 ordination with the Secretary of State, to provide assist-
9 ance, including training; equipment; logistics support, sup-
10 plies, and services; stipends; infrastructure repair and ren-
11 novation; and sustainment, to foreign security forces, irreg-
12 ular forces, groups, or individuals participating, or pre-
13 paring to participate in activities to counter the Islamic
14 State of Iraq and the Levant, and their affiliated or asso-
15 ciated groups: *Provided further*, That these funds may be
16 used in such amounts as the Secretary of Defense may
17 determine to enhance the border security of nations adja-
18 cent to conflict areas including Jordan, Lebanon, Egypt,
19 and Tunisia resulting from actions of the Islamic State
20 of Iraq and the Levant: *Provided further*, That amounts
21 made available under this heading shall be available to
22 provide assistance only for activities in a country des-
23 igned by the Secretary of Defense, in coordination with
24 the Secretary of State, as having a security mission to
25 counter the Islamic State of Iraq and the Levant, and fol-

1 lowing written notification to the congressional defense
2 committees of such designation: *Provided further*, That the
3 Secretary of Defense shall ensure that prior to providing
4 assistance to elements of any forces or individuals, such
5 elements or individuals are appropriately vetted, including
6 at a minimum, assessing such elements for associations
7 with terrorist groups or groups associated with the Gov-
8 ernment of Iran; and receiving commitments from such
9 elements to promote respect for human rights and the rule
10 of law: *Provided further*, That the Secretary of Defense
11 shall, not fewer than 15 days prior to obligating from this
12 appropriation account, notify the congressional defense
13 committees in writing of the details of any such obligation:
14 *Provided further*, That the Secretary of Defense may ac-
15 cept and retain contributions, including assistance in-kind,
16 from foreign governments, including the Government of
17 Iraq and other entities, to carry out assistance authorized
18 under this heading: *Provided further*, That contributions
19 of funds for the purposes provided herein from any foreign
20 government or other entity may be credited to this Fund,
21 to remain available until expended, and used for such pur-
22 poses: *Provided further*, That the Secretary of Defense
23 may waive a provision of law relating to the acquisition
24 of items and support services or sections 40 and 40A of
25 the Arms Export Control Act (22 U.S.C. 2780 and 2785)

1 if the Secretary determines that such provision of law
2 would prohibit, restrict, delay or otherwise limit the provi-
3 sion of such assistance and a notice of and justification
4 for such waiver is submitted to the congressional defense
5 committees, the Committees on Appropriations and For-
6 eign Relations of the Senate and the Committees on Ap-
7 propriations and Foreign Affairs of the House of Rep-
8 resentatives: *Provided further*, That the United States may
9 accept equipment procured using funds provided under
10 this heading, or under the heading, “Iraq Train and Equip-
11 Fund” in prior Acts, that was transferred to security
12 forces, irregular forces, or groups participating, or pre-
13 paring to participate in activities to counter the Islamic
14 State of Iraq and the Levant and returned by such forces
15 or groups to the United States, may be treated as stocks
16 of the Department of Defense upon written notification
17 to the congressional defense committees: *Provided further*,
18 That equipment procured using funds provided under this
19 heading, or under the heading, “Iraq Train and Equip-
20 Fund” in prior Acts, and not yet transferred to security
21 forces, irregular forces, or groups participating, or pre-
22 paring to participate in activities to counter the Islamic
23 State of Iraq and the Levant may be treated as stocks
24 of the Department of Defense when determined by the
25 Secretary to no longer be required for transfer to such

1 forces or groups and upon written notification to the con-
2 gressional defense committees: *Provided further*, That the
3 Secretary of Defense shall provide quarterly reports to the
4 congressional defense committees on the use of funds pro-
5 vided under this heading, including, but not limited to,
6 the number of individuals trained, the nature and scope
7 of support and sustainment provided to each group or in-
8 dividual, the area of operations for each group, and the
9 contributions of other countries, groups, or individuals:
10 *Provided further*, That such amount is designated by the
11 Congress for Overseas Contingency Operations/ Global
12 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
13 the Balanced Budget and Emergency Deficit Control Act
14 of 1985.

15 PROCUREMENT

16 AIRCRAFT PROCUREMENT, ARMY

17 For an additional amount for “Aircraft Procurement,
18 Army”, \$424,686,000, to remain available until Sep-
19 tember 30, 2020: *Provided*, That such amount is des-
20 ignated by the Congress for Overseas Contingency Oper-
21 ations/Global War on Terrorism pursuant to section
22 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

1 MISSILE PROCUREMENT, ARMY

2 For an additional amount for “Missile Procurement,
3 Army”, \$557,583,000, to remain available until Sep-
4 tember 30, 2020: *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”,
13 \$1,191,139,000, to remain available until September 30,
14 2020: *Provided*, That such amount is designated by the
15 Congress for Overseas Contingency Operations/Global
16 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
17 the Balanced Budget and Emergency Deficit Control Act
18 of 1985.

19 PROCUREMENT OF AMMUNITION, ARMY

20 For an additional amount for “Procurement of Am-
21 munity, Army”, \$193,436,000, to remain available until
22 September 30, 2020: *Provided*, That such amount is des-
23 ignated by the Congress for Overseas Contingency Oper-
24 ations/Global War on Terrorism pursuant to section

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

3 OTHER PROCUREMENT, ARMY

4 For an additional amount for “Other Procurement,
5 Army”, \$405,575,000, to remain available until Sep-
6 tember 30, 2020: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/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 AIRCRAFT PROCUREMENT, NAVY

12 For an additional amount for “Aircraft Procurement,
13 Navy”, \$157,300,000, to remain available until September
14 30, 2020: *Provided*, That such amount is designated by
15 the Congress for Overseas Contingency Operations/Global
16 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
17 the Balanced Budget and Emergency Deficit Control Act
18 of 1985.

19 WEAPONS PROCUREMENT, NAVY

20 For an additional amount for “Weapons Procure-
21 ment, Navy”, \$130,994,000, to remain available until
22 September 30, 2020: *Provided*, That such amount is des-
23 ignated by the Congress for Overseas Contingency Oper-
24 ations/Global War on Terrorism pursuant to section

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

3 AIRCRAFT PROCUREMENT, AIR FORCE

4 For an additional amount for “Aircraft Procurement,
5 Air Force”, \$510,836,000, to remain available until Sep-
6 tember 30, 2020: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/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 MISSILE PROCUREMENT, AIR FORCE

12 For an additional amount for “Missile Procurement,
13 Air Force”, \$381,700,000, to remain available until Sep-
14 tember 30, 2020: *Provided*, That such amount is des-
15 ignated by the Congress for Overseas Contingency Oper-
16 ations/Global War on Terrorism pursuant to section
17 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 SPACE PROCUREMENT, AIR FORCE

20 For an additional amount for “Space Procurement,
21 Air Force”, \$2,256,000, to remain available until Sep-
22 tember 30, 2020: *Provided*, That such amount is des-
23 ignated by the Congress for Overseas Contingency Oper-
24 ations/Global War on Terrorism pursuant to section

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

3 PROCUREMENT OF AMMUNITION, AIR FORCE

4 For an additional amount for “Procurement of Am-
5 munition, Air Force”, \$501,509,000, to remain available
6 until September 30, 2020: *Provided*, That such amount
7 is designated by the Congress for Overseas Contingency
8 Operations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 OTHER PROCUREMENT, AIR FORCE

12 For an additional amount for “Other Procurement,
13 Air Force”, \$3,998,887,000, to remain available until
14 September 30, 2020: *Provided*, That such amount is des-
15 ignated by the Congress for Overseas Contingency Oper-
16 ations/Global War on Terrorism pursuant to section
17 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 PROCUREMENT, DEFENSE-WIDE

20 For an additional amount for “Procurement, De-
21 fense-Wide”, \$510,741,000, to remain available until Sep-
22 tember 30, 2020: *Provided*, That such amount is des-
23 ignated by the Congress for Overseas Contingency Oper-
24 ations/Global War on Terrorism pursuant to section

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

3 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

4 For procurement of rotary-wing aircraft; combat, tac-
5 tical and support vehicles; other weapons; and other pro-
6 curement items for the reserve components of the Armed
7 Forces, \$1,000,000,000, to remain available for obligation
8 until September 30, 2020: *Provided*, That the Chiefs of
9 National Guard and Reserve components shall, not later
10 than 30 days after enactment of this Act, individually sub-
11 mit to the congressional defense committees the mod-
12 ernization priority assessment for their respective Na-
13 tional Guard or Reserve component: *Provided further*,
14 That none of the funds made available by this paragraph
15 may be used to procure manned fixed wing aircraft, or
16 procure or modify missiles, munitions, or ammunition:
17 *Provided further*, That such amount is designated by the
18 Congress for Overseas Contingency Operations/Global
19 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
20 the Balanced Budget and Emergency Deficit Control Act
21 of 1985.

1 *further*, That the transfer authority provided under this
2 heading is in addition to any other transfer authority
3 available to the Department of Defense: *Provided further*,
4 That such amount is designated by the Congress for Over-
5 seas Contingency Operations/Global War on Terrorism
6 pursuant to section 251(b)(2)(A)(ii) of the Balanced
7 Budget and Emergency Deficit Control Act of 1985.

8 RESEARCH, DEVELOPMENT, TEST AND
9 EVALUATION

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 ARMY

12 For an additional amount for “Research, Develop-
13 ment, Test and Evaluation, Army”, \$119,368,000 (in-
14 creased by \$6,000,000), to remain available until Sep-
15 tember 30, 2019: *Provided*, That such amount is des-
16 ignated by the Congress for Overseas Contingency Oper-
17 ations/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 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
21 NAVY

22 For an additional amount for “Research, Develop-
23 ment, Test and Evaluation, Navy”, \$124,865,000, to re-
24 main available until September 30, 2019: *Provided*, That
25 such amount is designated by the Congress for Overseas

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

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

6 For an additional amount for “Research, Develop-
7 ment, Test and Evaluation, Air Force”, \$144,508,000, to
8 remain available until September 30, 2019: *Provided*,
9 That such amount is designated by the Congress for Over-
10 seas Contingency Operations/Global War on Terrorism
11 pursuant to section 251(b)(2)(A)(ii) of the Balanced
12 Budget and Emergency Deficit Control Act of 1985.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
14 DEFENSE-WIDE

15 For an additional amount for “Research, Develop-
16 ment, Test and Evaluation, Defense-Wide”,
17 \$226,096,000, to remain available until September 30,
18 2019: *Provided*, That such amount is designated by the
19 Congress for Overseas Contingency Operations/Global
20 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
21 the Balanced Budget and Emergency Deficit Control Act
22 of 1985.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NATIONAL DEFENSE RESTORATION FUND
3 (INCLUDING TRANSFER OF FUNDS)

4 In addition to amounts provided elsewhere in this
5 Act, there is appropriated \$1,000,000,000, for the “Re-
6 search, Development, Test and Evaluation, National De-
7 fense Restoration Fund”: *Provided*, That such funds pro-
8 vided under this heading shall only be available for pro-
9 grams, projects and activities necessary to implement the
10 2018 National Defense Strategy: *Provided further*, That
11 such funds shall not be available for transfer until 30 days
12 after the Secretary has submitted, and the congressional
13 defense committees have approved, the proposed allocation
14 plan for the use of such funds to implement such strategy:
15 *Provided further*, That such allocation plan shall include
16 a detailed justification for the use of such funds and a
17 description of how such investments are necessary to im-
18 plement the strategy: *Provided further*, That the Secretary
19 of Defense may transfer these funds only to research, de-
20 velopment, test and evaluation accounts: *Provided further*,
21 That the funds transferred shall be merged with and shall
22 be available for the same purposes and for the same time
23 period, as the appropriation to which transferred: *Pro-*
24 *vided further*, That none of the funds made available under
25 this heading may be transferred to any program, project,

1 or activity specifically limited or denied by this Act: *Pro-*
2 *vided further*, That the transfer authority provided under
3 this heading is in addition to any other transfer authority
4 available to the Department of Defense: *Provided further*,
5 That such amount is designated by the Congress for Over-
6 seas Contingency Operations/Global War on Terrorism
7 pursuant to section 251(b)(2)(A)(ii) of the Balanced
8 Budget and Emergency Deficit Control Act of 1985.

9 REVOLVING AND MANAGEMENT FUNDS

10 DEFENSE WORKING CAPITAL FUNDS

11 For an additional amount for “Defense Working
12 Capital Funds”, \$148,956,000: *Provided*, That such
13 amount is designated by the Congress for Overseas Con-
14 tingency Operations/Global War on Terrorism pursuant to
15 section 251(b)(2)(A)(ii) of the Balanced Budget and
16 Emergency Deficit Control Act of 1985.

17 OTHER DEPARTMENT OF DEFENSE PROGRAMS

18 DEFENSE HEALTH PROGRAM

19 For an additional amount for “Defense Health Pro-
20 gram”, \$395,805,000, which shall be for operation and
21 maintenance: *Provided*, That such amount is designated
22 by the Congress for Overseas Contingency Operations/
23 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 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
2 DEFENSE

3 For an additional amount for “Drug Interdiction and
4 Counter-Drug Activities, Defense”, \$196,300,000: *Pro-*
5 *vided*, That such amount is designated by the Congress
6 for Overseas Contingency Operations/Global War on Ter-
7 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
8 anced Budget and Emergency Deficit Control Act of 1985.

9 JOINT IMPROVISED-THREAT DEFEAT FUND
10 (INCLUDING TRANSFER OF FUNDS)

11 For the “Joint Improvised-Threat Defeat Fund”,
12 \$483,058,000, to remain available until September 30,
13 2020: *Provided*, That such funds shall be available to the
14 Secretary of Defense, notwithstanding any other provision
15 of law, for the purpose of allowing the Director of the
16 Joint Improvised-Threat Defeat Organization to inves-
17 tigate, develop and provide equipment, supplies, services,
18 training, facilities, personnel and funds to assist United
19 States forces in the defeat of improvised explosive devices:
20 *Provided further*, That the Secretary of Defense may
21 transfer funds provided herein to appropriations for mili-
22 tary personnel; operation and maintenance; procurement;
23 research, development, test and evaluation; and defense
24 working capital funds to accomplish the purpose provided
25 herein: *Provided further*, That this transfer authority is

1 in addition to any other transfer authority available to the
 2 Department of Defense: *Provided further*, That the Sec-
 3 retary of Defense shall, not fewer than 5 days prior to
 4 making transfers from this appropriation, notify the con-
 5 gressional defense committees in writing of the details of
 6 any such transfer: *Provided further*, 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 OFFICE OF THE INSPECTOR GENERAL

12 For an additional amount for the “Office of the In-
 13 spector General”, \$24,692,000: *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 GENERAL PROVISIONS—THIS TITLE

19 SEC. 9001. Notwithstanding any other provision of
 20 law, funds made available in this title are in addition to
 21 amounts appropriated or otherwise made available for the
 22 Department of Defense for fiscal year 2018.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 9002. Upon the determination of the Secretary
 25 of Defense that such action is necessary in the national

1 interest, the Secretary may, with the approval of the Of-
2 fice of Management and Budget, transfer up to
3 \$2,500,000,000 between the appropriations or funds made
4 available to the Department of Defense in this title: *Pro-*
5 *vided*, That the Secretary shall notify the Congress
6 promptly of each transfer made pursuant to the authority
7 in this section: *Provided further*, That the authority pro-
8 vided in this section is in addition to any other transfer
9 authority available to the Department of Defense and is
10 subject to the same terms and conditions as the authority
11 provided in section 8005 of this Act.

12 SEC. 9003. Supervision and administration costs and
13 costs for design during construction associated with a con-
14 struction project funded with appropriations available for
15 operation and maintenance or the “Afghanistan Security
16 Forces Fund” provided in this Act and executed in direct
17 support of overseas contingency operations in Afghani-
18 stan, may be obligated at the time a construction contract
19 is awarded: *Provided*, That, for the purpose of this section,
20 supervision and administration costs and costs for design
21 during construction include all in-house Government costs.

22 SEC. 9004. From funds made available in this title,
23 the Secretary of Defense may purchase for use by military
24 and civilian employees of the Department of Defense in

1 the United States Central Command area of responsi-
2 bility:

3 (1) passenger motor vehicles up to a limit of
4 \$75,000 per vehicle; and

5 (2) heavy and light armored vehicles for the
6 physical security of personnel or for force protection
7 purposes up to a limit of \$450,000 per vehicle, not-
8 withstanding price or other limitations applicable to
9 the purchase of passenger carrying vehicles.

10 SEC. 9005. Not to exceed \$5,000,000 of the amounts
11 appropriated by this title under the heading “Operation
12 and Maintenance, Army” may be used, notwithstanding
13 any other provision of law, to fund the Commanders’
14 Emergency Response Program (CERP), for the purpose
15 of enabling military commanders in Afghanistan to re-
16 spond to urgent, small-scale, humanitarian relief and re-
17 construction requirements within their areas of responsi-
18 bility: *Provided*, That each project (including any ancillary
19 or related elements in connection with such project) exe-
20 cuted under this authority shall not exceed \$2,000,000:
21 *Provided further*, That not later than 45 days after the
22 end of each 6 months of the fiscal year, the Secretary of
23 Defense shall submit to the congressional defense commit-
24 tees a report regarding the source of funds and the alloca-
25 tion and use of funds during that 6-month period that

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

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

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

24 (3) A plan for the sustainment of the proposed
25 project, including the agreement with either the host

1 nation, a non-Department of Defense agency of the
2 United States Government or a third-party contrib-
3 utor to finance the sustainment of the activities and
4 maintenance of any equipment or facilities to be pro-
5 vided through the proposed project.

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

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

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

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

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

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

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

15 (2) Section 2242 of the Foreign Affairs Reform
16 and Restructuring Act of 1998 (division G of Public
17 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231
18 note) and regulations prescribed thereto, including
19 regulations under part 208 of title 8, Code of Fed-
20 eral Regulations, and part 95 of title 22, Code of
21 Federal Regulations.

22 (3) Sections 1002 and 1003 of the Department
23 of Defense, Emergency Supplemental Appropriations
24 to Address Hurricanes in the Gulf of Mexico, and

1 Pandemic Influenza Act, 2006 (Public Law 109–
2 148).

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

17 SEC. 9010. Funds made available in this title to the
18 Department of Defense for operation and maintenance
19 may be used to purchase items having an investment unit
20 cost of not more than \$250,000: *Provided*, That, upon de-
21 termination by the Secretary of Defense that such action
22 is necessary to meet the operational requirements of a
23 Commander of a Combatant Command engaged in contin-
24 gency operations overseas, such funds may be used to pur-

1 chase items having an investment item unit cost of not
2 more than \$500,000.

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

9 SEC. 9012. None of the funds made available by this
10 Act under the heading “Counter-ISIL Train and Equip
11 Fund” may be used to procure or transfer man-portable
12 air defense systems.

13 SEC. 9013. For the “Ukraine Security Assistance Ini-
14 tiative”, \$150,000,000 is hereby appropriated, to remain
15 available until September 30, 2018: *Provided*, That such
16 funds shall be available to the Secretary of Defense, in
17 coordination with the Secretary of State, to provide assist-
18 ance, including training; equipment; lethal weapons of a
19 defensive nature; logistics support, supplies and services;
20 sustainment; and intelligence support to the military and
21 national security forces of Ukraine, and for replacement
22 of any weapons or defensive articles provided to the Gov-
23 ernment of Ukraine from the inventory of the United
24 States: *Provided further*, That the Secretary of Defense
25 shall, not less than 15 days prior to obligating funds pro-

1 vided under this heading, notify the congressional defense
2 committees in writing of the details of any such obligation:
3 *Provided further*, That the United States may accept
4 equipment procured using funds provided under this head-
5 ing in this or prior Acts that was transferred to the secu-
6 rity forces of Ukraine and returned by such forces to the
7 United States: *Provided further*, That equipment procured
8 using funds provided under this heading in this or prior
9 Acts, and not yet transferred to the military or National
10 Security Forces of Ukraine or returned by such forces to
11 the United States, may be treated as stocks of the Depart-
12 ment of Defense upon written notification to the congres-
13 sional defense committees: *Provided further*, That amounts
14 made available by this section are designated by the Con-
15 gress for Overseas Contingency Operations/Global War on
16 Terrorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
17 anced Budget and Emergency Deficit Control Act of 1985.

18 SEC. 9014. Funds appropriated in this title shall be
19 available for replacement of funds for items provided to
20 the Government of Ukraine from the inventory of the
21 United States to the extent specifically provided for in sec-
22 tion 9013 of this Act.

23 SEC. 9015. None of the funds made available by this
24 Act under section 9013 for “Assistance and Sustainment
25 to the Military and National Security Forces of Ukraine”

1 may be used to procure or transfer man-portable air de-
2 fense systems.

3 SEC. 9016. (a) None of the funds appropriated or
4 otherwise made available by this Act under the heading
5 “Operation and Maintenance, Defense-Wide” for pay-
6 ments under section 1233 of Public Law 110–181 for re-
7 imbursement to the Government of Pakistan may be made
8 available unless the Secretary of Defense, in coordination
9 with the Secretary of State, certifies to the congressional
10 defense committees that the Government of Pakistan is—

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

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

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

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

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

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

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

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 9017. In addition to amounts otherwise made
3 available in this Act, \$500,000,000 is hereby appropriated
4 to the Department of Defense and made available for
5 transfer only to the operation and maintenance, military
6 personnel, and procurement accounts, to improve the intel-
7 ligence, surveillance, and reconnaissance capabilities of the
8 Department of Defense: *Provided*, That the transfer au-
9 thority provided in this section is in addition to any other
10 transfer authority provided elsewhere in this Act: *Provided*
11 *further*, That not later than 30 days prior to exercising
12 the transfer authority provided in this section, the Sec-
13 retary of Defense shall submit a report to the congres-
14 sional defense committees on the proposed uses of these
15 funds: *Provided further*, That the funds provided in this
16 section may not be transferred to any program, project,
17 or activity specifically limited or denied by this Act: *Pro-*
18 *vided further*, That amounts made available by this section
19 are designated by the Congress for Overseas Contingency
20 Operations/Global War on Terrorism pursuant to section
21 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985: *Provided further*, That the
23 authority to provide funding under this section shall termi-
24 nate on September 30, 2018.

1 “Counter-ISIL Train and Equip Fund”, 2017/
2 2018, \$112,513,000.

3 “Operation and Maintenance, Defense-Wide,
4 DSCA Coalition Support Fund”, 2017/2018,
5 \$350,000,000.

6 SEC. 9020. Each amount designated in this Act by
7 the Congress for Overseas Contingency Operations/Global
8 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
9 the Balanced Budget and Emergency Deficit Control Act
10 of 1985 shall be available only if the President subse-
11 quently so designates all such amounts and transmits such
12 designations to the Congress.

13 SEC. 9021. (a) Not later than 30 days after the date
14 of the enactment of this Act, the President shall submit
15 to Congress a report on the United States strategy to de-
16 feat Al-Qaeda, the Taliban, the Islamic State of Iraq and
17 Syria (ISIS), and their associated forces and co-belliger-
18 ents.

19 (b) The report required under subsection (a) shall in-
20 clude the following:

21 (1) An analysis of the adequacy of the existing
22 legal framework to accomplish the strategy described
23 in subsection (a), particularly with respect to the
24 Authorization for Use of Military Force (Public Law
25 107–40; 50 U.S.C. 1541 note) and the Authoriza-

1 tion for Use of Military Force Against Iraq Resolu-
2 tion of 2002 (Public Law 107–243; 50 U.S.C. 1541
3 note).

4 (2) An analysis of the budgetary resources nec-
5 essary to accomplish the strategy described in sub-
6 section (a).

7 (c) Not later than 30 days after the date on which
8 the President submits to the appropriate congressional
9 committees the report required by subsection (a), the Sec-
10 retary of State and the Secretary of Defense shall testify
11 at any hearing held by any of the appropriate congres-
12 sional committees on the report and to which the Sec-
13 retary is invited.

14 (d) In this section, the term “appropriate congres-
15 sional committees” means—

16 (1) the Committee on Foreign Relations and
17 the Committee on Armed Services of the Senate; and

18 (2) the Committee on Foreign Affairs and the
19 Committee on Armed Services of the House of Rep-
20 resentatives.

21 SEC. 9022. (a) In addition to amounts provided else-
22 where in this Act, there is hereby appropriated
23 \$1,184,112,000, for the following accounts and programs
24 in the specified amounts for costs associated with Oper-
25 ation Freedom’s Sentinel:

- 1 (1) “Military Personnel, Army”, \$48,377,000;
- 2 (2) “Military Personnel, Marine Corps”,
3 \$179,000;
- 4 (3) “Military Personnel, Air Force”,
5 \$1,340,000;
- 6 (4) “Operation and Maintenance, Army”,
7 \$872,491,000;
- 8 (5) “Operation and Maintenance, Navy”,
9 \$76,274,000;
- 10 (6) “Operation and Maintenance, Marine
11 Corps”, \$24,734,000;
- 12 (7) “Operation and Maintenance, Defense-
13 Wide”, \$81,164,000;
- 14 (8) “Procurement of Ammunition, Navy and
15 Marine Corps”, \$10,853,000, to remain available
16 until September 30, 2020;
- 17 (9) “Other Procurement, Navy”, \$31,500,000,
18 to remain available until September 30, 2020; and
- 19 (10) “Research, Development, Test and Evalua-
20 tion, Navy”, \$37,200,000, to remain available until
21 September 30, 2019.
- 22 (b) Amounts provided pursuant to this section are
23 hereby designated by the Congress for Overseas Contin-
24 gency 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 TITLE X—ADDITIONAL GENERAL PROVISIONS

4 REFERENCES TO ACT

5 SEC. 10001. Except as expressly provided otherwise,
6 any reference to “this Act” contained in this subdivision
7 shall be treated as referring only to the provisions of this
8 subdivision.

9 REFERENCES TO REPORT

10 SEC. 10002. Any reference to a “report accom-
11 panying this Act” contained in this subdivision shall be
12 treated as a reference to House Report 115–219. The ef-
13 fect of such Report shall be limited to this subdivision and
14 shall apply for purposes of determining the allocation of
15 funds provided by, and the implementation of, this sub-
16 division.

17 SPENDING REDUCTION ACCOUNT

18 SEC. 10003. \$0.

19 SEC. 10004. None of the funds appropriated or other-
20 wise made available under the heading “Afghanistan Secu-
21 rity Forces Fund” may be used to procure uniforms for
22 the Afghan National Army.

23 SEC. 10005. None of the funds made available in this
24 Act may be used for the closure of a biosafety level 4 lab-
25 oratory.

1 SEC. 10006. None of the funds made available by this
2 Act may be used to provide arms, training, or other assist-
3 ance to the Azov Battalion.

4 SEC. 10007. None of the funds made available by this
5 Act may be used to purchase heavy water from Iran.

6 SEC. 10008. None of the funds appropriated by this
7 Act may be used to plan for, begin, continue, complete,
8 process, or approve a public-private competition under the
9 Office of Management and Budget Circular A-76.

10 This subdivision may be cited as the “Department
11 of Defense Appropriations Act, 2018”.

12 **Subdivision 2—Missile Defense**

13 The following sums are appropriated, out of any
14 money in the Treasury not otherwise appropriated, for the
15 fiscal year ending September 30, 2018, and for other pur-
16 poses, namely:

17 TITLE I—MISSILE DEFEAT AND DEFENSE

18 ENHANCEMENTS

19 CHAPTER 1

20 DEPARTMENT OF DEFENSE

21 OPERATION AND MAINTENANCE

22 OPERATION AND MAINTENANCE, NAVY

23 For an additional amount for “Operation and Main-
24 tenance, Navy” for necessary costs to repair damage to
25 the U.S.S. John S. McCain and the U.S.S. Fitzgerald,

1 \$673,500,000: *Provided*, That such amount is designated
2 by the Congress as an emergency requirement pursuant
3 to section 251(b)(2)(A)(i) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985.

5 OPERATION AND MAINTENANCE, AIR FORCE

6 For an additional amount for “Operation and Main-
7 tenance, Air Force” for necessary costs to detect, defeat,
8 and defend against the use of ballistic missiles,
9 \$18,750,000: *Provided*, That such amount is designated
10 by the Congress as an emergency requirement pursuant
11 to section 251(b)(2)(A)(i) of the Balanced Budget and
12 Emergency Deficit Control Act of 1985.

13 OPERATION AND MAINTENANCE, DEFENSE-WIDE

14 For an additional amount for “Operation and Main-
15 tenance, Defense-Wide” for necessary costs to detect, de-
16 feat, and defend against the use of ballistic missiles,
17 \$23,735,000: *Provided*, That such amount is designated
18 by the Congress as an emergency requirement pursuant
19 to section 251(b)(2)(A)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985.

21 PROCUREMENT

22 MISSILE PROCUREMENT, ARMY

23 For an additional amount for “Missile Procurement,
24 Army” for necessary costs to detect, defeat, and defend
25 against the use of ballistic missiles, \$884,000,000, to re-

1 main available until September 30, 2020: *Provided*, That
2 such amount is designated by the Congress as an emer-
3 gency requirement pursuant to section 251(b)(2)(A)(i) of
4 the Balanced Budget and Emergency Deficit Control Act
5 of 1985.

6 MISSILE PROCUREMENT, AIR FORCE

7 For an additional amount for “Missile Procurement,
8 Air Force” for necessary costs to detect, defeat, and de-
9 fend against the use of ballistic missiles, \$12,000,000 to
10 remain available until September 30, 2020: *Provided*,
11 That such amount is designated by the Congress as an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 OTHER PROCUREMENT, AIR FORCE

16 For an additional amount for “Other Procurement,
17 Air Force” for necessary costs to detect, defeat, and de-
18 fend against the use of ballistic missiles, \$288,055,000 to
19 remain available until September 30, 2020: *Provided*,
20 That such amount is designated by the Congress as an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

1 PROCUREMENT, DEFENSE-WIDE

2 For an additional amount for “Procurement, De-
3 fense-Wide” for necessary costs to detect, defeat, and de-
4 fend against the use of ballistic missiles, \$1,239,140,000
5 to remain available until September 30, 2020: *Provided*,
6 That such amount is designated by the Congress as an
7 emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 RESEARCH, DEVELOPMENT, TEST AND
11 EVALUATION12 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
13 ARMY

14 For an additional amount for “Research, Develop-
15 ment, Test and Evaluation, Army” for necessary costs to
16 detect, defeat, and defend against the use of ballistic mis-
17 siles, \$20,700,000 to remain available until September 30,
18 2019: *Provided*, That such amount is designated by the
19 Congress as an emergency requirement pursuant to sec-
20 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985.

22 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
23 NAVY

24 For an additional amount for “Research, Develop-
25 ment, Test and Evaluation, Navy” for necessary costs to

1 detect, defeat, and defend against the use of ballistic mis-
2 siles, \$60,000,000 to remain available until September 30,
3 2019: *Provided*, That such amount is designated by the
4 Congress as an emergency requirement pursuant to sec-
5 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
6 gency Deficit Control Act of 1985.

7 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
8 AIR FORCE

9 For an additional amount for “Research, Develop-
10 ment, Test and Evaluation, Air Force” for necessary costs
11 to detect, defeat, and defend against the use of ballistic
12 missiles, \$255,744,000 to remain available until Sep-
13 tember 30, 2019: *Provided*, That such amount is des-
14 ignated by the Congress as an emergency requirement
15 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
16 et and Emergency Deficit Control Act of 1985.

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

19 For an additional amount for “Research, Develop-
20 ment, Test and Evaluation, Defense-Wide” for necessary
21 costs to detect, defeat, and defend against the use of bal-
22 listic missiles, \$1,010,220,000 to remain available until
23 September 30, 2019: *Provided*, That such amount is des-
24 ignated by the Congress as an emergency requirement

1 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
2 et and Emergency Deficit Control Act of 1985.

3 CHAPTER 2

4 DEPARTMENT OF DEFENSE

5 MILITARY CONSTRUCTION, DEFENSE-WIDE

6 For an additional amount for “Military Construction,
7 Defense-Wide”, \$200,000,000, to remain available until
8 September 30, 2022, to carry out construction of a missile
9 field in Alaska: *Provided*, That such funds may be obli-
10 gated or expended for planning and design and military
11 construction projects not otherwise authorized by law:
12 *Provided further*, That such amount is designated by the
13 Congress as an emergency requirement pursuant to sec-
14 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
15 gency Deficit Control Act of 1985.

16 TITLE II—GENERAL PROVISIONS

17 SEC. 201. Notwithstanding any other provision of
18 law, funds made available in this subdivision are in addi-
19 tion to amounts appropriated or otherwise made available
20 for the Department of Defense for fiscal year 2018.

21 SEC. 202. (a) Funds made available in chapter 1 of
22 title I of this subdivision shall be allocated to programs,
23 projects, and activities in accordance with the detailed
24 congressional budget justifications submitted by the De-
25 partment of Defense to accompany the Fiscal Year 2018

1 Budget Amendments requested by the President on No-
2 vember 6, 2017: *Provided*, That changes to the allocation
3 of such funds shall be subject to the reprogramming re-
4 quirements set forth in the annual appropriations Act.

5 (b) Funds made available in this chapter may be obli-
6 gated and expended notwithstanding sections 102 and 104
7 of division D of Public Law 115-56.

8 SEC. 203. Each amount designated in this subdivi-
9 sion by the Congress as an emergency requirement pursu-
10 ant to section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985 shall be available
12 only if the President subsequently so designates all such
13 amounts and transmits such designations to the Congress.

14 This subdivision may be cited as the “Department
15 of Defense Missile Defeat and Defense Enhancements Ap-
16 propriations Act, 2018”.

17 **DIVISION C—CHAMPIONING** 18 **HEALTHY KIDS ACT**

19 **SEC. 21001. SHORT TITLE.**

20 This division may be cited as the “Continuing Com-
21 munity Health And Medical Professional Programs to Im-
22 prove Our Nation, Increase National Gains, and Help En-
23 sure Access for Little Ones, Toddlers, and Hopeful Youth
24 by Keeping Insurance Delivery Stable Act of 2017” or the
25 “CHAMPIONING HEALTHY KIDS Act”.

1 **SUBDIVISION 1—CHAMPION ACT**

2 **SEC. 21101. SHORT TITLE.**

3 This subdivision may be cited as the “Community
4 Health And Medical Professionals Improve Our Nation
5 Act of 2017” or the “CHAMPION Act”.

6 **TITLE I—EXTENSION OF PUBLIC**
7 **HEALTH PROGRAMS**

8 **SEC. 21111. EXTENSION FOR COMMUNITY HEALTH CEN-**
9 **TERS, THE NATIONAL HEALTH SERVICE**
10 **CORPS, AND TEACHING HEALTH CENTERS**
11 **THAT OPERATE GME PROGRAMS.**

12 (a) COMMUNITY HEALTH CENTERS FUNDING.—Sec-
13 tion 10503(b)(1)(E) of the Patient Protection and Afford-
14 able Care Act (42 U.S.C. 254b–2(b)(1)(E)) is amended
15 by striking “2017” and inserting “2019”.

16 (b) OTHER COMMUNITY HEALTH CENTERS PROVI-
17 SIONS.—Section 330 of the Public Health Service Act (42
18 U.S.C. 254b) is amended—

19 (1) in subsection (b)(1)(A)(ii), by striking
20 “abuse” and inserting “use disorder”;

21 (2) in subsection (b)(2)(A), by striking “abuse”
22 and inserting “use disorder”;

23 (3) in subsection (c)—

24 (A) in paragraph (1), by striking subpara-
25 graphs (B) through (D);

1 (B) by striking “(1) IN GENERAL” and all
2 that follows through “The Secretary” and in-
3 serting the following:

4 “(1) CENTERS.—The Secretary”; and

5 (C) in paragraph (1), as amended, by re-
6 designating clauses (i) through (v) as subpara-
7 graphs (A) through (E) and moving the margin
8 of each of such redesignated subparagraph 2
9 ems to the left;

10 (4) by striking subsection (d) and inserting the
11 following:

12 “(d) IMPROVING QUALITY OF CARE.—

13 “(1) SUPPLEMENTAL AWARDS.—The Secretary
14 may award supplemental grant funds to health cen-
15 ters funded under this section to implement evi-
16 dence-based models for increasing access to high-
17 quality primary care services, which may include
18 models related to—

19 “(A) improving the delivery of care for in-
20 dividuals with multiple chronic conditions;

21 “(B) workforce configuration;

22 “(C) reducing the cost of care;

23 “(D) enhancing care coordination;

1 “(E) expanding the use of telehealth and
2 technology-enabled collaborative learning and
3 capacity building models;

4 “(F) care integration, including integration
5 of behavioral health, mental health, or sub-
6 stance use disorder services; and

7 “(G) addressing emerging public health or
8 substance use disorder issues to meet the health
9 needs of the population served by the health
10 center.

11 “(2) SUSTAINABILITY.—In making supple-
12 mental awards under this subsection, the Secretary
13 may consider whether the health center involved has
14 submitted a plan for continuing the activities funded
15 under this subsection after supplemental funding is
16 expended.

17 “(3) SPECIAL CONSIDERATION.—The Secretary
18 may give special consideration to applications for
19 supplemental funding under this subsection that
20 seek to address significant barriers to access to care
21 in areas with a greater shortage of health care pro-
22 viders and health services relative to the national av-
23 erage.”;

24 (5) in subsection (e)(1)—

25 (A) in subparagraph (B)—

1 (i) by striking “2 years” and inserting
2 “1 year”; and

3 (ii) by adding at the end the fol-
4 lowing: “The Secretary shall not make a
5 grant under this paragraph unless the ap-
6 plicant provides assurances to the Sec-
7 retary that within 120 days of receiving
8 grant funding for the operation of the
9 health center, the applicant will submit, for
10 approval by the Secretary, an implementa-
11 tion plan to meet the requirements of sub-
12 section (k)(3). The Secretary may extend
13 such 120-day period for achieving compli-
14 ance upon a demonstration of good cause
15 by the health center.”; and

16 (B) in subparagraph (C)—

17 (i) in the subparagraph heading, by
18 striking “AND PLANS”;

19 (ii) by striking “or plan (as described
20 in subparagraphs (B) and (C) of sub-
21 section (c)(1))”;

22 (iii) by striking “or plan, including
23 the purchase” and inserting the following:
24 “including—

25 “(i) the purchase”;

1 (iv) by inserting “, which may include
2 data and information systems” after “of
3 equipment”;

4 (v) by striking the period at the end
5 and inserting a semicolon; and

6 (vi) by adding at the end the fol-
7 lowing:

8 “(ii) the provision of training and
9 technical assistance; and

10 “(iii) other activities that—

11 “(I) reduce costs associated with
12 the provision of health services;

13 “(II) improve access to, and
14 availability of, health services provided
15 to individuals served by the centers;

16 “(III) enhance the quality and
17 coordination of health services; or

18 “(IV) improve the health status
19 of communities.”;

20 (6) in subsection (e)(5)(B)—

21 (A) in the heading of subparagraph (B), by
22 striking “AND PLANS”; and

23 (B) by striking “and subparagraphs (B)
24 and (C) of subsection (e)(1) to a health center

1 or to a network or plan” and inserting “to a
2 health center or to a network”;

3 (7) in subsection (e), by adding at the end the
4 following:

5 “(6) NEW ACCESS POINTS AND EXPANDED
6 SERVICES.—

7 “(A) APPROVAL OF NEW ACCESS
8 POINTS.—

9 “(i) IN GENERAL.—The Secretary
10 may approve applications for grants under
11 subparagraph (A) or (B) of paragraph (1)
12 to establish new delivery sites.

13 “(ii) SPECIAL CONSIDERATION.—In
14 carrying out clause (i), the Secretary may
15 give special consideration to applicants
16 that have demonstrated the new delivery
17 site will be located within a sparsely popu-
18 lated area, or an area which has a level of
19 unmet need that is higher relative to other
20 applicants.

21 “(iii) CONSIDERATION OF APPLICA-
22 TIONS.—In carrying out clause (i), the
23 Secretary shall approve applications for
24 grants in such a manner that the ratio of
25 the medically underserved populations in

1 rural areas which may be expected to use
2 the services provided by the applicants in-
3 volved to the medically underserved popu-
4 lations in urban areas which may be ex-
5 pected to use the services provided by the
6 applicants is not less than two to three or
7 greater than three to two.

8 “(iv) SERVICE AREA OVERLAP.—If in
9 carrying out clause (i) the applicant pro-
10 poses to serve an area that is currently
11 served by another health center funded
12 under this section, the Secretary may con-
13 sider whether the award of funding to an
14 additional health center in the area can be
15 justified based on the unmet need for addi-
16 tional services within the catchment area.

17 “(B) APPROVAL OF EXPANDED SERVICE
18 APPLICATIONS.—

19 “(i) IN GENERAL.—The Secretary
20 may approve applications for grants under
21 subparagraph (A) or (B) of paragraph (1)
22 to expand the capacity of the applicant to
23 provide required primary health services
24 described in subsection (b)(1) or additional

1 health services described in subsection
2 (b)(2).

3 “(ii) PRIORITY EXPANSION
4 PROJECTS.—In carrying out clause (i), the
5 Secretary may give special consideration to
6 expanded service applications that seek to
7 address emerging public health or behav-
8 ioral health, mental health, or substance
9 abuse issues through increasing the avail-
10 ability of additional health services de-
11 scribed in subsection (b)(2) in an area in
12 which there are significant barriers to ac-
13 cessing care.

14 “(iii) CONSIDERATION OF APPLICA-
15 TIONS.—In carrying out clause (i), the
16 Secretary shall approve applications for
17 grants in such a manner that the ratio of
18 the medically underserved populations in
19 rural areas which may be expected to use
20 the services provided by the applicants in-
21 volved to the medically underserved popu-
22 lations in urban areas which may be ex-
23 pected to use the services provided by such
24 applicants is not less than two to three or
25 greater than three to two.”;

1 (8) in subsection (h)—

2 (A) in paragraph (1), by striking “and
3 children and youth at risk of homelessness” and
4 inserting “, children and youth at risk of home-
5 lessness, homeless veterans, and veterans at
6 risk of homelessness”; and

7 (B) in paragraph (5)—

8 (i) by striking subparagraph (B);

9 (ii) by redesignating subparagraph
10 (C) as subparagraph (B); and

11 (iii) in subparagraph (B) (as so reded-
12 icated)—

13 (I) in the subparagraph heading,
14 by striking “ABUSE” and inserting
15 “USE DISORDER”; and

16 (II) by striking “abuse” and in-
17 serting “use disorder”;

18 (9) in subsection (k)—

19 (A) in paragraph (2)—

20 (i) in the paragraph heading, by in-
21 serting “UNMET” before “NEED”;

22 (ii) in the matter preceding subpara-
23 graph (A), by inserting “or subsection
24 (e)(6)” after “subsection (e)(1)”;

1 (iii) in subparagraph (A), by inserting
2 “unmet” before “need for health services”;

3 (iv) in subparagraph (B), by striking
4 “and” at the end;

5 (v) in subparagraph (C), by striking
6 the period at the end and inserting “;
7 and”; and

8 (vi) by adding after subparagraph (C)
9 the following:

10 “(D) in the case of an application for a
11 grant pursuant to subsection (e)(6), a dem-
12 onstration that the applicant has consulted with
13 appropriate State and local government agen-
14 cies, and health care providers regarding the
15 need for the health services to be provided at
16 the proposed delivery site.”;

17 (B) in paragraph (3)—

18 (i) in the matter preceding subpara-
19 graph (A), by inserting “or subsection
20 (e)(6)” after “subsection (e)(1)(B)”;

21 (ii) in subparagraph (B), by striking
22 “in the catchment area of the center” and
23 inserting “, including other health care
24 providers that provide care within the
25 catchment area, local hospitals, and spe-

1 cialty providers in the catchment area of
2 the center, to provide access to services not
3 available through the health center and to
4 reduce the non-urgent use of hospital
5 emergency departments”;

6 (iii) in subparagraph (H)(ii), by in-
7 serting “who shall be directly employed by
8 the center” after “approves the selection of
9 a director for the center”;

10 (iv) in subparagraph (L), by striking
11 “and” at the end;

12 (v) in subparagraph (M), by striking
13 the period and inserting “; and”; and

14 (vi) by inserting after subparagraph
15 (M), the following:

16 “(N) the center has written policies and
17 procedures in place to ensure the appropriate
18 use of Federal funds in compliance with appli-
19 cable Federal statutes, regulations, and the
20 terms and conditions of the Federal award.”;
21 and

22 (C) by striking paragraph (4);

23 (10) in subsection (l), by adding at the end the
24 following: “Funds expended to carry out activities
25 under this subsection and operational support activi-

1 ties under subsection (m) shall not exceed 3 percent
2 of the amount appropriated for this section for the
3 fiscal year involved.”;

4 (11) in subsection (q)(4), by adding at the end
5 the following: “A waiver provided by the Secretary
6 under this paragraph may not remain in effect for
7 more than 1 year and may not be extended after
8 such period. An entity may not receive more than
9 one waiver under this paragraph in consecutive
10 years.”;

11 (12) in subsection (r)(3)—

12 (A) by striking “appropriate committees of
13 Congress a report concerning the distribution of
14 funds under this section” and inserting the fol-
15 lowing: “Committee on Health, Education,
16 Labor, and Pensions of the Senate, and the
17 Committee on Energy and Commerce of the
18 House of Representatives, a report including, at
19 a minimum—

20 “(A) the distribution of funds for carrying
21 out this section”;

22 (B) by striking “populations. Such report
23 shall include an assessment” and inserting the
24 following: “populations;

25 “(B) an assessment”;

1 (C) by striking “and the rationale for any
2 substantial changes in the distribution of
3 funds.” and inserting a semicolon; and

4 (D) by adding at the end the following:

5 “(C) the distribution of awards and fund-
6 ing for new or expanded services in each of
7 rural areas and urban areas;

8 “(D) the distribution of awards and fund-
9 ing for establishing new access points, and the
10 number of new access points created;

11 “(E) the amount of unexpended funding
12 for loan guarantees and loan guarantee author-
13 ity under title XVI;

14 “(F) the rationale for any substantial
15 changes in the distribution of funds;

16 “(G) the rate of closures for health centers
17 and access points;

18 “(H) the number and reason for any
19 grants awarded pursuant to subsection
20 (e)(1)(B); and

21 “(I) the number and reason for any waiv-
22 ers provided pursuant to subsection (q)(4).”;

23 (13) in subsection (r), by adding at the end the
24 following new paragraph:

1 “(5) FUNDING FOR PARTICIPATION OF HEALTH
2 CENTERS IN ALL OF US RESEARCH PROGRAM.—In
3 addition to any amounts made available pursuant to
4 paragraph (1) of this subsection, section 402A of
5 this Act, or section 10503 of the Patient Protection
6 and Affordable Care Act, there is authorized to be
7 appropriated, and there is appropriated, out of any
8 monies in the Treasury not otherwise appropriated,
9 to the Secretary \$25,000,000 for fiscal year 2018 to
10 support the participation of health centers in the All
11 of Us Research Program under the Precision Medi-
12 cine Initiative under section 498E of this Act.”; and

13 (14) by striking subsection (s).

14 (c) NATIONAL HEALTH SERVICE CORPS.—Section
15 10503(b)(2)(E) of the Patient Protection and Affordable
16 Care Act (42 U.S.C. 254b–2(b)(2)(E)) is amended by
17 striking “2017” and inserting “2019”.

18 (d) TEACHING HEALTH CENTERS THAT OPERATE
19 GRADUATE MEDICAL EDUCATION PROGRAMS.—

20 (1) PAYMENTS.—Subsection (a) of section
21 340H of the Public Health Service Act (42 U.S.C.
22 256h) is amended to read as follows:

23 “(a) PAYMENTS.—

24 “(1) IN GENERAL.—Subject to subsection
25 (h)(2), the Secretary shall make payments under

1 this section for direct expenses and indirect expenses
2 to qualified teaching health centers that are listed as
3 sponsoring institutions by the relevant accrediting
4 body for, as appropriate—

5 “(A) maintenance of existing approved
6 graduate medical residency training programs;

7 “(B) expansion of existing approved grad-
8 uate medical residency training programs; and

9 “(C) establishment of new approved grad-
10 uate medical residency training programs.

11 “(2) PRIORITY.—In making payments pursuant
12 to paragraph (1)(C), the Secretary shall give priority
13 to qualified teaching health centers that—

14 “(A) serve a health professional shortage
15 area with a designation in effect under section
16 332 or a medically underserved community (as
17 defined in section 799B); or

18 “(B) are located in a rural area (as de-
19 fined in section 1886(d)(2)(D) of the Social Se-
20 curity Act).”.

21 (2) FUNDING.—Subsection (g) of section 340H
22 of the Public Health Service Act (42 U.S.C. 256h)
23 is amended—

24 (A) by striking “To carry out” and insert-
25 ing the following:

1 “(1) IN GENERAL.—To carry out”;

2 (B) by striking “and \$15,000,000 for the
3 first quarter of fiscal year 2018” and inserting
4 “and \$126,500,000 for each of fiscal years
5 2018 and 2019, to remain available until ex-
6 pended”; and

7 (C) by adding at the end the following:

8 “(2) ADMINISTRATIVE EXPENSES.—Of the
9 amount made available to carry out this section for
10 any fiscal year, the Secretary may not use more
11 than 5 percent of such amount for the expenses of
12 administering this section.”.

13 (3) ANNUAL REPORTING.—Subsection (h)(1) of
14 section 340H of the Public Health Service Act (42
15 U.S.C. 256h) is amended—

16 (A) by redesignating subparagraph (D) as
17 subparagraph (H); and

18 (B) by inserting after subparagraph (C)
19 the following:

20 “(D) The number of patients treated by
21 residents described in paragraph (4).

22 “(E) The number of visits by patients
23 treated by residents described in paragraph (4).

24 “(F) Of the number of residents described
25 in paragraph (4) who completed their residency

1 training at the end of such residency academic
2 year, the number and percentage of such resi-
3 dents entering primary care practice (meaning
4 any of the areas of practice listed in the defini-
5 tion of a primary care residency program in
6 section 749A).

7 “(G) Of the number of residents described
8 in paragraph (4) who completed their residency
9 training at the end of such residency academic
10 year, the number and percentage of such resi-
11 dents who entered practice at a health care fa-
12 cility—

13 “(i) primarily serving a health profes-
14 sional shortage area with a designation in
15 effect under section 332 or a medically un-
16 derserved community (as defined in section
17 799B); or

18 “(ii) located in a rural area (as de-
19 fined in section 1886(d)(2)(D) of the So-
20 cial Security Act).”.

21 (4) REPORT ON TRAINING COSTS.—Not later
22 than March 31, 2019, the Secretary of Health and
23 Human Services shall submit to the Congress a re-
24 port on the direct graduate expenses of approved
25 graduate medical residency training programs, and

1 the indirect expenses associated with the additional
2 costs of teaching residents, of qualified teaching
3 health centers (as such terms are used or defined in
4 section 340H of the Public Health Service Act (42
5 U.S.C. 256h)).

6 (5) DEFINITION.—Subsection (j) of section
7 340H of the Public Health Service Act (42 U.S.C.
8 256h) is amended—

9 (A) by redesignating paragraphs (2) and
10 (3) as paragraphs (3) and (4), respectively; and

11 (B) by inserting after paragraph (1) the
12 following:

13 “(2) NEW APPROVED GRADUATE MEDICAL
14 RESIDENCY TRAINING PROGRAM.—The term ‘new
15 approved graduate medical residency training pro-
16 gram’ means an approved graduate medical resi-
17 dency training program for which the sponsoring
18 qualified teaching health center has not received a
19 payment under this section for a previous fiscal year
20 (other than pursuant to subsection (a)(1)(C)).”.

21 (6) TECHNICAL CORRECTION.—Subsection (f)
22 of section 340H (42 U.S.C. 256h) is amended by
23 striking “hospital” each place it appears and insert-
24 ing “teaching health center”.

1 (7) PAYMENTS FOR PREVIOUS FISCAL YEARS.—

2 The provisions of section 340H of the Public Health
3 Service Act (42 U.S.C. 256h), as in effect on the
4 day before the date of enactment of this Act, shall
5 continue to apply with respect to payments under
6 such section for fiscal years before fiscal year 2018.

7 (e) APPLICATION.—Amounts appropriated pursuant
8 to this section for fiscal year 2018 or 2019 are subject
9 to the requirements contained in Public Law 115–31 for
10 funds for programs authorized under sections 330 through
11 340 of the Public Health Service Act (42 U.S.C. 254b–
12 256).

13 (f) CONFORMING AMENDMENTS.—Section 3014(h) of
14 title 18, United States Code, is amended—

15 (1) in paragraph (1), by striking “, as amended
16 by section 221 of the Medicare Access and CHIP
17 Reauthorization Act of 2015,”; and

18 (2) in paragraph (4), by inserting “and section
19 21111(e) of the Community Health And Medical
20 Professionals Improve Our Nation Act of 2017”
21 after “section 221(c) of the Medicare Access and
22 CHIP Reauthorization Act of 2015”.

1 **SEC. 21112. EXTENSION FOR SPECIAL DIABETES PRO-**
2 **GRAMS.**

3 (a) SPECIAL DIABETES PROGRAM FOR TYPE I DIA-
4 BETES.—Section 330B(b)(2)(C) of the Public Health
5 Service Act (42 U.S.C. 254e–2(b)(2)(C)) is amended by
6 striking “2017” and inserting “2019”.

7 (b) SPECIAL DIABETES PROGRAM FOR INDIANS.—
8 Subparagraph (D) of section 330C(c)(2) of the Public
9 Health Service Act (42 U.S.C. 254e–3(c)(2)) is amended
10 to read as follows:

11 “(D) \$150,000,000 for each of fiscal years
12 2018 and 2019.”.

13 **SEC. 21113. EXTENSION FOR FAMILY-TO-FAMILY HEALTH**
14 **INFORMATION CENTERS.**

15 Section 501(c) of the Social Security Act (42 U.S.C.
16 701(c)) is amended—

17 (1) in paragraph (1)(A)—

18 (A) in clause (v), by striking “and” at the
19 end;

20 (B) in clause (vi), by striking the period at
21 the end and inserting “; and”; and

22 (C) by adding at the end the following new
23 clause:

24 “(vii) \$6,000,000 for each of fiscal years 2018
25 and 2019.”;

1 (2) in paragraph (3)(C), by inserting before the
 2 period the following: “, and with respect to fiscal
 3 years 2018 and 2019, such centers shall also be de-
 4 veloped in all territories and at least one such center
 5 shall be developed for Indian tribes”; and

6 (3) by amending paragraph (5) to read as fol-
 7 lows:

8 “(5) For purposes of this subsection—

9 “(A) the term ‘Indian tribe’ has the meaning
 10 given such term in section 4 of the Indian Health
 11 Care Improvement Act (25 U.S.C. 1603);

12 “(B) the term ‘State’ means each of the 50
 13 States and the District of Columbia; and

14 “(C) the term ‘territory’ means Puerto Rico,
 15 Guam, American Samoa, the Virgin Islands, and the
 16 Northern Mariana Islands.”.

17 **SEC. 21114. YOUTH EMPOWERMENT PROGRAM; PERSONAL**
 18 **RESPONSIBILITY EDUCATION.**

19 (a) YOUTH EMPOWERMENT PROGRAM.—

20 (1) IN GENERAL.—Section 510 of the Social
 21 Security Act (42 U.S.C. 710) is amended to read as
 22 follows:

23 **“SEC. 510. YOUTH EMPOWERMENT PROGRAM.**

24 “(a) IN GENERAL.—

1 “(1) ALLOTMENTS TO STATES.—For the pur-
2 pose described in subsection (b), the Secretary shall,
3 for each of fiscal years 2018 and 2019, allot to each
4 State which has transmitted an application for the
5 fiscal year under section 505(a) an amount equal to
6 the product of—

7 “(A) the amount appropriated pursuant to
8 subsection (e)(1) for the fiscal year, minus the
9 amount reserved under subsection (e)(2) for the
10 fiscal year; and

11 “(B) the proportion that the number of
12 low-income children in the State bears to the
13 total of such numbers of children for all the
14 States.

15 “(2) OTHER ALLOTMENTS.—

16 “(A) OTHER ENTITIES.—For the purpose
17 described in subsection (b), the Secretary shall,
18 for each of fiscal years 2018 and 2019, for any
19 State which has not transmitted an application
20 for the fiscal year under section 505(a), allot to
21 one or more entities in the State the amount
22 that would have been allotted to the State
23 under paragraph (1) if the State had submitted
24 such an application.

1 “(B) PROCESS.—The Secretary shall select
2 the recipients of allotments under subparagraph
3 (A) by means of a competitive grant process
4 under which—

5 “(i) not later than 30 days after the
6 deadline for the State involved to submit
7 an application for the fiscal year under
8 section 505(a), the Secretary publishes a
9 notice soliciting grant applications; and

10 “(ii) not later than 120 days after
11 such deadline, all such applications must
12 be submitted.

13 “(b) PURPOSE.—

14 “(1) IN GENERAL.—Except for research under
15 paragraph (5) and information collection and report-
16 ing under paragraph (6), the purpose of an allot-
17 ment under subsection (a) to a State (or to another
18 entity in the State pursuant to subsection (a)(2)) is
19 to enable the State or other entity to implement edu-
20 cation exclusively on sexual risk avoidance (meaning
21 voluntarily refraining from sexual activity).

22 “(2) REQUIRED COMPONENTS.—Education on
23 sexual risk avoidance pursuant to an allotment
24 under this section shall—

1 “(A) ensure that the unambiguous and pri-
2 mary emphasis and context for each topic de-
3 scribed in paragraph (3) is a message to youth
4 that normalizes the optimal health behavior of
5 avoiding nonmarital sexual activity;

6 “(B) be medically accurate and complete;

7 “(C) be age-appropriate; and

8 “(D) be based on adolescent learning and
9 developmental theories for the age group receiv-
10 ing the education.

11 “(3) TOPICS.—Education on sexual risk avoid-
12 ance pursuant to an allotment under this section
13 shall address each of the following topics:

14 “(A) The holistic individual and societal
15 benefits associated with personal responsibility,
16 self-regulation, goal setting, healthy decision-
17 making, and a focus on the future.

18 “(B) The advantage of refraining from
19 nonmarital sexual activity in order to improve
20 the future prospects and physical and emotional
21 health of youth.

22 “(C) The increased likelihood of avoiding
23 poverty when youth attain self-sufficiency and
24 emotional maturity before engaging in sexual
25 activity.

1 “(D) The foundational components of
2 healthy relationships and their impact on the
3 formation of healthy marriages and safe and
4 stable families.

5 “(E) How other youth risk behaviors, such
6 as drug and alcohol usage, increase the risk for
7 teen sex.

8 “(F) How to resist and avoid, and receive
9 help regarding, sexual coercion and dating vio-
10 lence, recognizing that even with consent teen
11 sex remains a youth risk behavior.

12 “(4) CONTRACEPTION.—Education on sexual
13 risk avoidance pursuant to an allotment under this
14 section shall ensure that—

15 “(A) any information provided on contra-
16 ception is medically accurate and ensures that
17 students understand that contraception offers
18 physical risk reduction, but not risk elimination;
19 and

20 “(B) the education does not include dem-
21 onstrations, simulations, or distribution of con-
22 traceptive devices.

23 “(5) RESEARCH.—

24 “(A) IN GENERAL.—A State or other enti-
25 ty receiving an allotment pursuant to subsection

1 (a) may use up to 20 percent of such allotment
2 to build the evidence base for sexual risk avoid-
3 ance education by conducting or supporting re-
4 search.

5 “(B) REQUIREMENTS.—Any research con-
6 ducted or supported pursuant to subparagraph
7 (A) shall be—

8 “(i) rigorous;

9 “(ii) evidence-based; and

10 “(iii) designed and conducted by inde-
11 pendent researchers who have experience
12 in conducting and publishing research in
13 peer-reviewed outlets.

14 “(6) INFORMATION COLLECTION AND REPORT-
15 ING.—A State or other entity receiving an allotment
16 pursuant to subsection (a) shall, as specified by the
17 Secretary—

18 “(A) collect information on the programs
19 and activities funded through the allotment;
20 and

21 “(B) submit reports to the Secretary on
22 the data from such programs and activities.

23 “(c) NATIONAL EVALUATION.—

24 “(1) IN GENERAL.—The Secretary shall—

1 “(A) in consultation with appropriate State
2 and local agencies, conduct one or more rig-
3 orous evaluations of the education funded
4 through this section and associated data; and

5 “(B) submit a report to the Congress on
6 the results of such evaluations, together with a
7 summary of the information collected pursuant
8 to subsection (b)(6).

9 “(2) CONSULTATION.—In conducting the eval-
10 uations required by paragraph (1), including the es-
11 tablishment of evaluation methodologies, the Sec-
12 retary shall consult with relevant stakeholders.

13 “(d) APPLICABILITY OF CERTAIN PROVISIONS.—

14 “(1) Sections 503, 507, and 508 apply to allot-
15 ments under subsection (a) to the same extent and
16 in the same manner as such sections apply to allot-
17 ments under section 502(c).

18 “(2) Sections 505 and 506 apply to allotments
19 under subsection (a) to the extent determined by the
20 Secretary to be appropriate.

21 “(e) FUNDING.—

22 “(1) IN GENERAL.—To carry out this section,
23 there is appropriated, out of any money in the
24 Treasury not otherwise appropriated, \$75,000,000
25 for each of fiscal years 2018 and 2019.

1 “(2) RESERVATION.—The Secretary shall re-
2 serve, for each of fiscal years 2018 and 2019, not
3 more than 20 percent of the amount appropriated
4 pursuant to paragraph (1) for administering the
5 program under this section, including the conducting
6 of national evaluations and the provision of technical
7 assistance to the recipients of allotments.”.

8 (2) EFFECTIVE DATE.—The amendment made
9 by this subsection takes effect on October 1, 2017.

10 (b) PERSONAL RESPONSIBILITY EDUCATION.—

11 (1) IN GENERAL.—Section 513 of the Social
12 Security Act (42 U.S.C. 713) is amended—

13 (A) in subsection (a)(1)(A), by striking
14 “2017” and inserting “2019”; and

15 (B) in subsection (a)(4)—

16 (i) in subparagraph (A), by striking
17 “2017” each place it appears and inserting
18 “2019”; and

19 (ii) in subparagraph (B)—

20 (I) in the subparagraph heading,
21 by striking “3-YEAR GRANTS” and in-
22 serting “COMPETITIVE PREP
23 GRANTS”; and

24 (II) in clause (i), by striking “so-
25 licit applications to award 3-year

1 grants in each of fiscal years 2012
 2 through 2017” and inserting “con-
 3 tinue through fiscal year 2019 grants
 4 awarded for any of fiscal years 2015
 5 through 2017”;

6 (C) in subsection (e)(1), by inserting after
 7 “youth with HIV/AIDS,” the following: “vic-
 8 tims of human trafficking,”; and

9 (D) in subsection (f), by striking “2017”
 10 and inserting “2019”.

11 (2) EFFECTIVE DATE.—The amendments made
 12 by this subsection take effect on October 1, 2017.

13 **TITLE II—OFFSETS**

14 **SEC. 21201. PROVIDING FOR QUALIFIED HEALTH PLAN** 15 **GRACE PERIOD REQUIREMENTS FOR ISSUER** 16 **RECEIPT OF ADVANCE PAYMENTS OF COST-** 17 **SHARING REDUCTIONS AND PREMIUM TAX** 18 **CREDITS THAT ARE MORE CONSISTENT WITH** 19 **STATE LAW GRACE PERIOD REQUIREMENTS.**

20 (a) IN GENERAL.—Section 1412(c) of the Patient
 21 Protection and Affordable Care Act (42 U.S.C. 18082(c))
 22 is amended—

23 (1) in paragraph (2)—

24 (A) in subparagraph (B)(iv)(II), by strik-
 25 ing “a 3-month grace period” and inserting “a

1 grace period specified in subparagraph (C)”;
2 and

3 (B) by adding at the end the following new
4 subparagraphs:

5 “(C) GRACE PERIOD SPECIFIED.—For pur-
6 poses of subparagraph (B)(iv)(II), the grace pe-
7 riod specified in this subparagraph is—

8 “(i) for plan years beginning before
9 January 1, 2018, a 3-month grace period;
10 and

11 “(ii) for plan years beginning on or
12 after January 1, 2018—

13 “(I) in the case of an Exchange
14 operating in a State that has a State
15 law grace period in place, such State
16 law grace period; and

17 “(II) in the case of an Exchange
18 operating in a State that does not
19 have a State law grace period in
20 place, a 1-month grace period.

21 “(D) STATE LAW GRACE PERIOD.—For
22 purposes of subparagraph (C), the term ‘State
23 law grace period’ means, with respect to a
24 State, a grace period for nonpayment of pre-
25 miums before discontinuing coverage that is ap-

1 plicable under the State law to health insurance
2 coverage offered in the individual market of the
3 State.”; and

4 (2) in paragraph (3), by adding at the end the
5 following new sentence: “The requirements of para-
6 graph (2)(B)(iv) apply to an issuer of a qualified
7 health plan receiving an advanced payment under
8 this paragraph in the same manner and to the same
9 extent that such requirements apply to an issuer of
10 a qualified health plan receiving an advanced pay-
11 ment under paragraph (2)(A).”.

12 (b) REPORT ON ALIGNING GRACE PERIODS FOR
13 MEDICAID, MEDICARE, AND EXCHANGE PLANS.—Not
14 later than 2 years after the date of full implementation
15 of subsection (a), the Comptroller General of the United
16 States shall submit to Congress a report on—

17 (1) the effects on consumers of aligning grace
18 periods applied under the Medicaid program under
19 title XIX of the Social Security Act, under the Medi-
20 care program under parts C and D of title XVIII of
21 such Act, and under qualified health plans offered
22 on an Exchange established under title I of the Pa-
23 tient Protection and Affordable Care Act, including
24 the extent to which such an alignment of grace peri-
25 ods may help to avoid enrollment status confusion

1 for individuals under such Medicaid program, Medi-
2 care program, and qualified health plans; and

3 (2) the extent to which such an alignment of
4 grace periods may reduce fraud, waste, and abuse
5 under the Medicaid program.

6 **SEC. 21202. PREVENTION AND PUBLIC HEALTH FUND.**

7 Section 4002(b) of the Patient Protection and Af-
8 fordable Care Act (42 U.S.C. 300u–11(b)) is amended by
9 striking paragraphs (3) through (8) and inserting the fol-
10 lowing new paragraphs:

11 “(3) for fiscal year 2018, \$900,000,000;

12 “(4) for fiscal year 2019, \$500,000,000;

13 “(5) for fiscal year 2020, \$500,000,000;

14 “(6) for fiscal year 2021, \$500,000,000;

15 “(7) for fiscal year 2022, \$500,000,000;

16 “(8) for fiscal year 2023, \$500,000,000;

17 “(9) for fiscal year 2024, \$500,000,000;

18 “(10) for fiscal year 2025, \$750,000,000;

19 “(11) for fiscal year 2026, \$1,000,000,000; and

20 “(12) for fiscal year 2027 and each fiscal year
21 thereafter, \$2,000,000,000.”.

1 **SUBDIVISION 2—HEALTHY KIDS**
 2 **ACT**

3 **SEC. 22001. SHORT TITLE.**

4 This subdivision may be cited as the “Helping Ensure
 5 Access for Little Ones, Toddlers, and Hopeful Youth by
 6 Keeping Insurance Delivery Stable Act of 2017” or the
 7 “HEALTHY KIDS Act”.

8 **TITLE I—CHIP EXTENSION AND**
 9 **OTHER MEDICAID AND CHIP**
 10 **PROVISIONS**

11 **SEC. 22101. FIVE-YEAR FUNDING EXTENSION OF THE CHIL-**
 12 **DREN’S HEALTH INSURANCE PROGRAM.**

13 (a) APPROPRIATION; TOTAL ALLOTMENT.—Section
 14 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a))
 15 is amended—

16 (1) in paragraph (19), by striking “and”;

17 (2) in paragraph (20), by striking the period at
 18 the end and inserting a semicolon; and

19 (3) by adding at the end the following new
 20 paragraphs:

21 “(21) for fiscal year 2018, \$21,500,000,000;

22 “(22) for fiscal year 2019, \$22,600,000,000;

23 “(23) for fiscal year 2020, \$23,700,000,000;

24 “(24) for fiscal year 2021, \$24,800,000,000;

25 and

1 “(25) for fiscal year 2022, for purposes of mak-
2 ing two semi-annual allotments—

3 “(A) \$2,850,000,000 for the period begin-
4 ning on October 1, 2021, and ending on March
5 31, 2022; and

6 “(B) \$2,850,000,000 for the period begin-
7 ning on April 1, 2022, and ending on Sep-
8 tember 30, 2022.”.

9 (b) ALLOTMENTS.—

10 (1) IN GENERAL.—Section 2104(m) of the So-
11 cial Security Act (42 U.S.C. 1397dd(m)) is amend-
12 ed—

13 (A) in paragraph (2)—

14 (i) in the heading, by striking
15 “THROUGH 2016” and inserting
16 “THROUGH 2022”; and

17 (ii) in subparagraph (B)—

18 (I) in the matter preceding clause
19 (i), by striking “(19)” and inserting
20 “(24)”;

21 (II) in clause (ii), in the matter
22 preceding subclause (I), by inserting
23 “(other than fiscal year 2022)” after
24 “even-numbered fiscal year”; and

1 (III) in clause (ii)(I), by inserting
2 “(or, in the case of fiscal year 2018,
3 under paragraph (4))” after “clause
4 (i)”;

5 (B) in paragraph (5)—

6 (i) by striking “or (4)” and inserting
7 “(4), or (10)”;

8 (ii) by striking “or 2017” and insert-
9 ing “, 2017, or 2022”;

10 (C) in paragraph (7)—

11 (i) in subparagraph (A), by striking
12 “2017” and inserting “2022”;

13 (ii) in subparagraph (B), in the mat-
14 ter preceding clause (i), by inserting “(or,
15 in the case of fiscal year 2018, by not later
16 than the date that is 60 days after the
17 date of the enactment of the HEALTHY
18 KIDS Act)” after “before the August 31
19 preceding the beginning of the fiscal year”;
20 and

21 (iii) in the matter following subpara-
22 graph (B), by striking “or fiscal year
23 2016” and inserting “fiscal year 2016, fis-
24 cal year 2018, fiscal year 2020, or fiscal
25 year 2022”;

1 (D) in paragraph (9)—

2 (i) in the heading, by striking “FISCAL
3 YEARS 2015 AND 2017” and inserting
4 “CERTAIN FISCAL YEARS”;

5 (ii) by striking “or (4)” and inserting
6 “, (4), or (10)”;

7 (iii) by striking “or fiscal year 2017”
8 and inserting “, 2017, or 2022”;

9 (E) by adding at the end the following new
10 paragraph:

11 “(10) FOR FISCAL YEAR 2022.—

12 “(A) FIRST HALF.—Subject to paragraphs
13 (5) and (7), from the amount made available
14 under subparagraph (A) of paragraph (25) of
15 subsection (a) for the semi-annual period de-
16 scribed in such subparagraph, increased by the
17 amount of the appropriation for such period
18 under section 22101(b)(3) of the HEALTHY
19 KIDS Act, the Secretary shall compute a State
20 allotment for each State (including the District
21 of Columbia and each commonwealth and terri-
22 tory) for such semi-annual period in an amount
23 equal to the first half ratio (described in sub-
24 paragraph (D)) of the amount described in sub-
25 paragraph (C).

1 “(B) SECOND HALF.—Subject to para-
2 graphs (5) and (7), from the amount made
3 available under subparagraph (B) of paragraph
4 (25) of subsection (a) for the semi-annual pe-
5 riod described in such subparagraph, the Sec-
6 retary shall compute a State allotment for each
7 State (including the District of Columbia and
8 each commonwealth and territory) for such
9 semi-annual period in an amount equal to the
10 amount made available under such subpara-
11 graph, multiplied by the ratio of—

12 “(i) the amount of the allotment to
13 such State under subparagraph (A); to

14 “(ii) the total of the amount of all of
15 the allotments made available under such
16 subparagraph.

17 “(C) FULL YEAR AMOUNT BASED ON
18 GROWTH FACTOR UPDATED AMOUNT.—The
19 amount described in this subparagraph for a
20 State is equal to the sum of—

21 “(i) the amount of the State allotment
22 for fiscal year 2021 determined under
23 paragraph (2)(B)(i); and

1 “(ii) the amount of any payments
 2 made to the State under subsection (n) for
 3 fiscal year 2021,
 4 multiplied by the allotment increase factor
 5 under paragraph (6) for fiscal year 2022.

6 “(D) FIRST HALF RATIO.—The first half
 7 ratio described in this subparagraph is the ratio
 8 of—

9 “(i) the sum of—

10 “(I) the amount made available
 11 under subsection (a)(25)(A); and

12 “(II) the amount of the appro-
 13 priation for such period under section
 14 22101(b)(3) of the HEALTHY KIDS
 15 Act; to

16 “(ii) the sum of—

17 “(I) the amount described in
 18 clause (i); and

19 “(II) the amount made available
 20 under subsection (a)(25)(B).”.

21 (2) TECHNICAL AMENDMENTS.—Section 2104
 22 of such Act (42 U.S.C. 1397dd) is amended—

23 (A) in subsection (f)(2)(B)(ii), as amended
 24 by section 201 of Public Law 115-90—

25 (i) in subclause (II)—

1 (I) by inserting “, as in effect be-
2 fore the date of enactment of the
3 HEALTHY KIDS Act,” after “sec-
4 tion 2105(g)(4)(A)”;

5 (II) by striking “such date of en-
6 actment” each place it appears and
7 inserting “the date of enactment of
8 Public Law 115–90” each such place;
9 and

10 (ii) in subclause (III), by inserting “,
11 as in effect before the date of enactment of
12 the HEALTHY KIDS Act” after “under
13 section 2105(g)(4)”;

14 (B) in subsection (m)(2)(A), by striking
15 “the allotment increase factor under paragraph
16 (5)” each place it appears and inserting “the
17 allotment increase factor under paragraph (6)”.

18 (3) ONE-TIME APPROPRIATION FOR FISCAL
19 YEAR 2022.—There is appropriated to the Secretary
20 of Health and Human Services, out of any money in
21 the Treasury not otherwise appropriated,
22 \$20,200,000,000 to accompany the allotment made
23 for the period beginning on October 1, 2021, and
24 ending on March 31, 2022, under paragraph
25 (25)(A) of section 2104(a) of the Social Security Act

1 (42 U.S.C. 1397dd(a)) (as added by subsection
2 (a)(3)), to remain available until expended. Such
3 amount shall be used to provide allotments to States
4 under paragraph (10) of section 2104(m) of such
5 Act (as added by subsection (b)(1)(E)) for the first
6 6 months of fiscal year 2022 in the same manner as
7 allotments are provided under subsection (a)(25)(A)
8 of such section 2104 and subject to the same terms
9 and conditions as apply to the allotments provided
10 from such subsection (a)(25)(A).

11 (c) EXTENSION OF THE CHILD ENROLLMENT CON-
12 TINGENCY FUND.—Section 2104(n) of the Social Security
13 Act (42 U.S.C. 1397dd(n)) is amended—

14 (1) in paragraph (2)—

15 (A) in subparagraph (A)(ii)—

16 (i) by striking “2010, 2011, 2012,
17 2013, 2014, and 2016” and inserting
18 “2010 through 2014, 2016, and 2018
19 through 2021”; and

20 (ii) by striking “fiscal year 2015 and
21 fiscal year 2017” and inserting “fiscal
22 years 2015, 2017, and 2022”; and

23 (B) in subparagraph (B)—

24 (i) by striking “2010, 2011, 2012,
25 2013, 2014, and 2016” and inserting

1 “2010 through 2014, 2016, and 2018
2 through 2021”; and

3 (ii) by striking “fiscal year 2015 and
4 fiscal year 2017” and inserting “fiscal
5 years 2015, 2017, and 2022”; and

6 (2) in paragraph (3)(A), in the matter pre-
7 ceding clause (i), by striking “or a semi-annual allot-
8 ment period for fiscal year 2015 or 2017” and in-
9 serting “or in any of fiscal years 2018 through 2021
10 (or a semi-annual allotment period for fiscal year
11 2015, 2017, or 2022)”.

12 (d) EXTENSION OF QUALIFYING STATES OPTION.—
13 Section 2105(g)(4) of the Social Security Act (42 U.S.C.
14 1397ee(g)(4)) is amended—

15 (1) in the heading, by striking “THROUGH
16 2017” and inserting “THROUGH 2022”; and

17 (2) in subparagraph (A), by striking “2017”
18 and inserting “2022”.

19 (e) EXTENSION OF EXPRESS LANE ELIGIBILITY OP-
20 TION.—Section 1902(e)(13)(I) of the Social Security Act
21 (42 U.S.C. 1396a(e)(13)(I)) is amended by striking
22 “2017” and inserting “2022”.

23 (f) ASSURANCE OF AFFORDABILITY STANDARD FOR
24 CHILDREN AND FAMILIES.—

1 (1) IN GENERAL.—Section 2105(d)(3) of the
2 Social Security Act (42 U.S.C. 1397ee(d)(3)) is
3 amended—

4 (A) in the paragraph heading, by striking
5 “UNTIL OCTOBER 1, 2019” and inserting
6 “THROUGH SEPTEMBER 30, 2022”; and

7 (B) in subparagraph (A), in the matter
8 preceding clause (i)—

9 (i) by striking “2019” and inserting
10 “2022”; and

11 (ii) by striking “The preceding sen-
12 tence shall not be construed as preventing
13 a State during such period” and inserting
14 “During the period that begins on October
15 1, 2019, and ends on September 30, 2022,
16 the preceding sentence shall only apply
17 with respect to children in families whose
18 income does not exceed 300 percent of the
19 poverty line (as defined in section
20 2110(c)(5)) applicable to a family of the
21 size involved. The preceding sentences shall
22 not be construed as preventing a State
23 during any such periods”.

1 (2) CONFORMING AMENDMENTS.—Section
2 1902(gg)(2) of the Social Security Act (42 U.S.C.
3 1396a(gg)(2)) is amended—

4 (A) in the paragraph heading, by striking
5 “UNTIL OCTOBER 1, 2019” and inserting
6 “THROUGH SEPTEMBER 30, 2022”; and

7 (B) by striking “September 30, 2019,”
8 and inserting “September 30, 2022 (but during
9 the period that begins on October 1, 2019, and
10 ends on September 30, 2022, only with respect
11 to children in families whose income does not
12 exceed 300 percent of the poverty line (as de-
13 fined in section 2110(c)(5)) applicable to a fam-
14 ily of the size involved”).

15 (g) CHIP LOOK-ALIKE PLANS.—

16 (1) BLENDING RISK POOLS.—Section 2107 of
17 the Social Security Act (42 U.S.C. 1397gg) is
18 amended by adding at the end the following:

19 “(g) USE OF BLENDED RISK POOLS.—

20 “(1) IN GENERAL.—Nothing in this title (or
21 any other provision of Federal law) shall be con-
22 strued as preventing a State from considering chil-
23 dren enrolled in a qualified CHIP look-alike pro-
24 gram and children enrolled in a State child health

1 plan under this title (or a waiver of such plan) as
2 members of a single risk pool.

3 “(2) QUALIFIED CHIP LOOK-ALIKE PROGRAM.—
4 In this subsection, the term ‘qualified CHIP look-
5 alike program’ means a State program—

6 “(A) under which children who are under
7 the age of 19 and are not eligible to receive
8 medical assistance under title XIX or child
9 health assistance under this title may purchase
10 coverage through the State that provides bene-
11 fits that are at least identical to the benefits
12 provided under the State child health plan
13 under this title (or a waiver of such plan); and

14 “(B) that is funded exclusively through
15 non-Federal funds, including funds received by
16 the State in the form of premiums for the pur-
17 chase of such coverage.”.

18 (2) COVERAGE RULE.—

19 (A) IN GENERAL.—Section 5000A(f)(1) of
20 the Internal Revenue Code of 1986 is amended
21 in subparagraph (A)(iii), by inserting “or under
22 a qualified CHIP look-alike program (as de-
23 fined in section 2107(g) of the Social Security
24 Act)” before the comma at the end.

1 (B) EFFECTIVE DATE.—The amendment
2 made by subparagraph (A) shall apply with re-
3 spect to taxable years beginning after December
4 31, 2017.

5 **SEC. 22102. EXTENSION OF CERTAIN PROGRAMS AND DEM-**
6 **ONSTRATION PROJECTS.**

7 (a) CHILDHOOD OBESITY DEMONSTRATION
8 PROJECT.—Section 1139A(e)(8) of the Social Security
9 Act (42 U.S.C. 1320b–9a(e)(8)) is amended—

10 (1) by striking “and \$10,000,000” and insert-
11 ing “, \$10,000,000”; and

12 (2) by inserting after “2017” the following: “,
13 and \$25,000,000 for the period of fiscal years 2018
14 through 2022”.

15 (b) PEDIATRIC QUALITY MEASURES PROGRAM.—
16 Section 1139A(i) of the Social Security Act (42 U.S.C.
17 1320b–9a(i)) is amended—

18 (1) by striking “Out of any” and inserting the
19 following:

20 “(1) IN GENERAL.—Out of any”;

21 (2) by striking “there is appropriated for each”
22 and inserting “there is appropriated—

23 “(A) for each”;

24 (3) by striking “, and there is appropriated for
25 the period” and inserting “;

1 “(B) for the period”;

2 (4) by striking “. Funds appropriated under
3 this subsection shall remain available until ex-
4 pended.” and inserting “; and”; and

5 (5) by adding at the end the following:

6 “(C) for the period of fiscal years 2018
7 through 2022, \$75,000,000 for the purpose of
8 carrying out this section (other than sub-
9 sections (e), (f), and (g)).

10 “(2) AVAILABILITY.—Funds appropriated
11 under this subsection shall remain available until ex-
12 pended.”.

13 **SEC. 22103. EXTENSION OF OUTREACH AND ENROLLMENT**
14 **PROGRAM.**

15 (a) IN GENERAL.—Section 2113 of the Social Secu-
16 rity Act (42 U.S.C. 1397mm) is amended—

17 (1) in subsection (a)(1), by striking “2017” and
18 inserting “2022”; and

19 (2) in subsection (g)—

20 (A) by striking “and \$40,000,000” and in-
21 serting “, \$40,000,000”; and

22 (B) by inserting after “2017” the fol-
23 lowing: “, and \$100,000,000 for the period of
24 fiscal years 2018 through 2022”.

1 (b) MAKING ORGANIZATIONS THAT USE PARENT
2 MENTORS ELIGIBLE TO RECEIVE GRANTS.—Section
3 2113(f) of the Social Security Act (42 U.S.C. 1397mm(f))
4 is amended—

5 (1) in paragraph (1)(E), by striking “or com-
6 munity-based doula programs” and inserting “, com-
7 munity-based doula programs, or parent mentors”;
8 and

9 (2) by adding at the end the following new
10 paragraph:

11 “(5) PARENT MENTOR.—The term ‘parent
12 mentor’ means an individual who—

13 “(A) is a parent or guardian of at least
14 one child who is an eligible child under this title
15 or title XIX; and

16 “(B) is trained to assist families with chil-
17 dren who have no health insurance coverage
18 with respect to improving the social deter-
19 minants of the health of such children, includ-
20 ing by providing—

21 “(i) education about health insurance
22 coverage, including, with respect to obtain-
23 ing such coverage, eligibility criteria and
24 application and renewal processes;

1 “(ii) assistance with completing and
2 submitting applications for health insur-
3 ance coverage;

4 “(iii) a liaison between families and
5 representatives of State plans under title
6 XIX or State child health plans under this
7 title;

8 “(iv) guidance on identifying medical
9 and dental homes and community phar-
10 macies for children; and

11 “(v) assistance and referrals to suc-
12 cessfully address social determinants of
13 children’s health, including poverty, food
14 insufficiency, and housing.”.

15 (c) EXCLUSION FROM MODIFIED ADJUSTED GROSS
16 INCOME.—Section 1902(e) of the Social Security Act (42
17 U.S.C. 1396a(e)) is amended—

18 (1) in the first paragraph (14), relating to in-
19 come determined using modified adjusted gross in-
20 come, by adding at the end the following new sub-
21 paragraph:

22 “(J) EXCLUSION OF PARENT MENTOR
23 COMPENSATION FROM INCOME DETERMINA-
24 TION.—Any nominal amount received by an in-
25 dividual as compensation, including a stipend,

1 for participation as a parent mentor (as defined
 2 in paragraph (5) of section 2113(f)) in an activ-
 3 ity or program funded through a grant under
 4 such section shall be disregarded for purposes
 5 of determining the income eligibility of such in-
 6 dividual for medical assistance under the State
 7 plan or any waiver of such plan.”; and

8 (2) by striking “(14) EXCLUSION” and insert-
 9 ing “(15) EXCLUSION”.

10 **SEC. 22104. EXTENSION AND REDUCTION OF ADDITIONAL**
 11 **FEDERAL FINANCIAL PARTICIPATION FOR**
 12 **CHIP.**

13 Section 2105(b) of the Social Security Act (42 U.S.C.
 14 1397ee(b)) is amended in the second sentence by inserting
 15 “and during the period that begins on October 1, 2019,
 16 and ends on September 30, 2020, the enhanced FMAP
 17 determined for a State for a fiscal year (or for any portion
 18 of a fiscal year occurring during such period) shall be in-
 19 creased by 11.5 percentage points” after “23 percentage
 20 points,”.

21 **SEC. 22105. MODIFYING REDUCTIONS IN MEDICAID DSH AL-**
 22 **LOTMENTS.**

23 Section 1923(f)(7)(A) of the Social Security Act (42
 24 U.S.C. 1396r-4(f)(7)(A)) is amended—

1 (1) in clause (i), in the matter preceding sub-
2 clause (I), by striking “2018” and inserting “2020”;
3 and

4 (2) in clause (ii), by striking subclauses (I)
5 through (VIII) and inserting the following:

6 “(I) \$4,000,000,000 for fiscal
7 year 2020; and

8 “(II) \$8,000,000,000 for each of
9 fiscal years 2021 through 2025.”.

10 **SEC. 22106. PUERTO RICO AND THE VIRGIN ISLANDS MED-**
11 **ICAID PAYMENTS.**

12 (a) INCREASED CAP.—Section 1108(g) of the Social
13 Security Act (42 U.S.C. 1308(g)) is amended—

14 (1) in paragraph (2)—

15 (A) in subparagraph (A), by inserting “(or,
16 with respect to fiscal years 2018 and 2019, in-
17 creased by such percentage increase plus one
18 percentage point)” after “beginning of the fis-
19 cal year”; and

20 (B) in subparagraph (B), by inserting
21 “(or, with respect to fiscal years 2018 and
22 2019, increased by such percentage increase
23 plus one percentage point)” after “percentage
24 increase referred to in subparagraph (A)”;

25 (2) in paragraph (5)—

1 (A) in subparagraph (A), by striking “sub-
2 paragraph (B)” and inserting “subparagraphs
3 (B), (C), (D), (E), and (F)”; and

4 (B) by adding at the end the following new
5 subparagraphs:

6 “(C) The amount of the increase otherwise pro-
7 vided under subparagraph (A) for Puerto Rico shall
8 be further increased by \$880,000,000.

9 “(D)(i) For the period beginning October 1,
10 2017, and ending December 31, 2019, the amount
11 of the increase otherwise provided under subpara-
12 graph (A) for Puerto Rico shall be further increased
13 by \$120,000,000 if the Financial Oversight and
14 Management Board for Puerto Rico established
15 under section 101 of the Puerto Rico Oversight,
16 Management, and Economic Stability Act (48
17 U.S.C. 2121) certifies by a majority vote that Puer-
18 to Rico has taken reasonable and appropriate steps
19 during such period to—

20 “(I) reduce fraud, waste, and abuse under
21 the program under title XIX;

22 “(II) implement strategies to reduce un-
23 necessary, inefficient, or excessive spending
24 under title XIX;

1 “(III) improve the use and availability of
2 Medicaid data for program operation and over-
3 sight; and

4 “(IV) improve the quality of care and pa-
5 tient experience for individuals enrolled under
6 the program under title XIX.

7 “(ii) As a condition of any additional increase
8 pursuant to clause (i), not later than October 1,
9 2018, Puerto Rico shall submit to the Financial
10 Oversight and Management Board for Puerto Rico
11 a report regarding steps taken to achieve each of the
12 goals described in subclauses (I) through (IV) of
13 clause (i).

14 “(E) Payments under section 1903(a)(8) for a
15 quarter of a fiscal year shall not be taken into ac-
16 count in applying subsection (f) (as increased in ac-
17 cordance with this paragraph and paragraphs (1),
18 (2), (3), and (4)) to Puerto Rico or the Virgin Is-
19 lands for such fiscal year.

20 “(F)(i) For the period beginning October 1,
21 2017, and ending December 31, 2019, the amount
22 of the increase otherwise provided under subpara-
23 graph (A) for the Virgin Islands shall be further in-
24 creased by an amount equal to the per capita equiv-
25 alent of the total amount of the increase provided

1 for Puerto Rico under subparagraphs (C) and (D)
 2 for such period.

3 “(ii) For purposes of clause (i), the term ‘per
 4 capita equivalent’ means the ratio of—

5 “(I) the population of the Virgin Islands,
 6 as determined by the most recent census esti-
 7 mate released by the Bureau of the Census be-
 8 fore September 4, 2017; to

9 “(II) the population of Puerto Rico, as so
 10 determined.”.

11 (b) FEDERAL MATCH FOR MEDICAL PERSONNEL
 12 AND FRAUD REDUCTION.—Section 1903(a) of the Social
 13 Security Act (42 U.S.C. 1396b(a)) is amended—

14 (1) in paragraph (2)(A), by inserting “subject
 15 to paragraph (8),” before “an amount”;

16 (2) in paragraph (6)—

17 (A) in subparagraph (B), by inserting
 18 “subject to paragraph (8),” before “75 per cen-
 19 tum”; and

20 (B) by striking at the end “plus”;

21 (3) in paragraph (7), by striking at the end the
 22 period and inserting “; plus” ; and

23 (4) by adding at the end the following new
 24 paragraph:

1 “(8) for quarters during the period beginning
2 January 1, 2018, and ending December 31, 2019,
3 paragraphs (2)(A) and (6) shall apply with respect
4 to Puerto Rico and the Virgin Islands as if—

5 “(A) the reference to ‘75 per centum’ in
6 paragraph (2)(A) were a reference to ‘90 per
7 centum’; and

8 “(B) the reference to ‘75 per centum’ in
9 paragraph (6)(B) were a reference to ‘90 per
10 centum’.”.

11 **TITLE II—OFFSETS**

12 **SEC. 22201. MEDICAID THIRD PARTY LIABILITY PROVI-** 13 **SIONS.**

14 (a) MEDICAID THIRD PARTY LIABILITY.—

15 (1) DELAY OF BIPARTISAN BUDGET ACT OF
16 2013 THIRD PARTY LIABILITY PROVISIONS.—

17 (A) IN GENERAL.—Section 202(c) of the
18 Bipartisan Budget Act of 2013 (Public Law
19 113–67; 127 Stat. 1177; 42 U.S.C. 1396a
20 note), as amended by section 211 of the Pro-
21 tecting Access to Medicare Act of 2014 (Public
22 Law 113–93; 128 Stat. 1047; 42 U.S.C. 1396a
23 note) and section 220 of the Medicare Access
24 and CHIP Reauthorization Act of 2015 (Public

1 Law 114–10), is amended by striking “2017”
2 and inserting “2019”.

3 (B) EFFECTIVE DATE; TREATMENT.—The
4 amendment made by subparagraph (A) shall
5 take effect on September 30, 2017, and shall
6 apply with respect to any open claims, including
7 claims generated or filed, after such date.

8 (2) CLARIFICATION OF DEFINITIONS APPLICA-
9 BLE TO THIRD PARTY LIABILITY.—

10 (A) IN GENERAL.—Section 1902 of the So-
11 cial Security Act (42 U.S.C. 1396a) is amended
12 by adding at the end the following new sub-
13 section:

14 “(nn) RESPONSIBLE THIRD PARTY AND HEALTH IN-
15 SURER DEFINITIONS.—For purposes of subsection (a)(25)
16 and section 1903(d)(2)(B):

17 “(1) RESPONSIBLE THIRD PARTY.—The term
18 ‘responsible third party’ means a health insurer, a
19 pharmacy benefit manager to the extent the phar-
20 macy benefit manager provides information under
21 this title for the purpose of coordinating benefits, an
22 accountable care organization under section 1899, or
23 any other party that is, by statute, contract, or
24 agreement, legally responsible for payment of a
25 claim for a health care item or service. Such term

1 does not include a party if payment by such party
2 has been made or can reasonably be expected to be
3 made under a workmen’s compensation law or plan
4 of the United States or a State, or under an auto-
5 mobile or liability insurance policy or plan (including
6 a self-insured plan), or under no fault insurance.

7 “(2) HEALTH INSURER.—The term ‘health in-
8 surer’ means a group health plan, as defined in sec-
9 tion 607(1) of the Employee Retirement Income Se-
10 curity Act of 1974, a self-insured plan, a fully-in-
11 sured plan, a service benefit plan, a medicaid man-
12 aged care plan under section 1903(m) or 1932, and
13 any other health plan determined appropriate by the
14 Secretary.”.

15 (B) CONFORMING AMENDMENTS.—Section
16 1902(a)(25) of the Social Security Act (42
17 U.S.C. 1396a(a)(25)) is amended—

18 (i) in subparagraph (A), in the matter
19 preceding clause (i), by striking “third par-
20 ties” and all that follows through “item or
21 service)” and inserting “responsible third
22 parties”;

23 (ii) in subparagraph (G), by striking
24 “health insurer” and all that follows

1 through “item or service)” and inserting
2 “responsible third party”;

3 (iii) in subparagraph (I), in the mat-
4 ter preceding clause (i), by striking “health
5 insurers” and all that follows through
6 “item or service” and inserting “respon-
7 sible third parties”; and

8 (iv) by inserting “responsible” before
9 “third” each place it appears in subpara-
10 graphs (A)(i), (A)(ii), (C), (D), and (H).

11 (3) REMOVAL OF SPECIAL TREATMENT OF CER-
12 TAIN TYPES OF CARE AND PAYMENTS UNDER MED-
13 ICAID THIRD PARTY LIABILITY RULES.—Section
14 1902(a)(25) of the Social Security Act (42 U.S.C.
15 1396a(a)(25)), as amended by section 202(c) of the
16 Bipartisan Budget Act of 2013 (after application of
17 paragraph (1)), is amended—

18 (A) in subparagraph (E)—

19 (i) in the matter preceding clause (i),
20 by striking “prenatal or preventive” and
21 all that follows through “State plan” and
22 inserting “items and services provided
23 under the program required under the
24 State plan pursuant to paragraph (62)”;
25 and

1 (ii) in clause (i)—

2 (I) by striking “such service”
3 and inserting “such items and serv-
4 ices”; and

5 (II) by striking each place it ap-
6 pears “such services” and inserting
7 “such items and services” each such
8 place; and

9 (B) by striking subparagraph (F).

10 (4) CLARIFICATION OF ROLE OF HEALTH IN-
11 SURERS WITH RESPECT TO THIRD PARTY LIABIL-
12 ITY.—

13 (A) IN GENERAL.—Section 1902(a)(25) of
14 the Social Security Act (42 U.S.C.
15 1396a(a)(25)), as amended by paragraph (3), is
16 further amended by inserting after subpara-
17 graph (E) the following new subparagraph:

18 “(F) that—

19 “(i) in the case of a State that pro-
20 vides medical assistance under this title
21 through a contract with a health insurer,
22 such contract shall specify any responsi-
23 bility of such health insurer (or other enti-
24 ty) with respect to recovery of payment
25 from responsible third parties pursuant to

1 the delegation or transfer by the State to
2 such insurer (or other entity) of a right de-
3 scribed in subparagraph (I)(ii); and

4 “(ii) in the case of a State that under
5 a contract described in clause (i) delegates
6 or transfers to a health insurer (or other
7 entity) a right described in such clause, the
8 State shall provide assurances to the Sec-
9 retary that the State laws referred to in
10 subparagraph (I), with respect to each re-
11 sponsibility of such health insurer (or other
12 entity) specified under such clause, confer
13 to such health insurer (or other entity) the
14 authority of the State with respect to the
15 requirements specified in clauses (i)
16 through (iv) of such subparagraph (I);”.

17 (B) TREATMENT OF COLLECTED
18 AMOUNTS.—Section 1903(d)(2)(B) of the Social
19 Security Act (42 U.S.C. 1396b(d)(2)(B)) is
20 amended by adding at the end the following:
21 “For purposes of this subparagraph, reimburse-
22 ments made by a responsible third party to
23 health insurers (as defined in section 1902(nn))
24 pursuant to section 1902(a)(25)(F)(ii) shall be

1 treated in the same manner as reimbursements
2 made to a State under the previous sentence.”.

3 (5) INCREASING STATE FLEXIBILITY WITH RE-
4 SPECT TO THIRD PARTY LIABILITY.—Section
5 1902(a)(25)(I) of the Social Security Act (42 U.S.C.
6 1396a(a)(25)(I)) is amended—

7 (A) in clause (i), by striking “medical as-
8 sistance under the State plan” and inserting
9 “medical assistance under a State plan (or
10 under a waiver of the plan)”;

11 (B) by striking clause (ii) and inserting the
12 following new clause:

13 “(ii) accept—

14 “(I) any State’s right of recovery
15 and the assignment to any State of
16 any right of an individual or other en-
17 tity to payment from the party for an
18 item or service for which payment has
19 been made under the respective
20 State’s plan (or under a waiver of the
21 plan); and

22 “(II) as a valid authorization of
23 the responsible third party for the fur-
24 nishing of an item or service to an in-
25 dividual eligible to receive medical as-

1 sistance under this title, an authoriza-
 2 tion made on behalf of such individual
 3 under the State plan (or under a
 4 waiver of such plan) for the fur-
 5 nishing of such item or service to such
 6 individual;”;

7 (C) in clause (iii)—

8 (i) by striking “respond to” and in-
 9 serting “not later than 60 days after re-
 10 ceiving”; and

11 (ii) by striking “; and” at the end and
 12 inserting “, respond to such inquiry; and”;
 13 and

14 (D) in clause (iv), by inserting “a failure
 15 to obtain a prior authorization,” after “claim
 16 form,”.

17 (6) STATE INCENTIVE TO PURSUE THIRD
 18 PARTY LIABILITY FOR NEWLY ELIGIBLES.—Section
 19 1903(d)(2)(B) of the Social Security Act (42 U.S.C.
 20 1396b(d)(2)(B)), as amended by paragraph (4)(B),
 21 is further amended by adding at the end the fol-
 22 lowing: “In the case of expenditures for medical as-
 23 sistance provided during 2017 and subsequent years
 24 for individuals described in subclause (VIII) of sec-
 25 tion 1902(a)(10)(A)(i), in determining the amount,

1 if any, of overpayment under this subparagraph with
 2 respect to such medical assistance, the Secretary
 3 shall apply the Federal medical assistance percent-
 4 age for the State under section 1905(b), notwith-
 5 standing the application of section 1905(y).”.

6 (b) COMPLIANCE WITH THIRD PARTY INSURANCE
 7 REPORTING.—Section 1905 of the Social Security Act (42
 8 U.S.C. 1396d) is amended by adding at the end the fol-
 9 lowing new subsection:

10 “(ee) Notwithstanding subsection (b), for any year
 11 beginning after 2019, if a State fails to comply with the
 12 requirements of section 1902(a)(25) with respect to each
 13 calendar quarter in such year, the Secretary may reduce
 14 the Federal medical assistance percentage by 0.1 percent-
 15 age point for calendar quarters in each subsequent year
 16 in which the State fails to so comply.”.

17 (c) APPLICATION TO CHIP.—

18 (1) IN GENERAL.—Section 2107(e)(1) of the
 19 Social Security Act (42 U.S.C. 1397gg(e)(1)) is
 20 amended—

21 (A) by redesignating subparagraphs (B)
 22 through (R) as subparagraphs (C) through (S),
 23 respectively; and

24 (B) by inserting after subparagraph (A)
 25 the following new subparagraph:

1 “(B) Section 1902(a)(25) (relating to third
2 party liability).”.

3 (2) MANDATORY REPORTING.—Section
4 1902(a)(25)(I)(i) of the Social Security Act (42
5 U.S.C. 1396a(a)(25)(I)(i)), as amended by sub-
6 section (a)(5), is further amended—

7 (A) by striking “(and, at State option,
8 child” and inserting “and child”; and

9 (B) by striking “title XXI)” and inserting
10 “title XXI”.

11 (d) TRAINING ON THIRD PARTY LIABILITY.—Section
12 1936 of the Social Security Act (42 U.S.C. 1396u–6) is
13 amended—

14 (1) in subsection (b)(4), by striking “and qual-
15 ity of care” and inserting “, quality of care, and the
16 liability of responsible third parties (as defined in
17 section 1902(nn))”; and

18 (2) by adding at the end the following new sub-
19 section:

20 “(f) THIRD PARTY LIABILITY TRAINING.—With re-
21 spect to education or training activities carried out pursu-
22 ant to subsection (b)(4) with respect to the liability of re-
23 sponsible third parties (as defined in section 1902(nn) for
24 payment for items and services furnished under State

1 plans (or under waivers of such plans)) under this title,
2 the Secretary shall—

3 “(1) publish (and update on an annual basis)
4 on the public Internet website of the Centers for
5 Medicare & Medicaid Services a dedicated Internet
6 page containing best practices to be used in assess-
7 ing such liability;

8 “(2) monitor efforts to assess such liability and
9 analyze the challenges posed by that assessment;

10 “(3) distribute to State agencies administering
11 the State plan under this title information related to
12 such efforts and challenges; and

13 “(4) provide guidance to such State agencies
14 with respect to State oversight of efforts under a
15 medicaid managed care plan under section 1903(m)
16 or 1932 to assess such liability.”.

17 (e) DEVELOPMENT OF MODEL UNIFORM FIELDS
18 FOR STATES TO REPORT THIRD PARTY INFORMATION.—

19 Not later than January 1, 2019, the Secretary of Health
20 and Human Services shall, in consultation with the States,
21 develop and make available to the States a model uniform
22 reporting set of reporting fields and accompanying guid-
23 ance documentation that States shall use for purposes
24 of—

1 (1) reporting information to the Secretary with-
2 in the Transformed Medicaid Statistical Information
3 System (T-MSIS) (or a successor system); and

4 (2) collecting information that identifies respon-
5 sible third parties (as defined in subsection (nn) of
6 section 1902 of the Social Security Act (42 U.S.C.
7 1396a), as added by subsection (a)(2)(A)) and other
8 relevant information for ascertaining the legal re-
9 sponsibility of such third parties to pay for care and
10 services available under the State plan (or under a
11 waiver of the plan) under title XIX of the Social Se-
12 curity Act (42 U.S.C. 1396 et seq.) or under the
13 State child health plan under title XXI of such Act
14 (42 U.S.C. 1397 et seq.).

15 (f) EFFECTIVE DATE.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), this section and the amendments made by
18 this section (other than as specified in the preceding
19 provisions of this section) shall take effect on Octo-
20 ber 1, 2019, and shall apply to medical assistance or
21 child health assistance provided on or after such
22 date.

23 (2) EXCEPTION IF STATE LEGISLATION RE-
24 QUIRED.—In the case of a State plan for medical as-
25 sistance under title XIX of the Social Security Act

1 (42 U.S.C. 1396 et seq.), or a State child health
2 plan for child health assistance under title XXI of
3 such Act (42 U.S.C. 1397aa et seq.), that the Sec-
4 retary of Health and Human Services determines re-
5 quires State legislation (other than legislation appro-
6 priating funds) in order for the plan to meet the ad-
7 ditional requirement imposed by the amendments
8 made under this section, such plan shall not be re-
9 garded as failing to comply with the requirements of
10 such title solely on the basis of its failure to meet
11 this additional requirement before the first day of
12 the first calendar quarter beginning after the close
13 of the first regular session of the State legislature
14 that begins after the date of the enactment of this
15 Act. For purposes of the previous sentence, in the
16 case of a State that has a 2-year legislative session,
17 each year of such session shall be deemed to be a
18 separate regular session of the State legislature.

19 **SEC. 22202. TREATMENT OF LOTTERY WINNINGS AND**
20 **OTHER LUMP-SUM INCOME FOR PURPOSES**
21 **OF INCOME ELIGIBILITY UNDER MEDICAID.**

22 (a) IN GENERAL.—Section 1902 of the Social Secu-
23 rity Act (42 U.S.C. 1396a) is amended—

24 (1) in subsection (a)(17), by striking “(e)(14),
25 (e)(14)” and inserting “(e)(14), (e)(15)”; and

1 (2) in subsection (e)(14), as amended by section
2 303(c), by adding at the end the following new sub-
3 paragraph:

4 “(K) TREATMENT OF CERTAIN LOTTERY
5 WINNINGS AND INCOME RECEIVED AS A LUMP
6 SUM.—

7 “(i) IN GENERAL.—In the case of an
8 individual who is the recipient of qualified
9 lottery winnings (pursuant to lotteries oc-
10 curring on or after January 1, 2018) or
11 qualified lump sum income (received on or
12 after such date) and whose eligibility for
13 medical assistance is determined based on
14 the application of modified adjusted gross
15 income under subparagraph (A), a State
16 shall, in determining such eligibility, in-
17 clude such winnings or income (as applica-
18 ble) as income received—

19 “(I) in the month in which such
20 winnings or income (as applicable) is
21 received if the amount of such
22 winnings or income is less than
23 \$80,000;

24 “(II) over a period of 2 months
25 if the amount of such winnings or in-

1 come (as applicable) is greater than or
2 equal to \$80,000 but less than
3 \$90,000;

4 “(III) over a period of 3 months
5 if the amount of such winnings or in-
6 come (as applicable) is greater than or
7 equal to \$90,000 but less than
8 \$100,000; and

9 “(IV) over a period of 3 months
10 plus 1 additional month for each in-
11 crement of \$10,000 of such winnings
12 or income (as applicable) received, not
13 to exceed a period of 120 months (for
14 winnings or income of \$1,260,000 or
15 more), if the amount of such winnings
16 or income is greater than or equal to
17 \$100,000.

18 “(ii) COUNTING IN EQUAL INSTALL-
19 MENTS.—For purposes of subclauses (II),
20 (III), and (IV) of clause (i), winnings or
21 income to which such subclause applies
22 shall be counted in equal monthly install-
23 ments over the period of months specified
24 under such subclause.

1 “(iii) **HARDSHIP EXEMPTION.**—An in-
2 dividual whose income, by application of
3 clause (i), exceeds the applicable eligibility
4 threshold established by the State, shall
5 continue to be eligible for medical assist-
6 ance to the extent that the State deter-
7 mines, under procedures established by the
8 State (in accordance with standards speci-
9 fied by the Secretary), that the denial of
10 eligibility of the individual would cause an
11 undue medical or financial hardship as de-
12 termined on the basis of criteria estab-
13 lished by the Secretary.

14 “(iv) **NOTIFICATIONS AND ASSIST-**
15 **ANCE REQUIRED IN CASE OF LOSS OF ELI-**
16 **GIBILITY.**—A State shall, with respect to
17 an individual who loses eligibility for med-
18 ical assistance under the State plan (or a
19 waiver of such plan) by reason of clause
20 (i)—

21 “(I) before the date on which the
22 individual loses such eligibility, inform
23 the individual—

24 “(aa) of the individual’s op-
25 portunity to enroll in a qualified

1 health plan offered through an
2 Exchange established under title
3 I of the Patient Protection and
4 Affordable Care Act during the
5 special enrollment period speci-
6 fied in section 9801(f)(3) of the
7 Internal Revenue Code of 1986
8 (relating to loss of Medicaid or
9 CHIP coverage); and

10 “(bb) of the date on which
11 the individual would no longer be
12 considered ineligible by reason of
13 clause (i) to receive medical as-
14 sistance under the State plan or
15 under any waiver of such plan
16 and be eligible to reapply to re-
17 ceive such medical assistance;
18 and

19 “(II) provide technical assistance
20 to the individual seeking to enroll in
21 such a qualified health plan.

22 “(v) QUALIFIED LOTTERY WINNINGS
23 DEFINED.—In this subparagraph, the term
24 ‘qualified lottery winnings’ means winnings
25 from a sweepstakes, lottery, or pool de-

1 scribed in paragraph (3) of section 4402 of
2 the Internal Revenue Code of 1986 or a
3 lottery operated by a multistate or multi-
4 jurisdictional lottery association, including
5 amounts awarded as a lump sum payment.

6 “(vi) QUALIFIED LUMP SUM INCOME
7 DEFINED.—In this subparagraph, the term
8 ‘qualified lump sum income’ means income
9 that is received as a lump sum from one
10 of the following sources:

11 “(I) Monetary winnings from
12 gambling (as defined by the Secretary
13 and including gambling activities de-
14 scribed in section 1955(b)(4) of title
15 18, United States Code).

16 “(II) Damages received, whether
17 by suit or agreement and whether as
18 lump sums or as periodic payments
19 (other than monthly payments), on
20 account of causes of action other than
21 causes of action arising from personal
22 physical injuries or physical sickness.

23 “(III) Income received as liquid
24 assets from the estate (as defined in

1 section 1917(b)(4)) of a deceased in-
2 dividual.”.

3 (b) RULES OF CONSTRUCTION.—

4 (1) INTERCEPTION OF LOTTERY WINNINGS AL-
5 LOWED.—Nothing in the amendment made by sub-
6 section (a)(2) shall be construed as preventing a
7 State from intercepting the State lottery winnings
8 awarded to an individual in the State to recover
9 amounts paid by the State under the State Medicaid
10 plan under title XIX of the Social Security Act (42
11 U.S.C. 1396 et seq.) for medical assistance fur-
12 nished to the individual.

13 (2) APPLICABILITY LIMITED TO ELIGIBILITY OF
14 RECIPIENT OF LOTTERY WINNINGS OR LUMP SUM
15 INCOME.—Nothing in the amendment made by sub-
16 section (a)(2) shall be construed, with respect to a
17 determination of household income for purposes of a
18 determination of eligibility for medical assistance
19 under the State plan under title XIX of the Social
20 Security Act (42 U.S.C. 1396 et seq.) (or a waiver
21 of such plan) made by applying modified adjusted
22 gross income under subparagraph (A) of section
23 1902(e)(14) of such Act (42 U.S.C. 1396a(e)(14)),
24 as limiting the eligibility for such medical assistance
25 of any individual that is a member of the household

1 other than the individual who received qualified lot-
 2 tery winnings or qualified lump-sum income (as de-
 3 fined in subparagraph (K) of such section
 4 1902(e)(14), as added by subsection (a)(2) of this
 5 section).

6 **SEC. 22203. ADJUSTMENTS TO MEDICARE PART B AND**
 7 **PART D PREMIUM SUBSIDIES FOR HIGHER**
 8 **INCOME INDIVIDUALS.**

9 (a) IN GENERAL.—Section 1839(i)(3)(C)(i)(II) of the
 10 Social Security Act (42 U.S.C. 1395r(i)(3)(C)(i)(II)) is
 11 amended, in the table, by striking the last row and insert-
 12 ing the following new rows:

“More than \$160,000 but less than \$500,000	80 percent
At least \$500,000	100 percent.”.

13 (b) JOINT RETURNS.—Section 1839(i)(3)(C)(ii) of
 14 the Social Security Act (42 U.S.C. 1395r(i)(3)(C)(ii)) is
 15 amended by inserting before the period the following: “ex-
 16 cept, with respect to the dollar amounts applied in the last
 17 row of the table under subclause (II) of such clause (and
 18 the second dollar amount specified in the second to last
 19 row of such table), clause (i) shall be applied by sub-
 20 stituting dollar amounts which are 175 percent of such
 21 dollar amounts for the calendar year”.

22 (c) INFLATION ADJUSTMENT.—Section 1839(i) of
 23 the Social Security Act (42 U.S.C. 1395r(i)) is amended—

24 (1) in paragraph (5)—

1 (A) in subparagraph (A), by striking “In
2 the case” and inserting “Subject to subpara-
3 graph (C), in the case”;

4 (B) in subparagraph (B), by striking “sub-
5 paragraph (A)” and inserting “subparagraph
6 (A) or (C)”; and

7 (C) by adding at the end the following new
8 subparagraph:

9 “(C) TREATMENT OF ADJUSTMENTS FOR
10 CERTAIN HIGHER INCOME INDIVIDUALS.—

11 “(i) IN GENERAL.—Subparagraph (A)
12 shall not apply with respect to each dollar
13 amount in paragraph (3) of \$500,000.

14 “(ii) ADJUSTMENT BEGINNING 2027.—
15 In the case of any calendar year beginning
16 after 2026, each dollar amount in para-
17 graph (3) of \$500,000 shall be increased
18 by an amount equal to—

19 “(I) such dollar amount, multi-
20 plied by

21 “(II) the percentage (if any) by
22 which the average of the Consumer
23 Price Index for all urban consumers
24 (United States city average) for the
25 12-month period ending with August

1 of the preceding calendar year exceeds
2 such average for the 12-month period
3 ending with August 2025.”; and

4 (2) in paragraph (6)(B), by inserting “(other
5 than \$500,000)” after “the dollar amounts”.

6 **DIVISION D—OTHER MATTERS**

7 **TITLE I—VA CHOICE**

8 **SEC. 31001. VA CHOICE.**

9 There is appropriated, out of any funds in the Treas-
10 ury not otherwise appropriated, \$2,100,000,000, to re-
11 main available until expended, to be deposited in the Vet-
12 erans Choice Fund under section 802 of the Veterans Ac-
13 cess, Choice, and Accountability Act of 2014 (Public Law
14 113–146; 38 U.S.C. 1701 note).

15 **TITLE II—BUDGETARY EFFECTS**

16 **SEC. 31101. BUDGETARY EFFECTS.**

17 (a) IN GENERAL.—The budgetary effects of this divi-
18 sion and division C shall not be entered on either PAYGO
19 scorecard maintained pursuant to section 4(d) of the Stat-
20 utory Pay-As-You-Go Act of 2010.

21 (b) SENATE PAYGO SCORECARDS.—The budgetary
22 effects of this division and division C shall not be entered
23 on any PAYGO scorecard maintained for purposes of sec-
24 tion 4106 of H. Con. Res. 71 (115th Congress).

1 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
2 Notwithstanding Rule 3 of the Budget Scorekeeping
3 Guidelines set forth in the joint explanatory statement of
4 the committee of conference accompanying Conference Re-
5 port 105–217 and section 250(c)(8) of the Balanced
6 Budget and Emergency Deficit Control Act of 1985, the
7 budgetary effects of this division and division C shall not
8 be estimated—

9 (1) for purposes of section 251 of such Act; and
10 (2) for purposes of paragraph (4)(C) of section
11 3 of the Statutory Pay-As-You-Go Act of 2010 as
12 being included in an appropriation Act.

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