[COMMITTEE PRINT]

NOTICE: This bill is a draft for use of the Committee and its Staff only, in preparation for markup.

Calendar No. 000

117TH CONGRESS
1ST SESSION

S. 0000

[Report No. 117–000]

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

IN THE SENATE OF THE UNITED STATES

October ______, 2021

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

A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. TABLE OF CONTENTS.

Sec. 1. Table of contents.
Sec. 2. References.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2022

Title I—Military Personnel
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DIVISION B—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES—ADDITIONAL APPROPRIATIONS ACT, 2022

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DIVISION C—MILITARY CONSTRUCTION, VETERANS AFFAIRS—ADDITIONAL APPROPRIATIONS ACT, 2022

Title I—Department of Defense
Title II—Department of Veterans Affairs
Title III—General Provision—This Division

SEC. 2. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.
DIVISION A—DEPARTMENT OF DEFENSE

APPROPRIATIONS ACT, 2022

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, $47,849,194,000.

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, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $35,559,079,000.

MILITARY PERSONNEL, MARINE CORPS

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 Marine Corps on active duty (except members of the Reserve provided for elsewhere); 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, $14,593,112,000.

MILITARY PERSONNEL, AIR FORCE

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 Air Force 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, $35,132,419,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 7038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,077,037,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent
duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,299,539,000.

 RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $810,869,000.

 RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified
in section 12310(a) of title 10, United States Code, or
while undergoing reserve training, or while performing
drills or equivalent duty or other duty, and expenses au-
thorized by section 16131 of title 10, United States Code;
and for payments to the Department of Defense Military
Retirement Fund, $2,296,985,000.

**NATIONAL GUARD PERSONNEL, ARMY**

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

**NATIONAL GUARD PERSONNEL, AIR FORCE**

For pay, allowances, clothing, subsistence, gratuities,
travel, and related expenses for personnel of the Air Na-
tional Guard on duty under sections 10211, 10305, or
12402 of title 10 or section 708 of title 32, United States
Code, or while serving on duty under section 12301(d) of
Title 10 or section 502(f) of Title 32, United States Code,
in connection with performing duty specified in section
12310(a) of Title 10, United States Code, or while under-
going training, or while performing drills or equivalent
duty or other duty, and expenses authorized by section
16131 of Title 10, United States Code; and for payments
to the Department of Defense Military Retirement Fund,
$4,747,296,000.
TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, $56,239,985,000: Provided, That not to exceed $12,478,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of the Army, and payments may be made upon his certificate of necessity for confidential military purposes.

Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, $62,895,758,000: Provided, That not to exceed $15,055,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of the Navy, and payments may be made upon his certificate of necessity for confidential military purposes.

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $9,313,631,000.
OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, $55,619,741,000: Provided, That not to exceed $7,699,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of the Air Force, and payments may be made upon his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, SPACE FORCE

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

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $45,317,901,000: Provided, That not more than $3,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed $36,000,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary
of Defense, and payments may be made upon his certifi-
cate of necessity for confidential military purposes: Pro-
vided further, That of the funds provided under this head-
ing, not less than $48,000,000 shall be made available for
the Procurement Technical Assistance Cooperative Agree-
ment Program, of which not less than $4,500,000 shall
be available for centers defined in 10 U.S.C. 2411(1)(D):
Provided further, That none of the funds appropriated or
otherwise made available by this Act may be used to plan
or implement the consolidation of a budget or appropria-
tions liaison office of the Office of the Secretary of De-
fense, the office of the Secretary of a military department,
or the service headquarters of one of the Armed Forces
into a legislative affairs or legislative liaison office: Pro-
vided further, That $56,895,000, to remain available until
expended, is available only for expenses relating to certain
classified activities, and may be transferred as necessary
by the Secretary of Defense to operation and maintenance
appropriations or research, development, test and evalua-
tion appropriations, to be merged with and to be available
for the same time period as the appropriations to which
transferred: Provided further, That any ceiling on the in-
vestment item unit cost of items that may be purchased
with operation and maintenance funds shall not apply to
the funds described in the preceding proviso: Provided fur-
ther, That of the funds provided under this heading, $1,963,404,000, of which $1,055,220,000, to remain available until September 30, 2023, shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or other Department of Defense security cooperation programs: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

COUNTER-ISIS TRAIN AND EQUIP FUND

For the “Counter-Islamic State of Iraq and Syria Train and Equip Fund”, $492,000,000, to remain available until September 30, 2023: Provided, That such funds shall be available to the Secretary of Defense in coordination with the Secretary of State, to provide assistance, including training; equipment; logistics support, supplies, and services; stipends; infrastructure repair and renovation; construction for facility fortification and humane treatment; and sustainment, to foreign security forces, irregular forces, groups, or individuals participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria, and their affiliated or associated groups: Provided further, That amounts made available under this heading shall be available to provide assistance
only for activities in a country designated by the Secretary of Defense, in coordination with the Secretary of State, as having a security mission to counter the Islamic State of Iraq and Syria, and following written notification to the congressional defense committees of such designation:

Provided further, That the Secretary of Defense shall ensure that prior to providing assistance to elements of any forces or individuals, such elements or individuals are appropriately vetted, including at a minimum, assessing such elements for associations with terrorist groups or groups associated with the Government of Iran; and receiving commitments from such elements to promote respect for human rights and the rule of law: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: Provided further, That the Secretary of Defense may accept and retain contributions, including assistance in-kind, from foreign governments, including the Government of Iraq and other entities, to carry out assistance authorized under this heading: Provided further, That contributions of funds for the purposes provided herein from any foreign government or other entity may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further,
That the Secretary of Defense shall prioritize such contributions when providing any assistance for construction for facility fortification: Provided further, That the Secretary of Defense may waive a provision of law relating to the acquisition of items and support services or sections 40 and 40A of the Arms Export Control Act (22 U.S.C. 2780 and 2785) if the Secretary determines that such provision of law would prohibit, restrict, delay or otherwise limit the provision of such assistance and a notice of and justification for such waiver is submitted to the congressional defense committees, the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives: Provided further, That the United States may accept equipment procured using funds provided under this heading, or under the heading, “Iraq Train and Equip Fund” in prior Acts, that was transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria and returned by such forces or groups to the United States, and such equipment may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: Provided further, That equipment procured using funds provided under this heading, or...
under the heading, “Iraq Train and Equip Fund” in prior Acts, and not yet transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and Syria may be treated as stocks of the Department of Defense when determined by the Secretary to no longer be required for transfer to such forces or groups and upon written notification to the congressional defense committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided under this heading, including, but not limited to, the number of individuals trained, the nature and scope of support and sustainment provided to each group or individual, the area of operations for each group, and the contributions of other countries, groups, or individuals.

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,008,635,000.
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Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,130,198,000.

Operation and Maintenance, Marine Corps Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $335,450,000.

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,317,106,000.
Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $7,705,193,000.

Operation and Maintenance, Air National Guard

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair,
modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,678,660,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

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

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $299,606,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available
to the Department of the Army, to be merged with and
to be available for the same purposes and for the same
time period as the appropriations to which transferred:

Provided further, That upon a determination that all or
part of the funds transferred from this appropriation are
not necessary for the purposes provided herein, such
amounts may be transferred back to this appropriation:

Provided further, That the transfer authority provided
under this heading is in addition to any other transfer au-
thority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $465,550,000, to
remain available until transferred: Provided, That the Sec-
retary of the Navy shall, upon determining that such
funds are required for environmental restoration, reduc-
tion and recycling of hazardous waste, removal of unsafe
buildings and debris of the Department of the Navy, or
for similar purposes, transfer the funds made available by
this appropriation to other appropriations made available
to the Department of the Navy, to be merged with and
to be available for the same purposes and for the same
time period as the appropriations to which transferred:

Provided further, That upon a determination that all or
part of the funds transferred from this appropriation are
not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: 

Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Environmental Restoration, Air Force

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $796,568,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.
ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $8,783,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $218,580,000, to remain available until transferred: Provided, That the Sec-
The Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $110,051,000, to remain available until September 30, 2023.
1 COOPERATIVE THREAT REDUCTION ACCOUNT
2 For assistance, including assistance provided by con-
3 tract or by grants, under programs and activities of the
4 Department of Defense Cooperative Threat Reduction
5 Program authorized under the Department of Defense Co-
6 operative Threat Reduction Act, $239,849,000, to remain
7 available until September 30, 2024.
8
9 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
10 DEVELOPMENT ACCOUNT
11 For the Department of Defense Acquisition Work-
12 force Development Account, $56,679,000: Provided, That
13 no other amounts may be otherwise credited or transferred
14 to the Account, or deposited into the Account, in fiscal
15 year 2022 pursuant to section 1705(d) of title 10, United
16 States Code.
TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

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

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired,
and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,487,796,000, to remain available for obligation until September 30, 2024.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,250,563,000, to remain available for obligation until September 30, 2024.
PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,074,163,000, to remain available for obligation until September 30, 2024.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests
therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $8,496,987,000, to remain available for obligation until September 30, 2024.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $17,710,805,000, to remain available for obligation until September 30, 2024.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts,
and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,134,152,000, to remain available for obligation until September 30, 2024.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $853,620,000, to remain available for obligation until September 30, 2024.
SHIPBUILDING AND CONVERSION, NAVY

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

Columbia Class Submarine, $3,003,000,000;
Columbia Class Submarine (AP), $1,773,980,000;
Carrier Replacement Program (CVN–80), $1,068,705,000;
Carrier Replacement Program (CVN–81), $1,299,764,000;
Virginia Class Submarine, $4,199,240,000;
Virginia Class Submarine (AP), $2,105,407,000;
CVN Refueling Overhauls, $2,444,218,000;
CVN Refueling Overhauls (AP), $66,262,000;
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1. DDG–1000 Program, $56,597,000;
2. DDG–51 Destroyer, $3,675,987,000;
3. DDG–51 Destroyer (AP), $120,000,000;
4. FFG–Frigate, $1,090,900,000;
5. LPD Flight II, $60,636,000;
6. LPD Flight II (AP), $250,000,000;
7. Expeditionary Sea Base, $577,000,000;
8. LHA Replacement, $68,637,000;
9. Expeditionary Fast Transport, $590,000,000;
10. TAO Fleet Oiler, $668,184,000;
11. TAGOS Surtass Ships, $434,384,000;
12. Towing Salvage and Rescue Ship, $183,800,000;
13. LCU 1700, $67,928,000;
14. Ship to Shore Connector, $351,738,000;
15. Service Craft, $67,866,000;
16. LCAC SLEP, $32,712,000;
17. For outfitting, post delivery, conversions, and first destination transportation, $641,260,000; and
18. Completion of Prior Year Shipbuilding Programs, $660,795,000.
19. In all: $25,559,000,000, to remain available for obligation until September 30, 2026: Provided, That additional obligations may be incurred after September 30, 2026, for engineering services, tests, evaluations, and
other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: Provided further, That funds appropriated or otherwise made available by this Act for Columbia Class Submarine (AP) may be available for the purposes authorized by subsections (f), (g), (h) or (i) of section 2218a of title 10, United States Code, only in accordance with the provisions of the applicable subsection: Provided further, That prior to entering into a contract for more than one amphibious ship, the Secretary of Defense shall provide to the congressional defense committees the future years defense program which displays the funding programmed for all shipbuilding programs currently or anticipated to be under a multiyear contract, block buy contract, or other contract involving economic order quantity.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided
for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $11,349,471,000, to remain available for obligation until September 30, 2024: Provided, That such funds are also available for the maintenance, repair, and modernization of ships under a pilot program established for such purposes.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be ac-
quired, and construction prosecuted thereon prior to approval of title, $3,496,614,000, to remain available for obligation until September 30, 2024.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $17,311,222,000, to remain available for obligation until September 30, 2024.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installa-
tion thereof in such plants, erection of structures, and ac-
quision of land, for the foregoing purposes, and such
lands and interests therein, may be acquired, and con-
struction prosecuted thereon prior to approval of title; re-
serve plant and Government and contractor-owned equip-
ment layaway; and other expenses necessary for the fore-
going purposes including rents and transportation of
things, $2,584,306,000, to remain available for obligation
until September 30, 2024.

PROCUREMENT OF AMMUNITION, AIR FORCE

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

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $26,367,426,000, to remain available for obligation until September 30, 2024.

Procurement, Space Force

For construction, procurement, and modification of spacecraft, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and con-
struction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,728,549,000, to remain available for obligation until September 30, 2024.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefore, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $5,898,393,000, to remain available for obligation until September 30, 2024.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
$302,927,000, to remain available until expended, which shall be obligated and expended by the Secretary of Defense as if delegated the necessary authorities conferred by the Defense Production Act of 1950.

NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

For procurement of rotary-wing aircraft; combat, tactical and support vehicles; other weapons; and other procurement items for the reserve components of the Armed Forces, $1,450,000,000, to remain available for obligation until September 30, 2024: Provided, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: Provided further, That none of the funds made available by this paragraph may be used to procure manned fixed wing aircraft, or procure or modify missiles, munitions, or ammunition.
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TITLE IV

RESEARCH, DEVELOPMENT, TEST AND
EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

ARMY

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

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

NAVY

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

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

AIR FORCE

For expenses necessary for basic and applied sci-
entific research, development, test and evaluation, includ-
ing maintenance, rehabilitation, lease, and operation of fa-
ilities and equipment, $40,098,662,000, to remain available for obligation until September 30, 2023.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, SPACE FORCE**

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,642,581,000, to remain available until September 30, 2023.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE**

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $29,120,239,000, to remain available for obligation until September 30, 2023.

**OPERATIONAL TEST AND EVALUATION, DEFENSE**

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial oper-
ational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $276,591,000, to remain available for obligation until September 30, 2023.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $2,027,000,000.
TITLE VI
OTHER DEPARTMENT OF DEFENSE PROGRAMS
DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $36,206,487,000; of which $33,598,152,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2023, and of which up to $17,786,547,000 may be available for contracts entered into under the TRICARE program; of which $758,708,000, to remain available for obligation until September 30, 2024, shall be for procurement; and of which $1,849,627,000, to remain available for obligation until September 30, 2023, shall be for research, development, test and evaluation: Provided, That of the funds provided under this heading for research, development, test and evaluation, not less than $954,500,000 shall be made available to the United States Army Medical Research and Development Command to carry out the congressionally directed medical research programs.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal...
chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,094,352,000, of which $93,121,000 shall be for operation and maintenance, of which no less than $48,668,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $22,134,000 for activities on military installations and $26,534,000, to remain available until September 30, 2023, to assist State and local governments; and $1,001,231,000, to remain available until September 30, 2023, shall be for research, development, test and evaluation, of which $995,011,000 shall only be for the Assembled Chemical Weapons Alternatives program.

**Drug Interdiction and Counter-Drug Activities, Defense**

*(including transfer of funds)*

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $939,149,000, of which
$593,250,000 shall be for counter-narcotics support; $126,024,000 shall be for the drug demand reduction program; $194,211,000 shall be for the National Guard counter-drug program; and $25,664,000 shall be for the National Guard counter-drug schools program: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

Office of the Inspector General

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $438,363,000, of which $435,918,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended upon the approval or authority of the Inspector General, and payments may be made upon the Inspector General’s certificate of necessity for confidential military purposes;
of which $80,000, to remain available for obligation until September 30, 2024, shall be for procurement; and of which $2,365,000, to remain available until September 30, 2023, shall be for research, development, test and evaluation.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $610,370,000.
TITLE VIII
GENERAL PROVISIONS

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

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.
SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers’ Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer not to exceed $6,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally
appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2022: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled “Committee Recommended Adjustments” in the explanatory statement regarding this Act and the ta-
bles contained in the classified annex accompanying this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: Provided, That section 8005 of this Act shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts, subject to the limitation in subsection (c): Provided further, That the transfer amount limitation provided in section 8005 of this Act shall not apply to transfers of amounts described in subsection (a) if such transfers are necessary for the proper execution of the specified purpose of such funds.

(c) Amounts specified in the referenced tables described in subsection (a) may not be transferred pursuant to section 8005 of this Act to a purpose other than which is specified, unless such funds remain unobligated at the end of the fiscal year in which they were appropriated.
SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2022: Provided, That the report shall include—

(1) a table for each appropriation with a separate column to display the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement: Provided, That this subsection shall not
apply to transfers from the following appropriations accounts:

(1) “Environmental Restoration, Army”;
(2) “Environmental Restoration, Navy”;
(3) “Environmental Restoration, Air Force”;
(4) “Environmental Restoration, Defense-Wide”;
(5) “Environmental Restoration, Formerly Used Defense Sites”; and
(6) “Drug Interdiction and Counter-drug Activities, Defense”.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the “Foreign Currency Fluctuations, Defense” appropriation and the “Operation and Maintenance” appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such
transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer: *Provided further,* That except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided,* That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order
quantity advance procurement is not funded at least to
the limits of the Government’s liability: Provided further,
That no part of any appropriation contained in this Act
shall be available to initiate multiyear procurement con-
tracts for any systems or component thereof if the value
of the multiyear contract would exceed $500,000,000 un-
less specifically provided in this Act: Provided further,
That no multiyear procurement contract can be termi-
nated without 30-day prior notification to the congres-
sional defense committees: Provided further, That the exe-
cution of multiyear authority shall require the use of a
present value analysis to determine lowest cost compared
to an annual procurement: Provided further, That none of
the funds provided in this Act may be used for a multiyear
contract executed after the date of the enactment of this
Act unless in the case of any such contract—
(1) the Secretary of Defense has submitted to
Congress a budget request for full funding of units
to be procured through the contract and, in the case
of a contract for procurement of aircraft, that in-
cludes, for any aircraft unit to be procured through
the contract for which procurement funds are re-
quested in that budget request for production be-
yond advance procurement activities in the fiscal
year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

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

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

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

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of title
10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

Sec. 8012. (a) During the current fiscal year, the civilian personnel of the Department of Defense may not be managed solely on the basis of any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees, but are to be managed primarily on the basis of, and in a manner consistent with—
(1) the total force management policies and procedures established under section 129a of title 10, United States Code;

(2) the workload required to carry out the functions and activities of the Department; and

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

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

(e) A projection of the number of full-time equivalent positions shall not be considered a constraint or limitation for purposes of subsection (a) and reducing funding for under-execution of such a projection shall not be considered managing based on a constraint or limitation for purposes of such subsection.

(d) The fiscal year 2023 budget request for the Department of Defense, and any justification material and other documentation supporting such a request, shall be prepared and submitted to Congress as if subsections (a) and (b) were effective with respect to such fiscal year.
(e) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active components of the Army.

(TRANSFER OF FUNDS)

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

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

SEC. 8016. None of the funds in this Act may be
available for the purchase by the Department of Defense
(and its departments and agencies) of welded shipboard
anchor and mooring chain unless the anchor and mooring
chain are manufactured in the United States from compo-
nents which are substantially manufactured in the United
States: Provided, That for the purpose of this section, the
term “manufactured” shall include cutting, heat treating,
quality control, testing of chain and welding (including the
forging and shot blasting process): Provided further, That
for the purpose of this section substantially all of the com-
ponents of anchor and mooring chain shall be considered
to be produced or manufactured in the United States if
the aggregate cost of the components produced or manu-
factured in the United States exceeds the aggregate cost
of the components produced or manufactured outside the
United States: *Provided further*, That when adequate do-
mestic supplies are not available to meet Department of
Defense requirements on a timely basis, the Secretary of
the Service responsible for the procurement may waive this
restriction on a case-by-case basis by certifying in writing
to the Committees on Appropriations of the House of Rep-
resentatives and the Senate that such an acquisition must
be made in order to acquire capability for national security
purposes.

SEC. 8017. None of the funds appropriated by this
Act shall be used for the support of any nonappropriated
funds activity of the Department of Defense that procures
malt beverages and wine with nonappropriated funds for
resale (including such alcoholic beverages sold by the
drink) on a military installation located in the United
States unless such malt beverages and wine are procured
within that State, or in the case of the District of Colum-
bia, within the District of Columbia, in which the military
installation is located: *Provided*, That in a case in which
the military installation is located in more than one State,
purchases may be made in any State in which the installa-
tion is located: *Provided further*, That such local procure-
ment requirements for malt beverages and wine shall
apply to all alcoholic beverages only for military installa-
tions in States which are not contiguous with another
State: *Provided further,* That alcoholic beverages other
than wine and malt beverages, in contiguous States and
the District of Columbia shall be procured from the most
competitive source, price and other factors considered.

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

SEC. 8019. No more than $500,000 of the funds ap-
propriated or made available in this Act shall be used dur-
ing a single fiscal year for any single relocation of an orga-
nization, unit, activity or function of the Department of
Defense into or within the National Capital Region: *Pro-
vided,* That the Secretary of Defense may waive this re-
striction on a case-by-case basis by certifying in writing
to the congressional defense committees that such a relo-
cation is required in the best interest of the Government.
SEC. 8020. Of the funds made available in this Act, up to $17,500,000 may be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and
controlled by an individual or individuals defined under
section 4221(9) of title 25, United States Code.

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

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

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

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

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

SEC. 8022. Of the funds appropriated to the Department of Defense under the heading “Operation and Maintenance, Defense-Wide”, not less than $12,000,000 may be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

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

SEC. 8024. None of the funds available in this Act to the Department of Defense, other than appropriations made for necessary or routine refurbishments, upgrades or maintenance activities, shall be used to reduce or to prepare to reduce the number of deployed and non-de-
ployed strategic delivery vehicles and launchers below the levels set forth in the report submitted to Congress in accordance with section 1042 of the National Defense Authorization Act for Fiscal Year 2012.

SEC. 8025. Of the amounts appropriated for “Working Capital Fund, Army”, $125,000,000 shall be available to maintain competitive rates at the arsenals.

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

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

(2) $11,400,000 shall be available from “Aircraft Procurement, Air Force”; and

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

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

SEC. 8027. (a) None of the funds appropriated in this Act are available to establish a new Department of De-
defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

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

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2022, not more than 6,053 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That within such funds for 6,053 staff years, funds shall be available only for 1,148 staff years for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program and the Military Intelligence Program: Provided further, That the limit on staff years in the matter preceding the first proviso in this subsection may be increased to 6,153, from within funds available to the Department during fiscal year 2022, no sooner than 60 days after the Secretary of Defense submits in writing to the congressional defense committees—

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

(2) a complete breakdown of the estimated 6,153 staff years by program and primary sponsor for fiscal year 2022;
(3) a list of corrective actions planned and implemented following the 2019 Under Secretary of Defense (Research and Engineering)-led FFRDC management review regarding the implementation of a strategic management process and continued independence of defense FFRDCs;

(4) a plan to commission a near-term independent review and assessment of current FFRDC and potentially competitive non-FFRDC entities’ core competencies as compared to new or emerging requirements; and

(5) a plan to commission a near-term independent review of current Department of Defense and military service workforce core competencies as compared to new or emerging requirements, to include a review of current and proposed workforce development, talent management, and professional military education initiatives and career options.

(e) The Secretary of Defense shall, with the submission of the department’s fiscal year 2023 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC by program during that fiscal year and the associated budget estimates.
SEC. 8028. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8029. For the purposes of this Act, the term “congressional intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8030. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that success-

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ful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

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

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

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-
competitive, quality competitive, and available in a timely fashion.

Sec. 8032. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

Sec. 8033. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative,
determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary’s blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2022. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.
(c) For purposes of this section, the term “Buy American Act” means chapter 83 of title 41, United States Code.

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

Sec. 8035. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

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

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

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

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section XI (chapters 50–65) of the Harmonized Tariff Schedule of the United States and products classified under headings 4010, 4202, 4203, 6401 through 6406,
Sec. 8037. None of the funds made available in this Act, or any subsequent Act making appropriations for the Department of Defense, may be used for the purchase or manufacture of a flag of the United States unless such flags are treated as covered items under section 2533a(b) of title 10, United States Code.

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

Sec. 8039. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in a named contingency operation overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.
SEC. 8040. Amounts appropriated or otherwise made available to the Department of Defense in this Act, may not be obligated or expended for the retirement or divestiture of the RQ–4 Global Hawk Block 40 aircraft: Provided, That the Secretary of the Air Force is prohibited from deactivating the corresponding squadrons responsible for the operations of the aforementioned aircraft.

SEC. 8041. Up to $6,520,000 of the funds appropriated under the heading “Operation and Maintenance, Navy” may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the United States Indo-Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8042. The Secretary of Defense shall issue regulations to prohibit the sale of any tobacco or tobacco-related products in military resale outlets in the United
States, its territories and possessions at a price below the most competitive price in the local community: Provided, That such regulations shall direct that the prices of tobacco or tobacco-related products in overseas military retail outlets shall be within the range of prices established for military retail system stores located in the United States.

SEC. 8043. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2023 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2023 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment
which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2023 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8044. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2023: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947 (50 U.S.C. 3093) shall remain available until September 30, 2023: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for the construction, improvement, or alteration of facilities, including leased facilities,
to be used primarily by personnel of the intelligence community, shall remain available until September 30, 2024.

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

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee’s place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and the Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

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

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats;
(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense;

(4) an Air Force field operating agency established to administer the Air Force Mortuary Affairs Program and Mortuary Operations for the Department of Defense and authorized Federal entities;

(5) a Space Force field operating agency established to provide space-related foundational scientific and technical intelligence support for the warfighter, the acquisition community, and National-level policymakers;

(6) a Space Force direct reporting unit established to conduct analysis, modeling, wargaming, and experimentation to create operational concepts and develop future force design options; or

(7) a Space Force field operating agency established to execute whole of talent management life-cycle delivery aligned to a mission-focused, agile, and small Force.

Sec. 8046. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this
Act, is performed by Department of Defense civilian employees unless—

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

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization’s personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or
(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

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

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

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

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

(e) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(RESCISSIONS)

SEC. 8047. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or
the Balanced Budget and Emergency Deficit Control Act of 1985:

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

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

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

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

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

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

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

“Procurement of Ammunition, Navy and Marine Corps”, 2021/2023, $30,000,000;

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

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

“Procurement, Marine Corps”, 2021/2023, $219,057,000;
“Aircraft Procurement, Air Force”, 2021/2023, $805,481,000;
“Procurement, Space Force”, 2021/2023, $45,700,000;
“Procurement of Ammunition, Air Force”, 2021/2023, $436,791,000;
“Other Procurement, Air Force”, 2021/2023, $181,890,000;
“Research, Development, Test and Evaluation, Army”, 2021/2022, $92,441,000;
“Research, Development, Test and Evaluation, Navy”, 2021/2022, $51,500,000;
“Research, Development, Test and Evaluation, Air Force”, 2021/2022, $15,000,000;
“Research, Development, Test and Evaluation, Space Force”, 2021/2022, $146,368,000; and

Sec. 8048. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions
are a direct result of a reduction in military force structure.

SEC. 8049. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People’s Republic of Korea unless specifically appropriated for that purpose:

Provided, That this restriction shall not apply to any activities incidental to the Defense POW/MIA Accounting Agency mission to recover and identify the remains of United States Armed Forces personnel from the Democratic People’s Republic of Korea.

SEC. 8050. In this fiscal year and each fiscal year thereafter, funds appropriated for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program:

Provided, That nothing in this section authorizes deviation
from established Reserve and National Guard personnel and training procedures.

SEC. 8051. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8052. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $22,500,000 is hereby appropriated to the Department of Defense: Provided, That upon the determination of the Secretary of Defense that it shall serve the national interest, the Secretary shall make grants in the amounts specified as follows: $22,500,000 to the United Service Organizations.

SEC. 8053. Notwithstanding any other provision in this Act, the Small Business Innovation Research program and the Small Business Technology Transfer program set-asides shall be taken proportionally from all programs, projects, or activities to the extent they contribute to the
extramural budget. The Secretary of each military department, the Director of each Defense Agency, and the head of each other relevant component of the Department of Defense shall submit to the congressional defense committees, concurrent with submission of the budget justification documents to Congress pursuant to section 1105 of title 31, United States Code, a report with a detailed accounting of the Small Business Innovation Research program and the Small Business Technology Transfer program set-asides taken from programs, projects, or activities within such department, agency, or component during the most recently completed fiscal year.

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

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

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 8056. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and
(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account:

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

Sec. 8057. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may per-
mit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8058. Of the funds appropriated in this Act under the heading “Operation and Maintenance, Defense-Wide”, $46,000,000 shall be for continued implementation and expansion of the Sexual Assault Special Victims’ Counsel Program: Provided, That the funds are made available for transfer to the Department of the Army, the Department of the Navy, and the Department of the Air Force: Provided further, That funds transferred shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: Provided further, That this transfer authority is in addition to any other transfer authority provided in this Act.
Sec. 8059. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense shall, at the time of the submittal to Congress of the budget of the President for fiscal year 2023 pursuant to section 1105 of title 31, United States Code, submit to the congressional defense committees a report detailing the use of funds requested in research, development, test and evaluation accounts for end-items used in development, prototyping and test activities preceding and leading to acceptance for operational use: Provided further, That the report shall set forth, for each end-item covered by the preceding proviso, a detailed list of the statutory authorities under which amounts in the accounts described in that proviso were used for such item: Provided further, That the Secretary of Defense shall, at the time of the submittal to Congress of the budget of the President for fiscal year 2023 pursuant to section 1105 of title 31, United States Code, submit to the con-
gressional defense committees a certification that funds requested for fiscal year 2023 in research, development, test and evaluation are in compliance with this section: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8060. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8061. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congres-
1. Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

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

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

SEC. 8064. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary tracer (API–T)”, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of
Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

Sec. 8065. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

(Including Transfer of Funds)

Sec. 8066. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Army”, $152,925,875 shall remain available until expended: Provided, That, notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided,
vided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8067. (a) None of the funds appropriated in this or any other Act may be used to take any action to modify—

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

(2) how the National Intelligence Program budget request is presented in the unclassified P–1, R–1, and O–1 documents supporting the Department of Defense budget request;

(3) the process by which the National Intelligence Program appropriations are apportioned to the executing agencies; or
(4) the process by which the National Intelligence Program appropriations are allotted, obligated and disbursed.

(b) Nothing in subsection (a) shall be construed to prohibit the merger of programs or changes to the National Intelligence Program budget at or below the Expenditure Center level, provided such change is otherwise in accordance with paragraphs (1)–(3) of subsection (a).

c) The Director of National Intelligence and the Secretary of Defense may jointly, only for the purposes of achieving auditable financial statements and improving fiscal reporting, study and develop detailed proposals for alternative financial management processes. Such study shall include a comprehensive counterintelligence risk assessment to ensure that none of the alternative processes will adversely affect counterintelligence.

d) Upon development of the detailed proposals defined under subsection (c), the Director of National Intelligence and the Secretary of Defense shall—

(1) provide the proposed alternatives to all affected agencies;

(2) receive certification from all affected agencies attesting that the proposed alternatives will help achieve auditability, improve fiscal reporting, and will not adversely affect counterintelligence; and
(3) not later than 30 days after receiving all necessary certifications under paragraph (2), present the proposed alternatives and certifications to the congressional defense and intelligence committees.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8068. In addition to amounts made available elsewhere in this Act, $500,000,000 is hereby appropriated to the Department of Defense and made available for transfer to the operation and maintenance accounts and research, development, test and evaluation accounts of the Army, Navy, Marine Corps, Air Force, and Space Force for purposes of improving tactical artificial intelligence at the Combatant Commands: Provided, That none of the funds provided under this section may be obligated or expended until 90 days after the Secretary of Defense provides to the congressional defense committees an execution plan: Provided further, That not less than 30 days prior to any transfer of funds, the Secretary of Defense shall notify the congressional defense committees of the details of any such transfer: Provided further, That upon transfer, the funds shall be merged with and available for the same purposes, and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided under this section is in ad-
dition to any other transfer authority provided elsewhere in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for “Operation and Maintenance, Army”, “Operation and Maintenance, Navy”, and “Operation and Maintenance, Air Force” may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 8071. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of United States Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force until a written
modification has been proposed to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the proposed modification may be implemented 30 days after the notification unless an objection is received from either the House or Senate Appropriations Committees: Provided further, That any proposed modification shall not preclude the ability of the commander of United States Indo-Pacific Command to meet operational requirements.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the headings “Procurement, Defense-Wide” and “Research, Development, Test and Evaluation, Defense-Wide”, $500,000,000 shall be for the Israeli Cooperative Programs: Provided, That of this amount, $108,000,000 shall be for the Secretary of Defense to provide to the Gov-
ernment of Israel for the procurement of the Iron Dome
defense system to counter short-range rocket threats, sub-
ject to the U.S.-Israel Iron Dome Procurement Agree-
ment, as amended; $157,000,000 shall be for the Short
Range Ballistic Missile Defense (SRBMD) program, in-
cluding cruise missile defense research and development
under the SRBMD program, of which $30,000,000 shall
be for co-production activities of SRBMD systems in the
United States and in Israel to meet Israel’s defense re-
quirements consistent with each nation’s laws, regulations,
and procedures, subject to the U.S.-Israeli co-production
agreement for SRBMD, as amended; $62,000,000 shall
be for an upper-tier component to the Israeli Missile De-
fense Architecture, of which $62,000,000 shall be for co-
production activities of Arrow 3 Upper Tier systems in
the United States and in Israel to meet Israel’s defense
requirements consistent with each nation’s laws, regula-
tions, and procedures, subject to the U.S.-Israeli co-pro-
duction agreement for Arrow 3 Upper Tier, as amended;
and $173,000,000 shall be for the Arrow System Improve-
ment Program including development of a long range,
ground and airborne, detection suite: Provided further,
That the transfer authority provided under this provision
is in addition to any other transfer authority contained
in this Act.
SEC. 8074. Of the amounts appropriated in this Act under the heading “Shipbuilding and Conversion, Navy”, $660,795,000 shall be available until September 30, 2022, to fund prior year shipbuilding cost increases for the following programs:

(1) Under the heading “Shipbuilding and Conversion, Navy”, 2013/2022: Carrier Replacement Program $291,000,000;

(2) Under the heading “Shipbuilding and Conversion, Navy”, 2015/2022: DDG–51 Destroyer $44,577,000;

(3) Under the heading “Shipbuilding and Conversion, Navy”, 2016/2022: DDG–51 Destroyer $1,176,000;

(4) Under the heading “Shipbuilding and Conversion, Navy”, 2016/2022: TAO Fleet Oiler $23,358,000;

(5) Under the heading “Shipbuilding and Conversion, Navy”, 2016/2022: Littoral Combat Ship $24,860,000;

(6) Under the heading “Shipbuilding and Conversion, Navy”, 2016/2022: CVN Refueling Overhauls $158,800,000;

(7) Under the heading “Shipbuilding and Conversion, Navy”, 2017/2022: LPD–17 $53,682,000;
(8) Under the heading “Shipbuilding and Conversion, Navy”, 2017/2022: Littoral Combat Ship $20,000,000; and


SEC. 8075. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2022 until the enactment of the Intelligence Authorization Act for Fiscal Year 2022.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8077. In addition to amounts made available elsewhere in this Act, $100,000,000 is hereby appropriated to the Department of Defense and made available for transfer to the Department of Defense Acquisition
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Workforce Development Account and the operation and maintenance accounts of the Army, Navy, Marine Corps, Air Force, and Space Force for purposes of recruiting and training the Department of Defense artificial intelligence-literate acquisition workforce: Provided, That none of the funds provided under this section may be obligated or expended until 90 days after the Secretary of Defense provides to the congressional defense committees an execution plan: Provided further, That not less than 30 days prior to any transfer of funds, the Secretary of Defense shall notify the congressional defense committees of the details of any such transfer: Provided further, That upon transfer, the funds shall be merged with and be available for the same purposes, and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided under this section is in addition to any other transfer authority provided elsewhere in this Act.

Sec. 8078. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

Sec. 8079. The Secretary of Defense may use up to $650,000,000 of the amounts appropriated or otherwise made available in this Act to the Department of Defense
for the rapid acquisition and deployment of supplies and associated support services pursuant to section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note), but only for the purposes specified in clauses (i), (ii), (iii), and (iv) of subsection (c)(3)(B) of such section and subject to the applicable limits specified in clauses (i), (ii), and (iii) of such subsection and, in the case of clause (iv) of such subsection, subject to a limit of $50,000,000: Provided, That the Secretary of Defense shall notify the congressional defense committees promptly of all uses of this authority.

SEC. 8080. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8081. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized for-
esign intelligence activities: **Provided,** That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

**SEC. 8082.** (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

**SEC. 8083.** None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2023, and except for funds appropriated for the purchase of real property, which shall remain available until September 30, 2024.

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

SEC. 8085. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2022: Provided, That the report shall include—

(1) a table for each appropriation with a separate column to display the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence...
committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

Sec. 8086. Any transfer of amounts appropriated to the Department of Defense Acquisition Workforce Development Account in or for fiscal year 2022 to a military department or Defense Agency pursuant to section 1705(e)(1) of title 10, United States Code, shall be covered by and subject to section 8005 of this Act.

Sec. 8087. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that—

(1) creates a new start effort;

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

(3) transfers funding into or out of the National Intelligence Program; or

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

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

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

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

(b) Subsection (a) shall not apply to a report if—
(1) the public posting of the report compromises national security; or
(2) the report contains proprietary information.

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

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

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitra-
tion any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a “covered subcontractor” is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

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

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

(INCLUDING TRANSFER OF FUNDS)

Sec. 8091. From within the funds appropriated for
operation and maintenance for the Defense Health Pro-
gram in this Act, up to $137,000,000, shall be available
for transfer to the Joint Department of Defense-Depart-
ment of Veterans Affairs Medical Facility Demonstration
Fund in accordance with the provisions of section 1704
of the National Defense Authorization Act for Fiscal Year
2010, Public Law 111–84: Provided, That for purposes
of section 1704(b), the facility operations funded are oper-
ations of the integrated Captain James A. Lovell Federal
Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: Provided further, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

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

Sec. 8093. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of per-
sonnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8094. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed $1,500,000,000 of the funds made available in this Act for the National Intelligence Program: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2022.

SEC. 8095. Notwithstanding any other provision of this Act, to reflect revised economic assumptions, the total amount appropriated in title II of this Act is hereby increased by $1,330,000,000, the total amount appropriated in title III of this Act is hereby increased by $692,000,000, the total amount appropriated in title IV
of this Act is hereby increased by $585,000,000, the total amount appropriated in title V of this Act is hereby increased by $10,000,000, and the total amount appropriated in title VI of this Act is hereby increased by $196,178,000. Provided, That the Secretary of Defense shall allocate this increase proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

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

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

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

(2) acquire, monitor, or store the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication of a United States person from a provider of electronic communication services to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.
SEC. 8098. None of the funds made available in this Act or any other Act may be used to pay the salary of any officer or employee of any agency funded by this Act who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8099. Of the amounts appropriated in this Act for “Operation and Maintenance, Navy”, $435,032,000, to remain available until expended, may be used for any purposes related to the National Defense Reserve Fleet established under section 11 of the Merchant Ship Sales Act of 1946 (46 U.S.C. 57100): Provided, That such amounts are available for reimbursements to the Ready Reserve Force, Maritime Administration account of the United States Department of Transportation for programs, projects, activities, and expenses related to the National Defense Reserve Fleet.

SEC. 8100. None of the funds made available in this Act may be obligated for activities authorized under sec-
tion 1208 of the Ronald W. Reagan National Defense Authoriza-
tion Act for Fiscal Year 2005 (Public Law 112–81; 125 Stat. 1621) to initiate support for, or expand sup-
port to, foreign forces, irregular forces, groups, or individ-
uals unless the congressional defense committees are noti-
ified in accordance with the direction contained in the clas-
sified annex accompanying this Act, not less than 15 days
before initiating such support: Provided, That none of the
funds made available in this Act may be used under sec-
tion 1208 for any activity that is not in support of an
ongoing military operation being conducted by United
States Special Operations Forces to combat terrorism:
Provided further, That the Secretary of Defense may waive
the prohibitions in this section if the Secretary determines
that such waiver is required by extraordinary cir-
cumstances and, by not later than 72 hours after making
such waiver, notifies the congressional defense committees
of such waiver.

Sec. 8101. (a) None of the funds provided in this
Act for the TAO Fleet Oiler program shall be used to
award a new contract that provides for the acquisition of
the following components unless those components are
manufactured in the United States: Auxiliary equipment
(including pumps) for shipboard services; propulsion
equipment (including engines, reduction gears, and propel-
lers); shipboard cranes; anchor chains; and spreaders for shipboard cranes.

(b) None of the funds provided in this Act for the FFG(X) Frigate program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Air circuit breakers; gyrocompasses; electronic navigation chart systems; steering controls; pumps; propulsion and machinery control systems; totally enclosed lifeboats; auxiliary equipment pumps; shipboard cranes; auxiliary chill water systems; and propulsion propellers: Provided, That the Secretary of the Navy shall incorporate United States manufactured propulsion engines and propulsion reduction gears into the FFG(X) Frigate program beginning not later than with the eleventh ship of the program.

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

(1) the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2302 note); or
(2) credited to a military-department specific fund established under section 804(d)(2) of the National Defense Authorization Act for Fiscal Year 2016 (as amended by section 897 of the National Defense Authorization Act for Fiscal Year 2017).

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

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities, or for any activity necessary for the national defense, including intelligence activities.

SEC. 8104. None of the funds provided for, or otherwise made available, in this or any other Act, may be obligated or expended by the Secretary of Defense to provide motorized vehicles, aviation platforms, munitions other than small arms and munitions appropriate for customary ceremonial honors, operational military units, or operational military platforms if the Secretary determines that providing such units, platforms, or equipment would undermine the readiness of such units, platforms, or equipment.
SEC. 8105. The Secretary of Defense may obligate and expend funds made available under this Act for procurement or for research, development, test and evaluation for the F–35 Joint Strike Fighter to modify up to six F–35 aircraft, including up to two F–35 aircraft of each variant, to a test configuration: Provided, That the Secretary of Defense shall, with the concurrence of the Secretary of the Air Force and the Secretary of the Navy, notify the congressional defense committees not fewer than 30 days prior to obligating and expending funds under this section: Provided further, That any transfer of funds pursuant to the authority provided in this section shall be made in accordance with section 8005 of this Act: Provided further, That aircraft referred to previously in this section are not additional to aircraft referred to in section 8135 of the Department of Defense Appropriations Act, 2019, section 8126 of the Department of Defense Appropriations Act, 2020, and section 8122 of the Department of Defense Appropriations Act, 2021.

SEC. 8106. (a) None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and ad-
ministrative remedies have been exhausted or have lapsed,
and that is not being paid in a timely manner pursuant
to an agreement with the authority responsible for col-
lecting such tax liability, provided that the applicable Fed-
eral agency is aware of the unpaid Federal tax liability.

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

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

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

Sec. 8109. (a) Amounts appropriated under title IV
of this Act, as detailed in budget activity eight of the ta-
bles of “Committee Recommended Adjustments” in the explanatory statement regarding this Act, may be used for expenses for the agile research, development, test and evaluation, procurement, production, modification, and operation and maintenance, only for the following Software and Digital Technology Pilot programs—

(1) Defensive Cyber—Software Prototype Development (PE 0608041A);

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

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

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

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

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

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

(8) Acquisition Visibility (PE 0608648D8Z).

(b) None of the funds appropriated by this or prior Department of Defense Appropriations Acts may be obligated or expended to initiate additional Software and Digital Technology Pilot Programs in fiscal year 2022.
SEC. 8110. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Defense-Wide”, $5,000,000, to remain available until September 30, 2023: Provided, That such funds shall only be available to the Secretary of Defense, acting through the Office of Local Defense Community Cooperation of the Department of Defense, to make grants to communities impacted by military aviation noise for the purpose of installing noise mitigating insulation at covered facilities: Provided further, That to be eligible to receive a grant under the program, a community must enter into an agreement with the Secretary under which the community prioritizes the use of funds for the installation of noise mitigation at covered facilities in the community: Provided further, That as a condition of receiving funds under this section a State or local entity shall provide a matching share of ten percent: Provided further, That grants under the program may be used to meet the Federal match requirement under the airport improvement program established under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code: Provided further, That, in carrying out the program, the Secretary of Defense shall coordinate with the Secretary of Transportation to minimize duplication of efforts with any other noise mitigation program compliant with part 150 of title 14, Code
of Federal Regulations: Provided further, That, in this sec-
tion, the term “covered facilities” means hospitals,
daycare facilities, schools, facilities serving senior citizens,
and private residences that are located within one mile or
a day-night average sound level of 65 or greater of a mili-
tary installation or another location at which military air-
craft are stationed or are located in an area impacted by
military aviation noise within one mile or a day-night aver-
age sound level of 65 or greater, as determined by the
Department of Defense or Federal Aviation Administra-
tion noise modeling programs: Provided further, That the
Secretary of Defense shall prioritize grants to commu-
nities for which a nearby military installation has
transitioned to a new type or model of aircraft after Janu-
ary 1, 2019.

SEC. 8111. Funds available to the Department of De-
fense for operation and maintenance may be used, not-
withstanding any other provision of law, to provide sup-
plies, services, transportation, including airlift and sealift,
and other logistical support to coalition forces to counter
the Islamic State of Iraq and Syria: Provided, That the
Secretary of Defense shall provide quarterly reports to the
congressional defense committees regarding support pro-
vided under this section.
SEC. 8112. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

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


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

SEC. 8113. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Defense-Wide”, for the Defense Security Cooperation Agency, $300,000,000, of which $150,000,000, to remain available until September 30, 2023, shall be for the Ukraine Secu-
rity Assistance Initiative: Provided, That such funds shall be available to the Secretary of Defense, in coordination with the Secretary of State, to provide assistance, including training; equipment; lethal assistance; logistics support, supplies and services; sustainment; and intelligence support to the military and national security forces of Ukraine, and for replacement of any weapons or articles provided to the Government of Ukraine from the inventory of the United States: Provided further, That the Secretary of Defense shall, not less than 15 days prior to obligating funds made available by this section, notify the congressional defense committees in writing of the details of any such obligation: Provided further, That the United States may accept equipment procured using funds made available in this section in this or prior Acts that was transferred to the security forces of Ukraine and returned by such forces to the United States: Provided further, That equipment procured using funds made available in this section in this or prior Acts, and not yet transferred to the military or National Security Forces of Ukraine or returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees.

SEC. 8114. During the current fiscal year, the Department of Defense is authorized to incur obligations of
not to exceed $350,000,000 for purposes specified in section 2350j(e) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8115. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Defense-Wide”, for the Defense Security Cooperation Agency, $1,055,220,000, to remain available until September 30, 2023, shall be available for International Security Cooperation Programs and other programs to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or building partner capacity programs: Provided, That the Secretary of Defense shall, not less than 15 days prior to obligating funds made available in this section, notify the congressional defense committees in writing of the details of any planned obligation: Provided further, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this section.
SEC. 8116. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Defense-Wide”, for the Defense Security Cooperation Agency, $370,000,000, to remain available until September 30, 2023, shall be available to reimburse Jordan, Lebanon, Egypt, Tunisia, and Oman under section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2151 note), for enhanced border security: Provided, That the Secretary of Defense shall, not less than 15 days prior to obligating funds provided under this section, notify the congressional defense committees in writing of the details of any planned obligation and the nature of the expenses incurred: Provided further, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this section.

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

SEC. 8118. None of the funds made available by this Act for excess defense articles, assistance under section 333 of title 10, United States Code, or peacekeeping operations for the countries designated annually to be in violation of the standards of the Child Soldiers Prevention Act
of 2008 (Public Law 110–457; 22 U.S.C. 2370e–1) may be used to support any military training or operation that includes child soldiers, as defined by the Child Soldiers Prevention Act of 2008, unless such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008.

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

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

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

(b) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary, in consultation with
the Secretary of State and the Director of National Intelli-
gence, determines that it is in the vital national security
interest of the United States to do so, and certifies in writ-
ing to the congressional defense committees that, to the
best of the Secretary’s knowledge:

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

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

and

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

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

October 16, 2021 (5:44 p.m.)
eral shall submit to the congressional defense committees a report containing the results of the review conducted with respect to such waiver.

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

This division may be cited as the “Department of Defense Appropriations Act, 2022”.
DIVISION B—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES—ADDITIONAL APPROPRIATIONS ACT, 2022

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022, and for other purposes, namely:

TITLE I
CORPS OF ENGINEERS—CIVIL
DEPARTMENT OF THE ARMY
Corps of Engineers—Civil
FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM
For an additional amount for “Formerly Utilized Sites Remedial Action Program”, $52,000,000, to remain available until expended.

TITLE II
DEPARTMENT OF ENERGY
ATOMIC ENERGY DEFENSE ACTIVITIES
NATIONAL NUCLEAR SECURITY ADMINISTRATION
WEAPONS ACTIVITIES
For an additional amount for “Weapons Activities”, $100,000,000, to remain available until expended.
DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for “Defense Nuclear Nonproliferation”, $76,000,000, to remain available until expended.

NAVAL REACTORS

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

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL Cleanup

For an additional amount for “Defense Environmental Cleanup”, $166,900,000, to remain available until expended: Provided, That of such amount, $3,207,000 shall be available until September 30, 2023, for program direction.

OTHER DEFENSE ACTIVITIES

For an additional amount for “Other Defense Activities”, $3,900,000, to remain available until expended.

TITLE III

INDEPENDENT AGENCIES

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

For an additional amount for “Defense Nuclear Facilities Safety Board”, $5,000,000, to remain available until September 30, 2023.
TITLE IV

GENERAL PROVISION—THIS DIVISION

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

This division may be cited as “Energy and Water Development and Related Agencies—Additional Appropriations Act, 2022”.
DIVISION C—MILITARY CONSTRUCTION
AND VETERANS AFFAIRS—ADDITIONAL APPROPRIATIONS ACT, 2022

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022, and for other purposes, namely:

TITLE I
DEPARTMENT OF DEFENSE
MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military Construction, Army”, $653,400,000, to remain available until September 30, 2026: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects authorized by law: Provided further, That, of such funds, not to exceed $60,000,000 shall be available for study, planning, design, architect and engineer services: Provided further, That such funds obligated and expended for military construction projects may only be obligated to carry out such construction projects identified in the Army’s unfunded priority list for fiscal year 2022 submitted to Congress: Provided further, That not later than 30 days after enactment of this Act, the Secretary of the Army, or his or her designee, shall submit to the Committees on Appropriations of both Houses of
Congress an expenditure plan for funds provided under this heading in this Act.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, $1,201,539,000, to remain available until September 30, 2026: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects authorized by law: Provided further, That, of such funds, not to exceed $113,000,000 shall be available for study, planning, design, architect and engineer services: Provided further, That such funds obligated and expended for military construction projects may only be obligated to carry out such construction projects identified in the Navy and Marine Corps unfunded priority list for fiscal year 2022 submitted to Congress: Provided further, That not later than 30 days after enactment of this Act, the Secretary of the Navy, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading in this Act.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, $316,324,000, to remain available until September 30, 2026: Provided, That such funds may be obli-
gated and expended to carry out planning and design and
military construction projects authorized by law: Provided
further, That, of such funds, not to exceed $30,000,000
shall be available for study, planning, design, architect and
engineer services: Provided further, That such funds obli-
gated and expended for military construction projects may
only be obligated to carry out such construction projects
identified in the Air Force’s unfunded priority list for fis-
cal year 2022 submitted to Congress: Provided further,
That not later than 30 days after enactment of this Act,
the Secretary of the Air Force, or his or her designee, shall
submit to the Committees on Appropriations of both
Houses of Congress an expenditure plan for funds pro-
vided under this heading in this Act.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for “Military Construction,
Defense-Wide”, $105,537,000, to remain available until
September 30, 2026: Provided, That such funds may be
obligated and expended to carry out planning and design
and military construction projects authorized by law: Pro-
vided further, That such funds obligated and expended for
military construction projects may only be obligated to
carry out such construction projects identified in the un-
funded priority lists for fiscal year 2022 submitted to Con-
gress: Provided further, That not later than 30 days after
enactment of this Act, the Secretary of Defense, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading in this Act.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for “Military Construction, Army National Guard”, $50,800,000, to remain available until September 30, 2026: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects authorized by law:

*Provided further*, That, of such funds, not to exceed $5,000,000 shall be available for study, planning, design, architect and engineer services: *Provided further*, That such funds obligated and expended for military construction projects may only be obligated to carry out such construction projects identified in the Army’s unfunded priority list for fiscal year 2022 submitted to Congress: *Provided further*, That not later than 30 days after enactment of this Act, the Director of the Army National Guard, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading in this Act.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for “Military Construction, Air National Guard”, $66,500,000, to remain available
until September 30, 2026: Provided, That such funds may
be obligated and expended to carry out planning and de-
sign and military construction projects authorized by law:
Provided further, That, of such funds, not to exceed
$15,000,000 shall be available for study, planning, design,
architect and engineer services: Provided further, That
such funds obligated and expended for military construc-
tion projects may only be obligated to carry out such con-
struction projects identified in the Air Force’s unfunded
priority list for fiscal year 2022 submitted to Congress:
Provided further, That not later than 30 days after enact-
ment of this Act, the Director of the Air National Guard,
or his or her designee, shall submit to the Committees on
Appropriations of both Houses of Congress an expenditure
plan for funds provided under this heading in this Act.

MILITARY CONSTRUCTION, ARMY RESERVE

For an additional amount for “Military Construction,
Army Reserve”, $34,200,000, to remain available until
September 30, 2026: Provided, That such funds may be
obligated and expended to carry out planning and design
and military construction projects authorized by law: Pro-
vided further, That, of such funds, not to exceed
$5,000,000 shall be available for study, planning, design,
architect and engineer services: Provided further, That
such funds obligated and expended for military construc-
tion projects may only be obligated to carry out such con-
struction projects identified in the Army’s unfunded pri-
ority list for fiscal year 2022 submitted to Congress: Pro-
vided further, That not later than 30 days after enactment
of this Act, the Secretary of the Army, or his or her des-
ignee, shall submit to the Committees on Appropriations
of both Houses of Congress an expenditure plan for funds
provided under this heading in this Act.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For an additional amount for “Military Construction,
Air Force Reserve”, $57,700,000, to remain available
until September 30, 2026: Provided, That such funds may
be obligated and expended to carry out planning and de-
sign and military construction projects authorized by law:
Provided further, That, of such funds, not to exceed
$5,000,000 shall be available for study, planning, design,
architect and engineer services: Provided further, That
such funds obligated and expended for military construc-
tion projects may only be obligated to carry out such con-
struction projects identified in the Air Force’s unfunded
priority list for fiscal year 2022 submitted to Congress:
Provided further, That not later than 30 days after enact-
ment of this Act, the Secretary of the Air Force, or his
or her designee, shall submit to the Committees on Appro-
1 appropriations of both Houses of Congress an expenditure plan
2 for funds provided under this heading in this Act.
3
4 FAMILY HOUSING CONSTRUCTION, ARMY
5
6 For an additional amount for “Family Housing Con-
7 struction, Army”, $29,000,000, to remain available until
8 September 30, 2026: Provided, That such funds may be
9 obligated and expended to carry out planning and design
10 and family housing construction projects authorized by
11 law: Provided further, That, of such funds, not to exceed
12 $15,000,000 shall be available for study, planning, design,
13 architect and engineer services: Provided further, That
14 such funds obligated and expended for family housing con-
15 struction projects may only be obligated to carry out such
16 construction projects identified in the Army’s unfunded
17 priority list for fiscal year 2022 submitted to Congress:
18 Provided further, That not later than 30 days after enact-
19 ment of this Act, the Secretary of the Army, or his or
20 her designee, shall submit to the Committees on Appro-
21 priations of both Houses of Congress an expenditure plan
22 for funds provided under this heading in this Act.
23
24 ADMINISTRATIVE PROVISIONS—THIS TITLE
25
26 SEC. 101. For an additional amount for the accounts
27 and in the amounts specified for planning and design and
28 unspecified minor construction, for improving military in-
stallation resilience, to remain available until September 30, 2026:

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

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

“Military Construction, Air Force”, $15,000,000:

Provided, That not later than 60 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section: Provided further, That the Secretary of the military department concerned may not obligate or expend any funds prior to approval by the Committees on Appropriations of both Houses of Congress of the expenditure plan required by this section.

SEC. 102. For an additional amount for the accounts and in the amounts specified for planning and design and unspecified minor construction, for construction improvements to Department of Defense laboratory facilities, to remain available until September 30, 2026:

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

“Military Construction, Navy and Marine Corps”, $10,000,000; and
“Military Construction, Air Force”, $20,000,000:

Provided, That not later than 60 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section: Provided further, That the Secretary of the military department concerned may not obligate or expend any funds prior to approval by the Committees on Appropriations of both Houses of Congress of the expenditure plan required by this section.

SEC. 103. For an additional amount for “Military Construction, Air Force”, $85,000,000, to remain available until September 30, 2026: Provided, That such funds may only be obligated for cost increases on previously appropriated projects: Provided further, That not later than 30 days after enactment of this Act, the Secretary of the Air Force, or his or her designee, shall submit to the Committees on appropriations of both Houses of Congress an expenditure plan for funds provided under this section: Provided further, That the Secretary of the Air Force may not obligate or expend any funds prior to approval by the Committees on Appropriations of both Houses of Congress of the expenditure plan required by this section.
TITLE II

DEPARTMENT OF VETERANS AFFAIRS

Administrative Provisions—This Title

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

“MEDICAL SERVICES

“For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note), monthly assistance allowances authorized by section 322(d) of title 38, United States Code, grants authorized
by section 521A of title 38, United States Code, and admin-
istrative expenses necessary to carry out sections
322(d) and 521A of title 38, United States Code, and hos-
pital care and medical services authorized by section 1787
of title 38, United States Code; $2,341,736,000, which
shall be in addition to funds previously appropriated under
this heading that became available on October 1, 2021,
that are provided to meet the terms of section
4004(b)(7)(B) and section 4005(g)(2) of S. Con. Res. 14
(117th Congress), the concurrent resolution on the budget
for fiscal year 2022, and is additional new budget author-
ity specified for purposes of section 4004(b)(7) and section
4005(g) of such concurrent resolution; and, in addition,
$70,323,116,000, plus reimbursements, shall become
available on October 1, 2022, and shall remain available
until September 30, 2023: Provided, That, of the amount
made available on October 1, 2022, under this heading,
$1,500,000,000 shall remain available until September 30,
2024: Provided further, That, notwithstanding any other
provision of law, the Secretary of Veterans Affairs shall
establish a priority for the provision of medical treatment
for veterans who have service-connected disabilities, lower
income, or have special needs: Provided further, That, not-
withstanding any other provision of law, the Secretary of
Veterans Affairs shall give priority funding for the provi-
sion of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, not-withstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading for medical supplies and equipment are available for the acquisition of prosthetics designed specifically for female veterans.

“MEDICAL COMMUNITY CARE

“For necessary expenses for furnishing health care to individuals pursuant to chapter 17 of title 38, United States Code, at non-Department facilities, $4,905,265,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2021, that are provided to meet the terms of section 4004(b)(7)(B) and section 4005(g)(2) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and is additional
new budget authority specified for purposes of section 4004(b)(7) and section 4005(g) of such concurrent resolution; and, in addition, $24,156,659,000, plus reimbursements, shall become available on October 1, 2022, and shall remain available until September 30, 2023: Provided,

That, of the amount made available on October 1, 2022, under this heading, $2,000,000,000 shall remain available until September 30, 2024.

“MEDICAL SUPPORT AND COMPLIANCE

“For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), $203,926,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2021, that are provided to meet the terms of section 4004(b)(7)(B) and section 4005(g)(2) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and is additional new budget authority specified for purposes of section 4004(b)(7) and section
4005(g) of such concurrent resolution; and, in addition,
$9,673,409,000, plus reimbursements, shall become avail-
able on October 1, 2022, and shall remain available until
September 30, 2023: Provided, That, of the amount made
available on October 1, 2022, under this heading,
$200,000,000 shall remain available until September 30,
2024.

“MEDICAL FACILITIES

“For necessary expenses for the maintenance and op-
eration of hospitals, nursing homes, domiciliary facilities,
and other necessary facilities of the Veterans Health Ad-
ministration; for administrative expenses in support of
planning, design, project management, real property ac-
quision and disposition, construction, and renovation of
any facility under the jurisdiction or for the use of the
Department; for oversight, engineering, and architectural
activities not charged to project costs; for repairing, alter-
ing, improving, or providing facilities in the several hos-
pitals and homes under the jurisdiction of the Depart-
ment, not otherwise provided for, either by contract or by
the hire of temporary employees and purchase of mate-
rials; for leases of facilities; and for laundry services;
$151,415,000, which shall be in addition to funds pre-
viously appropriated under this heading that became avail-
able on October 1, 2021, that are provided to meet the
1 terms of section 4004(b)(7)(B) and section 4005(g)(2) of
2 S. Con. Res. 14 (117th Congress), the concurrent resolu-
3 tion on the budget for fiscal year 2022, and is additional
4 new budget authority specified for purposes of section
5 4004(b)(7) and section 4005(g) of such concurrent resolu-
6 tion; and, in addition, $7,133,816,000, plus reimburse-
7 ments, shall become available on October 1, 2022, and
8 shall remain available until September 30, 2023: Provided,
9 That, of the amount made available on October 1, 2022,
10 under this heading, $350,000,000 shall remain available
11 until September 30, 2024.
12 “MEDICAL AND PROSTHETIC RESEARCH
13 “For necessary expenses in carrying out programs of
14 medical and prosthetic research and development as au-
15 thorized by chapter 73 of title 38, United States Code,
16 $882,000,000, plus reimbursements, shall remain avail-
17 able until September 30, 2023: Provided, That the Sec-
18 retary of Veterans Affairs shall ensure that sufficient
19 amounts appropriated under this heading are available for
20 prosthetic research specifically for female veterans, and
21 for toxic exposure research.”.
22 SEC. 202. Title II of S. 2604 (117th Congress), as
23 reported by the Senate Committee on Appropriations on
24 August 4, 2021, is amended by inserting at the end of
25 the Administrative Provisions the following:
“(RESCISSIONS OF FUNDS)

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

‘Veterans Health Administration, Medical Services’,
$2,341,736,000;

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

‘Veterans Health Administration, Medical Support
and Compliance’, $203,926,000; and

‘Veterans Health Administration, Medical Facili-
ties’, $151,415,000:

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

TITLE III

GENERAL PROVISION—THIS DIVISION

Sec. 301. Notwithstanding any other provision of
law, funds made available in this division are in addition
to amounts appropriated or otherwise made available for
the Department of Defense or the Department of Veterans
Affairs for fiscal year 2022: Provided, That such amounts
shall be subject to the terms and conditions set forth in
S. 2604 (117th Congress) and the accompanying Senate
Report 117–35, as reported by the Senate Committee on
Appropriations on August 4, 2021.

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