

Union Calendar No. 296

117TH CONGRESS
2^D SESSION

H. R. 8236

[Report No. 117-388]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2023, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2022

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

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2023, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2023, for military func-
6 tions administered by the Department of Defense and for
7 other purposes, namely:

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TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$50,144,455,000.

MILITARY PERSONNEL, NAVY

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

1 as amended (42 U.S.C. 402 note), and to the Department
2 of Defense Military Retirement Fund, \$36,244,037,000.

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, \$15,230,772,000.

14 MILITARY PERSONNEL, AIR FORCE

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

1 ment of Defense Military Retirement Fund,
2 \$35,060,287,000.

3 MILITARY PERSONNEL, SPACE FORCE

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 Space Force on active duty and cadets; for members of
10 the Reserve Officers' Training Corps; and for payments
11 pursuant to section 156 of Public Law 97-377, as amend-
12 ed (42 U.S.C. 402 note), and to the Department of De-
13 fense Military Retirement Fund, \$1,084,361,000.

14 RESERVE PERSONNEL, ARMY

15 For pay, allowances, clothing, subsistence, gratuities,
16 travel, and related expenses for personnel of the Army Re-
17 serve on active duty under sections 10211, 10302, and
18 7038 of title 10, United States Code, or while serving on
19 active duty under section 12301(d) of title 10, United
20 States Code, in connection with performing duty specified
21 in section 12310(a) of title 10, United States Code, or
22 while undergoing reserve training, or while performing
23 drills or equivalent duty or other duty, and expenses au-
24 thorized by section 16131 of title 10, United States Code;

1 and for payments to the Department of Defense Military
2 Retirement Fund, \$5,374,686,000.

3 RESERVE PERSONNEL, NAVY

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Navy Re-
6 serve on active duty under section 10211 of title 10,
7 United States Code, or while serving on active duty under
8 section 12301(d) of title 10, United States Code, in con-
9 nection with performing duty specified in section 12310(a)
10 of title 10, United States Code, or while undergoing re-
11 serve training, or while performing drills or equivalent
12 duty, and expenses authorized by section 16131 of title
13 10, United States Code; and for payments to the Depart-
14 ment of Defense Military Retirement Fund,
15 \$2,400,777,000.

16 RESERVE PERSONNEL, MARINE CORPS

17 For pay, allowances, clothing, subsistence, gratuities,
18 travel, and related expenses for personnel of the Marine
19 Corps Reserve on active duty under section 10211 of title
20 10, United States Code, or while serving on active duty
21 under section 12301(d) of title 10, United States Code,
22 in connection with performing duty specified in section
23 12310(a) of title 10, United States Code, or while under-
24 going reserve training, or while performing drills or equiv-
25 alent duty, and for members of the Marine Corps platoon

1 leaders class, and expenses authorized by section 16131
2 of title 10, United States Code; and for payments to the
3 Department of Defense Military Retirement Fund,
4 \$839,942,000.

5 RESERVE PERSONNEL, AIR FORCE

6 For pay, allowances, clothing, subsistence, gratuities,
7 travel, and related expenses for personnel of the Air Force
8 Reserve on active duty under sections 10211, 10305, and
9 8038 of title 10, United States Code, or while serving on
10 active duty under section 12301(d) of title 10, United
11 States Code, in connection with performing duty specified
12 in section 12310(a) of title 10, United States Code, or
13 while undergoing reserve training, or while performing
14 drills or equivalent duty or other duty, and expenses au-
15 thorized by section 16131 of title 10, United States Code;
16 and for payments to the Department of Defense Military
17 Retirement Fund, \$2,509,878,000.

18 NATIONAL GUARD PERSONNEL, ARMY

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Army Na-
21 tional Guard while on duty under sections 10211, 10302,
22 or 12402 of title 10 or section 708 of title 32, United
23 States Code, or while serving on duty under section
24 12301(d) of title 10 or section 502(f) of title 32, United
25 States Code, in connection with performing duty specified

1 in section 12310(a) of title 10, United States Code, or
2 while undergoing training, or while performing drills or
3 equivalent duty or other duty, and expenses authorized by
4 section 16131 of title 10, United States Code; and for pay-
5 ments to the Department of Defense Military Retirement
6 Fund, \$9,324,213,000.

7 NATIONAL GUARD PERSONNEL, AIR FORCE

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Air Na-
10 tional Guard on duty under sections 10211, 10305, or
11 12402 of title 10 or section 708 of title 32, United States
12 Code, or while serving on duty under section 12301(d) of
13 title 10 or section 502(f) of title 32, United States Code,
14 in connection with performing duty specified in section
15 12310(a) of title 10, United States Code, or while under-
16 going training, or while performing drills or equivalent
17 duty or other duty, and expenses authorized by section
18 16131 of title 10, United States Code; and for payments
19 to the Department of Defense Military Retirement Fund,
20 \$5,123,235,000.

21 TITLE II

22 OPERATION AND MAINTENANCE

23 OPERATION AND MAINTENANCE, ARMY

24 For expenses, not otherwise provided for, necessary
25 for the operation and maintenance of the Army, as author-

1 ized by law, \$57,583,205,000: *Provided*, That not to ex-
2 ceed \$12,478,000 may be used for emergencies and ex-
3 traordinary expenses, to be expended upon the approval
4 or authority of the Secretary of the Army, and payments
5 may be made upon the Secretary's certificate of necessity
6 for confidential military purposes.

7 OPERATION AND MAINTENANCE, NAVY

8 For expenses, not otherwise provided for, necessary
9 for the operation and maintenance of the Navy and the
10 Marine Corps, as authorized by law, \$65,775,711,000:
11 *Provided*, That not to exceed \$15,055,000 may be used
12 for emergencies and extraordinary expenses, to be ex-
13 pended upon the approval or authority of the Secretary
14 of the Navy, and payments may be made upon the Sec-
15 retary's certificate of necessity for confidential military
16 purposes.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 For expenses, not otherwise provided for, necessary
19 for the operation and maintenance of the Marine Corps,
20 as authorized by law, \$9,638,125,000.

21 OPERATION AND MAINTENANCE, AIR FORCE

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance of the Air Force, as
24 authorized by law, \$58,038,438,000: *Provided*, That not
25 to exceed \$7,699,000 may be used for emergencies and

1 extraordinary expenses, to be expended upon the approval
2 or authority of the Secretary of the Air Force, and pay-
3 ments may be made upon the Secretary's certificate of ne-
4 cessity for confidential military purposes.

5 OPERATION AND MAINTENANCE, SPACE FORCE

6 For expenses, not otherwise provided for, necessary
7 for the operation and maintenance of the Space Force, as
8 authorized by law, \$3,967,658,000.

9 OPERATION AND MAINTENANCE, DEFENSE-WIDE

10 (INCLUDING TRANSFER OF FUNDS)

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance of activities and agen-
13 cies of the Department of Defense (other than the military
14 departments), as authorized by law, \$48,663,571,000:
15 *Provided*, That not more than \$3,000,000 may be used
16 for the Combatant Commander Initiative Fund authorized
17 under section 166a of title 10, United States Code: *Pro-*
18 *vided further*, That not to exceed \$36,000,000 may be
19 used for emergencies and extraordinary expenses, to be ex-
20 pended upon the approval or authority of the Secretary
21 of Defense, and payments may be made upon the Sec-
22 retary's certificate of necessity for confidential military
23 purposes: *Provided further*, That of the funds provided
24 under this heading, not less than \$55,000,000 shall be
25 made available for the Procurement Technical Assistance

1 Cooperative Agreement Program, of which not less than
2 \$5,000,000 shall be available for centers defined in 10
3 U.S.C. 2411(1)(D): *Provided further*, That none of the
4 funds appropriated or otherwise made available by this
5 Act may be used to plan or implement the consolidation
6 of a budget or appropriations liaison office of the Office
7 of the Secretary of Defense, the office of the Secretary
8 of a military department, or the service headquarters of
9 one of the Armed Forces into a legislative affairs or legis-
10 lative liaison office: *Provided further*, That \$19,071,000,
11 to remain available until expended, is available only for
12 expenses relating to certain classified activities, and may
13 be transferred as necessary by the Secretary of Defense
14 to operation and maintenance appropriations or research,
15 development, test and evaluation appropriations, to be
16 merged with and to be available for the same time period
17 as the appropriations to which transferred: *Provided fur-*
18 *ther*, That any ceiling on the investment item unit cost
19 of items that may be purchased with operation and main-
20 tenance funds shall not apply to the funds described in
21 the preceding proviso: *Provided further*, That of the funds
22 provided under this heading, \$2,348,599,000, of which
23 \$1,377,850,000, to remain available until September 30,
24 2024, shall be available to provide support and assistance
25 to foreign security forces or other groups or individuals

1 to conduct, support or facilitate counterterrorism, crisis
2 response, or other Department of Defense security co-
3 operation programs: *Provided further*, That the Secretary
4 of Defense shall provide quarterly reports to the Commit-
5 tees on Appropriations of the House of Representatives
6 and the Senate on the use and status of funds made avail-
7 able in this paragraph: *Provided further*, That the transfer
8 authority provided under this heading is in addition to any
9 other transfer authority provided elsewhere in this Act.

10 COUNTER-ISIS TRAIN AND EQUIP FUND

11 For the “Counter-Islamic State of Iraq and Syria
12 Train and Equip Fund”, \$450,000,000, to remain avail-
13 able until September 30, 2024: *Provided*, That such funds
14 shall be available to the Secretary of Defense in coordina-
15 tion with the Secretary of State, to provide assistance, in-
16 cluding training; equipment; logistics support, supplies,
17 and services; stipends; infrastructure repair and renova-
18 tion; construction for facility fortification and humane
19 treatment; and sustainment, to foreign security forces, ir-
20 regular forces, groups, or individuals participating, or pre-
21 paring to participate in activities to counter the Islamic
22 State of Iraq and Syria, and their affiliated or associated
23 groups: *Provided further*, That amounts made available
24 under this heading shall be available to provide assistance
25 only for activities in a country designated by the Secretary

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

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

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

16 OPERATION AND MAINTENANCE, ARMY RESERVE

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance, including training, or-
19 ganization, and administration, of the Army Reserve; re-
20 pair of facilities and equipment; hire of passenger motor
21 vehicles; travel and transportation; care of the dead; re-
22 cruiting; procurement of services, supplies, and equip-
23 ment; and communications, \$3,169,504,000.

1 OPERATION AND MAINTENANCE, NAVY RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Navy Reserve; re-
5 pair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$1,216,300,000.

9 OPERATION AND MAINTENANCE, MARINE CORPS

10 RESERVE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance, including training, or-
13 ganization, and administration, of the Marine Corps Re-
14 serve; repair of facilities and equipment; hire of passenger
15 motor vehicles; travel and transportation; care of the dead;
16 recruiting; procurement of services, supplies, and equip-
17 ment; and communications, \$340,733,000.

18 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance, including training, or-
21 ganization, and administration, of the Air Force Reserve;
22 repair of facilities and equipment; hire of passenger motor
23 vehicles; travel and transportation; care of the dead; re-
24 cruiting; procurement of services, supplies, and equip-
25 ment; and communications, \$3,535,544,000.

1 modification, maintenance, and issue of supplies and
2 equipment, including those furnished from stocks under
3 the control of agencies of the Department of Defense;
4 travel expenses (other than mileage) on the same basis as
5 authorized by law for Air National Guard personnel on
6 active Federal duty, for Air National Guard commanders
7 while inspecting units in compliance with National Guard
8 Bureau regulations when specifically authorized by the
9 Chief, National Guard Bureau, \$6,908,979,000.

10 UNITED STATES COURT OF APPEALS FOR THE ARMED
11 FORCES

12 For salaries and expenses necessary for the United
13 States Court of Appeals for the Armed Forces,
14 \$16,003,000, of which not to exceed \$10,000 may be used
15 for official representation purposes.

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

18 For the Department of the Army, \$273,700,000, to
19 remain available until transferred: *Provided*, That the Sec-
20 retary of the Army shall, upon determining that such
21 funds are required for environmental restoration, reduc-
22 tion and recycling of hazardous waste, removal of unsafe
23 buildings and debris of the Department of the Army, or
24 for similar purposes, transfer the funds made available by
25 this appropriation to other appropriations made available

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

11 ENVIRONMENTAL RESTORATION, NAVY

12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of the Navy, \$390,113,000, to
14 remain available until transferred: *Provided*, That the Sec-
15 retary of the Navy shall, upon determining that such
16 funds are required for environmental restoration, reduc-
17 tion and recycling of hazardous waste, removal of unsafe
18 buildings and debris of the Department of the Navy, or
19 for similar purposes, transfer the funds made available by
20 this appropriation to other appropriations made available
21 to the Department of the Navy, to be merged with and
22 to be available for the same purposes and for the same
23 time period as the appropriations to which transferred:
24 *Provided further*, That upon a determination that all or
25 part of the funds transferred from this appropriation are

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

6 ENVIRONMENTAL RESTORATION, AIR FORCE

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Department of the Air Force, \$438,810,000,
9 to remain available until transferred: *Provided*, That the
10 Secretary of the Air Force shall, upon determining that
11 such funds are required for environmental restoration, re-
12 duction and recycling of hazardous waste, removal of un-
13 safe buildings and debris of the Department of the Air
14 Force, or for similar purposes, transfer the funds made
15 available by this appropriation to other appropriations
16 made available to the Department of the Air Force, to be
17 merged with and to be available for the same purposes
18 and for the same time period as the appropriations to
19 which transferred: *Provided further*, That upon a deter-
20 mination that all or part of the funds transferred from
21 this appropriation are not necessary for the purposes pro-
22 vided herein, such amounts may be transferred back to
23 this appropriation: *Provided further*, That the transfer au-
24 thority provided under this heading is in addition to any
25 other transfer authority provided elsewhere in this Act.

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

3 For the Department of Defense, \$10,979,000, to re-
4 main available until transferred: *Provided*, That the Sec-
5 retary of Defense shall, upon determining that such funds
6 are required for environmental restoration, reduction and
7 recycling of hazardous waste, removal of unsafe buildings
8 and debris of the Department of Defense, or for similar
9 purposes, transfer the funds made available by this appro-
10 priation to other appropriations made available to the De-
11 partment of Defense, to be merged with and to be avail-
12 able for the same purposes and for the same time period
13 as the appropriations to which transferred: *Provided fur-*
14 *ther*, That upon a determination that all or part of the
15 funds transferred from this appropriation are not nec-
16 essary for the purposes provided herein, such amounts
17 may be transferred back to this appropriation: *Provided*
18 *further*, That the transfer authority provided under this
19 heading is in addition to any other transfer authority pro-
20 vided elsewhere in this Act.

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

24 For the Department of the Army, \$292,580,000, to
25 remain available until transferred: *Provided*, That the Sec-

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

17 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

18 For expenses relating to the Overseas Humanitarian,
19 Disaster, and Civic Aid programs of the Department of
20 Defense (consisting of the programs provided under sec-
21 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
22 United States Code), \$150,000,000, to remain available
23 until September 30, 2024: *Provided*, That such amounts
24 shall not be subject to the limitation in section 407(c)(3)
25 of title 10, United States Code.

1 COOPERATIVE THREAT REDUCTION ACCOUNT

2 For assistance, including assistance provided by con-
3 tract or by grants, under programs and activities of the
4 Department of Defense Cooperative Threat Reduction
5 Program authorized under the Department of Defense Co-
6 operative Threat Reduction Act, \$351,598,000, to remain
7 available until September 30, 2025.

8 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
9 DEVELOPMENT ACCOUNT

10 For the Department of Defense Acquisition Work-
11 force Development Account, \$53,791,000, to remain avail-
12 able for obligation until September 30, 2023: *Provided*,
13 That no other amounts may be otherwise credited or
14 transferred to the Account, or deposited into the Account,
15 in fiscal year 2023 pursuant to section 1705(d) of title
16 10, United States Code.

17 TITLE III

18 PROCUREMENT

19 AIRCRAFT PROCUREMENT, ARMY

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

1 and such lands and interests therein, may be acquired,
2 and construction prosecuted thereon prior to approval of
3 title; and procurement and installation of equipment, ap-
4 pliances, and machine tools in public and private plants;
5 reserve plant and Government and contractor-owned
6 equipment layaway; and other expenses necessary for the
7 foregoing purposes, \$3,276,970,000, to remain available
8 for obligation until September 30, 2025.

9 MISSILE PROCUREMENT, ARMY

10 For construction, procurement, production, modifica-
11 tion, and modernization of missiles, equipment, including
12 ordnance, ground handling equipment, spare parts, and
13 accessories therefor; specialized equipment and training
14 devices; expansion of public and private plants, including
15 the land necessary therefor, for the foregoing purposes,
16 and such lands and interests therein, may be acquired,
17 and construction prosecuted thereon prior to approval of
18 title; and procurement and installation of equipment, ap-
19 pliances, and machine tools in public and private plants;
20 reserve plant and Government and contractor-owned
21 equipment layaway; and other expenses necessary for the
22 foregoing purposes, \$3,750,465,000, to remain available
23 for obligation until September 30, 2025.

1 proval of title; and procurement and installation of equip-
2 ment, appliances, and machine tools in public and private
3 plants; reserve plant and Government and contractor-
4 owned equipment layaway; and other expenses necessary
5 for the foregoing purposes, \$2,576,648,000, to remain
6 available for obligation until September 30, 2025.

7 OTHER PROCUREMENT, ARMY

8 For construction, procurement, production, and
9 modification of vehicles, including tactical, support, and
10 non-tracked combat vehicles; the purchase of passenger
11 motor vehicles for replacement only; communications and
12 electronic equipment; other support equipment; spare
13 parts, ordnance, and accessories therefor; specialized
14 equipment and training devices; expansion of public and
15 private plants, including the land necessary therefor, for
16 the foregoing purposes, and such lands and interests
17 therein, may be acquired, and construction prosecuted
18 thereon prior to approval of title; and procurement and
19 installation of equipment, appliances, and machine tools
20 in public and private plants; reserve plant and Govern-
21 ment and contractor-owned equipment layaway; and other
22 expenses necessary for the foregoing purposes,
23 \$8,233,869,000, to remain available for obligation until
24 September 30, 2025.

1 AIRCRAFT PROCUREMENT, NAVY

2 For construction, procurement, production, modifica-
3 tion, and modernization of aircraft, equipment, including
4 ordnance, spare parts, and accessories therefor; specialized
5 equipment; expansion of public and private plants, includ-
6 ing the land necessary therefor, and such lands and inter-
7 ests therein, may be acquired, and construction prosecuted
8 thereon prior to approval of title; and procurement and
9 installation of equipment, appliances, and machine tools
10 in public and private plants; reserve plant and Govern-
11 ment and contractor-owned equipment layaway,
12 \$16,334,708,000, to remain available for obligation until
13 September 30, 2025.

14 WEAPONS PROCUREMENT, NAVY

15 For construction, procurement, production, modifica-
16 tion, and modernization of missiles, torpedoes, other weap-
17 ons, and related support equipment including spare parts,
18 and accessories therefor; expansion of public and private
19 plants, including the land necessary therefor, and such
20 lands and interests therein, may be acquired, and con-
21 struction prosecuted thereon prior to approval of title; and
22 procurement and installation of equipment, appliances,
23 and machine tools in public and private plants; reserve
24 plant and Government and contractor-owned equipment

1 long lead time components and designs for vessels to be
2 constructed or converted in the future; and expansion of
3 public and private plants, including land necessary there-
4 for, and such lands and interests therein, may be acquired,
5 and construction prosecuted thereon prior to approval of
6 title, as follows:

7 Columbia Class Submarine, \$3,079,223,000;
8 Columbia Class Submarine (AP),
9 \$2,778,553,000;
10 Carrier Replacement Program (CVN-80),
11 \$1,463,905,000;
12 Carrier Replacement Program (CVN-81),
13 \$1,052,024,000;
14 Virginia Class Submarine, \$4,534,184,000;
15 Virginia Class Submarine (AP),
16 \$2,025,651,000;
17 CVN Refueling Overhauls (AP), \$573,422,000;
18 DDG-1000 Program, \$72,976,000;
19 DDG-51 Destroyer, \$4,376,537,000;
20 DDG-51 Destroyer (AP), \$618,352,000;
21 FFG-Frigate, \$1,085,224,000;
22 LPD Flight II, \$1,673,000,000;
23 LHA Replacement, \$1,085,470,000;
24 TAO Fleet Oiler, \$794,719,000;

1 Towing, Salvage, and Rescue Ship,
2 \$95,915,000;
3 Ship to Shore Connector, \$190,433,000;
4 Service Craft, \$68,274,000;
5 LCAC SLEP, \$36,301,000;
6 Auxiliary Vessels, \$140,686,000;
7 For outfitting, post delivery, conversions, and
8 first destination transportation, \$707,412,000; and
9 Completion of Prior Year Shipbuilding Pro-
10 grams, \$1,328,146,000.

11 In all: \$27,780,407,000, to remain available for obli-
12 gation until September 30, 2027: *Provided*, That addi-
13 tional obligations may be incurred after September 30,
14 2027, for engineering services, tests, evaluations, and
15 other such budgeted work that must be performed in the
16 final stage of ship construction: *Provided further*, That
17 none of the funds provided under this heading for the con-
18 struction or conversion of any naval vessel to be con-
19 structed in shipyards in the United States shall be ex-
20 pended in foreign facilities for the construction of major
21 components of such vessel: *Provided further*, That none
22 of the funds provided under this heading shall be used
23 for the construction of any naval vessel in foreign ship-
24 yards: *Provided further*, That funds appropriated or other-
25 wise made available by this Act for Columbia Class Sub-

1 marine (AP) may be available for the purposes authorized
2 by subsections (f), (g), (h) or (i) of section 2218a of title
3 10, United States Code, only in accordance with the provi-
4 sions of the applicable subsection.

5 OTHER PROCUREMENT, NAVY

6 For procurement, production, and modernization of
7 support equipment and materials not otherwise provided
8 for, Navy ordnance (except ordnance for new aircraft, new
9 ships, and ships authorized for conversion); the purchase
10 of passenger motor vehicles for replacement only; expan-
11 sion of public and private plants, including the land nec-
12 essary therefor, and such lands and interests therein, may
13 be acquired, and construction prosecuted thereon prior to
14 approval of title; and procurement and installation of
15 equipment, appliances, and machine tools in public and
16 private plants; reserve plant and Government and con-
17 tractor-owned equipment layaway, \$11,285,187,000, to
18 remain available for obligation until September 30, 2025:
19 *Provided*, That such funds are also available for the main-
20 tenance, repair, and modernization of ships under a pilot
21 program established for such purposes.

22 PROCUREMENT, MARINE CORPS

23 For expenses necessary for the procurement, manu-
24 facture, and modification of missiles, armament, military
25 equipment, spare parts, and accessories therefor; plant

1 equipment, appliances, and machine tools, and installation
2 thereof in public and private plants; reserve plant and
3 Government and contractor-owned equipment layaway; ve-
4 hicles for the Marine Corps, including the purchase of pas-
5 senger motor vehicles for replacement only; and expansion
6 of public and private plants, including land necessary
7 therefor, and such lands and interests therein, may be ac-
8 quired, and construction prosecuted thereon prior to ap-
9 proval of title, \$3,414,365,000, to remain available for ob-
10 ligation until September 30, 2025.

11 AIRCRAFT PROCUREMENT, AIR FORCE

12 For construction, procurement, and modification of
13 aircraft and equipment, including armor and armament,
14 specialized ground handling equipment, and training de-
15 vices, spare parts, and accessories therefor; specialized
16 equipment; expansion of public and private plants, Gov-
17 ernment-owned equipment and installation thereof in such
18 plants, erection of structures, and acquisition of land, for
19 the foregoing purposes, and such lands and interests
20 therein, may be acquired, and construction prosecuted
21 thereon prior to approval of title; reserve plant and Gov-
22 ernment and contractor-owned equipment layaway; and
23 other expenses necessary for the foregoing purposes in-
24 cluding rents and transportation of things,
25 \$18,114,396,000, to remain available for obligation until

1 September 30, 2025: *Provided*, That none of the funds
2 provided under this heading for the procurement of F-
3 15EX aircraft may be obligated or expended through an
4 undefinitized contractual action (as that term is defined
5 in section 3377(b)(1) of title 10, United States Code).

6 MISSILE PROCUREMENT, AIR FORCE

7 For construction, procurement, and modification of
8 missiles, rockets, and related equipment, including spare
9 parts and accessories therefor; ground handling equip-
10 ment, and training devices; expansion of public and pri-
11 vate plants, Government-owned equipment and installa-
12 tion thereof in such plants, erection of structures, and ac-
13 quisition of land, for the foregoing purposes, and such
14 lands and interests therein, may be acquired, and con-
15 struction prosecuted thereon prior to approval of title; re-
16 serve plant and Government and contractor-owned equip-
17 ment layaway; and other expenses necessary for the fore-
18 going purposes including rents and transportation of
19 things, \$2,866,722,000, to remain available for obligation
20 until September 30, 2025.

21 PROCUREMENT OF AMMUNITION, AIR FORCE

22 For construction, procurement, production, and
23 modification of ammunition, and accessories therefor; spe-
24 cialized equipment and training devices; expansion of pub-
25 lic and private plants, including ammunition facilities, au-

1 thorized by section 2854 of title 10, United States Code,
2 and the land necessary therefor, for the foregoing pur-
3 poses, and such lands and interests therein, may be ac-
4 quired, and construction prosecuted thereon prior to ap-
5 proval of title; and procurement and installation of equip-
6 ment, appliances, and machine tools in public and private
7 plants; reserve plant and Government and contractor-
8 owned equipment layaway; and other expenses necessary
9 for the foregoing purposes, \$890,530,000, to remain avail-
10 able for obligation until September 30, 2025.

11 OTHER PROCUREMENT, AIR FORCE

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

1 \$25,426,674,000, to remain available for obligation until
2 September 30, 2025.

3 PROCUREMENT, SPACE FORCE

4 For construction, procurement, and modification of
5 spacecraft, rockets, and related equipment, including
6 spare parts and accessories therefor; ground handling
7 equipment, and training devices; expansion of public and
8 private plants, Government-owned equipment and installa-
9 tion thereof in such plants, erection of structures, and ac-
10 quisition of land, for the foregoing purposes, and such
11 lands and interests therein, may be acquired, and con-
12 struction prosecuted thereon prior to approval of title; re-
13 serve plant and Government and contractor-owned equip-
14 ment layaway; and other expenses necessary for the fore-
15 going purposes including rents and transportation of
16 things, \$3,717,369,000, to remain available for obligation
17 until September 30, 2025.

18 PROCUREMENT, DEFENSE-WIDE

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

1 such plants, erection of structures, and acquisition of land
2 for the foregoing purposes, and such lands and interests
3 therein, may be acquired, and construction prosecuted
4 thereon prior to approval of title; reserve plant and Gov-
5 ernment and contractor-owned equipment layaway,
6 \$5,425,747,000, to remain available for obligation until
7 September 30, 2025.

8 DEFENSE PRODUCTION ACT PURCHASES

9 For activities by the Department of Defense pursuant
10 to sections 108, 301, 302, and 303 of the Defense Produc-
11 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
12 \$707,906,000, to remain available for obligation until Sep-
13 tember 30, 2025, which shall be obligated and expended
14 by the Secretary of Defense as if delegated the necessary
15 authorities conferred by the Defense Production Act of
16 1950: *Provided*, That the Secretary of Defense shall, not
17 less than 30 days prior to obligating funds under this
18 heading in excess of \$20,000,000, notify the Committees
19 on Appropriations of the House of Representatives and the
20 Senate in writing of the details of any such obligation.

21 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

22 For procurement of rotary-wing aircraft; combat, tac-
23 tical and support vehicles; other weapons; and other pro-
24 curement items for the reserve components of the Armed
25 Forces, \$1,000,000,000, to remain available for obligation

1 until September 30, 2025: *Provided*, That the Chiefs of
2 National Guard and Reserve components shall, not later
3 than 30 days after enactment of this Act, individually sub-
4 mit to the congressional defense committees the mod-
5 ernization priority assessment for their respective Na-
6 tional Guard or Reserve component: *Provided further*,
7 That none of the funds made available by this paragraph
8 may be used to procure manned fixed wing aircraft, or
9 procure or modify missiles, munitions, or ammunition.

10 TITLE IV
11 RESEARCH, DEVELOPMENT, TEST AND
12 EVALUATION
13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
14 ARMY

15 For expenses necessary for basic and applied sci-
16 entific research, development, test and evaluation, includ-
17 ing maintenance, rehabilitation, lease, and operation of fa-
18 cilities and equipment, \$15,004,405,000, to remain avail-
19 able for obligation until September 30, 2024.

20 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
21 NAVY

22 For expenses necessary for basic and applied sci-
23 entific research, development, test and evaluation, includ-
24 ing maintenance, rehabilitation, lease, and operation of fa-
25 cilities and equipment, \$25,141,077,000, to remain avail-

1 able for obligation until September 30, 2024: *Provided*,
2 That funds appropriated in this paragraph which are
3 available for the V-22 may be used to meet unique oper-
4 ational requirements of the Special Operations Forces.

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

7 For expenses necessary for basic and applied sci-
8 entific research, development, test and evaluation, includ-
9 ing maintenance, rehabilitation, lease, and operation of fa-
10 cilities and equipment, \$43,173,883,000, to remain avail-
11 able for obligation until September 30, 2024.

12 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
13 SPACE FORCE

14 For expenses necessary for basic and applied sci-
15 entific research, development, test and evaluation, includ-
16 ing maintenance, rehabilitation, lease, and operation of fa-
17 cilities and equipment, \$15,461,468,000, to remain avail-
18 able until September 30, 2024.

19 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
20 DEFENSE-WIDE

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

1 of Defense, pursuant to law; maintenance, rehabilitation,
2 lease, and operation of facilities and equipment,
3 \$32,599,153,000, to remain available for obligation until
4 September 30, 2024.

5 OPERATIONAL TEST AND EVALUATION, DEFENSE

6 For expenses, not otherwise provided for, necessary
7 for the independent activities of the Director, Operational
8 Test and Evaluation, in the direction and supervision of
9 operational test and evaluation, including initial oper-
10 ational test and evaluation which is conducted prior to,
11 and in support of, production decisions; joint operational
12 testing and evaluation; and administrative expenses in
13 connection therewith, \$277,194,000, to remain available
14 for obligation until September 30, 2024.

15 TITLE V

16 REVOLVING AND MANAGEMENT FUNDS

17 DEFENSE WORKING CAPITAL FUNDS

18 For the Defense Working Capital Funds,
19 \$1,329,895,000.

20 TITLE VI

21 OTHER DEPARTMENT OF DEFENSE PROGRAMS

22 DEFENSE HEALTH PROGRAM

23 For expenses, not otherwise provided for, for medical
24 and health care programs of the Department of Defense
25 as authorized by law, \$38,072,432,000; of which

1 \$35,141,343,000 shall be for operation and maintenance,
2 of which not to exceed one percent shall remain available
3 for obligation until September 30, 2024, and of which up
4 to \$18,342,836,000 may be available for contracts entered
5 into under the TRICARE program; of which
6 \$570,074,000, to remain available for obligation until Sep-
7 tember 30, 2025, shall be for procurement; and of which
8 \$2,361,015,000, to remain available for obligation until
9 September 30, 2024, shall be for research, development,
10 test and evaluation: *Provided*, That, notwithstanding any
11 other provision of law, of the amount made available under
12 this heading for research, development, test and evalua-
13 tion, not less than \$12,000,000 shall be available for HIV
14 prevention educational activities undertaken in connection
15 with United States military training, exercises, and hu-
16 manitarian assistance activities conducted primarily in Af-
17 rican nations: *Provided further*, That of the funds provided
18 under this heading for research, development, test and
19 evaluation, not less than \$1,144,000,000 shall be made
20 available to the Defense Health Agency to carry out the
21 congressionally directed medical research programs: *Pro-*
22 *vided further*, That the Secretary of Defense shall submit
23 to the congressional defense committees quarterly reports
24 on the current status of the deployment of the electronic
25 health record: *Provided further*, That the Secretary of De-

1 fense shall provide notice to the congressional defense
2 committees not later than 10 business days after delaying
3 the proposed timeline of such deployment if such delay is
4 longer than 1 week: *Provided further*, That the Comp-
5 troller General of the United States shall perform quar-
6 terly performance reviews of such deployment.

7 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
8 DEFENSE

9 For expenses, not otherwise provided for, necessary
10 for the destruction of the United States stockpile of lethal
11 chemical agents and munitions in accordance with the pro-
12 visions of section 1412 of the Department of Defense Au-
13 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
14 struction of other chemical warfare materials that are not
15 in the chemical weapon stockpile, \$1,059,818,000, of
16 which \$84,612,000 shall be for operation and mainte-
17 nance, of which no less than \$22,778,000 shall be for the
18 Chemical Stockpile Emergency Preparedness Program,
19 consisting of \$31,426,000 for activities on military instal-
20 lations and \$30,408,000, to remain available until Sep-
21 tember 30, 2024, to assist State and local governments;
22 and \$975,206,000, to remain available until September
23 30, 2024, shall be for research, development, test and eval-
24 uation, of which \$971,742,000 shall only be for the As-
25 sembled Chemical Weapons Alternatives program.

1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
2 DEFENSE
3 (INCLUDING TRANSFER OF FUNDS)

4 For drug interdiction and counter-drug activities of
5 the Department of Defense, for transfer to appropriations
6 available to the Department of Defense for military per-
7 sonnel of the reserve components serving under the provi-
8 sions of title 10 and title 32, United States Code; for oper-
9 ation and maintenance; for procurement; and for research,
10 development, test and evaluation, \$878,027,000, of which
11 \$547,878,000 shall be for counter-narcotics support;
12 \$130,060,000 shall be for the drug demand reduction pro-
13 gram; \$194,211,000 shall be for the National Guard
14 counter-drug program; and \$5,878,000 shall be for the
15 National Guard counter-drug schools program: *Provided*,
16 That the funds appropriated under this heading shall be
17 available for obligation for the same time period and for
18 the same purpose as the appropriation to which trans-
19 ferred: *Provided further*, That upon a determination that
20 all or part of the funds transferred from this appropriation
21 are not necessary for the purposes provided herein, such
22 amounts may be transferred back to this appropriation:
23 *Provided further*, That the transfer authority provided
24 under this heading is in addition to any other transfer au-
25 thority contained elsewhere in this Act: *Provided further*,

1 That funds appropriated under this heading may not be
2 used to support a new start program or project unless
3 such program or project must be undertaken immediately
4 in the interest of national security and only after written
5 prior notification to the Committees on Appropriations of
6 the House of Representatives and the Senate.

7 OFFICE OF THE INSPECTOR GENERAL

8 For expenses and activities of the Office of the In-
9 spector General in carrying out the provisions of the In-
10 spector General Act of 1978, as amended, \$479,359,000,
11 of which \$475,971,000 shall be for operation and mainte-
12 nance, of which not to exceed \$700,000 is available for
13 emergencies and extraordinary expenses to be expended
14 upon the approval or authority of the Inspector General,
15 and payments may be made upon the Inspector General's
16 certificate of necessity for confidential military purposes;
17 of which \$1,524,000, to remain available for obligation
18 until September 30, 2025, shall be for procurement; and
19 of which \$1,864,000, to remain available until September
20 30, 2024, shall be for research, development, test and eval-
21 uation.

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, \$578,705,000.

13 TITLE VIII
14 GENERAL PROVISIONS

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

18 SEC. 8002. During the current fiscal year, provisions
19 of law prohibiting the payment of compensation to, or em-
20 ployment of, any person not a citizen of the United States
21 shall not apply to personnel of the Department of Defense:
22 *Provided*, That salary increases granted to direct and indi-
23 rect hire foreign national employees of the Department of
24 Defense funded by this Act shall not be at a rate in excess
25 of the percentage increase authorized by law for civilian

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

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

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

23 (TRANSFER OF FUNDS)

24 SEC. 8005. Upon determination by the Secretary of
25 Defense that such action is necessary in the national inter-

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

1 *further*, That a request for multiple reprogrammings of
2 funds using authority provided in this section shall be
3 made prior to June 30, 2023: *Provided further*, That
4 transfers among military personnel appropriations shall
5 not be taken into account for purposes of the limitation
6 on the amount of funds that may be transferred under
7 this section.

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

21 (b) Amounts specified in the referenced tables de-
22 scribed in subsection (a) shall not be treated as subdivi-
23 sions of appropriations for purposes of section 8005 of this
24 Act: *Provided*, That section 8005 shall apply when trans-

1 fers of the amounts described in subsection (a) occur be-
2 tween appropriation accounts.

3 SEC. 8007. (a) Not later than 60 days after the date
4 of the enactment of this Act, the Department of Defense
5 shall submit a report to the congressional defense commit-
6 tees to establish the baseline for application of reprogram-
7 ming and transfer authorities for fiscal year 2023: *Pro-*
8 *vided*, That the report shall include—

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

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

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

20 (b) Notwithstanding section 8005 of this Act, none
21 of the funds provided in this Act shall be available for
22 reprogramming or transfer until the report identified in
23 subsection (a) is submitted to the congressional defense
24 committees, unless the Secretary of Defense certifies in
25 writing to the congressional defense committees that such

1 reprogramming or transfer is necessary as an emergency
2 requirement: *Provided*, That this subsection shall not
3 apply to transfers from the following appropriations ac-
4 counts:

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

14 (TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

15 Funds appropriated in title III of this Act may be used
16 for multiyear procurement contracts for the Arleigh Burke
17 Class Guided Missile Destroyer.

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

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

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

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

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

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

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

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

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

23 (e) The fiscal year 2024 budget request for the De-
24 partment of Defense, and any justification material and
25 other documentation supporting such request, shall be

1 prepared and submitted to Congress as if subsections (a)
2 and (b) were effective with respect to such fiscal year.

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

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

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

20 (TRANSFER OF FUNDS)

21 SEC. 8015. (a) Funds appropriated in title III of this
22 Act for the Department of Defense Pilot Mentor-Protégé
23 Program may be transferred to any other appropriation
24 contained in this Act solely for the purpose of imple-
25 menting a Mentor-Protégé Program developmental assist-

1 ance agreement pursuant to section 831 of the National
2 Defense Authorization Act for Fiscal Year 1991 (Public
3 Law 101–510; 10 U.S.C. 2302 note), as amended, under
4 the authority of this provision or any other transfer au-
5 thority contained in this Act.

6 (b) The Secretary of Defense shall include with the
7 budget justification documents in support of the budget
8 for fiscal year 2024 (as submitted to Congress pursuant
9 to section 1105 of title 31, United States Code) a descrip-
10 tion of each transfer under this section that occurred dur-
11 ing the last fiscal year before the fiscal year in which such
12 budget is submitted.

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

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

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

1 ment requirements for malt beverages and wine shall
2 apply to all alcoholic beverages only for military installa-
3 tions in States which are not contiguous with another
4 State: *Provided further*, That alcoholic beverages other
5 than wine and malt beverages, in contiguous States and
6 the District of Columbia shall be procured from the most
7 competitive source, price and other factors considered.

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

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

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

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

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

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

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

24 (c) The Operation Walking Shield Program shall re-
25 solve any conflicts among requests of Indian tribes for

1 housing units under subsection (a) before submitting re-
2 quests to the Secretary of the Air Force under subsection
3 (b).

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

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

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

22 SEC. 8024. No for-profit contractor that receives any
23 funds appropriated in this Act may pay any employee at
24 a rate of less than \$15 per hour.

1 SEC. 8025. (a) Of the funds made available in this
2 Act, not less than \$64,800,000 shall be available for the
3 Civil Air Patrol Corporation, of which—

4 (1) \$51,300,000 shall be available from “Oper-
5 ation and Maintenance, Air Force” to support Civil
6 Air Patrol Corporation operation and maintenance,
7 readiness, counter-drug activities, and drug demand
8 reduction activities involving youth programs;

9 (2) \$11,600,000 shall be available from “Air-
10 craft Procurement, Air Force”; and

11 (3) \$1,900,000 shall be available from “Other
12 Procurement, Air Force” for vehicle procurement.

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

17 SEC. 8026. (a) None of the funds appropriated in this
18 Act are available to establish a new Department of De-
19 fense (department) federally funded research and develop-
20 ment center (FFRDC), either as a new entity, or as a
21 separate entity administrated by an organization man-
22 aging another FFRDC, or as a nonprofit membership cor-
23 poration consisting of a consortium of other FFRDCs and
24 other nonprofit entities.

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

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

23 (d) Notwithstanding any other provision of law, of
24 the funds available to the department during fiscal year
25 2023, not more than 6,184 staff years of technical effort

1 (staff years) may be funded for defense FFRDCs: *Pro-*
2 *vided*, That, within such funds for 6,184 staff years, funds
3 shall be available only for 1,148 staff years for the defense
4 studies and analysis FFRDCs: *Provided further*, That this
5 subsection shall not apply to staff years funded in the Na-
6 tional Intelligence Program (NIP) and the Military Intel-
7 ligence Program (MIP).

8 (e) The Secretary of Defense shall, with the submis-
9 sion of the Department's fiscal year 2024 budget request,
10 submit a report presenting the specific amounts of staff
11 years of technical effort to be allocated for each defense
12 FFRDC during that fiscal year and the associated budget
13 estimates.

14 (f) Notwithstanding any other provision of this Act,
15 the total amount appropriated in this Act for FFRDCs
16 is hereby reduced by \$123,600,000: *Provided*, That this
17 subsection shall not apply to appropriations for the Na-
18 tional Intelligence Program and Military Intelligence Pro-
19 gram.

20 SEC. 8027. For the purposes of this Act, the term
21 "congressional defense committees" means the Armed
22 Services Committee of the House of Representatives, the
23 Armed Services Committee of the Senate, the Sub-
24 committee on Defense of the Committee on Appropriations
25 of the Senate, and the Subcommittee on Defense of the

1 Committee on Appropriations of the House of Representa-
2 tives.

3 SEC. 8028. For the purposes of this Act, the term
4 “congressional intelligence committees” means the Perma-
5 nent Select Committee on Intelligence of the House of
6 Representatives, the Select Committee on Intelligence of
7 the Senate, the Subcommittee on Defense of the Com-
8 mittee on Appropriations of the House of Representatives,
9 and the Subcommittee on Defense of the Committee on
10 Appropriations of the Senate.

11 SEC. 8029. During the current fiscal year, the De-
12 partment of Defense may acquire the modification, depot
13 maintenance and repair of aircraft, vehicles and vessels
14 as well as the production of components and other De-
15 fense-related articles, through competition between De-
16 partment of Defense depot maintenance activities and pri-
17 vate firms: *Provided*, That the Senior Acquisition Execu-
18 tive of the military department or Defense Agency con-
19 cerned, with power of delegation, shall certify that success-
20 ful bids include comparable estimates of all direct and in-
21 direct costs for both public and private bids: *Provided fur-*
22 *ther*, That Office of Management and Budget Circular A-
23 76 shall not apply to competitions conducted under this
24 section.

1 SEC. 8030. (a) None of the funds appropriated in this
2 Act may be expended by an entity of the Department of
3 Defense unless the entity, in expending the funds, com-
4 plies with the Buy American Act. For purposes of this
5 subsection, the term “Buy American Act” means chapter
6 83 of title 41, United States Code.

7 (b) If the Secretary of Defense determines that a per-
8 son has been convicted of intentionally affixing a label
9 bearing a “Made in America” inscription to any product
10 sold in or shipped to the United States that is not made
11 in America, the Secretary shall determine, in accordance
12 with section 4658 of title 10, United States Code, whether
13 the person should be debarred from contracting with the
14 Department of Defense.

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

23 SEC. 8031. None of the funds appropriated or made
24 available in this Act shall be used to procure carbon, alloy,
25 or armor steel plate for use in any Government-owned fa-

1 cility or property under the control of the Department of
2 Defense which were not melted and rolled in the United
3 States or Canada: *Provided*, That these procurement re-
4 strictions shall apply to any and all Federal Supply Class
5 9515, American Society of Testing and Materials (ASTM)
6 or American Iron and Steel Institute (AISI) specifications
7 of carbon, alloy or armor steel plate: *Provided further*,
8 That the Secretary of the military department responsible
9 for the procurement may waive this restriction on a case-
10 by-case basis by certifying in writing to the Committees
11 on Appropriations of the House of Representatives and the
12 Senate that adequate domestic supplies are not available
13 to meet Department of Defense requirements on a timely
14 basis and that such an acquisition must be made in order
15 to acquire capability for national security purposes: *Pro-*
16 *vided further*, That these restrictions shall not apply to
17 contracts which are in being as of the date of the enact-
18 ment of this Act.

19 SEC. 8032. (a)(1) If the Secretary of Defense, after
20 consultation with the United States Trade Representative,
21 determines that a foreign country which is party to an
22 agreement described in paragraph (2) has violated the
23 terms of the agreement by discriminating against certain
24 types of products produced in the United States that are
25 covered by the agreement, the Secretary of Defense shall

1 rescind the Secretary’s blanket waiver of the Buy Amer-
2 ican Act with respect to such types of products produced
3 in that foreign country.

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

10 (b) The Secretary of Defense shall submit to the Con-
11 gress a report on the amount of Department of Defense
12 purchases from foreign entities in fiscal year 2023. Such
13 report shall separately indicate the dollar value of items
14 for which the Buy American Act was waived pursuant to
15 any agreement described in subsection (a)(2), the Trade
16 Agreements Act of 1979 (19 U.S.C. 2501 et seq.), or any
17 international agreement to which the United States is a
18 party.

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

22 SEC. 8033. None of the funds appropriated by this
23 Act may be used for the procurement of ball and roller
24 bearings other than those produced by a domestic source
25 and of domestic origin: *Provided*, That the Secretary of

1 the military department responsible for such procurement
2 may waive this restriction on a case-by-case basis by certi-
3 fying in writing to the Committees on Appropriations of
4 the House of Representatives and the Senate, that ade-
5 quate domestic supplies are not available to meet Depart-
6 ment of Defense requirements on a timely basis and that
7 such an acquisition must be made in order to acquire ca-
8 pability for national security purposes: *Provided further*,
9 That this restriction shall not apply to the purchase of
10 “commercial products”, as defined by section 103 of title
11 41, United States Code, except that the restriction shall
12 apply to ball or roller bearings purchased as end items.

13 SEC. 8034. In addition to any other funds made
14 available for such purposes, there is appropriated
15 \$93,500,000, for an additional amount for the “National
16 Defense Stockpile Transaction Fund”, to remain available
17 until September 30, 2025, for activities pursuant to the
18 Strategic and Critical Materials Stock Piling Act (50
19 U.S.C. 98 et seq.): *Provided*, That none of the funds pro-
20 vided under this section may be obligated or expended
21 until 90 days after the Secretary of Defense provides the
22 Committees on Appropriations of the House of Represent-
23 atives and the Senate a detailed execution plan for such
24 funds.

1 SEC. 8035. None of the funds in this Act may be
2 used to purchase any supercomputer which is not manu-
3 factured in the United States, unless the Secretary of De-
4 fense certifies to the congressional defense committees
5 that such an acquisition must be made in order to acquire
6 capability for national security purposes that is not avail-
7 able from United States manufacturers.

8 SEC. 8036. (a) The Secretary of Defense may, on a
9 case-by-case basis, waive with respect to a foreign country
10 each limitation on the procurement of defense items from
11 foreign sources provided in law if the Secretary determines
12 that the application of the limitation with respect to that
13 country would invalidate cooperative programs entered
14 into between the Department of Defense and the foreign
15 country, or would invalidate reciprocal trade agreements
16 for the procurement of defense items entered into under
17 section 4851 of title 10, United States Code, and the
18 country does not discriminate against the same or similar
19 defense items produced in the United States for that coun-
20 try.

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

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

24 (2) options for the procurement of items that
25 are exercised after such date under contracts that

1 are entered into before such date if the option prices
2 are adjusted for any reason other than the applica-
3 tion of a waiver granted under subsection (a).

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

13 SEC. 8037. None of the funds made available in this
14 Act, or any subsequent Act making appropriations for the
15 Department of Defense, may be used for the purchase or
16 manufacture of a flag of the United States unless such
17 flags are treated as covered items under section 4862(b)
18 of title 10, United States Code.

19 SEC. 8038. During the current fiscal year, amounts
20 contained in the Department of Defense Overseas Military
21 Facility Investment Recovery Account shall be available
22 until expended for the payments specified by section
23 2687a(b)(2) of title 10, United States Code.

24 SEC. 8039. During the current fiscal year, appropria-
25 tions which are available to the Department of Defense

1 for operation and maintenance may be used to purchase
2 items having an investment item unit cost of not more
3 than \$350,000: *Provided*, That upon determination by the
4 Secretary of Defense that such action is necessary to meet
5 the operational requirements of a Commander of a Com-
6 batant Command engaged in a named contingency oper-
7 ation overseas, such funds may be used to purchase items
8 having an investment item unit cost of not more than
9 \$500,000.

10 SEC. 8040. Up to \$10,720,000 of the funds appro-
11 priated under the heading “Operation and Maintenance,
12 Navy” may be made available for the Asia Pacific Re-
13 gional Initiative Program for the purpose of enabling the
14 United States Indo-Pacific Command to execute Theater
15 Security Cooperation activities such as humanitarian as-
16 sistance, and payment of incremental and personnel costs
17 of training and exercising with foreign security forces:
18 *Provided*, That funds made available for this purpose may
19 be used, notwithstanding any other funding authorities for
20 humanitarian assistance, security assistance or combined
21 exercise expenses: *Provided further*, That funds may not
22 be obligated to provide assistance to any foreign country
23 that is otherwise prohibited from receiving such type of
24 assistance under any other provision of law.

1 SEC. 8041. The Secretary of Defense shall issue reg-
2 ulations to prohibit the sale of any tobacco or tobacco-
3 related products in military resale outlets in the United
4 States, its territories and possessions at a price below the
5 most competitive price in the local community: *Provided*,
6 That such regulations shall direct that the prices of to-
7 bacco or tobacco-related products in overseas military re-
8 tail outlets shall be within the range of prices established
9 for military retail system stores located in the United
10 States.

11 SEC. 8042. (a) During the current fiscal year, none
12 of the appropriations or funds available to the Department
13 of Defense Working Capital Funds shall be used for the
14 purchase of an investment item for the purpose of acquir-
15 ing a new inventory item for sale or anticipated sale dur-
16 ing the current fiscal year or a subsequent fiscal year to
17 customers of the Department of Defense Working Capital
18 Funds if such an item would not have been chargeable
19 to the Department of Defense Business Operations Fund
20 during fiscal year 1994 and if the purchase of such an
21 investment item would be chargeable during the current
22 fiscal year to appropriations made to the Department of
23 Defense for procurement.

24 (b) The fiscal year 2024 budget request for the De-
25 partment of Defense as well as all justification material

1 and other documentation supporting the fiscal year 2024
2 Department of Defense budget shall be prepared and sub-
3 mitted to the Congress on the basis that any equipment
4 which was classified as an end item and funded in a pro-
5 curement appropriation contained in this Act shall be
6 budgeted for in a proposed fiscal year 2024 procurement
7 appropriation and not in the supply management business
8 area or any other area or category of the Department of
9 Defense Working Capital Funds.

10 SEC. 8043. None of the funds appropriated by this
11 Act for programs of the Central Intelligence Agency shall
12 remain available for obligation beyond the current fiscal
13 year, except for funds appropriated for the Reserve for
14 Contingencies, which shall remain available until Sep-
15 tember 30, 2024: *Provided*, That funds appropriated,
16 transferred, or otherwise credited to the Central Intel-
17 ligence Agency Central Services Working Capital Fund
18 during this or any prior or subsequent fiscal year shall
19 remain available until expended: *Provided further*, That
20 any funds appropriated or transferred to the Central Intel-
21 ligence Agency for advanced research and development ac-
22 quisition, for agent operations, and for covert action pro-
23 grams authorized by the President under section 503 of
24 the National Security Act of 1947 (50 U.S.C. 3093) shall
25 remain available until September 30, 2024: *Provided fur-*

1 *ther*, That any funds appropriated or transferred to the
2 Central Intelligence Agency for the construction, improve-
3 ment, or alteration of facilities, including leased facilities,
4 to be used primarily by personnel of the intelligence com-
5 munity shall remain available until September 30, 2025.

6 SEC. 8044. (a) During fiscal year 2023, in accord-
7 ance with subsection (b), the Director of the Central Intel-
8 ligence Agency shall have the same authority for the Cen-
9 tral Intelligence Agency as is available to the Secretary
10 of Homeland Security for the Department of Homeland
11 Security under section 210G of the Homeland Security
12 Act of 2002 (6 U.S.C. 124n), and shall be subject to the
13 same limitations and requirements under such section.

14 (b) For purposes of subsection (a)—

15 (1) the reference in subsection (i) of section
16 210G of the Homeland Security Act of 2002 (6
17 U.S.C. 124n(i)) to “the date that is 4 years after
18 the date of enactment of this section” shall be
19 deemed to be a reference to “September 30, 2023”;

20 (2) the term “appropriate congressional com-
21 mittees” as defined in paragraph (1) of subsection
22 (k) of such section shall be deemed to mean—

23 (A) the Committee on Appropriations and
24 the Permanent Select Committee on Intelligence
25 of the House of Representatives, and

1 (B) the Committee on Appropriations and
2 the Select Committee on Intelligence of the
3 Senate; and

4 (3) the term “covered facility or asset” as de-
5 fined in paragraph (3) of such subsection (k) shall
6 be deemed to mean installations, property, and per-
7 sons—

8 (A) that are located in the United States;
9 and

10 (B) for which the Director may provide
11 protection pursuant to sections 5(a)(4) or
12 15(a)(1) of the Central Intelligence Agency Act
13 of 1949 (50 U.S.C. 3506(a)(4); 3515(a)(1)).

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

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

18 (2) to pay the basic pay of a member of the
19 Armed Forces or civilian employee of the depart-
20 ment who is transferred or reassigned from a head-
21 quarters activity if the member or employee’s place
22 of duty remains at the location of that headquarters.

23 (b) The Secretary of Defense or Secretary of a mili-
24 tary department may waive the limitations in subsection
25 (a), on a case-by-case basis, if the Secretary determines,

1 and certifies to the Committees on Appropriations of the
2 House of Representatives and the Senate that the grant-
3 ing of the waiver will reduce the personnel requirements
4 or the financial requirements of the department.

5 (c) This section does not apply to—

6 (1) field operating agencies funded within the
7 National Intelligence Program;

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

12 (3) an Army field operating agency established
13 to improve the effectiveness and efficiencies of bio-
14 metric activities and to integrate common biometric
15 technologies throughout the Department of Defense;
16 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (RESCISSIONS)

10 SEC. 8047. Of the funds appropriated in Department
11 of Defense Appropriations Acts, the following funds are
12 hereby rescinded from the following accounts and pro-
13 grams in the specified amounts: *Provided*, That no
14 amounts may be rescinded from amounts that were des-
15 ignated by the Congress as an emergency requirement
16 pursuant to a concurrent resolution on the budget or the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985:

19 “Aircraft Procurement, Army”, 2021/2023,
20 \$7,300,000;

21 “Other Procurement, Army”, 2021/2023,
22 \$3,177,000;

23 “Aircraft Procurement, Air Force”, 2021/2023,
24 \$49,100,000;

1 “Operation and Maintenance, Defense-Wide”,
2 2022/2023, \$175,000,000;

3 “Counter-ISIS Train and Equip Fund”, 2022/
4 2023, \$100,000,000;

5 “Aircraft Procurement, Army”, 2022/2024,
6 \$9,437,000;

7 “Other Procurement, Army”, 2022/2024,
8 \$71,544,000;

9 “Weapons Procurement, Navy”, 2022/2024,
10 \$30,321,000;

11 “Aircraft Procurement, Air Force”, 2022/2024,
12 \$64,000,000;

13 “Research, Development, Test and Evaluation,
14 Army”, 2022/2023, \$26,700,000;

15 “Research, Development, Test and Evaluation,
16 Air Force”, 2022/2023, \$149,796,000; and

17 “Defense Counterintelligence and Security
18 Agency Working Capital Fund”, 20XX,
19 \$30,000,000.

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

1 military technicians (dual status), unless such reductions
2 are a direct result of a reduction in military force struc-
3 ture.

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

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

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

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

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

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

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

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

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

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

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

23 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

17 *Provided*, That the Under Secretary of Defense (Comp-
18 troller) shall include with the budget of the President for
19 fiscal year 2024 (as submitted to Congress pursuant to
20 section 1105 of title 31, United States Code) a statement
21 describing each instance if any, during each of the fiscal
22 years 2016 through 2023 in which the authority in this
23 section was exercised.

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

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

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

12 (INCLUDING TRANSFER OF FUNDS)

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

1 SEC. 8059. None of the funds appropriated in title
2 IV of this Act may be used to procure end-items for deliv-
3 ery to military forces for operational training, operational
4 use or inventory requirements: *Provided*, That this restric-
5 tion does not apply to end-items used in development,
6 prototyping, and test activities preceding and leading to
7 acceptance for operational use: *Provided further*, That this
8 restriction does not apply to programs funded within the
9 National Intelligence Program: *Provided further*, That the
10 Secretary of Defense shall, at the time of the submittal
11 to Congress of the budget of the President for fiscal year
12 2024 pursuant to section 1105 of title 31, United States
13 Code, submit to the congressional defense committees a
14 report detailing the use of funds requested in research,
15 development, test and evaluation accounts for end-items
16 used in development, prototyping and test activities pre-
17 ceding and leading to acceptance for operational use: *Pro-*
18 *vided further*, That the report shall set forth, for each end-
19 item covered by the preceding proviso, a detailed list of
20 the statutory authorities under which amounts in the ac-
21 counts described in that proviso were used for such item:
22 *Provided further*, That the Secretary of Defense shall, at
23 the time of the submittal to Congress of the budget of
24 the President for fiscal year 2024 pursuant to section
25 1105 of title 31, United States Code, submit to the con-

1 gressional defense committees a certification that funds
2 requested for fiscal year 2024 in research, development,
3 test and evaluation are in compliance with this section:
4 *Provided further*, That the Secretary of Defense may waive
5 this restriction on a case-by-case basis by certifying in
6 writing to the Committees on Appropriations of the House
7 of Representatives and the Senate that it is in the national
8 security interest to do so.

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

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

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

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

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

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

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

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

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8066. Of the amounts appropriated in this Act
21 under the heading “Operation and Maintenance, Army”,
22 \$158,967,374 shall remain available until expended: *Pro-*
23 *vided*, That, notwithstanding any other provision of law,
24 the Secretary of Defense is authorized to transfer such
25 funds to other activities of the Federal Government: *Pro-*

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

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

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

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

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

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

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

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

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

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

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

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

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

23 SEC. 8072. Any notice that is required to be sub-
24 mitted to the Committees on Appropriations of the House
25 of Representatives and the Senate under section 806(e)(4)

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

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 8073. Of the amounts appropriated in this Act
9 under the headings “Procurement, Defense-Wide” and
10 “Research, Development, Test and Evaluation, Defense-
11 Wide”, \$500,000,000 shall be for the Israeli Cooperative
12 Programs: *Provided*, That of this amount, \$80,000,000
13 shall be for the Secretary of Defense to provide to the Gov-
14 ernment of Israel for the procurement of the Iron Dome
15 defense system to counter short-range rocket threats, sub-
16 ject to the U.S.-Israel Iron Dome Procurement Agree-
17 ment, as amended; \$127,000,000 shall be for the Short
18 Range Ballistic Missile Defense (SRBMD) program, in-
19 cluding cruise missile defense research and development
20 under the SRBMD program; \$40,000,000 shall be for co-
21 production activities of SRBMD systems in the United
22 States and in Israel to meet Israel’s defense requirements
23 consistent with each nation’s laws, regulations, and proce-
24 dures, subject to the U.S.-Israeli co-production agreement
25 for SRBMD, as amended; \$80,000,000 shall be for an

1 upper-tier component to the Israeli Missile Defense Archi-
2 tecture, of which \$80,000,000 shall be for co-production
3 activities of Arrow 3 Upper Tier systems in the United
4 States and in Israel to meet Israel’s defense requirements
5 consistent with each nation’s laws, regulations, and proce-
6 dures, subject to the U.S.-Israeli co-production agreement
7 for Arrow 3 Upper Tier, as amended; and \$173,000,000
8 shall be for the Arrow System Improvement Program in-
9 cluding development of a long range, ground and airborne,
10 detection suite: *Provided further*, That the transfer author-
11 ity provided under this provision is in addition to any
12 other transfer authority contained in this Act.

13 SEC. 8074. Of the amounts appropriated in this Act
14 under the heading “Shipbuilding and Conversion, Navy”,
15 \$1,328,146,000 shall be available until September 30,
16 2023, to fund prior year shipbuilding cost increases for
17 the following programs:

18 (1) Under the heading “Shipbuilding and Con-
19 version, Navy”, 2013/2023: Carrier Replacement
20 Program \$461,700,000;

21 (2) Under the heading “Shipbuilding and Con-
22 version, Navy”, 2015/2023: Virginia Class Sub-
23 marine Program \$46,060,000;

1 (3) Under the heading “Shipbuilding and Con-
2 version, Navy”, 2015/2023: DDG–51 Destroyer
3 \$30,231,000;

4 (4) Under the heading “Shipbuilding and Con-
5 version, Navy”, 2015/2023: Littoral Combat Ship
6 \$4,250,000;

7 (5) Under the heading “Shipbuilding and Con-
8 version, Navy”, 2016/2023: DDG–51 Destroyer
9 \$24,238,000;

10 (6) Under the heading “Shipbuilding and Con-
11 version, Navy”, 2016/2023: Virginia Class Sub-
12 marine Program \$58,642,000;

13 (7) Under the heading “Shipbuilding and Con-
14 version, Navy”, 2016/2023: TAO Fleet Oiler
15 \$9,200,000;

16 (8) Under the heading “Shipbuilding and Con-
17 version, Navy”, 2016/2023: Littoral Combat Ship
18 \$18,000,000;

19 (9) Under the heading “Shipbuilding and Con-
20 version, Navy”, 2016/2023: CVN Refueling Over-
21 hauls \$62,000,000;

22 (10) Under the heading “Shipbuilding and Con-
23 version, Navy”, 2016/2023: Towing, Salvage, and
24 Rescue Ship Program \$11,250,000;

1 (11) Under the heading “Shipbuilding and Con-
2 version, Navy”, 2017/2023: DDG–51 Destroyer
3 \$168,178,000;

4 (12) Under the heading “Shipbuilding and Con-
5 version, Navy”, 2017/2023: LPD–17 \$17,739,000;

6 (13) Under the heading “Shipbuilding and Con-
7 version, Navy”, 2017/2023: LHA Replacement Pro-
8 gram \$19,300,000;

9 (14) Under the heading “Shipbuilding and Con-
10 version, Navy”, 2017/2023: Littoral Combat Ship
11 \$29,030,000;

12 (15) Under the heading “Shipbuilding and Con-
13 version, Navy”, 2018/2023: DDG–51 Destroyer
14 \$5,930,000;

15 (16) Under the heading “Shipbuilding and Con-
16 version, Navy”, 2018/2023: Littoral Combat Ship
17 \$9,538,000;

18 (17) Under the heading “Shipbuilding and Con-
19 version, Navy”, 2018/2023: TAO Fleet Oiler
20 \$12,500,000;

21 (18) Under the heading “Shipbuilding and Con-
22 version, Navy”, 2018/2023: Towing, Salvage, and
23 Rescue Ship Program \$6,750,000;

1 (19) Under the heading “Shipbuilding and Con-
2 version, Navy”, 2019/2023: Littoral Combat Ship
3 \$6,983,000;

4 (20) Under the heading “Shipbuilding and Con-
5 version, Navy”, 2019/2023: TAO Fleet Oiler
6 \$106,400,000;

7 (21) Under the heading “Shipbuilding and Con-
8 version, Navy”, 2019/2023: Towing, Salvage, and
9 Rescue Ship Program \$4,500,000;

10 (22) Under the heading “Shipbuilding and Con-
11 version, Navy”, 2021/2023: Virginia Class Sub-
12 marine Program \$200,000,000; and

13 (23) Under the heading “Shipbuilding and Con-
14 version, Navy”, 2021/2023: Towing, Salvage, and
15 Rescue Ship Program \$15,727,000.

16 SEC. 8075. Funds appropriated by this Act for intel-
17 ligence and intelligence-related activities are deemed to be
18 specifically authorized by the Congress for purposes of sec-
19 tion 504(a)(1) of the National Security Act of 1947 (50
20 U.S.C. 3094(a)(1)) until the enactment of the Intelligence
21 Authorization Act for Fiscal Year 2023.

22 SEC. 8076. None of the funds provided in this Act
23 shall be available for obligation or expenditure through a
24 reprogramming of funds that creates or initiates a new
25 program, project, or activity unless such program, project,

1 or activity must be undertaken immediately in the interest
2 of national security and only after written prior notifica-
3 tion to the congressional defense committees.

4 SEC. 8077. The budget of the President for fiscal
5 year 2024 submitted to the Congress pursuant to section
6 1105 of title 31, United States Code, shall include sepa-
7 rate budget justification documents for costs of United
8 States Armed Forces' participation in contingency oper-
9 ations for the Military Personnel accounts, the Operation
10 and Maintenance accounts, the Procurement accounts,
11 and the Research, Development, Test and Evaluation ac-
12 counts: *Provided*, That these documents shall include a de-
13 scription of the funding requested for each contingency op-
14 eration, for each military service, to include all Active and
15 Reserve components, and for each appropriations account:
16 *Provided further*, That these documents shall include esti-
17 mated costs for each element of expense or object class,
18 a reconciliation of increases and decreases for each contin-
19 gency operation, and programmatic data including, but
20 not limited to, troop strength for each Active and Reserve
21 component, and estimates of the major weapons systems
22 deployed in support of each contingency: *Provided further*,
23 That these documents shall include budget exhibits OP-
24 5 and OP-32 (as defined in the Department of Defense
25 Financial Management Regulation) for all contingency op-

1 erations for the budget year and the two preceding fiscal
2 years.

3 SEC. 8078. None of the funds in this Act may be
4 used for research, development, test, evaluation, procure-
5 ment or deployment of nuclear armed interceptors of a
6 missile defense system.

7 SEC. 8079. The Secretary of Defense may use up to
8 \$650,000,000 of the amounts appropriated or otherwise
9 made available in this Act to the Department of Defense
10 for the rapid acquisition and deployment of supplies and
11 associated support services pursuant to section 806 of the
12 Bob Stump National Defense Authorization Act for Fiscal
13 Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note),
14 but only for the purposes specified in clauses (i), (ii), (iii),
15 and (iv) of subsection (c)(3)(B) of such section and sub-
16 ject to the applicable limits specified in clauses (i), (ii),
17 and (iii) of such subsection and, in the case of clause (iv)
18 of such subsection, subject to a limit of \$50,000,000: *Pro-*
19 *vided*, That the Secretary of Defense shall notify the con-
20 gressional defense committees promptly of all uses of this
21 authority.

22 SEC. 8080. None of the funds appropriated or made
23 available in this Act shall be used to reduce or disestablish
24 the operation of the 53rd Weather Reconnaissance Squad-
25 ron of the Air Force Reserve, if such action would reduce

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

6 SEC. 8081. None of the funds provided in this Act
7 shall be available for integration of foreign intelligence in-
8 formation unless the information has been lawfully col-
9 lected and processed during the conduct of authorized for-
10 eign intelligence activities: *Provided*, That information
11 pertaining to United States persons shall only be handled
12 in accordance with protections provided in the Fourth
13 Amendment of the United States Constitution as imple-
14 mented through Executive Order No. 12333.

15 SEC. 8082. (a) None of the funds appropriated by
16 this Act may be used to transfer research and develop-
17 ment, acquisition, or other program authority relating to
18 current tactical unmanned aerial vehicles (TUAVs) from
19 the Army.

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

1 SEC. 8083. None of the funds appropriated by this
2 Act for programs of the Office of the Director of National
3 Intelligence shall remain available for obligation beyond
4 the current fiscal year, except for funds appropriated for
5 research and technology, which shall remain available until
6 September 30, 2024, and except for funds appropriated
7 for the purchase of real property, which shall remain avail-
8 able until September 30, 2025.

9 SEC. 8084. For purposes of section 1553(b) of title
10 31, United States Code, any subdivision of appropriations
11 made in this Act under the heading “Shipbuilding and
12 Conversion, Navy” shall be considered to be for the same
13 purpose as any subdivision under the heading “Ship-
14 building and Conversion, Navy” appropriations in any
15 prior fiscal year, and the 1 percent limitation shall apply
16 to the total amount of the appropriation.

17 SEC. 8085. (a) Not later than 60 days after the date
18 of the enactment of this Act, the Director of National In-
19 telligence shall submit a report to the congressional intel-
20 ligence committees to establish the baseline for application
21 of reprogramming and transfer authorities for fiscal year
22 2023: *Provided*, That the report shall include—

23 (1) a table for each appropriation with a sepa-
24 rate column to display the President’s budget re-
25 quest, adjustments made by Congress, adjustments

1 due to enacted rescissions, if appropriate, and the
2 fiscal year enacted level;

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

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

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

15 SEC. 8086. Any transfer of amounts appropriated to
16 the Department of Defense Acquisition Workforce Devel-
17 opment Account in or for fiscal year 2023 to a military
18 department or Defense Agency pursuant to section
19 1705(e)(1) of title 10, United States Code, shall be cov-
20 ered by and subject to section 8005 of this Act.

21 SEC. 8087. (a) None of the funds provided for the
22 National Intelligence Program in this or any prior appro-
23 priations Act shall be available for obligation or expendi-
24 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. 8088. (a) Any agency receiving funds made
25 available in this Act, shall, subject to subsections (b) and

1 (c), post on the public Web site of that agency any report
2 required to be submitted by the Congress in this or any
3 other Act, upon the determination by the head of the agen-
4 cy that it shall serve the national interest.

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

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

8 (2) the report contains proprietary information.

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

13 SEC. 8089. (a) None of the funds appropriated or
14 otherwise made available by this Act may be expended for
15 any Federal contract for an amount in excess of
16 \$1,000,000, unless the contractor agrees not to—

17 (1) enter into any agreement with any of its
18 employees or independent contractors that requires,
19 as a condition of employment, that the employee or
20 independent contractor agree to resolve through ar-
21 bitration any claim under title VII of the Civil
22 Rights Act of 1964 or any tort related to or arising
23 out of sexual assault or harassment, including as-
24 sault and battery, intentional infliction of emotional

1 distress, false imprisonment, or negligent hiring, su-
2 pervision, or retention; or

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

13 (b) None of the funds appropriated or otherwise
14 made available by this Act may be expended for any Fed-
15 eral contract unless the contractor certifies that it requires
16 each covered subcontractor to agree not to enter into, and
17 not to take any action to enforce any provision of, any
18 agreement as described in paragraphs (1) and (2) of sub-
19 section (a), with respect to any employee or independent
20 contractor performing work related to such subcontract.
21 For purposes of this subsection, a “covered subcon-
22 tractor” is an entity that has a subcontract in excess of
23 \$1,000,000 on a contract subject to subsection (a).

24 (c) The prohibitions in this section do not apply with
25 respect to a contractor’s or subcontractor’s agreements

1 with employees or independent contractors that may not
2 be enforced in a court of the United States.

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

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8090. From within the funds appropriated for
23 operation and maintenance for the Defense Health Pro-
24 gram in this Act, up to \$168,000,000, shall be available
25 for transfer to the Joint Department of Defense-Depart-

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

19 SEC. 8091. None of the funds appropriated or other-
20 wise made available by this Act may be used by the De-
21 partment of Defense or a component thereof in contraven-
22 tion of the provisions of section 130h of title 10, United
23 States Code.

24 SEC. 8092. Appropriations available to the Depart-
25 ment of Defense may be used for the purchase of heavy

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

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8093. Upon a determination by the Director of
8 National Intelligence that such action is necessary and in
9 the national interest, the Director may, with the approval
10 of the Office of Management and Budget, transfer not to
11 exceed \$1,500,000,000 of the funds made available in this
12 Act for the National Intelligence Program: *Provided*, That
13 such authority to transfer may not be used unless for
14 higher priority items, based on unforeseen intelligence re-
15 quirements, than those for which originally appropriated
16 and in no case where the item for which funds are re-
17 quested has been denied by the Congress: *Provided further*,
18 That a request for multiple reprogrammings of funds
19 using authority provided in this section shall be made
20 prior to June 30, 2023.

21 SEC. 8094. Of the amounts appropriated in this Act
22 for “Shipbuilding and Conversion, Navy”, \$138,000,000,
23 to remain available for obligation until September 30,
24 2027, may be used for the purchase of two used sealift
25 vessels for the National Defense Reserve Fleet, established

1 under section 11 of the Merchant Ship Sales Act of 1946
2 (46 U.S.C. 57100): *Provided*, That such amounts are
3 available for reimbursements to the Ready Reserve Force,
4 Maritime Administration account of the United States De-
5 partment of Transportation for programs, projects, activi-
6 ties, and expenses related to the National Defense Reserve
7 Fleet: *Provided further*, That notwithstanding section
8 2218 of title 10, United States Code, none of these funds
9 shall be transferred to the National Defense Sealift Fund
10 for execution.

11 SEC. 8095. The Secretary of Defense shall post grant
12 awards on a public website in a searchable format.

13 SEC. 8096. None of the funds made available by this
14 Act may be used by the National Security Agency to—

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

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

1 SEC. 8097. None of the funds made available in this
2 or any other Act may be used to pay the salary of any
3 officer or employee of any agency funded by this Act who
4 approves or implements the transfer of administrative re-
5 sponsibilities or budgetary resources of any program,
6 project, or activity financed by this Act to the jurisdiction
7 of another Federal agency not financed by this Act with-
8 out the express authorization of Congress: *Provided*, That
9 this limitation shall not apply to transfers of funds ex-
10 pressly provided for in Defense Appropriations Acts, or
11 provisions of Acts providing supplemental appropriations
12 for the Department of Defense.

13 SEC. 8098. Of the amounts appropriated in this Act
14 for “Operation and Maintenance, Navy”, \$589,325,000,
15 to remain available until expended, may be used for any
16 purposes related to the National Defense Reserve Fleet
17 established under section 11 of the Merchant Ship Sales
18 Act of 1946 (46 U.S.C. 57100): *Provided*, That such
19 amounts are available for reimbursements to the Ready
20 Reserve Force, Maritime Administration account of the
21 United States Department of Transportation for pro-
22 grams, projects, activities, and expenses related to the Na-
23 tional Defense Reserve Fleet.

24 SEC. 8099. (a) None of the funds provided in this
25 Act for the TAO Fleet Oiler program shall be used to

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

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

23 SEC. 8100. None of the funds provided in this Act
24 for requirements development, performance specification
25 development, concept design and development, ship con-

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

12 SEC. 8101. None of the funds made available by this
13 Act may be obligated or expended for the purpose of de-
14 commissioning the USS *Fort Worth*, the USS *Wichita*, the
15 USS *Billings*, the USS *Indianapolis*, or the USS *St.*
16 *Louis*.

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

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

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

6 SEC. 8103. None of the funds made available by this
7 Act may be used for Government Travel Charge Card ex-
8 penses by military or civilian personnel of the Department
9 of Defense for gaming, or for entertainment that includes
10 topless or nude entertainers or participants, as prohibited
11 by Department of Defense FMR, Volume 9, Chapter 3
12 and Department of Defense Instruction 1015.10 (enclo-
13 sure 3, 14a and 14b).

14 SEC. 8104. (a) None of the funds made available in
15 this Act may be used to maintain or establish a computer
16 network unless such network is designed to block access
17 to pornography websites.

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

24 SEC. 8105. In addition to amounts provided else-
25 where in this Act, there is appropriated \$300,751,000, for

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

1 *further*, That these provisions apply to funds provided
2 under this section, and to funds previously provided by
3 Congress to construct, renovate, repair, or expand elemen-
4 tary and secondary public schools on military installations
5 in order to address capacity or facility condition defi-
6 ciencies at such schools to the extent such funds remain
7 unobligated on the date of enactment of this section.

8 SEC. 8106. In carrying out the program described in
9 the memorandum on the subject of “Policy for Assisted
10 Reproductive Services for the Benefit of Seriously or Se-
11 verely Ill/Injured (Category II or III) Active Duty Service
12 Members” issued by the Assistant Secretary of Defense
13 for Health Affairs on April 3, 2012, and the guidance
14 issued to implement such memorandum, the Secretary of
15 Defense shall apply such policy and guidance, except
16 that—

17 (1) the limitation on periods regarding embryo
18 cryopreservation and storage set forth in part III(G)
19 and in part IV(H) of such memorandum shall not
20 apply; and

21 (2) the term “assisted reproductive technology”
22 shall include embryo cryopreservation and storage
23 without limitation on the duration of such
24 cryopreservation and storage.

1 SEC. 8107. None of the funds provided for, or other-
2 wise made available, in this or any other Act, may be obli-
3 gated or expended by the Secretary of Defense to provide
4 motorized vehicles, aviation platforms, munitions other
5 than small arms and munitions appropriate for customary
6 ceremonial honors, operational military units, or oper-
7 ational military platforms if the Secretary determines that
8 providing such units, platforms, or equipment would un-
9 dermine the readiness of such units, platforms, or equip-
10 ment.

11 SEC. 8108. The Secretary of Defense may obligate
12 and expend funds made available under this Act for pro-
13 curement or for research, development, test and evaluation
14 for the F-35 Joint Strike Fighter to modify up to six F-
15 35 aircraft, including up to two F-35 aircraft of each vari-
16 ant, to a test configuration: *Provided*, That the Secretary
17 of Defense shall, with the concurrence of the Secretary
18 of the Air Force and the Secretary of the Navy, notify
19 the congressional defense committees not fewer than 30
20 days prior to obligating and expending funds under this
21 section: *Provided further*, That any transfer of funds pur-
22 suant to the authority provided in this section shall be
23 made in accordance with section 8005 of this Act: *Pro-*
24 *vided further*, That aircraft referred to previously in this
25 section are not additional to aircraft referred to in section

1 8135 of the Department of Defense Appropriations Act,
2 2019, section 8126 of the Department of Defense Approp-
3 riations Act, 2020, section 8122 of the Department of
4 Defense Appropriations Act, 2021, and section 8112 of
5 the Department of Defense Appropriations Act, 2022.

6 SEC. 8109. (a) None of the funds made available by
7 this or any other Act may be used to enter into a contract,
8 memorandum of understanding, or cooperative agreement
9 with, make a grant to, or provide a loan or loan guarantee
10 to any corporation that has any unpaid Federal tax liabil-
11 ity that has been assessed, for which all judicial and ad-
12 ministrative remedies have been exhausted or have lapsed,
13 and that is not being paid in a timely manner pursuant
14 to an agreement with the authority responsible for col-
15 lecting such tax liability, provided that the applicable Fed-
16 eral agency is aware of the unpaid Federal tax liability.

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

23 SEC. 8110. None of the funds appropriated or other-
24 wise made available by this Act may be used to transfer
25 the National Reconnaissance Office to the Space Force:

1 *Provided*, That nothing in this Act shall be construed to
2 limit or prohibit cooperation, collaboration, and coordina-
3 tion between the National Reconnaissance Office and the
4 Space Force or any other elements of the Department of
5 Defense.

6 SEC. 8111. None of the funds appropriated or other-
7 wise made available by this Act may be used to transfer
8 any element of the Department of the Army, the Depart-
9 ment of the Navy, or a Department of Defense agency
10 to the Space Force unless, concurrent with the fiscal year
11 2024 budget submission (as submitted to Congress pursu-
12 ant to section 1105 of title 31, United States Code), the
13 Secretary of Defense, not to be delegated, provides a re-
14 port to the Committees on Appropriations of the House
15 of Representatives and the Senate, detailing any plans to
16 transfer appropriate space elements of the Department of
17 the Army, the Department of the Navy, or a Department
18 of Defense agency to the Space Force and certifies in writ-
19 ing to the Committees on Appropriations of the House of
20 Representatives and the Senate that such transfer is con-
21 sistent with the mission of the Space Force and will not
22 have an adverse impact on the Department or agency from
23 which such element is being transferred: *Provided*, That
24 such report shall include fiscal year 2024 budget and fu-

1 ture years defense program adjustments associated with
2 such planned transfers.

3 SEC. 8112. None of the funds appropriated or other-
4 wise made available by this Act may be used to establish
5 a field operating agency of the Space Force.

6 SEC. 8113. During fiscal year 2023, the monetary
7 limitation imposed by section 2208(l)(3) of title 10,
8 United States Code may be exceeded by up to
9 \$1,000,000,000.

10 SEC. 8114. (a) Amounts appropriated in this Act may
11 be used for expenses for the agile research, development,
12 test and evaluation, procurement, production, modifica-
13 tion, and operation and maintenance, only for the fol-
14 lowing Software and Digital Technology Pilot programs—

15 (1) Defensive Cyber—Software Prototype De-
16 velopment (PE 0608041A);

17 (2) Risk Management Information (PE
18 0608013N);

19 (3) Maritime Tactical Command Control (PE
20 0608231N);

21 (4) Defense Enterprise Accounting and Man-
22 agement System (PE 0608920F);

23 (5) Air Force Defensive Cyber Systems (PE
24 0308605F);

- 1 (6) All Domain Common Platform (PE
2 0308606F);
- 3 (7) Air Force Weather Programs
4 (PE0308607F);
- 5 (8) Electronic Warfare Integrated Reprogram-
6 ming (PE 0308608F);
- 7 (9) Space Command and Control (PE
8 1208248SF);
- 9 (10) National Background Investigation Serv-
10 ices (PE 0608197V);
- 11 (11) Acquisition Visibility (PE 0608648D8Z);
- 12 (12) Global Command and Control System-
13 Joint (PE 0308150K);
- 14 (13) National Industrial Security Systems (PE
15 0308609V);
- 16 (14) Classified Programs (RDTE, Defense-
17 Wide, BA-08, line 999); and
- 18 (15) Department of Defense Medical Informa-
19 tion Exchange and Interoperability, Enterprise Intel-
20 ligence and Data Solutions (Tile VI, Defense Health
21 Program, RDTE).
- 22 (b) None of the funds appropriated by this or prior
23 Department of Defense Appropriations Acts may be obli-
24 gated or expended to initiate additional Software and Dig-
25 ital Technology Pilot Programs in fiscal year 2023.

1 SEC. 8115. None of the funds made available in this
2 Act may be used in contravention of the following laws
3 enacted or regulations promulgated to implement the
4 United Nations Convention Against Torture and Other
5 Cruel, Inhuman or Degrading Treatment or Punishment
6 (done at New York on December 10, 1984):

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

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

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

21 SEC. 8116. During the current fiscal year, the De-
22 partment of Defense is authorized to incur obligations of
23 not to exceed \$350,000,000 for purposes specified in sec-
24 tion 2350j(c) of title 10, United States Code, in anticipa-
25 tion of receipt of contributions, only from the Government

1 of Kuwait, under that section: *Provided*, That, such con-
2 tributions shall, upon receipt, be credited to the appropria-
3 tions or fund which incurred such obligations.

4 SEC. 8117. The Secretary of Defense shall notify the
5 congressional defense committees in writing not more than
6 30 days after the receipt of any contribution of funds re-
7 ceived from the government of a foreign country for any
8 purpose relating to the stationing or operations of the
9 United States Armed Forces: *Provided*, That such notifi-
10 cation shall include the amount of the contribution; the
11 purpose for which such contribution was made; and the
12 authority under which such contribution was accepted by
13 the Secretary of Defense: *Provided further*, That not fewer
14 than 15 days prior to obligating such funds, the Secretary
15 of Defense shall submit to the congressional defense com-
16 mittees in writing a notification of the planned use of such
17 contributions, including whether such contributions would
18 support existing or new stationing or operations of the
19 United States Armed Forces.

20 SEC. 8118. From funds made available in title II of
21 this Act, the Secretary of Defense may purchase for use
22 by military and civilian employees of the Department of
23 Defense in the United States Central Command area of
24 responsibility: (1) passenger motor vehicles up to a limit
25 of \$75,000 per vehicle; and (2) heavy and light armored

1 vehicles for the physical security of personnel or for force
2 protection purposes up to a limit of \$450,000 per vehicle,
3 notwithstanding price or other limitations applicable to the
4 purchase of passenger carrying vehicles.

5 SEC. 8119. Not later than 15 days after the date on
6 which any foreign base that involves the stationing or op-
7 erations of the United States Armed Forces, including a
8 temporary base, permanent base, or base owned and oper-
9 ated by a foreign country, is opened or closed, the Sec-
10 retary of Defense shall notify the congressional defense
11 committees in writing of the opening or closing of such
12 base: *Provided*, That such notification shall also include
13 information on any personnel changes, costs, and savings
14 associated with the opening or closing of such base: *Pro-*
15 *vided further*, That of the funds made available under the
16 heading “Operation and Maintenance, Defense-Wide” for
17 the Office of the Secretary of Defense, \$50,000,000 shall
18 not be available for obligation or expenditure until the Sec-
19 retary submits the foreign base notifications required by
20 the explanatory statement for the Department of Defense
21 Appropriations Act, 2021 (division C of Public Law 116–
22 260) and the explanatory statement for the Department
23 of Defense Appropriations Act, 2022 (division C of Public
24 Law 117–103).

1 SEC. 8120. The Secretary of Defense shall provide
2 quarterly reports to the congressional defense committees
3 on the deployment of United States Armed Forces by each
4 geographic combatant command, including the number of
5 members of the Armed Forces, civilian employees of the
6 Department of Defense, and contract personnel, as well
7 as the country and named operation, if applicable, to
8 which such personnel are assigned: *Provided*, That of the
9 funds made available under the heading “Operation and
10 Maintenance, Defense-Wide” for the Office of the Sec-
11 retary of Defense, \$50,000,000 shall not be available for
12 obligation or expenditure until the Secretary submits the
13 quarterly reports on deployment of United States Armed
14 Forces required by the explanatory statement for the De-
15 partment of Defense Appropriations Act, 2021 (division
16 C of Public Law 116–260) and the explanatory statement
17 for the Department of Defense Appropriations Act, 2022
18 (division C of Public Law 117–103).

19 SEC. 8121. (a) The Chairman of the Joint Chiefs,
20 in coordination with the Secretaries of the military depart-
21 ments and the Chiefs of the Armed Forces, shall submit
22 to the congressional defense committees, not later than 30
23 days after the last day of each quarter of the fiscal year,
24 a report on the use of operation and maintenance funds
25 for activities or exercises in excess of \$5,000,000 that have

1 been designated by the Secretary of Defense as unplanned
2 activities for fiscal year 2023.

3 (b) Each report required by subsection (a) shall also
4 include—

5 (1) the title, date, and location, of each activity
6 and exercise covered by the report;

7 (2) an identification of the military department
8 and units that participated in each such activity or
9 exercise (including an estimate of the number of
10 participants);

11 (3) the total cost of the activity or exercise, by
12 budget line item (with a breakdown by cost element
13 such as transportation); and

14 (4) a short explanation of the objective of the
15 activity or exercise.

16 (c) The report required by subsection (a) shall be
17 submitted in unclassified form, but may include a classi-
18 fied annex.

19 SEC. 8122. None of the funds made available by this
20 Act may be used in contravention of the War Powers Res-
21 olution (50 U.S.C. 1541 et seq.).

22 SEC. 8123. None of the funds made available by this
23 Act may be used with respect to Iraq in contravention of
24 the War Powers Resolution (50 U.S.C. 1541 et seq.), in-
25 cluding for the introduction of United States Armed

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

8 SEC. 8124. None of the funds made available by this
9 Act may be used with respect to Syria in contravention
10 of the War Powers Resolution (50 U.S.C. 1541 et seq.),
11 including for the introduction of United States armed or
12 military forces into hostilities in Syria, into situations in
13 Syria where imminent involvement in hostilities is clearly
14 indicated by the circumstances, or into Syrian territory,
15 airspace, or waters while equipped for combat, in con-
16 travention of the congressional consultation and reporting
17 requirements of sections 3 and 4 of that law (50 U.S.C.
18 1542 and 1543).

19 SEC. 8125. Nothing in this Act may be construed as
20 authorizing the use of force against Iran or the Demo-
21 cratic People's Republic of Korea.

22 SEC. 8126. None of the funds appropriated or other-
23 wise made available by this or any other Act shall be obli-
24 gated or expended by the United States Government for
25 a purpose as follows:

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

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

6 SEC. 8127. None of the funds made available by this
7 Act under the heading “Counter-ISIS Train and Equip
8 Fund”, and under the heading “Operation and Mainte-
9 nance, Defense-Wide” for Department of Defense security
10 cooperation grant programs, may be used to procure or
11 transfer man-portable air defense systems.

12 SEC. 8128. None of the funds made available by this
13 Act for excess defense articles, assistance under section
14 333 of title 10, United States Code, or peacekeeping oper-
15 ations for the countries designated annually to be in viola-
16 tion of the standards of the Child Soldiers Prevention Act
17 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may
18 be used to support any military training or operation that
19 includes child soldiers, as defined by the Child Soldiers
20 Prevention Act of 2008, unless such assistance is other-
21 wise permitted under section 404 of the Child Soldiers
22 Prevention Act of 2008.

23 SEC. 8129. None of the funds made available by this
24 Act may be made available for any member of the Taliban.

1 SEC. 8130. Notwithstanding any other provision of
2 law, any transfer of funds, appropriated or otherwise made
3 available by this Act, for support to friendly foreign coun-
4 tries in connection with the conduct of operations in which
5 the United States is not participating, pursuant to section
6 331(d) of title 10, United States Code, shall be made in
7 accordance with section 8005 of this Act.

8 SEC. 8131. Of the amounts appropriated in this Act
9 under the heading “Operation and Maintenance, Defense-
10 Wide”, for the Defense Security Cooperation Agency,
11 \$1,377,850,000, to remain available until September 30,
12 2024, shall be available for International Security Co-
13 operation Programs and other programs to provide sup-
14 port and assistance to foreign security forces or other
15 groups or individuals to conduct, support or facilitate
16 counterterrorism, crisis response, or building partner ca-
17 pacity programs: *Provided*, That the Secretary of Defense
18 shall, not less than 15 days prior to obligating funds made
19 available in this section, notify the congressional defense
20 committees in writing of the details of any planned obliga-
21 tion: *Provided further*, That the Secretary of Defense shall
22 provide quarterly reports to the Committees on Appropria-
23 tions of the House of Representatives and the Senate on
24 the use and status of funds made available in this section.

1 SEC. 8132. Of the amounts appropriated in this Act
2 under the heading “Operation and Maintenance, Defense-
3 Wide”, for the Defense Security Cooperation Agency,
4 \$25,000,000, to remain available until September 30,
5 2024, shall be for payments to reimburse key cooperating
6 nations for logistical, military, and other support, includ-
7 ing access, provided to United States military and stability
8 operations to counter the Islamic State of Iraq and Syria:
9 *Provided*, That such reimbursement payments may be
10 made in such amounts as the Secretary of Defense, with
11 the concurrence of the Secretary of State, and in consulta-
12 tion with the Director of the Office of Management and
13 Budget, may determine, based on documentation deter-
14 mined by the Secretary of Defense to adequately account
15 for the support provided, and such determination is final
16 and conclusive upon the accounting officers of the United
17 States, and 15 days following written notification to the
18 appropriate congressional committees: *Provided further*,
19 That these funds may be used for the purpose of providing
20 specialized training and procuring supplies and specialized
21 equipment and providing such supplies and loaning such
22 equipment on a non-reimbursable basis to coalition forces
23 supporting United States military and stability operations
24 to counter the Islamic State of Iraq and Syria, and 15
25 days following written notification to the appropriate con-

1 gressional committees: *Provided further*, That the Sec-
2 retary of Defense shall provide quarterly reports to the
3 Committees on Appropriations of the House of Represent-
4 atives and the Senate on the use and status of funds made
5 available in this section.

6 SEC. 8133. Of the amounts appropriated in this Act
7 under the heading “Operation and Maintenance, Defense-
8 Wide”, for the Defense Security Cooperation Agency,
9 \$445,000,000, to remain available until September 30,
10 2024, shall be available to reimburse Jordan, Lebanon,
11 Egypt, Tunisia, and Oman under section 1226 of the Na-
12 tional Defense Authorization Act for Fiscal Year 2016 (22
13 U.S.C. 2151 note), for enhanced border security, of which
14 not less than \$150,000,000 shall be for Jordan: *Provided*,
15 That the Secretary of Defense shall, not less than 15 days
16 prior to obligating funds made available in this section,
17 notify the congressional defense committees in writing of
18 the details of any planned obligation and the nature of
19 the expenses incurred: *Provided further*, That the Sec-
20 retary of Defense shall provide quarterly reports to the
21 Committees on Appropriations of the House of Represent-
22 atives and the Senate on the use and status of funds made
23 available in this section.

24 SEC. 8134. Up to \$500,000,000 of funds appro-
25 priated by this Act for the Defense Security Cooperation

1 Agency in “Operation and Maintenance, Defense-Wide”
2 may be used to provide assistance to the Government of
3 Jordan to support the armed forces of Jordan and to en-
4 hance security along its borders.

5 SEC. 8135. Of the amounts appropriated in this Act
6 under the heading “Operation and Maintenance, Defense-
7 Wide”, for the Defense Security Cooperation Agency,
8 \$300,000,000, to remain available until September 30,
9 2024, shall be for the Ukraine Security Assistance Initia-
10 tive: *Provided*, That such funds shall be available to the
11 Secretary of Defense, with the concurrence of the Sec-
12 retary of State, to provide assistance, including training;
13 equipment; lethal assistance; logistics support, supplies
14 and services; salaries and stipends; sustainment; and intel-
15 ligence support to the military and national security forces
16 of Ukraine, and to other forces or groups recognized by
17 and under the authority of the Government of Ukraine,
18 including governmental entities within Ukraine, engaged
19 in resisting Russian aggression against Ukraine, for re-
20 placement of any weapons or articles provided to the Gov-
21 ernment of Ukraine from the inventory of the United
22 States, and to recover or dispose of equipment procured
23 using funds made available in this section in this or prior
24 Acts: *Provided further*, That such funds may be obligated
25 and expended notwithstanding section 1250 of the Na-

1 tional Defense Authorization Act for Fiscal Year 2016
2 (Public Law 114–92): *Provided further*, That the Sec-
3 retary of Defense shall, not less than 15 days prior to obli-
4 gating funds made available in this section, notify the con-
5 gressional defense committees in writing of the details of
6 any such obligation: *Provided further*, That the Secretary
7 of Defense shall, not more than 60 days after such notifi-
8 cation is made, inform such committees if such funds have
9 not been obligated and the reasons therefor: *Provided fur-*
10 *ther*, That the Secretary of Defense shall consult with such
11 committees in advance of the provision of support provided
12 to other forces or groups recognized by and under the au-
13 thority of the Government of Ukraine: *Provided further*,
14 That the United States may accept equipment procured
15 using funds made available in this section in this or prior
16 Acts transferred to the security forces of Ukraine and re-
17 turned by such forces to the United States: *Provided fur-*
18 *ther*, That equipment procured using funds made available
19 in this section in this or prior Acts, and not yet trans-
20 ferred to the military or national security forces of
21 Ukraine or to other assisted entities, or returned by such
22 forces or other assisted entities to the United States, may
23 be treated as stocks of the Department of Defense upon
24 written notification to the congressional defense commit-
25 tees: *Provided further*, That the Secretary of Defense shall

1 provide quarterly reports to the congressional defense
2 committees on the use and status of funds made available
3 in this section.

4 SEC. 8136. (a) None of the funds appropriated or
5 otherwise made available by this or any other Act may
6 be used by the Secretary of Defense, or any other official
7 or officer of the Department of Defense, to enter into a
8 contract, memorandum of understanding, or cooperative
9 agreement with, or make a grant to, or provide a loan
10 or loan guarantee to Rosoboronexport or any subsidiary
11 of Rosoboronexport.

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

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

22 (2) the armed forces of the Russian Federation
23 have withdrawn from Ukraine; 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. 8137. None of the funds made available by this
13 Act may be used to provide arms, training, or other assist-
14 ance to the Azov Battalion.

15 SEC. 8138. None of the funds appropriated or other-
16 wise made available by this Act may be used to support
17 or facilitate offensive military operations conducted by the
18 Saudi-led coalition against the Houthis in the war in
19 Yemen.

20 SEC. 8139. None of the funds appropriated or other-
21 wise made available by this Act may be used to operate
22 the detention facility at United States Naval Station,
23 Guantanamo Bay, Cuba, after September 30, 2023.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8140. Upon determination by the Secretary of
3 Defense that such action is necessary to address an emer-
4 gent need related to, or to improve the effectiveness or
5 efficiency of, matters over which the commander of United
6 States Cyber Command has responsibilities under section
7 167b(d) of title 10, United States Code, the Secretary
8 may, with the approval of the Director of the Office of
9 Management and Budget and 15 days following written
10 notification to the Committees on Appropriations of the
11 House of Representatives and the Senate, transfer
12 amounts made available for cyber activities in appropria-
13 tions in this Act for Operation and Maintenance, Procure-
14 ment, and Research, Development, Test and Evaluation:
15 *Provided*, That transfers pursuant to this section shall be
16 made in accordance with section 8005 of this Act, as ap-
17 plicable, except that transfers among appropriations pur-
18 suant to this section shall not be taken into account for
19 purposes of the limitation on the amount of funds that
20 may be transferred under section 8005.

21 SEC. 8141. In addition to the amounts otherwise
22 available, there is appropriated to the Secretary of De-
23 fense, \$1,000,000,000, to remain available until Sep-
24 tember 30, 2026, for transfer only to other appropriations
25 or funds available to the Department of Defense (includ-

1 ing amounts available for military construction): *Provided*,
2 That such funds shall be available to the Secretary of De-
3 fense for the purpose of conducting activities taken to
4 comply with State of Hawaii Department of Health laws
5 or otherwise determined to be appropriate, including ac-
6 tivities relating to improvements of infrastructure and
7 defueling, at the Red Hill Bulk Fuel Storage Facility: *Pro-*
8 *vided further*, That amounts transferred pursuant to this
9 section shall be merged with, and be available for the same
10 purposes and time period as the appropriations or funds
11 to which transferred: *Provided further*, That upon a deter-
12 mination that all or part of the funds transferred from
13 this appropriation are not necessary for the purposes pro-
14 vided herein, such amounts may be transferred back to
15 this appropriation: *Provided further*, That the transfer au-
16 thority provided herein is in addition to any other transfer
17 authority provided by law: *Provided further*, That not less
18 than 30 days prior to any transfer of funds pursuant to
19 this section, the Secretary of Defense shall notify the con-
20 gressional defense committees of the details of any such
21 transfer.

22 SEC. 8142. During the current fiscal year, the Sec-
23 retary of Defense and Secretaries of the military depart-
24 ments may expend amounts made available for operation
25 and maintenance for any purpose the Secretary concerned

1 determines to be appropriate with regard to the response
2 to the disruption of the water supply near the Red Hill
3 Bulk Fuel Storage Facility, on Oahu, Hawaii: *Provided*,
4 That such a determination is final and conclusive upon
5 the accounting officers of the United States.

6 SEC. 8143. In addition to the amounts otherwise
7 available, there is appropriated to the Department of De-
8 fense, \$600,000,000, for an additional amount for title I
9 of this Act for pay for military personnel: *Provided*, That
10 amounts made available under this section shall be trans-
11 ferred to the accounts in title I of this Act: *Provided fur-*
12 *ther*, That the transfer authority provided herein is in ad-
13 dition to any other transfer authority provided by law:
14 *Provided further*, That the Secretary of Defense shall in-
15 clude the details of any such transfer in the report re-
16 quired by section 8007 of this Act.

17 SEC. 8144. None of the funds appropriated or other-
18 wise made available by this Act may be used to reduce
19 the availability of aircraft primarily used in support of
20 travel for the official or representational duties of mem-
21 bers of Congress or official duties of members of the Cabi-
22 net below the level of availability of such aircraft during
23 fiscal year 2022: *Provided*, That not later than 90 days
24 after the date of the enactment of this Act, the Secretary
25 of Defense shall submit to the congressional defense com-

1 mitted a report on the necessary steps taken by the De-
2 partment of Defense to meet the official travel needs of
3 Congress and the Cabinet in fiscal years 2023 and 2024.

4 SEC. 8145. None of the funds appropriated or other-
5 wise made available by this Act may be used to deny leave
6 for any member of the Armed Forces or civilian employee
7 of the Department of Defense—

8 (1) who is pregnant and requests leave to ob-
9 tain an abortion; or

10 (2) who is the spouse, partner, or significant
11 other of a pregnant individual and requests leave to
12 assist that individual in obtaining an abortion.

13 SEC. 8146. None of the funds made available by this
14 Act may be used to support any activity conducted by,
15 or associated with, the Wuhan Institute of Virology.

16 SEC. 8147. None of the funds made available by this
17 Act may be used to fund any work to be performed by
18 EcoHealth Alliance, Inc. in China on research supported
19 by the government of China unless the Secretary of De-
20 fense determines that a waiver to such prohibition is in
21 the national security interests of the United States and,
22 not later than 14 days after granting such a waiver, sub-
23 mits to the congressional defense committees a detailed
24 justification for the waiver, including—

1 (1) an identification of the Department of De-
2 fense entity obligating or expending the funds;

3 (2) an identification of the amount of such
4 funds;

5 (3) an identification of the intended purpose of
6 such funds;

7 (4) an identification of the recipient or prospec-
8 tive recipient of such funds (including any third-
9 party entity recipient, as applicable);

10 (5) an explanation for how the waiver is in the
11 national security interests of the United States; and

12 (6) any other information the Secretary deter-
13 mines appropriate.

14 SEC. 8148. Effective 240 days after the date of the
15 enactment of this Act, the Authorization for Use of Mili-
16 tary Force (Public Law 107–40; 50 U.S.C. 1541 note)
17 is hereby repealed.

18 SEC. 8149. The Authorization for Use of Military
19 Force Against Iraq Resolution of 2002 (Public Law 107–
20 243; 116 Stat. 1498; 50 U.S.C. 1541 note) is hereby re-
21 pealed.

22 This Act may be cited as the “Department of Defense
23 Appropriations Act, 2023”.

Union Calendar No. 296

117TH CONGRESS
2^D SESSION

H. R. 8236

[Report No. 117-388]

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2023, and for other purposes.

JUNE 24, 2022

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