

115TH CONGRESS
1ST SESSION

H. R. 1301

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2017

Mr. FRELINGHUYSEN introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, 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

A BILL

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

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

1

TITLE I

2

MILITARY PERSONNEL

3

MILITARY PERSONNEL, ARMY

4

For pay, allowances, individual clothing, subsistence,
interest on deposits, gratuities, permanent change of sta-
tion travel (including all expenses thereof for organiza-
tional movements), and expenses of temporary duty travel
between permanent duty stations, for members of the
Army on active duty (except members of reserve compo-
nents provided for elsewhere), cadets, and aviation cadets;
for members of the Reserve Officers' Training Corps; and
for payments pursuant to section 156 of Public Law 97-
377, as amended (42 U.S.C. 402 note), and to the Depart-
ment of Defense Military Retirement Fund,
\$40,042,962,000.

16

MILITARY PERSONNEL, NAVY

17

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

25

1 as amended (42 U.S.C. 402 note), and to the Department
2 of Defense Military Retirement Fund, \$27,889,405,000.

3 MILITARY PERSONNEL, MARINE CORPS

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the Ma-
9 rine Corps on active duty (except members of the Reserve
10 provided for elsewhere); and for payments pursuant to sec-
11 tion 156 of Public Law 97-377, as amended (42 U.S.C.
12 402 note), and to the Department of Defense Military Re-
13 tirement Fund, \$12,735,182,000.

14 MILITARY PERSONNEL, AIR FORCE

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

1 ment of Defense Military Retirement Fund,
2 \$27,958,795,000.

3 RESERVE PERSONNEL, ARMY

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Army Re-
6 serve on active duty under sections 10211, 10302, and
7 3038 of title 10, United States Code, or while serving on
8 active duty under section 12301(d) of title 10, United
9 States Code, in connection with performing duty specified
10 in section 12310(a) of title 10, United States Code, or
11 while undergoing reserve training, or while performing
12 drills or equivalent duty or other duty, and expenses au-
13 thorized by section 16131 of title 10, United States Code;
14 and for payments to the Department of Defense Military
15 Retirement Fund, \$4,524,863,000.

16 RESERVE PERSONNEL, NAVY

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

1 10, United States Code; and for payments to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$1,921,045,000.

4 RESERVE PERSONNEL, MARINE CORPS

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Marine
7 Corps Reserve on active duty under section 10211 of title
8 10, United States Code, or while serving on active duty
9 under section 12301(d) of title 10, United States Code,
10 in connection with performing duty specified in section
11 12310(a) of title 10, United States Code, or while under-
12 going reserve training, or while performing drills or equiv-
13 alent duty, and for members of the Marine Corps platoon
14 leaders class, and expenses authorized by section 16131
15 of title 10, United States Code; and for payments to the
16 Department of Defense Military Retirement Fund,
17 \$744,795,000.

18 RESERVE PERSONNEL, AIR FORCE

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

1 while undergoing reserve training, or while performing
2 drills or equivalent duty or other duty, and expenses au-
3 thorized by section 16131 of title 10, United States Code;
4 and for payments to the Department of Defense Military
5 Retirement Fund, \$1,725,526,000.

6 NATIONAL GUARD PERSONNEL, ARMY

7 For pay, allowances, clothing, subsistence, gratuities,
8 travel, and related expenses for personnel of the Army Na-
9 tional Guard while on duty under sections 10211, 10302,
10 or 12402 of title 10 or section 708 of title 32, United
11 States Code, or while serving on duty under section
12 12301(d) of title 10 or section 502(f) of title 32, United
13 States Code, in connection with performing duty specified
14 in section 12310(a) of title 10, United States Code, or
15 while undergoing training, or while performing drills or
16 equivalent duty or other duty, and expenses authorized by
17 section 16131 of title 10, United States Code; and for pay-
18 ments to the Department of Defense Military Retirement
19 Fund, \$7,899,423,000.

20 NATIONAL GUARD PERSONNEL, AIR FORCE

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

1 title 10 or section 502(f) of title 32, United States Code,
2 in connection with performing duty specified in section
3 12310(a) of title 10, United States Code, or while under-
4 going training, or while performing drills or equivalent
5 duty or other duty, and expenses authorized by section
6 16131 of title 10, United States Code; and for payments
7 to the Department of Defense Military Retirement Fund,
8 \$3,283,982,000.

9 TITLE II

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

12 For expenses, not otherwise provided for, necessary
13 for the operation and maintenance of the Army, as author-
14 ized by law, \$32,738,173,000: *Provided*, That not to ex-
15 ceed \$12,478,000 can be used for emergencies and ex-
16 traordinary expenses, to be expended on the approval or
17 authority of the Secretary of the Army, and payments may
18 be made on his certificate of necessity for confidential mili-
19 tary purposes.

20 OPERATION AND MAINTENANCE, NAVY

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance of the Navy and the
23 Marine Corps, as authorized by law, \$38,552,017,000:
24 *Provided*, That not to exceed \$15,055,000 can be used for
25 emergencies and extraordinary expenses, to be expended

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

4 OPERATION AND MAINTENANCE, MARINE CORPS

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance of the Marine Corps,
7 as authorized by law, \$5,676,152,000.

8 OPERATION AND MAINTENANCE, AIR FORCE

9 For expenses, not otherwise provided for, necessary
10 for the operation and maintenance of the Air Force, as
11 authorized by law, \$36,247,724,000: *Provided*, That not
12 to exceed \$7,699,000 can be used for emergencies and ex-
13 traordinary expenses, to be expended on the approval or
14 authority of the Secretary of the Air Force, and payments
15 may be made on his certificate of necessity for confidential
16 military purposes.

17 OPERATION AND MAINTENANCE, DEFENSE-WIDE

18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance of activities and agen-
21 cies of the Department of Defense (other than the military
22 departments), as authorized by law, \$32,373,949,000:
23 *Provided*, That not more than \$15,000,000 may be used
24 for the Combatant Commander Initiative Fund authorized
25 under section 166a of title 10, United States Code: *Pro-*

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

1 vestment item unit cost of items that may be purchased
2 with operation and maintenance funds shall not apply to
3 the funds described in the preceding proviso: *Provided fur-*
4 *ther*, That of the funds provided under this heading,
5 \$480,000,000, to remain available until September 30,
6 2018, shall be available to provide support and assistance
7 to foreign security forces or other groups or individuals
8 to conduct, support or facilitate counterterrorism, crisis
9 response, or other Department of Defense security co-
10 operation programs: *Provided further*, That the transfer
11 authority provided under this heading is in addition to any
12 other transfer authority provided elsewhere in this Act.

13 OPERATION AND MAINTENANCE, ARMY RESERVE

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance, including training, or-
16 ganization, and administration, of the Army Reserve; re-
17 pair of facilities and equipment; hire of passenger motor
18 vehicles; travel and transportation; care of the dead; re-
19 cruiting; procurement of services, supplies, and equip-
20 ment; and communications, \$2,743,688,000.

21 OPERATION AND MAINTENANCE, NAVY RESERVE

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

1 vehicles; travel and transportation; care of the dead; re-
2 cruiting; procurement of services, supplies, and equip-
3 ment; and communications, \$929,656,000.

4 OPERATION AND MAINTENANCE, MARINE CORPS
5 RESERVE

6 For expenses, not otherwise provided for, necessary
7 for the operation and maintenance, including training, or-
8 ganization, and administration, of the Marine Corps Re-
9 serve; repair of facilities and equipment; hire of passenger
10 motor vehicles; travel and transportation; care of the dead;
11 recruiting; procurement of services, supplies, and equip-
12 ment; and communications, \$271,133,000.

13 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance, including training, or-
16 ganization, and administration, of the Air Force Reserve;
17 repair of facilities and equipment; hire of passenger motor
18 vehicles; travel and transportation; care of the dead; re-
19 cruiting; procurement of services, supplies, and equip-
20 ment; and communications, \$3,069,229,000.

21 OPERATION AND MAINTENANCE, ARMY NATIONAL
22 GUARD

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

1 hospitals; maintenance, operation, and repairs to struc-
2 tures and facilities; hire of passenger motor vehicles; per-
3 sonnel services in the National Guard Bureau; travel ex-
4 penses (other than mileage), as authorized by law for
5 Army personnel on active duty, for Army National Guard
6 division, regimental, and battalion commanders while in-
7 specting units in compliance with National Guard Bureau
8 regulations when specifically authorized by the Chief, Na-
9 tional Guard Bureau; supplying and equipping the Army
10 National Guard as authorized by law; and expenses of re-
11 pair, modification, maintenance, and issue of supplies and
12 equipment (including aircraft), \$6,861,478,000.

13 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

1 active Federal duty, for Air National Guard commanders
2 while inspecting units in compliance with National Guard
3 Bureau regulations when specifically authorized by the
4 Chief, National Guard Bureau, \$6,615,095,000.

5 UNITED STATES COURT OF APPEALS FOR THE ARMED
6 FORCES

7 For salaries and expenses necessary for the United
8 States Court of Appeals for the Armed Forces,
9 \$14,194,000, of which not to exceed \$5,000 may be used
10 for official representation purposes.

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

13 For the Department of the Army, \$170,167,000, to
14 remain available until transferred: *Provided*, That the Sec-
15 retary of the Army shall, upon determining that such
16 funds are required for environmental restoration, reduc-
17 tion and recycling of hazardous waste, removal of unsafe
18 buildings and debris of the Department of the Army, or
19 for similar purposes, transfer the funds made available by
20 this appropriation to other appropriations made available
21 to the Department of the Army, to be merged with and
22 to be available for the same purposes and for the same
23 time period as the appropriations to which transferred:
24 *Provided further*, That upon a determination that all or
25 part of the funds transferred from this appropriation are

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

6 ENVIRONMENTAL RESTORATION, NAVY

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Department of the Navy, \$289,262,000, to
9 remain available until transferred: *Provided*, That the Sec-
10 retary of the Navy shall, upon determining that such
11 funds are required for environmental restoration, reduc-
12 tion and recycling of hazardous waste, removal of unsafe
13 buildings and debris of the Department of the Navy, or
14 for similar purposes, transfer the funds made available by
15 this appropriation to other appropriations made available
16 to the Department of the Navy, to be merged with and
17 to be available for the same purposes and for the same
18 time period as the appropriations to which transferred:
19 *Provided further*, That upon a determination that all or
20 part of the funds transferred from this appropriation are
21 not necessary for the purposes provided herein, such
22 amounts may be transferred back to this appropriation:
23 *Provided further*, That the transfer authority provided
24 under this heading is in addition to any other transfer au-
25 thority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$371,521,000,
4 to remain available until transferred: *Provided*, That the
5 Secretary of the Air Force shall, upon determining that
6 such funds are required for environmental restoration, re-
7 duction and recycling of hazardous waste, removal of un-
8 safe buildings and debris of the Department of the Air
9 Force, or for similar purposes, transfer the funds made
10 available by this appropriation to other appropriations
11 made available to the Department of the Air Force, to be
12 merged with and to be available for the same purposes
13 and for the same time period as the appropriations to
14 which transferred: *Provided further*, That upon a deter-
15 mination that all or part of the funds transferred from
16 this appropriation are not necessary for the purposes pro-
17 vided herein, such amounts may be transferred back to
18 this appropriation: *Provided further*, That the transfer au-
19 thority provided under this heading is in addition to any
20 other transfer authority provided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of Defense, \$9,009,000, to re-
24 main available until transferred: *Provided*, That the Sec-
25 retary of Defense shall, upon determining that such funds

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

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

19 For the Department of the Army, \$222,084,000, to
20 remain available until transferred: *Provided*, That the Sec-
21 retary of the Army shall, upon determining that such
22 funds are required for environmental restoration, reduc-
23 tion and recycling of hazardous waste, removal of unsafe
24 buildings and debris at sites formerly used by the Depart-
25 ment of Defense, transfer the funds made available by this

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

12 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

13 For expenses relating to the Overseas Humanitarian,
14 Disaster, and Civic Aid programs of the Department of
15 Defense (consisting of the programs provided under sec-
16 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
17 United States Code), \$123,125,000, to remain available
18 until September 30, 2018.

19 COOPERATIVE THREAT REDUCTION ACCOUNT

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

1 TITLE III
2 PROCUREMENT
3 AIRCRAFT PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-
5 tion, and modernization of aircraft, equipment, including
6 ordnance, ground handling equipment, spare parts, and
7 accessories therefor; specialized equipment and training
8 devices; expansion of public and private plants, including
9 the land necessary therefor, for the foregoing purposes,
10 and such lands and interests therein, may be acquired,
11 and construction prosecuted thereon prior to approval of
12 title; and procurement and installation of equipment, ap-
13 pliances, and machine tools in public and private plants;
14 reserve plant and Government and contractor-owned
15 equipment layaway; and other expenses necessary for the
16 foregoing purposes, \$4,587,598,000, to remain available
17 for obligation until September 30, 2019.

18 MISSILE PROCUREMENT, ARMY
19 For construction, procurement, production, modifica-
20 tion, and modernization of missiles, equipment, including
21 ordnance, ground handling equipment, spare parts, and
22 accessories therefor; specialized equipment and training
23 devices; expansion of public and private plants, including
24 the land necessary therefor, for the foregoing purposes,
25 and such lands and interests therein, may be acquired,

1 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, \$1,483,566,000, to remain
15 available for obligation until September 30, 2019.

16 OTHER PROCUREMENT, ARMY

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

1 therein, may be acquired, and construction prosecuted
2 thereon prior to approval of title; and procurement and
3 installation of equipment, appliances, and machine tools
4 in public and private plants; reserve plant and Govern-
5 ment and contractor-owned equipment layaway; and other
6 expenses necessary for the foregoing purposes,
7 \$6,147,328,000, to remain available for obligation until
8 September 30, 2019.

9 AIRCRAFT PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-
11 tion, and modernization of aircraft, equipment, including
12 ordnance, spare parts, and accessories therefor; specialized
13 equipment; expansion of public and private plants, includ-
14 ing the land necessary therefor, and such lands and inter-
15 ests therein, may be acquired, and construction prosecuted
16 thereon prior to approval of title; and procurement and
17 installation of equipment, appliances, and machine tools
18 in public and private plants; reserve plant and Govern-
19 ment and contractor-owned equipment layaway,
20 \$16,135,335,000, to remain available for obligation until
21 September 30, 2019.

22 WEAPONS PROCUREMENT, NAVY

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

1 SHIPBUILDING AND CONVERSION, NAVY

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

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

16 Carrier Replacement Program, \$1,255,783,000;

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

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

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

22 CVN Refueling Overhauls, \$1,699,120,000;

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

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

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

1 Littoral Combat Ship, \$1,563,692,000;
2 LPD-17, \$1,786,000,000;
3 LHA Replacement, \$1,617,719,000;
4 TAO Fleet Oiler (AP), \$73,079,000;
5 Moored Training Ship, \$624,527,000;
6 Ship to Shore Connector, \$128,067,000;
7 Service Craft, \$65,192,000;
8 LCAC Service Life Extension Program,
9 \$82,074,000;
10 YP Craft Maintenance/ROH/SLEP,
11 \$21,363,000;
12 For outfitting, post delivery, conversions, and
13 first destination transportation, \$626,158,000;
14 Completion of Prior Year Shipbuilding Pro-
15 grams, \$160,274,000; and
16 Polar Icebreakers (AP), \$150,000,000.
17 In all: \$21,156,886,000, to remain available for obli-
18 gation until September 30, 2021: *Provided*, That addi-
19 tional obligations may be incurred after September 30,
20 2021, for engineering services, tests, evaluations, and
21 other such budgeted work that must be performed in the
22 final stage of ship construction: *Provided further*, That
23 none of the funds provided under this heading for the con-
24 struction or conversion of any naval vessel to be con-
25 structed in shipyards in the United States shall be ex-

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

14 OTHER PROCUREMENT, NAVY

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

1 tractor-owned equipment layaway, \$6,308,919,000, to re-
2 main available for obligation until September 30, 2019.

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, \$1,307,456,000, to remain available for ob-
16 ligation until September 30, 2019.

17 AIRCRAFT PROCUREMENT, AIR FORCE

18 For construction, procurement, and modification of
19 aircraft and equipment, including armor and armament,
20 specialized ground handling equipment, and training de-
21 vices, spare parts, and accessories therefor; specialized
22 equipment; expansion of public and private plants, Gov-
23 ernment-owned equipment and installation thereof in such
24 plants, erection of structures, and acquisition of land, 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; reserve plant and Gov-
3 ernment and contractor-owned equipment layaway; and
4 other expenses necessary for the foregoing purposes in-
5 cluding rents and transportation of things,
6 \$14,253,623,000, to remain available for obligation until
7 September 30, 2019.

8 MISSILE PROCUREMENT, AIR FORCE

9 For construction, procurement, and modification of
10 missiles, rockets, and related equipment, including spare
11 parts and accessories therefor; ground handling equip-
12 ment, and training devices; expansion of public and pri-
13 vate plants, Government-owned equipment and installa-
14 tion thereof in such plants, erection of structures, and ac-
15 quisition of land, for the foregoing purposes, and such
16 lands and interests therein, may be acquired, and con-
17 struction prosecuted thereon prior to approval of title; re-
18 serve plant and Government and contractor-owned equip-
19 ment layaway; and other expenses necessary for the fore-
20 going purposes including rents and transportation of
21 things, \$2,348,121,000, to remain available for obligation
22 until September 30, 2019.

23 SPACE PROCUREMENT, AIR FORCE

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

1 spare parts and accessories therefor; ground handling
2 equipment, and training devices; expansion of public and
3 private plants, Government-owned equipment and installa-
4 tion thereof in such plants, erection of structures, and ac-
5 quisition of land, for the foregoing purposes, and such
6 lands and interests therein, may be acquired, and con-
7 struction prosecuted thereon prior to approval of title; re-
8 serve plant and Government and contractor-owned equip-
9 ment layaway; and other expenses necessary for the fore-
10 going purposes including rents and transportation of
11 things, \$2,733,243,000, to remain available for obligation
12 until September 30, 2019.

13 PROCUREMENT OF AMMUNITION, AIR FORCE

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

1 for the foregoing purposes, \$1,589,219,000, to remain
2 available for obligation until September 30, 2019.

3 OTHER PROCUREMENT, AIR FORCE

4 For procurement and modification of equipment (in-
5 cluding ground guidance and electronic control equipment,
6 and ground electronic and communication equipment),
7 and supplies, materials, and spare parts therefor, not oth-
8 erwise provided for; the purchase of passenger motor vehi-
9 cles for replacement only; lease of passenger motor vehi-
10 cles; and expansion of public and private plants, Govern-
11 ment-owned equipment and installation thereof in such
12 plants, erection of structures, and acquisition of land, for
13 the foregoing purposes, and such lands and interests
14 therein, may be acquired, and construction prosecuted
15 thereon, prior to approval of title; reserve plant and Gov-
16 ernment and contractor-owned equipment layaway,
17 \$17,768,224,000, to remain available for obligation until
18 September 30, 2019.

19 PROCUREMENT, DEFENSE-WIDE

20 For expenses of activities and agencies of the Depart-
21 ment of Defense (other than the military departments)
22 necessary for procurement, production, and modification
23 of equipment, supplies, materials, and spare parts there-
24 for, not otherwise provided for; the purchase of passenger
25 motor vehicles for replacement only; expansion of public

1 and private plants, equipment, and installation thereof in
2 such plants, erection of structures, and acquisition of land
3 for the foregoing purposes, and such lands and interests
4 therein, may be acquired, and construction prosecuted
5 thereon prior to approval of title; reserve plant and Gov-
6 ernment and contractor-owned equipment layaway,
7 \$4,881,022,000, to remain available for obligation until
8 September 30, 2019.

9 DEFENSE PRODUCTION ACT PURCHASES

10 For activities by the Department of Defense pursuant
11 to sections 108, 301, 302, and 303 of the Defense Produc-
12 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
13 \$64,065,000, to remain available until expended.

14 TITLE IV

15 RESEARCH, DEVELOPMENT, TEST AND

16 EVALUATION

17 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

18 ARMY

19 For expenses necessary for basic and applied sci-
20 entific research, development, test and evaluation, includ-
21 ing maintenance, rehabilitation, lease, and operation of fa-
22 cilities and equipment, \$8,332,965,000, to remain avail-
23 able for obligation until September 30, 2018.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

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, \$17,214,530,000, to remain avail-
7 able for obligation until September 30, 2018: *Provided*,
8 That funds appropriated in this paragraph which are
9 available for the V-22 may be used to meet unique oper-
10 ational requirements of the Special Operations Forces.

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

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$27,788,548,000, to remain avail-
17 able for obligation until September 30, 2018.

18 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
19 DEFENSE-WIDE
20 (INCLUDING TRANSFER OF FUNDS)

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

1 of Defense, pursuant to law; maintenance, rehabilitation,
2 lease, and operation of facilities and equipment,
3 \$18,778,550,000, to remain available for obligation until
4 September 30, 2018: *Provided*, That, of the funds made
5 available in this paragraph, \$250,000,000 for the Defense
6 Rapid Innovation Program shall only be available for ex-
7 penses, not otherwise provided for, to include program
8 management and oversight, to conduct research, develop-
9 ment, test and evaluation to include proof of concept dem-
10 onstration; engineering, testing, and validation; and tran-
11 sition to full-scale production: *Provided further*, That the
12 Secretary of Defense may transfer funds provided herein
13 for the Defense Rapid Innovation Program to appropria-
14 tions for research, development, test and evaluation to ac-
15 complish the purpose provided herein: *Provided further*,
16 That this transfer authority is in addition to any other
17 transfer authority available to the Department of Defense:
18 *Provided further*, That the Secretary of Defense shall, not
19 fewer than 30 days prior to making transfers from this
20 appropriation, notify the congressional defense committees
21 in writing of the details of any such transfer.

22 OPERATIONAL TEST AND EVALUATION, DEFENSE

23 For expenses, not otherwise provided for, necessary
24 for the independent activities of the Director, Operational
25 Test and Evaluation, in the direction and supervision of

1 operational test and evaluation, including initial oper-
2 ational test and evaluation which is conducted prior to,
3 and in support of, production decisions; joint operational
4 testing and evaluation; and administrative expenses in
5 connection therewith, \$186,994,000, to remain available
6 for obligation until September 30, 2018.

7 TITLE V

8 REVOLVING AND MANAGEMENT FUNDS

9 DEFENSE WORKING CAPITAL FUNDS

10 For the Defense Working Capital Funds,
11 \$1,511,613,000.

12 TITLE VI

13 OTHER DEPARTMENT OF DEFENSE PROGRAMS

14 DEFENSE HEALTH PROGRAM

15 For expenses, not otherwise provided for, for medical
16 and health care programs of the Department of Defense
17 as authorized by law, \$33,781,270,000; of which
18 \$31,277,002,000 shall be for operation and maintenance,
19 of which not to exceed one percent shall remain available
20 for obligation until September 30, 2018, and of which up
21 to \$15,315,832,000 may be available for contracts entered
22 into under the TRICARE program; of which
23 \$402,161,000, to remain available for obligation until Sep-
24 tember 30, 2019, shall be for procurement; and of which
25 \$2,102,107,000, to remain available for obligation until

1 September 30, 2018, shall be for research, development,
2 test and evaluation: *Provided*, That, notwithstanding any
3 other provision of law, of the amount made available under
4 this heading for research, development, test and evalua-
5 tion, not less than \$8,000,000 shall be available for HIV
6 prevention educational activities undertaken in connection
7 with United States military training, exercises, and hu-
8 manitarian assistance activities conducted primarily in Af-
9 rican nations: *Provided further*, That of the funds provided
10 under this heading for research, development, test and
11 evaluation, not less than \$1,014,600,000 shall be made
12 available to the United States Army Medical Research and
13 Materiel Command to carry out the congressionally di-
14 rected medical research programs.

15 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
16 DEFENSE

17 For expenses, not otherwise provided for, necessary
18 for the destruction of the United States stockpile of lethal
19 chemical agents and munitions in accordance with the pro-
20 visions of section 1412 of the Department of Defense Au-
21 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
22 struction of other chemical warfare materials that are not
23 in the chemical weapon stockpile, \$523,726,000, of which
24 \$119,985,000 shall be for operation and maintenance, of
25 which no less than \$49,533,000 shall be for the Chemical

1 Stockpile Emergency Preparedness Program, consisting of
2 \$20,368,000 for activities on military installations and
3 \$29,165,000, to remain available until September 30,
4 2018, to assist State and local governments, and of which
5 not more than \$13,700,000, to remain available until Sep-
6 tember 30, 2018, shall be for the destruction of eight
7 United States-origin chemical munitions in the Republic
8 of Panama, to the extent authorized by law; \$15,132,000
9 shall be for procurement, to remain available until Sep-
10 tember 30, 2019, of which \$15,132,000 shall be for the
11 Chemical Stockpile Emergency Preparedness Program to
12 assist State and local governments; and \$388,609,000, to
13 remain available until September 30, 2018, shall be for
14 research, development, test and evaluation, of which
15 \$380,892,000 shall only be for the Assembled Chemical
16 Weapons Alternatives program.

17 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

18 DEFENSE

19 (INCLUDING TRANSFER OF FUNDS)

20 For drug interdiction and counter-drug activities of
21 the Department of Defense, for transfer to appropriations
22 available to the Department of Defense for military per-
23 sonnel of the reserve components serving under the provi-
24 sions of title 10 and title 32, United States Code; for oper-
25 ation and maintenance; for procurement; and for research,

1 development, test and evaluation, \$998,800,000, of which
2 \$626,087,000 shall be for counter-narcotics support;
3 \$118,713,000 shall be for the drug demand reduction pro-
4 gram; \$234,000,000 shall be for the National Guard
5 counter-drug program; and \$20,000,000 shall be for the
6 National Guard counter-drug schools program: *Provided*,
7 That the funds appropriated under this heading shall be
8 available for obligation for the same time period and for
9 the same purpose as the appropriation to which trans-
10 ferred: *Provided further*, That upon a determination that
11 all or part of the funds transferred from this appropriation
12 are 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 contained elsewhere in this Act.

17 OFFICE OF THE INSPECTOR GENERAL

18 For expenses and activities of the Office of the In-
19 spector General in carrying out the provisions of the In-
20 spector General Act of 1978, as amended, \$312,035,000,
21 of which \$308,882,000 shall be for operation and mainte-
22 nance, of which not to exceed \$700,000 is available for
23 emergencies and extraordinary expenses to be expended on
24 the approval or authority of the Inspector General, and
25 payments may be made on the Inspector General's certifi-

1 cate of necessity for confidential military purposes; and
2 of which \$3,153,000, to remain available until September
3 30, 2018, shall be for research, development, test and eval-
4 uation.

5 TITLE VII

6 RELATED AGENCIES

7 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

8 DISABILITY SYSTEM FUND

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

14 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

15 For necessary expenses of the Intelligence Commu-
16 nity Management Account, \$515,596,000.

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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 2017: *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
5 used for a multiyear procurement contract as follows: AH-
6 64E Apache Helicopter and UH-60M Blackhawk Heli-
7 copter.

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

1 is beneficial for graduate medical education programs con-
2 ducted at Army medical facilities located in Hawaii, the
3 Secretary of the Army may authorize the provision of med-
4 ical services at such facilities and transportation to such
5 facilities, on a nonreimbursable basis, for civilian patients
6 from American Samoa, the Commonwealth of the North-
7 ern Mariana Islands, the Marshall Islands, the Federated
8 States of Micronesia, Palau, and Guam.

9 SEC. 8012. (a) During fiscal year 2017, the civilian
10 personnel of the Department of Defense may not be man-
11 aged on the basis of any end-strength, and the manage-
12 ment of such personnel during that fiscal year shall not
13 be subject to any constraint or limitation (known as an
14 end-strength) on the number of such personnel who may
15 be employed on the last day of such fiscal year.

16 (b) The fiscal year 2018 budget request for the De-
17 partment of Defense as well as all justification material
18 and other documentation supporting the fiscal year 2018
19 Department of Defense budget request shall be prepared
20 and submitted to the Congress as if subsections (a) and
21 (b) of this provision were effective with regard to fiscal
22 year 2018.

23 (c) As required by section 1107 of the National De-
24 fense Authorization Act for Fiscal Year 2014 (Public Law
25 113–66; 10 U.S.C. 2358 note) civilian personnel at the

1 Department of Army Science and Technology Reinvention
2 Laboratories may not be managed on the basis of the
3 Table of Distribution and Allowances, and the manage-
4 ment of the workforce strength shall be done in a manner
5 consistent with the budget available with respect to such
6 Laboratories.

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

9 SEC. 8013. None of the funds appropriated by this
10 Act shall be used for the support of any nonappropriated
11 funds activity of the Department of Defense that procures
12 malt beverages and wine with nonappropriated funds for
13 resale (including such alcoholic beverages sold by the
14 drink) on a military installation located in the United
15 States unless such malt beverages and wine are procured
16 within that State, or in the case of the District of Colum-
17 bia, within the District of Columbia, in which the military
18 installation is located: *Provided*, That, in a case in which
19 the military installation is located in more than one State,
20 purchases may be made in any State in which the installa-
21 tion is located: *Provided further*, That such local procure-
22 ment requirements for malt beverages and wine shall
23 apply to all alcoholic beverages only for military installa-
24 tions in States which are not contiguous with another
25 State: *Provided further*, That alcoholic beverages other

1 than wine and malt beverages, in contiguous States and
2 the District of Columbia shall be procured from the most
3 competitive source, price and other factors considered.

4 SEC. 8014. None of the funds made available by this
5 Act shall be used in any way, directly or indirectly, to in-
6 fluence congressional action on any legislation or appro-
7 priation matters pending before the Congress.

8 SEC. 8015. None of the funds appropriated by this
9 Act shall be available for the basic pay and allowances of
10 any member of the Army participating as a full-time stu-
11 dent and receiving benefits paid by the Secretary of Vet-
12 erans Affairs from the Department of Defense Education
13 Benefits Fund when time spent as a full-time student is
14 credited toward completion of a service commitment: *Pro-*
15 *vided*, That this section shall not apply to those members
16 who have reenlisted with this option prior to October 1,
17 1987: *Provided further*, That this section applies only to
18 active components of the Army.

19 (TRANSFER OF FUNDS)

20 SEC. 8016. Funds appropriated in title III of this Act
21 for the Department of Defense Pilot Mentor-Protégé Pro-
22 gram may be transferred to any other appropriation con-
23 tained in this Act solely for the purpose of implementing
24 a Mentor-Protégé Program developmental assistance
25 agreement pursuant to section 831 of the National De-

1 fense Authorization Act for Fiscal Year 1991 (Public Law
2 101–510; 10 U.S.C. 2302 note), as amended, under the
3 authority of this provision or any other transfer authority
4 contained in this Act.

5 SEC. 8017. None of the funds in this Act may be
6 available for the purchase by the Department of Defense
7 (and its departments and agencies) of welded shipboard
8 anchor and mooring chain 4 inches in diameter and under
9 unless the anchor and mooring chain are manufactured
10 in the United States from components which are substan-
11 tially manufactured in the United States: *Provided*, That
12 for the purpose of this section, the term “manufactured”
13 shall include cutting, heat treating, quality control, testing
14 of chain and welding (including the forging and shot blast-
15 ing process): *Provided further*, That for the purpose of this
16 section substantially all of the components of anchor and
17 mooring chain shall be considered to be produced or manu-
18 factured in the United States if the aggregate cost of the
19 components produced or manufactured in the United
20 States exceeds the aggregate cost of the components pro-
21 duced or manufactured outside the United States: *Pro-*
22 *vided further*, That when adequate domestic supplies are
23 not available to meet Department of Defense requirements
24 on a timely basis, the Secretary of the service responsible
25 for the procurement may waive this restriction on a case-

1 by-case basis by certifying in writing to the Committees
2 on Appropriations that such an acquisition must be made
3 in order to acquire capability for national security pur-
4 poses.

5 SEC. 8018. Of the amounts appropriated for “Work-
6 ing Capital Fund, Army”, \$140,000,000 shall be available
7 to maintain competitive rates at the arsenals.

8 SEC. 8019. None of the funds available to the De-
9 partment of Defense may be used to demilitarize or dis-
10 pose of M–1 Carbines, M–1 Garand rifles, M–14 rifles,
11 .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or
12 to demilitarize or destroy small arms ammunition or am-
13 muniton components that are not otherwise prohibited
14 from commercial sale under Federal law, unless the small
15 arms ammunition or ammunition components are certified
16 by the Secretary of the Army or designee as unserviceable
17 or unsafe for further use.

18 SEC. 8020. No more than \$500,000 of the funds ap-
19 propriated or made available in this Act shall be used dur-
20 ing a single fiscal year for any single relocation of an orga-
21 nization, unit, activity or function of the Department of
22 Defense into or within the National Capital Region: *Pro-*
23 *vided*, That the Secretary of Defense may waive this re-
24 striction on a case-by-case basis by certifying in writing

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

3 SEC. 8021. Of the funds made available in this Act,
4 \$15,000,000 shall be available for incentive payments au-
5 thorized by section 504 of the Indian Financing Act of
6 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor
7 or a subcontractor at any tier that makes a subcontract
8 award to any subcontractor or supplier as defined in sec-
9 tion 1544 of title 25, United States Code, or a small busi-
10 ness owned and controlled by an individual or individuals
11 defined under section 4221(9) of title 25, United States
12 Code, shall be considered a contractor for the purposes
13 of being allowed additional compensation under section
14 504 of the Indian Financing Act of 1974 (25 U.S.C.
15 1544) whenever the prime contract or subcontract amount
16 is over \$500,000 and involves the expenditure of funds
17 appropriated by an Act making appropriations for the De-
18 partment of Defense with respect to any fiscal year: *Pro-*
19 *vided further*, That notwithstanding section 1906 of title
20 41, United States Code, this section shall be applicable
21 to any Department of Defense acquisition of supplies or
22 services, including any contract and any subcontract at
23 any tier for acquisition of commercial items produced or
24 manufactured, in whole or in part, by any subcontractor
25 or supplier defined in section 1544 of title 25, United

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

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

7 SEC. 8023. During the current fiscal year, the De-
8 partment of Defense is authorized to incur obligations of
9 not to exceed \$350,000,000 for purposes specified in sec-
10 tion 2350j(c) of title 10, United States Code, in anticipa-
11 tion of receipt of contributions, only from the Government
12 of Kuwait, under that section: *Provided*, That, upon re-
13 ceipt, such contributions from the Government of Kuwait
14 shall be credited to the appropriations or fund which in-
15 curred such obligations.

16 SEC. 8024. (a) Of the funds made available in this
17 Act, not less than \$40,021,000 shall be available for the
18 Civil Air Patrol Corporation, of which—

19 (1) \$28,000,000 shall be available from “Oper-
20 ation and Maintenance, Air Force” to support Civil
21 Air Patrol Corporation operation and maintenance,
22 readiness, counter-drug activities, and drug demand
23 reduction activities involving youth programs;

24 (2) \$10,337,000 shall be available from “Air-
25 craft Procurement, Air Force”; and

1 (3) \$1,684,000 shall be available from “Other
2 Procurement, Air Force” for vehicle procurement.

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

7 SEC. 8025. (a) None of the funds appropriated in this
8 Act are available to establish a new Department of De-
9 fense (department) federally funded research and develop-
10 ment center (FFRDC), either as a new entity, or as a
11 separate entity administrated by an organization man-
12 aging another FFRDC, or as a nonprofit membership cor-
13 poration consisting of a consortium of other FFRDCs and
14 other nonprofit entities.

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

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

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

13 (d) Notwithstanding any other provision of law, of
14 the funds available to the department during fiscal year
15 2017, not more than 5,750 staff years of technical effort
16 (staff years) may be funded for defense FFRDCs: *Pro-*
17 *vided*, That, of the specific amount referred to previously
18 in this subsection, not more than 1,125 staff years may
19 be funded for the defense studies and analysis FFRDCs:
20 *Provided further*, That this subsection shall not apply to
21 staff years funded in the National Intelligence Program
22 (NIP) and the Military Intelligence Program (MIP).

23 (e) The Secretary of Defense shall, with the submis-
24 sion of the department's fiscal year 2018 budget request,
25 submit a report presenting the specific amounts of staff

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

4 (f) Notwithstanding any other provision of this Act,
5 the total amount appropriated in this Act for FFRDCs
6 is hereby reduced by \$60,000,000.

7 SEC. 8026. None of the funds appropriated or made
8 available in this Act shall be used to procure carbon, alloy,
9 or armor steel plate for use in any Government-owned fa-
10 cility or property under the control of the Department of
11 Defense which were not melted and rolled in the United
12 States or Canada: *Provided*, That these procurement re-
13 strictions shall apply to any and all Federal Supply Class
14 9515, American Society of Testing and Materials (ASTM)
15 or American Iron and Steel Institute (AISI) specifications
16 of carbon, alloy or armor steel plate: *Provided further*,
17 That the Secretary of the military department responsible
18 for the procurement may waive this restriction on a case-
19 by-case basis by certifying in writing to the Committees
20 on Appropriations of the House of Representatives and the
21 Senate that adequate domestic supplies are not available
22 to meet Department of Defense requirements on a timely
23 basis and that such an acquisition must be made in order
24 to acquire capability for national security purposes: *Pro-*
25 *vided further*, That these restrictions shall not apply to

1 contracts which are in being as of the date of the enact-
2 ment of this Act.

3 SEC. 8027. For the purposes of this Act, the term
4 “congressional defense committees” means the Armed
5 Services Committee of the House of Representatives, the
6 Armed Services Committee of the Senate, the Sub-
7 committee on Defense of the Committee on Appropriations
8 of the Senate, and the Subcommittee on Defense of the
9 Committee on Appropriations of the House of Representa-
10 tives.

11 SEC. 8028. During the current fiscal year, the De-
12 partment of Defense may acquire the modification, depot
13 maintenance and repair of aircraft, vehicles and vessels
14 as well as the production of components and other De-
15 fense-related articles, through competition between De-
16 partment of Defense depot maintenance activities and pri-
17 vate firms: *Provided*, That the Senior Acquisition Execu-
18 tive of the military department or Defense Agency con-
19 cerned, with power of delegation, shall certify that success-
20 ful bids include comparable estimates of all direct and in-
21 direct costs for both public and private bids: *Provided fur-*
22 *ther*, That Office of Management and Budget Circular A-
23 76 shall not apply to competitions conducted under this
24 section.

1 SEC. 8029. (a)(1) If the Secretary of Defense, after
2 consultation with the United States Trade Representative,
3 determines that a foreign country which is party to an
4 agreement described in paragraph (2) has violated the
5 terms of the agreement by discriminating against certain
6 types of products produced in the United States that are
7 covered by the agreement, the Secretary of Defense shall
8 rescind the Secretary's blanket waiver of the Buy Amer-
9 ican Act with respect to such types of products produced
10 in that foreign country.

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

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

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

4 SEC. 8030. During the current fiscal year, amounts
5 contained in the Department of Defense Overseas Military
6 Facility Investment Recovery Account established by sec-
7 tion 2921(c)(1) of the National Defense Authorization Act
8 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
9 be available until expended for the payments specified by
10 section 2921(c)(2) of that Act.

11 SEC. 8031. (a) Notwithstanding any other provision
12 of law, the Secretary of the Air Force may convey at no
13 cost to the Air Force, without consideration, to Indian
14 tribes located in the States of Nevada, Idaho, North Da-
15 kota, South Dakota, Montana, Oregon, Minnesota, and
16 Washington relocatable military housing units located at
17 Grand Forks Air Force Base, Malmstrom Air Force Base,
18 Mountain Home Air Force Base, Ellsworth Air Force
19 Base, and Minot Air Force Base that are excess to the
20 needs of the Air Force.

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

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

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

11 (d) In this section, the term “Indian tribe” means
12 any recognized Indian tribe included on the current list
13 published by the Secretary of the Interior under section
14 104 of the Federally Recognized Indian Tribe Act of 1994
15 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–
16 1).

17 SEC. 8032. During the current fiscal year, appropria-
18 tions which are available to the Department of Defense
19 for operation and maintenance may be used to purchase
20 items having an investment item unit cost of not more
21 than \$250,000.

22 SEC. 8033. None of the funds made available by this
23 Act may be used to—

24 (1) disestablish, or prepare to disestablish, a
25 Senior Reserve Officers’ Training Corps program in

1 accordance with Department of Defense Instruction
2 Number 1215.08, dated June 26, 2006; or

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

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

20 SEC. 8035. (a) During the current fiscal year, none
21 of the appropriations or funds available to the Department
22 of Defense Working Capital Funds shall be used for the
23 purchase of an investment item for the purpose of acquir-
24 ing a new inventory item for sale or anticipated sale dur-
25 ing the current fiscal year or a subsequent fiscal year to

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

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

19 SEC. 8036. None of the funds appropriated by this
20 Act for programs of the Central Intelligence Agency shall
21 remain available for obligation beyond the current fiscal
22 year, except for funds appropriated for the Reserve for
23 Contingencies, which shall remain available until Sep-
24 tember 30, 2018: *Provided*, That funds appropriated,
25 transferred, or otherwise credited to the Central Intel-

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

10 SEC. 8037. Notwithstanding any other provision of
11 law, funds made available in this Act and hereafter for
12 the Defense Intelligence Agency may be used for the de-
13 sign, development, and deployment of General Defense In-
14 telligence Program intelligence communications and intel-
15 ligence information systems for the Services, the Unified
16 and Specified Commands, and the component commands.

17 SEC. 8038. Of the funds appropriated to the Depart-
18 ment of Defense under the heading “Operation and Main-
19 tenance, Defense-Wide”, not less than \$12,000,000 shall
20 be made available only for the mitigation of environmental
21 impacts, including training and technical assistance to
22 tribes, related administrative support, the gathering of in-
23 formation, documenting of environmental damage, and de-
24 veloping a system for prioritization of mitigation and cost

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

3 SEC. 8039. (a) None of the funds appropriated in this
4 Act may be expended by an entity of the Department of
5 Defense unless the entity, in expending the funds, com-
6 plies with the Buy American Act. For purposes of this
7 subsection, the term “Buy American Act” means chapter
8 83 of title 41, United States Code.

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

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

1 SEC. 8040. Notwithstanding any other provision of
2 law, none of the funds appropriated or otherwise made
3 available by this or any other Act may be used to consoli-
4 date or relocate any element of a United States Air Force
5 Rapid Engineer Deployable Heavy Operational Repair
6 Squadron Engineer (RED HORSE) outside of the United
7 States until the Secretary of the Air Force—

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

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

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

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

23 SEC. 8041. (a) Except as provided in subsections (b)
24 and (c), none of the funds made available by this Act may
25 be used—

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

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

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

14 (c) This section does not apply to—

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

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

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

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

5 SEC. 8042. (a) None of the funds appropriated by
6 this Act shall be available to convert to contractor per-
7 formance an activity or function of the Department of De-
8 fense that, on or after the date of the enactment of this
9 Act, is performed by Department of Defense civilian em-
10 ployees unless—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(RESCISSIONS)

1
2 SEC. 8043. Of the funds appropriated in Department
3 of Defense Appropriations Acts, the following funds are
4 hereby rescinded from the following accounts and pro-
5 grams in the specified amounts: Provided, That no
6 amounts may be rescinded from amounts that were des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism or as an emergency re-
9 quirement pursuant to the Concurrent Resolution on the
10 Budget or the Balanced Budget and Emergency Deficit
11 Control Act of 1985, as amended:

12 "Aircraft Procurement, Army", 2015/2017,
13 \$15,000,000;

14 "Other Procurement, Army", 2015/2017,
15 \$23,045,000;

16 "Aircraft Procurement, Navy", 2015/2017,
17 \$88,000,000;

18 "Weapons Procurement, Navy", 2015/2017,
19 \$11,933,000;

20 "Procurement of Ammunition, Navy and Ma-
21 rine Corps", 2015/2017, \$43,600,000;

22 "Aircraft Procurement, Air Force", 2015/2017,
23 \$57,000,000;

24 "Other Procurement, Air Force", 2015/2017,
25 \$25,500,000;

1 “Aircraft Procurement, Army”, 2016/2018,
2 \$34,594,000;

3 “Procurement of Ammunition, Army”, 2016/
4 2018, \$5,000,000;

5 “Other Procurement, Army”, 2016/2018,
6 \$84,100,000;

7 “Aircraft Procurement, Navy”, 2016/2018,
8 \$6,755,000;

9 “Weapons Procurement, Navy”, 2016/2018,
10 \$5,307,000;

11 “Procurement of Ammunition, Navy and Ma-
12 rine Corps”, 2016/2018, \$6,968,000;

13 “Shipbuilding and Conversion, Navy”, 2016/
14 2020: DDG-51 Destroyer, \$50,000,000;

15 “Shipbuilding and Conversion, Navy”, 2016/
16 2020: LPD-17, \$14,906,000;

17 “Shipbuilding and Conversion, Navy”, 2016/
18 2020: LX (R), (AP), \$236,000,000;

19 “Other Procurement, Navy”, 2016/2018,
20 \$56,374,000;

21 “Aircraft Procurement, Air Force”, 2016/2018,
22 \$383,200,000;

23 “Missile Procurement, Air Force”, 2016/2018,
24 \$34,700,000;

1 “Space Procurement, Air Force”, 2016/2018,
2 \$100,000,000;

3 “Other Procurement, Air Force”, 2016/2018,
4 \$56,369,000;

5 “Procurement, Defense-Wide”, 2016/2018,
6 \$2,600,000;

7 “Research, Development, Test and Evaluation,
8 Army”, 2016/2017, \$33,402,000;

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

11 “Research, Development, Test and Evaluation,
12 Air Force”, 2016/2017, \$532,550,000; and

13 “Research, Development, Test and Evaluation,
14 Defense-Wide”, 2016/2017, \$64,500,000.

15 SEC. 8044. None of the funds available in this Act
16 may be used to reduce the authorized positions for mili-
17 tary technicians (dual status) of the Army National
18 Guard, Air National Guard, Army Reserve and Air Force
19 Reserve for the purpose of applying any administratively
20 imposed civilian personnel ceiling, freeze, or reduction on
21 military technicians (dual status), unless such reductions
22 are a direct result of a reduction in military force struc-
23 ture.

24 SEC. 8045. None of the funds appropriated or other-
25 wise made available in this Act may be obligated or ex-

1 pended for assistance to the Democratic People's Republic
2 of Korea unless specifically appropriated for that purpose.

3 SEC. 8046. Funds appropriated in this Act for oper-
4 ation and maintenance of the Military Departments, Com-
5 batant Commands and Defense Agencies shall be available
6 for reimbursement of pay, allowances and other expenses
7 which would otherwise be incurred against appropriations
8 for the National Guard and Reserve when members of the
9 National Guard and Reserve provide intelligence or coun-
10 terintelligence support to Combatant Commands, Defense
11 Agencies and Joint Intelligence Activities, including the
12 activities and programs included within the National Intel-
13 ligence Program and the Military Intelligence Program:
14 *Provided*, That nothing in this section authorizes deviation
15 from established Reserve and National Guard personnel
16 and training procedures.

17 SEC. 8047. (a) None of the funds available to the
18 Department of Defense for any fiscal year for drug inter-
19 diction or counter-drug activities may be transferred to
20 any other department or agency of the United States ex-
21 cept as specifically provided in an appropriations law.

22 (b) None of the funds available to the Central Intel-
23 ligence Agency for any fiscal year for drug interdiction or
24 counter-drug activities may be transferred to any other de-

1 partment or agency of the United States except as specifi-
2 cally provided in an appropriations law.

3 SEC. 8048. None of the funds appropriated by this
4 Act may be used for the procurement of ball and roller
5 bearings other than those produced by a domestic source
6 and of domestic origin: *Provided*, That the Secretary of
7 the military department responsible for such procurement
8 may waive this restriction on a case-by-case basis by certi-
9 fying in writing to the Committees on Appropriations of
10 the House of Representatives and the Senate, that ade-
11 quate domestic supplies are not available to meet Depart-
12 ment of Defense requirements on a timely basis and that
13 such an acquisition must be made in order to acquire ca-
14 pability for national security purposes: *Provided further*,
15 That this restriction shall not apply to the purchase of
16 “commercial items”, as defined by section 103 of title 41,
17 United States Code, except that the restriction shall apply
18 to ball or roller bearings purchased as end items.

19 SEC. 8049. None of the funds made available by this
20 Act may be used to retire, divest, realign, or transfer RQ-
21 4B Global Hawk aircraft, or to disestablish or convert
22 units associated with such aircraft.

23 SEC. 8050. None of the funds made available by this
24 Act for Evolved Expendable Launch Vehicle service com-
25 petitive procurements may be used unless the competitive

1 procurements are open for award to all certified providers
2 of Evolved Expendable Launch Vehicle-class systems: *Pro-*
3 *vided*, That the award shall be made to the provider that
4 offers the best value to the government.

5 SEC. 8051. In addition to the amounts appropriated
6 or otherwise made available elsewhere in this Act,
7 \$44,000,000 is hereby appropriated to the Department of
8 Defense: *Provided*, That upon the determination of the
9 Secretary of Defense that it shall serve the national inter-
10 est, the Secretary shall make grants in the amounts speci-
11 fied as follows: \$20,000,000 to the United Service Organi-
12 zations and \$24,000,000 to the Red Cross.

13 SEC. 8052. None of the funds in this Act may be
14 used to purchase any supercomputer which is not manu-
15 factured in the United States, unless the Secretary of De-
16 fense certifies to the congressional defense committees
17 that such an acquisition must be made in order to acquire
18 capability for national security purposes that is not avail-
19 able from United States manufacturers.

20 SEC. 8053. Notwithstanding any other provision in
21 this Act, the Small Business Innovation Research program
22 and the Small Business Technology Transfer program set-
23 asides shall be taken proportionally from all programs,
24 projects, or activities to the extent they contribute to the
25 extramural budget.

1 SEC. 8054. None of the funds available to the De-
2 partment of Defense under this Act shall be obligated or
3 expended to pay a contractor under a contract with the
4 Department of Defense for costs of any amount paid by
5 the contractor to an employee when—

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

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

11 (INCLUDING TRANSFER OF FUNDS)

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

23 SEC. 8056. During the current fiscal year, in the case
24 of an appropriation account of the Department of Defense
25 for which the period of availability for obligation has ex-

1 pired or which has closed under the provisions of section
2 1552 of title 31, United States Code, and which has a
3 negative unliquidated or unexpended balance, an obliga-
4 tion or an adjustment of an obligation may be charged
5 to any current appropriation account for the same purpose
6 as the expired or closed account if—

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

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

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

1 count: *Provided further*, That the total amount
2 charged to a current appropriation under this sec-
3 tion may not exceed an amount equal to 1 percent
4 of the total appropriation for that account.

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

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

18 SEC. 8058. None of the funds available to the De-
19 partment of Defense may be obligated to modify command
20 and control relationships to give Fleet Forces Command
21 operational and administrative control of United States
22 Navy forces assigned to the Pacific fleet: *Provided*, That
23 the command and control relationships which existed on
24 October 1, 2004, shall remain in force until a written
25 modification has been proposed to the House and Senate

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

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8059. Of the funds appropriated in this Act
10 under the heading “Operation and Maintenance, Defense-
11 wide”, \$25,000,000 shall be for continued implementation
12 and expansion of the Sexual Assault Special Victims’
13 Counsel Program: *Provided*, That the funds are made
14 available for transfer to the Department of the Army, the
15 Department of the Navy, and the Department of the Air
16 Force: *Provided further*, That funds transferred shall be
17 merged with and available for the same purposes and for
18 the same time period as the appropriations to which the
19 funds are transferred: *Provided further*, That this transfer
20 authority is in addition to any other transfer authority
21 provided in this Act.

22 SEC. 8060. None of the funds appropriated in title
23 IV of this Act may be used to procure end-items for deliv-
24 ery to military forces for operational training, operational
25 use or inventory requirements: *Provided*, That this restric-

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

11 SEC. 8061. (a) The Secretary of Defense may, on a
12 case-by-case basis, waive with respect to a foreign country
13 each limitation on the procurement of defense items from
14 foreign sources provided in law if the Secretary determines
15 that the application of the limitation with respect to that
16 country would invalidate cooperative programs entered
17 into between the Department of Defense and the foreign
18 country, or would invalidate reciprocal trade agreements
19 for the procurement of defense items entered into under
20 section 2531 of title 10, United States Code, and the
21 country does not discriminate against the same or similar
22 defense items produced in the United States for that coun-
23 try.

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

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

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

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

17 SEC. 8062. None of the funds appropriated or other-
18 wise made available by this or other Department of De-
19 fense Appropriations Acts may be obligated or expended
20 for the purpose of performing repairs or maintenance to
21 military family housing units of the Department of De-
22 fense, including areas in such military family housing
23 units that may be used for the purpose of conducting offi-
24 cial Department of Defense business.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8063. Of the amounts appropriated for “Oper-
3 ation and Maintenance, Navy”, up to \$1,000,000 shall be
4 available for transfer to the John C. Stennis Center for
5 Public Service Development Trust Fund established under
6 section 116 of the John C. Stennis Center for Public Serv-
7 ice Training and Development Act (2 U.S.C. 1105).

8 SEC. 8064. Notwithstanding any other provision of
9 law, funds appropriated in this Act under the heading
10 “Research, Development, Test and Evaluation, Defense-
11 Wide” for any new start advanced concept technology
12 demonstration project or joint capability demonstration
13 project may only be obligated 45 days after a report, in-
14 cluding a description of the project, the planned acquisi-
15 tion and transition strategy and its estimated annual and
16 total cost, has been provided in writing to the congress-
17 sional defense committees: *Provided*, That the Secretary
18 of Defense may waive this restriction on a case-by-case
19 basis by certifying to the congressional defense committees
20 that it is in the national interest to do so.

21 SEC. 8065. The Secretary of Defense shall continue
22 to provide a classified quarterly report to the House and
23 Senate Appropriations Committees, Subcommittees on
24 Defense on certain matters as directed in the classified
25 annex accompanying this Act.

1 SEC. 8066. 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. 8067. 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: (1) ren-
18 dered incapable of reuse by the demilitarization process;
19 or (2) used to manufacture ammunition pursuant to a con-
20 tract with the Department of Defense or the manufacture
21 of ammunition for export pursuant to a License for Per-
22 manent Export of Unclassified Military Articles issued by
23 the Department of State.

24 SEC. 8068. Notwithstanding any other provision of
25 law, the Chief of the National Guard Bureau, or his des-

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

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 8069. Of the amounts appropriated in this Act
12 under the heading “Operation and Maintenance, Army”,
13 \$75,950,170 shall remain available until expended: *Pro-*
14 *vided*, That, notwithstanding any other provision of law,
15 the Secretary of Defense is authorized to transfer such
16 funds to other activities of the Federal Government: *Pro-*
17 *vided further*, That the Secretary of Defense is authorized
18 to enter into and carry out contracts for the acquisition
19 of real property, construction, personal services, and oper-
20 ations related to projects carrying out the purposes of this
21 section: *Provided further*, That contracts entered into
22 under the authority of this section may provide for such
23 indemnification as the Secretary determines to be nec-
24 essary: *Provided further*, That projects authorized by this
25 section shall comply with applicable Federal, State, and

1 local law to the maximum extent consistent with the na-
2 tional security, as determined by the Secretary of Defense.

3 SEC. 8070. (a) None of the funds appropriated in this
4 or any other Act may be used to take any action to mod-
5 ify—

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

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

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

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

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

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

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

12 (1) provide the proposed alternatives to all af-
13 fected agencies;

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

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

22 SEC. 8071. In addition to amounts provided else-
23 where in this Act, \$5,000,000 is hereby appropriated to
24 the Department of Defense, to remain available for obliga-
25 tion until expended: *Provided*, That notwithstanding any

1 other provision of law, that upon the determination of the
2 Secretary of Defense that it shall serve the national inter-
3 est, these funds shall be available only for a grant to the
4 Fisher House Foundation, Inc., only for the construction
5 and furnishing of additional Fisher Houses to meet the
6 needs of military family members when confronted with
7 the illness or hospitalization of an eligible military bene-
8 ficiary.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8072. Of the amounts appropriated in this Act
11 under the headings “Procurement, Defense-Wide” and
12 “Research, Development, Test and Evaluation, Defense-
13 Wide”, \$600,735,000 shall be for the Israeli Cooperative
14 Programs: *Provided*, That of this amount, \$62,000,000
15 shall be for the Secretary of Defense to provide to the Gov-
16 ernment of Israel for the procurement of the Iron Dome
17 defense system to counter short-range rocket threats, sub-
18 ject to the U.S.-Israel Iron Dome Procurement Agree-
19 ment, as amended; \$266,511,000 shall be for the Short
20 Range Ballistic Missile Defense (SRBMD) program, in-
21 cluding cruise missile defense research and development
22 under the SRBMD program, of which \$150,000,000 shall
23 be for co-production activities of SRBMD missiles in the
24 United States and in Israel to meet Israel’s defense re-
25 quirements consistent with each nation’s laws, regulations,

1 and procedures, of which not more than \$90,000,000, sub-
2 ject to previously established transfer procedures, may be
3 obligated or expended until establishment of a U.S.-Israeli
4 co-production agreement for SRBMD; \$204,893,000 shall
5 be for an upper-tier component to the Israeli Missile De-
6 fense Architecture, of which \$120,000,000 shall be for co-
7 production activities of Arrow 3 Upper Tier missiles in
8 the United States and in Israel to meet Israel's defense
9 requirements consistent with each nation's laws, regula-
10 tions, and procedures, of which not more than
11 \$70,000,000 subject to previously established transfer
12 procedures, may be obligated or expended until establish-
13 ment of a U.S.-Israeli co-production agreement for Arrow
14 3 Upper Tier; and \$67,331,000 shall be for the Arrow
15 System Improvement Program including development of
16 a long range, ground and airborne, detection suite: *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. 8073. Of the amounts appropriated in this Act
22 under the heading "Shipbuilding and Conversion, Navy",
23 \$160,274,000 shall be available until September 30, 2017,
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”, 2012/2017: LPD–17 Amphibious
8 Transport Dock Program \$45,060,000;

9 (2) Under the heading “Shipbuilding and Con-
10 version, Navy”, 2011/2017: DDG–51 Destroyer
11 \$15,959,000;

12 (3) Under the heading “Shipbuilding and Con-
13 version, Navy”, 2012/2017: Littoral Combat Ship
14 \$3,600,000;

15 (4) Under the heading “Shipbuilding and Con-
16 version, Navy”, 2013/2017: Littoral Combat Ship
17 \$82,400,000;

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

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

24 SEC. 8074. Funds appropriated by this Act, or made
25 available by the transfer of funds in this Act, for intel-

1 ligence activities are deemed to be specifically authorized
2 by the Congress for purposes of section 504 of the Na-
3 tional Security Act of 1947 (50 U.S.C. 3094) during fiscal
4 year 2017 until the enactment of the Intelligence Author-
5 ization Act for Fiscal Year 2017.

6 SEC. 8075. None of the funds provided in this Act
7 shall be available for obligation or expenditure through a
8 reprogramming of funds that creates or initiates a new
9 program, project, or activity unless such program, project,
10 or activity must be undertaken immediately in the interest
11 of national security and only after written prior notifica-
12 tion to the congressional defense committees.

13 SEC. 8076. The budget of the President for fiscal
14 year 2018 submitted to the Congress pursuant to section
15 1105 of title 31, United States Code, shall include sepa-
16 rate budget justification documents for costs of United
17 States Armed Forces' participation in contingency oper-
18 ations for the Military Personnel accounts, the Operation
19 and Maintenance accounts, the Procurement accounts,
20 and the Research, Development, Test and Evaluation ac-
21 counts: *Provided*, That these documents shall include a de-
22 scription of the funding requested for each contingency op-
23 eration, for each military service, to include all Active and
24 Reserve components, and for each appropriations account:
25 *Provided further*, That these documents shall include esti-

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

12 SEC. 8077. None of the funds in this Act may be
13 used for research, development, test, evaluation, procure-
14 ment or deployment of nuclear armed interceptors of a
15 missile defense system.

16 SEC. 8078. Notwithstanding any other provision of
17 this Act, to reflect savings due to favorable foreign ex-
18 change rates, the total amount appropriated in this Act
19 is hereby reduced by \$157,000,000.

20 SEC. 8079. None of the funds appropriated or made
21 available in this Act shall be used to reduce or disestablish
22 the operation of the 53rd Weather Reconnaissance Squad-
23 ron of the Air Force Reserve, if such action would reduce
24 the WC-130 Weather Reconnaissance mission below the
25 levels funded in this Act: *Provided*, That the Air Force

1 shall allow the 53rd Weather Reconnaissance Squadron to
2 perform other missions in support of national defense re-
3 quirements during the non-hurricane season.

4 SEC. 8080. None of the funds provided in this Act
5 shall be available for integration of foreign intelligence in-
6 formation unless the information has been lawfully col-
7 lected and processed during the conduct of authorized for-
8 eign intelligence activities: *Provided*, That information
9 pertaining to United States persons shall only be handled
10 in accordance with protections provided in the Fourth
11 Amendment of the United States Constitution as imple-
12 mented through Executive Order No. 12333.

13 SEC. 8081. (a) None of the funds appropriated by
14 this Act may be used to transfer research and develop-
15 ment, acquisition, or other program authority relating to
16 current tactical unmanned aerial vehicles (TUAVs) from
17 the Army.

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

23 SEC. 8082. Up to \$10,120,000 of the funds appro-
24 priated under the heading “Operation and Maintenance,
25 Navy” may be made available for the Asia Pacific Re-

1 gional Initiative Program for the purpose of enabling the
2 Pacific Command to execute Theater Security Cooperation
3 activities such as humanitarian assistance, and payment
4 of incremental and personnel costs of training and exer-
5 cising with foreign security forces: *Provided*, That funds
6 made available for this purpose may be used, notwith-
7 standing any other funding authorities for humanitarian
8 assistance, security assistance or combined exercise ex-
9 penses: *Provided further*, That funds may not be obligated
10 to provide assistance to any foreign country that is other-
11 wise prohibited from receiving such type of assistance
12 under any other provision of law.

13 SEC. 8083. None of the funds appropriated by this
14 Act for programs of the Office of the Director of National
15 Intelligence shall remain available for obligation beyond
16 the current fiscal year, except for funds appropriated for
17 research and technology, which shall remain available until
18 September 30, 2018.

19 SEC. 8084. For purposes of section 1553(b) of title
20 31, United States Code, any subdivision of appropriations
21 made in this Act under the heading “Shipbuilding and
22 Conversion, Navy” shall be considered to be for the same
23 purpose as any subdivision under the heading “Ship-
24 building and Conversion, Navy” appropriations in any

1 prior fiscal year, and the 1 percent limitation shall apply
2 to the total amount of the appropriation.

3 SEC. 8085. (a) Not later than 60 days after the date
4 of enactment of this Act, the Director of National Intel-
5 ligence shall submit a report to the congressional intel-
6 ligence committees to establish the baseline for application
7 of reprogramming and transfer authorities for fiscal year
8 2017: *Provided*, That the report shall include—

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

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

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

18 (b) None of the funds provided for the National Intel-
19 ligence Program in this Act shall be available for re-
20 programming or transfer until the report identified in sub-
21 section (a) is submitted to the congressional intelligence
22 committees, unless the Director of National Intelligence
23 certifies in writing to the congressional intelligence com-
24 mittees that such reprogramming or transfer is necessary
25 as an emergency requirement.

1 SEC. 8086. None of the funds made available by this
 2 Act may be used to eliminate, restructure, or realign Army
 3 Contracting Command—New Jersey or make dispropor-
 4 tionate personnel reductions at any Army Contracting
 5 Command—New Jersey sites without 30-day prior notifi-
 6 cation to the congressional defense committees.

7 (RESCISSION)

8 SEC. 8087. Of the unobligated balances available to
 9 the Department of Defense, the following funds are per-
 10 manently rescinded from the following accounts and pro-
 11 grams in the specified amounts to reflect excess cash bal-
 12 ances in Department of Defense Acquisition Workforce
 13 Development Fund: *Provided*, That no amounts may be
 14 rescinded from amounts that were designated by the Con-
 15 gress for Overseas Contingency Operations/Global War on
 16 Terrorism or as an emergency requirement pursuant to
 17 the Concurrent Resolution on the Budget or the Balanced
 18 Budget and Emergency Deficit Control Act of 1985, as
 19 amended:

20 From “Department of Defense Acquisition
 21 Workforce Development Fund, Defense”,
 22 \$531,000,000.

23 SEC. 8088. None of the funds made available by this
 24 Act for excess defense articles, assistance under section
 25 1206 of the National Defense Authorization Act for Fiscal

1 Year 2006 (Public Law 109–163; 119 Stat. 3456), or
2 peacekeeping operations for the countries designated an-
3 nually to be in violation of the standards of the Child Sol-
4 diers Prevention Act of 2008 (Public Law 110–457; 22
5 U.S.C. 2370e–1) may be used to support any military
6 training or operation that includes child soldiers, as de-
7 fined by the Child Soldiers Prevention Act of 2008, unless
8 such assistance is otherwise permitted under section 404
9 of the Child Soldiers Prevention Act of 2008.

10 SEC. 8089. Of the amounts appropriated for “Oper-
11 ation and Maintenance, Defense-Wide”, \$67,500,000, to
12 remain available until expended, shall be available, not-
13 withstanding any other provision of law, to the Secretary
14 of Defense acting through the Office of Economic Adjust-
15 ment of the Department of Defense to make grants, con-
16 clude cooperative agreements, and supplement other Fed-
17 eral funds to address the need for assistance to support
18 critical existing and enduring military installations and
19 missions on Guam, as well as any potential Department
20 of Defense growth, for purposes of addressing the need
21 for civilian water and wastewater improvements.

22 SEC. 8090. (a) None of the funds provided for the
23 National Intelligence Program in this or any prior appro-
24 priations Act shall be available for obligation or expendi-
25 ture through a reprogramming or transfer of funds in ac-

1 cordance with section 102A(d) of the National Security
2 Act of 1947 (50 U.S.C. 3024(d)) that—

3 (1) creates a new start effort;

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

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

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

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

24 SEC. 8091. The Director of National Intelligence
25 shall submit to Congress each year, at or about the time

1 that the President's budget is submitted to Congress that
2 year under section 1105(a) of title 31, United States
3 Code, a future-years intelligence program (including asso-
4 ciated annexes) reflecting the estimated expenditures and
5 proposed appropriations included in that budget. Any such
6 future-years intelligence program shall cover the fiscal
7 year with respect to which the budget is submitted and
8 at least the four succeeding fiscal years.

9 SEC. 8092. For the purposes of this Act, the term
10 “congressional intelligence committees” means the Perma-
11 nent Select Committee on Intelligence of the House of
12 Representatives, the Select Committee on Intelligence of
13 the Senate, the Subcommittee on Defense of the Com-
14 mittee on Appropriations of the House of Representatives,
15 and the Subcommittee on Defense of the Committee on
16 Appropriations of the Senate.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8093. During the current fiscal year, not to ex-
19 ceed \$11,000,000 from each of the appropriations made
20 in title II of this Act for “Operation and Maintenance,
21 Army”, “Operation and Maintenance, Navy”, and “Oper-
22 ation and Maintenance, Air Force” may be transferred by
23 the military department concerned to its central fund es-
24 tablished for Fisher Houses and Suites pursuant to sec-
25 tion 2493(d) of title 10, United States Code.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8094. Funds appropriated by this Act for oper-
3 ation and maintenance may be available for the purpose
4 of making remittances and transfer to the Defense Acqui-
5 sition Workforce Development Fund in accordance with
6 section 1705 of title 10, United States Code.

7 SEC. 8095. (a) Any agency receiving funds made
8 available in this Act, shall, subject to subsections (b) and
9 (c), post on the public Web site of that agency any report
10 required to be submitted by the Congress in this or any
11 other Act, upon the determination by the head of the agen-
12 cy that it shall serve the national interest.

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

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

16 (2) the report contains proprietary information.

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

21 SEC. 8096. (a) None of the funds appropriated or
22 otherwise made available by this Act may be expended for
23 any Federal contract for an amount in excess of
24 \$1,000,000, unless the contractor agrees not to—

1 (1) enter into any agreement with any of its
2 employees or independent contractors that requires,
3 as a condition of employment, that the employee or
4 independent contractor agree to resolve through ar-
5 bitration any claim under title VII of the Civil
6 Rights Act of 1964 or any tort related to or arising
7 out of sexual assault or harassment, including as-
8 sault and battery, intentional infliction of emotional
9 distress, false imprisonment, or negligent hiring, su-
10 pervision, or retention; or

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

21 (b) None of the funds appropriated or otherwise
22 made available by this Act may be expended for any Fed-
23 eral contract unless the contractor certifies that it requires
24 each covered subcontractor to agree not to enter into, and
25 not to take any action to enforce any provision of, any

1 agreement as described in paragraphs (1) and (2) of sub-
2 section (a), with respect to any employee or independent
3 contractor performing work related to such subcontract.
4 For purposes of this subsection, a “covered subcon-
5 tractor” is an entity that has a subcontract in excess of
6 \$1,000,000 on a contract subject to subsection (a).

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

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

1 under this subsection not less than 15 business days be-
2 fore the contract or subcontract addressed in the deter-
3 mination may be awarded.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8097. From within the funds appropriated for
6 operation and maintenance for the Defense Health Pro-
7 gram in this Act, up to \$122,375,000, shall be available
8 for transfer to the Joint Department of Defense-Depart-
9 ment of Veterans Affairs Medical Facility Demonstration
10 Fund in accordance with the provisions of section 1704
11 of the National Defense Authorization Act for Fiscal Year
12 2010, Public Law 111–84: *Provided*, That for purposes
13 of section 1704(b), the facility operations funded are oper-
14 ations of the integrated Captain James A. Lovell Federal
15 Health Care Center, consisting of the North Chicago Vet-
16 erans Affairs Medical Center, the Navy Ambulatory Care
17 Center, and supporting facilities designated as a combined
18 Federal medical facility as described by section 706 of
19 Public Law 110–417: *Provided further*, That additional
20 funds may be transferred from funds appropriated for op-
21 eration and maintenance for the Defense Health Program
22 to the Joint Department of Defense-Department of Vet-
23 erans Affairs Medical Facility Demonstration Fund upon
24 written notification by the Secretary of Defense to the

1 Committees on Appropriations of the House of Represent-
2 atives and the Senate.

3 SEC. 8098. None of the funds appropriated or other-
4 wise made available by this Act may be used by the De-
5 partment of Defense or a component thereof in contraven-
6 tion of the provisions of section 130h of title 10, United
7 States Code.

8 SEC. 8099. Appropriations available to the Depart-
9 ment of Defense may be used for the purchase of heavy
10 and light armored vehicles for the physical security of per-
11 sonnel or for force protection purposes up to a limit of
12 \$450,000 per vehicle, notwithstanding price or other limi-
13 tations applicable to the purchase of passenger carrying
14 vehicles.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8100. Upon a determination by the Director of
17 National Intelligence that such action is necessary and in
18 the national interest, the Director may, with the approval
19 of the Office of Management and Budget, transfer not to
20 exceed \$1,500,000,000 of the funds made available in this
21 Act for the National Intelligence Program: *Provided*, That
22 such authority to transfer may not be used unless for
23 higher priority items, based on unforeseen intelligence re-
24 quirements, than those for which originally appropriated
25 and in no case where the item for which funds are re-

1 requested has been denied by the Congress: *Provided further*,
2 That a request for multiple reprogrammings of funds
3 using authority provided in this section shall be made
4 prior to June 30, 2017.

5 SEC. 8101. None of the funds appropriated or other-
6 wise made available in this or any other Act may be used
7 to transfer, release, or assist in the transfer or release to
8 or within the United States, its territories, or possessions
9 Khalid Sheikh Mohammed or any other detainee who—

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

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

15 SEC. 8102. (a) None of the funds appropriated or
16 otherwise made available in this or any other Act may be
17 used to construct, acquire, or modify any facility in the
18 United States, its territories, or possessions to house any
19 individual described in subsection (c) for the purposes of
20 detention or imprisonment in the custody or under the ef-
21 fective control of the Department of Defense.

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

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

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

7 (2) is—

8 (A) in the custody or under the effective
9 control of the Department of Defense; or

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

12 SEC. 8103. None of the funds appropriated or other-
13 wise made available in this Act may be used to transfer
14 any individual detained at United States Naval Station
15 Guantanamo Bay, Cuba, to the custody or control of the
16 individual's country of origin, any other foreign country,
17 or any other foreign entity except in accordance with sec-
18 tion 1034 of the National Defense Authorization Act for
19 Fiscal Year 2016 (Public Law 114–92) and section 1034
20 of the National Defense Authorization Act for Fiscal Year
21 2017 (Public Law 114–328).

22 SEC. 8104. None of the funds made available by this
23 Act may be used in contravention of the War Powers Res-
24 olution (50 U.S.C. 1541 et seq.).

1 SEC. 8105. (a) None of the funds appropriated or
2 otherwise made available by this or any other Act may
3 be used by the Secretary of Defense, or any other official
4 or officer of the Department of Defense, to enter into a
5 contract, memorandum of understanding, or cooperative
6 agreement with, or make a grant to, or provide a loan
7 or loan guarantee to Rosoboronexport or any subsidiary
8 of Rosoboronexport.

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

16 (1) Rosoboronexport has ceased the transfer of
17 lethal military equipment to, and the maintenance of
18 existing lethal military equipment for, the Govern-
19 ment of the Syrian Arab Republic;

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

1 (3) Agents of the Russian Federation have
2 ceased taking active measures to destabilize the con-
3 trol of the Government of Ukraine over eastern
4 Ukraine.

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

14 SEC. 8106. None of the funds made available in this
15 Act may be used for the purchase or manufacture of a
16 flag of the United States unless such flags are treated as
17 covered items under section 2533a(b) of title 10, United
18 States Code.

19 SEC. 8107. (a) Of the funds appropriated in this Act
20 for the Department of Defense, amounts may be made
21 available, under such regulations as the Secretary of De-
22 fense may prescribe, to local military commanders ap-
23 pointed by the Secretary, or by an officer or employee des-
24 ignated by the Secretary, to provide at their discretion ex
25 gratia payments in amounts consistent with subsection (d)

1 of this section for damage, personal injury, or death that
2 is incident to combat operations of the Armed Forces in
3 a foreign country.

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

6 (1) the prospective foreign civilian recipient is
7 determined by the local military commander to be
8 friendly to the United States;

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

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

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

20 (d) AMOUNT OF PAYMENTS.—If the Secretary of De-
21 fense determines a program under subsection (a) to be ap-
22 propriate in a particular setting, the amounts of pay-
23 ments, if any, to be provided to civilians determined to
24 have suffered harm incident to combat operations of the
25 Armed Forces under the program should be determined

1 pursuant to regulations prescribed by the Secretary and
2 based on an assessment, which should include such factors
3 as cultural appropriateness and prevailing economic condi-
4 tions.

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

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

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

22 SEC. 8108. None of the funds available in this Act
23 to the Department of Defense, other than appropriations
24 made for necessary or routine refurbishments, upgrades
25 or maintenance activities, shall be used to reduce or to

1 prepare to reduce the number of deployed and non-de-
2 ployed strategic delivery vehicles and launchers below the
3 levels set forth in the report submitted to Congress in ac-
4 cordance with section 1042 of the National Defense Au-
5 thorization Act for Fiscal Year 2012.

6 SEC. 8109. The Secretary of Defense shall post grant
7 awards on a public Web site in a searchable format.

8 SEC. 8110. None of the funds made available by this
9 Act may be used to fund the performance of a flight dem-
10 onstration team at a location outside of the United States:
11 *Provided*, That this prohibition applies only if a perform-
12 ance of a flight demonstration team at a location within
13 the United States was canceled during the current fiscal
14 year due to insufficient funding.

15 SEC. 8111. None of the funds made available by this
16 Act may be used by the National Security Agency to—

17 (1) conduct an acquisition pursuant to section
18 702 of the Foreign Intelligence Surveillance Act of
19 1978 for the purpose of targeting a United States
20 person; or

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

1 suant to section 501 of the Foreign Intelligence Sur-
2 veillance Act of 1978.

3 SEC. 8112. None of the funds made available by this
4 Act may be obligated or expended to implement the Arms
5 Trade Treaty until the Senate approves a resolution of
6 ratification for the Treaty.

7 SEC. 8113. None of the funds made available in this
8 or any other Act may be used to pay the salary of any
9 officer or employee of any agency funded by this Act who
10 approves or implements the transfer of administrative re-
11 sponsibilities or budgetary resources of any program,
12 project, or activity financed by this Act to the jurisdiction
13 of another Federal agency not financed by this Act with-
14 out the express authorization of Congress: *Provided*, That
15 this limitation shall not apply to transfers of funds ex-
16 pressly provided for in Defense Appropriations Acts, or
17 provisions of Acts providing supplemental appropriations
18 for the Department of Defense.

19 SEC. 8114. None of the funds made available in this
20 Act may be obligated for activities authorized under sec-
21 tion 1208 of the Ronald W. Reagan National Defense Au-
22 thorization Act for Fiscal Year 2005 (Public Law 112–
23 81; 125 Stat. 1621) to initiate support for, or expand sup-
24 port to, foreign forces, irregular forces, groups, or individ-
25 uals unless the congressional defense committees are noti-

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

14 SEC. 8115. None of the funds made available by this
15 Act may be used with respect to Iraq in contravention of
16 the War Powers Resolution (50 U.S.C. 1541 et seq.), in-
17 cluding for the introduction of United States armed forces
18 into hostilities in Iraq, into situations in Iraq where immi-
19 nent involvement in hostilities is clearly indicated by the
20 circumstances, or into Iraqi territory, airspace, or waters
21 while equipped for combat, in contravention of the con-
22 gressional consultation and reporting requirements of sec-
23 tions 3 and 4 of such Resolution (50 U.S.C. 1542 and
24 1543).

1 SEC. 8116. None of the funds made available by this
2 Act may be used to divest, retire, transfer, or place in stor-
3 age or on backup aircraft inventory status, or prepare to
4 divest, retire, transfer, or place in storage or on backup
5 aircraft inventory status, any A-10 aircraft, or to dises-
6 tablish any units of the active or reserve component associ-
7 ated with such aircraft.

8 SEC. 8117. None of the funds provided in this Act
9 for the T-AO(X) program shall be used to award a new
10 contract that provides for the acquisition of the following
11 components unless those components are manufactured in
12 the United States: Auxiliary equipment (including pumps)
13 for shipboard services; propulsion equipment (including
14 engines, reduction gears, and propellers); shipboard
15 cranes; and spreaders for shipboard cranes.

16 SEC. 8118. The amount appropriated in title II of
17 this Act for “Operation and Maintenance, Army” is here-
18 by reduced by \$336,000,000 to reflect excess cash bal-
19 ances in Department of Defense Working Capital Funds.

20 SEC. 8119. Notwithstanding any other provision of
21 this Act, to reflect savings due to lower than anticipated
22 fuel costs, the total amount appropriated in title II of this
23 Act is hereby reduced by \$1,155,000,000.

1 SEC. 8120. None of the funds made available by this
2 Act may be used to divest or retire, or to prepare to divest
3 or retire, KC-10 aircraft.

4 SEC. 8121. None of the funds made available by this
5 Act may be used to divest, retire, transfer, or place in stor-
6 age or on backup aircraft inventory status, or prepare to
7 divest, retire, transfer, or place in storage or on backup
8 aircraft inventory status, any EC-130H aircraft.

9 SEC. 8122. None of the funds made available by this
10 Act may be used for Government Travel Charge Card ex-
11 penses by military or civilian personnel of the Department
12 of Defense for gaming, or for entertainment that includes
13 topless or nude entertainers or participants, as prohibited
14 by Department of Defense FMR, Volume 9, Chapter 3
15 and Department of Defense Instruction 1015.10 (enclo-
16 sure 3, 14a and 14b).

17 SEC. 8123. None of the funds made available by this
18 Act may be used to propose, plan for, or execute a new
19 or additional Base Realignment and Closure (BRAC)
20 round.

21 SEC. 8124. Of the amounts appropriated in this Act
22 for “Operation and Maintenance, Navy”, \$274,524,000,
23 to remain available until expended, may be used for any
24 purposes related to the National Defense Reserve Fleet
25 established under section 11 of the Merchant Ship Sales

1 Act of 1946 (50 U.S.C. 4405): *Provided*, That such
2 amounts are available for reimbursements to the Ready
3 Reserve Force, Maritime Administration account of the
4 United States Department of Transportation for pro-
5 grams, projects, activities, and expenses related to the Na-
6 tional Defense Reserve Fleet.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 8125. Of the amounts appropriated in this Act,
9 the Secretary of Defense may use up to \$20,000,000
10 under the heading “Operation and Maintenance, Defense-
11 Wide”, and up to \$75,000,000 under the heading “Re-
12 search, Development, Test and Evaluation, Defense-
13 Wide” to develop, replace, and sustain Federal Govern-
14 ment security and suitability background investigation in-
15 formation technology systems of the Office of Personnel
16 Management or other Federal agency responsible for con-
17 ducting such investigations: *Provided*, That the Secretary
18 may reprogram or transfer additional amounts into these
19 headings or into “Procurement, Defense-Wide” using es-
20 tablished reprogramming procedures applicable to con-
21 gressional special interest items: *Provided further*, That
22 such funds shall supplement, not supplant any other
23 amounts made available to other Federal agencies for such
24 purposes.

1 SEC. 8126. None of the funds made available by this
2 Act for the Joint Surveillance Target Attack Radar Sys-
3 tem recapitalization program may be obligated or ex-
4 pended for pre-milestone B activities after March 31,
5 2018.

6 SEC. 8127. None of the funds made available by this
7 Act may be used to carry out the closure or realignment
8 of the United States Naval Station, Guantanamo Bay,
9 Cuba.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 8128. Additional readiness funds made available
12 in title II of this Act for “Operation and Maintenance,
13 Army”, “Operation and Maintenance, Navy”, “Operation
14 and Maintenance, Marine Corps”, and “Operation and
15 Maintenance, Air Force” may be transferred to and
16 merged with any appropriation of the Department of De-
17 fense for activities related to the Zika virus in order to
18 provide health support for the full range of military oper-
19 ations and sustain the health of the members of the Armed
20 Forces, civilian employees of the Department of Defense,
21 and their families, to include: research and development,
22 disease surveillance, vaccine development, rapid detection,
23 vector controls and surveillance, training, and outbreak re-
24 sponse: *Provided*, That the authority provided in this sec-

1 tion is subject to the same terms and conditions as the
2 authority provided in section 8005 of this Act.

3 SEC. 8129. (a) None of the funds made available in
4 this Act may be used to maintain or establish a computer
5 network unless such network is designed to block access
6 to pornography websites.

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

13 (RESCISSION)

14 SEC. 8130. (a) The Ship Modernization, Operations
15 and Sustainment Fund established by section 8103 of the
16 Department of Defense Appropriations Act, 2013 (division
17 C of Public Law 113–6; 127 Stat. 321) is hereby termi-
18 nated, effective as of the date of the enactment of this
19 Act.

20 (b) Any unobligated balances in the Ship Moderniza-
21 tion, Operations and Sustainment Fund as of the date of
22 the enactment of this Act are hereby rescinded.

23 SEC. 8131. None of the funds made available by this
24 Act may be used to provide arms, training, or other assist-
25 ance to the Azov Battalion.

1 SEC. 8132. Notwithstanding any other provision of
2 law, any transfer of funds appropriated or otherwise made
3 available by this Act to the Global Engagement Center
4 pursuant to section 1287 of the National Defense Author-
5 ization Act for Fiscal Year 2017 (Public Law 114–328)
6 shall be made in accordance with section 8005 or 9002
7 of this Act, as applicable.

8 SEC. 8133. No amounts credited or otherwise made
9 available in this or any other Act to the Department of
10 Defense Acquisition Workforce Development Fund may be
11 transferred to:

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

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

21 SEC. 8134. The explanatory statement regarding this
22 Act, printed in the House of Representatives section of
23 the Congressional Record on or about March 8, 2017, by
24 the Chairman of the Committee on Appropriations of the
25 House of Representatives, shall have the same effect with

1 respect to the allocation of funds and implementation of
2 this Act as if it were a Report of the Committee on Appro-
3 priations.

4 SEC. 8135. No funds provided in this Act shall be
5 used to deny an Inspector General funded under this Act
6 timely access to any records, documents, or other mate-
7 rials available to the department or agency over which that
8 Inspector General has responsibilities under the Inspector
9 General Act of 1978, or to prevent or impede that Inspec-
10 tor General's access to such records, documents, or other
11 materials, under any provision of law, except a provision
12 of law that expressly refers to the Inspector General and
13 expressly limits the Inspector General's right of access. A
14 department or agency covered by this section shall provide
15 its Inspector General with access to all such records, docu-
16 ments, and other materials in a timely manner. Each In-
17 spector General shall ensure compliance with statutory
18 limitations on disclosure relevant to the information pro-
19 vided by the establishment over which that Inspector Gen-
20 eral has responsibilities under the Inspector General Act
21 of 1978. Each Inspector General covered by this section
22 shall report to the Committees on Appropriations of the
23 House of Representatives and the Senate within 5 cal-
24 endar days any failures to comply with this requirement.

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

6 For an additional amount for “Military Personnel,
7 Army”, \$1,948,648,000: *Provided*, That such amount is
8 designated by the Congress for Overseas Contingency Op-
9 erations/Global War on Terrorism pursuant to section
10 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 MILITARY PERSONNEL, NAVY

13 For an additional amount for “Military Personnel,
14 Navy”, \$327,427,000: *Provided*, That such amount is des-
15 ignated by the Congress for Overseas Contingency Oper-
16 ations/Global War on Terrorism pursuant to section
17 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 MILITARY PERSONNEL, MARINE CORPS

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

1 MILITARY PERSONNEL, AIR FORCE

2 For an additional amount for “Military Personnel,
3 Air Force”, \$705,706,000: *Provided*, That such amount
4 is designated by the Congress for Overseas Contingency
5 Operations/Global War on Terrorism pursuant to section
6 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 RESERVE PERSONNEL, ARMY

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

15 RESERVE PERSONNEL, NAVY

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

22 RESERVE PERSONNEL, MARINE CORPS

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

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

4 RESERVE PERSONNEL, AIR FORCE

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

11 NATIONAL GUARD PERSONNEL, ARMY

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

18 NATIONAL GUARD PERSONNEL, AIR FORCE

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

1 OPERATION AND MAINTENANCE

2 OPERATION AND MAINTENANCE, ARMY

3 For an additional amount for “Operation and Main-
4 tenance, Army”, \$15,693,068,000: *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”, \$7,887,349,000: *Provided*, That such
12 amount is designated by the Congress for Overseas Con-
13 tingency Operations/Global War on Terrorism pursuant to
14 section 251(b)(2)(A)(ii) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, MARINE CORPS

17 For an additional amount for “Operation and Main-
18 tenance, Marine Corps”, \$1,607,259,000: *Provided*, That
19 such amount is designated by the Congress for Overseas
20 Contingency Operations/Global War on Terrorism pursu-
21 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985.

23 OPERATION AND MAINTENANCE, AIR FORCE

24 For an additional amount for “Operation and Main-
25 tenance, Air Force”, \$10,556,598,000: *Provided*, That

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

5 OPERATION AND MAINTENANCE, DEFENSE-WIDE

6 For an additional amount for “Operation and Main-
7 tenance, Defense-Wide”, \$6,476,649,000: *Provided*, That
8 of the funds provided under this heading, not to exceed
9 \$920,000,000, to remain available until September 30,
10 2018, shall be for payments to reimburse key cooperating
11 nations for logistical, military, and other support, includ-
12 ing access, provided to United States military and stability
13 operations in Afghanistan and to counter the Islamic
14 State of Iraq and the Levant: *Provided further*, That such
15 reimbursement payments may be made in such amounts
16 as the Secretary of Defense, with the concurrence of the
17 Secretary of State, and in consultation with the Director
18 of the Office of Management and Budget, may determine,
19 based on documentation determined by the Secretary of
20 Defense to adequately account for the support provided,
21 and such determination is final and conclusive upon the
22 accounting officers of the United States, and 15 days fol-
23 lowing notification to the appropriate congressional com-
24 mittees: *Provided further*, That these funds may be used
25 for the purpose of providing specialized training and pro-

1 curing supplies and specialized equipment and providing
2 such supplies and loaning such equipment on a non-reim-
3 bursable basis to coalition forces supporting United States
4 military and stability operations in Afghanistan and to
5 counter the Islamic State of Iraq and the Levant, and 15
6 days following notification to the appropriate congres-
7 sional committees: *Provided further*, That these funds may
8 be used to support the Government of Jordan, in such
9 amounts as the Secretary of Defense may determine, to
10 enhance the ability of the armed forces of Jordan to in-
11 crease or sustain security along its borders, upon 15 days
12 prior written notification to the congressional defense
13 committees outlining the amounts intended to be provided
14 and the nature of the expenses incurred: *Provided further*,
15 That of the funds provided under this heading, not to ex-
16 ceed \$750,000,000, to remain available until September
17 30, 2018, shall be available to provide support and assist-
18 ance to foreign security forces or other groups or individ-
19 uals to conduct, support or facilitate counterterrorism, cri-
20 sis response, or other Department of Defense security co-
21 operation programs: *Provided further*, That of the funds
22 provided under this heading, up to \$30,000,000 shall be
23 for Operation Observant Compass: *Provided further*, That
24 the Secretary of Defense shall provide quarterly reports
25 to the congressional defense committees on the use of

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

6 OPERATION AND MAINTENANCE, ARMY RESERVE

7 For an additional amount for “Operation and Main-
8 tenance, Army Reserve”, \$38,679,000: *Provided*, That
9 such amount is designated by the Congress for Overseas
10 Contingency Operations/Global War on Terrorism pursu-
11 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
12 and Emergency Deficit Control Act of 1985.

13 OPERATION AND MAINTENANCE, NAVY RESERVE

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

20 OPERATION AND MAINTENANCE, MARINE CORPS

21 RESERVE

22 For an additional amount for “Operation and Main-
23 tenance, Marine Corps Reserve”, \$3,304,000: *Provided*,
24 That such amount is designated by the Congress for Over-
25 seas Contingency Operations/Global War on Terrorism

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

3 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

4 For an additional amount for “Operation and Main-
5 tenance, Air Force Reserve”, \$57,586,000: *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”, \$127,035,000: *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”, \$20,000,000: *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 AFGHANISTAN SECURITY FORCES FUND

2 For the “Afghanistan Security Forces Fund”,
3 \$4,262,715,000, to remain available until September 30,
4 2018: *Provided*, That such funds shall be available to the
5 Secretary of Defense, notwithstanding any other provision
6 of law, for the purpose of allowing the Commander, Com-
7 bined Security Transition Command—Afghanistan, or the
8 Secretary’s designee, to provide assistance, with the con-
9 currence of the Secretary of State, to the security forces
10 of Afghanistan, including the provision of equipment, sup-
11 plies, services, training, facility and infrastructure repair,
12 renovation, construction, and funding: *Provided further*,
13 That the Secretary of Defense may obligate and expend
14 funds made available to the Department of Defense in this
15 title for additional costs associated with existing projects
16 previously funded with amounts provided under the head-
17 ing “Afghanistan Infrastructure Fund” in prior Acts: *Pro-*
18 *vided further*, That such costs shall be limited to contract
19 changes resulting from inflation, market fluctuation, rate
20 adjustments, and other necessary contract actions to com-
21 plete existing projects, and associated supervision and ad-
22 ministration costs and costs for design during construc-
23 tion: *Provided further*, That the Secretary may not use
24 more than \$50,000,000 under the authority provided in
25 this section: *Provided further*, That the Secretary shall no-

1 tify in advance such contract changes and adjustments in
2 annual reports to the congressional defense committees:
3 *Provided further*, That the authority to provide assistance
4 under this heading is in addition to any other authority
5 to provide assistance to foreign nations: *Provided further*,
6 That contributions of funds for the purposes provided
7 herein from any person, foreign government, or inter-
8 national organization may be credited to this Fund, to re-
9 main available until expended, and used for such purposes:
10 *Provided further*, That the Secretary of Defense shall no-
11 tify the congressional defense committees in writing upon
12 the receipt and upon the obligation of any contribution,
13 delineating the sources and amounts of the funds received
14 and the specific use of such contributions: *Provided fur-*
15 *ther*, That the Secretary of Defense shall, not fewer than
16 15 days prior to obligating from this appropriation ac-
17 count, notify the congressional defense committees in writ-
18 ing of the details of any such obligation: *Provided further*,
19 That the Secretary of Defense shall notify the congres-
20 sional defense committees of any proposed new projects
21 or transfer of funds between budget sub-activity groups
22 in excess of \$20,000,000: *Provided further*, That the
23 United States may accept equipment procured using funds
24 provided under this heading in this or prior Acts that was
25 transferred to the security forces of Afghanistan and re-

1 turned by such forces to the United States: *Provided fur-*
2 *ther*, That equipment procured using funds provided under
3 this heading in this or prior Acts, and not yet transferred
4 to the security forces of Afghanistan or transferred to the
5 security forces of Afghanistan and returned by such forces
6 to the United States, may be treated as stocks of the De-
7 partment of Defense upon written notification to the con-
8 gressional defense committees: *Provided further*, That of
9 the funds provided under this heading, not less than
10 \$10,000,000 shall be for recruitment and retention of
11 women in the Afghanistan National Security Forces, and
12 the recruitment and training of female security personnel:
13 *Provided further*, That such amount is designated by the
14 Congress for Overseas Contingency Operations/Global
15 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
16 the Balanced Budget and Emergency Deficit Control Act
17 of 1985.

18 COUNTER-ISIL TRAIN AND EQUIP FUND

19 For the “Counter-Islamic State of Iraq and the Le-
20 vant Train and Equip Fund”, \$980,000,000, to remain
21 available until September 30, 2018: *Provided*, That such
22 funds shall be available to the Secretary of Defense in co-
23 ordination with the Secretary of State, to provide assist-
24 ance, including training; equipment; logistics support, sup-
25 plies, and services; stipends; infrastructure repair and ren-

1 ovation; and sustainment, to foreign security forces, irreg-
2 ular forces, groups, or individuals participating, or pre-
3 paring to participate in activities to counter the Islamic
4 State of Iraq and the Levant, and their affiliated or asso-
5 ciated groups: *Provided further*, That these funds may be
6 used, in such amounts as the Secretary of Defense may
7 determine, to enhance the border security of nations adja-
8 cent to conflict areas, including Jordan and Lebanon, re-
9 sulting from actions of the Islamic State of Iraq and the
10 Levant: *Provided further*, That amounts made available
11 under this heading shall be available to provide assistance
12 only for activities in a country designated by the Secretary
13 of Defense, in coordination with the Secretary of State,
14 as having a security mission to counter the Islamic State
15 of Iraq and the Levant, and following written notification
16 to the congressional defense committees of such designa-
17 tion: *Provided further*, That the Secretary of Defense shall
18 ensure that prior to providing assistance to elements of
19 any forces or individuals, such elements or individuals are
20 appropriately vetted, including at a minimum, assessing
21 such elements for associations with terrorist groups or
22 groups associated with the Government of Iran; and re-
23 ceiving commitments from such elements to promote re-
24 spect for human rights and the rule of law: *Provided fur-*
25 *ther*, That the Secretary of Defense shall, not fewer than

1 15 days prior to obligating from this appropriation ac-
2 count, notify the congressional defense committees in writ-
3 ing of the details of any such obligation: *Provided further*,
4 That the Secretary of Defense may accept and retain con-
5 tributions, including assistance in-kind, from foreign gov-
6 ernments, including the Government of Iraq and other en-
7 tities, to carry out assistance authorized under this head-
8 ing: *Provided further*, That contributions of funds for the
9 purposes provided herein from any foreign government or
10 other entity may be credited to this Fund, to remain avail-
11 able until expended, and used for such purposes: *Provided*
12 *further*, That the Secretary of Defense may waive a provi-
13 sion of law relating to the acquisition of items and support
14 services or sections 40 and 40A of the Arms Export Con-
15 trol Act (22 U.S.C. 2780 and 2785) if the Secretary deter-
16 mines that such provision of law would prohibit, restrict,
17 delay or otherwise limit the provision of such assistance
18 and a notice of and justification for such waiver is sub-
19 mitted to the congressional defense committees, the Com-
20 mittees on Appropriations and Foreign Relations of the
21 Senate and the Committees on Appropriations and For-
22 eign Affairs of the House of Representatives: *Provided fur-*
23 *ther*, That the United States may accept equipment pro-
24 cured using funds provided under this heading, or under
25 the heading, “Iraq Train and Equip Fund” in prior Acts,

1 that was transferred to security forces, irregular forces,
2 or groups participating, or preparing to participate in ac-
3 tivities to counter the Islamic State of Iraq and the Levant
4 and returned by such forces or groups to the United
5 States, may be treated as stocks of the Department of De-
6 fense upon written notification to the congressional de-
7 fense committees: *Provided further*, That equipment pro-
8 cured using funds provided under this heading, or under
9 the heading, “Iraq Train and Equip Fund” in prior Acts,
10 and not yet transferred to security forces, irregular forces,
11 or groups participating, or preparing to participate in ac-
12 tivities to counter the Islamic State of Iraq and the Levant
13 may be treated as stocks of the Department of Defense
14 when determined by the Secretary to no longer be required
15 for transfer to such forces or groups and upon written
16 notification to the congressional defense committees: *Pro-*
17 *vided further*, That the Secretary of Defense shall provide
18 quarterly reports to the congressional defense committees
19 on the use of funds provided under this heading, including,
20 but not limited to, the number of individuals trained, the
21 nature and scope of support and sustainment provided to
22 each group or individual, the area of operations for each
23 group, and the contributions of other countries, groups,
24 or individuals: *Provided further*, 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 PROCUREMENT

5 AIRCRAFT PROCUREMENT, ARMY

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

13 MISSILE PROCUREMENT, ARMY

14 For an additional amount for “Missile Procurement,
15 Army”, \$405,317,000, to remain available until Sep-
16 tember 30, 2019: *Provided*, That such amount is des-
17 ignated by the Congress for Overseas Contingency Oper-
18 ations/Global War on Terrorism pursuant to section
19 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

22 VEHICLES, ARMY

23 For an additional amount for “Procurement of Weap-
24 ons and Tracked Combat Vehicles, Army”, \$395,944,000,
25 to remain available until September 30, 2019: *Provided*,

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

5 PROCUREMENT OF AMMUNITION, ARMY

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

13 OTHER PROCUREMENT, ARMY

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

21 AIRCRAFT PROCUREMENT, NAVY

22 For an additional amount for “Aircraft Procurement,
23 Navy”, \$367,930,000, to remain available until September
24 30, 2019: *Provided*, That such amount is designated by
25 the Congress for Overseas Contingency Operations/Global

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

4 WEAPONS PROCUREMENT, NAVY

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

12 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

13 CORPS

14 For an additional amount for “Procurement of Am-
15 munition, Navy and Marine Corps”, \$65,380,000, to re-
16 main available until September 30, 2019: *Provided*, That
17 such amount is designated by the Congress for Overseas
18 Contingency Operations/Global War on Terrorism pursu-
19 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
20 and Emergency Deficit Control Act of 1985.

21 OTHER PROCUREMENT, NAVY

22 For an additional amount for “Other Procurement,
23 Navy”, \$99,786,000, to remain available until September
24 30, 2019: *Provided*, That such amount is designated by
25 the Congress for Overseas Contingency Operations/Global

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

4 PROCUREMENT, MARINE CORPS

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

12 AIRCRAFT PROCUREMENT, AIR FORCE

13 For an additional amount for “Aircraft Procurement,
14 Air Force”, \$927,249,000, 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 MISSILE PROCUREMENT, AIR FORCE

21 For an additional amount for “Missile Procurement,
22 Air Force”, \$235,095,000, to remain available until Sep-
23 tember 30, 2019: *Provided*, That such amount is des-
24 ignated by the Congress for Overseas Contingency Oper-
25 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”, \$273,345,000, to remain available
6 until September 30, 2019: *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”, \$3,529,456,000, to remain available until
14 September 30, 2019: *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”, \$244,184,000, to remain available until Sep-
22 tember 30, 2019: *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, \$750,000,000, to remain available for obligation
8 until September 30, 2019: *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 RESEARCH, DEVELOPMENT, TEST AND
2 EVALUATION

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 ARMY

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

12 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
13 NAVY

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

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

23 For an additional amount for “Research, Develop-
24 ment, Test and Evaluation, Air Force”, \$67,905,000, to
25 remain available until September 30, 2018: *Provided*,

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

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

7 For an additional amount for “Research, Develop-
8 ment, Test and Evaluation, Defense-Wide”,
9 \$159,919,000, to remain available until September 30,
10 2018: *Provided*, That such amount is designated by the
11 Congress for Overseas Contingency Operations/Global
12 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
13 the Balanced Budget and Emergency Deficit Control Act
14 of 1985.

15 REVOLVING AND MANAGEMENT FUNDS

16 DEFENSE WORKING CAPITAL FUNDS

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

1 OTHER DEPARTMENT OF DEFENSE PROGRAMS
2 DEFENSE HEALTH PROGRAM

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

10 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
11 DEFENSE

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

18 JOINT IMPROVISED-THREAT DEFEAT FUND

19 (INCLUDING TRANSFER OF FUNDS)

20 For the “Joint Improvised-Threat Defeat Fund”,
21 \$339,472,000, to remain available until September 30,
22 2019: *Provided*, That such funds shall be available to the
23 Secretary of Defense, notwithstanding any other provision
24 of law, for the purpose of allowing the Director of the
25 Joint Improvised-Threat Defeat Organization to inves-

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

20 OFFICE OF THE INSPECTOR GENERAL

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

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

3 GENERAL PROVISIONS—THIS TITLE

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

8 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 SEC. 9010. Funds made available in this title to the
24 Department of Defense for operation and maintenance
25 may be used to purchase items having an investment unit

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

8 SEC. 9011. From funds made available to the De-
9 partment of Defense in this title under the heading “Oper-
10 ation and Maintenance, Air Force”, up to \$60,000,000
11 may be used by the Secretary of Defense, notwithstanding
12 any other provision of law, to support United States Gov-
13 ernment transition activities in Iraq by funding the oper-
14 ations and activities of the Office of Security Cooperation
15 in Iraq and security assistance teams, including life sup-
16 port, transportation and personal security, and facilities
17 renovation and construction, and site closeout activities
18 prior to returning sites to the Government of Iraq: *Pro-*
19 *vided*, That to the extent authorized under the National
20 Defense Authorization Act for Fiscal Year 2017, the oper-
21 ations and activities that may be carried out by the Office
22 of Security Cooperation in Iraq may, with the concurrence
23 of the Secretary of State, include non-operational training
24 activities in support of Iraqi Minister of Defense and
25 Counter Terrorism Service personnel in an institutional

1 environment to address capability gaps, integrate proc-
2 esses relating to intelligence, air sovereignty, combined
3 arms, logistics and maintenance, and to manage and inte-
4 grate defense-related institutions: *Provided further*, That
5 not later than 30 days following the enactment of this Act,
6 the Secretary of Defense and the Secretary of State shall
7 submit to the congressional defense committees a plan for
8 transitioning any such training activities that they deter-
9 mine are needed after the end of fiscal year 2017, to exist-
10 ing or new contracts for the sale of defense articles or
11 defense services consistent with the provisions of the Arms
12 Export Control Act (22 U.S.C. 2751 et seq.): *Provided*
13 *further*, That, not less than 15 days before making funds
14 available pursuant to the authority provided in this sec-
15 tion, the Secretary of Defense shall submit to the congres-
16 sional defense committees a written notice containing a
17 detailed justification and timeline for the operations and
18 activities of the Office of Security Cooperation in Iraq at
19 each site where such operations and activities will be con-
20 ducted during fiscal year 2017: *Provided further*, That
21 amounts made available by this section are designated by
22 the Congress for Overseas Contingency Operations/Global
23 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
24 the Balanced Budget and Emergency Deficit Control Act
25 of 1985.

1 SEC. 9012. Up to \$500,000,000 of funds appro-
2 priated by this Act for the Defense Security Cooperation
3 Agency in “Operation and Maintenance, Defense-Wide”
4 may be used to provide assistance to the Government of
5 Jordan to support the armed forces of Jordan and to en-
6 hance security along its borders.

7 SEC. 9013. None of the funds made available by this
8 Act under the heading “Counter-ISIL Train and Equip
9 Fund” may be used to procure or transfer man-portable
10 air defense systems.

11 SEC. 9014. For the “Ukraine Security Assistance Ini-
12 tiative”, \$150,000,000 is hereby appropriated, to remain
13 available until September 30, 2017: *Provided*, That such
14 funds shall be available to the Secretary of Defense, in
15 coordination with the Secretary of State, to provide assist-
16 ance, including training; equipment; lethal weapons of a
17 defensive nature; logistics support, supplies and services;
18 sustainment; and intelligence support to the military and
19 national security forces of Ukraine, and for replacement
20 of any weapons or defensive articles provided to the Gov-
21 ernment of Ukraine from the inventory of the United
22 States: *Provided further*, That the Secretary of Defense
23 shall, not less than 15 days prior to obligating funds pro-
24 vided under this heading, notify the congressional defense
25 committees in writing of the details of any such obligation:

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

16 SEC. 9015. Funds appropriated in this title shall be
17 available for replacement of funds for items provided to
18 the Government of Ukraine from the inventory of the
19 United States to the extent specifically provided for in sec-
20 tion 9014 of this Act.

21 SEC. 9016. None of the funds made available by this
22 Act under section 9014 for “Assistance and Sustainment
23 to the Military and National Security Forces of Ukraine”
24 may be used to procure or transfer man-portable air de-
25 fense systems.

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

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

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

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

1 to the Department of Defense and made available for
2 transfer only to the operation and maintenance, military
3 personnel, and procurement accounts, to improve the intel-
4 ligence, surveillance, and reconnaissance capabilities of the
5 Department of Defense: *Provided*, That the transfer au-
6 thority provided in this section is in addition to any other
7 transfer authority provided elsewhere in this Act: *Provided*
8 *further*, That not later than 30 days prior to exercising
9 the transfer authority provided in this section, the Sec-
10 retary of Defense shall submit a report to the congres-
11 sional defense committees on the proposed uses of these
12 funds: *Provided further*, That the funds provided in this
13 section may not be transferred to any program, project,
14 or activity specifically limited or denied by this Act: *Pro-*
15 *vided further*, That amounts made available by this section
16 are designated by the Congress for Overseas Contingency
17 Operations/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: *Provided further*, That the
20 authority to provide funding under this section shall termi-
21 nate on September 30, 2017.

22 SEC. 9019. None of the funds made available by this
23 Act may be used with respect to Syria in contravention
24 of the War Powers Resolution (50 U.S.C. 1541 et seq.),
25 including for the introduction of United States armed or

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

3 “Operation and Maintenance, Defense-Wide,
4 DSCA Coalition Support Fund”, 2016/2017,
5 \$300,000,000;

6 “Counterterrorism Partnerships Fund”, 2016/
7 2017, \$200,000,000;

8 “Afghanistan Security Forces Fund”, 2016/
9 2017, \$150,000,000; and

10 “Other Procurement, Air Force”, 2016/2018,
11 \$169,000,000.

12 (RESCISSION)

13 SEC. 9022. Of the funds appropriated in Department
14 of Defense Appropriations Acts, the following funds are
15 hereby rescinded from the following accounts and pro-
16 grams in the specified amounts: *Provided*, That amounts
17 rescinded pursuant to this section that were previously
18 designated by the Congress for contingency operations di-
19 rectly related to the global war on terrorism pursuant to
20 section 3(c)(2) of H. Res. 5 (112th Congress) and as an
21 emergency requirement pursuant to section 403(a) of S.
22 Con. Res. 13 (111th Congress) are designated by the Con-
23 gress for Overseas Contingency Operations/Global War on
24 Terrorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985:

1 “Operation and Maintenance, Defense-Wide:
2 Coalition Support Funds”, XXXX, \$11,524,000.

3 SEC. 9023. (a) The Mine Resistant Ambush Pro-
4 tected Vehicle Fund provided for by section 123 of Public
5 Law 110–92 (121 Stat. 992) is hereby terminated, effec-
6 tive as of the date of the enactment of this Act.

7 (b) Any unobligated balances in the Mine Resistant
8 Ambush Protected Vehicle Fund as of the date of the en-
9 actment of this Act shall, notwithstanding any provision
10 of subchapter IV of chapter 15 of title 31, United States
11 Code, or the procedures under such subchapter, be depos-
12 ited in the Treasury as miscellaneous receipts.

13 SEC. 9024. Each amount designated in this Act by
14 the Congress for Overseas Contingency Operations/Global
15 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
16 the Balanced Budget and Emergency Deficit Control Act
17 of 1985 shall be available (or rescinded, if applicable) only
18 if the President subsequently so designates all such
19 amounts and transmits such designations to the Congress.

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

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