

117TH CONGRESS
1ST SESSION

S. 3023

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2021

Mr. TESTER introduced the following bill; which was read twice and referred to the Committee on Appropriations

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,*

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2022

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1 SEC. 2. REFERENCES.

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall
4 be treated as referring only to the provisions of that divi-
5 sion.

1 **DIVISION A—DEPARTMENT OF DEFENSE**
2 **APPROPRIATIONS ACT, 2022**

3 TITLE I

4 MILITARY PERSONNEL

5 MILITARY PERSONNEL, ARMY

6 For pay, allowances, individual clothing, subsistence,
7 interest on deposits, gratuities, permanent change of sta-
8 tion travel (including all expenses thereof for organiza-
9 tional movements), and expenses of temporary duty travel
10 between permanent duty stations, for members of the
11 Army on active duty (except members of reserve compo-
12 nents provided for elsewhere), cadets, and aviation cadets;
13 for members of the Reserve Officers' Training Corps; and
14 for payments pursuant to section 156 of Public Law 97–
15 377, as amended (42 U.S.C. 402 note), and to the Depart-
16 ment of Defense Military Retirement Fund,
17 \$47,849,194,000.

18 MILITARY PERSONNEL, NAVY

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

1 members of the Reserve Officers' Training Corps; and for
2 payments pursuant to section 156 of Public Law 97-377,
3 as amended (42 U.S.C. 402 note), and to the Department
4 of Defense Military Retirement Fund, \$35,559,079,000.

5 MILITARY PERSONNEL, MARINE CORPS

6 For pay, allowances, individual clothing, subsistence,
7 interest on deposits, gratuities, permanent change of sta-
8 tion travel (including all expenses thereof for organiza-
9 tional movements), and expenses of temporary duty travel
10 between permanent duty stations, for members of the Ma-
11 rine Corps on active duty (except members of the Reserve
12 provided for elsewhere); and for payments pursuant to sec-
13 tion 156 of Public Law 97-377, as amended (42 U.S.C.
14 402 note), and to the Department of Defense Military Re-
15 tirement Fund, \$14,593,112,000.

16 MILITARY PERSONNEL, AIR FORCE

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

1 377, as amended (42 U.S.C. 402 note), and to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$35,132,419,000.

4 RESERVE PERSONNEL, ARMY

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Army Re-
7 serve on active duty under sections 10211, 10302, and
8 7038 of title 10, United States Code, or while serving on
9 active duty under section 12301(d) of title 10, United
10 States Code, in connection with performing duty specified
11 in section 12310(a) of title 10, United States Code, or
12 while undergoing reserve training, or while performing
13 drills or equivalent duty or other duty, and expenses au-
14 thorized by section 16131 of title 10, United States Code;
15 and for payments to the Department of Defense Military
16 Retirement Fund, \$5,077,037,000.

17 RESERVE PERSONNEL, NAVY

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

1 duty, and expenses authorized by section 16131 of title
2 10, United States Code; and for payments to the Depart-
3 ment of Defense Military Retirement Fund,
4 \$2,299,539,000.

5 RESERVE PERSONNEL, MARINE CORPS

6 For pay, allowances, clothing, subsistence, gratuities,
7 travel, and related expenses for personnel of the Marine
8 Corps Reserve on active duty under section 10211 of title
9 10, United States Code, or while serving on active duty
10 under section 12301(d) of title 10, United States Code,
11 in connection with performing duty specified in section
12 12310(a) of title 10, United States Code, or while under-
13 going reserve training, or while performing drills or equiv-
14 alent duty, and for members of the Marine Corps platoon
15 leaders class, and expenses authorized by section 16131
16 of title 10, United States Code; and for payments to the
17 Department of Defense Military Retirement Fund,
18 \$810,869,000.

19 RESERVE PERSONNEL, AIR FORCE

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

1 in section 12310(a) of title 10, United States Code, or
2 while undergoing reserve training, or while performing
3 drills or equivalent duty or other duty, and expenses au-
4 thorized by section 16131 of title 10, United States Code;
5 and for payments to the Department of Defense Military
6 Retirement Fund, \$2,296,985,000.

7 NATIONAL GUARD PERSONNEL, ARMY

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Army Na-
10 tional Guard while on duty under sections 10211, 10302,
11 or 12402 of title 10 or section 708 of title 32, United
12 States Code, or while serving on duty under section
13 12301(d) of title 10 or section 502(f) of title 32, United
14 States Code, in connection with performing duty specified
15 in section 12310(a) of title 10, United States Code, or
16 while undergoing training, or while performing drills or
17 equivalent duty or other duty, and expenses authorized by
18 section 16131 of title 10, United States Code; and for pay-
19 ments to the Department of Defense Military Retirement
20 Fund, \$9,035,677,000.

21 NATIONAL GUARD PERSONNEL, AIR FORCE

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

1 Code, or while serving on duty under section 12301(d) of
2 title 10 or section 502(f) of title 32, United States Code,
3 in connection with performing duty specified in section
4 12310(a) of title 10, United States Code, or while under-
5 going training, or while performing drills or equivalent
6 duty or other duty, and expenses authorized by section
7 16131 of title 10, United States Code; and for payments
8 to the Department of Defense Military Retirement Fund,
9 \$4,747,296,000.

1 TITLE II
2 OPERATION AND MAINTENANCE
3 OPERATION AND MAINTENANCE, ARMY

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance of the Army, as author-
6 ized by law, \$56,239,985,000: *Provided*, That not to ex-
7 ceed \$12,478,000 may be used for emergencies and ex-
8 traordinary expenses, to be expended upon the approval
9 or authority of the Secretary of the Army, and payments
10 may be made upon his certificate of necessity for confiden-
11 tial military purposes.

12 OPERATION AND MAINTENANCE, NAVY

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance of the Navy and the
15 Marine Corps, as authorized by law, \$62,895,758,000:
16 *Provided*, That not to exceed \$15,055,000 may be used
17 for emergencies and extraordinary expenses, to be ex-
18 pended upon the approval or authority of the Secretary
19 of the Navy, and payments may be made upon his certifi-
20 cate of necessity for confidential military purposes.

21 OPERATION AND MAINTENANCE, MARINE CORPS

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance of the Marine Corps,
24 as authorized by law, \$9,313,631,000.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Air Force, as
4 authorized by law, \$55,619,741,000: *Provided*, That not
5 to exceed \$7,699,000 may be used for emergencies and
6 extraordinary expenses, to be expended upon the approval
7 or authority of the Secretary of the Air Force, and pay-
8 ments may be made upon his certificate of necessity for
9 confidential military purposes.

10 OPERATION AND MAINTENANCE, SPACE FORCE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance of the Space Force, as
13 authorized by law, \$3,556,350,000.

14 OPERATION AND MAINTENANCE, DEFENSE-WIDE

15 (INCLUDING TRANSFER OF FUNDS)

16 For expenses, not otherwise provided for, necessary
17 for the operation and maintenance of activities and agen-
18 cies of the Department of Defense (other than the military
19 departments), as authorized by law, \$45,317,901,000:
20 *Provided*, That not more than \$3,000,000 may be used
21 for the Combatant Commander Initiative Fund authorized
22 under section 166a of title 10, United States Code: *Pro-*
23 *vided further*, That not to exceed \$36,000,000 may be
24 used for emergencies and extraordinary expenses, to be ex-
25 pended upon the approval or authority of the Secretary

1 of Defense, and payments may be made upon his certifi-
2 cate of necessity for confidential military purposes: *Pro-*
3 *vided further*, That of the funds provided under this head-
4 ing, not less than \$48,000,000 shall be made available for
5 the Procurement Technical Assistance Cooperative Agree-
6 ment Program, of which not less than \$4,500,000 shall
7 be available for centers defined in 10 U.S.C. 2411(1)(D):
8 *Provided further*, That none of the funds appropriated or
9 otherwise made available by this Act may be used to plan
10 or implement the consolidation of a budget or appropria-
11 tions liaison office of the Office of the Secretary of De-
12 fense, the office of the Secretary of a military department,
13 or the service headquarters of one of the Armed Forces
14 into a legislative affairs or legislative liaison office: *Pro-*
15 *vided further*, That \$56,895,000, to remain available until
16 expended, is available only for expenses relating to certain
17 classified activities, and may be transferred as necessary
18 by the Secretary of Defense to operation and maintenance
19 appropriations or research, development, test and evalua-
20 tion appropriations, to be merged with and to be available
21 for the same time period as the appropriations to which
22 transferred: *Provided further*, That any ceiling on the in-
23 vestment item unit cost of items that may be purchased
24 with operation and maintenance funds shall not apply to
25 the funds described in the preceding proviso: *Provided fur-*

1 *ther*, That of the funds provided under this heading,
2 \$1,963,404,000, of which \$1,055,220,000, to remain
3 available until September 30, 2023, shall be available to
4 provide support and assistance to foreign security forces
5 or other groups or individuals to conduct, support or facili-
6 tate counterterrorism, crisis response, or other Depart-
7 ment of Defense security cooperation programs: *Provided*
8 *further*, That the transfer authority provided under this
9 heading is in addition to any other transfer authority pro-
10 vided elsewhere in this Act.

11 COUNTER-ISIS TRAIN AND EQUIP FUND

12 For the “Counter-Islamic State of Iraq and Syria
13 Train and Equip Fund”, \$492,000,000, to remain avail-
14 able until September 30, 2023: *Provided*, That such funds
15 shall be available to the Secretary of Defense in coordina-
16 tion with the Secretary of State, to provide assistance, in-
17 cluding training; equipment; logistics support, supplies,
18 and services; stipends; infrastructure repair and renova-
19 tion; construction for facility fortification and humane
20 treatment; and sustainment, to foreign security forces, ir-
21 regular forces, groups, or individuals participating, or pre-
22 paring to participate in activities to counter the Islamic
23 State of Iraq and Syria, and their affiliated or associated
24 groups: *Provided further*, That amounts made available
25 under this heading shall be available to provide assistance

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

1 That the Secretary of Defense shall prioritize such con-
2 tributions when providing any assistance for construction
3 for facility fortification: *Provided further*, That the Sec-
4 retary of Defense may waive a provision of law relating
5 to the acquisition of items and support services or sections
6 40 and 40A of the Arms Export Control Act (22 U.S.C.
7 2780 and 2785) if the Secretary determines that such pro-
8 vision of law would prohibit, restrict, delay or otherwise
9 limit the provision of such assistance and a notice of and
10 justification for such waiver is submitted to the congress-
11 sional defense committees, the Committees on Appropria-
12 tions and Foreign Relations of the Senate and the Com-
13 mittees on Appropriations and Foreign Affairs of the
14 House of Representatives: *Provided further*, That the
15 United States may accept equipment procured using funds
16 provided under this heading, or under the heading, “Iraq
17 Train and Equip Fund” in prior Acts, that was trans-
18 ferred to security forces, irregular forces, or groups par-
19 ticipating, or preparing to participate in activities to
20 counter the Islamic State of Iraq and Syria and returned
21 by such forces or groups to the United States, and such
22 equipment may be treated as stocks of the Department
23 of Defense upon written notification to the congressional
24 defense committees: *Provided further*, That equipment
25 procured using funds provided under this heading, or

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

17 OPERATION AND MAINTENANCE, ARMY RESERVE

18 For expenses, not otherwise provided for, necessary
19 for the operation and maintenance, including training, or-
20 ganization, and administration, of the Army Reserve; re-
21 pair of facilities and equipment; hire of passenger motor
22 vehicles; travel and transportation; care of the dead; re-
23 cruiting; procurement of services, supplies, and equip-
24 ment; and communications, \$3,008,635,000.

1 OPERATION AND MAINTENANCE, NAVY RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Navy 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, \$1,130,198,000.

9 OPERATION AND MAINTENANCE, MARINE CORPS

10 RESERVE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance, including training, or-
13 ganization, and administration, of the Marine Corps Re-
14 serve; repair of facilities and equipment; hire of passenger
15 motor vehicles; travel and transportation; care of the dead;
16 recruiting; procurement of services, supplies, and equip-
17 ment; and communications, \$335,450,000.

18 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance, including training, or-
21 ganization, and administration, of the Air Force Reserve;
22 repair of facilities and equipment; hire of passenger motor
23 vehicles; travel and transportation; care of the dead; re-
24 cruiting; procurement of services, supplies, and equip-
25 ment; and communications, \$3,317,106,000.

1 modification, maintenance, and issue of supplies and
2 equipment, including those furnished from stocks under
3 the control of agencies of the Department of Defense;
4 travel expenses (other than mileage) on the same basis as
5 authorized by law for Air National Guard personnel on
6 active Federal duty, for Air National Guard commanders
7 while inspecting units in compliance with National Guard
8 Bureau regulations when specifically authorized by the
9 Chief, National Guard Bureau, \$6,678,660,000.

10 UNITED STATES COURT OF APPEALS FOR THE ARMED
11 FORCES

12 For salaries and expenses necessary for the United
13 States Court of Appeals for the Armed Forces,
14 \$15,589,000, of which not to exceed \$15,000 may be used
15 for official representation purposes.

16 ENVIRONMENTAL RESTORATION, ARMY
17 (INCLUDING TRANSFER OF FUNDS)

18 For the Department of the Army, \$299,606,000, to
19 remain available until transferred: *Provided*, That the Sec-
20 retary of the Army shall, upon determining that such
21 funds are required for environmental restoration, reduc-
22 tion and recycling of hazardous waste, removal of unsafe
23 buildings and debris of the Department of the Army, or
24 for similar purposes, transfer the funds made available by
25 this appropriation to other appropriations made available

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

11 ENVIRONMENTAL RESTORATION, NAVY

12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of the Navy, \$465,550,000, to
14 remain available until transferred: *Provided*, That the Sec-
15 retary of the Navy shall, upon determining that such
16 funds are required for environmental restoration, reduc-
17 tion and recycling of hazardous waste, removal of unsafe
18 buildings and debris of the Department of the Navy, or
19 for similar purposes, transfer the funds made available by
20 this appropriation to other appropriations made available
21 to the Department of the Navy, to be merged with and
22 to be available for the same purposes and for the same
23 time period as the appropriations to which transferred:
24 *Provided further*, That upon a determination that all or
25 part of the funds transferred from this appropriation are

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

6 ENVIRONMENTAL RESTORATION, AIR FORCE

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Department of the Air Force, \$796,568,000,
9 to remain available until transferred: *Provided*, That the
10 Secretary of the Air Force shall, upon determining that
11 such funds are required for environmental restoration, re-
12 duction and recycling of hazardous waste, removal of un-
13 safe buildings and debris of the Department of the Air
14 Force, or for similar purposes, transfer the funds made
15 available by this appropriation to other appropriations
16 made available to the Department of the Air Force, to be
17 merged with and to be available for the same purposes
18 and for the same time period as the appropriations to
19 which transferred: *Provided further*, That upon a deter-
20 mination that all or part of the funds transferred from
21 this appropriation are not necessary for the purposes pro-
22 vided herein, such amounts may be transferred back to
23 this appropriation: *Provided further*, That the transfer au-
24 thority provided under this heading is in addition to any
25 other transfer authority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of Defense, \$8,783,000, to re-
4 main available until transferred: *Provided*, That the Sec-
5 retary of Defense shall, upon determining that such funds
6 are required for environmental restoration, reduction and
7 recycling of hazardous waste, removal of unsafe buildings
8 and debris of the Department of Defense, or for similar
9 purposes, transfer the funds made available by this appro-
10 priation to other appropriations made available to the De-
11 partment of Defense, to be merged with and to be avail-
12 able for the same purposes and for the same time period
13 as the appropriations to which transferred: *Provided fur-*
14 *ther*, That upon a determination that all or part of the
15 funds transferred from this appropriation are not nec-
16 essary for the purposes provided herein, such amounts
17 may be transferred back to this appropriation: *Provided*
18 *further*, That the transfer authority provided under this
19 heading is in addition to any other transfer authority pro-
20 vided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, FORMERLY USED
22 DEFENSE SITES
23 (INCLUDING TRANSFER OF FUNDS)

24 For the Department of the Army, \$218,580,000, to
25 remain available until transferred: *Provided*, That the Sec-

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

17 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

18 For expenses relating to the Overseas Humanitarian,
19 Disaster, and Civic Aid programs of the Department of
20 Defense (consisting of the programs provided under sec-
21 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
22 United States Code), \$110,051,000, to remain available
23 until September 30, 2023.

1 COOPERATIVE THREAT REDUCTION ACCOUNT

2 For assistance, including assistance provided by con-
3 tract or by grants, under programs and activities of the
4 Department of Defense Cooperative Threat Reduction
5 Program authorized under the Department of Defense Co-
6 operative Threat Reduction Act, \$239,849,000, to remain
7 available until September 30, 2024.

8 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
9 DEVELOPMENT ACCOUNT

10 For the Department of Defense Acquisition Work-
11 force Development Account, \$56,679,000: *Provided*, That
12 no other amounts may be otherwise credited or transferred
13 to the Account, or deposited into the Account, in fiscal
14 year 2022 pursuant to section 1705(d) of title 10, United
15 States Code.

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TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,786,952,000, to remain available for obligation until September 30, 2024.

MISSILE PROCUREMENT, ARMY

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

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$2,074,163,000, 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 \$8,496,987,000, 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 \$17,710,805,000, 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 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 \$1,773,980,000;

17 Carrier Replacement Program (CVN-80),
18 \$1,068,705,000;

19 Carrier Replacement Program (CVN-81),
20 \$1,299,764,000;

21 Virginia Class Submarine, \$4,199,240,000;

22 Virginia Class Submarine (AP),
23 \$2,105,407,000;

24 CVN Refueling Overhauls, \$2,444,218,000;

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

1 DDG-1000 Program, \$56,597,000;
2 DDG-51 Destroyer, \$3,675,987,000;
3 DDG-51 Destroyer (AP), \$120,000,000;
4 FFG-Frigate, \$1,090,900,000;
5 LPD Flight II, \$60,636,000;
6 LPD Flight II (AP), \$250,000,000;
7 Expeditionary Sea Base, \$577,000,000;
8 LHA Replacement, \$68,637,000;
9 Expeditionary Fast Transport, \$590,000,000;
10 TAO Fleet Oiler, \$668,184,000;
11 TAGOS Surtass Ships, \$434,384,000;
12 Towing Salvage and Rescue Ship,
13 \$183,800,000;
14 LCU 1700, \$67,928,000;
15 Ship to Shore Connector, \$351,738,000;
16 Service Craft, \$67,866,000;
17 LCAC SLEP, \$32,712,000;
18 For outfitting, post delivery, conversions, and
19 first destination transportation, \$641,260,000; and
20 Completion of Prior Year Shipbuilding Pro-
21 grams, \$660,795,000.
22 In all: \$25,559,000,000, to remain available for obli-
23 gation until September 30, 2026: *Provided*, That addi-
24 tional obligations may be incurred after September 30,
25 2026, for engineering services, tests, evaluations, and

1 other such budgeted work that must be performed in the
2 final stage of ship construction: *Provided further*, That
3 none of the funds provided under this heading for the con-
4 struction or conversion of any naval vessel to be con-
5 structed in shipyards in the United States shall be ex-
6 pended in foreign facilities for the construction of major
7 components of such vessel: *Provided further*, That none
8 of the funds provided under this heading shall be used
9 for the construction of any naval vessel in foreign ship-
10 yards: *Provided further*, That funds appropriated or other-
11 wise made available by this Act for Columbia Class Sub-
12 marine (AP) may be available for the purposes authorized
13 by subsections (f), (g), (h) or (i) of section 2218a of title
14 10, United States Code, only in accordance with the provi-
15 sions of the applicable subsection: *Provided further*, That
16 prior to entering into a contract for more than one am-
17 phibious ship, the Secretary of Defense shall provide to
18 the congressional defense committees the future years de-
19 fense program which displays the funding programmed for
20 all shipbuilding programs currently or anticipated to be
21 under a multiyear contract, block buy contract, or other
22 contract involving economic order quantity.

23 OTHER PROCUREMENT, NAVY

24 For procurement, production, and modernization of
25 support equipment and materials not otherwise provided

1 for, Navy ordnance (except ordnance for new aircraft, new
2 ships, and ships authorized for conversion); the purchase
3 of passenger motor vehicles for replacement only; expan-
4 sion of public and private plants, including the land nec-
5 essary therefor, and such lands and interests therein, may
6 be acquired, and construction prosecuted thereon prior to
7 approval of title; and procurement and installation of
8 equipment, appliances, and machine tools in public and
9 private plants; reserve plant and Government and con-
10 tractor-owned equipment layaway, \$11,349,471,000, to
11 remain available for obligation until September 30, 2024:
12 *Provided*, That such funds are also available for the main-
13 tenance, repair, and modernization of ships under a pilot
14 program established for such purposes.

15 PROCUREMENT, MARINE CORPS

16 For expenses necessary for the procurement, manu-
17 facture, and modification of missiles, armament, military
18 equipment, spare parts, and accessories therefor; plant
19 equipment, appliances, and machine tools, and installation
20 thereof in public and private plants; reserve plant and
21 Government and contractor-owned equipment layaway; ve-
22 hicles for the Marine Corps, including the purchase of pas-
23 senger motor vehicles for replacement only; and expansion
24 of public and private plants, including land necessary
25 therefor, and such lands and interests therein, may be ac-

1 quired, and construction prosecuted thereon prior to ap-
2 proval of title, \$3,496,614,000, to remain available for ob-
3 ligation until September 30, 2024.

4 AIRCRAFT PROCUREMENT, AIR FORCE

5 For construction, procurement, and modification of
6 aircraft and equipment, including armor and armament,
7 specialized ground handling equipment, and training de-
8 vices, spare parts, and accessories therefor; specialized
9 equipment; expansion of public and private plants, Gov-
10 ernment-owned equipment and installation thereof in such
11 plants, erection of structures, and acquisition of land, for
12 the foregoing purposes, and such lands and interests
13 therein, may be acquired, and construction prosecuted
14 thereon prior to approval of title; reserve plant and Gov-
15 ernment and contractor-owned equipment layaway; and
16 other expenses necessary for the foregoing purposes in-
17 cluding rents and transportation of things,
18 \$17,311,222,000, to remain available for obligation until
19 September 30, 2024.

20 MISSILE PROCUREMENT, AIR FORCE

21 For construction, procurement, and modification of
22 missiles, rockets, and related equipment, including spare
23 parts and accessories therefor; ground handling equip-
24 ment, and training devices; expansion of public and pri-
25 vate plants, Government-owned equipment and installa-

1 tion thereof in such plants, erection of structures, and ac-
2 quisition of land, for the foregoing purposes, and such
3 lands and interests therein, may be acquired, and con-
4 struction prosecuted thereon prior to approval of title; re-
5 serve plant and Government and contractor-owned equip-
6 ment layaway; and other expenses necessary for the fore-
7 going purposes including rents and transportation of
8 things, \$2,584,306,000, to remain available for obligation
9 until September 30, 2024.

10 PROCUREMENT OF AMMUNITION, AIR FORCE

11 For construction, procurement, production, and
12 modification of ammunition, and accessories therefor; spe-
13 cialized equipment and training devices; expansion of pub-
14 lic and private plants, including ammunition facilities, au-
15 thorized by section 2854 of title 10, United States Code,
16 and the land necessary therefor, for the foregoing pur-
17 poses, and such lands and interests therein, may be ac-
18 quired, and construction prosecuted thereon prior to ap-
19 proval of title; and procurement and installation of equip-
20 ment, appliances, and machine tools in public and private
21 plants; reserve plant and Government and contractor-
22 owned equipment layaway; and other expenses necessary
23 for the foregoing purposes, \$667,227,000, to remain avail-
24 able for obligation until September 30, 2024.

1 OTHER PROCUREMENT, AIR FORCE

2 For procurement and modification of equipment (in-
3 cluding ground guidance and electronic control equipment,
4 and ground electronic and communication equipment),
5 and supplies, materials, and spare parts therefor, not oth-
6 erwise provided for; the purchase of passenger motor vehi-
7 cles for replacement only; lease of passenger motor vehi-
8 cles; and expansion of public and private plants, Govern-
9 ment-owned equipment and installation thereof in such
10 plants, erection of structures, and acquisition of land, for
11 the foregoing purposes, and such lands and interests
12 therein, may be acquired, and construction prosecuted
13 thereon, prior to approval of title; reserve plant and Gov-
14 ernment and contractor-owned equipment layaway,
15 \$26,367,426,000, to remain available for obligation until
16 September 30, 2024.

17 PROCUREMENT, SPACE FORCE

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

1 construction prosecuted thereon prior to approval of title; re-
2 serve plant and Government and contractor-owned equip-
3 ment layaway; and other expenses necessary for the fore-
4 going purposes including rents and transportation of
5 things, \$2,728,549,000, to remain available for obligation
6 until September 30, 2024.

7 PROCUREMENT, DEFENSE-WIDE

8 For expenses of activities and agencies of the Depart-
9 ment of Defense (other than the military departments)
10 necessary for procurement, production, and modification
11 of equipment, supplies, materials, and spare parts there-
12 for, not otherwise provided for; the purchase of passenger
13 motor vehicles for replacement only; expansion of public
14 and private plants, equipment, and installation thereof in
15 such plants, erection of structures, and acquisition of land
16 for the foregoing purposes, and such lands and interests
17 therein, may be acquired, and construction prosecuted
18 thereon prior to approval of title; reserve plant and Gov-
19 ernment and contractor-owned equipment layaway,
20 \$5,898,393,000, to remain available for obligation until
21 September 30, 2024.

22 DEFENSE PRODUCTION ACT PURCHASES

23 For activities by the Department of Defense pursuant
24 to sections 108, 301, 302, and 303 of the Defense Produc-
25 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),

1 \$302,927,000, to remain available until expended, which
2 shall be obligated and expended by the Secretary of De-
3 fense as if delegated the necessary authorities conferred
4 by the Defense Production Act of 1950.

5 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

6 For procurement of rotary-wing aircraft; combat, tac-
7 tical and support vehicles; other weapons; and other pro-
8 curement items for the reserve components of the Armed
9 Forces, \$1,450,000,000, to remain available for obligation
10 until September 30, 2024: *Provided*, That the Chiefs of
11 National Guard and Reserve components shall, not later
12 than 30 days after enactment of this Act, individually sub-
13 mit to the congressional defense committees the mod-
14 ernization priority assessment for their respective Na-
15 tional Guard or Reserve component: *Provided further*,
16 That none of the funds made available by this paragraph
17 may be used to procure manned fixed wing aircraft, or
18 procure or modify missiles, munitions, or ammunition.

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

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$13,467,949,000, to remain avail-
10 able for obligation until September 30, 2023.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$21,546,521,000, to remain avail-
17 able for obligation until September 30, 2023: *Provided*,
18 That funds appropriated in this paragraph which are
19 available for the V-22 may be used to meet unique oper-
20 ational requirements of the Special Operations Forces.

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

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

1 cilities and equipment, \$40,098,662,000, to remain avail-
2 able for obligation until September 30, 2023.

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

5 For expenses necessary for basic and applied sci-
6 entific research, development, test and evaluation, includ-
7 ing maintenance, rehabilitation, lease, and operation of fa-
8 cilities and equipment, \$11,642,581,000, to remain avail-
9 able until September 30, 2023.

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

12 For expenses of activities and agencies of the Depart-
13 ment of Defense (other than the military departments),
14 necessary for basic and applied scientific research, devel-
15 opment, test and evaluation; advanced research projects
16 as may be designated and determined by the Secretary
17 of Defense, pursuant to law; maintenance, rehabilitation,
18 lease, and operation of facilities and equipment,
19 \$29,120,239,000, to remain available for obligation until
20 September 30, 2023.

21 OPERATIONAL TEST AND EVALUATION, DEFENSE

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

1 ational test and evaluation which is conducted prior to,
2 and in support of, production decisions; joint operational
3 testing and evaluation; and administrative expenses in
4 connection therewith, \$276,591,000, to remain available
5 for obligation until September 30, 2023.

6

TITLE V

7

REVOLVING AND MANAGEMENT FUNDS

8

DEFENSE WORKING CAPITAL FUNDS

9

For the Defense Working Capital Funds,

10 \$2,027,000,000.

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, \$36,206,487,000; of which
7 \$33,598,152,000 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 \$17,786,547,000 may be available for contracts entered
11 into under the TRICARE program; of which
12 \$758,708,000, to remain available for obligation until Sep-
13 tember 30, 2024, shall be for procurement; and of which
14 \$1,849,627,000, to remain available for obligation until
15 September 30, 2023, shall be for research, development,
16 test and evaluation: *Provided*, That of the funds provided
17 under this heading for research, development, test and
18 evaluation, not less than \$954,500,000 shall be made
19 available to the United States Army Medical Research and
20 Development Command to carry out the congressionally
21 directed medical research programs.

22 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
23 DEFENSE

24 For expenses, not otherwise provided for, necessary
25 for the destruction of the United States stockpile of lethal

1 chemical agents and munitions in accordance with the pro-
2 visions of section 1412 of the Department of Defense Au-
3 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
4 struction of other chemical warfare materials that are not
5 in the chemical weapon stockpile, \$1,094,352,000, of
6 which \$93,121,000 shall be for operation and mainte-
7 nance, of which no less than \$48,668,000 shall be for the
8 Chemical Stockpile Emergency Preparedness Program,
9 consisting of \$22,134,000 for activities on military instal-
10 lations and \$26,534,000, to remain available until Sep-
11 tember 30, 2023, to assist State and local governments;
12 and \$1,001,231,000, to remain available until September
13 30, 2023, shall be for research, development, test and eval-
14 uation, of which \$995,011,000 shall only be for the As-
15 sembled Chemical Weapons Alternatives program.

16 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
17 DEFENSE

18 (INCLUDING TRANSFER OF FUNDS)

19 For drug interdiction and counter-drug activities of
20 the Department of Defense, for transfer to appropriations
21 available to the Department of Defense for military per-
22 sonnel of the reserve components serving under the provi-
23 sions of title 10 and title 32, United States Code; for oper-
24 ation and maintenance; for procurement; and for research,
25 development, test and evaluation, \$939,149,000, of which

1 \$593,250,000 shall be for counter-narcotics support;
2 \$126,024,000 shall be for the drug demand reduction pro-
3 gram; \$194,211,000 shall be for the National Guard
4 counter-drug program; and \$25,664,000 shall be for the
5 National Guard counter-drug schools program: *Provided*,
6 That the funds appropriated under this heading shall be
7 available for obligation for the same time period and for
8 the same purpose as the appropriation to which trans-
9 ferred: *Provided further*, That upon a determination that
10 all or part of the funds transferred from this appropriation
11 are 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 contained elsewhere in this Act.

16 OFFICE OF THE INSPECTOR GENERAL

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

1 of which \$80,000, to remain available for obligation until
2 September 30, 2024, shall be for procurement; and of
3 which \$2,365,000, to remain available until September 30,
4 2023, shall be for research, development, test and evalua-
5 tion.

6 TITLE VII

7 RELATED AGENCIES

8 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND 9 DISABILITY SYSTEM FUND

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

15 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

16 For necessary expenses of the Intelligence Commu-
17 nity Management Account, \$610,370,000.

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TITLE VIII

GENERAL PROVISIONS

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

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

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

1 appropriated and in no case where the item for which
2 funds are requested has been denied by the Congress: *Pro-*
3 *vided further*, That the Secretary of Defense shall notify
4 the Congress promptly of all transfers made pursuant to
5 this authority or any other authority in this Act: *Provided*
6 *further*, That no part of the funds in this Act shall be
7 available to prepare or present a request to the Commit-
8 tees on Appropriations for reprogramming of funds, unless
9 for higher priority items, based on unforeseen military re-
10 quirements, than those for which originally appropriated
11 and in no case where the item for which reprogramming
12 is requested has been denied by the Congress: *Provided*
13 *further*, That a request for multiple reprogrammings of
14 funds using authority provided in this section shall be
15 made prior to June 30, 2022: *Provided further*, That
16 transfers among military personnel appropriations shall
17 not be taken into account for purposes of the limitation
18 on the amount of funds that may be transferred under
19 this section.

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

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

9 (b) Amounts specified in the referenced tables de-
10 scribed in subsection (a) shall not be treated as subdivi-
11 sions of appropriations for purposes of section 8005 of this
12 Act: *Provided*, That section 8005 of this Act shall apply
13 when transfers of the amounts described in subsection (a)
14 occur between appropriation accounts, subject to the limi-
15 tation in subsection (c): *Provided further*, That the trans-
16 fer amount limitation provided in section 8005 of this Act
17 shall not apply to transfers of amounts described in sub-
18 section (a) if such transfers are necessary for the proper
19 execution of the specified purpose of such funds.

20 (c) Amounts specified in the referenced tables de-
21 scribed in subsection (a) may not be transferred pursuant
22 to section 8005 of this Act to a purpose other than which
23 is specified, unless such funds remain unobligated at the
24 end of the fiscal year in which they were appropriated.

1 SEC. 8007. (a) Not later than 60 days after enact-
2 ment of this Act, the Department of Defense shall submit
3 a report to the congressional defense committees to estab-
4 lish the baseline for application of reprogramming and
5 transfer authorities for fiscal year 2022: *Provided*, That
6 the report shall include—

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

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

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

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

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

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

12 (TRANSFER OF FUNDS)

13 SEC. 8008. During the current fiscal year, cash bal-
14 ances in working capital funds of the Department of De-
15 fense established pursuant to section 2208 of title 10,
16 United States Code, may be maintained in only such
17 amounts as are necessary at any time for cash disburse-
18 ments to be made from such funds: *Provided*, That trans-
19 fers may be made between such funds: *Provided further*,
20 That transfers may be made between working capital
21 funds and the “Foreign Currency Fluctuations, Defense”
22 appropriation and the “Operation and Maintenance” ap-
23 propriation accounts in such amounts as may be deter-
24 mined by the Secretary of Defense, with the approval of
25 the Office of Management and Budget, except that such

1 transfers may not be made unless the Secretary of Defense
2 has notified the Congress of the proposed transfer: *Pro-*
3 *vided further*, That except in amounts equal to the
4 amounts appropriated to working capital funds in this Act,
5 no obligations may be made against a working capital fund
6 to procure or increase the value of war reserve material
7 inventory, unless the Secretary of Defense has notified the
8 Congress prior to any such obligation.

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

13 SEC. 8010. None of the funds provided in this Act
14 shall be available to initiate: (1) a multiyear contract that
15 employs economic order quantity procurement in excess of
16 \$20,000,000 in any one year of the contract or that in-
17 cludes an unfunded contingent liability in excess of
18 \$20,000,000; or (2) a contract for advance procurement
19 leading to a multiyear contract that employs economic
20 order quantity procurement in excess of \$20,000,000 in
21 any one year, unless the congressional defense committees
22 have been notified at least 30 days in advance of the pro-
23 posed contract award: *Provided*, That no part of any ap-
24 propriation contained in this Act shall be available to ini-
25 tiate a multiyear contract for which the economic order

1 quantity advance procurement is not funded at least to
2 the limits of the Government's liability: *Provided further*,
3 That no part of any appropriation contained in this Act
4 shall be available to initiate multiyear procurement con-
5 tracts for any systems or component thereof if the value
6 of the multiyear contract would exceed \$500,000,000 un-
7 less specifically provided in this Act: *Provided further*,
8 That no multiyear procurement contract can be termi-
9 nated without 30-day prior notification to the congres-
10 sional defense committees: *Provided further*, That the exe-
11 cution of multiyear authority shall require the use of a
12 present value analysis to determine lowest cost compared
13 to an annual procurement: *Provided further*, That none of
14 the funds provided in this Act may be used for a multiyear
15 contract executed after the date of the enactment of this
16 Act unless in the case of any such contract—

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

1 year covered by the budget, full funding of procure-
2 ment of such unit in that fiscal year;

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

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

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

14 Funds appropriated in title III of this Act may be
15 used for multiyear procurement contracts for the UH/HH-
16 60M Black Hawk helicopter and the AH-64E Apache hel-
17 icopter.

18 SEC. 8011. Within the funds appropriated for the op-
19 eration and maintenance of the Armed Forces, funds are
20 hereby appropriated pursuant to section 401 of title 10,
21 United States Code, for humanitarian and civic assistance
22 costs under chapter 20 of title 10, United States Code.
23 Such funds may also be obligated for humanitarian and
24 civic assistance costs incidental to authorized operations
25 and pursuant to authority granted in section 401 of title

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

19 SEC. 8012. (a) During the current fiscal year, the
20 civilian personnel of the Department of Defense may not
21 be managed solely on the basis of any constraint or limita-
22 tion in terms of man years, end strength, full-time equiva-
23 lent positions, or maximum number of employees, but are
24 to be managed primarily on the basis of, and in a manner
25 consistent with—

1 (1) the total force management policies and
2 procedures established under section 129a of title
3 10, United States Code;

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

6 (3) the funds made available to the Department
7 for such fiscal year.

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

14 (c) A projection of the number of full-time equivalent
15 positions shall not be considered a constraint or limitation
16 for purposes of subsection (a) and reducing funding for
17 under-execution of such a projection shall not be consid-
18 ered managing based on a constraint or limitation for pur-
19 poses of such subsection.

20 (d) The fiscal year 2023 budget request for the De-
21 partment of Defense, and any justification material and
22 other documentation supporting such a request, shall be
23 prepared and submitted to Congress as if subsections (a)
24 and (b) were effective with respect to such fiscal year.

1 (e) Nothing in this section shall be construed to apply
2 to military (civilian) technicians.

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

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

18 (TRANSFER OF FUNDS)

19 SEC. 8015. (a) Funds appropriated in title III of this
20 Act for the Department of Defense Pilot Mentor-Protégé
21 Program may be transferred to any other appropriation
22 contained in this Act solely for the purpose of imple-
23 menting a Mentor-Protégé Program developmental assist-
24 ance agreement pursuant to section 831 of the National
25 Defense Authorization Act for Fiscal Year 1991 (Public

1 Law 101–510; 10 U.S.C. 2302 note), as amended, under
2 the authority of this provision or any other transfer au-
3 thority contained in this Act.

4 (b) The Secretary of Defense shall include with the
5 budget justification documents in support of the budget
6 for any fiscal year after fiscal year 2022 (as submitted
7 to Congress pursuant to section 1105 of title 31, United
8 States Code) a description of each transfer under this sec-
9 tion that occurred during the last fiscal year before the
10 fiscal year in which such budget is submitted.

11 SEC. 8016. None of the funds in this Act may be
12 available for the purchase by the Department of Defense
13 (and its departments and agencies) of welded shipboard
14 anchor and mooring chain unless the anchor and mooring
15 chain are manufactured in the United States from compo-
16 nents which are substantially manufactured in the United
17 States: *Provided*, That for the purpose of this section, the
18 term “manufactured” shall include cutting, heat treating,
19 quality control, testing of chain and welding (including the
20 forging and shot blasting process): *Provided further*, That
21 for the purpose of this section substantially all of the com-
22 ponents of anchor and mooring chain shall be considered
23 to be produced or manufactured in the United States if
24 the aggregate cost of the components produced or manu-
25 factured in the United States exceeds the aggregate cost

1 of the components produced or manufactured outside the
2 United States: *Provided further*, That when adequate do-
3 mestic supplies are not available to meet Department of
4 Defense requirements on a timely basis, the Secretary of
5 the Service responsible for the procurement may waive this
6 restriction on a case-by-case basis by certifying in writing
7 to the Committees on Appropriations of the House of Rep-
8 resentatives and the Senate that such an acquisition must
9 be made in order to acquire capability for national security
10 purposes.

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

1 tions in States which are not contiguous with another
2 State: *Provided further*, That alcoholic beverages other
3 than wine and malt beverages, in contiguous States and
4 the District of Columbia shall be procured from the most
5 competitive source, price and other factors considered.

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

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

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

1 controlled by an individual or individuals defined under
2 section 4221(9) of title 25, United States Code.

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

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

23 (c) The Operation Walking Shield Program shall re-
24 solve any conflicts among requests of Indian tribes for
25 housing units under subsection (a) before submitting re-

1 quests to the Secretary of the Air Force under subsection
2 (b).

3 (d) In this section, the term “Indian tribe” means
4 any recognized Indian tribe included on the current list
5 published by the Secretary of the Interior under section
6 104 of the Federally Recognized Indian Tribe Act of 1994
7 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).

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

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

21 SEC. 8024. None of the funds available in this Act
22 to the Department of Defense, other than appropriations
23 made for necessary or routine refurbishments, upgrades
24 or maintenance activities, shall be used to reduce or to
25 prepare to reduce the number of deployed and non-de-

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

5 SEC. 8025. Of the amounts appropriated for “Work-
6 ing Capital Fund, Army”, \$125,000,000 shall be available
7 to maintain competitive rates at the arsenals.

8 SEC. 8026. (a) Of the funds made available in this
9 Act, not less than \$60,463,000 shall be available for the
10 Civil Air Patrol Corporation, of which—

11 (1) \$47,263,000 shall be available from “Oper-
12 ation and Maintenance, Air Force” to support Civil
13 Air Patrol Corporation operation and maintenance,
14 readiness, counter-drug activities, and drug demand
15 reduction activities involving youth programs;

16 (2) \$11,400,000 shall be available from “Air-
17 craft Procurement, Air Force”; and

18 (3) \$1,800,000 shall be available from “Other
19 Procurement, Air Force” for vehicle procurement.

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

24 SEC. 8027. (a) None of the funds appropriated in this
25 Act are available to establish a new Department of De-

1 fense (department) federally funded research and develop-
2 ment center (FFRDC), either as a new entity, or as a
3 separate entity administrated by an organization man-
4 aging another FFRDC, or as a nonprofit membership cor-
5 poration consisting of a consortium of other FFRDCs and
6 other nonprofit entities.

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

19 (c) Notwithstanding any other provision of law, none
20 of the funds available to the department from any source
21 during the current fiscal year may be used by a defense
22 FFRDC, through a fee or other payment mechanism, for
23 construction of new buildings not located on a military in-
24 stallation, for payment of cost sharing for projects funded
25 by Government grants, for absorption of contract over-

1 runs, or for certain charitable contributions, not to include
2 employee participation in community service and/or devel-
3 opment.

4 (d) Notwithstanding any other provision of law, of
5 the funds available to the department during fiscal year
6 2022, not more than 6,053 staff years of technical effort
7 (staff years) may be funded for defense FFRDCs: *Pro-*
8 *vided*, That within such funds for 6,053 staff years, funds
9 shall be available only for 1,148 staff years for the defense
10 studies and analysis FFRDCs: *Provided further*, That this
11 subsection shall not apply to staff years funded in the Na-
12 tional Intelligence Program and the Military Intelligence
13 Program: *Provided further*, That the limit on staff years
14 in the matter preceding the first proviso in this subsection
15 may be increased to 6,153, from within funds available
16 to the Department during fiscal year 2022, no sooner than
17 60 days after the Secretary of Defense submits in writing
18 to the congressional defense committees—

19 (1) a complete breakdown of actual staff years
20 by program and primary sponsor for fiscal years
21 2020 and 2021;

22 (2) a complete breakdown of the estimated
23 6,153 staff years by program and primary sponsor
24 for fiscal year 2022;

1 (3) a list of corrective actions planned and im-
2 plemented following the 2019 Under Secretary of
3 Defense (Research and Engineering)-led FFRDC
4 management review regarding the implementation of
5 a strategic management process and continued inde-
6 pendence of defense FFRDCs;

7 (4) a plan to commission a near-term inde-
8 pendent review and assessment of current FFRDC
9 and potentially competitive non-FFRDC entities'
10 core competencies as compared to new or emerging
11 requirements; and

12 (5) a plan to commission a near-term inde-
13 pendent review of current Department of Defense
14 and military service workforce core competencies as
15 compared to new or emerging requirements, to in-
16 clude a review of current and proposed workforce de-
17 velopment, talent management, and professional
18 military education initiatives and career options.

19 (e) The Secretary of Defense shall, with the submis-
20 sion of the department's fiscal year 2023 budget request,
21 submit a report presenting the specific amounts of staff
22 years of technical effort to be allocated for each defense
23 FFRDC by program during that fiscal year and the asso-
24 ciated budget estimates.

1 SEC. 8028. For the purposes of this Act, the term
2 “congressional defense committees” means the Armed
3 Services Committee of the House of Representatives, the
4 Armed Services Committee of the Senate, the Sub-
5 committee on Defense of the Committee on Appropriations
6 of the Senate, and the Subcommittee on Defense of the
7 Committee on Appropriations of the House of Representa-
8 tives.

9 SEC. 8029. For the purposes of this Act, the term
10 “congressional intelligence committees” means the Perma-
11 nent Select Committee on Intelligence of the House of
12 Representatives, the Select Committee on Intelligence of
13 the Senate, the Subcommittee on Defense of the Com-
14 mittee on Appropriations of the House of Representatives,
15 and the Subcommittee on Defense of the Committee on
16 Appropriations of the Senate.

17 SEC. 8030. During the current fiscal year, the De-
18 partment of Defense may acquire the modification, depot
19 maintenance and repair of aircraft, vehicles and vessels
20 as well as the production of components and other De-
21 fense-related articles, through competition between De-
22 partment of Defense depot maintenance activities and pri-
23 vate firms: *Provided*, That the Senior Acquisition Execu-
24 tive of the military department or Defense Agency con-
25 cerned, with power of delegation, shall certify that success-

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

6 SEC. 8031. (a) None of the funds appropriated in this
7 Act may be expended by an entity of the Department of
8 Defense unless the entity, in expending the funds, com-
9 plies with the Buy American Act. For purposes of this
10 subsection, the term “Buy American Act” means chapter
11 83 of title 41, United States Code.

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

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

1 competitive, quality competitive, and available in a timely
2 fashion.

3 SEC. 8032. None of the funds appropriated or made
4 available in this Act shall be used to procure carbon, alloy,
5 or armor steel plate for use in any Government-owned fa-
6 cility or property under the control of the Department of
7 Defense which were not melted and rolled in the United
8 States or Canada: *Provided*, That these procurement re-
9 strictions shall apply to any and all Federal Supply Class
10 9515, American Society of Testing and Materials (ASTM)
11 or American Iron and Steel Institute (AISI) specifications
12 of carbon, alloy or armor steel plate: *Provided further*,
13 That the Secretary of the military department 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 adequate domestic supplies are not available
18 to meet Department of Defense requirements on a timely
19 basis and that such an acquisition must be made in order
20 to acquire capability for national security purposes: *Pro-*
21 *vided further*, That these restrictions shall not apply to
22 contracts which are in being as of the date of the enact-
23 ment of this Act.

24 SEC. 8033. (a)(1) If the Secretary of Defense, after
25 consultation with the United States Trade Representative,

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

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

15 (b) The Secretary of Defense shall submit to the Con-
16 gress a report on the amount of Department of Defense
17 purchases from foreign entities in fiscal year 2022. Such
18 report shall separately indicate the dollar value of items
19 for which the Buy American Act was waived pursuant to
20 any agreement described in subsection (a)(2), the Trade
21 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
22 international agreement to which the United States is a
23 party.

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

4 SEC. 8034. In addition to any other funds made
5 available for such purposes, including pursuant to section
6 98h of title 50, United States Code, or elsewhere in this
7 Act, there is appropriated \$500,000,000, for an additional
8 amount for “National Defense Stockpile Transaction
9 Fund”, to remain available until September 30, 2024,
10 which shall only be used for the acquisition and retention
11 of certain materials, as specified in the classified annex
12 accompanying this Act: *Provided*, That none of the funds
13 provided under this section may be obligated or expended
14 until 90 days after the Secretary of Defense provides the
15 congressional defense committees a detailed execution plan
16 for these funds.

17 SEC. 8035. None of the funds in this Act may be
18 used to purchase any supercomputer which is not manu-
19 factured in the United States, unless the Secretary of De-
20 fense certifies to the congressional defense committees
21 that such an acquisition must be made in order to acquire
22 capability for national security purposes that is not avail-
23 able from United States manufacturers.

24 SEC. 8036. (a) The Secretary of Defense may, on a
25 case-by-case basis, waive with respect to a foreign country

1 each limitation on the procurement of defense items from
2 foreign sources provided in law if the Secretary determines
3 that the application of the limitation with respect to that
4 country would invalidate cooperative programs entered
5 into between the Department of Defense and the foreign
6 country, or would invalidate reciprocal trade agreements
7 for the procurement of defense items entered into under
8 section 2531 of title 10, United States Code, and the
9 country does not discriminate against the same or similar
10 defense items produced in the United States for that coun-
11 try.

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

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

15 (2) options for the procurement of items that
16 are exercised after such date under contracts that
17 are entered into before such date if the option prices
18 are adjusted for any reason other than the applica-
19 tion of a waiver granted under subsection (a).

20 (c) Subsection (a) does not apply to a limitation re-
21 garding construction of public vessels, ball and roller bear-
22 ings, food, and clothing or textile materials as defined by
23 section XI (chapters 50–65) of the Harmonized Tariff
24 Schedule of the United States and products classified
25 under headings 4010, 4202, 4203, 6401 through 6406,

1 6505, 7019, 7218 through 7229, 7304.41 through
2 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109,
3 8211, 8215, and 9404.

4 SEC. 8037. None of the funds made available in this
5 Act, or any subsequent Act making appropriations for the
6 Department of Defense, may be used for the purchase or
7 manufacture of a flag of the United States unless such
8 flags are treated as covered items under section 2533a(b)
9 of title 10, United States Code.

10 SEC. 8038. During the current fiscal year, amounts
11 contained in the Department of Defense Overseas Military
12 Facility Investment Recovery Account shall be available
13 until expended for the payments specified by section
14 2687a(b)(2) of title 10, United States Code.

15 SEC. 8039. During the current fiscal year, appropria-
16 tions which are available to the Department of Defense
17 for operation and maintenance may be used to purchase
18 items having an investment item unit cost of not more
19 than \$250,000: *Provided*, That upon determination by the
20 Secretary of Defense that such action is necessary to meet
21 the operational requirements of a Commander of a Com-
22 batant Command engaged in a named contingency oper-
23 ation overseas, such funds may be used to purchase items
24 having an investment item unit cost of not more than
25 \$500,000.

1 SEC. 8040. Amounts appropriated or otherwise made
2 available to the Department of Defense in this Act, may
3 not be obligated or expended for the retirement or divesti-
4 ture of the RQ-4 Global Hawk Block 40 aircraft: *Pro-*
5 *vided*, That the Secretary of the Air Force is prohibited
6 from deactivating the corresponding squadrons responsible
7 for the operations of the aforementioned aircraft.

8 SEC. 8041. Up to \$6,520,000 of the funds appro-
9 priated under the heading “Operation and Maintenance,
10 Navy” may be made available for the Asia Pacific Re-
11 gional Initiative Program for the purpose of enabling the
12 United States Indo-Pacific Command to execute Theater
13 Security Cooperation activities such as humanitarian as-
14 sistance, and payment of incremental and personnel costs
15 of training and exercising with foreign security forces:
16 *Provided*, That funds made available for this purpose may
17 be used, notwithstanding any other funding authorities for
18 humanitarian assistance, security assistance or combined
19 exercise expenses: *Provided further*, That funds may not
20 be obligated to provide assistance to any foreign country
21 that is otherwise prohibited from receiving such type of
22 assistance under any other provision of law.

23 SEC. 8042. The Secretary of Defense shall issue reg-
24 ulations to prohibit the sale of any tobacco or tobacco-
25 related products in military resale outlets in the United

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

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

21 (b) The fiscal year 2023 budget request for the De-
22 partment of Defense as well as all justification material
23 and other documentation supporting the fiscal year 2023
24 Department of Defense budget shall be prepared and sub-
25 mitted to the Congress on the basis that any equipment

1 which was classified as an end item and funded in a pro-
2 curement appropriation contained in this Act shall be
3 budgeted for in a proposed fiscal year 2023 procurement
4 appropriation and not in the supply management business
5 area or any other area or category of the Department of
6 Defense Working Capital Funds.

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

1 to be used primarily by personnel of the intelligence com-
2 munity, shall remain available until September 30, 2024.

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

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

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

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

19 (c) This section does not apply to—

20 (1) field operating agencies funded within the
21 National Intelligence Program;

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

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

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

9 (5) a Space Force field operating agency estab-
10 lished to provide space-related foundational scientific
11 and technical intelligence support for the warfighter,
12 the acquisition community, and National-level policy-
13 makers;

14 (6) a Space Force direct reporting unit estab-
15 lished to conduct analysis, modeling, wargaming,
16 and experimentation to create operational concepts
17 and develop future force design options; or

18 (7) a Space Force field operating agency estab-
19 lished to execute whole of talent management life-
20 cycle delivery aligned to a mission-focused, agile, and
21 small Force.

22 SEC. 8046. (a) None of the funds appropriated by
23 this Act shall be available to convert to contractor per-
24 formance an activity or function of the Department of De-
25 fense that, on or after the date of the enactment of this

1 Act, is performed by Department of Defense civilian em-
2 ployees unless—

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

7 (2) the Competitive Sourcing Official deter-
8 mines that, over all performance periods stated in
9 the solicitation of offers for performance of the ac-
10 tivity or function, the cost of performance of the ac-
11 tivity or function by a contractor would be less costly
12 to the Department of Defense by an amount that
13 equals or exceeds the lesser of—

14 (A) 10 percent of the most efficient organi-
15 zation's personnel-related costs for performance
16 of that activity or function by Federal employ-
17 ees; or

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

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

22 (A) not making an employer-sponsored
23 health insurance plan available to the workers
24 who are to be employed in the performance of
25 that activity or function under the contract; or

1 (B) offering to such workers an employer-
2 sponsored health benefits plan that requires the
3 employer to contribute less towards the pre-
4 mium or subscription share than the amount
5 that is paid by the Department of Defense for
6 health benefits for civilian employees under
7 chapter 89 of title 5, United States Code.

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

16 (A) is included on the procurement list estab-
17 lished pursuant to section 2 of the Javits-Wagner-
18 O'Day Act (section 8503 of title 41, United States
19 Code);

20 (B) is planned to be converted to performance
21 by a qualified nonprofit agency for the blind or by
22 a qualified nonprofit agency for other severely handi-
23 capped individuals in accordance with that Act; or

24 (C) is planned to be converted to performance
25 by a qualified firm under at least 51 percent owner-

1 ship by an Indian tribe, as defined in section 4(e)
2 of the Indian Self-Determination and Education As-
3 sistance Act (25 U.S.C. 450b(e)), or a Native Ha-
4 waiian Organization, as defined in section 8(a)(15)
5 of the Small Business Act (15 U.S.C. 637(a)(15)).

6 (2) This section shall not apply to depot contracts
7 or contracts for depot maintenance as provided in sections
8 2469 and 2474 of title 10, United States Code.

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

18 (RESCISSIONS)

19 SEC. 8047. Of the funds appropriated in Department
20 of Defense Appropriations Acts, the following funds are
21 hereby rescinded from the following accounts and pro-
22 grams in the specified amounts: *Provided*, That no
23 amounts may be rescinded from amounts that were des-
24 ignated by the Congress as an emergency requirement
25 pursuant to the Concurrent Resolution on the Budget or

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

3 “Other Procurement, Navy”, 2020/2022,
4 \$3,500,000;

5 “Aircraft Procurement, Air Force”, 2020/2022,
6 \$114,125,000;

7 “Operation and Maintenance, Defense-Wide”,
8 2021/2022, \$105,000,000;

9 “Afghanistan Security Forces Fund”, 2021/
10 2022, \$500,000,000;

11 “Counter-ISIS Train and Equip Fund”, 2021/
12 2022, \$355,000,000;

13 “Procurement of Ammunition, Army”, 2021/
14 2023, \$77,254,000;

15 “Aircraft Procurement, Navy”, 2021/2023,
16 \$36,572,000;

17 “Procurement of Ammunition, Navy and Ma-
18 rine Corps”, 2021/2023, \$30,000,000;

19 “Shipbuilding and Conversion, Navy: DDG-51
20 Destroyer”, 2021/2025, \$130,000,000;

21 “Other Procurement, Navy”, 2021/2023,
22 \$3,014,000;

23 “Procurement, Marine Corps”, 2021/2023,
24 \$219,057,000;

1 “Aircraft Procurement, Air Force”, 2021/2023,
2 \$805,481,000;

3 “Procurement, Space Force”, 2021/2023,
4 \$45,700,000;

5 “Procurement of Ammunition, Air Force”,
6 2021/2023, \$436,791,000;

7 “Other Procurement, Air Force”, 2021/2023,
8 \$181,890,000;

9 “Research, Development, Test and Evaluation,
10 Army”, 2021/2022, \$92,441,000;

11 “Research, Development, Test and Evaluation,
12 Navy”, 2021/2022, \$51,500,000;

13 “Research, Development, Test and Evaluation,
14 Air Force”, 2021/2022, \$15,000,000;

15 “Research, Development, Test and Evaluation,
16 Space Force”, 2021/2022, \$146,368,000; and

17 “Research, Development, Test and Evaluation,
18 Defense-Wide”, 2021/2022, \$164,667,000.

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

1 are a direct result of a reduction in military force struc-
2 ture.

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

12 SEC. 8050. In this fiscal year and each fiscal year
13 thereafter, funds appropriated for operation and mainte-
14 nance of the Military Departments, Combatant Com-
15 mands and Defense Agencies shall be available for reim-
16 bursement of pay, allowances and other expenses which
17 would otherwise be incurred against appropriations for the
18 National Guard and Reserve when members of the Na-
19 tional Guard and Reserve provide intelligence or counter-
20 intelligence support to Combatant Commands, Defense
21 Agencies and Joint Intelligence Activities, including the
22 activities and programs included within the National Intel-
23 ligence Program and the Military Intelligence Program:
24 *Provided*, That nothing in this section authorizes deviation

1 from established Reserve and National Guard personnel
2 and training procedures.

3 SEC. 8051. (a) None of the funds available to the
4 Department of Defense for any fiscal year for drug inter-
5 diction or counter-drug activities may be transferred to
6 any other department or agency of the United States ex-
7 cept as specifically provided in an appropriations law.

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

13 SEC. 8052. In addition to the amounts appropriated
14 or otherwise made available elsewhere in this Act,
15 \$22,500,000 is hereby appropriated to the Department of
16 Defense: *Provided*, That upon the determination of the
17 Secretary of Defense that it shall serve the national inter-
18 est, the Secretary shall make grants in the amounts speci-
19 fied as follows: \$22,500,000 to the United Service Organi-
20 zations.

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

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

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

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

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

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 8055. During the current fiscal year, no more
25 than \$30,000,000 of appropriations made in this Act

1 under the heading “Operation and Maintenance, Defense-
2 Wide” may be transferred to appropriations available for
3 the pay of military personnel, to be merged with, and to
4 be available for the same time period as the appropriations
5 to which transferred, to be used in support of such per-
6 sonnel in connection with support and services for eligible
7 organizations and activities outside the Department of De-
8 fense pursuant to section 2012 of title 10, United States
9 Code.

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

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

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

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

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

24 SEC. 8057. (a) Notwithstanding any other provision
25 of law, the Chief of the National Guard Bureau may per-

1 mit the use of equipment of the National Guard Distance
2 Learning Project by any person or entity on a space-avail-
3 able, reimbursable basis. The Chief of the National Guard
4 Bureau shall establish the amount of reimbursement for
5 such use on a case-by-case basis.

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

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 8058. Of the funds appropriated in this Act
14 under the heading “Operation and Maintenance, Defense-
15 Wide”, \$46,000,000 shall be for continued implementation
16 and expansion of the Sexual Assault Special Victims’
17 Counsel Program: *Provided*, That the funds are made
18 available for transfer to the Department of the Army, the
19 Department of the Navy, and the Department of the Air
20 Force: *Provided further*, That funds transferred shall be
21 merged with and available for the same purposes and for
22 the same time period as the appropriations to which the
23 funds are transferred: *Provided further*, That this transfer
24 authority is in addition to any other transfer authority
25 provided in this Act.

1 SEC. 8059. None of the funds appropriated in title
2 IV of this Act may be used to procure end-items for deliv-
3 ery to military forces for operational training, operational
4 use or inventory requirements: *Provided*, That this restric-
5 tion does not apply to end-items used in development,
6 prototyping, and test activities preceding and leading to
7 acceptance for operational use: *Provided further*, That this
8 restriction does not apply to programs funded within the
9 National Intelligence Program: *Provided further*, That the
10 Secretary of Defense shall, at the time of the submittal
11 to Congress of the budget of the President for fiscal year
12 2023 pursuant to section 1105 of title 31, United States
13 Code, submit to the congressional defense committees a
14 report detailing the use of funds requested in research,
15 development, test and evaluation accounts for end-items
16 used in development, prototyping and test activities pre-
17 ceding and leading to acceptance for operational use: *Pro-*
18 *vided further*, That the report shall set forth, for each end-
19 item covered by the preceding proviso, a detailed list of
20 the statutory authorities under which amounts in the ac-
21 counts described in that proviso were used for such item:
22 *Provided further*, That the Secretary of Defense shall, at
23 the time of the submittal to Congress of the budget of
24 the President for fiscal year 2023 pursuant to section
25 1105 of title 31, United States Code, submit to the con-

1 gressional defense committees a certification that funds
2 requested for fiscal year 2023 in research, development,
3 test and evaluation are in compliance with this section:
4 *Provided further*, That the Secretary of Defense may waive
5 this restriction on a case-by-case basis by certifying in
6 writing to the Committees on Appropriations of the House
7 of Representatives and the Senate that it is in the national
8 security interest to do so.

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

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

1 sional defense committees: *Provided*, That the Secretary
2 of Defense may waive this restriction on a case-by-case
3 basis by certifying to the congressional defense committees
4 that it is in the national interest to do so.

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

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

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

1 Defense that armor piercing projectiles are either: (1) ren-
2 dered incapable of reuse by the demilitarization process;
3 or (2) used to manufacture ammunition pursuant to a con-
4 tract with the Department of Defense or the manufacture
5 of ammunition for export pursuant to a License for Per-
6 manent Export of Unclassified Military Articles issued by
7 the Department of State.

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

19 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

23 (3) the process by which the National Intel-
24 ligence Program appropriations are apportioned to
25 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 (1)–(3) of subsection (a).

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

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 8068. In addition to amounts made available
7 elsewhere in this Act, \$500,000,000 is hereby appro-
8 priated to the Department of Defense and made available
9 for transfer to the operation and maintenance accounts
10 and research, development, test and evaluation accounts
11 of the Army, Navy, Marine Corps, Air Force, and Space
12 Force for purposes of improving tactical artificial intel-
13 ligence at the Combatant Commands: *Provided*, That none
14 of the funds provided under this section may be obligated
15 or expended until 90 days after the Secretary of Defense
16 provides to the congressional defense committees an execu-
17 tion plan: *Provided further*, That not less than 30 days
18 prior to any transfer of funds, the Secretary of Defense
19 shall notify the congressional defense committees of the
20 details of any such transfer: *Provided further*, That upon
21 transfer, the funds shall be merged with and available for
22 the same purposes, and for the same time period, as the
23 appropriation to which transferred: *Provided further*, That
24 the transfer authority provided under this section is in ad-

1 dition to any other transfer authority provided elsewhere
2 in this Act.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8069. During the current fiscal year, not to ex-
5 ceed \$11,000,000 from each of the appropriations made
6 in title II of this Act for “Operation and Maintenance,
7 Army”, “Operation and Maintenance, Navy”, and “Oper-
8 ation and Maintenance, Air Force” may be transferred by
9 the military department concerned to its central fund es-
10 tablished for Fisher Houses and Suites pursuant to sec-
11 tion 2493(d) of title 10, United States Code.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 8070. Of the amounts appropriated for “Oper-
14 ation and Maintenance, Navy”, up to \$1,000,000 shall be
15 available for transfer to the John C. Stennis Center for
16 Public Service Development Trust Fund established under
17 section 116 of the John C. Stennis Center for Public Serv-
18 ice Training and Development Act (2 U.S.C. 1105).

19 SEC. 8071. None of the funds available to the De-
20 partment of Defense may be obligated to modify command
21 and control relationships to give Fleet Forces Command
22 operational and administrative control of United States
23 Navy forces assigned to the Pacific fleet: *Provided*, That
24 the command and control relationships which existed on
25 October 1, 2004, shall remain in force until a written

1 modification has been proposed to the Committees on Ap-
2 propriations of the House of Representatives and the Sen-
3 ate: *Provided further*, That the proposed modification may
4 be implemented 30 days after the notification unless an
5 objection is received from either the House or Senate Ap-
6 propriations Committees: *Provided further*, That any pro-
7 posed modification shall not preclude the ability of the
8 commander of United States Indo-Pacific Command to
9 meet operational requirements.

10 SEC. 8072. Any notice that is required to be sub-
11 mitted to the Committees on Appropriations of the House
12 of Representatives and the Senate under section 806(c)(4)
13 of the Bob Stump National Defense Authorization Act for
14 Fiscal Year 2003 (10 U.S.C. 2302 note) after the date
15 of the enactment of this Act shall be submitted pursuant
16 to that requirement concurrently to the Committees on
17 Appropriations of the House of Representatives and the
18 Senate, Subcommittees on Defense.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8073. Of the amounts appropriated in this Act
21 under the headings “Procurement, Defense-Wide” and
22 “Research, Development, Test and Evaluation, Defense-
23 Wide”, \$500,000,000 shall be for the Israeli Cooperative
24 Programs: *Provided*, That of this amount, \$108,000,000
25 shall be for the Secretary of Defense to provide to the Gov-

1 ernment of Israel for the procurement of the Iron Dome
2 defense system to counter short-range rocket threats, sub-
3 ject to the U.S.-Israel Iron Dome Procurement Agree-
4 ment, as amended; \$157,000,000 shall be for the Short
5 Range Ballistic Missile Defense (SRBMD) program, in-
6 cluding cruise missile defense research and development
7 under the SRBMD program, of which \$30,000,000 shall
8 be for co-production activities of SRBMD systems in the
9 United States and in Israel to meet Israel's defense re-
10 quirements consistent with each nation's laws, regulations,
11 and procedures, subject to the U.S.-Israeli co-production
12 agreement for SRBMD, as amended; \$62,000,000 shall
13 be for an upper-tier component to the Israeli Missile De-
14 fense Architecture, of which \$62,000,000 shall be for co-
15 production activities of Arrow 3 Upper Tier systems in
16 the United States and in Israel to meet Israel's defense
17 requirements consistent with each nation's laws, regula-
18 tions, and procedures, subject to the U.S.-Israeli co-pro-
19 duction agreement for Arrow 3 Upper Tier, as amended;
20 and \$173,000,000 shall be for the Arrow System Improve-
21 ment Program including development of a long range,
22 ground and airborne, detection suite: *Provided further,*
23 That the transfer authority provided under this provision
24 is in addition to any other transfer authority contained
25 in this Act.

1 SEC. 8074. Of the amounts appropriated in this Act
2 under the heading “Shipbuilding and Conversion, Navy”,
3 \$660,795,000 shall be available until September 30, 2022,
4 to fund prior year shipbuilding cost increases for the fol-
5 lowing programs:

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

9 (2) Under the heading “Shipbuilding and Con-
10 version, Navy”, 2015/2022: DDG–51 Destroyer
11 \$44,577,000;

12 (3) Under the heading “Shipbuilding and Con-
13 version, Navy”, 2016/2022: DDG–51 Destroyer
14 \$1,176,000;

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

18 (5) Under the heading “Shipbuilding and Con-
19 version, Navy”, 2016/2022: Littoral Combat Ship
20 \$24,860,000;

21 (6) Under the heading “Shipbuilding and Con-
22 version, Navy”, 2016/2022: CVN Refueling Over-
23 hauls \$158,800,000;

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

1 Workforce Development Account and the operation and
2 maintenance accounts of the Army, Navy, Marine Corps,
3 Air Force, and Space Force for purposes of recruiting and
4 training the Department of Defense artificial intelligence-
5 literate acquisition workforce: *Provided*, That none of the
6 funds provided under this section may be obligated or ex-
7 pended until 90 days after the Secretary of Defense pro-
8 vides to the congressional defense committees an execution
9 plan: *Provided further*, That not less than 30 days prior
10 to any transfer of funds, the Secretary of Defense shall
11 notify the congressional defense committees of the details
12 of any such transfer: *Provided further*, That upon transfer,
13 the funds shall be merged with and be available for the
14 same purposes, and for the same time period, as the ap-
15 propriation to which transferred: *Provided further*, That
16 the transfer authority provided under this section is in ad-
17 dition to any other transfer authority provided elsewhere
18 in this Act.

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

23 SEC. 8079. The Secretary of Defense may use up to
24 \$650,000,000 of the amounts appropriated or otherwise
25 made available in this Act to the Department of Defense

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

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

22 SEC. 8081. None of the funds provided in this Act
23 shall be available for integration of foreign intelligence in-
24 formation unless the information has been lawfully col-
25 lected and processed during the conduct of authorized for-

1 eign intelligence activities: *Provided*, That information
2 pertaining to United States persons shall only be handled
3 in accordance with protections provided in the Fourth
4 Amendment of the United States Constitution as imple-
5 mented through Executive Order No. 12333.

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

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

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

24 SEC. 8084. For purposes of section 1553(b) of title
25 31, United States Code, any subdivision of appropriations

1 made in this Act under the heading “Shipbuilding and
2 Conversion, Navy” shall be considered to be for the same
3 purpose as any subdivision under the heading “Ship-
4 building and Conversion, Navy” appropriations in any
5 prior fiscal year, and the 1 percent limitation shall apply
6 to the total amount of the appropriation.

7 SEC. 8085. (a) Not later than 60 days after the date
8 of enactment of this Act, the Director of National Intel-
9 ligence shall submit a report to the congressional intel-
10 ligence committees to establish the baseline for application
11 of reprogramming and transfer authorities for fiscal year
12 2022: *Provided*, 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 by Expenditure Center and project; and

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

22 (b) None of the funds provided for the National Intel-
23 ligence Program in this Act shall be available for re-
24 programming or transfer until the report identified in sub-
25 section (a) is submitted to the congressional intelligence

1 committees, unless the Director of National Intelligence
2 certifies in writing to the congressional intelligence com-
3 mittees that such reprogramming or transfer is necessary
4 as an emergency requirement.

5 SEC. 8086. Any transfer of amounts appropriated to
6 the Department of Defense Acquisition Workforce Devel-
7 opment Account in or for fiscal year 2022 to a military
8 department or Defense Agency pursuant to section
9 1705(e)(1) of title 10, United States Code, shall be cov-
10 ered by and subject to section 8005 of this Act.

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

17 (1) creates a new start effort;

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

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

22 (4) transfers funding between appropriations,
23 unless the congressional intelligence committees are
24 notified 30 days in advance of such reprogramming

1 of funds; this notification period may be reduced for
2 urgent national security requirements.

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

14 SEC. 8088. Notwithstanding any other provision of
15 this Act, to reflect higher than anticipated fuel costs, the
16 total amount appropriated in title II of this Act is hereby
17 increased by \$300,000,000.

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

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

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

3 (2) the report contains proprietary information.

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

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

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

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

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

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

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

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

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

15 (INCLUDING TRANSFER OF FUNDS)

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

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

13 SEC. 8092. From funds made available in title II of
14 this Act, the Secretary of Defense may purchase for use
15 by military and civilian employees of the Department of
16 Defense in the United States Central Command area of
17 responsibility: (1) passenger motor vehicles up to a limit
18 of \$75,000 per vehicle; and (2) heavy and light armored
19 vehicles for the physical security of personnel or for force
20 protection purposes up to a limit of \$450,000 per vehicle,
21 notwithstanding price or other limitations applicable to the
22 purchase of passenger carrying vehicles.

23 SEC. 8093. Appropriations available to the Depart-
24 ment of Defense may be used for the purchase of heavy
25 and light armored vehicles for the physical security of per-

1 sonnel or for force protection purposes up to a limit of
2 \$450,000 per vehicle, notwithstanding price or other limi-
3 tations applicable to the purchase of passenger carrying
4 vehicles.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 8094. Upon a determination by the Director of
7 National Intelligence that such action is necessary and in
8 the national interest, the Director may, with the approval
9 of the Office of Management and Budget, transfer not to
10 exceed \$1,500,000,000 of the funds made available in this
11 Act for the National Intelligence Program: *Provided*, That
12 such authority to transfer may not be used unless for
13 higher priority items, based on unforeseen intelligence re-
14 quirements, than those for which originally appropriated
15 and in no case where the item for which funds are re-
16 quested has been denied by the Congress: *Provided further*,
17 That a request for multiple reprogrammings of funds
18 using authority provided in this section shall be made
19 prior to June 30, 2022.

20 SEC. 8095. Notwithstanding any other provision of
21 this Act, to reflect revised economic assumptions, the total
22 amount appropriated in title II of this Act is hereby in-
23 creased by \$1,330,000,000, the total amount appropriated
24 in title III of this Act is hereby increased by
25 \$692,000,000, the total amount appropriated in title IV

1 of this Act is hereby increased by \$585,000,000, the total
2 amount appropriated in title V of this Act is hereby in-
3 creased by \$10,000,000, and the total amount appro-
4 priated in title VI of this Act is hereby increased by
5 \$196,178,000: *Provided*, That the Secretary of Defense
6 shall allocate this increase proportionally to each budget
7 activity, activity group, subactivity group, and each pro-
8 gram, project, and activity, within each appropriation ac-
9 count.

10 SEC. 8096. The Secretary of Defense shall post grant
11 awards on a public Website in a searchable format.

12 SEC. 8097. None of the funds made available by this
13 Act may be used by the National Security Agency to—

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

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

1 SEC. 8098. None of the funds made available in this
2 or any other Act may be used to pay the salary of any
3 officer or employee of any agency funded by this Act who
4 approves or implements the transfer of administrative re-
5 sponsibilities or budgetary resources of any program,
6 project, or activity financed by this Act to the jurisdiction
7 of another Federal agency not financed by this Act with-
8 out the express authorization of Congress: *Provided*, That
9 this limitation shall not apply to transfers of funds ex-
10 pressly provided for in Defense Appropriations Acts, or
11 provisions of Acts providing supplemental appropriations
12 for the Department of Defense.

13 SEC. 8099. Of the amounts appropriated in this Act
14 for “Operation and Maintenance, Navy”, \$435,032,000,
15 to remain available until expended, may be used for any
16 purposes related to the National Defense Reserve Fleet
17 established under section 11 of the Merchant Ship Sales
18 Act of 1946 (46 U.S.C. 57100): *Provided*, That such
19 amounts are available for reimbursements to the Ready
20 Reserve Force, Maritime Administration account of the
21 United States Department of Transportation for pro-
22 grams, projects, activities, and expenses related to the Na-
23 tional Defense Reserve Fleet.

24 SEC. 8100. None of the funds made available in this
25 Act may be obligated for activities authorized under sec-

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

19 SEC. 8101. (a) None of the funds provided in this
20 Act for the TAO Fleet Oiler program shall be used to
21 award a new contract that provides for the acquisition of
22 the following components unless those components are
23 manufactured in the United States: Auxiliary equipment
24 (including pumps) for shipboard services; propulsion
25 equipment (including engines, reduction gears, and propel-

1 lers); shipboard cranes; anchor chains; and spreaders for
2 shipboard cranes.

3 (b) None of the funds provided in this Act for the
4 FFG(X) Frigate program shall be used to award a new
5 contract that provides for the acquisition of the following
6 components unless those components are manufactured in
7 the United States: Air circuit breakers; gyrocompasses;
8 electronic navigation chart systems; steering controls;
9 pumps; propulsion and machinery control systems; totally
10 enclosed lifeboats; auxiliary equipment pumps; shipboard
11 cranes; auxiliary chill water systems; and propulsion pro-
12 pellers: *Provided*, That the Secretary of the Navy shall in-
13 corporate United States manufactured propulsion engines
14 and propulsion reduction gears into the FFG(X) Frigate
15 program beginning not later than with the eleventh ship
16 of the program.

17 SEC. 8102. No amounts credited or otherwise made
18 available in this or any other Act to the Department of
19 Defense Acquisition Workforce Development Account may
20 be transferred to—

21 (1) the Rapid Prototyping Fund established
22 under section 804(d) of the National Defense Au-
23 thorization Act for Fiscal Year 2016 (10 U.S.C.
24 2302 note); or

1 (2) credited to a military-department specific
2 fund established under section 804(d)(2) of the Na-
3 tional Defense Authorization Act for Fiscal Year
4 2016 (as amended by section 897 of the National
5 Defense Authorization Act for Fiscal Year 2017).

6 SEC. 8103. (a) None of the funds made available in
7 this Act may be used to maintain or establish a computer
8 network unless such network is designed to block access
9 to pornography websites.

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

16 SEC. 8104. None of the funds provided for, or other-
17 wise made available, in this or any other Act, may be obli-
18 gated or expended by the Secretary of Defense to provide
19 motorized vehicles, aviation platforms, munitions other
20 than small arms and munitions appropriate for customary
21 ceremonial honors, operational military units, or oper-
22 ational military platforms if the Secretary determines that
23 providing such units, platforms, or equipment would un-
24 dermine the readiness of such units, platforms, or equip-
25 ment.

1 SEC. 8105. The Secretary of Defense may obligate
2 and expend funds made available under this Act for pro-
3 curement or for research, development, test and evaluation
4 for the F-35 Joint Strike Fighter to modify up to six F-
5 35 aircraft, including up to two F-35 aircraft of each vari-
6 ant, to a test configuration: *Provided*, That the Secretary
7 of Defense shall, with the concurrence of the Secretary
8 of the Air Force and the Secretary of the Navy, notify
9 the congressional defense committees not fewer than 30
10 days prior to obligating and expending funds under this
11 section: *Provided further*, That any transfer of funds pur-
12 suant to the authority provided in this section shall be
13 made in accordance with section 8005 of this Act: *Pro-*
14 *vided further*, That aircraft referred to previously in this
15 section are not additional to aircraft referred to in section
16 8135 of the Department of Defense Appropriations Act,
17 2019, section 8126 of the Department of Defense Appro-
18 priations Act, 2020, and section 8122 of the Department
19 of Defense Appropriations Act, 2021.

20 SEC. 8106. (a) None of the funds made available by
21 this or any other Act may be used to enter into a contract,
22 memorandum of understanding, or cooperative agreement
23 with, make a grant to, or provide a loan or loan guarantee
24 to any corporation that has any unpaid Federal tax liabil-
25 ity that has been assessed, for which all judicial and ad-

1 ministrative remedies have been exhausted or have lapsed,
2 and that is not being paid in a timely manner pursuant
3 to an agreement with the authority responsible for col-
4 lecting such tax liability, provided that the applicable Fed-
5 eral agency is aware of the unpaid Federal tax liability.

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

12 SEC. 8107. During fiscal year 2022, the monetary
13 limitation imposed by section 2208(l)(3) of title 10,
14 United States Code may be exceeded by up to
15 \$1,000,000,000.

16 SEC. 8108. Funds appropriated in title I of this Act
17 under headings for “Military Personnel” may be used for
18 expenses described therein for members of the Space
19 Force on active duty: *Provided*, That amounts appro-
20 priated under such headings may be used for payments
21 pursuant to section 156 of Public Law 97–377, as amend-
22 ed (42 U.S.C. 402 note), and to the Department of De-
23 fense Military Retirement Fund.

24 SEC. 8109. (a) Amounts appropriated under title IV
25 of this Act, as detailed in budget activity eight of the ta-

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

7 (1) Defensive Cyber—Software Prototype De-
8 velopment (PE 0608041A);

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

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

13 (4) JSpOC Mission System (PE 1203614SF);

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

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

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

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

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

1 SEC. 8110. Of the amounts appropriated in this Act
2 under the heading “Operation and Maintenance, Defense-
3 Wide”, \$5,000,000, to remain available until September
4 30, 2023: *Provided*, That such funds shall only be avail-
5 able to the Secretary of Defense, acting through the Office
6 of Local Defense Community Cooperation of the Depart-
7 ment of Defense, to make grants to communities impacted
8 by military aviation noise for the purpose of installing
9 noise mitigating insulation at covered facilities: *Provided*
10 *further*, That to be eligible to receive a grant under the
11 program, a community must enter into an agreement with
12 the Secretary under which the community prioritizes the
13 use of funds for the installation of noise mitigation at cov-
14 ered facilities in the community: *Provided further*, That
15 as a condition of receiving funds under this section a State
16 or local entity shall provide a matching share of ten per-
17 cent: *Provided further*, That grants under the program
18 may be used to meet the Federal match requirement under
19 the airport improvement program established under sub-
20 chapter I of chapter 471 and subchapter I of chapter 475
21 of title 49, United States Code: *Provided further*, That,
22 in carrying out the program, the Secretary of Defense
23 shall coordinate with the Secretary of Transportation to
24 minimize duplication of efforts with any other noise miti-
25 gation program compliant with part 150 of title 14, Code

1 of Federal Regulations: *Provided further*, That, in this sec-
2 tion, the term “covered facilities” means hospitals,
3 daycare facilities, schools, facilities serving senior citizens,
4 and private residences that are located within one mile or
5 a day-night average sound level of 65 or greater of a mili-
6 tary installation or another location at which military air-
7 craft are stationed or are located in an area impacted by
8 military aviation noise within one mile or a day-night aver-
9 age sound level of 65 or greater, as determined by the
10 Department of Defense or Federal Aviation Administra-
11 tion noise modeling programs: *Provided further*, That the
12 Secretary of Defense shall prioritize grants to commu-
13 nities for which a nearby military installation has
14 transitioned to a new type or model of aircraft after Janu-
15 ary 1, 2019.

16 SEC. 8111. Funds available to the Department of De-
17 fense for operation and maintenance may be used, not-
18 withstanding any other provision of law, to provide sup-
19 plies, services, transportation, including airlift and sealift,
20 and other logistical support to coalition forces to counter
21 the Islamic State of Iraq and Syria: *Provided*, That the
22 Secretary of Defense shall provide quarterly reports to the
23 congressional defense committees regarding support pro-
24 vided under this section.

1 SEC. 8112. None of the funds made available in this
2 Act may be used in contravention of the following laws
3 enacted or regulations promulgated to implement the
4 United Nations Convention Against Torture and Other
5 Cruel, Inhuman or Degrading Treatment or Punishment
6 (done at New York on December 10, 1984):

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

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

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

21 SEC. 8113. Of the amounts appropriated in this Act
22 under the heading “Operation and Maintenance, Defense-
23 Wide”, for the Defense Security Cooperation Agency,
24 \$300,000,000, of which \$150,000,000, to remain available
25 until September 30, 2023, shall be for the Ukraine Secu-

1 rity Assistance Initiative: *Provided*, That such funds shall
2 be available to the Secretary of Defense, in coordination
3 with the Secretary of State, to provide assistance, includ-
4 ing training; equipment; lethal assistance; logistics sup-
5 port, supplies and services; sustainment; and intelligence
6 support to the military and national security forces of
7 Ukraine, and for replacement of any weapons or articles
8 provided to the Government of Ukraine from the inventory
9 of the United States: *Provided further*, That the Secretary
10 of Defense shall, not less than 15 days prior to obligating
11 funds made available by this section, notify the congres-
12 sional defense committees in writing of the details of any
13 such obligation: *Provided further*, That the United States
14 may accept equipment procured using funds made avail-
15 able in this section in this or prior Acts that was trans-
16 ferred to the security forces of Ukraine and returned by
17 such forces to the United States: *Provided further*, That
18 equipment procured using funds made available in this
19 section in this or prior Acts, and not yet transferred to
20 the military or National Security Forces of Ukraine or re-
21 turned by such forces to the United States, may be treated
22 as stocks of the Department of Defense upon written noti-
23 fication to the congressional defense committees.

24 SEC. 8114. 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. 8115. Of the amounts appropriated in this Act
9 under the heading “Operation and Maintenance, Defense-
10 Wide”, for the Defense Security Cooperation Agency,
11 \$1,055,220,000, to remain available until September 30,
12 2023, shall be available for International Security Co-
13 operation Programs and other programs to provide sup-
14 port and assistance to foreign security forces or other
15 groups or individuals to conduct, support or facilitate
16 counterterrorism, crisis response, or building partner ca-
17 pacity programs: *Provided*, That the Secretary of Defense
18 shall, not less than 15 days prior to obligating funds made
19 available in this section, notify the congressional defense
20 committees in writing of the details of any planned obliga-
21 tion: *Provided further*, That the Secretary of Defense shall
22 provide quarterly reports to the Committees on Appropria-
23 tions of the House of Representatives and the Senate on
24 the use and status of funds made available in this section.

1 SEC. 8116. Of the amounts appropriated in this Act
2 under the heading “Operation and Maintenance, Defense-
3 Wide”, for the Defense Security Cooperation Agency,
4 \$370,000,000, to remain available until September 30,
5 2023, shall be available to reimburse Jordan, Lebanon,
6 Egypt, Tunisia, and Oman under section 1226 of the Na-
7 tional Defense Authorization Act for Fiscal Year 2016 (22
8 U.S.C. 2151 note), for enhanced border security: *Pro-*
9 *vided*, That the Secretary of Defense shall, not less than
10 15 days prior to obligating funds provided under this sec-
11 tion, notify the congressional defense committees in writ-
12 ing of the details of any planned obligation and the nature
13 of the expenses incurred: *Provided further*, That the Sec-
14 retary of Defense shall provide quarterly reports to the
15 Committees on Appropriations of the House of Represent-
16 atives and the Senate on the use and status of funds made
17 available in this section.

18 SEC. 8117. None of the funds made available by this
19 Act may be used in contravention of the War Powers Res-
20 olution (50 U.S.C. 1541 et seq.).

21 SEC. 8118. None of the funds made available by this
22 Act for excess defense articles, assistance under section
23 333 of title 10, United States Code, or peacekeeping oper-
24 ations for the countries designated annually to be in viola-
25 tion of the standards of the Child Soldiers Prevention Act

1 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may
2 be used to support any military training or operation that
3 includes child soldiers, as defined by the Child Soldiers
4 Prevention Act of 2008, unless such assistance is other-
5 wise permitted under section 404 of the Child Soldiers
6 Prevention Act of 2008.

7 SEC. 8119. None of the funds made available by this
8 Act may be made available for any member of the Taliban.

9 SEC. 8120. Notwithstanding any other provision of
10 law, any transfer of funds, appropriated or otherwise made
11 available by this Act, for support to friendly foreign coun-
12 tries in connection with the conduct of operations in which
13 the United States is not participating, pursuant to section
14 331(d) of title 10, United States Code, shall be made in
15 accordance with section 8005 of this Act.

16 SEC. 8121. (a) None of the funds appropriated or
17 otherwise made available by this or any other Act may
18 be used by the Secretary of Defense, or any other official
19 or officer of the Department of Defense, to enter into a
20 contract, memorandum of understanding, or cooperative
21 agreement with, or make a grant to, or provide a loan
22 or loan guarantee to Rosoboronexport or any subsidiary
23 of Rosoboronexport.

24 (b) The Secretary of Defense may waive the limita-
25 tion in subsection (a) if the Secretary, in consultation with

1 the Secretary of State and the Director of National Intel-
2 ligence, determines that it is in the vital national security
3 interest of the United States to do so, and certifies in writ-
4 ing to the congressional defense committees that, to the
5 best of the Secretary's knowledge:

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

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

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

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

1 eral shall submit to the congressional defense committees
2 a report containing the results of the review conducted
3 with respect to such waiver.

4 SEC. 8122. In addition to amounts provided else-
5 where in this Act, there is appropriated \$1,000,000,000,
6 for an additional amount for “Procurement, Defense-
7 Wide”, to remain available until September 30, 2024,
8 which shall be for the Secretary of Defense to provide to
9 the Government of Israel for the procurement of the Iron
10 Dome defense system to counter short-range rocket
11 threats: *Provided*, That such funds shall be transferred
12 pursuant to an exchange of letters and are in addition to
13 funds provided pursuant to the U.S.-Israel Iron Dome
14 Procurement Agreement, as amended: *Provided further*,
15 That nothing in the preceding proviso shall be construed
16 to apply to appropriations in this or prior Acts for the
17 procurement of the Iron Dome defense system.

18 This division may be cited as the “Department of De-
19 fense Appropriations Act, 2022”.

1 **DIVISION B—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES—**
 2 **ADDITIONAL APPROPRIATIONS ACT,**
 3 **2022**

5 The following sums are appropriated, out of any
 6 money in the Treasury not otherwise appropriated, for the
 7 fiscal year ending September 30, 2022, and for other pur-
 8 poses, namely:

9 **TITLE I**

10 **CORPS OF ENGINEERS—CIVIL**

11 **DEPARTMENT OF THE ARMY**

12 **CORPS OF ENGINEERS—CIVIL**

13 **FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM**

14 For an additional amount for “Formerly Utilized
 15 Sites Remedial Action Program”, \$52,000,000, to remain
 16 available until expended.

17 **TITLE II**

18 **DEPARTMENT OF ENERGY**

19 **ATOMIC ENERGY DEFENSE ACTIVITIES**

20 **NATIONAL NUCLEAR SECURITY**

21 **ADMINISTRATION**

22 **WEAPONS ACTIVITIES**

23 For an additional amount for “Weapons Activities”,
 24 \$100,000,000, to remain available until expended.

1 DEFENSE NUCLEAR NONPROLIFERATION

2 For an additional amount for “Defense Nuclear Non-
3 proliferation”, \$76,000,000, to remain available until ex-
4 pended.

5 NAVAL REACTORS

6 For an additional amount for “Naval Reactors”,
7 \$26,200,000, to remain available until expended.

8 ENVIRONMENTAL AND OTHER DEFENSE

9 ACTIVITIES

10 DEFENSE ENVIRONMENTAL CLEANUP

11 For an additional amount for “Defense Environ-
12 mental Cleanup”, \$166,900,000, to remain available until
13 expended: *Provided*, That of such amount, \$3,207,000
14 shall be available until September 30, 2023, for program
15 direction.

16 OTHER DEFENSE ACTIVITIES

17 For an additional amount for “Other Defense Activi-
18 ties”, \$3,900,000, to remain available until expended.

19 TITLE III

20 INDEPENDENT AGENCIES

21 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

22 For an additional amount for “Defense Nuclear Fa-
23 cilities Safety Board”, \$5,000,000, to remain available
24 until September 30, 2023.

1 TITLE IV

2 GENERAL PROVISION—THIS DIVISION

3 SEC. 401. Notwithstanding any other provision of
4 law, funds made available in this division are in addition
5 to amounts appropriated or otherwise made available for
6 the United States Army Corps of Engineers, the Depart-
7 ment of Energy, or the Defense Nuclear Facilities Safety
8 Board for fiscal year 2022: *Provided*, That such amounts
9 shall be subject to the terms and conditions set forth in
10 S. 2605 (117th Congress) and the accompanying Senate
11 Report 117–36, as reported by the Senate Committee on
12 Appropriations on August 4, 2021.

13 This division may be cited as “Energy and Water De-
14 velopment and Related Agencies—Additional Appropria-
15 tions Act, 2022”.

1 **DIVISION C—MILITARY CONSTRUCTION**
2 **AND VETERANS AFFAIRS—ADDI-**
3 **TIONAL APPROPRIATIONS ACT, 2022**

4 The following sums are appropriated, out of any
5 money in the Treasury not otherwise appropriated, for the
6 fiscal year ending September 30, 2022, and for other pur-
7 poses, namely:

8 **TITLE I**

9 **DEPARTMENT OF DEFENSE**

10 **MILITARY CONSTRUCTION, ARMY**

11 For an additional amount for “Military Construction,
12 Army”, \$653,400,000, to remain available until Sep-
13 tember 30, 2026: *Provided*, That such funds may be obli-
14 gated and expended to carry out planning and design and
15 military construction projects authorized by law: *Provided*
16 *further*, That, of such funds, not to exceed \$60,000,000
17 shall be available for study, planning, design, architect and
18 engineer services: *Provided further*, That such funds obli-
19 gated and expended for military construction projects may
20 only be obligated to carry out such construction projects
21 identified in the Army’s unfunded priority list for fiscal
22 year 2022 submitted to Congress: *Provided further*, That
23 not later than 30 days after enactment of this Act, the
24 Secretary of the Army, or his or her designee, shall submit
25 to the Committees on Appropriations of both Houses of

1 Congress an expenditure plan for funds provided under
2 this heading in this Act.

3 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

4 For an additional amount for “Military Construction,
5 Navy and Marine Corps”, \$1,201,539,000, to remain
6 available until September 30, 2026: *Provided*, That such
7 funds may be obligated and expended to carry out plan-
8 ning and design and military construction projects author-
9 ized by law: *Provided further*, That, of such funds, not to
10 exceed \$113,000,000 shall be available for study, plan-
11 ning, design, architect and engineer services: *Provided fur-*
12 *ther*, That such funds obligated and expended for military
13 construction projects may only be obligated to carry out
14 such construction projects identified in the Navy and Ma-
15 rine Corps unfunded priority list for fiscal year 2022 sub-
16 mitted to Congress: *Provided further*, That not later than
17 30 days after enactment of this Act, the Secretary of the
18 Navy, or his or her designee, shall submit to the Commit-
19 tees on Appropriations of both Houses of Congress an ex-
20 penditure plan for funds provided under this heading in
21 this Act.

22 MILITARY CONSTRUCTION, AIR FORCE

23 For an additional amount for “Military Construction,
24 Air Force”, \$316,324,000, to remain available until Sep-
25 tember 30, 2026: *Provided*, That such funds may be obli-

1 gated and expended to carry out planning and design and
2 military construction projects authorized by law: *Provided*
3 *further*, That, of such funds, not to exceed \$30,000,000
4 shall be available for study, planning, design, architect and
5 engineer services: *Provided further*, That such funds obli-
6 gated and expended for military construction projects may
7 only be obligated to carry out such construction projects
8 identified in the Air Force’s unfunded priority list for fis-
9 cal year 2022 submitted to Congress: *Provided further*,
10 That not later than 30 days after enactment of this Act,
11 the Secretary of the Air Force, or his or her designee, shall
12 submit to the Committees on Appropriations of both
13 Houses of Congress an expenditure plan for funds pro-
14 vided under this heading in this Act.

15 MILITARY CONSTRUCTION, DEFENSE-WIDE

16 For an additional amount for “Military Construction,
17 Defense-Wide”, \$105,537,000, to remain available until
18 September 30, 2026: *Provided*, That such funds may be
19 obligated and expended to carry out planning and design
20 and military construction projects authorized by law: *Pro-*
21 *vided further*, That such funds obligated and expended for
22 military construction projects may only be obligated to
23 carry out such construction projects identified in the un-
24 funded priority lists for fiscal year 2022 submitted to Con-
25 gress: *Provided further*, That not later than 30 days after

1 enactment of this Act, the Secretary of Defense, or his
2 or her designee, shall submit to the Committees on Appro-
3 priations of both Houses of Congress an expenditure plan
4 for funds provided under this heading in this Act.

5 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

6 For an additional amount for “Military Construction,
7 Army National Guard”, \$50,800,000, to remain available
8 until September 30, 2026: *Provided*, That such funds may
9 be obligated and expended to carry out planning and de-
10 sign and military construction projects authorized by law:
11 *Provided further*, That, of such funds, not to exceed
12 \$5,000,000 shall be available for study, planning, design,
13 architect and engineer services: *Provided further*, That
14 such funds obligated and expended for military construc-
15 tion projects may only be obligated to carry out such con-
16 struction projects identified in the Army’s unfunded pri-
17 ority list for fiscal year 2022 submitted to Congress: *Pro-*
18 *vided further*, That not later than 30 days after enactment
19 of this Act, the Director of the Army National Guard, or
20 his or her designee, shall submit to the Committees on
21 Appropriations of both Houses of Congress an expenditure
22 plan for funds provided under this heading in this Act.

23 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

24 For an additional amount for “Military Construction,
25 Air National Guard”, \$66,500,000, to remain available

1 until September 30, 2026: *Provided*, That such funds may
2 be obligated and expended to carry out planning and de-
3 sign and military construction projects authorized by law:
4 *Provided further*, That, of such funds, not to exceed
5 \$15,000,000 shall be available for study, planning, design,
6 architect and engineer services: *Provided further*, That
7 such funds obligated and expended for military construc-
8 tion projects may only be obligated to carry out such con-
9 struction projects identified in the Air Force’s unfunded
10 priority list for fiscal year 2022 submitted to Congress:
11 *Provided further*, That not later than 30 days after enact-
12 ment of this Act, the Director of the Air National Guard,
13 or his or her designee, shall submit to the Committees on
14 Appropriations of both Houses of Congress an expenditure
15 plan for funds provided under this heading in this Act.

16 MILITARY CONSTRUCTION, ARMY RESERVE

17 For an additional amount for “Military Construction,
18 Army Reserve”, \$34,200,000, to remain available until
19 September 30, 2026: *Provided*, That such funds may be
20 obligated and expended to carry out planning and design
21 and military construction projects authorized by law: *Pro-*
22 *vided further*, That, of such funds, not to exceed
23 \$5,000,000 shall be available for study, planning, design,
24 architect and engineer services: *Provided further*, That
25 such funds obligated and expended for military construc-

1 tion projects may only be obligated to carry out such con-
2 struction projects identified in the Army’s unfunded pri-
3 ority list for fiscal year 2022 submitted to Congress: *Pro-*
4 *vided further*, That not later than 30 days after enactment
5 of this Act, the Secretary of the Army, or his or her des-
6 ignee, shall submit to the Committees on Appropriations
7 of both Houses of Congress an expenditure plan for funds
8 provided under this heading in this Act.

9 MILITARY CONSTRUCTION, AIR FORCE RESERVE

10 For an additional amount for “Military Construction,
11 Air Force Reserve”, \$57,700,000, to remain available
12 until September 30, 2026: *Provided*, That such funds may
13 be obligated and expended to carry out planning and de-
14 sign and military construction projects authorized by law:
15 *Provided further*, That, of such funds, not to exceed
16 \$5,000,000 shall be available for study, planning, design,
17 architect and engineer services: *Provided further*, That
18 such funds obligated and expended for military construc-
19 tion projects may only be obligated to carry out such con-
20 struction projects identified in the Air Force’s unfunded
21 priority list for fiscal year 2022 submitted to Congress:
22 *Provided further*, That not later than 30 days after enact-
23 ment of this Act, the Secretary of the Air Force, or his
24 or her designee, shall submit to the Committees on Appro-

1 priations of both Houses of Congress an expenditure plan
2 for funds provided under this heading in this Act.

3 FAMILY HOUSING CONSTRUCTION, ARMY

4 For an additional amount for “Family Housing Con-
5 struction, Army”, \$29,000,000, to remain available until
6 September 30, 2026: *Provided*, That such funds may be
7 obligated and expended to carry out planning and design
8 and family housing construction projects authorized by
9 law: *Provided further*, That, of such funds, not to exceed
10 \$15,000,000 shall be available for study, planning, design,
11 architect and engineer services: *Provided further*, That
12 such funds obligated and expended for family housing con-
13 struction projects may only be obligated to carry out such
14 construction projects identified in the Army’s unfunded
15 priority list for fiscal year 2022 submitted to Congress:
16 *Provided further*, That not later than 30 days after enact-
17 ment of this Act, the Secretary of the Army, or his or
18 her designee, shall submit to the Committees on Appro-
19 priations of both Houses of Congress an expenditure plan
20 for funds provided under this heading in this Act.

21 ADMINISTRATIVE PROVISIONS—THIS TITLE

22 SEC. 101. For an additional amount for the accounts
23 and in the amounts specified for planning and design and
24 unspecified minor construction, for improving military in-

1 stallation resilience, to remain available until September
2 30, 2026:

3 “Military Construction, Army”, \$10,000,000;

4 “Military Construction, Navy and Marine
5 Corps”, \$25,000,000; and

6 “Military Construction, Air Force”,
7 \$15,000,000:

8 *Provided*, That not later than 60 days after enactment of
9 this Act, the Secretary of the military department con-
10 cerned, or his or her designee, shall submit to the Commit-
11 tees on Appropriations of both Houses of Congress an ex-
12 penditure plan for funds provided under this section: *Pro-*
13 *vided further*, That the Secretary of the military depart-
14 ment concerned may not obligate or expend any funds
15 prior to approval by the Committees on Appropriations of
16 both Houses of Congress of the expenditure plan required
17 by this section.

18 SEC. 102. For an additional amount for the accounts
19 and in the amounts specified for planning and design and
20 unspecified minor construction, for construction improve-
21 ments to Department of Defense laboratory facilities, to
22 remain available until September 30, 2026:

23 “Military Construction, Army”, \$20,000,000;

24 “Military Construction, Navy and Marine Corps”,
25 \$10,000,000; and

1 “Military Construction, Air Force”, \$20,000,000:
2 *Provided*, That not later than 60 days after enactment of
3 this Act, the Secretary of the military department con-
4 cerned, or his or her designee, shall submit to the Commit-
5 tees on Appropriations of both Houses of Congress an ex-
6 penditure plan for funds provided under this section: *Pro-*
7 *vided further*, That the Secretary of the military depart-
8 ment concerned may not obligate or expend any funds
9 prior to approval by the Committees on Appropriations of
10 both Houses of Congress of the expenditure plan required
11 by this section.

12 SEC. 103. For an additional amount for “Military
13 Construction, Air Force”, \$85,000,000, to remain avail-
14 able until September 30, 2026: *Provided*, That such funds
15 may only be obligated for cost increases on previously ap-
16 propriated projects: *Provided further*, That not later than
17 30 days after enactment of this Act, the Secretary of the
18 Air Force, or his or her designee, shall submit to the Com-
19 mittees on appropriations of both Houses of Congress an
20 expenditure plan for funds provided under this section:
21 *Provided further*, That the Secretary of the Air Force may
22 not obligate or expend any funds prior to approval by the
23 Committees on Appropriations of both Houses of Congress
24 of the expenditure plan required by this section.

1 TITLE II
2 DEPARTMENT OF VETERANS AFFAIRS
3 ADMINISTRATIVE PROVISIONS—THIS TITLE

4 SEC. 201. Title II of S. 2604 (117th Congress), as
5 reported by the Senate Committee on Appropriations on
6 August 4, 2021, is amended by striking the matter under
7 the heading “Veterans Health Administration” and insert-
8 ing in lieu thereof the following:

9 “MEDICAL SERVICES

10 “For necessary expenses for furnishing, as authorized
11 by law, inpatient and outpatient care and treatment to
12 beneficiaries of the Department of Veterans Affairs and
13 veterans described in section 1705(a) of title 38, United
14 States Code, including care and treatment in facilities not
15 under the jurisdiction of the Department, and including
16 medical supplies and equipment, bioengineering services,
17 food services, and salaries and expenses of healthcare em-
18 ployees hired under title 38, United States Code, assist-
19 ance and support services for caregivers as authorized by
20 section 1720G of title 38, United States Code, loan repay-
21 ments authorized by section 604 of the Caregivers and
22 Veterans Omnibus Health Services Act of 2010 (Public
23 Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note),
24 monthly assistance allowances authorized by section
25 322(d) of title 38, United States Code, grants authorized

1 by section 521A of title 38, United States Code, and ad-
2 ministrative expenses necessary to carry out sections
3 322(d) and 521A of title 38, United States Code, and hos-
4 pital care and medical services authorized by section 1787
5 of title 38, United States Code; \$2,341,736,000, which
6 shall be in addition to funds previously appropriated under
7 this heading that became available on October 1, 2021,
8 that are provided to meet the terms of section
9 4004(b)(7)(B) and section 4005(g)(2) of S. Con. Res. 14
10 (117th Congress), the concurrent resolution on the budget
11 for fiscal year 2022, and is additional new budget author-
12 ity specified for purposes of section 4004(b)(7) and section
13 4005(g) of such concurrent resolution; and, in addition,
14 \$70,323,116,000, plus reimbursements, shall become
15 available on October 1, 2022, and shall remain available
16 until September 30, 2023: *Provided*, That, of the amount
17 made available on October 1, 2022, under this heading,
18 \$1,500,000,000 shall remain available until September 30,
19 2024: *Provided further*, That, notwithstanding any other
20 provision of law, the Secretary of Veterans Affairs shall
21 establish a priority for the provision of medical treatment
22 for veterans who have service-connected disabilities, lower
23 income, or have special needs: *Provided further*, That, not-
24 withstanding any other provision of law, the Secretary of
25 Veterans Affairs shall give priority funding for the provi-

1 sion of basic medical benefits to veterans in enrollment
 2 priority groups 1 through 6: *Provided further*, That, not-
 3 withstanding any other provision of law, the Secretary of
 4 Veterans Affairs may authorize the dispensing of prescrip-
 5 tion drugs from Veterans Health Administration facilities
 6 to enrolled veterans with privately written prescriptions
 7 based on requirements established by the Secretary: *Pro-*
 8 *vided further*, That the implementation of the program de-
 9 scribed in the previous proviso shall incur no additional
 10 cost to the Department of Veterans Affairs: *Provided fur-*
 11 *ther*, That the Secretary of Veterans Affairs shall ensure
 12 that sufficient amounts appropriated under this heading
 13 for medical supplies and equipment are available for the
 14 acquisition of prosthetics designed specifically for female
 15 veterans.

16 “MEDICAL COMMUNITY CARE

17 “For necessary expenses for furnishing health care
 18 to individuals pursuant to chapter 17 of title 38, United
 19 States Code, at non-Department facilities,
 20 \$4,905,265,000, which shall be in addition to funds pre-
 21 viously appropriated under this heading that became avail-
 22 able on October 1, 2021, that are provided to meet the
 23 terms of section 4004(b)(7)(B) and section 4005(g)(2) of
 24 S. Con. Res. 14 (117th Congress), the concurrent resolu-
 25 tion on the budget for fiscal year 2022, and is additional

1 new budget authority specified for purposes of section
2 4004(b)(7) and section 4005(g) of such concurrent resolu-
3 tion; and, in addition, \$24,156,659,000, plus reimburse-
4 ments, shall become available on October 1, 2022, and
5 shall remain available until September 30, 2023: *Provided*,
6 That, of the amount made available on October 1, 2022,
7 under this heading, \$2,000,000,000 shall remain available
8 until September 30, 2024.

9 “MEDICAL SUPPORT AND COMPLIANCE

10 “For necessary expenses in the administration of the
11 medical, hospital, nursing home, domiciliary, construction,
12 supply, and research activities, as authorized by law; ad-
13 ministrative expenses in support of capital policy activi-
14 ties; and administrative and legal expenses of the Depart-
15 ment for collecting and recovering amounts owed the De-
16 partment as authorized under chapter 17 of title 38, 5
17 United States Code, and the Federal Medical Care Recov-
18 ery Act (42 U.S.C. 2651 et seq.), \$203,926,000, which
19 shall be in addition to funds previously appropriated under
20 this heading that became available on October 1, 2021,
21 that are provided to meet the terms of section
22 4004(b)(7)(B) and section 4005(g)(2) of S. Con. Res. 14
23 (117th Congress), the concurrent resolution on the budget
24 for fiscal year 2022, and is additional new budget author-
25 ity specified for purposes of section 4004(b)(7) and section

1 4005(g) of such concurrent resolution; and, in addition,
2 \$9,673,409,000, plus reimbursements, shall become avail-
3 able on October 1, 2022, and shall remain available until
4 September 30, 2023: *Provided*, That, of the amount made
5 available on October 1, 2022, under this heading,
6 \$200,000,000 shall remain available until September 30,
7 2024.

8 “MEDICAL FACILITIES

9 “For necessary expenses for the maintenance and op-
10 eration of hospitals, nursing homes, domiciliary facilities,
11 and other necessary facilities of the Veterans Health Ad-
12 ministration; for administrative expenses in support of
13 planning, design, project management, real property ac-
14 quisition and disposition, construction, and renovation of
15 any facility under the jurisdiction or for the use of the
16 Department; for oversight, engineering, and architectural
17 activities not charged to project costs; for repairing, alter-
18 ing, improving, or providing facilities in the several hos-
19 pitals and homes under the jurisdiction of the Depart-
20 ment, not otherwise provided for, either by contract or by
21 the hire of temporary employees and purchase of mate-
22 rials; for leases of facilities; and for laundry services;
23 \$151,415,000, which shall be in addition to funds pre-
24 viously appropriated under this heading that became avail-
25 able on October 1, 2021, that are provided to meet the

1 terms of section 4004(b)(7)(B) and section 4005(g)(2) of
2 S. Con. Res. 14 (117th Congress), the concurrent resolu-
3 tion on the budget for fiscal year 2022, and is additional
4 new budget authority specified for purposes of section
5 4004(b)(7) and section 4005(g) of such concurrent resolu-
6 tion; and, in addition, \$7,133,816,000, plus reimburse-
7 ments, shall become available on October 1, 2022, and
8 shall remain available until September 30, 2023: *Provided*,
9 That, of the amount made available on October 1, 2022,
10 under this heading, \$350,000,000 shall remain available
11 until September 30, 2024.

12 “MEDICAL AND PROSTHETIC RESEARCH

13 “For necessary expenses in carrying out programs of
14 medical and prosthetic research and development as au-
15 thorized by chapter 73 of title 38, United States Code,
16 \$882,000,000, plus reimbursements, shall remain avail-
17 able until September 30, 2023: *Provided*, That the Sec-
18 retary of Veterans Affairs shall ensure that sufficient
19 amounts appropriated under this heading are available for
20 prosthetic research specifically for female veterans, and
21 for toxic exposure research.”.

22 SEC. 202. Title II of S. 2604 (117th Congress), as
23 reported by the Senate Committee on Appropriations on
24 August 4, 2021, is amended by inserting at the end of
25 the Administrative Provisions the following:

1 “(RESCISSIONS OF FUNDS)

2 “SEC. 257. Of the unobligated balances available to
3 the Department of Veterans Affairs from amounts appro-
4 priated in title II of division J of the Consolidated Appro-
5 priations Act, 2021 (Public Law 116–260), that became
6 available on October 1, 2021, the following funds are here-
7 by rescinded from the following accounts in the amounts
8 specified:

9 “‘Veterans Health Administration, Medical Services’,
10 \$2,341,736,000;

11 “‘Veterans Health Administration, Medical Commu-
12 nity Care’, \$1,636,265,000;

13 “‘Veterans Health Administration, Medical Support
14 and Compliance’, \$203,926,000; and

15 “‘Veterans Health Administration, Medical Facili-
16 ties’, \$151,415,000:

17 *Provided*, That no amounts may be rescinded from
18 amounts that were designated by the Congress as an
19 emergency requirement pursuant to a concurrent resolu-
20 tion on the budget or the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985.”.

22 TITLE III

23 GENERAL PROVISION—THIS DIVISION

24 SEC. 301. Notwithstanding any other provision of
25 law, funds made available in this division are in addition

1 to amounts appropriated or otherwise made available for
2 the Department of Defense or the Department of Veterans
3 Affairs for fiscal year 2022: *Provided*, That such amounts
4 shall be subject to the terms and conditions set forth in
5 S. 2604 (117th Congress) and the accompanying Senate
6 Report 117–35, as reported by the Senate Committee on
7 Appropriations on August 4, 2021.

8 This division may be cited as “Military Construction
9 and Veterans Affairs—Additional Appropriations Act,
10 2022”.

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