

Union Calendar No. 63

117TH CONGRESS
1ST SESSION

H. R. 4432

[Report No. 117–88]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2021

Ms. McCOLLUM, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
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, 2022, 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,
\$47,875,354,000.

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, \$35,458,629,000.

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, \$14,595,837,000.

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 \$35,016,131,000.

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 7038 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, \$5,172,805,000.

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 \$2,294,229,000.

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 \$866,219,000.

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, \$2,374,433,000.

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, \$8,988,044,000.

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 \$4,818,279,000.

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, \$54,343,965,000: *Provided*, That not to ex-
15 ceed \$12,478,000 may be used for emergencies and ex-
16 traordinary expenses, to be expended upon the approval
17 or authority of the Secretary of the Army, and payments
18 may be made upon his certificate of necessity for confiden-
19 tial military purposes.

20 OPERATION AND MAINTENANCE, NAVY

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance of the Navy and the
23 Marine Corps, as authorized by law, \$61,086,598,000:
24 *Provided*, That not to exceed \$15,055,000 may be used
25 for emergencies and extraordinary expenses, to be ex-

1 pended upon the approval or authority of the Secretary
2 of the Navy, and payments may be made upon his certifi-
3 cate of necessity 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, \$9,090,653,000.

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, \$53,756,603,000: *Provided*, That not
12 to exceed \$7,699,000 may be used for emergencies and
13 extraordinary expenses, to be expended upon the approval
14 or authority of the Secretary of the Air Force, and pay-
15 ments may be made upon his certificate of necessity for
16 confidential military purposes.

17 OPERATION AND MAINTENANCE, SPACE FORCE

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

21 OPERATION AND MAINTENANCE, DEFENSE-WIDE

22 (INCLUDING TRANSFER OF FUNDS)

23 For expenses, not otherwise provided for, necessary
24 for the operation and maintenance of activities and agen-
25 cies of the Department of Defense (other than the military

1 departments), as authorized by law, \$45,306,975,000:
2 *Provided*, That not more than \$3,000,000 may be used
3 for the Combatant Commander Initiative Fund authorized
4 under section 166a of title 10, United States Code: *Pro-*
5 *vided further*, That not to exceed \$36,000,000 may be
6 used for emergencies and extraordinary expenses, to be ex-
7 pended upon the approval or authority of the Secretary
8 of Defense, and payments may be made upon his certifi-
9 cate of necessity for confidential military purposes: *Pro-*
10 *vided further*, That of the funds provided under this head-
11 ing, not less than \$50,000,000 shall be made available for
12 the Procurement Technical Assistance Cooperative Agree-
13 ment Program, of which not less than \$4,500,000 shall
14 be available for centers defined in 10 U.S.C. 2411(1)(D):
15 *Provided further*, That none of the funds appropriated or
16 otherwise made available by this Act may be used to plan
17 or implement the consolidation of a budget or appropria-
18 tions liaison office of the Office of the Secretary of De-
19 fense, the office of the Secretary of a military department,
20 or the service headquarters of one of the Armed Forces
21 into a legislative affairs or legislative liaison office: *Pro-*
22 *vided further*, That \$18,000,000, to remain available until
23 expended, is available only for expenses relating to certain
24 classified activities, and may be transferred as necessary
25 by the Secretary of Defense to operation and maintenance

1 appropriations or research, development, test and evalua-
2 tion appropriations, to be merged with and to be available
3 for the same time period as the appropriations to which
4 transferred: *Provided further*, That any ceiling on the in-
5 vestment item unit cost of items that may be purchased
6 with operation and maintenance funds shall not apply to
7 the funds described in the preceding proviso: *Provided fur-*
8 *ther*, That the Secretary of Defense shall provide quarterly
9 reports to the Committees on Appropriations of the House
10 of Representatives and the Senate on the use and status
11 of funds made available in this paragraph: *Provided fur-*
12 *ther*, That the transfer authority provided under this head-
13 ing is in addition to any other transfer authority provided
14 elsewhere in this Act.

15 AFGHANISTAN SECURITY FORCES FUND

16 For the “Afghanistan Security Forces Fund”,
17 \$3,045,341,000, to remain available until September 30,
18 2023: *Provided*, That such funds shall be available to the
19 Secretary of Defense for the purpose of allowing the Com-
20 mander, Combined Security Transition Command—Af-
21 ghanistan, or the Secretary’s designee, to provide assist-
22 ance, with the concurrence of the Secretary of State, to
23 the security forces of Afghanistan, including the provision
24 of equipment, supplies, services, training, facility and in-
25 frastructure repair, renovation, construction, and funding:

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

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

1 of female security personnel: *Provided further*, That funds
2 appropriated under this heading and made available for
3 the salaries and benefits of personnel of the Afghanistan
4 Security Forces may only be used for personnel who are
5 enrolled in the Afghanistan Personnel and Pay System:
6 *Provided further*, That funds appropriated under this
7 heading for the Afghanistan Security Forces may only be
8 obligated if the Secretary of Defense, in consultation with
9 the Secretary of State, certifies in writing to the congress-
10 sional defense committees that such forces are controlled
11 by a civilian, representative government that is committed
12 to protecting human rights and women’s rights and pre-
13 venting terrorists and terrorist groups from using the ter-
14 ritory of Afghanistan to threaten the security of the
15 United States and United States allies: *Provided further*,
16 That funds appropriated under this heading may only be
17 obligated after the Secretary of Defense certifies in writing
18 to the congressional defense committees that a program
19 is in place to monitor, evaluate, and oversee such funds.

20 COUNTER-ISIS TRAIN AND EQUIP FUND

21 For the “Counter-Islamic State of Iraq and Syria
22 Train and Equip Fund”, \$500,000,000, to remain avail-
23 able until September 30, 2023: *Provided*, That such funds
24 shall be available to the Secretary of Defense in coordina-
25 tion with the Secretary of State, to provide assistance, in-

1 cluding training; equipment; logistics support, supplies,
2 and services; stipends; infrastructure repair and renova-
3 tion; construction for facility fortification and humane
4 treatment; and sustainment, to foreign security forces, ir-
5 regular forces, groups, or individuals participating, or pre-
6 paring to participate in activities to counter the Islamic
7 State of Iraq and Syria, and their affiliated or associated
8 groups: *Provided further*, That amounts made available
9 under this heading shall be available to provide assistance
10 only for activities in a country designated by the Secretary
11 of Defense, in coordination with the Secretary of State,
12 as having a security mission to counter the Islamic State
13 of Iraq and Syria, and following written notification to the
14 congressional defense committees of such designation:
15 *Provided further*, That the Secretary of Defense shall en-
16 sure that prior to providing assistance to elements of any
17 forces or individuals, such elements or individuals are ap-
18 propriately vetted, including at a minimum, assessing such
19 elements for associations with terrorist groups or groups
20 associated with the Government of Iran; and receiving
21 commitments from such elements to promote respect for
22 human rights and the rule of law: *Provided further*, That
23 the Secretary of Defense shall, not fewer than 15 days
24 prior to obligating from this appropriation account, notify
25 the congressional defense committees in writing of the de-

1 tails of any such obligation: *Provided further*, That the
2 Secretary of Defense may accept and retain contributions,
3 including assistance in-kind, from foreign governments,
4 including the Government of Iraq and other entities, to
5 carry out assistance authorized under this heading: *Pro-*
6 *vided further*, That contributions of funds for the purposes
7 provided herein from any foreign government or other en-
8 tity may be credited to this Fund, to remain available until
9 expended, and used for such purposes: *Provided further*,
10 That the Secretary of Defense shall prioritize such con-
11 tributions when providing any assistance for construction
12 for facility fortification: *Provided further*, That the Sec-
13 retary of Defense may waive a provision of law relating
14 to the acquisition of items and support services or sections
15 40 and 40A of the Arms Export Control Act (22 U.S.C.
16 2780 and 2785) if the Secretary determines that such pro-
17 vision of law would prohibit, restrict, delay or otherwise
18 limit the provision of such assistance and a notice of and
19 justification for such waiver is submitted to the congres-
20 sional defense committees, the Committees on Appropria-
21 tions and Foreign Relations of the Senate and the Com-
22 mittees on Appropriations and Foreign Affairs of the
23 House of Representatives: *Provided further*, That the
24 United States may accept equipment procured using funds
25 provided under this heading, or under the heading, “Iraq

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

1 OPERATION AND MAINTENANCE, ARMY RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Army Reserve; re-
5 pair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$2,992,135,000.

9 OPERATION AND MAINTENANCE, NAVY RESERVE

10 For expenses, not otherwise provided for, necessary
11 for the operation and maintenance, including training, or-
12 ganization, and administration, of the Navy Reserve; re-
13 pair of facilities and equipment; hire of passenger motor
14 vehicles; travel and transportation; care of the dead; re-
15 cruiting; procurement of services, supplies, and equip-
16 ment; and communications, \$1,147,698,000.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 RESERVE

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance, including training, or-
21 ganization, and administration, of the Marine Corps Re-
22 serve; repair of facilities and equipment; hire of passenger
23 motor vehicles; travel and transportation; care of the dead;
24 recruiting; procurement of services, supplies, and equip-
25 ment; and communications, \$286,550,000.

1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Air Force Reserve;
5 repair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$3,335,606,000.

9 OPERATION AND MAINTENANCE, ARMY NATIONAL
10 GUARD

11 For expenses of training, organizing, and admin-
12 istering the Army National Guard, including medical and
13 hospital treatment and related expenses in non-Federal
14 hospitals; maintenance, operation, and repairs to struc-
15 tures and facilities; hire of passenger motor vehicles; per-
16 sonnel services in the National Guard Bureau; travel ex-
17 penses (other than mileage), as authorized by law for
18 Army personnel on active duty, for Army National Guard
19 division, regimental, and battalion commanders while in-
20 specting units in compliance with National Guard Bureau
21 regulations when specifically authorized by the Chief, Na-
22 tional Guard Bureau; supplying and equipping the Army
23 National Guard as authorized by law; and expenses of re-
24 pair, modification, maintenance, and issue of supplies and
25 equipment (including aircraft), \$7,617,209,000.

1 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

2 For expenses of training, organizing, and admin-
3 istering the Air National Guard, including medical and
4 hospital treatment and related expenses in non-Federal
5 hospitals; maintenance, operation, and repairs to struc-
6 tures and facilities; transportation of things, hire of pas-
7 senger motor vehicles; supplying and equipping the Air
8 National Guard, as authorized by law; expenses for repair,
9 modification, maintenance, and issue of supplies and
10 equipment, including those furnished from stocks under
11 the control of agencies of the Department of Defense;
12 travel expenses (other than mileage) on the same basis as
13 authorized by law for Air National Guard personnel on
14 active Federal duty, for Air National Guard commanders
15 while inspecting units in compliance with National Guard
16 Bureau regulations when specifically authorized by the
17 Chief, National Guard Bureau, \$6,568,750,000.

18 UNITED STATES COURT OF APPEALS FOR THE ARMED

19 FORCES

20 For salaries and expenses necessary for the United
21 States Court of Appeals for the Armed Forces,
22 \$15,589,000, of which not to exceed \$5,000 may be used
23 for official representation purposes.

1 ENVIRONMENTAL RESTORATION, ARMY

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Army, \$251,008,000, to
4 remain available until transferred: *Provided*, That the Sec-
5 retary of the Army shall, upon determining that such
6 funds are required for environmental restoration, reduc-
7 tion and recycling of hazardous waste, removal of unsafe
8 buildings and debris of the Department of the Army, or
9 for similar purposes, transfer the funds made available by
10 this appropriation to other appropriations made available
11 to the Department of the Army, to be merged with and
12 to be available for the same purposes and for the same
13 time period as the appropriations to which transferred:
14 *Provided further*, That upon a determination that all or
15 part of the funds transferred from this appropriation are
16 not necessary for the purposes provided herein, such
17 amounts may be transferred back to this appropriation:
18 *Provided further*, That the transfer authority provided
19 under this heading is in addition to any other transfer au-
20 thority provided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, NAVY

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of the Navy, \$372,813,000, to
24 remain available until transferred: *Provided*, That the Sec-
25 retary of the Navy shall, upon determining that such

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

16 ENVIRONMENTAL RESTORATION, AIR FORCE
17 (INCLUDING TRANSFER OF FUNDS)

18 For the Department of the Air Force, \$377,210,000,
19 to remain available until transferred: *Provided*, That the
20 Secretary of the Air Force shall, upon determining that
21 such funds are required for environmental restoration, re-
22 duction and recycling of hazardous waste, removal of un-
23 safe buildings and debris of the Department of the Air
24 Force, or for similar purposes, transfer the funds made
25 available by this appropriation to other appropriations

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

11 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of Defense, \$10,979,000, to re-
14 main available until transferred: *Provided*, That the Sec-
15 retary of Defense shall, upon determining that such funds
16 are required for environmental restoration, reduction and
17 recycling of hazardous waste, removal of unsafe buildings
18 and debris of the Department of Defense, or for similar
19 purposes, transfer the funds made available by this appro-
20 priation to other appropriations made available to the De-
21 partment of Defense, to be merged with and to be avail-
22 able for the same purposes and for the same time period
23 as the appropriations to which transferred: *Provided fur-*
24 *ther*, That upon a determination that all or part of the
25 funds transferred from this appropriation are not nec-

1 essary for the purposes provided herein, such amounts
2 may be transferred back to this appropriation: *Provided*
3 *further*, That the transfer authority provided under this
4 heading is in addition to any other transfer authority pro-
5 vided elsewhere in this Act.

6 ENVIRONMENTAL RESTORATION, FORMERLY USED
7 DEFENSE SITES
8 (INCLUDING TRANSFER OF FUNDS)

9 For the Department of the Army, \$292,580,000, to
10 remain available until transferred: *Provided*, That the Sec-
11 retary of the Army shall, upon determining that such
12 funds are required for environmental restoration, reduc-
13 tion and recycling of hazardous waste, removal of unsafe
14 buildings and debris at sites formerly used by the Depart-
15 ment of Defense, transfer the funds made available by this
16 appropriation to other appropriations made available to
17 the Department of the Army, to be merged with and to
18 be available for the same purposes and for the same time
19 period as the appropriations to which transferred: *Pro-*
20 *vided further*, That upon a determination that all or part
21 of the funds transferred from this appropriation are not
22 necessary for the purposes provided herein, such amounts
23 may be transferred back to this appropriation: *Provided*
24 *further*, That the transfer authority provided under this

1 heading is in addition to any other transfer authority pro-
2 vided elsewhere in this Act.

3 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

4 For expenses relating to the Overseas Humanitarian,
5 Disaster, and Civic Aid programs of the Department of
6 Defense (consisting of the programs provided under sec-
7 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
8 United States Code), \$150,051,000, to remain available
9 until September 30, 2023: *Provided*, That such amounts
10 shall not be subject to the limitation in section 407(e)(3)
11 of title 10, United States Code.

12 COOPERATIVE THREAT REDUCTION ACCOUNT

13 For assistance, including assistance provided by con-
14 tract or by grants, under programs and activities of the
15 Department of Defense Cooperative Threat Reduction
16 Program authorized under the Department of Defense Co-
17 operative Threat Reduction Act, \$344,849,000, to remain
18 available until September 30, 2024.

19 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

20 DEVELOPMENT ACCOUNT

21 For the Department of Defense Acquisition Work-
22 force Development Account, \$54,679,000, to remain avail-
23 able for obligation until September 30, 2022: *Provided*,
24 That no other amounts may be otherwise credited or
25 transferred to the Account, or deposited into the Account,

1 in fiscal year 2022 pursuant to section 1705(d) of title
2 10, United States Code.

3 TITLE III

4 PROCUREMENT

5 AIRCRAFT PROCUREMENT, ARMY

6 For construction, procurement, production, modifica-
7 tion, and modernization of aircraft, equipment, including
8 ordnance, ground handling equipment, spare parts, and
9 accessories therefor; specialized equipment and training
10 devices; expansion of public and private plants, including
11 the land necessary therefor, for the foregoing purposes,
12 and such lands and interests therein, may be acquired,
13 and construction prosecuted thereon prior to approval of
14 title; and procurement and installation of equipment, ap-
15 pliances, and machine tools in public and private plants;
16 reserve plant and Government and contractor-owned
17 equipment layaway; and other expenses necessary for the
18 foregoing purposes, \$3,215,131,000, to remain available
19 for obligation until September 30, 2024.

20 MISSILE PROCUREMENT, ARMY

21 For construction, procurement, production, modifica-
22 tion, and modernization of missiles, equipment, including
23 ordnance, ground handling equipment, spare parts, and
24 accessories therefor; specialized equipment and training
25 devices; expansion of public and private plants, including

1 the land necessary therefor, for the foregoing purposes,
2 and such lands and interests therein, may be acquired,
3 and construction prosecuted thereon prior to approval of
4 title; and procurement and installation of equipment, ap-
5 pliances, and machine tools in public and private plants;
6 reserve plant and Government and contractor-owned
7 equipment layaway; and other expenses necessary for the
8 foregoing purposes, \$3,496,591,000, to remain available
9 for obligation until September 30, 2024.

10 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
11 VEHICLES, ARMY

12 For construction, procurement, production, and
13 modification of weapons and tracked combat vehicles,
14 equipment, including ordnance, spare parts, and acces-
15 sories therefor; specialized equipment and training devices;
16 expansion of public and private plants, including the land
17 necessary therefor, for the foregoing purposes, and such
18 lands and interests therein, may be acquired, and con-
19 struction prosecuted thereon prior to approval of title; and
20 procurement and installation of equipment, appliances,
21 and machine tools in public and private plants; reserve
22 plant and Government and contractor-owned equipment
23 layaway; and other expenses necessary for the foregoing
24 purposes, \$3,811,616,000, to remain available for obliga-
25 tion until September 30, 2024.

1 PROCUREMENT OF AMMUNITION, ARMY

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

16 OTHER PROCUREMENT, ARMY

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

1 therein, may be acquired, and construction prosecuted
2 thereon prior to approval of title; and procurement and
3 installation of equipment, appliances, and machine tools
4 in public and private plants; reserve plant and Govern-
5 ment and contractor-owned equipment layaway; and other
6 expenses necessary for the foregoing purposes,
7 \$8,537,213,000, to remain available for obligation until
8 September 30, 2024.

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

22 WEAPONS PROCUREMENT, NAVY

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

1 and accessories therefor; expansion of public and private
2 plants, including the land necessary therefor, and such
3 lands and interests therein, may be acquired, and con-
4 struction prosecuted thereon prior to approval of title; and
5 procurement and installation of equipment, appliances,
6 and machine tools in public and private plants; reserve
7 plant and Government and contractor-owned equipment
8 layaway, \$3,718,711,000, to remain available for obliga-
9 tion until September 30, 2024.

10 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
11 CORPS

12 For construction, procurement, production, and
13 modification of ammunition, and accessories therefor; spe-
14 cialized equipment and training devices; expansion of pub-
15 lic and private plants, including ammunition facilities, au-
16 thorized by section 2854 of title 10, United States Code,
17 and the land necessary therefor, for the foregoing pur-
18 poses, and such lands and interests therein, may be ac-
19 quired, and construction prosecuted thereon prior to ap-
20 proval of title; and procurement and installation of equip-
21 ment, appliances, and machine tools in public and private
22 plants; reserve plant and Government and contractor-
23 owned equipment layaway; and other expenses necessary
24 for the foregoing purposes, \$879,388,000, to remain avail-
25 able for obligation until September 30, 2024.

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

15 Columbia Class Submarine (AP),
16 \$1,601,805,000;

17 Carrier Replacement Program (CVN-80),
18 \$1,062,205,000;

19 Carrier Replacement Program (CVN-81),
20 \$1,287,719,000;

21 Virginia Class Submarine, \$4,329,240,000;

22 Virginia Class Submarine (AP),
23 \$2,104,917,000;

24 CVN Refueling Overhauls, \$2,265,018,000;

25 CVN Refueling Overhauls (AP), \$66,262,000;

1 DDG-1000 Program, \$56,597,000;
2 DDG-51 Destroyer, \$3,334,825,000;
3 FFG-Frigate, \$1,087,900,000;
4 FFG-Frigate (AP), \$69,100,000;
5 LPD Flight II, \$60,636,000;
6 LHA Replacement, \$68,637,000;
7 TAO Fleet Oiler, \$688,184,000;
8 TAGOS SURTASS Ships, \$434,384,000;
9 Towing, Salvage, and Rescue Ship,
10 \$86,785,000;
11 LCU 1700, \$67,928,000;
12 Ship to Shore Connector, \$135,252,000;
13 Service Craft, \$67,866,000;
14 LCAC SLEP, \$32,712,000;
15 Auxiliary Vessels, \$299,900,000;
16 For outfitting, post delivery, conversions, and
17 first destination transportation, \$614,731,000; and
18 Completion of Prior Year Shipbuilding Pro-
19 grams, \$660,795,000.
20 In all: \$23,486,398,000, to remain available for obli-
21 gation until September 30, 2026: *Provided*, That addi-
22 tional obligations may be incurred after September 30,
23 2026, for engineering services, tests, evaluations, and
24 other such budgeted work that must be performed in the
25 final stage of ship construction: *Provided further*, That

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

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, \$10,451,162,000, to
2 remain available for obligation until September 30, 2024:
3 *Provided*, That such funds are also available for the main-
4 tenance, repair, and modernization of Pacific Fleet ships
5 under a pilot program established for such purposes.

6 PROCUREMENT, MARINE CORPS

7 For expenses necessary for the procurement, manu-
8 facture, and modification of missiles, armament, military
9 equipment, spare parts, and accessories therefor; plant
10 equipment, appliances, and machine tools, and installation
11 thereof in public and private plants; reserve plant and
12 Government and contractor-owned equipment layaway; ve-
13 hicles for the Marine Corps, including the purchase of pas-
14 senger motor vehicles for replacement only; and expansion
15 of public and private plants, including land necessary
16 therefor, and such lands and interests therein, may be ac-
17 quired, and construction prosecuted thereon prior to ap-
18 proval of title, \$2,835,365,000, to remain available for ob-
19 ligation until September 30, 2024.

20 AIRCRAFT PROCUREMENT, AIR FORCE

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

1 ernment-owned equipment and installation thereof in such
2 plants, erection of structures, and acquisition of land, for
3 the foregoing purposes, and such lands and interests
4 therein, may be acquired, and construction prosecuted
5 thereon prior to approval of title; reserve plant and Gov-
6 ernment and contractor-owned equipment layaway; and
7 other expenses necessary for the foregoing purposes in-
8 cluding rents and transportation of things,
9 \$16,628,047,000, to remain available for obligation until
10 September 30, 2024.

11 MISSILE PROCUREMENT, AIR FORCE

12 For construction, procurement, and modification of
13 missiles, rockets, and related equipment, including spare
14 parts and accessories therefor; ground handling equip-
15 ment, and training devices; expansion of public and pri-
16 vate plants, Government-owned equipment and installa-
17 tion thereof in such plants, erection of structures, and ac-
18 quisition of land, for the foregoing purposes, and such
19 lands and interests therein, may be acquired, and con-
20 struction prosecuted thereon prior to approval of title; re-
21 serve plant and Government and contractor-owned equip-
22 ment layaway; and other expenses necessary for the fore-
23 going purposes including rents and transportation of
24 things, \$2,529,462,000, to remain available for obligation
25 until September 30, 2024.

1 PROCUREMENT OF AMMUNITION, AIR FORCE

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, \$672,321,000, to remain avail-
15 able for obligation until September 30, 2024.

16 OTHER PROCUREMENT, AIR FORCE

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

1 the foregoing purposes, and such lands and interests
2 therein, may be acquired, and construction prosecuted
3 thereon, prior to approval of title; reserve plant and Gov-
4 ernment and contractor-owned equipment layaway,
5 \$25,292,801,000, to remain available for obligation until
6 September 30, 2024.

7 PROCUREMENT, SPACE FORCE

8 For construction, procurement, and modification of
9 spacecraft, rockets, and related equipment, including
10 spare parts and accessories therefor; ground handling
11 equipment, and training devices; expansion of public and
12 private plants, Government-owned equipment and installa-
13 tion thereof in such plants, erection of structures, and ac-
14 quisition of land, for the foregoing purposes, and such
15 lands and interests therein, may be acquired, and con-
16 struction prosecuted thereon prior to approval of title; re-
17 serve plant and Government and contractor-owned equip-
18 ment layaway; and other expenses necessary for the fore-
19 going purposes including rents and transportation of
20 things, \$2,741,708,000, to remain available for obligation
21 until September 30, 2024.

22 PROCUREMENT, DEFENSE-WIDE

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

1 of equipment, supplies, materials, and spare parts there-
2 for, not otherwise provided for; the purchase of passenger
3 motor vehicles for replacement only; expansion of public
4 and private plants, equipment, and installation thereof in
5 such plants, erection of structures, and acquisition of land
6 for the foregoing purposes, and such lands and interests
7 therein, may be acquired, and construction prosecuted
8 thereon prior to approval of title; reserve plant and Gov-
9 ernment and contractor-owned equipment layaway,
10 \$5,413,546,000, to remain available for obligation until
11 September 30, 2024.

12 DEFENSE PRODUCTION ACT PURCHASES

13 For activities by the Department of Defense pursuant
14 to sections 108, 301, 302, and 303 of the Defense Produc-
15 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
16 \$385,927,000, to remain available until expended: *Pro-*
17 *vided*, That no less than \$60,000,000 of the funds pro-
18 vided under this heading shall be obligated and expended
19 by the Secretary of Defense in behalf of the Department
20 of Defense as if delegated the necessary authorities con-
21 ferred by the Defense Production Act of 1950.

22 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

23 For procurement of rotary-wing aircraft; combat, tac-
24 tical and support vehicles; other weapons; and other pro-
25 curement items for the reserve components of the Armed

1 Forces, \$950,000,000, to remain available for obligation
2 until September 30, 2024: *Provided*, That the Chiefs of
3 National Guard and Reserve components shall, not later
4 than 30 days after the date of the enactment of this Act,
5 individually submit to the congressional defense commit-
6 tees the modernization priority assessment for their re-
7 spective National Guard or Reserve component: *Provided*
8 *further*, That none of the funds made available by this
9 paragraph may be used to procure manned fixed wing air-
10 craft, or procure or modify missiles, munitions, or ammu-
11 nition.

12 TITLE IV

13 RESEARCH, DEVELOPMENT, TEST AND

14 EVALUATION

15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

16 ARMY

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

22 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

23 NAVY

24 For expenses necessary for basic and applied sci-
25 entific research, development, test and evaluation, includ-

1 ing maintenance, rehabilitation, lease, and operation of fa-
2 cilities and equipment, \$20,694,650,000, to remain avail-
3 able for obligation until September 30, 2023: *Provided*,
4 That funds appropriated in this paragraph which are
5 available for the V-22 may be used to meet unique oper-
6 ational requirements of the Special Operations Forces.

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

9 For expenses necessary for basic and applied sci-
10 entific research, development, test and evaluation, includ-
11 ing maintenance, rehabilitation, lease, and operation of fa-
12 cilities and equipment, \$39,062,352,000, to remain avail-
13 able for obligation until September 30, 2023.

14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
15 SPACE FORCE

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

21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
22 DEFENSE-WIDE

23 For expenses of activities and agencies of the Depart-
24 ment of Defense (other than the military departments),
25 necessary for basic and applied scientific research, devel-

1 TITLE VI
2 OTHER DEPARTMENT OF DEFENSE PROGRAMS
3 DEFENSE HEALTH PROGRAM

4 For expenses, not otherwise provided for, for medical
5 and health care programs of the Department of Defense
6 as authorized by law, \$36,658,536,000; of which
7 \$34,064,317,000 shall be for operation and maintenance,
8 of which not to exceed one percent shall remain available
9 for obligation until September 30, 2023, and of which up
10 to \$18,032,079,000 may be available for contracts entered
11 into under the TRICARE program; of which
12 \$755,539,000, to remain available for obligation until Sep-
13 tember 30, 2024, shall be for procurement; and of which
14 \$1,838,680,000, to remain available for obligation until
15 September 30, 2023, shall be for research, development,
16 test and evaluation: *Provided*, That, notwithstanding any
17 other provision of law, of the amount made available under
18 this heading for research, development, test and evalua-
19 tion, not less than \$10,000,000 shall be available for HIV
20 prevention educational activities undertaken in connection
21 with United States military training, exercises, and hu-
22 manitarian assistance activities conducted primarily in Af-
23 rican nations: *Provided further*, That of the funds provided
24 under this heading for research, development, test and
25 evaluation, not less than \$1,104,000,000 shall be made

1 available to the United States Army Medical Research and
2 Development Command to carry out the congressionally
3 directed medical research programs: *Provided further*,
4 That the Secretary of Defense shall submit to the congress-
5 sional defense committees quarterly reports on the current
6 status of the deployment of the electronic health record:
7 *Provided further*, That the Secretary of Defense shall pro-
8 vide notice to the congressional defense committees not
9 later than 10 business days after delaying the proposed
10 timeline of such deployment if such delay is longer than
11 1 week: *Provided further*, That the Comptroller General
12 of the United States shall perform quarterly performance
13 reviews of such deployment.

14 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
15 DEFENSE

16 For expenses, not otherwise provided for, necessary
17 for the destruction of the United States stockpile of lethal
18 chemical agents and munitions in accordance with the pro-
19 visions of section 1412 of the Department of Defense Au-
20 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
21 struction of other chemical warfare materials that are not
22 in the chemical weapon stockpile, \$1,094,352,000, of
23 which \$93,121,000 shall be for operation and mainte-
24 nance, of which no less than \$22,134,000 shall be for the
25 Chemical Stockpile Emergency Preparedness Program,

1 consisting of \$44,453,000 for activities on military instal-
2 lations and \$26,534,000, to remain available until Sep-
3 tember 30, 2023, to assist State and local governments;
4 and \$1,001,231,000, to remain available until September
5 30, 2023, shall be for research, development, test and eval-
6 uation, of which \$995,011,000 shall only be for the As-
7 sembled Chemical Weapons Alternatives program.

8 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
9 DEFENSE

10 (INCLUDING TRANSFER OF FUNDS)

11 For drug interdiction and counter-drug activities of
12 the Department of Defense, for transfer to appropriations
13 available to the Department of Defense for military per-
14 sonnel of the reserve components serving under the provi-
15 sions of title 10 and title 32, United States Code; for oper-
16 ation and maintenance; for procurement; and for research,
17 development, test and evaluation, \$844,996,000, of which
18 \$519,097,000 shall be for counter-narcotics support;
19 \$126,024,000 shall be for the drug demand reduction pro-
20 gram; \$194,211,000 shall be for the National Guard
21 counter-drug program; and \$5,664,000 shall be for the
22 National Guard counter-drug schools program: *Provided*,
23 That the funds appropriated under this heading shall be
24 available for obligation for the same time period and for
25 the same purpose as the appropriation to which trans-

1 ferred: *Provided further*, That upon a determination that
2 all or part of the funds transferred from this appropriation
3 are not necessary for the purposes provided herein, such
4 amounts may be transferred back to this appropriation:
5 *Provided further*, That the transfer authority provided
6 under this heading is in addition to any other transfer au-
7 thority contained elsewhere in this Act: *Provided further*,
8 That the Secretary of Defense shall notify the Committees
9 on Appropriations of the House of Representatives and the
10 Senate in writing not fewer than 15 days prior to the
11 transfer of funds between projects.

12 OFFICE OF THE INSPECTOR GENERAL

13 For expenses and activities of the Office of the In-
14 spector General in carrying out the provisions of the In-
15 spector General Act of 1978, as amended, \$438,363,000,
16 of which \$435,918,000 shall be for operation and mainte-
17 nance, of which not to exceed \$700,000 is available for
18 emergencies and extraordinary expenses to be expended
19 upon the approval or authority of the Inspector General,
20 and payments may be made upon the Inspector General's
21 certificate of necessity for confidential military purposes;
22 of which \$80,000, to remain available for obligation until
23 September 30, 2024, shall be for procurement; and of
24 which \$2,365,000, to remain available until September 30,

1 2023, shall be for research, development, test and evalua-
2 tion.

3 TITLE VII

4 RELATED AGENCIES

5 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND 6 DISABILITY SYSTEM FUND

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

12 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

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

15 TITLE VIII

16 GENERAL PROVISIONS

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

20 SEC. 8002. During the current fiscal year, provisions
21 of law prohibiting the payment of compensation to, or em-
22 ployment of, any person not a citizen of the United States
23 shall not apply to personnel of the Department of Defense:
24 *Provided*, That salary increases granted to direct and indi-
25 rect hire foreign national employees of the Department of

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

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

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

(TRANSFER OF FUNDS)

1
2 SEC. 8005. Upon determination by the Secretary of
3 Defense that such action is necessary in the national inter-
4 est, the Secretary may, with the approval of the Office
5 of Management and Budget, transfer not to exceed
6 \$6,000,000,000 of working capital funds of the Depart-
7 ment of Defense or funds made available in this Act to
8 the Department of Defense for military functions (except
9 military construction) between such appropriations or
10 funds or any subdivision thereof, to be merged with and
11 to be available for the same purposes, and for the same
12 time period, as the appropriation or fund to which trans-
13 ferred: *Provided*, That such authority to transfer may not
14 be used unless for higher priority items, based on unfore-
15 seen military requirements, than those for which originally
16 appropriated and in no case where the item for which
17 funds are requested has been denied by the Congress: *Pro-*
18 *vided further*, That the Secretary of Defense shall notify
19 the Congress promptly of all transfers made pursuant to
20 this authority or any other authority in this Act: *Provided*
21 *further*, That no part of the funds in this Act shall be
22 available to prepare or present a request to the Commit-
23 tees on Appropriations of the House of Representatives
24 and the Senate for reprogramming of funds, unless for
25 higher priority items, based on unforeseen military re-

1 requirements, than those for which originally appropriated
2 and in no case where the item for which reprogramming
3 is requested has been denied by the Congress: *Provided*
4 *further*, That a request for multiple reprogrammings of
5 funds using authority provided in this section shall be
6 made prior to June 30, 2022: *Provided further*, That
7 transfers among military personnel appropriations shall
8 not be taken into account for purposes of the limitation
9 on the amount of funds that may be transferred under
10 this section.

11 SEC. 8006. (a) With regard to the list of specific pro-
12 grams, projects, and activities (and the dollar amounts
13 and adjustments to budget activities corresponding to
14 such programs, projects, and activities) contained in the
15 tables titled Explanation of Project Level Adjustments in
16 the explanatory statement regarding this Act and the ta-
17 bles contained in the classified annex accompanying this
18 Act, the obligation and expenditure of amounts appro-
19 priated or otherwise made available in this Act for those
20 programs, projects, and activities for which the amounts
21 appropriated adjust the amounts requested are hereby re-
22 quired by law to be carried out in the manner provided
23 by such tables to the same extent as if the tables were
24 included in the text of this Act.

1 (b) Amounts specified in the referenced tables de-
2 scribed in subsection (a) shall not be treated as subdivi-
3 sions of appropriations for purposes of section 8005 of this
4 Act: *Provided*, That section 8005 shall apply when trans-
5 fers of the amounts described in subsection (a) occur be-
6 tween appropriation accounts.

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

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

18 (2) a delineation in the table for each appro-
19 priation both by budget activity and program,
20 project, and activity as detailed in the Budget Ap-
21 pendix; and

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

24 (b) Notwithstanding section 8005 of this Act, none
25 of the funds provided in this Act shall be available for

1 reprogramming or transfer until the report identified in
2 subsection (a) is submitted to the congressional defense
3 committees, unless the Secretary of Defense certifies in
4 writing to the congressional defense committees that such
5 reprogramming or transfer is necessary as an emergency
6 requirement: *Provided*, That this subsection shall not
7 apply to transfers from the following appropriations ac-
8 counts:

- 9 (1) “Environmental Restoration, Army”;
- 10 (2) “Environmental Restoration, Navy”;
- 11 (3) “Environmental Restoration, Air Force”;
- 12 (4) “Environmental Restoration, Defense-
13 Wide”;
- 14 (5) “Environmental Restoration, Formerly
15 Used Defense Sites”; and
- 16 (6) “Drug Interdiction and Counter-drug Ac-
17 tivities, Defense”.

18 (TRANSFER OF FUNDS)

19 SEC. 8008. During the current fiscal year, cash bal-
20 ances in working capital funds of the Department of De-
21 fense established pursuant to section 2208 of title 10,
22 United States Code, may be maintained in only such
23 amounts as are necessary at any time for cash disburse-
24 ments to be made from such funds: *Provided*, That trans-
25 fers may be made between such funds: *Provided further*,

1 That transfers may be made between working capital
2 funds and the “Foreign Currency Fluctuations, Defense”
3 appropriation and the “Operation and Maintenance” ap-
4 propriation accounts in such amounts as may be deter-
5 mined by the Secretary of Defense, with the approval of
6 the Office of Management and Budget, except that such
7 transfers may not be made unless the Secretary of Defense
8 has notified the Congress of the proposed transfer: *Pro-*
9 *vided further*, That except in amounts equal to the
10 amounts appropriated to working capital funds in this Act,
11 no obligations may be made against a working capital fund
12 to procure or increase the value of war reserve material
13 inventory, unless the Secretary of Defense has notified the
14 Congress prior to any such obligation.

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

19 SEC. 8010. None of the funds provided in this Act
20 shall be available to initiate: (1) a multiyear contract that
21 employs economic order quantity procurement in excess of
22 \$20,000,000 in any one year of the contract or that in-
23 cludes an unfunded contingent liability in excess of
24 \$20,000,000; or (2) a contract for advance procurement
25 leading to a multiyear contract that employs economic

1 order quantity procurement in excess of \$20,000,000 in
2 any one year, unless the congressional defense committees
3 have been notified at least 30 days in advance of the pro-
4 posed contract award: *Provided*, That no part of any ap-
5 propriation contained in this Act shall be available to ini-
6 tiate a multiyear contract for which the economic order
7 quantity advance procurement is not funded at least to
8 the limits of the Government's liability: *Provided further*,
9 That no part of any appropriation contained in this Act
10 shall be available to initiate multiyear procurement con-
11 tracts for any systems or component thereof if the value
12 of the multiyear contract would exceed \$500,000,000 un-
13 less specifically provided in this Act: *Provided further*,
14 That no multiyear procurement contract can be termi-
15 nated without 30-day prior notification to the congres-
16 sional defense committees: *Provided further*, That the exe-
17 cution of multiyear authority shall require the use of a
18 present value analysis to determine lowest cost compared
19 to an annual procurement: *Provided further*, That none of
20 the funds provided in this Act may be used for a multiyear
21 contract executed after the date of the date of the enact-
22 ment of this Act unless in the case of any such contract—
23 (1) the Secretary of Defense has submitted to
24 Congress a budget request for full funding of units
25 to be procured through the contract and, in the case

1 of a contract for procurement of aircraft, that in-
2 cludes, for any aircraft unit to be procured through
3 the contract for which procurement funds are re-
4 quested in that budget request for production be-
5 yond advance procurement activities in the fiscal
6 year covered by the budget, full funding of procure-
7 ment of such unit in that fiscal year;

8 (2) cancellation provisions in the contract do
9 not include consideration of recurring manufacturing
10 costs of the contractor associated with the produc-
11 tion of unfunded units to be delivered under the con-
12 tract;

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

16 (4) the contract does not provide for a price ad-
17 justment based on a failure to award a follow-on
18 contract.

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

22 SEC. 8011. Within the funds appropriated for the op-
23 eration and maintenance of the Armed Forces, funds are
24 hereby appropriated pursuant to section 401 of title 10,
25 United States Code, for humanitarian and civic assistance

1 costs under chapter 20 of title 10, United States Code.
2 Such funds may also be obligated for humanitarian and
3 civic assistance costs incidental to authorized operations
4 and pursuant to authority granted in section 401 of title
5 10, United States Code, and these obligations shall be re-
6 ported as required by section 401(d) of title 10, United
7 States Code: *Provided*, That funds available for operation
8 and maintenance shall be available for providing humani-
9 tarian and similar assistance by using Civic Action Teams
10 in the Trust Territories of the Pacific Islands and freely
11 associated states of Micronesia, pursuant to the Compact
12 of Free Association as authorized by Public Law 99-239:
13 *Provided further*, That upon a determination by the Sec-
14 retary of the Army that such action is beneficial for grad-
15 uate medical education programs conducted at Army med-
16 ical facilities located in Hawaii, the Secretary of the Army
17 may authorize the provision of medical services at such
18 facilities and transportation to such facilities, on a nonre-
19 imburseable basis, for civilian patients from American
20 Samoa, the Commonwealth of the Northern Mariana Is-
21 lands, the Marshall Islands, the Federated States of Mi-
22 cronesia, Palau, and Guam.

23 SEC. 8012. (a) During the current fiscal year, the
24 civilian personnel of the Department of Defense may not
25 be managed on the basis of any constraint or limitation

1 in terms of man years, end strength, full-time equivalent
2 positions, or maximum number of employees, but are to
3 be managed primarily on the basis of, and in a manner
4 consistent with—

5 (1) the total force management policies and
6 procedures established under section 129a of title
7 10, United States Code;

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

10 (3) the funds made available to the Department
11 for such fiscal year.

12 (b) None of the funds appropriated by this Act may
13 be used to reduce the civilian workforce programmed full
14 time equivalent levels absent the appropriate analysis of
15 the impacts of these reductions on workload, military force
16 structure, lethality, readiness, operational effectiveness,
17 stress on the military force, and fully burdened costs.

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

21 (d) A projection of the number of full-time equivalent
22 positions shall not be considered a constraint or limitation
23 for purposes of subsection (a) and reducing funding for
24 under-execution of such a projection shall not be consid-

1 ered managing based on a constraint or limitation for pur-
2 poses of such subsection.

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

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

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

14 SEC. 8014. None of the funds appropriated by this
15 Act shall be available for the basic pay and allowances of
16 any member of the Army participating as a full-time stu-
17 dent and receiving benefits paid by the Secretary of Vet-
18 erans Affairs from the Department of Defense Education
19 Benefits Fund when time spent as a full-time student is
20 credited toward completion of a service commitment: *Pro-*
21 *vided*, That this section shall not apply to those members
22 who have reenlisted with this option prior to October 1,
23 1987: *Provided further*, That this section applies only to
24 active components of the Army.

(TRANSFER OF FUNDS)

1
2 SEC. 8015. (a) Funds appropriated in title III of this
3 Act for the Department of Defense Pilot Mentor-Protégé
4 Program may be transferred to any other appropriation
5 contained in this Act solely for the purpose of imple-
6 menting a Mentor-Protégé Program developmental assist-
7 ance agreement pursuant to section 831 of the National
8 Defense Authorization Act for Fiscal Year 1991 (Public
9 Law 101-510; 10 U.S.C. 2302 note), as amended, under
10 the authority of this provision or any other transfer au-
11 thority contained in this Act.

12 (b) The Secretary of Defense shall include with the
13 budget justification documents in support of the budget
14 for any fiscal year after fiscal year 2021 (as submitted
15 to Congress pursuant to section 1105 of title 31, United
16 States Code) a description of each transfer under this sec-
17 tion that occurred during the last fiscal year before the
18 fiscal year in which such budget is submitted.

19 SEC. 8016. None of the funds in this Act may be
20 available for the purchase by the Department of Defense
21 (and its departments and agencies) of welded shipboard
22 anchor and mooring chain 4 inches in diameter and under
23 unless the anchor and mooring chain are manufactured
24 in the United States from components which are substan-
25 tially manufactured in the United States: *Provided*, That

1 for the purpose of this section, the term “manufactured”
2 shall include cutting, heat treating, quality control, testing
3 of chain and welding (including the forging and shot blast-
4 ing process): *Provided further*, That for the purpose of this
5 section substantially all of the components of anchor and
6 mooring chain shall be considered to be produced or manu-
7 factured in the United States if the aggregate cost of the
8 components produced or manufactured in the United
9 States exceeds the aggregate cost of the components pro-
10 duced or manufactured outside the United States: *Pro-*
11 *vided further*, That when adequate domestic supplies are
12 not available to meet Department of Defense requirements
13 on a timely basis, the Secretary of the Service responsible
14 for the procurement may waive this restriction on a case-
15 by-case basis by certifying in writing to the Committees
16 on Appropriations of the House of Representatives and the
17 Senate that such an acquisition must be made in order
18 to acquire capability for national security purposes.

19 SEC. 8017. None of the funds appropriated by this
20 Act shall be used for the support of any nonappropriated
21 funds activity of the Department of Defense that procures
22 malt beverages and wine with nonappropriated funds for
23 resale (including such alcoholic beverages sold by the
24 drink) on a military installation located in the United
25 States unless such malt beverages and wine are procured

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

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

24 SEC. 8019. No more than \$500,000 of the funds ap-
25 propriated or made available in this Act shall be used dur-

1 ing a single fiscal year for any single relocation of an orga-
2 nization, unit, activity or function of the Department of
3 Defense into or within the National Capital Region: *Pro-*
4 *vided*, That the Secretary of Defense may waive this re-
5 striction on a case-by-case basis by certifying in writing
6 to the congressional defense committees that such a relo-
7 cation is required in the best interest of the Government.

8 SEC. 8020. In addition to the funds provided else-
9 where in this Act, \$25,000,000 is appropriated only for
10 incentive payments authorized by section 504 of the In-
11 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,
12 That a prime contractor or a subcontractor at any tier
13 that makes a subcontract award to any subcontractor or
14 supplier as defined in section 1544 of title 25, United
15 States Code, or a small business owned and controlled by
16 an individual or individuals defined under section 4221(9)
17 of title 25, United States Code, shall be considered a con-
18 tractor for the purposes of being allowed additional com-
19 pensation under section 504 of the Indian Financing Act
20 of 1974 (25 U.S.C. 1544) whenever the prime contract
21 or subcontract amount is over \$500,000 and involves the
22 expenditure of funds appropriated by an Act making ap-
23 propriations for the Department of Defense with respect
24 to any fiscal year: *Provided further*, That notwithstanding
25 section 1906 of title 41, United States Code, this section

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

9 SEC. 8021. (a) Notwithstanding any other provision
10 of law, the Secretary of the Air Force may convey at no
11 cost to the Air Force, without consideration, to Indian
12 tribes located in the States of Nevada, Idaho, North Da-
13 kota, South Dakota, Montana, Oregon, Minnesota, and
14 Washington relocatable military housing units located at
15 Grand Forks Air Force Base, Malmstrom Air Force Base,
16 Mountain Home Air Force Base, Ellsworth Air Force
17 Base, and Minot Air Force Base that are excess to the
18 needs of the Air Force.

19 (b) The Secretary of the Air Force shall convey, at
20 no cost to the Air Force, military housing units under sub-
21 section (a) in accordance with the request for such units
22 that are submitted to the Secretary by the Operation
23 Walking Shield Program on behalf of Indian tribes located
24 in the States of Nevada, Idaho, North Dakota, South Da-
25 kota, Montana, Oregon, Minnesota, and Washington. Any

1 such conveyance shall be subject to the condition that the
2 housing units shall be removed within a reasonable period
3 of time, as determined by the Secretary.

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

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

14 SEC. 8022. Of the funds appropriated to the Depart-
15 ment of Defense under the heading “Operation and Main-
16 tenance, Defense-Wide”, not less than \$12,000,000 shall
17 be made available only for the mitigation of environmental
18 impacts, including training and technical assistance to
19 tribes, related administrative support, the gathering of in-
20 formation, documenting of environmental damage, and de-
21 veloping a system for prioritization of mitigation and cost
22 to complete estimates for mitigation, on Indian lands re-
23 sulting from Department of Defense activities.

1 SEC. 8023. Funds appropriated by this Act for the
2 Defense Media Activity shall not be used for any national
3 or international political or psychological activities.

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

8 SEC. 8025. (a) No requirement to submit a report
9 to Congress in any covered provision of law may be satis-
10 fied by the submission of a report to Congress pursuant
11 to another provision of law.

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

14 (1) A provision of this Act or any prior Act
15 making appropriations for the Department of De-
16 fense.

17 (2) A provision in a report or explanatory state-
18 ment of Congress accompanying an Act described in
19 paragraph (1).

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

23 (1) \$47,300,000 shall be available from “Oper-
24 ation and Maintenance, Air Force” to support Civil
25 Air Patrol Corporation operation and maintenance,

1 readiness, counter-drug activities, and drug demand
2 reduction activities involving youth programs;

3 (2) \$11,400,000 shall be available from “Air-
4 craft Procurement, Air Force”; and

5 (3) \$1,800,000 shall be available from “Other
6 Procurement, Air Force” for vehicle procurement.

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

11 SEC. 8027. (a) None of the funds appropriated in this
12 Act are available to establish a new Department of De-
13 fense (department) federally funded research and develop-
14 ment center (FFRDC), either as a new entity, or as a
15 separate entity administrated by an organization man-
16 aging another FFRDC, or as a nonprofit membership cor-
17 poration consisting of a consortium of other FFRDCs and
18 other nonprofit entities.

19 (b) No member of a Board of Directors, Trustees,
20 Overseers, Advisory Group, Special Issues Panel, Visiting
21 Committee, or any similar entity of a defense FFRDC,
22 and no paid consultant to any defense FFRDC, except
23 when acting in a technical advisory capacity, may be com-
24 pensated for his or her services as a member of such enti-
25 ty, or as a paid consultant by more than one FFRDC in

1 a fiscal year: *Provided*, That a member of any such entity
2 referred to previously in this subsection shall be allowed
3 travel expenses and per diem as authorized under the Fed-
4 eral Joint Travel Regulations, when engaged in the per-
5 formance of membership duties.

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

16 (d) Notwithstanding any other provision of law, of
17 the funds available to the department during fiscal year
18 2022, not more than 6,336 staff years of technical effort
19 (staff years) may be funded for defense FFRDCs: *Pro-*
20 *vided*, That, within such funds for 6,336 staff years, funds
21 shall be available only for 1,148 staff years for the defense
22 studies and analysis FFRDCs: *Provided further*, That this
23 subsection shall not apply to staff years funded in the Na-
24 tional Intelligence Program (NIP) and the Military Intel-
25 ligence Program (MIP).

1 (e) The Secretary of Defense shall, with the submis-
2 sion of the Department's fiscal year 2023 budget request,
3 submit a report presenting the specific amounts of staff
4 years of technical effort to be allocated for each defense
5 FFRDC during that fiscal year and the associated budget
6 estimates.

7 SEC. 8028. For the purposes of this Act, the term
8 "congressional defense committees" means the Armed
9 Services Committee of the House of Representatives, the
10 Armed Services Committee of the Senate, the Sub-
11 committee on Defense of the Committee on Appropriations
12 of the Senate, and the Subcommittee on Defense of the
13 Committee on Appropriations of the House of Representa-
14 tives.

15 SEC. 8029. For the purposes of this Act, the term
16 "congressional intelligence committees" means the Perma-
17 nent Select Committee on Intelligence of the House of
18 Representatives, the Select Committee on Intelligence of
19 the Senate, the Subcommittee on Defense of the Com-
20 mittee on Appropriations of the House of Representatives,
21 and the Subcommittee on Defense of the Committee on
22 Appropriations of the Senate.

23 SEC. 8030. During the current fiscal year, the De-
24 partment of Defense may acquire the modification, depot
25 maintenance and repair of aircraft, vehicles and vessels

1 as well as the production of components and other De-
2 fense-related articles, through competition between De-
3 partment of Defense depot maintenance activities and pri-
4 vate firms: *Provided*, That the Senior Acquisition Execu-
5 tive of the military department or Defense Agency con-
6 cerned, with power of delegation, shall certify that success-
7 ful bids include comparable estimates of all direct and in-
8 direct costs for both public and private bids: *Provided fur-*
9 *ther*, That Office of Management and Budget Circular A-
10 76 shall not apply to competitions conducted under this
11 section.

12 SEC. 8031. (a) None of the funds appropriated in this
13 Act may be expended by an entity of the Department of
14 Defense unless the entity, in expending the funds, com-
15 plies with the Buy American Act. For purposes of this
16 subsection, the term “Buy American Act” means chapter
17 83 of title 41, United States Code.

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

1 (c) In the case of any equipment or products pur-
2 chased with appropriations provided under this Act, it is
3 the sense of the Congress that any entity of the Depart-
4 ment of Defense, in expending the appropriation, purchase
5 only American-made equipment and products, provided
6 that American-made equipment and products are cost-
7 competitive, quality competitive, and available in a timely
8 fashion.

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

1 to acquire capability for national security purposes: *Pro-*
2 *vided further*, That these restrictions shall not apply to
3 contracts which are in being as of the date of the enact-
4 ment of this Act.

5 SEC. 8033. (a)(1) If the Secretary of Defense, after
6 consultation with the United States Trade Representative,
7 determines that a foreign country which is party to an
8 agreement described in paragraph (2) has violated the
9 terms of the agreement by discriminating against certain
10 types of products produced in the United States that are
11 covered by the agreement, the Secretary of Defense shall
12 rescind the Secretary's blanket waiver of the Buy Amer-
13 ican Act with respect to such types of products produced
14 in that foreign country.

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

21 (b) The Secretary of Defense shall submit to the Con-
22 gress a report on the amount of Department of Defense
23 purchases from foreign entities in fiscal year 2022. Such
24 report shall separately indicate the dollar value of items
25 for which the Buy American Act was waived pursuant to

1 any agreement described in subsection (a)(2), the Trade
2 Agreements Act of 1979 (19 U.S.C. 2501 et seq.), or any
3 international agreement to which the United States is a
4 party.

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

8 SEC. 8034. None of the funds appropriated by this
9 Act may be used for the procurement of ball and roller
10 bearings other than those produced by a domestic source
11 and of domestic origin: *Provided*, That the Secretary of
12 the military department responsible for such procurement
13 may waive this restriction on a case-by-case basis by certi-
14 fying in writing to the Committees on Appropriations of
15 the House of Representatives and the Senate, that ade-
16 quate domestic supplies are not available to meet Depart-
17 ment of Defense requirements on a timely basis and that
18 such an acquisition must be made in order to acquire ca-
19 pability for national security purposes: *Provided further*,
20 That this restriction shall not apply to the purchase of
21 “commercial products”, as defined by section 103 of title
22 41, United States Code, except that the restriction shall
23 apply to ball or roller bearings purchased as end items.

24 SEC. 8035. None of the funds in this Act may be
25 used to purchase any supercomputer which is not manu-

1 factured in the United States, unless the Secretary of De-
2 fense certifies to the congressional defense committees
3 that such an acquisition must be made in order to acquire
4 capability for national security purposes that is not avail-
5 able from United States manufacturers.

6 SEC. 8036. (a) The Secretary of Defense may, on a
7 case-by-case basis, waive with respect to a foreign country
8 each limitation on the procurement of defense items from
9 foreign sources provided in law if the Secretary determines
10 that the application of the limitation with respect to that
11 country would invalidate cooperative programs entered
12 into between the Department of Defense and the foreign
13 country, or would invalidate reciprocal trade agreements
14 for the procurement of defense items entered into under
15 section 2531 of title 10, United States Code, and the
16 country does not discriminate against the same or similar
17 defense items produced in the United States for that coun-
18 try.

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

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

22 (2) options for the procurement of items that
23 are exercised after such date under contracts that
24 are entered into before such date if the option prices

1 are adjusted for any reason other than the applica-
2 tion of a waiver granted under subsection (a).

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

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

17 SEC. 8038. During the current fiscal year, amounts
18 contained in the Department of Defense Overseas Military
19 Facility Investment Recovery Account shall be available
20 until expended for the payments specified by section
21 2687a(b)(2) of title 10, United States Code.

22 SEC. 8039. During the current fiscal year, appropria-
23 tions which are available to the Department of Defense
24 for operation and maintenance may be used to purchase

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

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

6 SEC. 8041. Up to \$14,000,000 of the funds appro-
7 priated under the heading “Operation and Maintenance,
8 Navy” may be made available for the Asia Pacific Re-
9 gional Initiative Program for the purpose of enabling the
10 United States Indo-Pacific Command to execute Theater
11 Security Cooperation activities such as humanitarian as-
12 sistance, and payment of incremental and personnel costs
13 of training and exercising with foreign security forces:
14 *Provided*, That funds made available for this purpose may
15 be used, notwithstanding any other funding authorities for
16 humanitarian assistance, security assistance or combined
17 exercise expenses: *Provided further*, That funds may not
18 be obligated to provide assistance to any foreign country
19 that is otherwise prohibited from receiving such type of
20 assistance under any other provision of law.

21 SEC. 8042. The Secretary of Defense shall issue reg-
22 ulations to prohibit the sale of any tobacco or tobacco-
23 related products in military resale outlets in the United
24 States, its territories and possessions at a price below the
25 most competitive price in the local community: *Provided*,

1 That such regulations shall direct that the prices of to-
2 bacco or tobacco-related products in overseas military re-
3 tail outlets shall be within the range of prices established
4 for military retail system stores located in the United
5 States.

6 SEC. 8043. (a) During the current fiscal year, none
7 of the appropriations or funds available to the Department
8 of Defense Working Capital Funds shall be used for the
9 purchase of an investment item for the purpose of acquir-
10 ing a new inventory item for sale or anticipated sale dur-
11 ing the current fiscal year or a subsequent fiscal year to
12 customers of the Department of Defense Working Capital
13 Funds if such an item would not have been chargeable
14 to the Department of Defense Business Operations Fund
15 during fiscal year 1994 and if the purchase of such an
16 investment item would be chargeable during the current
17 fiscal year to appropriations made to the Department of
18 Defense for procurement.

19 (b) The fiscal year 2023 budget request for the De-
20 partment of Defense as well as all justification material
21 and other documentation supporting the fiscal year 2023
22 Department of Defense budget shall be prepared and sub-
23 mitted to the Congress on the basis that any equipment
24 which was classified as an end item and funded in a pro-
25 curement appropriation contained in this Act shall be

1 budgeted for in a proposed fiscal year 2023 procurement
2 appropriation and not in the supply management business
3 area or any other area or category of the Department of
4 Defense Working Capital Funds.

5 SEC. 8044. None of the funds appropriated by this
6 Act for programs of the Central Intelligence Agency shall
7 remain available for obligation beyond the current fiscal
8 year, except for funds appropriated for the Reserve for
9 Contingencies, which shall remain available until Sep-
10 tember 30, 2023: *Provided*, That funds appropriated,
11 transferred, or otherwise credited to the Central Intel-
12 ligence Agency Central Services Working Capital Fund
13 during this or any prior or subsequent fiscal year shall
14 remain available until expended: *Provided further*, That
15 any funds appropriated or transferred to the Central Intel-
16 ligence Agency for advanced research and development ac-
17 quisition, for agent operations, and for covert action pro-
18 grams authorized by the President under section 503 of
19 the National Security Act of 1947 (50 U.S.C. 3093) shall
20 remain available until September 30, 2023: *Provided fur-*
21 *ther*, That any funds appropriated or transferred to the
22 Central Intelligence Agency for the construction, improve-
23 ment, or alteration of facilities, including leased facilities,
24 to be used primarily by personnel of the intelligence com-
25 munity shall remain available until September 30, 2024.

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

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

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

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

17 (c) This section does not apply to—

18 (1) field operating agencies funded within the
19 National Intelligence Program;

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

24 (3) an Army field operating agency established
25 to improve the effectiveness and efficiencies of bio-

1 metric activities and to integrate common biometric
2 technologies throughout the Department of Defense;
3 or

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

8 SEC. 8046. (a) None of the funds appropriated by
9 this Act shall be available to convert to contractor per-
10 formance an activity or function of the Department of De-
11 fense that, on or after the date of the enactment of this
12 Act, is performed by Department of Defense civilian em-
13 ployees unless—

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

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

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

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

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

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

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

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

1 mercial or industrial type function of the Department of
2 Defense that—

3 (A) is included on the procurement list estab-
4 lished pursuant to section 2 of the Javits-Wagner-
5 O’Day Act (section 8503 of title 41, United States
6 Code);

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

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

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

22 (c) The conversion of any activity or function of the
23 Department of Defense under the authority provided by
24 this section shall be credited toward any competitive or
25 outsourcing goal, target, or measurement that may be es-

1 tablished by statute, regulation, or policy and is deemed
2 to be awarded under the authority of, and in compliance
3 with, subsection (h) of section 2304 of title 10, United
4 States Code, for the competition or outsourcing of com-
5 mercial activities.

6 (RESCISSIONS)

7 SEC. 8047. Of the funds appropriated in Department
8 of Defense Appropriations Acts, the following funds are
9 hereby rescinded from the following accounts and pro-
10 grams in the specified amounts: *Provided*, That no
11 amounts may be rescinded from amounts that were des-
12 ignated by the Congress as an emergency requirement
13 pursuant to a concurrent resolution on the budget or the
14 Balanced Budget and Emergency Deficit Control Act of
15 1985:

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

18 “Missile Procurement, Army”, 2020/2022,
19 \$6,953,000;

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

22 “Other Procurement, Army”, 2020/2022,
23 \$13,000,000;

24 “Aircraft Procurement, Air Force”, 2020/2022,
25 \$47,000,000;

1 “Missile Procurement, Air Force”, 2020/2022,
2 \$40,000,000;

3 “Other Procurement, Air Force”, 2020/2022,
4 \$38,000,000;

5 “Operation and Maintenance, Defense-Wide”,
6 2021/2022, \$161,000,000;

7 “Afghanistan Security Forces Fund”, 2021/
8 2022, \$200,000,000;

9 “Counter-ISIS Train and Equip Fund”, 2021/
10 2022, \$200,000,000;

11 “Aircraft Procurement, Army”, 2021/2023,
12 \$5,000,000;

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

15 “Other Procurement, Army”, 2021/2023,
16 \$3,177,000;

17 “Aircraft Procurement, Navy”, 2021/2023,
18 \$15,210,000;

19 “Weapons Procurement, Navy”, 2021/2023,
20 \$87,035,000;

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

23 “Other Procurement, Navy”, 2021/2023,
24 \$64,325,000;

1 “Aircraft Procurement, Air Force”, 2021/2023,
2 \$97,700,000;

3 “Procurement of Ammunition, Air Force”,
4 2021/2023, \$351,689,000;

5 “Other Procurement, Air Force”, 2021/2023,
6 \$95,000,000;

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

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

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

13 “Defense Counterintelligence and Security
14 Agency Working Capital Fund”, 2021/XXXX,
15 \$30,000,000.

16 SEC. 8048. None of the funds available in this Act
17 may be used to reduce the authorized positions for mili-
18 tary technicians (dual status) of the Army National
19 Guard, Air National Guard, Army Reserve and Air Force
20 Reserve for the purpose of applying any administratively
21 imposed civilian personnel ceiling, freeze, or reduction on
22 military technicians (dual status), unless such reductions
23 are a direct result of a reduction in military force struc-
24 ture.

1 SEC. 8049. None of the funds appropriated or other-
2 wise made available in this Act may be obligated or ex-
3 pended for assistance to the Democratic People's Republic
4 of Korea unless specifically appropriated for that purpose:
5 *Provided*, That this restriction shall not apply to any ac-
6 tivities incidental to the Defense POW/MIA Accounting
7 Agency mission to recover and identify the remains of
8 United States Armed Forces personnel from the Demo-
9 cratic People's Republic of Korea.

10 SEC. 8050. Funds appropriated in this Act for oper-
11 ation and maintenance of the Military Departments, Com-
12 batant Commands and Defense Agencies shall be available
13 for reimbursement of pay, allowances and other expenses
14 which would otherwise be incurred against appropriations
15 for the National Guard and Reserve when members of the
16 National Guard and Reserve provide intelligence or coun-
17 terintelligence support to Combatant Commands, Defense
18 Agencies and Joint Intelligence Activities, including the
19 activities and programs included within the National Intel-
20 ligence Program and the Military Intelligence Program:
21 *Provided*, That nothing in this section authorizes deviation
22 from established Reserve and National Guard personnel
23 and training procedures.

24 SEC. 8051. (a) None of the funds available to the
25 Department of Defense for any fiscal year for drug inter-

1 diction or counter-drug activities may be transferred to
2 any other department or agency of the United States ex-
3 cept as specifically provided in an appropriations law.

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

9 SEC. 8052. In addition to the amounts appropriated
10 or otherwise made available elsewhere in this Act,
11 \$49,000,000 is hereby appropriated to the Department of
12 Defense: *Provided*, That upon the determination of the
13 Secretary of Defense that it shall serve the national inter-
14 est, the Secretary shall make grants in the amounts speci-
15 fied as follows: \$24,000,000 to the United Service Organi-
16 zations and \$25,000,000 to the Red Cross.

17 SEC. 8053. Notwithstanding any other provision in
18 this Act, the Small Business Innovation Research program
19 and the Small Business Technology Transfer program set-
20 asides shall be taken proportionally from all programs,
21 projects, or activities to the extent they contribute to the
22 extramural budget. The Secretary of each military depart-
23 ment, the Director of each Defense Agency, and the head
24 of each other relevant component of the Department of
25 Defense shall submit to the congressional defense commit-

1 tees, concurrent with submission of the budget justifica-
2 tion documents to Congress pursuant to section 1105 of
3 title 31, United States Code, a report with a detailed ac-
4 counting of the Small Business Innovation Research pro-
5 gram and the Small Business Technology Transfer pro-
6 gram set-asides taken from programs, projects, or activi-
7 ties within such department, agency, or component during
8 the most recently completed fiscal year.

9 SEC. 8054. None of the funds available to the De-
10 partment of Defense under this Act shall be obligated or
11 expended to pay a contractor under a contract with the
12 Department of Defense for costs of any amount paid by
13 the contractor to an employee when—

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

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

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8055. During the current fiscal year, no more
21 than \$30,000,000 of appropriations made in this Act
22 under the heading “Operation and Maintenance, Defense-
23 Wide” may be transferred to appropriations available for
24 the pay of military personnel, to be merged with, and to
25 be available for the same time period as the appropriations

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

6 SEC. 8056. During the current fiscal year, in the case
7 of an appropriation account of the Department of Defense
8 for which the period of availability for obligation has ex-
9 pired or which has closed under the provisions of section
10 1552 of title 31, United States Code, and which has a
11 negative unliquidated or unexpended balance, an obliga-
12 tion or an adjustment of an obligation may be charged
13 to any current appropriation account for the same purpose
14 as the expired or closed account if—

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

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

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

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

13 *Provided*, That the Under Secretary of Defense (Comp-
14 troller) shall include with the budget of the President for
15 fiscal year 2023 (as submitted to Congress pursuant to
16 section 1105 of title 31, United States Code) a statement
17 describing each instance if any, during each of the fiscal
18 years 2016 through 2022 in which the authority in this
19 section was exercised.

20 SEC. 8057. (a) Notwithstanding any other provision
21 of law, the Chief of the National Guard Bureau may per-
22 mit the use of equipment of the National Guard Distance
23 Learning Project by any person or entity on a space-avail-
24 able, reimbursable basis. The Chief of the National Guard

1 Bureau shall establish the amount of reimbursement for
2 such use on a case-by-case basis.

3 (b) Amounts collected under subsection (a) shall be
4 credited to funds available for the National Guard Dis-
5 tance Learning Project and be available to defray the costs
6 associated with the use of equipment of the project under
7 that subsection. Such funds shall be available for such
8 purposes without fiscal year limitation.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8058. Of the funds appropriated in this Act
11 under the heading “Operation and Maintenance, Defense-
12 Wide”, \$47,000,000 shall be for continued implementation
13 and expansion of the Sexual Assault Special Victims’
14 Counsel Program: *Provided*, That the funds are made
15 available for transfer to the Department of the Army, the
16 Department of the Navy, and the Department of the Air
17 Force: *Provided further*, That funds transferred shall be
18 merged with and available for the same purposes and for
19 the same time period as the appropriations to which the
20 funds are transferred: *Provided further*, That this transfer
21 authority is in addition to any other transfer authority
22 provided in this Act.

23 SEC. 8059. None of the funds appropriated in title
24 IV of this Act may be used to procure end-items for deliv-
25 ery to military forces for operational training, operational

1 use or inventory requirements: *Provided*, That this restric-
2 tion does not apply to end-items used in development,
3 prototyping, and test activities preceding and leading to
4 acceptance for operational use: *Provided further*, That this
5 restriction does not apply to programs funded within the
6 National Intelligence Program: *Provided further*, That the
7 Secretary of Defense shall, at the time of the submittal
8 to Congress of the budget of the President for fiscal year
9 2023 pursuant to section 1105 of title 31, United States
10 Code, submit to the congressional defense committees a
11 report detailing the use of funds requested in research,
12 development, test and evaluation accounts for end-items
13 used in development, prototyping and test activities pre-
14 ceding and leading to acceptance for operational use: *Pro-*
15 *vided further*, That the report shall set forth, for each end-
16 item covered by the preceding proviso, a detailed list of
17 the statutory authorities under which amounts in the ac-
18 counts described in that proviso were used for such item:
19 *Provided further*, That the Secretary of Defense shall, at
20 the time of the submittal to Congress of the budget of
21 the President for fiscal year 2023 pursuant to section
22 1105 of title 31, United States Code, submit to the con-
23 gressional defense committees a certification that funds
24 requested for fiscal year 2023 in research, development,
25 test and evaluation are in compliance with this section:

1 *Provided further*, That the Secretary of Defense may waive
2 this restriction on a case-by-case basis by certifying in
3 writing to the Committees on Appropriations of the House
4 of Representatives and the Senate that it is in the national
5 security interest to do so.

6 SEC. 8060. None of the funds appropriated or other-
7 wise made available by this or other Department of De-
8 fense Appropriations Acts may be obligated or expended
9 for the purpose of performing repairs or maintenance to
10 military family housing units of the Department of De-
11 fense, including areas in such military family housing
12 units that may be used for the purpose of conducting offi-
13 cial Department of Defense business.

14 SEC. 8061. Notwithstanding any other provision of
15 law, funds appropriated in this Act under the heading
16 “Research, Development, Test and Evaluation, Defense-
17 Wide” for any new start advanced concept technology
18 demonstration project or joint capability demonstration
19 project may only be obligated 45 days after a report, in-
20 cluding a description of the project, the planned acquisi-
21 tion and transition strategy and its estimated annual and
22 total cost, has been provided in writing to the congress-
23 sional defense committees: *Provided*, That the Secretary
24 of Defense may waive this restriction on a case-by-case

1 basis by certifying to the congressional defense committees
2 that it is in the national interest to do so.

3 SEC. 8062. The Secretary of Defense shall continue
4 to provide a classified quarterly report to the Committees
5 on Appropriations of the House of Representatives and the
6 Senate, Subcommittees on Defense on certain matters as
7 directed in the classified annex accompanying this Act.

8 SEC. 8063. Notwithstanding section 12310(b) of title
9 10, United States Code, a Reserve who is a member of
10 the National Guard serving on full-time National Guard
11 duty under section 502(f) of title 32, United States Code,
12 may perform duties in support of the ground-based ele-
13 ments of the National Ballistic Missile Defense System.

14 SEC. 8064. None of the funds provided in this Act
15 may be used to transfer to any nongovernmental entity
16 ammunition held by the Department of Defense that has
17 a center-fire cartridge and a United States military no-
18 menclature designation of “armor penetrator”, “armor
19 piercing (AP)”, “armor piercing incendiary (API)”, or
20 “armor-piercing incendiary tracer (API-T)”, except to an
21 entity performing demilitarization services for the Depart-
22 ment of Defense under a contract that requires the entity
23 to demonstrate to the satisfaction of the Department of
24 Defense that armor piercing projectiles are either: (1) ren-
25 dered incapable of reuse by the demilitarization process;

1 or (2) used to manufacture ammunition pursuant to a con-
2 tract with the Department of Defense or the manufacture
3 of ammunition for export pursuant to a License for Per-
4 manent Export of Unclassified Military Articles issued by
5 the Department of State.

6 SEC. 8065. Notwithstanding any other provision of
7 law, the Chief of the National Guard Bureau, or his des-
8 ignee, may waive payment of all or part of the consider-
9 ation that otherwise would be required under section 2667
10 of title 10, United States Code, in the case of a lease of
11 personal property for a period not in excess of 1 year to
12 any organization specified in section 508(d) of title 32,
13 United States Code, or any other youth, social, or fra-
14 ternal nonprofit organization as may be approved by the
15 Chief of the National Guard Bureau, or his designee, on
16 a case-by-case basis.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8066. Of the amounts appropriated in this Act
19 under the heading “Operation and Maintenance, Army”,
20 \$152,925,875 shall remain available until expended: *Pro-*
21 *vided*, That, notwithstanding any other provision of law,
22 the Secretary of Defense is authorized to transfer such
23 funds to other activities of the Federal Government: *Pro-*
24 *vided further*, That the Secretary of Defense is authorized
25 to enter into and carry out contracts for the acquisition

1 of real property, construction, personal services, and oper-
2 ations related to projects carrying out the purposes of this
3 section: *Provided further*, That contracts entered into
4 under the authority of this section may provide for such
5 indemnification as the Secretary determines to be nec-
6 essary: *Provided further*, That projects authorized by this
7 section shall comply with applicable Federal, State, and
8 local law to the maximum extent consistent with the na-
9 tional security, as determined by the Secretary of Defense.

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

13 (1) the appropriations account structure for the
14 National Intelligence Program budget, including
15 through the creation of a new appropriation or new
16 appropriation account;

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

21 (3) the process by which the National Intel-
22 ligence Program appropriations are apportioned to
23 the executing agencies; or

1 (4) the process by which the National Intel-
2 ligence Program appropriations are allotted, obli-
3 gated and disbursed.

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

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

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

20 (1) provide the proposed alternatives to all af-
21 fected agencies;

22 (2) receive certification from all affected agen-
23 cies attesting that the proposed alternatives will help
24 achieve auditability, improve fiscal reporting, and
25 will not adversely affect counterintelligence; and

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8070. 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. 8071. None of the funds available to the De-
9 partment of Defense may be obligated to modify command
10 and control relationships to give Fleet Forces Command
11 operational and administrative control of United States
12 Navy forces assigned to the Pacific fleet: *Provided*, That
13 the command and control relationships which existed on
14 October 1, 2004, shall remain in force until a written
15 modification has been proposed to the Committees on Ap-
16 propriations of the House of Representatives and the Sen-
17 ate: *Provided further*, That the proposed modification may
18 be implemented 30 days after the notification unless an
19 objection is received from either the House or Senate Ap-
20 propriations Committees: *Provided further*, That any pro-
21 posed modification shall not preclude the ability of the
22 commander of United States Indo-Pacific Command to
23 meet operational requirements.

24 SEC. 8072. Any notice that is required to be sub-
25 mitted to the Committees on Appropriations of the House

1 of Representatives and the Senate under section 806(e)(4)
2 of the Bob Stump National Defense Authorization Act for
3 Fiscal Year 2003 (10 U.S.C. 2302 note) after the date
4 of the enactment of this Act shall be submitted pursuant
5 to that requirement concurrently to the Subcommittees on
6 Defense of the Committees on Appropriations of the
7 House of Representatives and the Senate.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8073. Of the amounts appropriated in this Act
10 under the headings “Procurement, Defense-Wide” and
11 “Research, Development, Test and Evaluation, Defense-
12 Wide”, \$500,000,000 shall be for the Israeli Cooperative
13 Programs: *Provided*, That of this amount, \$108,000,000
14 shall be for the Secretary of Defense to provide to the Gov-
15 ernment of Israel for the procurement of the Iron Dome
16 defense system to counter short-range rocket threats, sub-
17 ject to the U.S.-Israel Iron Dome Procurement Agree-
18 ment, as amended; \$157,000,000 shall be for the Short
19 Range Ballistic Missile Defense (SRBMD) program, in-
20 cluding cruise missile defense research and development
21 under the SRBMD program, of which \$30,000,000 shall
22 be for co-production activities of SRBMD systems in the
23 United States and in Israel to meet Israel’s defense re-
24 quirements consistent with each nation’s laws, regulations,
25 and procedures, subject to the U.S.-Israeli co-production

1 agreement for SRBMD, as amended; \$62,000,000 shall
2 be for an upper-tier component to the Israeli Missile De-
3 fense Architecture, of which \$62,000,000 shall be for co-
4 production activities of Arrow 3 Upper Tier systems in
5 the United States and in Israel to meet Israel's defense
6 requirements consistent with each nation's laws, regula-
7 tions, and procedures, subject to the U.S.-Israeli co-pro-
8 duction agreement for Arrow 3 Upper Tier, as amended;
9 and \$173,000,000 shall be for the Arrow System Improve-
10 ment Program including development of a long range,
11 ground and airborne, detection suite: *Provided further*,
12 That the transfer authority provided under this provision
13 is in addition to any other transfer authority contained
14 in this Act.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8074. Of the amounts appropriated in this Act
17 under the heading "Shipbuilding and Conversion, Navy",
18 \$660,795,000 shall be available until September 30, 2022,
19 to fund prior year shipbuilding cost increases: *Provided*,
20 That upon enactment of this Act, the Secretary of the
21 Navy shall transfer funds to the following appropriations
22 in the amounts specified: *Provided further*, That the
23 amounts transferred shall be merged with and be available
24 for the same purposes as the appropriations to which
25 transferred to:

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

4 (2) Under the heading “Shipbuilding and Con-
5 version, Navy”, 2015/2022: DDG–51 Destroyer
6 \$44,577,000;

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

10 (4) Under the heading “Shipbuilding and Con-
11 version, Navy”, 2016/2022: DDG-51 Destroyer
12 \$1,176,000;

13 (5) Under the heading “Shipbuilding and Con-
14 version, Navy”, 2016/2022: Littoral Combat Ship
15 \$24,860,000;

16 (6) Under the heading “Shipbuilding and Con-
17 version, Navy”, 2016/2022: TAO Fleet Oiler
18 \$23,358,000;

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

21 (8) Under the heading “Shipbuilding and Con-
22 version, Navy”, 2017/2022: Littoral Combat Ship
23 \$20,000,000; and

1 (9) Under the heading “Shipbuilding and Con-
2 version, Navy”, 2018/2022: TAO Fleet Oiler
3 \$43,342,000.

4 SEC. 8075. Funds appropriated by this Act, or made
5 available by the transfer of funds in this Act, for intel-
6 ligence activities are deemed to be specifically authorized
7 by the Congress for purposes of section 504 of the Na-
8 tional Security Act of 1947 (50 U.S.C. 3094) during fiscal
9 year 2022 until the enactment of the Intelligence Author-
10 ization Act for Fiscal Year 2022.

11 SEC. 8076. None of the funds provided in this Act
12 shall be available for obligation or expenditure through a
13 reprogramming of funds that creates or initiates a new
14 program, project, or activity unless such program, project,
15 or activity must be undertaken immediately in the interest
16 of national security and only after written prior notifica-
17 tion to the congressional defense committees.

18 SEC. 8077. The budget of the President for fiscal
19 year 2023 submitted to the Congress pursuant to section
20 1105 of title 31, United States Code, shall include sepa-
21 rate budget justification documents for costs of United
22 States Armed Forces’ participation in contingency oper-
23 ations for the Military Personnel accounts, the Operation
24 and Maintenance accounts, the Procurement accounts,
25 and the Research, Development, Test and Evaluation ac-

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

17 SEC. 8078. None of the funds in this Act may be
18 used for research, development, test, evaluation, procure-
19 ment or deployment of nuclear armed interceptors of a
20 missile defense system.

21 SEC. 8079. The Secretary of Defense may use up to
22 \$650,000,000 of the amounts appropriated or otherwise
23 made available in this Act to the Department of Defense
24 for the rapid acquisition and deployment of supplies and
25 associated support services pursuant to section 806 of the

1 Bob Stump National Defense Authorization Act for Fiscal
2 Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note),
3 but only for the purposes specified in clauses (i), (ii), (iii),
4 and (iv) of subsection (c)(3)(B) of such section and sub-
5 ject to the applicable limits specified in clauses (i), (ii),
6 and (iii) of such subsection and, in the case of clause (iv)
7 of such subsection, subject to a limit of \$50,000,000: *Pro-*
8 *vided*, That the Secretary of Defense shall notify the con-
9 gressional defense committees promptly of all uses of this
10 authority.

11 SEC. 8080. None of the funds appropriated or made
12 available in this Act shall be used to reduce or disestablish
13 the operation of the 53rd Weather Reconnaissance Squad-
14 ron of the Air Force Reserve, if such action would reduce
15 the WC–130 Weather Reconnaissance mission below the
16 levels funded in this Act: *Provided*, That the Air Force
17 shall allow the 53rd Weather Reconnaissance Squadron to
18 perform other missions in support of national defense re-
19 quirements during the non-hurricane season.

20 SEC. 8081. None of the funds provided in this Act
21 shall be available for integration of foreign intelligence in-
22 formation unless the information has been lawfully col-
23 lected and processed during the conduct of authorized for-
24 eign intelligence activities: *Provided*, That information
25 pertaining to United States persons shall only be handled

1 in accordance with protections provided in the Fourth
2 Amendment of the United States Constitution as imple-
3 mented through Executive Order No. 12333.

4 SEC. 8082. (a) None of the funds appropriated by
5 this Act may be used to transfer research and develop-
6 ment, acquisition, or other program authority relating to
7 current tactical unmanned aerial vehicles (TUAVs) from
8 the Army.

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

14 SEC. 8083. None of the funds appropriated by this
15 Act for programs of the Office of the Director of National
16 Intelligence shall remain available for obligation beyond
17 the current fiscal year, except for funds appropriated for
18 research and technology, which shall remain available until
19 September 30, 2023, and except for funds appropriated
20 for the purchase of real property, which shall remain avail-
21 able until September 30, 2024.

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

1 purpose as any subdivision under the heading “Ship-
2 building and Conversion, Navy” appropriations in any
3 prior fiscal year, and the 1 percent limitation shall apply
4 to the total amount of the appropriation.

5 SEC. 8085. (a) Not later than 60 days after the date
6 of the enactment of this Act, the Director of National In-
7 telligence shall submit a report to the congressional intel-
8 ligence committees to establish the baseline for application
9 of reprogramming and transfer authorities for fiscal year
10 2022: *Provided*, That the report shall include—

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

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

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

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

1 mittees that such reprogramming or transfer is necessary
2 as an emergency requirement.

3 SEC. 8086. Any transfer of amounts appropriated to
4 the Department of Defense Acquisition Workforce Devel-
5 opment Account in or for fiscal year 2022 to a military
6 department or Defense Agency pursuant to section
7 1705(e)(1) of title 10, United States Code, shall be cov-
8 ered by and subject to section 8005 of this Act.

9 SEC. 8087. (a) None of the funds provided for the
10 National Intelligence Program in this or any prior appro-
11 priations Act shall be available for obligation or expendi-
12 ture through a reprogramming or transfer of funds in ac-
13 cordance with section 102A(d) of the National Security
14 Act of 1947 (50 U.S.C. 3024(d)) that—

15 (1) creates a new start effort;

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

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

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

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

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

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

23 (b) Subsection (a) shall not apply to a report if—
24 (1) the public posting of the report com-
25 promises national security; or

1 (2) the report contains proprietary information.

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

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

10 (1) enter into any agreement with any of its employ-
11 ees or independent contractors that requires, as a condi-
12 tion of employment, that the employee or independent con-
13 tractor agree to resolve through arbitration any claim
14 under title VII of the Civil Rights Act of 1964 or any
15 tort related to or arising out of sexual assault or harass-
16 ment, including assault and battery, intentional infliction
17 of emotional distress, false imprisonment, or negligent hir-
18 ing, supervision, or retention; or

19 (2) take any action to enforce any provision of an
20 existing agreement with an employee or independent con-
21 tractor that mandates that the employee or independent
22 contractor resolve through arbitration any claim under
23 title VII of the Civil Rights Act of 1964 or any tort related
24 to or arising out of sexual assault or harassment, includ-
25 ing assault and battery, intentional infliction of emotional

1 distress, false imprisonment, or negligent hiring, super-
2 vision, or retention.

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

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

18 (d) The Secretary of Defense may waive the applica-
19 tion of subsection (a) or (b) to a particular contractor or
20 subcontractor for the purposes of a particular contract or
21 subcontract if the Secretary or the Deputy Secretary per-
22 sonally determines that the waiver is necessary to avoid
23 harm to national security interests of the United States,
24 and that the term of the contract or subcontract is not
25 longer than necessary to avoid such harm. The determina-

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

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8091. From within the funds appropriated for
13 operation and maintenance for the Defense Health Pro-
14 gram in this Act, up to \$137,000,000, shall be available
15 for transfer to the Joint Department of Defense-Depart-
16 ment of Veterans Affairs Medical Facility Demonstration
17 Fund in accordance with the provisions of section 1704
18 of the National Defense Authorization Act for Fiscal Year
19 2010, Public Law 111–84: *Provided*, That for purposes
20 of section 1704(b), the facility operations funded are oper-
21 ations of the integrated Captain James A. Lovell Federal
22 Health Care Center, consisting of the North Chicago Vet-
23 erans Affairs Medical Center, the Navy Ambulatory Care
24 Center, and supporting facilities designated as a combined
25 Federal medical facility as described by section 706 of

1 Public Law 110–417: *Provided further*, That additional
2 funds may be transferred from funds appropriated for op-
3 eration and maintenance for the Defense Health Program
4 to the Joint Department of Defense-Department of Vet-
5 erans Affairs Medical Facility Demonstration Fund upon
6 written notification by the Secretary of Defense to the
7 Committees on Appropriations of the House of Represent-
8 atives and the Senate.

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

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

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8094. Upon a determination by the Director of
23 National Intelligence that such action is necessary and in
24 the national interest, the Director may, with the approval
25 of the Office of Management and Budget, transfer not to

1 exceed \$1,500,000,000 of the funds made available in this
2 Act for the National Intelligence Program: *Provided*, That
3 such authority to transfer may not be used unless for
4 higher priority items, based on unforeseen intelligence re-
5 quirements, than those for which originally appropriated
6 and in no case where the item for which funds are re-
7 quested has been denied by the Congress: *Provided further*,
8 That a request for multiple reprogrammings of funds
9 using authority provided in this section shall be made
10 prior to June 30, 2022.

11 SEC. 8095. Of the amounts appropriated in this Act
12 for “Shipbuilding and Conversion, Navy”, \$299,900,000,
13 to remain available for obligation until September 30,
14 2026, may be used for the purchase of five used sealift
15 vessels for the National Defense Reserve Fleet, established
16 under section 11 of the Merchant Ship Sales Act of 1946
17 (46 U.S.C. 57100): *Provided*, That such amounts are
18 available for reimbursements to the Ready Reserve Force,
19 Maritime Administration account of the United States De-
20 partment of Transportation for programs, projects, activi-
21 ties, and expenses related to the National Defense Reserve
22 Fleet: *Provided further*, That notwithstanding section
23 2218 of title 10, United States Code, none of these funds
24 shall be transferred to the National Defense Sealift Fund
25 for execution.

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

3 SEC. 8097. If the Secretary of a military department
4 reduces each research, development, test and evaluation,
5 and procurement account of the military department pur-
6 suant to paragraph (1) of section 828(d) of the National
7 Defense Authorization Act for Fiscal Year 2016 (Public
8 Law 114–92; 10 U.S.C. 2430 note), the Secretary shall
9 allocate the reduction determined under paragraph (2) of
10 such section 828(d) proportionally from all programs,
11 projects, or activities under such account: *Provided*, That
12 the authority under section 804(d)(2) of the National De-
13 fense Authorization Act for Fiscal Year 2016 (Public Law
14 114–92; 10 U.S.C. 2302 note) to transfer amounts avail-
15 able in the Rapid Prototyping Fund shall be subject to
16 section 8005 of this Act.

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

19 (1) conduct an acquisition pursuant to section
20 702 of the Foreign Intelligence Surveillance Act of
21 1978 for the purpose of targeting a United States
22 person; or

23 (2) acquire, monitor, or store the contents (as
24 such term is defined in section 2510(8) of title 18,
25 United States Code) of any electronic communica-

1 tion of a United States person from a provider of
2 electronic communication services to the public pur-
3 suant to section 501 of the Foreign Intelligence Sur-
4 veillance Act of 1978.

5 SEC. 8099. None of the funds made available in this
6 or any other Act may be used to pay the salary of any
7 officer or employee of any agency funded by this Act who
8 approves or implements the transfer of administrative re-
9 sponsibilities or budgetary resources of any program,
10 project, or activity financed by this Act to the jurisdiction
11 of another Federal agency not financed by this Act with-
12 out the express authorization of Congress: *Provided*, That
13 this limitation shall not apply to transfers of funds ex-
14 pressly provided for in Defense Appropriations Acts, or
15 provisions of Acts providing supplemental appropriations
16 for the Department of Defense.

17 SEC. 8100. Of the amounts appropriated in this Act
18 for “Operation and Maintenance, Navy”, \$435,032,000,
19 to remain available until expended, may be used for any
20 purposes related to the National Defense Reserve Fleet
21 established under section 11 of the Merchant Ship Sales
22 Act of 1946 (46 U.S.C. 57100): *Provided*, That such
23 amounts are available for reimbursements to the Ready
24 Reserve Force, Maritime Administration account of the
25 United States Department of Transportation for pro-

1 grams, projects, activities, and expenses related to the Na-
2 tional Defense Reserve Fleet.

3 SEC. 8101. None of the funds made available in this
4 Act may be obligated for activities authorized under sec-
5 tion 1208 of the Ronald W. Reagan National Defense Au-
6 thorization Act for Fiscal Year 2005 (Public Law 112-
7 81; 125 Stat. 1621) to initiate support for, or expand sup-
8 port to, foreign forces, irregular forces, groups, or individ-
9 uals unless the congressional defense committees are noti-
10 fied in accordance with the direction contained in the clas-
11 sified annex accompanying this Act, not less than 15 days
12 before initiating such support: *Provided*, That none of the
13 funds made available in this Act may be used under sec-
14 tion 1208 for any activity that is not in support of an
15 ongoing military operation being conducted by United
16 States Special Operations Forces to combat terrorism:
17 *Provided further*, That the Secretary of Defense may waive
18 the prohibitions in this section if the Secretary determines
19 that such waiver is required by extraordinary cir-
20 cumstances and, by not later than 72 hours after making
21 such waiver, notifies the congressional defense committees
22 of such waiver.

23 SEC. 8102. The Secretary of Defense, in consultation
24 with the Service Secretaries, shall submit a report to the
25 congressional defense committees, not later than 180 days

1 after the date of the enactment of this Act, detailing the
2 submission of records during the previous 12 months to
3 databases accessible to the National Instant Criminal
4 Background Check System (NICS), including the Inter-
5 state Identification Index (III), the National Crime Infor-
6 mation Center (NCIC), and the NICS Index, as required
7 by Public Law 110–180: *Provided*, That such report shall
8 provide the number and category of records submitted by
9 month to each such database, by Service or Component:
10 *Provided further*, That such report shall identify the num-
11 ber and category of records submitted by month to those
12 databases for which the Identification for Firearm Sales
13 (IFFS) flag or other database flags were used to pre-vali-
14 date the records and indicate that such persons are pro-
15 hibited from receiving or possessing a firearm: *Provided*
16 *further*, That such report shall describe the steps taken
17 during the previous 12 months, by Service or Component,
18 to ensure complete and accurate submission and appro-
19 priate flagging of records of individuals prohibited from
20 gun possession or receipt pursuant to 18 U.S.C. 922(g)
21 or (n) including applicable records involving proceedings
22 under the Uniform Code of Military Justice.

23 SEC. 8103. (a) None of the funds provided in this
24 Act for the TAO Fleet Oiler program shall be used to
25 award a new contract that provides for the acquisition of

1 the following components unless those components are
2 manufactured in the United States: Auxiliary equipment
3 (including pumps) for shipboard services; propulsion
4 equipment (including engines, reduction gears, and propel-
5 lers); shipboard cranes; spreaders for shipboard cranes;
6 and anchor chains specifically for the seventh and subse-
7 quent ships of the fleet.

8 (b) None of the funds provided in this Act for the
9 FFG(X) Frigate 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: Air circuit breakers; gyrocompasses;
13 electronic navigation chart systems; steering controls;
14 pumps; propulsion and machinery control systems; totally
15 enclosed lifeboats; auxiliary equipment pumps; shipboard
16 cranes; auxiliary chill water systems; and propulsion pro-
17 pellers: *Provided*, That the Secretary of the Navy shall in-
18 corporate United States manufactured propulsion engines
19 and propulsion reduction gears into the FFG(X) Frigate
20 program beginning not later than with the eleventh ship
21 of the program.

22 SEC. 8104. None of the funds provided in this Act
23 for requirements development, performance specification
24 development, concept design and development, ship con-
25 figuration development, systems engineering, naval archi-

1 tecture, marine engineering, operations research analysis,
2 industry studies, preliminary design, development of the
3 Detailed Design and Construction Request for Proposals
4 solicitation package, or related activities for the AS(X)
5 Submarine Tender, T-ARC(X) Cable Laying and Repair
6 Ship, or T-AGOS(X) Oceanographic Surveillance Ship
7 may be used to award a new contract for such activities
8 unless these contracts include specifications that all auxil-
9 iary equipment, including pumps and propulsion shafts
10 are manufactured in the United States.

11 SEC. 8105. None of the funds made available by this
12 Act may be obligated or expended for the purpose of de-
13 commissioning the USS *Fort Worth*, the USS *Detroit*, or
14 the USS *Little Rock*.

15 SEC. 8106. No amounts credited or otherwise made
16 available in this or any other Act to the Department of
17 Defense Acquisition Workforce Development Account may
18 be transferred to:

19 (1) the Rapid Prototyping Fund established
20 under section 804(d) of the National Defense Au-
21 thorization Act for Fiscal Year 2016 (10 U.S.C.
22 2302 note); or

23 (2) credited to a military-department specific
24 fund established under section 804(d)(2) of the Na-
25 tional Defense Authorization Act for Fiscal Year

1 2016 (as amended by section 897 of the National
2 Defense Authorization Act for Fiscal Year 2017).

3 SEC. 8107. None of the funds made available by this
4 Act may be used for Government Travel Charge Card ex-
5 penses by military or civilian personnel of the Department
6 of Defense for gaming, or for entertainment that includes
7 topless or nude entertainers or participants, as prohibited
8 by Department of Defense FMR, Volume 9, Chapter 3
9 and Department of Defense Instruction 1015.10 (enclo-
10 sure 3, 14a and 14b).

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

15 (b) Nothing in subsection (a) shall limit the use of
16 funds necessary for any Federal, State, tribal, or local law
17 enforcement agency or any other entity carrying out crimi-
18 nal investigations, prosecution, or adjudication activities,
19 or for any activity necessary for the national defense, in-
20 cluding intelligence activities.

21 SEC. 8109. In addition to amounts provided else-
22 where in this Act, there is appropriated \$300,000,000, for
23 an additional amount for “Operation and Maintenance,
24 Defense-Wide”, to remain available until expended: *Pro-*
25 *vided*, That such funds shall only be available to the Sec-

1 retary of Defense, acting through the Office of Local De-
2 fense Community Cooperation of the Department of De-
3 fense, or for transfer to the Secretary of Education, not-
4 withstanding any other provision of law, to make grants,
5 conclude cooperative agreements, or supplement other
6 Federal funds to construct, renovate, repair, or expand el-
7 ementary and secondary public schools on military instal-
8 lations in order to address capacity or facility condition
9 deficiencies at such schools: *Provided further*, That in
10 making such funds available, the Office of Local Defense
11 Community Cooperation or the Secretary of Education
12 shall give priority consideration to those military installa-
13 tions with schools having the most serious capacity or fa-
14 cility condition deficiencies as determined by the Secretary
15 of Defense: *Provided further*, That as a condition of receiv-
16 ing funds under this section a local educational agency or
17 State shall provide a matching share as described in the
18 notice titled “Department of Defense Program for Con-
19 struction, Renovation, Repair or Expansion of Public
20 Schools Located on Military Installations” published by
21 the Department of Defense in the Federal Register on
22 September 9, 2011 (76 Fed. Reg. 55883 et seq.): *Provided*
23 *further*, That all laborers and mechanics employed by con-
24 tractors or subcontractors in the performance of construc-
25 tion, alteration, or repair work funded, in whole or in part,

1 using funds made available under this section shall be paid
2 wages at rates not less than those prevailing on projects
3 of a character similar in the locality as determined by the
4 Secretary of Labor in accordance with subchapter IV of
5 chapter 31 of title 40, United States Code: *Provided fur-*
6 *ther*, That, with respect to the labor standards specified
7 in the preceding proviso, the Secretary of Labor shall have
8 the authority and functions set forth in Reorganization
9 Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C.
10 App.) and section 3145 of title 40, United States Code:
11 *Provided further*, That these provisions apply to funds pro-
12 vided under this section, and to funds previously provided
13 by Congress to construct, renovate, repair, or expand ele-
14 mentary and secondary public schools on military installa-
15 tions in order to address capacity or facility condition defi-
16 ciencies at such schools to the extent such funds remain
17 unobligated on the date of enactment of this Act.

18 SEC. 8110. In carrying out the program described in
19 the memorandum on the subject of “Policy for Assisted
20 Reproductive Services for the Benefit of Seriously or Se-
21 verely Ill/Injured (Category II or III) Active Duty Service
22 Members” issued by the Assistant Secretary of Defense
23 for Health Affairs on April 3, 2012, and the guidance
24 issued to implement such memorandum, the Secretary of

1 Defense shall apply such policy and guidance, except
2 that—

3 (1) the limitation on periods regarding embryo
4 cryopreservation and storage set forth in part III(G)
5 and in part IV(H) of such memorandum shall not
6 apply; and

7 (2) the term “assisted reproductive technology”
8 shall include embryo cryopreservation and storage
9 without limitation on the duration of such
10 cryopreservation and storage.

11 SEC. 8111. None of the funds provided for, or other-
12 wise made available, in this or any other Act, may be obli-
13 gated or expended by the Secretary of Defense to provide
14 motorized vehicles, aviation platforms, munitions other
15 than small arms and munitions appropriate for customary
16 ceremonial honors, operational military units, or oper-
17 ational military platforms if the Secretary determines that
18 providing such units, platforms, or equipment would un-
19 dermine the readiness of such units, platforms, or equip-
20 ment.

21 SEC. 8112. The Secretary of Defense may obligate
22 and expend funds made available under this Act for pro-
23 curement or for research, development, test and evaluation
24 for the F-35 Joint Strike Fighter to modify up to six F-
25 35 aircraft, including up to two F-35 aircraft of each vari-

1 ant, to a test configuration: *Provided*, That the Secretary
2 of Defense shall, with the concurrence of the Secretary
3 of the Air Force and the Secretary of the Navy, notify
4 the congressional defense committees not fewer than 30
5 days prior to obligating and expending funds under this
6 section: *Provided further*, That any transfer of funds pur-
7 suant to the authority provided in this section shall be
8 made in accordance with section 8005 of this Act: *Pro-*
9 *vided further*, That aircraft referred to previously in this
10 section are not additional to aircraft referred to in section
11 8135 of the Department of Defense Appropriations Act,
12 2019; section 8126 of the Department of Defense Appro-
13 priations Act, 2020; and section 8122 of the Department
14 of Defense Appropriations Act, 2021.

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

23 SEC. 8114. (a) None of the funds made available by
24 this or any other Act may be used to enter into a contract,
25 memorandum of understanding, or cooperative agreement

1 with, make a grant to, or provide a loan or loan guarantee
2 to any corporation that has any unpaid Federal tax liabil-
3 ity that has been assessed, for which all judicial and ad-
4 ministrative remedies have been exhausted or have lapsed,
5 and that is not being paid in a timely manner pursuant
6 to an agreement with the authority responsible for col-
7 lecting such tax liability, provided that the applicable Fed-
8 eral agency is aware of the unpaid Federal tax liability.

9 (b) Subsection (a) shall not apply if the applicable
10 Federal agency has considered suspension or debarment
11 of the corporation described in such subsection and has
12 made a determination that such suspension or debarment
13 is not necessary to protect the interests of the Federal
14 Government.

15 SEC. 8115. During fiscal year 2022, any advance bill-
16 ing for background investigation services and related serv-
17 ices purchased from activities financed using Defense
18 Working Capital Funds shall be excluded from the calcula-
19 tion of cumulative advance billings under section
20 2208(l)(3) of title 10, United States Code.

21 SEC. 8116. None of the funds appropriated or other-
22 wise made available by this Act may be used to transfer
23 the National Reconnaissance Office to the Space Force:
24 *Provided*, That nothing in this Act shall be construed to
25 limit or prohibit cooperation, collaboration, and coordina-

1 tion between the National Reconnaissance Office and the
2 Space Force or any other elements of the Department of
3 Defense.

4 SEC. 8117. None of the funds appropriated or other-
5 wise made available by this Act may be used to transfer
6 any element of the Department of the Army, the Depart-
7 ment of the Navy, or a Department of Defense agency
8 to the Space Force unless, concurrent with the fiscal year
9 2023 budget submission (as submitted to Congress pursu-
10 ant to section 1105 of title 31, United States Code), the
11 Secretary of Defense provides a report to the Committees
12 on Appropriations of the House of Representatives and the
13 Senate, detailing any plans to transfer appropriate space
14 elements of the Department of the Army, the Department
15 of the Navy, or a Department of Defense agency to the
16 Space Force and certifies in writing to the Committees
17 on Appropriations of the House of Representatives and the
18 Senate that such transfer is consistent with the mission
19 of the Space Force and will not have an adverse impact
20 on the Department or agency from which such element
21 is being transferred: *Provided*, That such report shall in-
22 clude fiscal year 2023 budget and future years defense
23 program adjustments associated with such planned trans-
24 fers.

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

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

12 SEC. 8120. The Commander of United States Cyber
13 Command shall, subject to the authority, direction, and
14 control of the Principal Cyber Advisor of the Department
15 of Defense, be responsible for directly controlling and
16 managing the planning, programming, budgeting, and exe-
17 cution of the resources to train, equip, operate, and sus-
18 tain the Cyber Mission Forces: *Provided*, That such re-
19 sponsibility shall take effect on October 1, 2021, and apply
20 to resources beginning with fiscal year 2024.

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

1 SEC. 8122. (a) Amounts appropriated under title IV
2 of this Act, as detailed in budget activity eight of the ta-
3 bles in the explanatory statement regarding this Act, may
4 be used for expenses for the agile research, development,
5 test and evaluation, procurement, production, modifica-
6 tion, and operation and maintenance, only for the fol-
7 lowing Software and Digital Technology Pilot programs—

8 (1) Defensive Cyber Operations Army (PE
9 0608041A);

10 (2) Risk Management Information (PE
11 0608013N);

12 (3) Maritime Tactical Command Control (PE
13 0608231N);

14 (4) Space Command and Control (PE
15 1203614SF);

16 (5) National Background Investigation Services
17 (PE 0608197V);

18 (6) Global Command and Control System-Joint
19 (PE 0308150K);

20 (7) Algorithmic Warfare Cross Functional
21 Team (PE 0308588D8Z);

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

23 (9) Joint Artificial Intelligence (PE
24 0604532K);

1 (10) Air and Space Operations Center (Air
2 Force) (PE 0608941F);

3 (11) Defense Enterprise Accounting and Man-
4 agement System (PE 0608920F); and

5 (12) Strategic Mission Planning and Execution
6 System (PE 0608158F).

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

11 SEC. 8123. Of the amounts appropriated in this Act
12 under the heading “Operation and Maintenance, Defense-
13 Wide”, \$75,000,000, to remain available until September
14 30, 2025: *Provided*, That such funds shall only be avail-
15 able to the Secretary of Defense, acting through the Office
16 of Local Defense Community Cooperation of the Depart-
17 ment of Defense, to make grants to communities impacted
18 by military aviation noise for the purpose of installing
19 noise mitigating insulation at covered facilities: *Provided*
20 *further*, That, to be eligible to receive a grant under the
21 program, a community must enter into an agreement with
22 the Secretary under which the community prioritizes the
23 use of funds for the installation of noise mitigation at cov-
24 ered facilities in the community: *Provided further*, That
25 as a condition of receiving funds under this section a State

1 or local entity shall provide a matching share of ten per-
2 cent: *Provided further*, That grants under the program
3 may be used to meet the Federal match requirement under
4 the airport improvement program established under sub-
5 chapter I of chapter 471 and subchapter I of chapter 475
6 of title 49, United States Code: *Provided further*, That,
7 in carrying out the program, the Secretary of Defense
8 shall coordinate with the Secretary of Transportation to
9 minimize duplication of efforts with any other noise miti-
10 gation program compliant with part 150 of title 14, Code
11 of Federal Regulations: *Provided further*, That, in this sec-
12 tion, the term “covered facilities” means hospitals,
13 daycare facilities, schools, facilities serving senior citizens,
14 and private residences that are located within one mile or
15 a day-night average sound level of 65 or greater of a mili-
16 tary installation or another location at which military air-
17 craft are stationed or are located in an area impacted by
18 military aviation noise within one mile or a day-night aver-
19 age sound level of 65 or greater, as determined by the
20 Department of Defense or Federal Aviation Administra-
21 tion noise modeling programs.

22 SEC. 8124. None of the funds made available by this
23 Act may be obligated or expended in a manner that does
24 not comply with the requirements of section 2576a of title
25 10, United States Code, as if the amendments to such sec-

1 tion included in section 365 of H.R. 1280 of the 117th
2 Congress, as passed by the House of Representatives on
3 March 3, 2021, were enacted into law.

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

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

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

19 (3) Sections 1002 and 1003 of the Department
20 of Defense, Emergency Supplemental Appropriations
21 to Address Hurricanes in the Gulf of Mexico, and
22 Pandemic Influenza Act, 2006 (Public Law 109–
23 148).

24 SEC. 8126. During the current fiscal year, the De-
25 partment of Defense is authorized to incur obligations of

1 not to exceed \$350,000,000 for purposes specified in sec-
2 tion 2350j(c) of title 10, United States Code, in anticipa-
3 tion of receipt of contributions, only from the Government
4 of Kuwait, under that section: *Provided*, That, upon re-
5 ceipt, such contributions from the Government of Kuwait
6 shall be credited to the appropriations or fund which in-
7 curred such obligations.

8 SEC. 8127. The Secretary of Defense shall notify the
9 congressional defense committees in writing not more than
10 30 days after the receipt of any contribution of funds re-
11 ceived from the government of a foreign country for any
12 purpose relating to the stationing or operations of the
13 United States Armed Forces: *Provided*, That such notifi-
14 cation shall include the amount of the contribution; the
15 purpose for which such contribution was made; and the
16 authority under which such contribution was accepted by
17 the Secretary of Defense: *Provided further*, That not fewer
18 than 15 days prior to obligating such funds, the Secretary
19 of Defense shall submit to the congressional defense com-
20 mittees in writing a notification of the planned use of such
21 contributions, including whether such contributions would
22 support existing or new stationing or operations of the
23 United States Armed Forces.

24 SEC. 8128. From funds made available in this title,
25 the Secretary of Defense may purchase for use by military

1 and civilian employees of the Department of Defense in
2 the United States Central Command area of responsi-
3 bility: (1) passenger motor vehicles up to a limit of
4 \$75,000 per vehicle; and (2) heavy and light armored vehi-
5 cles for the physical security of personnel or for force pro-
6 tection purposes up to a limit of \$450,000 per vehicle, not-
7 withstanding price or other limitations applicable to the
8 purchase of passenger carrying vehicles.

9 SEC. 8129. Funds made available in this title to the
10 Department of Defense for operation and maintenance
11 may be used to purchase items having an investment unit
12 cost of not more than \$250,000: *Provided*, That, upon de-
13 termination by the Secretary of Defense that such action
14 is necessary to meet the operational requirements of a
15 Commander of a Combatant Command engaged in contin-
16 ugency operations overseas, such funds may be used to pur-
17 chase items having an investment item unit cost of not
18 more than \$500,000.

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

22 SEC. 8131. None of the funds made available by this
23 Act may be used with respect to Iraq in contravention of
24 the War Powers Resolution (50 U.S.C. 1541 et seq.), in-
25 cluding for the introduction of United States Armed

1 Forces into hostilities in Iraq, into situations in Iraq
2 where imminent involvement in hostilities is clearly indi-
3 cated by the circumstances, or into Iraqi territory, air-
4 space, or waters while equipped for combat, in contraven-
5 tion of the congressional consultation and reporting re-
6 quirements of sections 3 and 4 of such Resolution (50
7 U.S.C. 1542 and 1543).

8 SEC. 8132. None of the funds made available by this
9 Act may be used with respect to Syria in contravention
10 of the War Powers Resolution (50 U.S.C. 1541 et seq.),
11 including for the introduction of United States armed or
12 military forces into hostilities in Syria, into situations in
13 Syria where imminent involvement in hostilities is clearly
14 indicated by the circumstances, or into Syrian territory,
15 airspace, or waters while equipped for combat, in con-
16 travention of the congressional consultation and reporting
17 requirements of sections 3 and 4 of that law (50 U.S.C.
18 1542 and 1543).

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

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

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

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

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

10 SEC. 8135. Not later than 15 days after the date on
11 which any foreign base that involves the stationing or op-
12 erations of the United States Armed Forces, including a
13 temporary base, permanent base, or base owned and oper-
14 ated by a foreign country, is opened or closed, the Sec-
15 retary of Defense shall notify the congressional defense
16 committees in writing of the opening or closing of such
17 base: *Provided*, That such notification shall also include
18 information on any personnel changes, costs, and savings
19 associated with the opening or closing of such base.

20 SEC. 8136. The Secretary of Defense shall provide
21 quarterly reports to the congressional defense committees
22 on the deployment of United States Armed Forces by each
23 geographic combatant command, including the number of
24 members of the Armed Forces, civilian employees of the
25 Department of Defense, and contract personnel, as well

1 as the country and named operation, if applicable, to
2 which such personnel are assigned.

3 SEC. 8137. None of the funds made available by this
4 Act under the headings “Afghanistan Security Forces
5 Fund” and “Counter-ISIS Train and Equip Fund”, and
6 under the heading “Operation and Maintenance, Defense-
7 Wide” for Department of Defense security cooperation
8 grant programs, may be used to procure or transfer man-
9 portable air defense systems.

10 SEC. 8138. None of the funds made available by this
11 Act for excess defense articles, assistance under section
12 333 of title 10, United States Code, or peacekeeping oper-
13 ations for the countries designated annually to be in viola-
14 tion of the standards of the Child Soldiers Prevention Act
15 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may
16 be used to support any military training or operation that
17 includes child soldiers, as defined by the Child Soldiers
18 Prevention Act of 2008, unless such assistance is other-
19 wise permitted under section 404 of the Child Soldiers
20 Prevention Act of 2008.

21 SEC. 8139. None of the funds in this Act may be
22 made available for the transfer of additional C–130 cargo
23 aircraft to the Afghanistan National Security Forces or
24 the Afghanistan Air Force.

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

3 SEC. 8141. None of the funds provided for the “Af-
4 ghanistan Security Forces Fund” (ASFF) may be obli-
5 gated prior to the approval of a financial and activity plan
6 by the Afghanistan Resources Oversight Council (AROC)
7 of the Department of Defense: *Provided*, That the AROC
8 must approve the requirement and acquisition plan for any
9 service requirements in excess of \$50,000,000 annually
10 and any non-standard equipment requirements in excess
11 of \$100,000,000 using ASFF: *Provided further*, That the
12 Department of Defense must certify to the congressional
13 defense committees that the AROC has convened and ap-
14 proved a process for ensuring compliance with the require-
15 ments in the preceding proviso and accompanying report
16 language for the ASFF.

17 SEC. 8142. Notwithstanding any other provision of
18 law, any transfer of funds, appropriated or otherwise made
19 available by this Act, for support to friendly foreign coun-
20 tries in connection with the conduct of operations in which
21 the United States is not participating, pursuant to section
22 331(d) of title 10, United States Code, shall be made in
23 accordance with section 8005 of this Act.

24 SEC. 8143. Funds appropriated in this Act under the
25 heading “Operation and Maintenance, Defense-Wide”, for

1 the Defense Security Cooperation Agency, may be used,
2 notwithstanding any other provision of law, to provide
3 supplies, services, transportation, including airlift and sea-
4 lift, and other logistical support to coalition forces sup-
5 porting military and stability operations in Afghanistan
6 and to counter the Islamic State of Iraq and Syria: *Pro-*
7 *vided*, That the Secretary of Defense shall provide quar-
8 terly reports to the congressional defense committees re-
9 garding support provided under this section.

10 SEC. 8144. Funds made available by this Act under
11 the heading “Afghanistan Security Forces Fund” may be
12 used to provide limited training, equipment, and other as-
13 sistance that would otherwise be prohibited by 10 U.S.C.
14 362 to a unit of the security forces of Afghanistan only
15 if the Secretary of Defense certifies to the congressional
16 defense committees, within 30 days of a decision to pro-
17 vide such assistance, that (1) a denial of such assistance
18 would present significant risk to United States or coalition
19 forces or significantly undermine United States national
20 security objectives in Afghanistan; and (2) the Secretary
21 has sought a commitment by the Government of Afghani-
22 stan to take all necessary corrective steps: *Provided*, That
23 such certification shall be accompanied by a report de-
24 scribing: (1) the information relating to the gross violation
25 of human rights; (2) the circumstances that necessitated

1 the provision of such assistance; (3) the Afghan security
2 force unit involved; (4) the assistance provided and the
3 assistance withheld; and (5) the corrective steps to be
4 taken by the Government of Afghanistan: *Provided fur-*
5 *ther*, That every 120 days after the initial report an addi-
6 tional report shall be submitted detailing the status of any
7 corrective steps taken by the Government of Afghanistan:
8 *Provided further*, That if the Government of Afghanistan
9 has not initiated necessary corrective steps within 1 year
10 of the certification, the authority under this section to pro-
11 vide assistance to such unit shall no longer apply: *Provided*
12 *further*, That the Secretary shall submit a report to such
13 committees detailing the final disposition of the case by
14 the Government of Afghanistan.

15 SEC. 8145. In addition to amounts appropriated or
16 otherwise made available elsewhere in this Act,
17 \$25,000,000 is hereby appropriated to the Department of
18 Defense to provide transport and safe passage to a citizen
19 or national of Afghanistan who has provided faithful and
20 valuable service to the United States in Afghanistan and
21 has experienced or is experiencing an ongoing serious
22 threat as a consequence of such service, including the
23 spouse, child, or surviving spouse or child of such a per-
24 son: *Provided*, That the Secretary of Defense shall coordi-
25 nate with the Secretary of State and the Secretary of

1 Homeland Security in carrying out this section: *Provided*
2 *further*, That the Secretary of Defense shall notify the
3 Committees on Appropriations of the House of Represent-
4 atives and the Senate not later than 15 days after pro-
5 viding such transport and safe passage.

6 SEC. 8146. Of the amounts appropriated in this Act
7 under the heading “Operation and Maintenance, Defense-
8 Wide”, for the Defense Security Cooperation Agency,
9 \$1,138,150,000, to remain available until September 30,
10 2023, shall be available for International Security Co-
11 operation Programs and other programs to provide sup-
12 port and assistance to foreign security forces or other
13 groups or individuals to conduct, support or facilitate
14 counterterrorism, crisis response, or building partner ca-
15 pacity programs: *Provided*, That the Secretary of Defense
16 shall, not later than 15 days prior to obligating funds
17 made available in this section, notify the congressional de-
18 fense committees in writing of the details of any planned
19 obligation: *Provided further*, That the Secretary of Defense
20 shall provide quarterly reports to the Committees on Ap-
21 propriations of the House of Representatives and the Sen-
22 ate on the use and status of funds made available in this
23 section: *Provided further*, That the Secretary of Defense
24 shall, not later than 30 days after the date of the enact-
25 ment of this Act, submit to the Committees on Appropria-

1 tions of the House of Representatives and the Senate a
2 detailed spend plan for amounts made available for the
3 Defense Security Cooperation Agency: *Provided further*,
4 That the Secretary of Defense shall, not less than 15 days
5 prior to obligating funds in a manner that would deviate
6 from such plan, notify such committees in writing of any
7 planned obligation.

8 SEC. 8147. Of the amounts appropriated in this Act
9 under the heading “Operation and Maintenance, Defense-
10 Wide”, for the Defense Security Cooperation Agency,
11 \$60,000,000, to remain available until September 30,
12 2023, shall be for payments to reimburse key cooperating
13 nations for logistical, military, and other support, includ-
14 ing access, provided to United States military and stability
15 operations in Afghanistan and to counter the Islamic
16 State of Iraq and Syria: *Provided*, That such reimburse-
17 ment payments may be made in such amounts as the Sec-
18 retary of Defense, with the concurrence of the Secretary
19 of State, and in consultation with the Director of the Of-
20 fice of Management and Budget, may determine, based
21 on documentation determined by the Secretary of Defense
22 to adequately account for the support provided, and such
23 determination is final and conclusive upon the accounting
24 officers of the United States, and 15 days following writ-
25 ten notification to the appropriate congressional commit-

1 tees: *Provided further*, That these funds may be used for
2 the purpose of providing specialized training and pro-
3 curing supplies and specialized equipment and providing
4 such supplies and loaning such equipment on a non-reim-
5 bursable basis to coalition forces supporting United States
6 military and stability operations in Afghanistan and to
7 counter the Islamic State of Iraq and Syria, and 15 days
8 following written notification to the appropriate congres-
9 sional committees: *Provided further*, That the Secretary of
10 Defense shall provide quarterly reports to the Committees
11 on Appropriations of the House of Representatives and the
12 Senate on the use and status of funds made available in
13 this section.

14 SEC. 8148. Of the amounts appropriated in this Act
15 under the heading “Operation and Maintenance, Defense-
16 Wide”, for the Defense Security Cooperation Agency,
17 \$370,000,000, to remain available until September 30,
18 2023, shall be available to reimburse Jordan, Lebanon,
19 Egypt, Tunisia, and Oman under section 1226 of the Na-
20 tional Defense Authorization Act for Fiscal Year 2016 (22
21 U.S.C. 2151 note), for enhanced border security, of which
22 not less than \$150,000,000 shall be for Jordan: *Provided*,
23 That the Secretary of Defense shall, not less than 15 days
24 prior to obligating funds made available in this section,
25 notify the congressional defense committees in writing of

1 the details of any planned obligation and the nature of
2 the expenses incurred: *Provided further*, That the Sec-
3 retary of Defense shall provide quarterly reports to the
4 Committees on Appropriations of the House of Represent-
5 atives and the Senate on the use and status of funds made
6 available in this section.

7 SEC. 8149. Up to \$500,000,000 of funds appro-
8 priated by this Act for the Defense Security Cooperation
9 Agency in “Operation and Maintenance, Defense-Wide”
10 may be used to provide assistance to the Government of
11 Jordan to support the armed forces of Jordan and to en-
12 hance security along its borders.

13 SEC. 8150. Of the amounts appropriated in this Act
14 under the heading “Operation and Maintenance, Defense-
15 Wide”, for the Defense Security Cooperation Agency,
16 \$275,000,000, of which \$137,500,000 to remain available
17 until September 30, 2023 shall be for the Ukraine Secu-
18 rity Assistance Initiative: *Provided*, That such funds shall
19 be available to the Secretary of Defense, in coordination
20 with the Secretary of State, to provide assistance, includ-
21 ing training; equipment; lethal assistance; logistics sup-
22 port, supplies and services; sustainment; and intelligence
23 support to the military and national security forces of
24 Ukraine, and for replacement of any weapons or articles
25 provided to the Government of Ukraine from the inventory

1 of the United States: *Provided further*, That the Secretary
2 of Defense shall, not less than 15 days prior to obligating
3 funds made available in this section, notify the congress-
4 sional defense committees in writing of the details of any
5 such obligation: *Provided further*, That the Secretary of
6 Defense shall, not more than 60 days after such notifica-
7 tion is made, inform such committees if such funds have
8 not been obligated and the reasons therefor: *Provided fur-*
9 *ther*, That the United States may accept equipment pro-
10 cured using funds made available in this section in this
11 or prior Acts that was transferred to the security forces
12 of Ukraine and returned by such forces to the United
13 States: *Provided further*, That equipment procured using
14 funds made available in this section in this or prior Acts,
15 and not yet transferred to the military or National Secu-
16 rity Forces of Ukraine or returned by such forces to the
17 United States, may be treated as stocks of the Depart-
18 ment of Defense upon written notification to the congress-
19 sional defense committees: *Provided further*, That the Sec-
20 retary of Defense shall provide quarterly reports to the
21 Committees on Appropriations of the House of Represent-
22 atives and the Senate on the use and status of funds made
23 available in this section.

24 SEC. 8151. (a) None of the funds appropriated or
25 otherwise made available by this or any other Act may

1 be used by the Secretary of Defense, or any other official
2 or officer of the Department of Defense, to enter into a
3 contract, memorandum of understanding, or cooperative
4 agreement with, or make a grant to, or provide a loan
5 or loan guarantee to Rosoboronexport or any subsidiary
6 of Rosoboronexport.

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

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

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

23 (3) agents of the Russian Federation have
24 ceased taking active measures to destabilize the con-

1 trol of the Government of Ukraine over eastern
2 Ukraine.

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

12 SEC. 8152. None of the funds made available by this
13 Act may be used to provide arms, training, or other assist-
14 ance to the Azov Battalion.

15 SEC. 8153. None of the funds appropriated or other-
16 wise made available by this Act may be used to support
17 or facilitate offensive military operations conducted by the
18 Saudi-led coalition against the Houthis in the war in
19 Yemen.

20 SEC. 8154. Not later than 90 days after the date of
21 the enactment of this Act, the Secretary of Defense, in
22 coordination with the Secretary of State, shall submit to
23 the congressional defense committees an integrated secu-
24 rity cooperation strategy for assistance for certain priority

1 partner countries in accordance with the report accom-
2 panying this Act.

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

7 SEC. 8156. Not later than 60 days after the date of
8 the enactment of this Act, the Secretary of Defense, in
9 coordination with the Secretary of State, shall provide all
10 relevant information and documents to the appropriate ju-
11 dicial authorities in El Salvador investigating the Decem-
12 ber 1981 massacre in El Mozote: *Provided*, That not later
13 than 30 days following such action, the Secretary of De-
14 fense shall submit a report to the Committees on Appro-
15 priations of the House of Representatives and the Senate
16 describing the information and documents provided and
17 the authorities that received them.

18 SEC. 8157. None of the funds appropriated or made
19 available in this Act shall be used to procure light-emitting
20 diode (LED) light bulbs for use in any Government-owned
21 facility or property under the control of the Department
22 of Defense which were not made or assembled in the
23 United States: *Provided*, That the Service Secretaries may
24 waive this restriction on a case-by-case basis by certifying
25 in writing to the Committees on Appropriations of the

1 House of Representatives and the Senate that adequate
2 domestic supplies are not available to meet Department
3 of Defense requirements on a timely basis: *Provided fur-*
4 *ther*, That these restrictions shall not apply to existing
5 contracts as of the date of the enactment of this Act.

6 SEC. 8158. None of the funds appropriated or made
7 available in this Act shall be used to support any activity
8 conducted by, or associated with, the Wuhan Institute of
9 Virology.

10 SEC. 8159. Effective 240 days after the date of the
11 enactment of this Act, the Authorization for Use of Mili-
12 tary Force (Public Law 107–40; 50 U.S.C. 1541 note)
13 is hereby repealed.

14 SEC. 8160. The Authorization for Use of Military
15 Force Against Iraq Resolution of 2002 (Public Law 107–
16 243; 50 U.S.C. 1541 note) is hereby repealed.

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

Union Calendar No. 63

117TH CONGRESS
1ST Session

H. R. 4432

[Report No. 117-88]

A BILL

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

JULY 15, 2021

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