

## Calendar No. 205

116TH CONGRESS  
1ST SESSION

# S. 2474

[Report No. 116–103]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2020, and for other purposes.

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### IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2019

Mr. SHELBY, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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## A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2020, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       Department of Defense for the fiscal year ending Sep-  
6       tember 30, 2020, and for other purposes, namely:

## 1 TITLE I

## 2 MILITARY PERSONNEL

## 3 MILITARY PERSONNEL, ARMY

4 For pay, allowances, individual clothing, subsistence,  
5 interest on deposits, gratuities, permanent change of sta-  
6 tion travel (including all expenses thereof for organiza-  
7 tional movements), and expenses of temporary duty travel  
8 between permanent duty stations, for members of the  
9 Army on active duty (except members of reserve compo-  
10 nents provided for elsewhere), cadets, and aviation cadets;  
11 for members of the Reserve Officers' Training Corps; and  
12 for payments pursuant to section 156 of Public Law 97-  
13 377, as amended (42 U.S.C. 402 note), and to the Depart-  
14 ment of Defense Military Retirement Fund,  
15 \$42,968,799,000.

## 16 MILITARY PERSONNEL, NAVY

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  
22 Navy on active duty (except members of the Reserve pro-  
23 vided for elsewhere), midshipmen, and aviation cadets; for  
24 members of the Reserve Officers' Training Corps; and for  
25 payments pursuant to section 156 of Public Law 97-377,

1 as amended (42 U.S.C. 402 note), and to the Department  
 2 of Defense Military Retirement Fund, \$31,763,263,000.

3           MILITARY PERSONNEL, MARINE CORPS

4           For pay, allowances, individual clothing, subsistence,  
 5 interest on deposits, gratuities, permanent change of sta-  
 6 tion travel (including all expenses thereof for organiza-  
 7 tional movements), and expenses of temporary duty travel  
 8 between permanent duty stations, for members of the Ma-  
 9 rine Corps on active duty (except members of the Reserve  
 10 provided for elsewhere); and for payments pursuant to sec-  
 11 tion 156 of Public Law 97-377, as amended (42 U.S.C.  
 12 402 note), and to the Department of Defense Military Re-  
 13 tirement Fund, \$14,088,775,000.

14           MILITARY PERSONNEL, AIR FORCE

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

1 ment of Defense Military Retirement Fund,  
2 \$31,261,759,000.

3 RESERVE PERSONNEL, ARMY

4 For pay, allowances, clothing, subsistence, gratuities,  
5 travel, and related expenses for personnel of the Army Re-  
6 serve on active duty under sections 10211, 10302, and  
7 7038 of title 10, United States Code, or while serving on  
8 active duty under section 12301(d) of title 10, United  
9 States Code, in connection with performing duty specified  
10 in section 12310(a) of title 10, United States Code, or  
11 while undergoing reserve training, or while performing  
12 drills or equivalent duty or other duty, and expenses au-  
13 thorized by section 16131 of title 10, United States Code;  
14 and for payments to the Department of Defense Military  
15 Retirement Fund, \$4,920,866,000.

16 RESERVE PERSONNEL, NAVY

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

1 10, United States Code; and for payments to the Depart-  
 2 ment of Defense Military Retirement Fund,  
 3 \$2,121,507,000.

4 RESERVE PERSONNEL, MARINE CORPS

5 For pay, allowances, clothing, subsistence, gratuities,  
 6 travel, and related expenses for personnel of the Marine  
 7 Corps Reserve on active duty under section 10211 of title  
 8 10, United States Code, or while serving on active duty  
 9 under section 12301(d) of title 10, United States Code,  
 10 in connection with performing duty specified in section  
 11 12310(a) of title 10, United States Code, or while under-  
 12 going reserve training, or while performing drills or equiv-  
 13 alent duty, and for members of the Marine Corps platoon  
 14 leaders class, and expenses authorized by section 16131  
 15 of title 10, United States Code; and for payments to the  
 16 Department of Defense Military Retirement Fund,  
 17 \$837,854,000.

18 RESERVE PERSONNEL, AIR FORCE

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

1 while undergoing reserve training, or while performing  
 2 drills or equivalent duty or other duty, and expenses au-  
 3 thorized by section 16131 of title 10, United States Code;  
 4 and for payments to the Department of Defense Military  
 5 Retirement Fund, \$2,022,340,000.

6 NATIONAL GUARD PERSONNEL, ARMY

7 For pay, allowances, clothing, subsistence, gratuities,  
 8 travel, and related expenses for personnel of the Army Na-  
 9 tional Guard while on duty under sections 10211, 10302,  
 10 or 12402 of title 10 or section 708 of title 32, United  
 11 States Code, or while serving on duty under section  
 12 12301(d) of title 10 or section 502(f) of title 32, United  
 13 States Code, in connection with performing duty specified  
 14 in section 12310(a) of title 10, United States Code, or  
 15 while undergoing training, or while performing drills or  
 16 equivalent duty or other duty, and expenses authorized by  
 17 section 16131 of title 10, United States Code; and for pay-  
 18 ments to the Department of Defense Military Retirement  
 19 Fund, \$8,912,605,000.

20 NATIONAL GUARD PERSONNEL, AIR FORCE

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

1 title 10 or section 502(f) of title 32, United States Code,  
2 in connection with performing duty specified in section  
3 12310(a) of title 10, United States Code, or while under-  
4 going training, or while performing drills or equivalent  
5 duty or other duty, and expenses authorized by section  
6 16131 of title 10, United States Code; and for payments  
7 to the Department of Defense Military Retirement Fund,  
8 \$4,086,045,000.

## 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, \$40,437,663,000: *Provided*, That not to ex-  
7 ceed \$12,478,000 can be used for emergencies and ex-  
8 traordinary expenses, to be expended on the approval or  
9 authority of the Secretary of the Army, and payments may  
10 be made on his certificate of necessity for confidential mili-  
11 tary 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, \$48,200,088,000:  
16 *Provided*, That not to exceed \$15,055,000 can be used for  
17 emergencies and extraordinary expenses, to be expended  
18 on the approval or authority of the Secretary of the Navy,  
19 and payments may be made on his certificate of necessity  
20 for confidential military purposes.

## 21 OPERATION AND MAINTENANCE, MARINE CORPS

22 For expenses, not otherwise provided for, necessary  
23 for the operation and maintenance of the Marine Corps,  
24 as authorized by law, \$7,608,598,000.



## 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, \$43,092,286,000: *Provided*, That not  
5 to exceed \$7,699,000 can be used for emergencies and ex-  
6 traordinary expenses, to be expended on the approval or  
7 authority of the Secretary of the Air Force, and payments  
8 may be made on his certificate of necessity for confidential  
9 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, \$72,436,000.

## 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, \$37,236,175,000:  
20 *Provided*, That not more than \$6,859,000 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 can be used  
24 for emergencies and extraordinary expenses, to be ex-  
25 pended on the approval or authority of the Secretary of

1 Defense, and payments may be made on his certificate of  
2 necessity for confidential military purposes: *Provided fur-*  
3 *ther*, That of the funds provided under this heading, not  
4 less than \$42,304,000 shall be made available for the Pro-  
5 curement Technical Assistance Cooperative Agreement  
6 Program, of which not less than \$4,500,000 shall be avail-  
7 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*  
8 *vided further*, That none of the funds appropriated or oth-  
9 erwise 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 \$17,732,000, 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 \$667,093,000, of which \$466,871,000, to remain available  
 3 until September 30, 2021, shall be available to provide  
 4 support and assistance to foreign security forces or other  
 5 groups or individuals to conduct, support or facilitate  
 6 counterterrorism, crisis response, or other Department of  
 7 Defense security cooperation programs: *Provided further*,  
 8 That the transfer authority provided under this heading  
 9 is in addition to any other transfer authority provided else-  
 10 where in this Act.

11 OPERATION AND MAINTENANCE, ARMY RESERVE

12 For expenses, not otherwise provided for, necessary  
 13 for the operation and maintenance, including training, or-  
 14 ganization, and administration, of the Army Reserve; re-  
 15 pair of facilities and equipment; hire of passenger motor  
 16 vehicles; travel and transportation; care of the dead; re-  
 17 cruiting; procurement of services, supplies, and equip-  
 18 ment; and communications, \$2,990,610,000.

19 OPERATION AND MAINTENANCE, NAVY RESERVE

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

1   cruiting; procurement of services, supplies, and equip-  
2   ment; and communications, \$1,100,116,000.

3           OPERATION AND MAINTENANCE, MARINE CORPS

4                           RESERVE

5           For expenses, not otherwise provided for, necessary  
6   for the operation and maintenance, including training, or-  
7   ganization, and administration, of the Marine Corps Re-  
8   serve; repair of facilities and equipment; hire of passenger  
9   motor vehicles; travel and transportation; care of the dead;  
10  recruiting; procurement of services, supplies, and equip-  
11  ment; and communications, \$292,076,000.

12          OPERATION AND MAINTENANCE, AIR FORCE RESERVE

13          For expenses, not otherwise provided for, necessary  
14  for the operation and maintenance, including training, or-  
15  ganization, and administration, of the Air Force Reserve;  
16  repair of facilities and equipment; hire of passenger motor  
17  vehicles; travel and transportation; care of the dead; re-  
18  cruiting; procurement of services, supplies, and equip-  
19  ment; and communications, \$3,222,818,000.

20          OPERATION AND MAINTENANCE, ARMY NATIONAL

21                           GUARD

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

1 tures and facilities; hire of passenger motor vehicles; per-  
2 sonnel services in the National Guard Bureau; travel ex-  
3 penses (other than mileage), as authorized by law for  
4 Army personnel on active duty, for Army National Guard  
5 division, regimental, and battalion commanders while in-  
6 specting units in compliance with National Guard Bureau  
7 regulations when specifically authorized by the Chief, Na-  
8 tional Guard Bureau; supplying and equipping the Army  
9 National Guard as authorized by law; and expenses of re-  
10 pair, modification, maintenance, and issue of supplies and  
11 equipment (including aircraft), \$7,588,903,000.

12 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

1 while inspecting units in compliance with National Guard  
2 Bureau regulations when specifically authorized by the  
3 Chief, National Guard Bureau, \$6,732,792,000.

4 UNITED STATES COURT OF APPEALS FOR THE ARMED  
5 FORCES

6 For salaries and expenses necessary for the United  
7 States Court of Appeals for the Armed Forces,  
8 \$14,771,000, of which not to exceed \$5,000 may be used  
9 for official representation purposes.

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

12 For the Department of the Army, \$209,218,000, to  
13 remain available until transferred: *Provided*, That the Sec-  
14 retary of the Army shall, upon determining that such  
15 funds are required for environmental restoration, reduc-  
16 tion and recycling of hazardous waste, removal of unsafe  
17 buildings and debris of the Department of the Army, or  
18 for similar purposes, transfer the funds made available by  
19 this appropriation to other appropriations made available  
20 to the Department of the Army, to be merged with and  
21 to be available for the same purposes and for the same  
22 time period as the appropriations to which transferred:  
23 *Provided further*, That upon a determination that all or  
24 part of the funds transferred from this appropriation are  
25 not necessary for the purposes provided herein, such

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

5 ENVIRONMENTAL RESTORATION, NAVY

6 (INCLUDING TRANSFER OF FUNDS)

7 For the Department of the Navy, \$335,932,000, to  
8 remain available until transferred: *Provided*, That the Sec-  
9 retary of the Navy shall, upon determining that such  
10 funds are required for environmental restoration, reduc-  
11 tion and recycling of hazardous waste, removal of unsafe  
12 buildings and debris of the Department of the Navy, or  
13 for similar purposes, transfer the funds made available by  
14 this appropriation to other appropriations made available  
15 to the Department of the Navy, to be merged with and  
16 to be available for the same purposes and for the same  
17 time period as the appropriations to which transferred:  
18 *Provided further*, That upon a determination that all or  
19 part of the funds transferred from this appropriation are  
20 not necessary for the purposes provided herein, such  
21 amounts may be transferred back to this appropriation:  
22 *Provided further*, That the transfer authority provided  
23 under this heading is in addition to any other transfer au-  
24 thority provided elsewhere in this Act.

## 1 ENVIRONMENTAL RESTORATION, AIR FORCE

## 2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$402,744,000,  
4 to remain available until transferred: *Provided*, That the  
5 Secretary of the Air Force shall, upon determining that  
6 such funds are required for environmental restoration, re-  
7 duction and recycling of hazardous waste, removal of un-  
8 safe buildings and debris of the Department of the Air  
9 Force, or for similar purposes, transfer the funds made  
10 available by this appropriation to other appropriations  
11 made available to the Department of the Air Force, to be  
12 merged with and to be available for the same purposes  
13 and for the same time period as the appropriations to  
14 which transferred: *Provided further*, That upon a deter-  
15 mination that all or part of the funds transferred from  
16 this appropriation are not necessary for the purposes pro-  
17 vided herein, such amounts may be transferred back to  
18 this appropriation: *Provided further*, That the transfer au-  
19 thority provided under this heading is in addition to any  
20 other transfer authority provided elsewhere in this Act.

## 21 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

## 22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of Defense, \$9,105,000, to re-  
24 main available until transferred: *Provided*, That the Sec-  
25 retary of Defense shall, upon determining that such funds



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

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

19 For the Department of the Army, \$216,499,000, to  
 20 remain available until transferred: *Provided*, That the Sec-  
 21 retary of the Army shall, upon determining that such  
 22 funds are required for environmental restoration, reduc-  
 23 tion and recycling of hazardous waste, removal of unsafe  
 24 buildings and debris at sites formerly used by the Depart-  
 25 ment of Defense, transfer the funds made available by this

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

#### 12 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

13 For expenses relating to the Overseas Humanitarian,  
 14 Disaster, and Civic Aid programs of the Department of  
 15 Defense (consisting of the programs provided under sec-  
 16 tions 401, 402, 404, 407, 2557, and 2561 of title 10,  
 17 United States Code), \$108,600,000, to remain available  
 18 until September 30, 2021.

#### 19 COOPERATIVE THREAT REDUCTION ACCOUNT

20 For assistance, including assistance provided by con-  
 21 tract or by grants, under programs and activities of the  
 22 Department of Defense Cooperative Threat Reduction  
 23 Program authorized under the Department of Defense Co-  
 24 operative Threat Reduction Act, \$338,700,000, to remain  
 25 available until September 30, 2022.



1 TITLE III  
2 PROCUREMENT

3 AIRCRAFT PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-  
5 tion, and modernization of aircraft, equipment, including  
6 ordnance, ground handling equipment, spare parts, and  
7 accessories therefor; specialized equipment and training  
8 devices; expansion of public and private plants, including  
9 the land necessary therefor, for the foregoing purposes,  
10 and such lands and interests therein, may be acquired,  
11 and construction prosecuted thereon prior to approval of  
12 title; and procurement and installation of equipment, ap-  
13 pliances, and machine tools in public and private plants;  
14 reserve plant and Government and contractor-owned  
15 equipment layaway; and other expenses necessary for the  
16 foregoing purposes, \$3,766,529,000, to remain available  
17 for obligation until September 30, 2022.

18 MISSILE PROCUREMENT, ARMY

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

1 and construction prosecuted thereon prior to approval of  
2 title; and procurement and installation of equipment, ap-  
3 pliances, and machine tools in public and private plants;  
4 reserve plant and Government and contractor-owned  
5 equipment layaway; and other expenses necessary for the  
6 foregoing purposes, \$3,030,944,000, to remain available  
7 for obligation until September 30, 2022.

8     PROCUREMENT OF WEAPONS AND TRACKED COMBAT  
9                             VEHICLES, ARMY

10       For construction, procurement, production, and  
11 modification of weapons and tracked combat vehicles,  
12 equipment, including ordnance, spare parts, and acces-  
13 sories therefor; specialized equipment and training devices;  
14 expansion of public and private plants, including the land  
15 necessary therefor, for the foregoing purposes, and such  
16 lands and interests therein, may be acquired, and con-  
17 struction prosecuted thereon prior to approval of title; and  
18 procurement and installation of equipment, appliances,  
19 and machine tools in public and private plants; reserve  
20 plant and Government and contractor-owned equipment  
21 layaway; and other expenses necessary for the foregoing  
22 purposes, \$4,463,582,000, to remain available for obliga-  
23 tion until September 30, 2022.

## 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, \$2,572,771,000, to remain  
15 available for obligation until September 30, 2022.

## 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 \$7,220,947,000, to remain available for obligation until  
8 September 30, 2022.

9 AIRCRAFT PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-  
11 tion, and modernization of aircraft, equipment, including  
12 ordnance, spare parts, and accessories therefor; specialized  
13 equipment; expansion of public and private plants, includ-  
14 ing the land necessary therefor, and such lands and inter-  
15 ests therein, may be acquired, and construction prosecuted  
16 thereon prior to approval of title; and procurement and  
17 installation of equipment, appliances, and machine tools  
18 in public and private plants; reserve plant and Govern-  
19 ment and contractor-owned equipment layaway,  
20 \$18,573,560,000, to remain available for obligation until  
21 September 30, 2022.

22 WEAPONS PROCUREMENT, NAVY

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

1 and accessories therefor; expansion of public and private  
2 plants, including the land necessary therefor, and such  
3 lands and interests therein, may be acquired, and con-  
4 struction prosecuted thereon prior to approval of title; and  
5 procurement and installation of equipment, appliances,  
6 and machine tools in public and private plants; reserve  
7 plant and Government and contractor-owned equipment  
8 layaway, \$3,963,067,000, to remain available for obliga-  
9 tion until September 30, 2022.

10     PROCUREMENT OF AMMUNITION, NAVY AND MARINE  
11                                                             CORPS

12         For construction, procurement, production, and  
13 modification of ammunition, and accessories therefor; spe-  
14 cialized equipment and training devices; expansion of pub-  
15 lic and private plants, including ammunition facilities, au-  
16 thorized by section 2854 of title 10, United States Code,  
17 and the land necessary therefor, for the foregoing pur-  
18 poses, and such lands and interests therein, may be ac-  
19 quired, and construction prosecuted thereon prior to ap-  
20 proval of title; and procurement and installation of equip-  
21 ment, appliances, and machine tools in public and private  
22 plants; reserve plant and Government and contractor-  
23 owned equipment layaway; and other expenses necessary  
24 for the foregoing purposes, \$872,251,000, to remain avail-  
25 able for obligation until September 30, 2022.



SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Ohio Replacement Submarine (AP),

\$1,821,907,000;

Carrier Replacement Program (CVN-80),

\$1,062,000,000;

Carrier Replacement Program (CVN-81),

\$1,174,750,000;

Virginia Class Submarine, \$5,355,946,000;

Virginia Class Submarine (AP),

\$2,969,552,000;

CVN Refueling Overhauls, \$614,626,000;

CVN Refueling Overhauls (AP), \$16,900,000;

DDG-1000 Program, \$155,944,000;

1 DDG-51 Destroyer, \$5,099,295,000;  
 2 DDG-51 Destroyer (AP), \$799,028,000;  
 3 FFG-Frigate, \$1,281,177,000;  
 4 LPD Flight II, \$747,100,000;  
 5 LHA Replacement, \$650,000,000;  
 6 Expeditionary Fast Transport, \$261,000,000;  
 7 TAO Fleet Oiler, \$981,215,000;  
 8 TAO Fleet Oiler (AP), \$73,000,000;  
 9 Towing Salvage and Rescue Ship, \$88,204,000;  
 10 LCU 1700, \$85,670,000;  
 11 Service Craft, \$81,789,000;  
 12 Unmanned Surface Vessels, \$248,200,000;  
 13 For outfitting, post delivery, conversions, and  
 14 first destination transportation, \$714,428,000; and  
 15 Completion of Prior Year Shipbuilding Pro-  
 16 grams, \$104,700,000.

17 In all: \$24,366,431,000, to remain available for obli-  
 18 gation until September 30, 2024: *Provided*, That addi-  
 19 tional obligations may be incurred after September 30,  
 20 2024, for engineering services, tests, evaluations, and  
 21 other such budgeted work that must be performed in the  
 22 final stage of ship construction: *Provided further*, That  
 23 none of the funds provided under this heading for the con-  
 24 struction or conversion of any naval vessel to be con-  
 25 structed in shipyards in the United States shall be ex-

1    pended in foreign facilities for the construction of major  
 2    components of such vessel: *Provided further*, That none  
 3    of the funds provided under this heading shall be used  
 4    for the construction of any naval vessel in foreign ship-  
 5    yards: *Provided further*, That funds appropriated or other-  
 6    wise made available by this Act for Ohio Replacement  
 7    Submarine (AP) may be available for the purposes author-  
 8    ized by subsections (f), (g), (h) or (i) of section 2218a  
 9    of title 10, United States Code, only in accordance with  
 10   the provisions of the applicable subsection: *Provided fur-*  
 11   *ther*, That an appropriation made under the heading  
 12   “Shipbuilding and Conversion, Navy” provided for the  
 13   purpose of “Program increase—advance procurement for  
 14   fiscal year 2020 LPD Flight II and/or multiyear procure-  
 15   ment economic order quantity” shall be considered to be  
 16   for the purpose of “Program increase—advance procure-  
 17   ment of LPD 31”.

#### 18                   OTHER PROCUREMENT, NAVY

19       For procurement, production, and modernization of  
 20   support equipment and materials not otherwise provided  
 21   for, Navy ordnance (except ordnance for new aircraft, new  
 22   ships, and ships authorized for conversion); the purchase  
 23   of passenger motor vehicles for replacement only; expan-  
 24   sion of public and private plants, including the land nec-  
 25   essary therefor, and such lands and interests therein, may

1 be acquired, and construction prosecuted thereon prior to  
 2 approval of title; and procurement and installation of  
 3 equipment, appliances, and machine tools in public and  
 4 private plants; reserve plant and Government and con-  
 5 tractor-owned equipment layaway, \$10,568,201,000, to  
 6 remain available for obligation until September 30, 2022:  
 7 *Provided*, That such funds are also available for the main-  
 8 tenance, repair, and modernization of Pacific Fleet ships  
 9 under a pilot program established for such purposes.

#### 10 PROCUREMENT, MARINE CORPS

11 For expenses necessary for the procurement, manu-  
 12 facture, and modification of missiles, armament, military  
 13 equipment, spare parts, and accessories therefor; plant  
 14 equipment, appliances, and machine tools, and installation  
 15 thereof in public and private plants; reserve plant and  
 16 Government and contractor-owned equipment layaway; ve-  
 17 hicles for the Marine Corps, including the purchase of pas-  
 18 senger motor vehicles for replacement only; and expansion  
 19 of public and private plants, including land necessary  
 20 therefor, and such lands and interests therein, may be ac-  
 21 quired, and construction prosecuted thereon prior to ap-  
 22 proval of title, \$3,045,749,000, to remain available for ob-  
 23 ligation until September 30, 2022.

## 1           AIRCRAFT PROCUREMENT, AIR FORCE

2           For construction, procurement, and modification of  
3 aircraft and equipment, including armor and armament,  
4 specialized ground handling equipment, and training de-  
5 vices, spare parts, and accessories therefor; specialized  
6 equipment; expansion of public and private plants, Gov-  
7 ernment-owned equipment and installation thereof in such  
8 plants, erection of structures, and acquisition of land, for  
9 the foregoing purposes, and such lands and interests  
10 therein, may be acquired, and construction prosecuted  
11 thereon prior to approval of title; reserve plant and Gov-  
12 ernment and contractor-owned equipment layaway; and  
13 other expenses necessary for the foregoing purposes in-  
14 cluding rents and transportation of things,  
15 \$17,308,918,000, to remain available for obligation until  
16 September 30, 2022.

## 17           MISSILE PROCUREMENT, AIR FORCE

18           For construction, procurement, and modification of  
19 missiles, rockets, and related equipment, including spare  
20 parts and accessories therefor; ground handling equip-  
21 ment, and training devices; expansion of public and pri-  
22 vate 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   struction 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, \$2,589,166,000, to remain available for obligation  
6   until September 30, 2022.

7                   SPACE PROCUREMENT, AIR FORCE

8       For construction, procurement, and modification of  
9   spacecraft, rockets, and related equipment, including  
10  spare parts and accessories therefor; ground handling  
11  equipment, and training devices; expansion of public and  
12  private plants, Government-owned equipment and installa-  
13  tion thereof in such plants, erection of structures, and ac-  
14  quisition of land, for the foregoing purposes, and such  
15  lands and interests therein, may be acquired, and con-  
16  struction prosecuted thereon prior to approval of title; re-  
17  serve plant and Government and contractor-owned equip-  
18  ment layaway; and other expenses necessary for the fore-  
19  going purposes including rents and transportation of  
20  things, \$2,460,605,000, to remain available for obligation  
21  until September 30, 2022.

22                   PROCUREMENT OF AMMUNITION, AIR FORCE

23       For construction, procurement, production, and  
24  modification of ammunition, and accessories therefor; spe-  
25  cialized equipment and training devices; expansion of pub-

1   lic and private plants, including ammunition facilities, au-  
2   thorized by section 2854 of title 10, United States Code,  
3   and the land necessary therefor, for the foregoing pur-  
4   poses, and such lands and interests therein, may be ac-  
5   quired, and construction prosecuted thereon prior to ap-  
6   proval of title; and procurement and installation of equip-  
7   ment, appliances, and machine tools in public and private  
8   plants; reserve plant and Government and contractor-  
9   owned equipment layaway; and other expenses necessary  
10  for the foregoing purposes, \$1,625,661,000, to remain  
11  available for obligation until September 30, 2022.

12                   OTHER PROCUREMENT, AIR FORCE

13       For procurement and modification of equipment (in-  
14  cluding ground guidance and electronic control equipment,  
15  and ground electronic and communication equipment),  
16  and supplies, materials, and spare parts therefor, not oth-  
17  erwise provided for; the purchase of passenger motor vehi-  
18  cles for replacement only; lease of passenger motor vehi-  
19  cles; and expansion of public and private plants, Govern-  
20  ment-owned equipment and installation thereof in such  
21  plants, erection of structures, and acquisition of land, for  
22  the foregoing purposes, and such lands and interests  
23  therein, may be acquired, and construction prosecuted  
24  thereon, prior to approval of title; reserve plant and Gov-  
25  ernment and contractor-owned equipment layaway,

1 \$21,083,464,000, to remain available for obligation until  
2 September 30, 2022.

3 PROCUREMENT, DEFENSE-WIDE

4 For expenses of activities and agencies of the Depart-  
5 ment of Defense (other than the military departments)  
6 necessary for procurement, production, and modification  
7 of equipment, supplies, materials, and spare parts there-  
8 for, not otherwise provided for; the purchase of passenger  
9 motor vehicles for replacement only; expansion of public  
10 and private plants, equipment, and installation thereof in  
11 such plants, erection of structures, and acquisition of land  
12 for 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,  
16 \$5,285,914,000, to remain available for obligation until  
17 September 30, 2022.

18 DEFENSE PRODUCTION ACT PURCHASES

19 For activities by the Department of Defense pursuant  
20 to sections 108, 301, 302, and 303 of the Defense Produc-  
21 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),  
22 \$39,393,000, to remain available until expended.



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

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
5 ARMY

6 For expenses necessary for basic and applied sci-  
7 entific research, development, test and evaluation, includ-  
8 ing maintenance, rehabilitation, lease, and operation of fa-  
9 cilities and equipment, \$12,412,845,000, to remain avail-  
10 able for obligation until September 30, 2021.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
12 NAVY

13 For expenses necessary for basic and applied sci-  
14 entific research, development, test and evaluation, includ-  
15 ing maintenance, rehabilitation, lease, and operation of fa-  
16 cilities and equipment, \$19,818,218,000, to remain avail-  
17 able for obligation until September 30, 2021: *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, \$45,446,727,000, to remain avail-  
2 able for obligation until September 30, 2021.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
4 DEFENSE-WIDE

5 For expenses of activities and agencies of the Depart-  
6 ment of Defense (other than the military departments),  
7 necessary for basic and applied scientific research, devel-  
8 opment, test and evaluation; advanced research projects  
9 as may be designated and determined by the Secretary  
10 of Defense, pursuant to law; maintenance, rehabilitation,  
11 lease, and operation of facilities and equipment,  
12 \$26,371,649,000, to remain available for obligation until  
13 September 30, 2021.

14 OPERATIONAL TEST AND EVALUATION, DEFENSE

15 For expenses, not otherwise provided for, necessary  
16 for the independent activities of the Director, Operational  
17 Test and Evaluation, in the direction and supervision of  
18 operational test and evaluation, including initial oper-  
19 ational test and evaluation which is conducted prior to,  
20 and in support of, production decisions; joint operational  
21 testing and evaluation; and administrative expenses in  
22 connection therewith, \$232,700,000, to remain available  
23 for obligation until September 30, 2021.

1 TITLE V  
2 REVOLVING AND MANAGEMENT FUNDS  
3 DEFENSE WORKING CAPITAL FUNDS  
4 For the Defense Working Capital Funds,  
5 \$1,580,211,000.

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, \$33,495,289,000; of which  
7 \$31,351,990,000 shall be for operation and maintenance,  
8 of which not to exceed one percent shall remain available  
9 for obligation until September 30, 2021, and of which up  
10 to \$15,270,993,000 may be available for contracts entered  
11 into under the TRICARE program; of which  
12 \$435,526,000, to remain available for obligation until Sep-  
13 tember 30, 2022, shall be for procurement; and of which  
14 \$1,707,773,000, to remain available for obligation until  
15 September 30, 2021, 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 \$808,500,000 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, \$985,499,000, of which  
6 \$107,351,000 shall be for operation and maintenance, of  
7 which no less than \$52,452,000 shall be for the Chemical  
8 Stockpile Emergency Preparedness Program, consisting of  
9 \$22,444,000 for activities on military installations and  
10 \$30,008,000, to remain available until September 30,  
11 2021, to assist State and local governments; \$2,218,000  
12 shall be for procurement, to remain available until Sep-  
13 tember 30, 2022, of which not less than \$2,218,000 shall  
14 be for the Chemical Stockpile Emergency Preparedness  
15 Program to assist State and local governments; and  
16 \$875,930,000, to remain available until September 30,  
17 2021, shall be for research, development, test and evalua-  
18 tion, of which \$869,430,000 shall only be for the Assem-  
19 bled Chemical Weapons Alternatives program.

20 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

21 DEFENSE

22 (INCLUDING TRANSFER OF FUNDS)

23 For drug interdiction and counter-drug activities of  
24 the Department of Defense, for transfer to appropriations  
25 available to the Department of Defense for military per-

1 sonnel of the reserve components serving under the provi-  
 2 sions of title 10 and title 32, United States Code; for oper-  
 3 ation and maintenance; for procurement; and for research,  
 4 development, test and evaluation, \$884,402,000, of which  
 5 \$517,514,000 shall be for counter-narcotics support;  
 6 \$120,922,000 shall be for the drug demand reduction pro-  
 7 gram; \$220,595,000 shall be for the National Guard  
 8 counter-drug program; and \$25,371,000 shall be for the  
 9 National Guard counter-drug schools program: *Provided*,  
 10 That the funds appropriated under this heading shall be  
 11 available for obligation for the same time period and for  
 12 the same purpose as the appropriation to which trans-  
 13 ferred: *Provided further*, That upon a determination that  
 14 all or part of the funds transferred from this appropriation  
 15 are not necessary for the purposes provided herein, such  
 16 amounts may be transferred back to this appropriation:  
 17 *Provided further*, That the transfer authority provided  
 18 under this heading is in addition to any other transfer au-  
 19 thority contained elsewhere in this Act.

#### 20 OFFICE OF THE INSPECTOR GENERAL

21 For expenses and activities of the Office of the In-  
 22 spector General in carrying out the provisions of the In-  
 23 spector General Act of 1978, as amended, \$363,499,000,  
 24 of which \$360,201,000 shall be for operation and mainte-  
 25 nance, of which not to exceed \$700,000 is available for

1 emergencies and extraordinary expenses to be expended on  
2 the approval or authority of the Inspector General, and  
3 payments may be made on the Inspector General's certifi-  
4 cate of necessity for confidential military purposes; of  
5 which \$333,000, to remain available for obligation until  
6 September 30, 2022, shall be for procurement; and of  
7 which \$2,965,000, to remain available until September 30,  
8 2021, shall be for research, development, test and evalua-  
9 tion.

1 TITLE VII  
2 RELATED AGENCIES  
3 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
4 DISABILITY SYSTEM FUND  
5 For payment to the Central Intelligence Agency Re-  
6 tirement and Disability System Fund, to maintain the  
7 proper funding level for continuing the operation of the  
8 Central Intelligence Agency Retirement and Disability  
9 System, \$514,000,000.  
10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT  
11 For necessary expenses of the Intelligence Commu-  
12 nity Management Account, \$539,400,000.



## 1 TITLE VIII

## 2 GENERAL PROVISIONS

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

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

11 (TRANSFER OF FUNDS)

**•S 2474 RS**

1 and in no case where the item for which funds are re-  
2 quested has been denied by the Congress: *Provided further*,  
3 That the Secretary of Defense shall notify the Congress  
4 promptly of all transfers made pursuant to this authority  
5 or any other authority in this Act: *Provided further*, That  
6 no part of the funds in this Act shall be available to pre-  
7 pare or present a request to the Committees on Appropria-  
8 tions for reprogramming of funds, unless for higher pri-  
9 ority items, based on unforeseen military requirements,  
10 than those for which originally appropriated and in no  
11 case where the item for which reprogramming is requested  
12 has been denied by the Congress: *Provided further*, That  
13 a request for multiple reprogrammings of funds using au-  
14 thority provided in this section shall be made prior to June  
15 30, 2020: *Provided further*, That transfers among military  
16 personnel appropriations shall not be taken into account  
17 for purposes of the limitation on the amount of funds that  
18 may be transferred under this section.

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

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

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

13 SEC. 8007. (a) Not later than 60 days after enact-  
14 ment of this Act, the Department of Defense shall submit  
15 a report to the congressional defense committees to estab-  
16 lish the baseline for application of reprogramming and  
17 transfer authorities for fiscal year 2020: *Provided*, That  
18 the report shall include—

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

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

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

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

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

15 (1) “Environmental Restoration, Army”;

16 (2) “Environmental Restoration, Navy”;

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

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

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

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

## (TRANSFER OF FUNDS)

1  
2 SEC. 8008. During the current fiscal year, cash bal-  
3 ances in working capital funds of the Department of De-  
4 fense established pursuant to section 2208 of title 10,  
5 United States Code, may be maintained in only such  
6 amounts as are necessary at any time for cash disburse-  
7 ments to be made from such funds: *Provided*, That trans-  
8 fers may be made between such funds: *Provided further*,  
9 That transfers may be made between working capital  
10 funds and the “Foreign Currency Fluctuations, Defense”  
11 appropriation and the “Operation and Maintenance” ap-  
12 propriation accounts in such amounts as may be deter-  
13 mined by the Secretary of Defense, with the approval of  
14 the Office of Management and Budget, except that such  
15 transfers may not be made unless the Secretary of Defense  
16 has notified the Congress of the proposed transfer: *Pro-*  
17 *vided further*, That except in amounts equal to the  
18 amounts appropriated to working capital funds in this Act,  
19 no obligations may be made against a working capital fund  
20 to procure or increase the value of war reserve material  
21 inventory, unless the Secretary of Defense has notified the  
22 Congress prior to any such obligation.

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

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

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

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

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

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

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



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

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

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

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

12 (b) The fiscal year 2021 budget request for the De-  
13 partment of Defense as well as all justification material  
14 and other documentation supporting the fiscal year 2021  
15 Department of Defense budget request shall be prepared  
16 and submitted to the Congress as if subsections (a) and  
17 (b) of this provision were effective with regard to fiscal  
18 year 2021.

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

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

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

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

7       SEC. 8017. None of the funds appropriated by this  
8 Act shall be used for the support of any nonappropriated  
9 funds activity of the Department of Defense that procures  
10 malt beverages and wine with nonappropriated funds for  
11 resale (including such alcoholic beverages sold by the  
12 drink) on a military installation located in the United  
13 States unless such malt beverages and wine are procured  
14 within that State, or in the case of the District of Colum-  
15 bia, within the District of Columbia, in which the military  
16 installation is located: *Provided*, That, in a case in which  
17 the military installation is located in more than one State,  
18 purchases may be made in any State in which the installa-  
19 tion is located: *Provided further*, That such local procure-  
20 ment requirements for malt beverages and wine shall  
21 apply to all alcoholic beverages only for military installa-  
22 tions in States which are not contiguous with another  
23 State: *Provided further*, That alcoholic beverages other  
24 than wine and malt beverages, in contiguous States and

1 the District of Columbia shall be procured from the most  
2 competitive source, price and other factors considered.

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

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

22 SEC. 8020. Of the funds made available in this Act,  
23 up to \$15,000,000 may be available for incentive pay-  
24 ments authorized by section 504 of the Indian Financing  
25 Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime

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

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

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

10       SEC. 8023. (a) Of the funds made available in this  
11    Act, not less than \$51,800,000 shall be available for the  
12    Civil Air Patrol Corporation, of which—

13            (1) \$39,100,000 shall be available from “Oper-  
14    ation and Maintenance, Air Force” to support Civil  
15    Air Patrol Corporation operation and maintenance,  
16    readiness, counter-drug activities, and drug demand  
17    reduction activities involving youth programs;

18            (2) \$11,000,000 shall be available from “Air-  
19    craft Procurement, Air Force”; and

20            (3) \$1,700,000 shall be available from “Other  
21    Procurement, Air Force” for vehicle procurement.

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

1        SEC. 8024. (a) None of the funds appropriated in this  
2 Act are available to establish a new Department of De-  
3 fense (department) federally funded research and develop-  
4 ment center (FFRDC), either as a new entity, or as a  
5 separate entity administrated by an organization man-  
6 aging another FFRDC, or as a nonprofit membership cor-  
7 poration consisting of a consortium of other FFRDCs and  
8 other nonprofit entities.

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

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



1 stallation, for payment of cost sharing for projects funded  
2 by Government grants, for absorption of contract over-  
3 runs, or for certain charitable contributions, not to include  
4 employee participation in community service and/or devel-  
5 opment.

6 (d) Notwithstanding any other provision of law, of  
7 the funds available to the department during fiscal year  
8 2020, not more than 6,030 staff years of technical effort  
9 (staff years) may be funded for defense FFRDCs: *Pro-*  
10 *vided*, That, of the specific amount referred to previously  
11 in this subsection, not more than 1,125 staff years may  
12 be funded for the defense studies and analysis FFRDCs:  
13 *Provided further*, That this subsection shall not apply to  
14 staff years funded in the National Intelligence Program  
15 (NIP) and the Military Intelligence Program (MIP).

16 (e) The Secretary of Defense shall, with the submis-  
17 sion of the department's fiscal year 2021 budget request,  
18 submit a report presenting the specific amounts of staff  
19 years of technical effort to be allocated for each defense  
20 FFRDC during that fiscal year and the associated budget  
21 estimates.

22 (f) Notwithstanding any other provision of this Act,  
23 the total amount appropriated in this Act for FFRDCs  
24 is hereby reduced by \$53,000,000: *Provided*, That this  
25 subsection shall not apply to appropriations for the Na-

1 tional Intelligence Program (NIP) and the Military Intel-  
2 ligence Program (MIP).

3       SEC. 8025. 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. 8026. For the purposes of this Act, the term  
25 “congressional defense committees” means the Armed

1 Services Committee of the House of Representatives, the  
2 Armed Services Committee of the Senate, the Sub-  
3 committee on Defense of the Committee on Appropriations  
4 of the Senate, and the Subcommittee on Defense of the  
5 Committee on Appropriations of the House of Representa-  
6 tives.

7       SEC. 8027. During the current fiscal year, the De-  
8 partment of Defense may acquire the modification, depot  
9 maintenance and repair of aircraft, vehicles and vessels  
10 as well as the production of components and other De-  
11 fense-related articles, through competition between De-  
12 partment of Defense depot maintenance activities and pri-  
13 vate firms: *Provided*, That the Senior Acquisition Execu-  
14 tive of the military department or Defense Agency con-  
15 cerned, with power of delegation, shall certify that success-  
16 ful bids include comparable estimates of all direct and in-  
17 direct costs for both public and private bids: *Provided fur-*  
18 *ther*, That Office of Management and Budget Circular A-  
19 76 shall not apply to competitions conducted under this  
20 section.

21       SEC. 8028. (a)(1) If the Secretary of Defense, after  
22 consultation with the United States Trade Representative,  
23 determines that a foreign country which is party to an  
24 agreement described in paragraph (2) has violated the  
25 terms of the agreement by discriminating against certain

1 types of products produced in the United States that are  
2 covered by the agreement, the Secretary of Defense shall  
3 rescind the Secretary's blanket waiver of the Buy Amer-  
4 ican Act with respect to such types of products produced  
5 in that foreign country.

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

12 (b) The Secretary of Defense shall submit to the Con-  
13 gress a report on the amount of Department of Defense  
14 purchases from foreign entities in fiscal year 2020. Such  
15 report shall separately indicate the dollar value of items  
16 for which the Buy American Act was waived pursuant to  
17 any agreement described in subsection (a)(2), the Trade  
18 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any  
19 international agreement to which the United States is a  
20 party.

21 (c) For purposes of this section, the term "Buy  
22 American Act" means chapter 83 of title 41, United  
23 States Code.

24 SEC. 8029. During the current fiscal year, amounts  
25 contained in the Department of Defense Overseas Military

1 Facility Investment Recovery Account established by sec-  
2 tion 2921(c)(1) of the National Defense Authorization Act  
3 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall  
4 be available until expended for the payments specified by  
5 section 2921(c)(2) of that Act.

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

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

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

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

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

16       SEC. 8032. Amounts appropriated for “Procurement,  
17 Defense-Wide” in this Act may be used for the purchase  
18 of up to 60 new passenger carrying motor vehicles at a  
19 cost of not more than \$47,000 per vehicle for use by the  
20 Defense POW/MIA Accounting Agency in carrying out the  
21 responsibilities specified in section 1501 of title 10, United  
22 States Code, in the United States Indo-Pacific Command,  
23 notwithstanding price or other limitations applicable to the  
24 purchase of passenger carrying vehicles.

1        SEC. 8033. Up to \$9,199,000 of the funds appro-  
2        priated under the heading “Operation and Maintenance,  
3        Navy” may be made available for the Asia Pacific Re-  
4        gional Initiative Program for the purpose of enabling the  
5        Pacific Command to execute Theater Security Cooperation  
6        activities such as humanitarian assistance, and payment  
7        of incremental and personnel costs of training and exer-  
8        cising with foreign security forces: *Provided*, That funds  
9        made available for this purpose may be used, notwith-  
10       standing any other funding authorities for humanitarian  
11       assistance, security assistance or combined exercise ex-  
12       penses: *Provided further*, That funds may not be obligated  
13       to provide assistance to any foreign country that is other-  
14       wise prohibited from receiving such type of assistance  
15       under any other provision of law.

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

1        SEC. 8035. (a) During the current fiscal year, none  
2 of the appropriations or funds available to the Department  
3 of Defense Working Capital Funds shall be used for the  
4 purchase of an investment item for the purpose of acquiring  
5 a new inventory item for sale or anticipated sale during  
6 the current fiscal year or a subsequent fiscal year to  
7 customers of the Department of Defense Working Capital  
8 Funds if such an item would not have been chargeable  
9 to the Department of Defense Business Operations Fund  
10 during fiscal year 1994 and if the purchase of such an  
11 investment item would be chargeable during the current  
12 fiscal year to appropriations made to the Department of  
13 Defense for procurement.

14        (b) The fiscal year 2021 budget request for the Department  
15 of Defense as well as all justification material  
16 and other documentation supporting the fiscal year 2021  
17 Department of Defense budget shall be prepared and submitted  
18 to the Congress on the basis that any equipment  
19 which was classified as an end item and funded in a procurement  
20 appropriation contained in this Act shall be  
21 budgeted for in a proposed fiscal year 2021 procurement  
22 appropriation and not in the supply management business  
23 area or any other area or category of the Department of  
24 Defense Working Capital Funds.



1        SEC. 8036. None of the funds appropriated by this  
2 Act for programs of the Central Intelligence Agency shall  
3 remain available for obligation beyond the current fiscal  
4 year, except for funds appropriated for the Reserve for  
5 Contingencies, which shall remain available until Sep-  
6 tember 30, 2021: *Provided*, That funds appropriated,  
7 transferred, or otherwise credited to the Central Intel-  
8 ligence Agency Central Services Working Capital Fund  
9 during this or any prior or subsequent fiscal year shall  
10 remain available until expended: *Provided further*, That  
11 any funds appropriated or transferred to the Central Intel-  
12 ligence Agency for advanced research and development ac-  
13 quisition, for agent operations, and for covert action pro-  
14 grams authorized by the President under section 503 of  
15 the National Security Act of 1947 (50 U.S.C. 3093) shall  
16 remain available until September 30, 2021.

17        SEC. 8037. Of the funds appropriated to the Depart-  
18 ment of Defense under the heading “Operation and Main-  
19 tenance, Defense-Wide”, not less than \$12,000,000 may  
20 be made available only for the mitigation of environmental  
21 impacts, including training and technical assistance to  
22 tribes, related administrative support, the gathering of in-  
23 formation, documenting of environmental damage, and de-  
24 veloping a system for prioritization of mitigation and cost

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

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

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

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

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

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

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

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

17       (c) This section does not apply to—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (RESCISSIONS)

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

16 “Shipbuilding and Conversion, Navy: DDG-51  
 17 Destroyer”, 2012/2020, \$44,500,000;

18 “Aircraft Procurement, Army”, 2018/2020,  
 19 \$44,000,000;

20 “Missile Procurement, Army”, 2018/2020,  
 21 \$5,182,000;

22 “Weapons and Tracked Combat Vehicles,  
 23 Army”, 2018/2020, \$115,078,000;

24 “Other Procurement, Army”, 2018/2020,  
 25 \$5,685,000;

1           “Aircraft Procurement, Navy”, 2018/2020,  
2       \$68,781,000;  
3           “Other Procurement, Navy”, 2018/2020,  
4       \$4,548,000;  
5           “Procurement, Marine Corps”, 2018/2020,  
6       \$9,046,000;  
7           “Aircraft Procurement, Air Force”, 2018/2020,  
8       \$455,588,000;  
9           “Missile Procurement, Air Force”, 2018/2020,  
10      \$75,973,000;  
11          “Other Procurement, Air Force”, 2018/2020,  
12      \$26,000,000;  
13          “Missile Procurement, Army”, 2019/2021,  
14      \$67,798,000;  
15          “Weapons and Tracked Combat Vehicles,  
16      Army”, 2019/2021, \$215,946,000;  
17          “Other Procurement, Army”, 2019/2021,  
18      \$102,266,000;  
19          “Aircraft Procurement, Navy”, 2019/2021,  
20      \$190,700,000;  
21          “Procurement of Ammunition, Navy and Ma-  
22      rine Corps”, \$22,000,000;  
23          “Shipbuilding and Conversion, Navy: DDG-51  
24      Destroyer Advance Procurement”, 2019/2023,  
25      \$102,000,000;



1           “Shipbuilding and Conversion, Navy: LPD-17  
2   Advance Procurement”, 2019/2023, \$102,900,000;  
3           “Other Procurement, Navy”, 2019/2021,  
4   \$24,770,000;  
5           “Procurement, Marine Corps”, 2019/2021,  
6   \$74,756,000;  
7           “Aircraft Procurement, Air Force”, 2019/2021,  
8   \$668,974,000;  
9           “Missile Procurement, Air Force”, 2019/2021,  
10   \$65,731,000;  
11          “Space Procurement, Air Force”, 2019/2021,  
12   \$170,300,000;  
13          “Other Procurement, Air Force”, 2019/2021,  
14   \$20,000,000;  
15          “Procurement, Defense-Wide”, 2019/2021,  
16   \$347,000,000;  
17          “Research, Development, Test and Evaluation,  
18   Army”, 2019/2020, \$186,230,000;  
19          “Research, Development, Test and Evaluation,  
20   Navy”, 2019/2020, \$105,000,000;  
21          “Research, Development, Test and Evaluation,  
22   Air Force”, 2019/2020, \$237,350,000;  
23          “Research, Development, Test and Evaluation,  
24   Defense-Wide”, 2019/2020, \$287,000,000; and

1           “Defense Health Program: Research, Develop-  
2           ment, Test and Evaluation”, 2019/2020,  
3           \$26,200,000.

4           SEC. 8042. None of the funds available in this Act  
5           may be used to reduce the authorized positions for mili-  
6           tary technicians (dual status) of the Army National  
7           Guard, Air National Guard, Army Reserve and Air Force  
8           Reserve for the purpose of applying any administratively  
9           imposed civilian personnel ceiling, freeze, or reduction on  
10          military technicians (dual status), unless such reductions  
11          are a direct result of a reduction in military force struc-  
12          ture.

13          SEC. 8043. None of the funds appropriated or other-  
14          wise made available in this Act may be obligated or ex-  
15          pended for assistance to the Democratic People’s Republic  
16          of Korea unless specifically appropriated for that purpose:  
17          *Provided*, That this restriction shall not apply to any ac-  
18          tivities incidental to the Defense POW/MIA Accounting  
19          Agency mission to recover and identify the remains of  
20          United States Armed Forces personnel from the Demo-  
21          cratic People’s Republic of Korea.

22          SEC. 8044. Funds appropriated in this Act for oper-  
23          ation and maintenance of the Military Departments, Com-  
24          batant Commands and Defense Agencies shall be available  
25          for reimbursement of pay, allowances and other expenses

1 which would otherwise be incurred against appropriations  
2 for the National Guard and Reserve when members of the  
3 National Guard and Reserve provide intelligence or coun-  
4 terintelligence support to Combatant Commands, Defense  
5 Agencies and Joint Intelligence Activities, including the  
6 activities and programs included within the National Intel-  
7 ligence Program and the Military Intelligence Program:  
8 *Provided*, That nothing in this section authorizes deviation  
9 from established Reserve and National Guard personnel  
10 and training procedures.

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

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

21 SEC. 8046. Of the amounts appropriated for “Work-  
22 ing Capital Fund, Army”, \$145,000,000 shall be available  
23 to maintain competitive rates at the arsenals.

24 SEC. 8047. In addition to the amounts appropriated  
25 or otherwise made available elsewhere in this Act,

1 \$20,000,000 is hereby appropriated to the Department of  
2 Defense: *Provided*, That upon the determination of the  
3 Secretary of Defense that it shall serve the national inter-  
4 est, the Secretary shall make grants in the amounts speci-  
5 fied as follows: \$20,000,000 to the United Service Organi-  
6 zations.

7 SEC. 8048. None of the funds in this Act may be  
8 used to purchase any supercomputer which is not manu-  
9 factured in the United States, unless the Secretary of De-  
10 fense certifies to the congressional defense committees  
11 that such an acquisition must be made in order to acquire  
12 capability for national security purposes that is not avail-  
13 able from United States manufacturers.

14 SEC. 8049. Notwithstanding any other provision in  
15 this Act, the Small Business Innovation Research program  
16 and the Small Business Technology Transfer program set-  
17 asides shall be taken proportionally from all programs,  
18 projects, or activities to the extent they contribute to the  
19 extramural budget.

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

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

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

6           (INCLUDING TRANSFER OF FUNDS)

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

18      SEC. 8052. During the current fiscal year, in the case  
19      of an appropriation account of the Department of Defense  
20      for which the period of availability for obligation has ex-  
21      pired or which has closed under the provisions of section  
22      1552 of title 31, United States Code, and which has a  
23      negative unliquidated or unexpended balance, an obliga-  
24      tion or an adjustment of an obligation may be charged

1 to any current appropriation account for the same purpose  
2 as the expired or closed account if—

3 (1) the obligation would have been properly  
4 chargeable (except as to amount) to the expired or  
5 closed account before the end of the period of avail-  
6 ability or closing of that account;

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

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

1 *Provided*, That the Under Secretary of Defense (Comp-  
 2 troller) shall include with the budget of the President for  
 3 fiscal year 2021 (as submitted to Congress pursuant to  
 4 section 1105 of title 31, United States Code) a statement  
 5 describing each instance if any, during each of the fiscal  
 6 years 2015 through 2020 in which the authority in this  
 7 section was exercised.

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

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

21                   (INCLUDING TRANSFER OF FUNDS)

22       SEC. 8054. Of the funds appropriated in this Act  
 23 under the heading “Operation and Maintenance, Defense-  
 24 wide”, \$35,000,000 shall be for continued implementation  
 25 and expansion of the Sexual Assault Special Victims’

1 Counsel Program: *Provided*, That the funds are made  
2 available for transfer to the Department of the Army, the  
3 Department of the Navy, and the Department of the Air  
4 Force: *Provided further*, That funds transferred shall be  
5 merged with and available for the same purposes and for  
6 the same time period as the appropriations to which the  
7 funds are transferred: *Provided further*, That this transfer  
8 authority is in addition to any other transfer authority  
9 provided in this Act.

10 SEC. 8055. None of the funds appropriated in title  
11 IV of this Act may be used to procure end-items for deliv-  
12 ery to military forces for operational training, operational  
13 use or inventory requirements: *Provided*, That this restric-  
14 tion does not apply to end-items used in development,  
15 prototyping, and test activities preceding and leading to  
16 acceptance for operational use: *Provided further*, That the  
17 Secretary of Defense shall, at the time of the submittal  
18 to Congress of the budget of the President for fiscal year  
19 2021 pursuant to section 1105 of title 31, United States  
20 Code, submit to the congressional defense committees a  
21 report detailing the use of funds requested in research,  
22 development, test and evaluation accounts for end-items  
23 used in development, prototyping and test activities pre-  
24 ceding and leading to acceptance for operational use: *Pro-*  
25 *vided further*, That the report shall set forth, for each end-



1 item covered by the preceding proviso, a detailed list of  
2 the statutory authorities under which amounts in the ac-  
3 counts described in that proviso were used for such item:  
4 *Provided further*, That this restriction does not apply to  
5 programs funded within the National Intelligence Pro-  
6 gram: *Provided further*, That the Secretary of Defense  
7 may waive this restriction on a case-by-case basis by certi-  
8 fying in writing to the Committees on Appropriations of  
9 the House of Representatives and the Senate that it is  
10 in the national security interest to do so.

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

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

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

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

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

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

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

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

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

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

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

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

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8063. Of the amounts appropriated in this Act  
6 under the heading “Operation and Maintenance, Army”,  
7 \$138,103,000 shall remain available until expended: *Pro-*  
8 *vided*, That, notwithstanding any other provision of law,  
9 the Secretary of Defense is authorized to transfer such  
10 funds to other activities of the Federal Government: *Pro-*  
11 *vided further*, That the Secretary of Defense is authorized  
12 to enter into and carry out contracts for the acquisition  
13 of real property, construction, personal services, and oper-  
14 ations related to projects carrying out the purposes of this  
15 section: *Provided further*, That contracts entered into  
16 under the authority of this section may provide for such  
17 indemnification as the Secretary determines to be nec-  
18 essary: *Provided further*, That projects authorized by this  
19 section shall comply with applicable Federal, State, and  
20 local law to the maximum extent consistent with the na-  
21 tional security, as determined by the Secretary of Defense.

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

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

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

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

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

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

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

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

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

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

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

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

16 (INCLUDING TRANSFER OF FUNDS)

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

23 SEC. 8066. None of the funds available to the De-  
 24 partment of Defense may be obligated to modify command  
 25 and control relationships to give Fleet Forces Command

1 operational and administrative control of United States  
 2 Navy forces assigned to the Pacific fleet: *Provided*, That  
 3 the command and control relationships which existed on  
 4 October 1, 2004, shall remain in force until a written  
 5 modification has been proposed to the House and Senate  
 6 Appropriations Committees: *Provided further*, That the  
 7 proposed modification may be implemented 30 days after  
 8 the notification unless an objection is received from either  
 9 the House or Senate Appropriations Committees: *Provided*  
 10 *further*, That any proposed modification shall not preclude  
 11 the ability of the commander of United States Indo-Pacific  
 12 Command to meet operational requirements.

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

22 (INCLUDING TRANSFER OF FUNDS)

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



1 Wide”, \$500,000,000 shall be for the Israeli Cooperative  
2 Programs: *Provided*, That of this amount, \$95,000,000  
3 shall be for the Secretary of Defense to provide to the Gov-  
4 ernment of Israel for the procurement of the Iron Dome  
5 defense system to counter short-range rocket threats, sub-  
6 ject to the U.S.-Israel Iron Dome Procurement Agree-  
7 ment, as amended; \$191,000,000 shall be for the Short  
8 Range Ballistic Missile Defense (SRBMD) program, in-  
9 cluding cruise missile defense research and development  
10 under the SRBMD program, of which \$50,000,000 shall  
11 be for co-production activities of SRBMD systems in the  
12 United States and in Israel to meet Israel’s defense re-  
13 quirements consistent with each nation’s laws, regulations,  
14 and procedures, subject to the U.S.-Israeli co-production  
15 agreement for SRBMD, as amended; \$55,000,000 shall  
16 be for an upper-tier component to the Israeli Missile De-  
17 fense Architecture, of which \$55,000,000 shall be for co-  
18 production activities of Arrow 3 Upper Tier systems in  
19 the United States and in Israel to meet Israel’s defense  
20 requirements consistent with each nation’s laws, regula-  
21 tions, and procedures, subject to the U.S.-Israeli co-pro-  
22 duction agreement for Arrow 3 Upper Tier, as amended;  
23 and \$159,000,000 shall be for the Arrow System Improve-  
24 ment Program including development of a long range,  
25 ground and airborne, detection suite: *Provided further*,

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

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8069. Of the amounts appropriated in this Act  
6 under the heading “Shipbuilding and Conversion, Navy”,  
7 \$104,700,000 shall be available until September 30, 2020,  
8 to fund prior year shipbuilding cost increases: *Provided*,  
9 That upon enactment of this Act, the Secretary of the  
10 Navy shall transfer funds to the following appropriations  
11 in the amounts specified: *Provided further*, That the  
12 amounts transferred shall be merged with and be available  
13 for the same purposes as the appropriations to which  
14 transferred to:

15 (1) Under the heading “Shipbuilding and Con-  
16 version, Navy”, 2016/2020: Littoral Combat Ship  
17 \$14,000,000;

18 (2) Under the heading “Shipbuilding and Con-  
19 version, Navy”, 2016/2020: Expeditionary Sea Base  
20 \$38,000,000;

21 (3) Under the heading “Shipbuilding and Con-  
22 version, Navy”, 2018/2020: TAO Fleet Oiler  
23 \$3,700,000; and

1           (4) Under the heading “Shipbuilding and Con-  
2       version, Navy”, 2019/2020: Expeditionary Fast  
3       Transport \$49,000,000.

4       SEC. 8070. Funds appropriated by this Act, or made  
5       available by the transfer of funds in this Act, for intel-  
6       ligence activities are deemed to be specifically authorized  
7       by the Congress for purposes of section 504 of the Na-  
8       tional Security Act of 1947 (50 U.S.C. 3094) during fiscal  
9       year 2020 until the enactment of the Intelligence Author-  
10      ization Act for Fiscal Year 2020.

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

18      SEC. 8072. The budget of the President for fiscal  
19      year 2021 submitted to the Congress pursuant to section  
20      1105 of title 31, United States Code, shall include sepa-  
21      rate budget justification documents for costs of United  
22      States Armed Forces’ participation in contingency oper-  
23      ations for the Military Personnel accounts, the Operation  
24      and Maintenance accounts, the Procurement accounts,  
25      and the Research, Development, Test and Evaluation ac-

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

17 SEC. 8073. None of the funds in this Act may be  
18 used for research, development, test, evaluation, procure-  
19 ment or deployment of nuclear armed interceptors of a  
20 missile defense system.

21 SEC. 8074. The Secretary of Defense may use up to  
22 \$800,000,000 of the amounts appropriated or otherwise  
23 made available in this Act to the Department of Defense  
24 for the rapid acquisition and deployment of supplies and  
25 associated support services pursuant to section 806 of the

1 Bob Stump National Defense Authorization Act for Fiscal  
2 Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note):  
3 *Provided*, That the Secretary of Defense shall notify the  
4 congressional defense committees promptly of all uses of  
5 this authority.

6 SEC. 8075. None of the funds appropriated or made  
7 available in this Act shall be used to reduce or disestablish  
8 the operation of the 53rd Weather Reconnaissance Squad-  
9 ron of the Air Force Reserve, if such action would reduce  
10 the WC–130 Weather Reconnaissance mission below the  
11 levels funded in this Act: *Provided*, That the Air Force  
12 shall allow the 53rd Weather Reconnaissance Squadron to  
13 perform other missions in support of national defense re-  
14 quirements during the non-hurricane season.

15 SEC. 8076. None of the funds provided in this Act  
16 shall be available for integration of foreign intelligence in-  
17 formation unless the information has been lawfully col-  
18 lected and processed during the conduct of authorized for-  
19 eign intelligence activities: *Provided*, That information  
20 pertaining to United States persons shall only be handled  
21 in accordance with protections provided in the Fourth  
22 Amendment of the United States Constitution as imple-  
23 mented through Executive Order No. 12333.

24 SEC. 8077. (a) None of the funds appropriated by  
25 this Act may be used to transfer research and develop-

1 ment, acquisition, or other program authority relating to  
2 current tactical unmanned aerial vehicles (TUAVs) from  
3 the Army.

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

9 SEC. 8078. None of the funds appropriated by this  
10 Act for programs of the Office of the Director of National  
11 Intelligence shall remain available for obligation beyond  
12 the current fiscal year, except for funds appropriated for  
13 research and technology, which shall remain available until  
14 September 30, 2021.

15 SEC. 8079. For purposes of section 1553(b) of title  
16 31, United States Code, any subdivision of appropriations  
17 made in this Act under the heading “Shipbuilding and  
18 Conversion, Navy” shall be considered to be for the same  
19 purpose as any subdivision under the heading “Ship-  
20 building and Conversion, Navy” appropriations in any  
21 prior fiscal year, and the 1 percent limitation shall apply  
22 to the total amount of the appropriation.

23 SEC. 8080. (a) Not later than 60 days after the date  
24 of enactment of this Act, the Director of National Intel-  
25 ligence shall submit a report to the congressional intel-

1   ligence committees to establish the baseline for application  
2   of reprogramming and transfer authorities for fiscal year  
3   2020: *Provided*, That the report shall include—

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

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

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

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

21       SEC. 8081. Notwithstanding any other provision of  
22   law, any transfer of funds, appropriated or otherwise made  
23   available by this Act, for support to friendly foreign coun-  
24   tries in connection with the conduct of operations in which  
25   the United States is not participating, pursuant to section

1 331(d) of title 10, United States Code, shall be made in  
2 accordance with sections 8005 or 9002 of this Act, as ap-  
3 plicable.

4 SEC. 8082. Any transfer of amounts appropriated to,  
5 credited to, or deposited in the Department of Defense Ac-  
6 quisition Workforce Development Fund in or for fiscal  
7 year 2020 to a military department or Defense Agency  
8 pursuant to section 1705(e)(1) of title 10, United States  
9 Code, shall be covered by and subject to sections 8005 or  
10 9002 of this Act, as applicable.

11 SEC. 8083. None of the funds made available by this  
12 Act for excess defense articles, assistance under section  
13 333 of title 10, United States Code, or peacekeeping oper-  
14 ations for the countries designated annually to be in viola-  
15 tion of the standards of the Child Soldiers Prevention Act  
16 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may  
17 be used to support any military training or operation that  
18 includes child soldiers, as defined by the Child Soldiers  
19 Prevention Act of 2008, unless such assistance is other-  
20 wise permitted under section 404 of the Child Soldiers  
21 Prevention Act of 2008.

22 SEC. 8084. (a) None of the funds provided for the  
23 National Intelligence Program in this or any prior appro-  
24 priations Act shall be available for obligation or expendi-  
25 ture through a reprogramming or transfer of funds in ac-



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

3 (1) creates a new start effort;

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

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

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

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

24 SEC. 8085. Funds made available by this Act for  
25 Space Procurement, Air Force, National Security Space

1 Launch, shall be used to award no more than two Phase  
2 2 competitive launch service procurement contracts for a  
3 total of no less than 34 and no more than 54 launch serv-  
4 ices.

5 SEC. 8086. For the purposes of this Act, the term  
6 “congressional intelligence committees” means the Perma-  
7 nent Select Committee on Intelligence of the House of  
8 Representatives, the Select Committee on Intelligence of  
9 the Senate, the Subcommittee on Defense of the Com-  
10 mittee on Appropriations of the House of Representatives,  
11 and the Subcommittee on Defense of the Committee on  
12 Appropriations of the Senate.

13 (INCLUDING TRANSFER OF FUNDS)

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

22 SEC. 8088. None of the funds appropriated by this  
23 Act may be available for the purpose of making remit-  
24 tances to the Department of Defense Acquisition Work-

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

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

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

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

12 (2) the report contains proprietary information.

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

17 SEC. 8090. (a) None of the funds appropriated or  
18 otherwise made available by this Act may be expended for  
19 any Federal contract for an amount in excess of  
20 \$1,000,000, unless the contractor agrees not to—

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

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

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

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

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

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8091. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to \$127,000,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8092. None of the funds appropriated or otherwise made available by this Act may be used by the De-

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

4 SEC. 8093. Appropriations available to the Depart-  
5 ment of Defense may be used for the purchase of heavy  
6 and light armored vehicles for the physical security of per-  
7 sonnel or for force protection purposes up to a limit of  
8 \$450,000 per vehicle, notwithstanding price or other limi-  
9 tations applicable to the purchase of passenger carrying  
10 vehicles.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8094. Upon a determination by the Director of  
13 National Intelligence that such action is necessary and in  
14 the national interest, the Director may, with the approval  
15 of the Office of Management and Budget, transfer not to  
16 exceed \$1,500,000,000 of the funds made available in this  
17 Act for the National Intelligence Program: *Provided*, That  
18 such authority to transfer may not be used unless for  
19 higher priority items, based on unforeseen intelligence re-  
20 quirements, than those for which originally appropriated  
21 and in no case where the item for which funds are re-  
22 quested has been denied by the Congress: *Provided further*,  
23 That a request for multiple reprogrammings of funds  
24 using authority provided in this section shall be made  
25 prior to June 30, 2020.

1       SEC. 8095. None of the funds appropriated or other-  
2 wise made available in this or any other Act may be used  
3 to transfer, release, or assist in the transfer or release to  
4 or within the United States, its territories, or possessions  
5 Khalid Sheikh Mohammed or any other detainee who—

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

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

11       SEC. 8096. None of the funds appropriated or other-  
12 wise made available in this Act may be used to transfer  
13 any individual detained at United States Naval Station  
14 Guantánamo Bay, Cuba, to the custody or control of the  
15 individual's country of origin, any other foreign country,  
16 or any other foreign entity except in accordance with sec-  
17 tion 1034 of the National Defense Authorization Act for  
18 Fiscal Year 2016 (Public Law 114–92) and section 1035  
19 of the John S. McCain National Defense Authorization  
20 Act for Fiscal Year 2019 (Public Law 115–232).

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

24       SEC. 8098. (a) None of the funds appropriated or  
25 otherwise made available by this or any other Act may



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

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

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

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

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

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

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

12       SEC. 8099. (a) None of the funds appropriated or  
13       otherwise made available in this or any other Act may be  
14       used to construct, acquire, or modify any facility in the  
15       United States, its territories, or possessions to house any  
16       individual described in subsection (c) for the purposes of  
17       detention or imprisonment in the custody or under the ef-  
18       fective control of the Department of Defense.

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

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

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

4           (2) is—

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

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

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

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

21               (1) the prospective foreign civilian recipient is  
22       determined by the local military commander to be  
23       friendly to the United States;

24               (2) a claim for damages would not be compen-  
25       sable under chapter 163 of title 10, United States

1 Code (commonly known as the “Foreign Claims  
2 Act”); and

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

5 (c) Any payments provided under a program under  
6 subsection (a) shall not be considered an admission or ac-  
7 knowledgement of any legal obligation to compensate for  
8 any damage, personal injury, or death.

9 (d) If the Secretary of Defense determines a program  
10 under subsection (a) to be appropriate in a particular set-  
11 ting, the amounts of payments, if any, to be provided to  
12 civilians determined to have suffered harm incident to  
13 combat operations of the Armed Forces under the pro-  
14 gram should be determined pursuant to regulations pre-  
15 scribed by the Secretary and based on an assessment,  
16 which should include such factors as cultural appropriate-  
17 ness and prevailing economic conditions.

18 (e) Local military commanders shall receive legal ad-  
19 vice before making ex gratia payments under this sub-  
20 section. The legal advisor, under regulations of the De-  
21 partment of Defense, shall advise on whether an ex gratia  
22 payment is proper under this section and applicable De-  
23 partment of Defense regulations.

24 (f) A written record of any ex gratia payment offered  
25 or denied shall be kept by the local commander and on

1 a timely basis submitted to the appropriate office in the  
2 Department of Defense as determined by the Secretary  
3 of Defense.

4 (g) The Secretary of Defense shall report to the con-  
5 gressional defense committees on an annual basis the effi-  
6 cacy of the ex gratia payment program including the num-  
7 ber of types of cases considered, amounts offered, the re-  
8 sponse from ex gratia payment recipients, and any rec-  
9 ommended modifications to the program.

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

12 SEC. 8102. The Secretary of each military depart-  
13 ment, in reducing each research, development, test and  
14 evaluation and procurement account of the military de-  
15 partment as required under paragraph (1) of section  
16 828(d) of the National Defense Authorization Act for Fis-  
17 cal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note),  
18 as amended by section 825(a)(3) of the National Defense  
19 Authorization Act for Fiscal Year 2018, shall allocate the  
20 percentage reduction determined under paragraph (2) of  
21 such section 828(d) proportionally from all programs,  
22 projects, or activities under such account: *Provided*, That  
23 the authority under section 804(d)(2) of the National De-  
24 fense Authorization Act for Fiscal Year 2016 (Public Law  
25 114–92; 10 U.S.C. 2302 note) to transfer amounts avail-

1 able in the Rapid Prototyping Fund shall be subject to  
2 section 8005 or 9002 of this Act, as applicable.

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

5 (1) conduct an acquisition pursuant to section  
6 702 of the Foreign Intelligence Surveillance Act of  
7 1978 for the purpose of targeting a United States  
8 person; or

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

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

1 provisions of Acts providing supplemental appropriations  
2 for the Department of Defense.

3       SEC. 8105. Of the amounts appropriated in this Act  
4 for “Operation and Maintenance, Navy”, \$352,044,000,  
5 to remain available until expended, may be used for any  
6 purposes related to the National Defense Reserve Fleet  
7 established under section 11 of the Merchant Ship Sales  
8 Act of 1946 (50 U.S.C. 4405): *Provided*, That such  
9 amounts are available for reimbursements to the Ready  
10 Reserve Force, Maritime Administration account of the  
11 United States Department of Transportation for pro-  
12 grams, projects, activities, and expenses related to the Na-  
13 tional Defense Reserve Fleet.

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

1 ongoing military operation being conducted by United  
2 States Special Operations Forces to combat terrorism:  
3 *Provided further*, That the Secretary of Defense may waive  
4 the prohibitions in this section if the Secretary determines  
5 that such waiver is required by extraordinary cir-  
6 cumstances and, by not later than 72 hours after making  
7 such waiver, notifies the congressional defense committees  
8 of such waiver.

9       SEC. 8107. The Secretary of Defense, in consultation  
10 with the Service Secretaries, shall submit two reports to  
11 the congressional defense committees, not later than  
12 March 1, 2020, and not later than September 1, 2020,  
13 detailing the submission of records during the previous 6  
14 months to databases accessible to the National Instant  
15 Criminal Background Check System (NICS), including  
16 the Interstate Identification Index (III), the National  
17 Crime Information Center (NCIC), and the NICS Index,  
18 as required by Public Law 110–180: *Provided*, That such  
19 reports shall provide the number and category of records  
20 submitted by month to each such database, by Service or  
21 Component: *Provided further*, That such reports shall  
22 identify the number and category of records submitted by  
23 month to those databases for which the Identification for  
24 Firearm Sales (IFFS) flag or other database flags were  
25 used to pre-validate the records and indicate that such



1 persons are prohibited from receiving or possessing a fire-  
2 arm: *Provided further*, That such reports shall describe the  
3 steps taken during the previous 6 months, by Service or  
4 Component, to ensure complete and accurate submission  
5 and appropriate flagging of records of individuals prohib-  
6 ited from gun possession or receipt pursuant to 18 U.S.C.  
7 922(g) or (n) including applicable records involving pro-  
8 ceedings under the Uniform Code of Military Justice.

9 SEC. 8108. None of the funds provided in this Act  
10 for the TAO Fleet Oiler program shall be used to award  
11 a new contract that provides for the acquisition of the fol-  
12 lowing components unless those components are manufac-  
13 tured in the United States: Auxiliary equipment (including  
14 pumps) for shipboard services; propulsion equipment (in-  
15 cluding engines, reduction gears, and propellers); ship-  
16 board cranes; and spreaders for shipboard cranes.

17 SEC. 8109. No amounts credited or otherwise made  
18 available in this or any other Act to the Department of  
19 Defense Acquisition Workforce Development Fund may be  
20 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. 8110. Notwithstanding any other provision of  
7       law, from funds made available to the Department of De-  
8       fense in title II of this Act under the heading “Operation  
9       and Maintenance, Defense-Wide”, \$15,000,000 shall be  
10      available for a project in a country designated by the Sec-  
11      retary of Defense: *Provided*, That in furtherance of the  
12      project, the Department of Defense is authorized to ac-  
13      quire services, including services performed pursuant to  
14      a grant agreement, from another Federal agency, on an  
15      advance of funds or reimbursable basis: *Provided further*,  
16      That an order for services placed under this section is  
17      deemed to be an obligation in the same manner that a  
18      similar order placed under a contract with a private con-  
19      tractor is an obligation.

20      SEC. 8111. None of the funds appropriated by this  
21      Act may be made available to deliver F-35 aircraft to the  
22      Republic of Turkey, except in accordance with section  
23      1282 of the John S. McCain National Defense Authoriza-  
24      tion Act for Fiscal Year 2019 (Public Law 115-232).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8112. Of the amounts appropriated in this Act, the Secretary of Defense may use up to \$82,046,000 under the heading “Operation and Maintenance, Defense-Wide”, and up to \$44,001,000 under the heading “Research, Development, Test and Evaluation, Defense-Wide” to develop, replace, and sustain Federal Government security and suitability background investigation information technology systems of the Office of Personnel Management or other Federal agency responsible for conducting such investigations: *Provided*, That the Secretary may transfer additional amounts into these headings or into “Procurement, Defense-Wide” using established reprogramming procedures prescribed in the Department of Defense Financial Management Regulation 7000.14, Volume 3, Chapter 6, dated September 2015: *Provided further*, That such funds shall supplement, not supplant any other amounts made available to other Federal agencies for such purposes.

SEC. 8113. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law

1 enforcement agency or any other entity carrying out crimi-  
2 nal investigations, prosecution, or adjudication activities,  
3 or for any activity necessary for the national defense, in-  
4 cluding intelligence activities.

5 SEC. 8114. Notwithstanding any other provision of  
6 law, any transfer of funds appropriated or otherwise made  
7 available by this Act to the Global Engagement Center es-  
8 tablished by section 1287 of the National Defense Author-  
9 ization Act for Fiscal Year 2017 (Public Law 114–328;  
10 130 Stat. 22 U.S.C. 2656 note) shall be made in accord-  
11 ance with section 8005 or 9002 of this Act, as applicable,  
12 but only after the amount so transferred exceeds  
13 \$20,000,000, the amount appropriated in this Act for the  
14 Global Engagement Center.

15 SEC. 8115. None of the funds made available by this  
16 Act may be used to carry out the closure or realignment  
17 of the United States Naval Station, Guantánamo Bay,  
18 Cuba.

19 SEC. 8116. None of the funds provided for, or other-  
20 wise made available, in this or any other Act, may be obli-  
21 gated or expended by the Secretary of Defense to provide  
22 motorized vehicles, aviation platforms, munitions other  
23 than small arms and munitions appropriate for customary  
24 ceremonial honors, operational military units, or oper-  
25 ational military platforms if the Secretary determines that

1 providing such units, platforms, or equipment would un-  
2 dermine the readiness of such units, platforms, or equip-  
3 ment.

4 SEC. 8117. (a) None of the funds made available by  
5 this or any other Act may be used to enter into a contract,  
6 memorandum of understanding, or cooperative agreement  
7 with, make a grant to, or provide a loan or loan guarantee  
8 to any corporation that has any unpaid Federal tax liabil-  
9 ity that has been assessed, for which all judicial and ad-  
10 ministrative remedies have been exhausted or have lapsed,  
11 and that is not being paid in a timely manner pursuant  
12 to an agreement with the authority responsible for col-  
13 lecting such tax liability, provided that the applicable Fed-  
14 eral agency is aware of the unpaid Federal tax liability.

15 (b) Subsection (a) shall not apply if the applicable  
16 Federal agency has considered suspension or debarment  
17 of the corporation described in such subsection and has  
18 made a determination that such suspension or debarment  
19 is not necessary to protect the interests of the Federal  
20 Government.

21 SEC. 8118. During fiscal year 2020, any advance bill-  
22 ing for background investigation services and related serv-  
23 ices purchased from activities financed using Defense  
24 Working Capital Funds shall be excluded from the calcula-

1 tion of cumulative advance billings under section  
2 2208(1)(3) of title 10, United States Code.

1 TITLE IX  
2 OVERSEAS CONTINGENCY OPERATIONS  
3 MILITARY PERSONNEL  
4 MILITARY PERSONNEL, ARMY

5 For an additional amount for “Military Personnel,  
6 Army”, \$2,743,132,000: *Provided*, That such amount is  
7 designated by the Congress for Overseas Contingency Op-  
8 erations/Global War on Terrorism pursuant to section  
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
10 Deficit Control Act of 1985.

11 MILITARY PERSONNEL, NAVY  
12 For an additional amount for “Military Personnel,  
13 Navy”, \$356,392,000: *Provided*, That such amount is des-  
14 ignated by the Congress for Overseas Contingency Oper-  
15 ations/Global War on Terrorism pursuant to section  
16 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
17 Deficit Control Act of 1985.

18 MILITARY PERSONNEL, MARINE CORPS  
19 For an additional amount for “Military Personnel,  
20 Marine Corps”, \$104,213,000: *Provided*, That such  
21 amount is designated by the Congress for Overseas Con-  
22 tingency Operations/Global War on Terrorism pursuant to  
23 section 251(b)(2)(A)(ii) of the Balanced Budget and  
24 Emergency Deficit Control Act of 1985.

## 1                   MILITARY PERSONNEL, AIR FORCE

2           For an additional amount for “Military Personnel,  
3 Air Force”, \$1,007,594,000: *Provided*, That such amount  
4 is designated by the Congress for Overseas Contingency  
5 Operations/Global War on Terrorism pursuant to section  
6 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
7 Deficit Control Act of 1985.

## 8                   RESERVE PERSONNEL, ARMY

9           For an additional amount for “Reserve Personnel,  
10 Army”, \$34,812,000: *Provided*, That such amount is des-  
11 ignated by the Congress for Overseas Contingency Oper-  
12 ations/Global War on Terrorism pursuant to section  
13 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
14 Deficit Control Act of 1985.

## 15                   RESERVE PERSONNEL, NAVY

16           For an additional amount for “Reserve Personnel,  
17 Navy”, \$11,370,000: *Provided*, That such amount is des-  
18 ignated by the Congress for Overseas Contingency Oper-  
19 ations/Global War on Terrorism pursuant to section  
20 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
21 Deficit Control Act of 1985.

## 22                   RESERVE PERSONNEL, MARINE CORPS

23           For an additional amount for “Reserve Personnel,  
24 Marine Corps”, \$3,599,000: *Provided*, That such amount  
25 is designated by the Congress for Overseas Contingency



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

4 RESERVE PERSONNEL, AIR FORCE

5 For an additional amount for “Reserve Personnel,  
6 Air Force”, \$16,428,000: *Provided*, That such amount is  
7 designated by the Congress for Overseas Contingency Op-  
8 erations/Global War on Terrorism pursuant to section  
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
10 Deficit Control Act of 1985.

11 NATIONAL GUARD PERSONNEL, ARMY

12 For an additional amount for “National Guard Per-  
13 sonnel, Army”, \$202,644,000: *Provided*, That such  
14 amount is designated by the Congress for Overseas Con-  
15 tingency Operations/Global War on Terrorism pursuant to  
16 section 251(b)(2)(A)(ii) of the Balanced Budget and  
17 Emergency Deficit Control Act of 1985.

18 NATIONAL GUARD PERSONNEL, AIR FORCE

19 For an additional amount for “National Guard Per-  
20 sonnel, Air Force”, \$5,624,000: *Provided*, That such  
21 amount is designated by the Congress for Overseas Con-  
22 tingency Operations/Global War on Terrorism pursuant to  
23 section 251(b)(2)(A)(ii) of the Balanced Budget and  
24 Emergency Deficit Control Act of 1985.

## 1 OPERATION AND MAINTENANCE

## 2 OPERATION AND MAINTENANCE, ARMY

3 For an additional amount for “Operation and Main-  
4 tenance, Army”, \$19,892,938,000: *Provided*, That such  
5 amount is designated by the Congress for Overseas Con-  
6 tingency Operations/Global War on Terrorism pursuant to  
7 section 251(b)(2)(A)(ii) of the Balanced Budget and  
8 Emergency Deficit Control Act of 1985.

## 9 OPERATION AND MAINTENANCE, NAVY

10 For an additional amount for “Operation and Main-  
11 tenance, Navy”, \$8,413,650,000: *Provided*, That such  
12 amount is designated by the Congress for Overseas Con-  
13 tingency Operations/Global War on Terrorism pursuant to  
14 section 251(b)(2)(A)(ii) of the Balanced Budget and  
15 Emergency Deficit Control Act of 1985.

## 16 OPERATION AND MAINTENANCE, MARINE CORPS

17 For an additional amount for “Operation and Main-  
18 tenance, Marine Corps”, \$1,362,917,000: *Provided*, That  
19 such amount is designated by the Congress for Overseas  
20 Contingency Operations/Global War on Terrorism pursu-  
21 ant to section 251(b)(2)(A)(ii) of the Balanced Budget  
22 and Emergency Deficit Control Act of 1985.

## 23 OPERATION AND MAINTENANCE, AIR FORCE

24 For an additional amount for “Operation and Main-  
25 tenance, Air Force”, \$10,632,379,000: *Provided*, That

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

5 OPERATION AND MAINTENANCE, DEFENSE-WIDE

6 For an additional amount for “Operation and Main-  
7 tenance, Defense-Wide”, \$8,198,105,000: *Provided*, That  
8 of the funds provided under this heading, not to exceed  
9 \$1,810,968,000, to remain available until September 30,  
10 2021, shall be available to provide support and assistance  
11 to foreign security forces or other groups or individuals  
12 to conduct, support or facilitate counterterrorism, crisis  
13 response, or other Department of Defense security co-  
14 operation programs: *Provided further*, That these funds  
15 may be used for the purpose of providing specialized train-  
16 ing and procuring supplies and specialized equipment and  
17 providing such supplies and loaning such equipment on a  
18 non-reimbursable basis to coalition forces supporting  
19 United States military and stability operations in Afghani-  
20 stan and to counter the Islamic State of Iraq and Syria,  
21 and 15 days following notification to the appropriate con-  
22 gressional committees: *Provided further*, That these funds  
23 may be used to reimburse, or provide support on a non-  
24 reimbursable basis, to Jordan, Lebanon, Egypt, Tunisia,  
25 and Oman for enhanced border security upon 15 days

1 prior written notification to the congressional defense  
2 committees outlining the amounts intended to be provided  
3 and the nature of the expenses incurred: *Provided further*,  
4 That the Secretary of Defense shall provide quarterly re-  
5 ports to the congressional defense committees on the use  
6 of funds provided in this paragraph: *Provided further*,  
7 That such amount is designated by the Congress for Over-  
8 seas Contingency Operations/Global War on Terrorism  
9 pursuant to section 251(b)(2)(A)(ii) of the Balanced  
10 Budget and Emergency Deficit Control Act of 1985.

11 OPERATION AND MAINTENANCE, ARMY RESERVE

12 For an additional amount for “Operation and Main-  
13 tenance, Army Reserve”, \$37,592,000: *Provided*, That  
14 such amount is designated by the Congress for Overseas  
15 Contingency Operations/Global War on Terrorism pursu-  
16 ant to section 251(b)(2)(A)(ii) of the Balanced Budget  
17 and Emergency Deficit Control Act of 1985.

18 OPERATION AND MAINTENANCE, NAVY RESERVE

19 For an additional amount for “Operation and Main-  
20 tenance, Navy Reserve”, \$23,036,000: *Provided*, That  
21 such amount is designated by the Congress for Overseas  
22 Contingency Operations/Global War on Terrorism pursu-  
23 ant to section 251(b)(2)(A)(ii) of the Balanced Budget  
24 and Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

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

9 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

10 For an additional amount for “Operation and Main-  
 11 tenance, Air Force Reserve”, \$29,758,000: *Provided*, That  
 12 such amount is designated by the Congress for Overseas  
 13 Contingency Operations/Global War on Terrorism pursu-  
 14 ant to section 251(b)(2)(A)(ii) of the Balanced Budget  
 15 and Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, ARMY NATIONAL

17 GUARD

18 For an additional amount for “Operation and Main-  
 19 tenance, Army National Guard”, \$83,291,000: *Provided*,  
 20 That such amount is designated by the Congress for Over-  
 21 seas Contingency Operations/Global War on Terrorism  
 22 pursuant to section 251(b)(2)(A)(ii) of the Balanced  
 23 Budget and Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

2 For an additional amount for “Operation and Main-  
 3 tenance, Air National Guard”, \$176,909,000: *Provided*,  
 4 That such amount is designated by the Congress for Over-  
 5 seas Contingency Operations/Global War on Terrorism  
 6 pursuant to section 251(b)(2)(A)(ii) of the Balanced  
 7 Budget and Emergency Deficit Control Act of 1985.

8 AFGHANISTAN SECURITY FORCES FUND

9 For the “Afghanistan Security Forces Fund”,  
 10 \$3,736,661,000, to remain available until September 30,  
 11 2021: *Provided*, That such funds shall be available to the  
 12 Secretary of Defense for the purpose of allowing the Com-  
 13 mander, Combined Security Transition Command—Af-  
 14 ghanistan, or the Secretary’s designee, to provide assist-  
 15 ance, with the concurrence of the Secretary of State, to  
 16 the security forces of Afghanistan, including the provision  
 17 of equipment, supplies, services, training, facility and in-  
 18 frastructure repair, renovation, construction, and funding:  
 19 *Provided further*, That the Secretary of Defense may obli-  
 20 gate and expend funds made available to the Department  
 21 of Defense in this title for additional costs associated with  
 22 existing projects previously funded with amounts provided  
 23 under the heading “Afghanistan Infrastructure Fund” in  
 24 prior Acts: *Provided further*, That such costs shall be lim-  
 25 ited to contract changes resulting from inflation, market

1 fluctuation, rate adjustments, and other necessary con-  
2 tract actions to complete existing projects, and associated  
3 supervision and administration costs and costs for design  
4 during construction: *Provided further*, That the Secretary  
5 may not use more than \$50,000,000 under the authority  
6 provided in this section: *Provided further*, That the Sec-  
7 retary shall notify in advance such contract changes and  
8 adjustments in annual reports to the congressional defense  
9 committees: *Provided further*, That the authority to pro-  
10 vide assistance under this heading is in addition to any  
11 other authority to provide assistance to foreign nations:  
12 *Provided further*, That contributions of funds for the pur-  
13 poses provided herein from any person, foreign govern-  
14 ment, or international organization may be credited to this  
15 Fund, to remain available until expended, and used for  
16 such purposes: *Provided further*, That the Secretary of De-  
17 fense shall notify the congressional defense committees in  
18 writing upon the receipt and upon the obligation of any  
19 contribution, delineating the sources and amounts of the  
20 funds received and the specific use of such contributions:  
21 *Provided further*, That the Secretary of Defense shall, not  
22 fewer than 15 days prior to obligating from this appro-  
23 priation account, notify the congressional defense commit-  
24 tees in writing of the details of any such obligation: *Pro-*  
25 *vided further*, That the Secretary of Defense shall notify

1 the congressional defense committees of any proposed new  
2 projects or transfer of funds between budget sub-activity  
3 groups in excess of \$20,000,000: *Provided further*, That  
4 the United States may accept equipment procured using  
5 funds provided under this heading in this or prior Acts  
6 that was transferred to the security forces of Afghanistan  
7 and returned by such forces to the United States: *Provided*  
8 *further*, That equipment procured using funds provided  
9 under this heading in this or prior Acts, and not yet trans-  
10 ferred to the security forces of Afghanistan or transferred  
11 to the security forces of Afghanistan and returned by such  
12 forces to the United States, may be treated as stocks of  
13 the Department of Defense upon written notification to  
14 the congressional defense committees: *Provided further*,  
15 That of the funds provided under this heading, not less  
16 than \$10,000,000 shall be for recruitment and retention  
17 of women in the Afghanistan National Security Forces,  
18 and the recruitment and training of female security per-  
19 sonnel: *Provided further*, That such amount is designated  
20 by the Congress for Overseas Contingency Operations/  
21 Global War on Terrorism pursuant to section  
22 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
23 Deficit Control Act of 1985.



## 1 COUNTER-ISIS TRAIN AND EQUIP FUND

2 For the “Counter-Islamic State of Iraq and Syria  
3 Train and Equip Fund”, \$745,000,000, to remain avail-  
4 able until September 30, 2021: *Provided*, That such funds  
5 shall be available to the Secretary of Defense in coordina-  
6 tion with the Secretary of State, to provide assistance, in-  
7 cluding training; equipment; logistics support, supplies,  
8 and services; stipends; infrastructure repair and renova-  
9 tion; construction; and sustainment, to foreign security  
10 forces, irregular forces, groups, or individuals partici-  
11 pating, or preparing to participate in activities to counter  
12 the Islamic State of Iraq and Syria, and their affiliated  
13 or associated groups: *Provided further*, That amounts  
14 made available under this heading shall be available to  
15 provide assistance only for activities in a country des-  
16 ignated by the Secretary of Defense, in coordination with  
17 the Secretary of State, as having a security mission to  
18 counter the Islamic State of Iraq and Syria, and following  
19 written notification to the congressional defense commit-  
20 tees of such designation: *Provided further*, That the Sec-  
21 retary of Defense shall ensure that prior to providing as-  
22 sistance to elements of any forces or individuals, such ele-  
23 ments or individuals are appropriately vetted, including at  
24 a minimum, assessing such elements for associations with  
25 terrorist groups or groups associated with the Government

1 of Iran; and receiving commitments from such elements  
2 to promote respect for human rights and the rule of law:  
3 *Provided further*, That the Secretary of Defense shall, not  
4 fewer than 15 days prior to obligating from this appro-  
5 priation account, notify the congressional defense commit-  
6 tees in writing of the details of any such obligation: *Pro-*  
7 *vided further*, That the Secretary of Defense may accept  
8 and retain contributions, including assistance in-kind,  
9 from foreign governments, including the Government of  
10 Iraq and other entities, to carry out assistance authorized  
11 under this heading: *Provided further*, That contributions  
12 of funds for the purposes provided herein from any foreign  
13 government or other entity may be credited to this Fund,  
14 to remain available until expended, and used for such pur-  
15 poses: *Provided further*, That the Secretary of Defense  
16 may waive a provision of law relating to the acquisition  
17 of items and support services or sections 40 and 40A of  
18 the Arms Export Control Act (22 U.S.C. 2780 and 2785)  
19 if the Secretary determines that such provision of law  
20 would prohibit, restrict, delay or otherwise limit the provi-  
21 sion of such assistance and a notice of and justification  
22 for such waiver is submitted to the congressional defense  
23 committees, the Committees on Appropriations and For-  
24 eign Relations of the Senate and the Committees on Ap-  
25 propriations and Foreign Affairs of the House of Rep-

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

1 or individual, the area of operations for each group, and  
 2 the contributions of other countries, groups, or individ-  
 3 uals: *Provided further*, That such amount is designated by  
 4 the Congress for Overseas Contingency Operations/Global  
 5 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
 6 the Balanced Budget and Emergency Deficit Control Act  
 7 of 1985.

## 8 PROCUREMENT

### 9 AIRCRAFT PROCUREMENT, ARMY

10 For an additional amount for “Aircraft Procurement,  
 11 Army”, \$463,241,000, to remain available until Sep-  
 12 tember 30, 2022: *Provided*, That such amount is des-  
 13 ignated by the Congress for Overseas Contingency Oper-  
 14 ations/Global War on Terrorism pursuant to section  
 15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
 16 Deficit Control Act of 1985.

### 17 MISSILE PROCUREMENT, ARMY

18 For an additional amount for “Missile Procurement,  
 19 Army”, \$1,423,589,000, to remain available until Sep-  
 20 tember 30, 2022: *Provided*, That such amount is des-  
 21 ignated by the Congress for Overseas Contingency Oper-  
 22 ations/Global War on Terrorism pursuant to section  
 23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
 24 Deficit Control Act of 1985.

1     PROCUREMENT OF WEAPONS AND TRACKED COMBAT  
 2                                   VEHICLES, ARMY

3         For an additional amount for “Procurement of Weap-  
 4     ons and Tracked Combat Vehicles, Army”, \$346,306,000,  
 5     to remain available until September 30, 2022: *Provided*,  
 6     That such amount is designated by the Congress for Over-  
 7     seas Contingency Operations/Global War on Terrorism  
 8     pursuant to section 251(b)(2)(A)(ii) of the Balanced  
 9     Budget and Emergency Deficit Control Act of 1985.

10                   PROCUREMENT OF AMMUNITION, ARMY

11         For an additional amount for “Procurement of Am-  
 12     munition, Army”, \$148,682,000, to remain available until  
 13     September 30, 2022: *Provided*, That such amount is des-  
 14     ignated by the Congress for Overseas Contingency Oper-  
 15     ations/Global War on Terrorism pursuant to section  
 16     251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
 17     Deficit Control Act of 1985.

18                   OTHER PROCUREMENT, ARMY

19         For an additional amount for “Other Procurement,  
 20     Army”, \$1,120,504,000, to remain available until Sep-  
 21     tember 30, 2022: *Provided*, That such amount is des-  
 22     ignated by the Congress for Overseas Contingency Oper-  
 23     ations/Global War on Terrorism pursuant to section  
 24     251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
 25     Deficit Control Act of 1985.

## 1                   AIRCRAFT PROCUREMENT, NAVY

2           For an additional amount for “Aircraft Procurement,  
3 Navy”, \$42,045,000, to remain available until September  
4 30, 2022: *Provided*, That such amount is designated by  
5 the Congress for Overseas Contingency Operations/Global  
6 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
7 the Balanced Budget and Emergency Deficit Control Act  
8 of 1985.

## 9                   WEAPONS PROCUREMENT, NAVY

10          For an additional amount for “Weapons Procure-  
11 ment, Navy”, \$97,466,000, to remain available until Sep-  
12 tember 30, 2022: *Provided*, That such amount is des-  
13 ignated by the Congress for Overseas Contingency Oper-  
14 ations/Global War on Terrorism pursuant to section  
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
16 Deficit Control Act of 1985.

17          PROCUREMENT OF AMMUNITION, NAVY AND MARINE  
18                                   CORPS

19          For an additional amount for “Procurement of Am-  
20 munition, Navy and Marine Corps”, \$204,814,000, to re-  
21 main available until September 30, 2022: *Provided*, That  
22 such amount is designated by the Congress for Overseas  
23 Contingency Operations/Global War on Terrorism pursu-  
24 ant to section 251(b)(2)(A)(ii) of the Balanced Budget  
25 and Emergency Deficit Control Act of 1985.

## 1 OTHER PROCUREMENT, NAVY

2 For an additional amount for “Other Procurement,  
3 Navy”, \$357,550,000, to remain available until September  
4 30, 2022: *Provided*, That such amount is designated by  
5 the Congress for Overseas Contingency Operations/Global  
6 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
7 the Balanced Budget and Emergency Deficit Control Act  
8 of 1985.

## 9 PROCUREMENT, MARINE CORPS

10 For an additional amount for “Procurement, Marine  
11 Corps”, \$20,589,000, to remain available until September  
12 30, 2022: *Provided*, That such amount is designated by  
13 the Congress for Overseas Contingency Operations/Global  
14 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
15 the Balanced Budget and Emergency Deficit Control Act  
16 of 1985.

## 17 AIRCRAFT PROCUREMENT, AIR FORCE

18 For an additional amount for “Aircraft Procurement,  
19 Air Force”, \$1,011,810,000, to remain available until  
20 September 30, 2022: *Provided*, That such amount is des-  
21 ignated by the Congress for Overseas Contingency Oper-  
22 ations/Global War on Terrorism pursuant to section  
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
24 Deficit Control Act of 1985.

## 1 MISSILE PROCUREMENT, AIR FORCE

2 For an additional amount for “Missile Procurement,  
3 Air Force”, \$201,671,000, to remain available until Sep-  
4 tember 30, 2022: *Provided*, That such amount is des-  
5 ignated by the Congress for Overseas Contingency Oper-  
6 ations/Global War on Terrorism pursuant to section  
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
8 Deficit Control Act of 1985.

## 9 PROCUREMENT OF AMMUNITION, AIR FORCE

10 For an additional amount for “Procurement of Am-  
11 munition, Air Force”, \$934,758,000, to remain available  
12 until September 30, 2022: *Provided*, That such amount  
13 is designated by the Congress for Overseas Contingency  
14 Operations/Global War on Terrorism pursuant to section  
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
16 Deficit Control Act of 1985.

## 17 OTHER PROCUREMENT, AIR FORCE

18 For an additional amount for “Other Procurement,  
19 Air Force”, \$3,513,098,000, to remain available until  
20 September 30, 2022: *Provided*, That such amount is des-  
21 ignated by the Congress for Overseas Contingency Oper-  
22 ations/Global War on Terrorism pursuant to section  
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
24 Deficit Control Act of 1985.



## 1                   PROCUREMENT, DEFENSE-WIDE

2           For an additional amount for “Procurement, De-  
3 fense-Wide”, \$447,047,000, to remain available until Sep-  
4 tember 30, 2022: *Provided*, That such amount is des-  
5 ignated by the Congress for Overseas Contingency Oper-  
6 ations/Global War on Terrorism pursuant to section  
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
8 Deficit Control Act of 1985.

9           NATIONAL GUARD AND RESERVE EQUIPMENT  
10                                   ACCOUNT

11          For procurement of rotary-wing aircraft; combat, tac-  
12 tical and support vehicles; other weapons; and other pro-  
13 curement items for the reserve components of the Armed  
14 Forces, \$850,000,000, to remain available for obligation  
15 until September 30, 2022: *Provided*, That the Chiefs of  
16 National Guard and Reserve components shall, not later  
17 than 30 days after enactment of this Act, individually sub-  
18 mit to the congressional defense committees the mod-  
19 ernization priority assessment for their respective Na-  
20 tional Guard or Reserve component: *Provided further*,  
21 That none of the funds made available by this paragraph  
22 may be used to procure manned fixed wing aircraft, or  
23 procure or modify missiles, munitions, or ammunition:  
24 *Provided further*, That such amount is designated by the  
25 Congress for Overseas Contingency Operations/Global

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

4 RESEARCH, DEVELOPMENT, TEST AND  
 5 EVALUATION

6 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
 7 ARMY

8 For an additional amount for “Research, Develop-  
 9 ment, Test and Evaluation, Army”, \$174,354,000, to re-  
 10 main available until September 30, 2021: *Provided*, That  
 11 such amount is designated by the Congress for Overseas  
 12 Contingency Operations/Global War on Terrorism pursu-  
 13 ant to section 251(b)(2)(A)(ii) of the Balanced Budget  
 14 and Emergency Deficit Control Act of 1985.

15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
 16 NAVY

17 For an additional amount for “Research, Develop-  
 18 ment, Test and Evaluation, Navy”, \$164,410,000, to re-  
 19 main available until September 30, 2021: *Provided*, That  
 20 such amount is designated by the Congress for Overseas  
 21 Contingency Operations/Global War on Terrorism pursu-  
 22 ant to section 251(b)(2)(A)(ii) of the Balanced Budget  
 23 and Emergency Deficit Control Act of 1985.

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

3 For an additional amount for “Research, Develop-  
 4 ment, Test and Evaluation, Air Force”, \$128,248,000, to  
 5 remain available until September 30, 2021: *Provided*,  
 6 That such amount is designated by the Congress for Over-  
 7 seas Contingency Operations/Global War on Terrorism  
 8 pursuant to section 251(b)(2)(A)(ii) of the Balanced  
 9 Budget and Emergency Deficit Control Act of 1985.

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

12 For an additional amount for “Research, Develop-  
 13 ment, Test and Evaluation, Defense-Wide”,  
 14 \$366,750,000, to remain available until September 30,  
 15 2021: *Provided*, That such amount is designated by the  
 16 Congress for Overseas Contingency Operations/Global  
 17 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
 18 the Balanced Budget and Emergency Deficit Control Act  
 19 of 1985.

20 REVOLVING AND MANAGEMENT FUNDS

21 DEFENSE WORKING CAPITAL FUNDS

22 For an additional amount for “Defense Working  
 23 Capital Funds”, \$20,100,000: *Provided*, That such  
 24 amount is designated by the Congress for Overseas Con-  
 25 tingency Operations/Global War on Terrorism pursuant to

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

### 3 OTHER DEPARTMENT OF DEFENSE PROGRAMS

#### 4 DEFENSE HEALTH PROGRAM

5 For an additional amount for “Defense Health Pro-  
 6 gram”, \$347,746,000, which shall be for operation and  
 7 maintenance: *Provided*, That such amount is designated  
 8 by the Congress for Overseas Contingency Operations/  
 9 Global War on Terrorism pursuant to section  
 10 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
 11 Deficit Control Act of 1985.

### 12 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

#### 13 DEFENSE

14 For an additional amount for “Drug Interdiction and  
 15 Counter-Drug Activities, Defense”, \$163,596,000: *Pro-*  
 16 *vided*, That such amount is designated by the Congress  
 17 for Overseas Contingency Operations/Global War on Ter-  
 18 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-  
 19 anced Budget and Emergency Deficit Control Act of 1985.

#### 20 OFFICE OF THE INSPECTOR GENERAL

21 For an additional amount for the “Office of the In-  
 22 spector General”, \$24,254,000: *Provided*, That such  
 23 amount is designated by the Congress for Overseas Con-  
 24 tingency Operations/Global War on Terrorism pursuant to

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

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 9001. Notwithstanding any other provision of  
5 law, funds made available in this title are in addition to  
6 amounts appropriated or otherwise made available for the  
7 Department of Defense for fiscal year 2020.

8 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 9011. In addition to amounts appropriated in  
10 title II or otherwise made available elsewhere in this Act,  
11 \$1,100,000,000 is hereby appropriated to the Department  
12 of Defense and made available for transfer to the oper-  
13 ation and maintenance accounts of the Army, Navy, Ma-  
14 rine Corps, and Air Force (including National Guard and  
15 Reserve) for purposes of improving military readiness:  
16 *Provided*, That the transfer authority provided under this  
17 provision is in addition to any other transfer authority  
18 provided elsewhere in this Act: *Provided further*, That such  
19 amount is designated by the Congress for Overseas Con-  
20 tingency Operations/Global War on Terrorism pursuant to  
21 section 251(b)(2)(A)(ii) of the Balanced Budget and  
22 Emergency Deficit Control Act of 1985.

23 SEC. 9012. Of the amounts appropriated in this title  
24 under the heading “Operation and Maintenance, Defense-  
25 Wide”, for the Defense Security Cooperation Agency,

1 \$250,000,000 shall be for the Ukraine Security Assistance  
2 Initiative: *Provided*, That such funds shall be available to  
3 the Secretary of Defense, in coordination with the Sec-  
4 retary of State, to provide assistance, including training;  
5 equipment; lethal assistance; logistics support, supplies  
6 and services; sustainment; and intelligence support to the  
7 military and national security forces of Ukraine, and for  
8 replacement of any weapons or articles provided to the  
9 Government of Ukraine from the inventory of the United  
10 States: *Provided further*, That the Secretary of Defense  
11 shall, not less than 15 days prior to obligating funds pro-  
12 vided under this heading, notify the congressional defense  
13 committees in writing of the details of any such obligation:  
14 *Provided further*, That the United States may accept  
15 equipment procured using funds provided under this head-  
16 ing in this or prior Acts that was transferred to the secu-  
17 rity forces of Ukraine and returned by such forces to the  
18 United States: *Provided further*, That equipment procured  
19 using funds provided under this heading in this or prior  
20 Acts, and not yet transferred to the military or National  
21 Security Forces of Ukraine or returned by such forces to  
22 the United States, may be treated as stocks of the Depart-  
23 ment of Defense upon written notification to the congres-  
24 sional defense committees: *Provided further*, That amounts  
25 made available by this section are designated by the Con-

1 gress for Overseas Contingency Operations/Global War on  
2 Terrorism pursuant to section 251(b)(2)(A)(ii) of the Bal-  
3 anced Budget and Emergency Deficit Control Act of 1985.

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

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

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

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

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

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

12 (RESCISSIONS)

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

21 “Weapons and Tracked Combat Vehicles,  
 22 Army”, 2018/2020, \$30,000,000;  
 23 “Operation and Maintenance, Defense-Wide:  
 24 DSCA Security Cooperation”, 2019/2020,  
 25 \$133,442,000;

1           “Operation and Maintenance, Defense-Wide:  
2       Coalition Support Fund”, 2019/2020, \$30,000,000;  
3           “Counter-ISIS Train and Equip Fund”, 2019/  
4       2020, \$471,837,000;  
5           “Missile Procurement, Army”, 2019/2021,  
6       \$13,176,000;  
7           “Weapons and Tracked Combat Vehicles,  
8       Army”, 2019/2021, \$52,477,000;  
9           “Other Procurement, Army”, 2019/2021,  
10      \$8,750,000; and  
11          “Aircraft Procurement, Air Force”, 2019/2021,  
12      \$94,697,000.

13       SEC. 9018. (a) None of the funds appropriated or  
14 otherwise made available by this Act may be used for  
15 United States support of the Saudi Arabia-led coalition  
16 air campaign in Yemen until the Secretary of Defense—

17           (1) certifies, in writing, to Congress that mem-  
18       bers of such coalition are in compliance with end-use  
19       agreements related to sales of United States weap-  
20       ons and defense articles; and

21           (2) submits to Congress written findings of any  
22       internal Department of Defense investigation into  
23       unauthorized third-party transfers of United States  
24       weapons and defense articles in Yemen and has



1        taken corrective action as a result of any such inves-  
2        tigation.

3        (b) The certification and findings under subsection  
4        (a) shall be submitted in unclassified form, but may con-  
5        tain a classified annex.

6        SEC. 9019. Each amount designated in this Act by  
7        the Congress for Overseas Contingency Operations/Global  
8        War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
9        the Balanced Budget and Emergency Deficit Control Act  
10       of 1985 shall be available (or rescinded, if applicable) only  
11       if the President subsequently so designates all such  
12       amounts and transmits such designations to the Congress.

## 1 TITLE X

## 2 OPERATION AND MAINTENANCE

## 3 OPERATION AND MAINTENANCE, NAVY

4 For an additional amount for “Operation and Main-  
5 tenance, Navy”, \$370,400,000, for necessary expenses re-  
6 lated to the consequences of Hurricanes Michael and Flor-  
7 ence and flooding and earthquakes occurring in fiscal year  
8 2019: *Provided*, That such amount is designated by the  
9 Congress as being for an emergency requirement pursuant  
10 to section 251(b)(2)(A)(i) of the Balanced Budget and  
11 Emergency Deficit Control Act of 1985.

## 12 OPERATION AND MAINTENANCE, MARINE CORPS

13 For an additional amount for “Operation and Main-  
14 tenance, Marine Corps”, \$64,000,000, for necessary ex-  
15 penses related to the consequences of Hurricanes Michael  
16 and Florence and flooding and earthquakes occurring in  
17 fiscal year 2019: *Provided*, That such amount is des-  
18 ignated by the Congress as being for an emergency re-  
19 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
20 anced Budget and Emergency Deficit Control Act of 1985.

## 21 OPERATION AND MAINTENANCE, AIR FORCE

22 For an additional amount for “Operation and Main-  
23 tenance, Air Force”, \$471,400,000, for necessary ex-  
24 penses related to the consequences of Hurricanes Michael  
25 and Florence and flooding and earthquakes occurring in

1 fiscal year 2019: *Provided*, That such amount is des-  
2 ignated by the Congress as being for an emergency re-  
3 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
4 anced Budget and Emergency Deficit Control Act of 1985.

5 OPERATION AND MAINTENANCE, ARMY NATIONAL  
6 GUARD

7 For an additional amount for “Operation and Main-  
8 tenance, Army National Guard”, \$45,700,000, for nec-  
9 essary expenses related to the consequences of Hurricanes  
10 Michael and Florence and flooding and earthquakes occur-  
11 ring in fiscal year 2019: *Provided*, That such amount is  
12 designated by the Congress as being for an emergency re-  
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
14 anced Budget and Emergency Deficit Control Act of 1985.

15 PROCUREMENT

16 OTHER PROCUREMENT, NAVY

17 For an additional amount for “Other Procurement,  
18 Navy” \$53,000,000, for necessary expenses related to the  
19 consequences of Hurricanes Michael and Florence and  
20 flooding and earthquakes occurring in fiscal year 2019:  
21 *Provided*, That such amount is designated by the Congress  
22 as being for an emergency requirement pursuant to sec-  
23 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
24 gency Deficit Control Act of 1985.

## 1                   PROCUREMENT, MARINE CORPS

2           For an additional amount for “Procurement, Marine  
3 Corps” \$73,323,000, for necessary expenses related to the  
4 consequences of Hurricanes Michael and Florence and  
5 flooding and earthquakes occurring in fiscal year 2019:  
6 *Provided*, That such amount is designated by the Congress  
7 as being for an emergency requirement pursuant to sec-  
8 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
9 gency Deficit Control Act of 1985.

## 10                   AIRCRAFT PROCUREMENT, AIR FORCE

11          For an additional amount for “Aircraft Procurement,  
12 Air Force” \$204,448,000, for necessary expenses related  
13 to the consequences of Hurricanes Michael and Florence  
14 and flooding and earthquakes occurring in fiscal year  
15 2019: *Provided*, That such amount is designated by the  
16 Congress as being for an emergency requirement pursuant  
17 to section 251(b)(2)(A)(i) of the Balanced Budget and  
18 Emergency Deficit Control Act of 1985.

## 19                   OTHER PROCUREMENT, AIR FORCE

20          For an additional amount for “Other Procurement,  
21 Air Force” \$77,974,000, for necessary expenses related  
22 to the consequences of Hurricanes Michael and Florence  
23 and flooding and earthquakes occurring in fiscal year  
24 2019: *Provided*, That such amount is designated by the  
25 Congress as being for an emergency requirement pursuant

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

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
4 NAVY

5 For an additional amount for “Research, Develop-  
6 ment, Test and Evaluation, Navy” \$113,000,000, for nec-  
7 essary expenses related to the consequences of Hurricanes  
8 Michael and Florence and flooding and earthquakes occur-  
9 ring in fiscal year 2019: *Provided*, That such amount is  
10 designated by the Congress as being for an emergency re-  
11 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
12 anced Budget and Emergency Deficit Control Act of 1985.

13 REVOLVING AND MANAGEMENT FUNDS

14 DEFENSE WORKING CAPITAL FUNDS

15 For an additional amount for “Defense Working  
16 Capital Funds” for the Navy Working Capital Fund,  
17 \$237,000,000, for necessary expenses related to the con-  
18 sequences of Hurricanes Michael and Florence and flood-  
19 ing and earthquakes occurring in fiscal year 2019: *Pro-*  
20 *vided*, That such amount is designated by the Congress  
21 as being for an emergency requirement pursuant to sec-  
22 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
23 gency Deficit Control Act of 1985.

1           GENERAL PROVISION—THIS TITLE

2           SEC. 10001. Each amount designated in this title by  
3 the Congress as being for an emergency requirement pur-  
4 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
5 and Emergency Deficit Control Act of 1985 shall be avail-  
6 able (or rescinded or transferred, if applicable) only if the  
7 President subsequently so designates all such amounts  
8 and transmits such designations to the Congress.

9           This Act may be cited as the “Department of Defense  
10 Appropriations Act, 2020”.



Calendar No. 205

116TH CONGRESS  
1ST Session

**S. 2474**

[Report No. 116-103]

**A BILL**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2020, and for other purposes.

SEPTEMBER 12, 2019

Read twice and placed on the calendar