

**[FULL COMMITTEE PRINT]**

---

**NOTICE: This bill is given out subject to release when consideration of it has been completed by the full Committee. Please check on such action before release in order to be advised of any changes.**

---

**Union Calendar No. \_\_\_\_\_**

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. \_\_\_\_\_**

**[Report No. \_\_-\_\_]**

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

---

**IN THE HOUSE OF REPRESENTATIVES**

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

---

**A BILL**

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any  
2 money in the Treasury not otherwise appropriated, for the  
3 fiscal year ending September 30, 2023, for military func-  
4 tions administered by the Department of Defense and for  
5 other purposes, namely:

6

## TITLE I

7

## MILITARY PERSONNEL

8

## MILITARY PERSONNEL, ARMY

9 For pay, allowances, individual clothing, subsistence,  
10 interest on deposits, gratuities, permanent change of sta-  
11 tion travel (including all expenses thereof for organiza-  
12 tional movements), and expenses of temporary duty travel  
13 between permanent duty stations, for members of the  
14 Army on active duty (except members of reserve compo-  
15 nents provided for elsewhere), cadets, and aviation cadets;  
16 for members of the Reserve Officers' Training Corps; and  
17 for payments pursuant to section 156 of Public Law 97-  
18 377, as amended (42 U.S.C. 402 note), and to the Depart-  
19 ment of Defense Military Retirement Fund,  
20 \$50,144,455,000.

21

## MILITARY PERSONNEL, NAVY

22 For pay, allowances, individual clothing, subsistence,  
23 interest on deposits, gratuities, permanent change of sta-  
24 tion travel (including all expenses thereof for organiza-  
25 tional movements), and expenses of temporary duty travel

1 between permanent duty stations, for members of the  
2 Navy on active duty (except members of the Reserve pro-  
3 vided for elsewhere), midshipmen, and aviation cadets; for  
4 members of the Reserve Officers' Training Corps; and for  
5 payments pursuant to section 156 of Public Law 97-377,  
6 as amended (42 U.S.C. 402 note), and to the Department  
7 of Defense Military Retirement Fund, \$36,244,037,000.

8           MILITARY PERSONNEL, MARINE CORPS

9           For pay, allowances, individual clothing, subsistence,  
10 interest on deposits, gratuities, permanent change of sta-  
11 tion travel (including all expenses thereof for organiza-  
12 tional movements), and expenses of temporary duty travel  
13 between permanent duty stations, for members of the Ma-  
14 rine Corps on active duty (except members of the Reserve  
15 provided for elsewhere); and for payments pursuant to sec-  
16 tion 156 of Public Law 97-377, as amended (42 U.S.C.  
17 402 note), and to the Department of Defense Military Re-  
18 tirement Fund, \$15,230,772,000.

19           MILITARY PERSONNEL, AIR FORCE

20           For pay, allowances, individual clothing, subsistence,  
21 interest on deposits, gratuities, permanent change of sta-  
22 tion travel (including all expenses thereof for organiza-  
23 tional movements), and expenses of temporary duty travel  
24 between permanent duty stations, for members of the Air  
25 Force on active duty (except members of reserve compo-

1 nents provided for elsewhere), cadets, and aviation cadets;  
2 for members of the Reserve Officers' Training Corps; and  
3 for payments pursuant to section 156 of Public Law 97–  
4 377, as amended (42 U.S.C. 402 note), and to the Depart-  
5 ment of Defense Military Retirement Fund,  
6 \$35,060,287,000.

7           MILITARY PERSONNEL, SPACE FORCE

8           For pay, allowances, individual clothing, subsistence,  
9 interest on deposits, gratuities, permanent change of sta-  
10 tion travel (including all expenses thereof for organiza-  
11 tional movements), and expenses of temporary duty travel  
12 between permanent duty stations, for members of the  
13 Space Force on active duty and cadets; for members of  
14 the Reserve Officers' Training Corps; and for payments  
15 pursuant to section 156 of Public Law 97–377, as amend-  
16 ed (42 U.S.C. 402 note), and to the Department of De-  
17 fense Military Retirement Fund, \$1,084,361,000.

18           RESERVE PERSONNEL, ARMY

19           For pay, allowances, clothing, subsistence, gratuities,  
20 travel, and related expenses for personnel of the Army Re-  
21 serve on active duty under sections 10211, 10302, and  
22 7038 of title 10, United States Code, or while serving on  
23 active duty under section 12301(d) of title 10, United  
24 States Code, in connection with performing duty specified  
25 in section 12310(a) of title 10, United States Code, or

1 while undergoing reserve training, or while performing  
2 drills or equivalent duty or other duty, and expenses au-  
3 thorized by section 16131 of title 10, United States Code;  
4 and for payments to the Department of Defense Military  
5 Retirement Fund, \$5,374,686,000.

6                   RESERVE PERSONNEL, NAVY

7       For pay, allowances, clothing, subsistence, gratuities,  
8 travel, and related expenses for personnel of the Navy Re-  
9 serve on active duty under section 10211 of title 10,  
10 United States Code, or while serving on active duty under  
11 section 12301(d) of title 10, United States Code, in con-  
12 nection with performing duty specified in section 12310(a)  
13 of title 10, United States Code, or while undergoing re-  
14 serve training, or while performing drills or equivalent  
15 duty, and expenses authorized by section 16131 of title  
16 10, United States Code; and for payments to the Depart-  
17 ment of Defense Military Retirement Fund,  
18 \$2,400,777,000.

19                   RESERVE PERSONNEL, MARINE CORPS

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

1 12310(a) of title 10, United States Code, or while under-  
2 going reserve training, or while performing drills or equiv-  
3 alent duty, and for members of the Marine Corps platoon  
4 leaders class, and expenses authorized by section 16131  
5 of title 10, United States Code; and for payments to the  
6 Department of Defense Military Retirement Fund,  
7 \$839,942,000.

8                   RESERVE PERSONNEL, AIR FORCE

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

21                   NATIONAL GUARD PERSONNEL, ARMY

22       For pay, allowances, clothing, subsistence, gratuities,  
23 travel, and related expenses for personnel of the Army Na-  
24 tional Guard while on duty under sections 10211, 10302,  
25 or 12402 of title 10 or section 708 of title 32, United

1 States Code, or while serving on duty under section  
2 12301(d) of title 10 or section 502(f) of title 32, United  
3 States Code, in connection with performing duty specified  
4 in section 12310(a) of title 10, United States Code, or  
5 while undergoing training, or while performing drills or  
6 equivalent duty or other duty, and expenses authorized by  
7 section 16131 of title 10, United States Code; and for pay-  
8 ments to the Department of Defense Military Retirement  
9 Fund, \$9,324,213,000.

10 NATIONAL GUARD PERSONNEL, AIR FORCE

11 For pay, allowances, clothing, subsistence, gratuities,  
12 travel, and related expenses for personnel of the Air Na-  
13 tional Guard on duty under sections 10211, 10305, or  
14 12402 of title 10 or section 708 of title 32, United States  
15 Code, or while serving on duty under section 12301(d) of  
16 title 10 or section 502(f) of title 32, United States Code,  
17 in connection with performing duty specified in section  
18 12310(a) of title 10, United States Code, or while under-  
19 going training, or while performing drills or equivalent  
20 duty or other duty, and expenses authorized by section  
21 16131 of title 10, United States Code; and for payments  
22 to the Department of Defense Military Retirement Fund,  
23 \$5,123,235,000.

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

4 For expenses, not otherwise provided for, necessary  
5 for the operation and maintenance of the Army, as author-  
6 ized by law, \$57,583,205,000: *Provided*, That not to ex-  
7 ceed \$12,478,000 may be used for emergencies and ex-  
8 traordinary expenses, to be expended upon the approval  
9 or authority of the Secretary of the Army, and payments  
10 may be made upon the Secretary's certificate of necessity  
11 for confidential military purposes.

12 OPERATION AND MAINTENANCE, NAVY

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

22 OPERATION AND MAINTENANCE, MARINE CORPS

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



## 1 OPERATION AND MAINTENANCE, AIR FORCE

2 For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance of the Air Force, as  
4 authorized by law, \$58,038,438,000: *Provided*, That not  
5 to exceed \$7,699,000 may be used for emergencies and  
6 extraordinary expenses, to be expended upon the approval  
7 or authority of the Secretary of the Air Force, and pay-  
8 ments may be made upon the Secretary's certificate of ne-  
9 cessity for confidential military purposes.

## 10 OPERATION AND MAINTENANCE, SPACE FORCE

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

## 14 OPERATION AND MAINTENANCE, DEFENSE-WIDE

15 (INCLUDING TRANSFER OF FUNDS)

16 For expenses, not otherwise provided for, necessary  
17 for the operation and maintenance of activities and agen-  
18 cies of the Department of Defense (other than the military  
19 departments), as authorized by law, \$48,663,571,000:  
20 *Provided*, That not more than \$3,000,000 may be used  
21 for the Combatant Commander Initiative Fund authorized  
22 under section 166a of title 10, United States Code: *Pro-*  
23 *vided further*, That not to exceed \$36,000,000 may be  
24 used for emergencies and extraordinary expenses, to be ex-  
25 pended upon the approval or authority of the Secretary

1 of Defense, and payments may be made upon the Sec-  
2 retary's certificate of necessity for confidential military  
3 purposes: *Provided further*, That of the funds provided  
4 under this heading, not less than \$55,000,000 shall be  
5 made available for the Procurement Technical Assistance  
6 Cooperative Agreement Program, of which not less than  
7 \$5,000,000 shall be available for centers defined in 10  
8 U.S.C. 2411(1)(D): *Provided further*, That none of the  
9 funds appropriated or otherwise made available by this  
10 Act may be used to plan or implement the consolidation  
11 of a budget or appropriations liaison office of the Office  
12 of the Secretary of Defense, the office of the Secretary  
13 of a military department, or the service headquarters of  
14 one of the Armed Forces into a legislative affairs or legis-  
15 lative liaison office: *Provided further*, That \$19,071,000,  
16 to remain available until expended, is available only for  
17 expenses relating to certain classified activities, and may  
18 be transferred as necessary by the Secretary of Defense  
19 to operation and maintenance appropriations or research,  
20 development, test and evaluation appropriations, to be  
21 merged with and to be available for the same time period  
22 as the appropriations to which transferred: *Provided fur-*  
23 *ther*, That any ceiling on the investment item unit cost  
24 of items that may be purchased with operation and main-  
25 tenance funds shall not apply to the funds described in

1 the preceding proviso: *Provided further*, That of the funds  
2 provided under this heading, \$2,348,599,000, of which  
3 \$1,377,850,000, to remain available until September 30,  
4 2024, shall be available to provide support and assistance  
5 to foreign security forces or other groups or individuals  
6 to conduct, support or facilitate counterterrorism, crisis  
7 response, or other Department of Defense security co-  
8 operation programs: *Provided further*, That the Secretary  
9 of Defense shall provide quarterly reports to the Commit-  
10 tees on Appropriations of the House of Representatives  
11 and the Senate on the use and status of funds made avail-  
12 able in this paragraph: *Provided further*, That the transfer  
13 authority provided under this heading is in addition to any  
14 other transfer authority provided elsewhere in this Act.

15 COUNTER-ISIS TRAIN AND EQUIP FUND

16 For the “Counter-Islamic State of Iraq and Syria  
17 Train and Equip Fund”, \$450,000,000, to remain avail-  
18 able until September 30, 2024: *Provided*, That such funds  
19 shall be available to the Secretary of Defense in coordina-  
20 tion with the Secretary of State, to provide assistance, in-  
21 cluding training; equipment; logistics support, supplies,  
22 and services; stipends; infrastructure repair and renova-  
23 tion; construction for facility fortification and humane  
24 treatment; and sustainment, to foreign security forces, ir-  
25 regular forces, groups, or individuals participating, or pre-

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

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

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

21 OPERATION AND MAINTENANCE, ARMY RESERVE

22 For expenses, not otherwise provided for, necessary  
23 for the operation and maintenance, including training, or-  
24 ganization, and administration, of the Army Reserve; re-  
25 pair of facilities and equipment; hire of passenger motor

1 vehicles; travel and transportation; care of the dead; re-  
2 cruiting; procurement of services, supplies, and equip-  
3 ment; and communications, \$3,169,504,000.

4 OPERATION AND MAINTENANCE, NAVY RESERVE

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

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 RESERVE

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

21 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

22 For expenses, not otherwise provided for, necessary  
23 for the operation and maintenance, including training, or-  
24 ganization, and administration, of the Air Force Reserve;  
25 repair of facilities and equipment; hire of passenger motor

1 vehicles; travel and transportation; care of the dead; re-  
2 cruiting; procurement of services, supplies, and equip-  
3 ment; and communications, \$3,535,544,000.

4 OPERATION AND MAINTENANCE, ARMY NATIONAL

5 GUARD

6 For expenses of training, organizing, and admin-  
7 istering the Army National Guard, including medical and  
8 hospital treatment and related expenses in non-Federal  
9 hospitals; maintenance, operation, and repairs to struc-  
10 tures and facilities; hire of passenger motor vehicles; per-  
11 sonnel services in the National Guard Bureau; travel ex-  
12 penses (other than mileage), as authorized by law for  
13 Army personnel on active duty, for Army National Guard  
14 division, regimental, and battalion commanders while in-  
15 specting units in compliance with National Guard Bureau  
16 regulations when specifically authorized by the Chief, Na-  
17 tional Guard Bureau; supplying and equipping the Army  
18 National Guard as authorized by law; and expenses of re-  
19 pair, modification, maintenance, and issue of supplies and  
20 equipment (including aircraft), \$8,094,937,000.

21 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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



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

13 UNITED STATES COURT OF APPEALS FOR THE ARMED  
14 FORCES

15 For salaries and expenses necessary for the United  
16 States Court of Appeals for the Armed Forces,  
17 \$16,003,000, of which not to exceed \$10,000 may be used  
18 for official representation purposes.

19 ENVIRONMENTAL RESTORATION, ARMY  
20 (INCLUDING TRANSFER OF FUNDS)

21 For the Department of the Army, \$273,700,000, to  
22 remain available until transferred: *Provided*, That the Sec-  
23 retary of the Army shall, upon determining that such  
24 funds are required for environmental restoration, reduc-  
25 tion and recycling of hazardous waste, removal of unsafe

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

14 ENVIRONMENTAL RESTORATION, NAVY

15 (INCLUDING TRANSFER OF FUNDS)

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

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

9 ENVIRONMENTAL RESTORATION, AIR FORCE  
10 (INCLUDING TRANSFER OF FUNDS)

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

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

4 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE  
5 (INCLUDING TRANSFER OF FUNDS)

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

1 ENVIRONMENTAL RESTORATION, FORMERLY USED  
2 DEFENSE SITES  
3 (INCLUDING TRANSFER OF FUNDS)

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

22 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

23 For expenses relating to the Overseas Humanitarian,  
24 Disaster, and Civic Aid programs of the Department of  
25 Defense (consisting of the programs provided under sec-

1 tions 401, 402, 404, 407, 2557, and 2561 of title 10,  
2 United States Code), \$150,000,000, to remain available  
3 until September 30, 2024: *Provided*, That such amounts  
4 shall not be subject to the limitation in section 407(e)(3)  
5 of title 10, United States Code.

6 COOPERATIVE THREAT REDUCTION ACCOUNT

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

13 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

14 DEVELOPMENT ACCOUNT

15 For the Department of Defense Acquisition Work-  
16 force Development Account, \$53,791,000, to remain avail-  
17 able for obligation until September 30, 2023: *Provided*,  
18 That no other amounts may be otherwise credited or  
19 transferred to the Account, or deposited into the Account,  
20 in fiscal year 2023 pursuant to section 1705(d) of title  
21 10, United States Code.

1

## TITLE III

2

## PROCUREMENT

3

## AIRCRAFT PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-  
5 tion, and modernization of aircraft, equipment, including  
6 ordnance, ground handling equipment, spare parts, and  
7 accessories therefor; specialized equipment and training  
8 devices; expansion of public and private plants, including  
9 the land necessary therefor, for the foregoing purposes,  
10 and such lands and interests therein, may be acquired,  
11 and construction prosecuted thereon prior to approval of  
12 title; and procurement and installation of equipment, ap-  
13 pliances, and machine tools in public and private plants;  
14 reserve plant and Government and contractor-owned  
15 equipment layaway; and other expenses necessary for the  
16 foregoing purposes, \$3,276,970,000, to remain available  
17 for obligation until September 30, 2025.

18

## MISSILE PROCUREMENT, ARMY

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

1 and construction prosecuted thereon prior to approval of  
2 title; and procurement and installation of equipment, ap-  
3 pliances, and machine tools in public and private plants;  
4 reserve plant and Government and contractor-owned  
5 equipment layaway; and other expenses necessary for the  
6 foregoing purposes, \$3,750,465,000, to remain available  
7 for obligation until September 30, 2025.

8       PROCUREMENT OF WEAPONS AND TRACKED COMBAT  
9                               VEHICLES, ARMY

10       For construction, procurement, production, and  
11 modification of weapons and tracked combat vehicles,  
12 equipment, including ordnance, spare parts, and acces-  
13 sories therefor; specialized equipment and training devices;  
14 expansion of public and private plants, including the land  
15 necessary therefor, for the foregoing purposes, and such  
16 lands and interests therein, may be acquired, and con-  
17 struction prosecuted thereon prior to approval of title; and  
18 procurement and installation of equipment, appliances,  
19 and machine tools in public and private plants; reserve  
20 plant and Government and contractor-owned equipment  
21 layaway; and other expenses necessary for the foregoing  
22 purposes, \$3,604,302,000, to remain available for obliga-  
23 tion until September 30, 2025.



## 1           PROCUREMENT OF AMMUNITION, ARMY

2           For construction, procurement, production, and  
3 modification of ammunition, and accessories therefor; spe-  
4 cialized equipment and training devices; expansion of pub-  
5 lic and private plants, including ammunition facilities, au-  
6 thorized by section 2854 of title 10, United States Code,  
7 and the land necessary therefor, for the foregoing pur-  
8 poses, and such lands and interests therein, may be ac-  
9 quired, and construction prosecuted thereon prior to ap-  
10 proval of title; and procurement and installation of equip-  
11 ment, appliances, and machine tools in public and private  
12 plants; reserve plant and Government and contractor-  
13 owned equipment layaway; and other expenses necessary  
14 for the foregoing purposes, \$2,576,648,000, to remain  
15 available for obligation until September 30, 2025.

## 16           OTHER PROCUREMENT, ARMY

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

1 therein, may be acquired, and construction prosecuted  
2 thereon prior to approval of title; and procurement and  
3 installation of equipment, appliances, and machine tools  
4 in public and private plants; reserve plant and Govern-  
5 ment and contractor-owned equipment layaway; and other  
6 expenses necessary for the foregoing purposes,  
7 \$8,243,869,000, to remain available for obligation until  
8 September 30, 2025.

9 AIRCRAFT PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-  
11 tion, and modernization of aircraft, equipment, including  
12 ordnance, spare parts, and accessories therefor; specialized  
13 equipment; expansion of public and private plants, includ-  
14 ing the land necessary therefor, and such lands and inter-  
15 ests therein, may be acquired, and construction prosecuted  
16 thereon prior to approval of title; and procurement and  
17 installation of equipment, appliances, and machine tools  
18 in public and private plants; reserve plant and Govern-  
19 ment and contractor-owned equipment layaway,  
20 \$16,334,708,000, to remain available for obligation until  
21 September 30, 2025.

22 WEAPONS PROCUREMENT, NAVY

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

1 and accessories therefor; expansion of public and private  
2 plants, including the land necessary therefor, and such  
3 lands and interests therein, may be acquired, and con-  
4 struction prosecuted thereon prior to approval of title; and  
5 procurement and installation of equipment, appliances,  
6 and machine tools in public and private plants; reserve  
7 plant and Government and contractor-owned equipment  
8 layaway, \$4,594,139,000, to remain available for obliga-  
9 tion until September 30, 2025.

10 PROCUREMENT OF AMMUNITION, NAVY AND MARINE  
11 CORPS

12 For construction, procurement, production, and  
13 modification of ammunition, and accessories therefor; spe-  
14 cialized equipment and training devices; expansion of pub-  
15 lic and private plants, including ammunition facilities, au-  
16 thorized by section 2854 of title 10, United States Code,  
17 and the land necessary therefor, for the foregoing pur-  
18 poses, and such lands and interests therein, may be ac-  
19 quired, and construction prosecuted thereon prior to ap-  
20 proval of title; and procurement and installation of equip-  
21 ment, appliances, and machine tools in public and private  
22 plants; reserve plant and Government and contractor-  
23 owned equipment layaway; and other expenses necessary  
24 for the foregoing purposes, \$911,982,000, to remain avail-  
25 able for obligation until September 30, 2025.

## 1 SHIPBUILDING AND CONVERSION, NAVY

2 For expenses necessary for the construction, acquisi-  
3 tion, or conversion of vessels as authorized by law, includ-  
4 ing armor and armament thereof, plant equipment, appli-  
5 ances, and machine tools and installation thereof in public  
6 and private plants; reserve plant and Government and con-  
7 tractor-owned equipment layaway; procurement of critical,  
8 long lead time components and designs for vessels to be  
9 constructed or converted in the future; and expansion of  
10 public and private plants, including land necessary there-  
11 for, and such lands and interests therein, may be acquired,  
12 and construction prosecuted thereon prior to approval of  
13 title, as follows:

14 Columbia Class Submarine, \$3,079,223,000;

15 Columbia Class Submarine (AP),  
16 \$2,778,553,000;

17 Carrier Replacement Program (CVN-80),  
18 \$1,463,905,000;

19 Carrier Replacement Program (CVN-81),  
20 \$1,052,024,000;

21 Virginia Class Submarine, \$4,534,184,000;

22 Virginia Class Submarine (AP),  
23 \$2,025,651,000;

24 CVN Refueling Overhauls (AP), \$573,422,000;

25 DDG-1000 Program, \$72,976,000;

1 DDG-51 Destroyer, \$4,376,537,000;  
2 DDG-51 Destroyer (AP), \$618,352,000;  
3 FFG-Frigate, \$1,085,224,000;  
4 LPD Flight II, \$1,673,000,000;  
5 LHA Replacement, \$1,085,470,000;  
6 TAO Fleet Oiler, \$794,719,000;  
7 Towing, Salvage, and Rescue Ship,  
8 \$95,915,000;  
9 Ship to Shore Connector, \$190,433,000;  
10 Service Craft, \$68,274,000;  
11 LCAC SLEP, \$36,301,000;  
12 Auxiliary Vessels, \$140,686,000;  
13 For outfitting, post delivery, conversions, and  
14 first destination transportation, \$707,412,000; and  
15 Completion of Prior Year Shipbuilding Pro-  
16 grams, \$1,328,146,000.  
17 In all: \$27,780,407,000, to remain available for obli-  
18 gation until September 30, 2027: *Provided*, That addi-  
19 tional obligations may be incurred after September 30,  
20 2027, for engineering services, tests, evaluations, and  
21 other such budgeted work that must be performed in the  
22 final stage of ship construction: *Provided further*, That  
23 none of the funds provided under this heading for the con-  
24 struction or conversion of any naval vessel to be con-  
25 structed in shipyards in the United States shall be ex-

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

11 OTHER PROCUREMENT, NAVY

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

1 tenance, repair, and modernization of ships under a pilot  
2 program established for such purposes.

3                   PROCUREMENT, MARINE CORPS

4       For expenses necessary for the procurement, manu-  
5 facture, and modification of missiles, armament, military  
6 equipment, spare parts, and accessories therefor; plant  
7 equipment, appliances, and machine tools, and installation  
8 thereof in public and private plants; reserve plant and  
9 Government and contractor-owned equipment layaway; ve-  
10 hicles for the Marine Corps, including the purchase of pas-  
11 senger motor vehicles for replacement only; and expansion  
12 of public and private plants, including land necessary  
13 therefor, and such lands and interests therein, may be ac-  
14 quired, and construction prosecuted thereon prior to ap-  
15 proval of title, \$3,414,365,000, to remain available for ob-  
16 ligation until September 30, 2025.

17                   AIRCRAFT PROCUREMENT, AIR FORCE

18       For construction, procurement, and modification of  
19 aircraft and equipment, including armor and armament,  
20 specialized ground handling equipment, and training de-  
21 vices, spare parts, and accessories therefor; specialized  
22 equipment; expansion of public and private plants, Gov-  
23 ernment-owned equipment and installation thereof in such  
24 plants, erection of structures, and acquisition of land, for  
25 the foregoing purposes, and such lands and interests

1 therein, may be acquired, and construction prosecuted  
2 thereon prior to approval of title; reserve plant and Gov-  
3 ernment and contractor-owned equipment layaway; and  
4 other expenses necessary for the foregoing purposes in-  
5 cluding rents and transportation of things,  
6 \$18,114,396,000, to remain available for obligation until  
7 September 30, 2025: *Provided*, That none of the funds  
8 provided under this heading for the procurement of F-  
9 15EX aircraft may be obligated or expended through an  
10 undefinitized contractual action (as that term is defined  
11 in section 3377(b)(1) of title 10, United States Code).

12 MISSILE PROCUREMENT, AIR FORCE

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



1 things, \$2,866,722,000, to remain available for obligation  
2 until September 30, 2025.

3           PROCUREMENT OF AMMUNITION, AIR FORCE

4           For construction, procurement, production, and  
5 modification of ammunition, and accessories therefor; spe-  
6 cialized equipment and training devices; expansion of pub-  
7 lic and private plants, including ammunition facilities, au-  
8 thorized by section 2854 of title 10, United States Code,  
9 and the land necessary therefor, for the foregoing pur-  
10 poses, and such lands and interests therein, may be ac-  
11 quired, and construction prosecuted thereon prior to ap-  
12 proval of title; and procurement and installation of equip-  
13 ment, appliances, and machine tools in public and private  
14 plants; reserve plant and Government and contractor-  
15 owned equipment layaway; and other expenses necessary  
16 for the foregoing purposes, \$890,530,000, to remain avail-  
17 able for obligation until September 30, 2025.

18           OTHER PROCUREMENT, AIR FORCE

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

1 ment-owned equipment and installation thereof in such  
2 plants, erection of structures, and acquisition of land, for  
3 the foregoing purposes, and such lands and interests  
4 therein, may be acquired, and construction prosecuted  
5 thereon, prior to approval of title; reserve plant and Gov-  
6 ernment and contractor-owned equipment layaway,  
7 \$25,426,674,000, to remain available for obligation until  
8 September 30, 2025.

9                   PROCUREMENT, SPACE FORCE

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

## 1                   PROCUREMENT, DEFENSE-WIDE

2           For expenses of activities and agencies of the Depart-  
3 ment of Defense (other than the military departments)  
4 necessary for procurement, production, and modification  
5 of equipment, supplies, materials, and spare parts there-  
6 for, not otherwise provided for; the purchase of passenger  
7 motor vehicles for replacement only; expansion of public  
8 and private plants, equipment, and installation thereof in  
9 such plants, erection of structures, and acquisition of land  
10 for the foregoing purposes, and such lands and interests  
11 therein, may be acquired, and construction prosecuted  
12 thereon prior to approval of title; reserve plant and Gov-  
13 ernment and contractor-owned equipment layaway,  
14 \$5,425,747,000, to remain available for obligation until  
15 September 30, 2025.

## 16                   DEFENSE PRODUCTION ACT PURCHASES

17           For activities by the Department of Defense pursuant  
18 to sections 108, 301, 302, and 303 of the Defense Produc-  
19 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),  
20 \$707,906,000, to remain available until expended, which  
21 shall be obligated and expended by the Secretary of De-  
22 fense as if delegated the necessary authorities conferred  
23 by the Defense Production Act of 1950.

1 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT  
2 For procurement of rotary-wing aircraft; combat, tac-  
3 tical and support vehicles; other weapons; and other pro-  
4 curement items for the reserve components of the Armed  
5 Forces, \$1,000,000,000, to remain available for obligation  
6 until September 30, 2025: *Provided*, That the Chiefs of  
7 National Guard and Reserve components shall, not later  
8 than 30 days after enactment of this Act, individually sub-  
9 mit to the congressional defense committees the mod-  
10 ernization priority assessment for their respective Na-  
11 tional Guard or Reserve component: *Provided further*,  
12 That none of the funds made available by this paragraph  
13 may be used to procure manned fixed wing aircraft, or  
14 procure or modify missiles, munitions, or ammunition.

15 TITLE IV

16 RESEARCH, DEVELOPMENT, TEST AND  
17 EVALUATION

18 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

19 ARMY

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

## 37

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
2 NAVY

3 For expenses necessary for basic and applied sci-  
4 entific research, development, test and evaluation, includ-  
5 ing maintenance, rehabilitation, lease, and operation of fa-  
6 cilities and equipment, \$25,142,077,000, to remain avail-  
7 able for obligation until September 30, 2024: *Provided*,  
8 That funds appropriated in this paragraph which are  
9 available for the V-22 may be used to meet unique oper-  
10 ational requirements of the Special Operations Forces.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
12 AIR FORCE

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

18 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
19 SPACE FORCE

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

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
2 DEFENSE-WIDE

3 For expenses of activities and agencies of the Depart-  
4 ment of Defense (other than the military departments),  
5 necessary for basic and applied scientific research, devel-  
6 opment, test and evaluation; advanced research projects  
7 as may be designated and determined by the Secretary  
8 of Defense, pursuant to law; maintenance, rehabilitation,  
9 lease, and operation of facilities and equipment,  
10 \$32,608,153,000, to remain available for obligation until  
11 September 30, 2024.

12 OPERATIONAL TEST AND EVALUATION, DEFENSE

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

1 TITLE V  
2 REVOLVING AND MANAGEMENT FUNDS  
3 DEFENSE WORKING CAPITAL FUNDS  
4 For the Defense Working Capital Funds,  
5 \$1,329,895,000.

6 TITLE VI  
7 OTHER DEPARTMENT OF DEFENSE PROGRAMS  
8 DEFENSE HEALTH PROGRAM  
9 For expenses, not otherwise provided for, for medical  
10 and health care programs of the Department of Defense  
11 as authorized by law, \$38,052,432,000; of which  
12 \$35,141,343,000 shall be for operation and maintenance,  
13 of which not to exceed one percent shall remain available  
14 for obligation until September 30, 2024, and of which up  
15 to \$18,342,836,000 may be available for contracts entered  
16 into under the TRICARE program; of which  
17 \$570,074,000, to remain available for obligation until Sep-  
18 tember 30, 2025, shall be for procurement; and of which  
19 \$2,341,015,000, to remain available for obligation until  
20 September 30, 2024, shall be for research, development,  
21 test and evaluation: *Provided*, That, notwithstanding any  
22 other provision of law, of the amount made available under  
23 this heading for research, development, test and evalua-  
24 tion, not less than \$12,000,000 shall be available for HIV  
25 prevention educational activities undertaken in connection

1 with United States military training, exercises, and hu-  
2 manitarian assistance activities conducted primarily in Af-  
3 rican nations: *Provided further*, That of the funds provided  
4 under this heading for research, development, test and  
5 evaluation, not less than \$1,144,000,000 shall be made  
6 available to the Defense Health Agency to carry out the  
7 congressionally directed medical research programs: *Pro-*  
8 *vided further*, That the Secretary of Defense shall submit  
9 to the congressional defense committees quarterly reports  
10 on the current status of the deployment of the electronic  
11 health record: *Provided further*, That the Secretary of De-  
12 fense shall provide notice to the congressional defense  
13 committees not later than 10 business days after delaying  
14 the proposed timeline of such deployment if such delay is  
15 longer than 1 week: *Provided further*, That the Comp-  
16 troller General of the United States shall perform quar-  
17 terly performance reviews of such deployment.

18 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

19 DEFENSE

20 For expenses, not otherwise provided for, necessary  
21 for the destruction of the United States stockpile of lethal  
22 chemical agents and munitions in accordance with the pro-  
23 visions of section 1412 of the Department of Defense Au-  
24 thorization Act, 1986 (50 U.S.C. 1521), and for the de-  
25 struction of other chemical warfare materials that are not



1 in the chemical weapon stockpile, \$1,059,818,000, of  
2 which \$84,612,000 shall be for operation and mainte-  
3 nance, of which no less than \$22,778,000 shall be for the  
4 Chemical Stockpile Emergency Preparedness Program,  
5 consisting of \$31,426,000 for activities on military instal-  
6 lations and \$30,408,000, to remain available until Sep-  
7 tember 30, 2024, to assist State and local governments;  
8 and \$975,206,000, to remain available until September  
9 30, 2024, shall be for research, development, test and eval-  
10 uation, of which \$971,742,000 shall only be for the As-  
11 sembled Chemical Weapons Alternatives program.

12 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

13 DEFENSE

14 (INCLUDING TRANSFER OF FUNDS)

15 For drug interdiction and counter-drug activities of  
16 the Department of Defense, for transfer to appropriations  
17 available to the Department of Defense for military per-  
18 sonnel of the reserve components serving under the provi-  
19 sions of title 10 and title 32, United States Code; for oper-  
20 ation and maintenance; for procurement; and for research,  
21 development, test and evaluation, \$878,027,000, of which  
22 \$547,878,000 shall be for counter-narcotics support;  
23 \$130,060,000 shall be for the drug demand reduction pro-  
24 gram; \$194,211,000 shall be for the National Guard  
25 counter-drug program; and \$5,878,000 shall be for the

1 National Guard counter-drug schools program: *Provided*,  
2 That the funds appropriated under this heading shall be  
3 available for obligation for the same time period and for  
4 the same purpose as the appropriation to which trans-  
5 ferred: *Provided further*, That upon a determination that  
6 all or part of the funds transferred from this appropriation  
7 are not necessary for the purposes provided herein, such  
8 amounts may be transferred back to this appropriation:  
9 *Provided further*, That the transfer authority provided  
10 under this heading is in addition to any other transfer au-  
11 thority contained elsewhere in this Act: *Provided further*,  
12 That funds appropriated under this heading may not be  
13 used to support a new start program or project unless  
14 such program or project must be undertaken immediately  
15 in the interest of national security and only after written  
16 prior notification to the Committees on Appropriations of  
17 the House of Representatives and the Senate.

18 OFFICE OF THE INSPECTOR GENERAL

19 For expenses and activities of the Office of the In-  
20 spector General in carrying out the provisions of the In-  
21 spector General Act of 1978, as amended, \$479,359,000,  
22 of which \$475,971,000 shall be for operation and mainte-  
23 nance, of which not to exceed \$700,000 is available for  
24 emergencies and extraordinary expenses to be expended  
25 upon the approval or authority of the Inspector General,

1 and payments may be made upon the Inspector General's  
2 certificate of necessity for confidential military purposes;  
3 of which \$1,524,000, to remain available for obligation  
4 until September 30, 2025, shall be for procurement; and  
5 of which \$1,864,000, to remain available until September  
6 30, 2024, shall be for research, development, test and eval-  
7 uation.

## 8 TITLE VII

### 9 RELATED AGENCIES

#### 10 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

#### 11 DISABILITY SYSTEM FUND

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

#### 17 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

18 For necessary expenses of the Intelligence Commu-  
19 nity Management Account, \$578,705,000.

## 20 TITLE VIII

### 21 GENERAL PROVISIONS

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

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

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

24           SEC. 8004. No more than 20 percent of the appro-  
25 priations in this Act which are limited for obligation dur-

1 ing the current fiscal year shall be obligated during the  
2 last 2 months of the fiscal year: *Provided*, That this sec-  
3 tion shall not apply to obligations for support of active  
4 duty training of reserve components or summer camp  
5 training of the Reserve Officers' Training Corps.

6 (TRANSFER OF FUNDS)

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

1 *further*, That no part of the funds in this Act shall be  
2 available to prepare or present a request to the Commit-  
3 tees on Appropriations of the House of Representatives  
4 and the Senate for reprogramming of funds, unless for  
5 higher priority items, based on unforeseen military re-  
6 quirements, than those for which originally appropriated  
7 and in no case where the item for which reprogramming  
8 is requested has been denied by the Congress: *Provided*  
9 *further*, That a request for multiple reprogrammings of  
10 funds using authority provided in this section shall be  
11 made prior to June 30, 2023: *Provided further*, That  
12 transfers among military personnel appropriations shall  
13 not be taken into account for purposes of the limitation  
14 on the amount of funds that may be transferred under  
15 this section.

16 SEC. 8006. (a) With regard to the list of specific pro-  
17 grams, projects, and activities (and the dollar amounts  
18 and adjustments to budget activities corresponding to  
19 such programs, projects, and activities) contained in the  
20 tables titled Explanation of Project Level Adjustments in  
21 the explanatory statement regarding this Act and the ta-  
22 bles contained in the classified annex accompanying this  
23 Act, the obligation and expenditure of amounts appro-  
24 priated or otherwise made available in this Act for those  
25 programs, projects, and activities are hereby required by

1 law to be carried out in the manner provided by such ta-  
2 bles to the same extent as if the tables were included in  
3 the text of this Act.

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

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

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

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





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

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

23 SEC. 8010. None of the funds provided in this Act  
24 shall be available to initiate: (1) a multiyear contract that  
25 employs economic order quantity procurement in excess of

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

1 contract executed after the date of the enactment of this  
2 Act unless in the case of any such contract—

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

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

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

21           (4) the contract does not provide for a price ad-  
22 justment based on a failure to award a follow-on  
23 contract.

1 Funds appropriated in title III of this Act may be used  
2 for multiyear procurement contracts for the Arleigh Burke  
3 Class Guided Missile Destroyer.

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

1 imburseable basis, for civilian patients from American  
2 Samoa, the Commonwealth of the Northern Mariana Is-  
3 lands, the Marshall Islands, the Federated States of Mi-  
4 cronesia, Palau, and Guam.

5       SEC. 8012. (a) During the current fiscal year, the  
6 civilian personnel of the Department of Defense may not  
7 be managed on the basis of any constraint or limitation  
8 in terms of man years, end strength, full-time equivalent  
9 positions, or maximum number of employees, but are to  
10 be managed primarily on the basis of, and in a manner  
11 consistent with—

12           (1) the total force management policies and  
13       procedures established under section 129a of title  
14       10, United States Code;

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

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

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

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

4 (d) A projection of the number of full-time equivalent  
5 positions shall not be considered a constraint or limitation  
6 for purposes of subsection (a) and reducing funding for  
7 under-execution of such a projection shall not be consid-  
8 ered managing based on a constraint or limitation for pur-  
9 poses of such subsection.

10 (e) The fiscal year 2024 budget request for the De-  
11 partment of Defense, and any justification material and  
12 other documentation supporting such request, shall be  
13 prepared and submitted to Congress as if subsections (a)  
14 and (b) were effective with respect to such fiscal year.

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

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

21 SEC. 8014. None of the funds appropriated by this  
22 Act shall be available for the basic pay and allowances of  
23 any member of the Army participating as a full-time stu-  
24 dent and receiving benefits paid by the Secretary of Vet-  
25 erans Affairs from the Department of Defense Education

1 Benefits Fund when time spent as a full-time student is  
2 credited toward completion of a service commitment: *Pro-*  
3 *vided*, That this section shall not apply to those members  
4 who have reenlisted with this option prior to October 1,  
5 1987: *Provided further*, That this section applies only to  
6 active components of the Army.

7 (TRANSFER OF FUNDS)

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

18 (b) The Secretary of Defense shall include with the  
19 budget justification documents in support of the budget  
20 for fiscal year 2024 (as submitted to Congress pursuant  
21 to section 1105 of title 31, United States Code) a descrip-  
22 tion of each transfer under this section that occurred dur-  
23 ing the last fiscal year before the fiscal year in which such  
24 budget is submitted.

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



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

21       SEC. 8018. None of the funds available to the De-  
22 partment of Defense may be used to demilitarize or dis-  
23 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,  
24 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or  
25 to demilitarize or destroy small arms ammunition or am-

1 munition components that are not otherwise prohibited  
2 from commercial sale under Federal law, unless the small  
3 arms ammunition or ammunition components are certified  
4 by the Secretary of the Army or designee as unserviceable  
5 or unsafe for further use.

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

15       SEC. 8020. In addition to the funds provided else-  
16 where in this Act, \$25,000,000 is appropriated only for  
17 incentive payments authorized by section 504 of the In-  
18 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,  
19 That a prime contractor or a subcontractor at any tier  
20 that makes a subcontract award to any subcontractor or  
21 supplier as defined in section 1544 of title 25, United  
22 States Code, or a small business owned and controlled by  
23 an individual or individuals defined under section 4221(9)  
24 of title 25, United States Code, shall be considered a con-  
25 tractor for the purposes of being allowed additional com-

1   pensation under section 504 of the Indian Financing Act  
2   of 1974 (25 U.S.C. 1544) whenever the prime contract  
3   or subcontract amount is over \$500,000 and involves the  
4   expenditure of funds appropriated by an Act making ap-  
5   propriations for the Department of Defense with respect  
6   to any fiscal year: *Provided further*, That notwithstanding  
7   section 1906 of title 41, United States Code, this section  
8   shall be applicable to any Department of Defense acquisi-  
9   tion of supplies or services, including any contract and any  
10  subcontract at any tier for acquisition of commercial items  
11  produced or manufactured, in whole or in part, by any  
12  subcontractor or supplier defined in section 1544 of title  
13  25, United States Code, or a small business owned and  
14  controlled by an individual or individuals defined under  
15  section 4221(9) of title 25, United States Code.

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

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

11 (c) The Operation Walking Shield Program shall re-  
12 solve any conflicts among requests of Indian tribes for  
13 housing units under subsection (a) before submitting re-  
14 quests to the Secretary of the Air Force under subsection  
15 (b).

16 (d) In this section, the term “Indian tribe” means  
17 any recognized Indian tribe included on the current list  
18 published by the Secretary of the Interior under section  
19 104 of the Federally Recognized Indian Tribe Act of 1994  
20 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).

21 SEC. 8022. Of the funds appropriated to the Depart-  
22 ment of Defense under the heading “Operation and Main-  
23 tenance, Defense-Wide”, not less than \$20,000,000 shall  
24 be made available only for the mitigation of environmental  
25 impacts, including training and technical assistance to

1 tribes, related administrative support, the gathering of in-  
2 formation, documenting of environmental damage, and de-  
3 veloping a system for prioritization of mitigation and cost  
4 to complete estimates for mitigation, on Indian lands re-  
5 sulting from Department of Defense activities.

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

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

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

15 (1) \$51,300,000 shall be available from “Oper-  
16 ation and Maintenance, Air Force” to support Civil  
17 Air Patrol Corporation operation and maintenance,  
18 readiness, counter-drug activities, and drug demand  
19 reduction activities involving youth programs;

20 (2) \$11,600,000 shall be available from “Air-  
21 craft Procurement, Air Force”; and

22 (3) \$1,900,000 shall be available from “Other  
23 Procurement, Air Force” for vehicle procurement.

24 (b) The Secretary of the Air Force should waive reim-  
25 bursement for any funds used by the Civil Air Patrol for

1 counter-drug activities in support of Federal, State, and  
2 local government agencies.

3       SEC. 8026. (a) None of the funds appropriated in this  
4 Act are available to establish a new Department of De-  
5 fense (department) federally funded research and develop-  
6 ment center (FFRDC), either as a new entity, or as a  
7 separate entity administrated by an organization man-  
8 aging another FFRDC, or as a nonprofit membership cor-  
9 poration consisting of a consortium of other FFRDCs and  
10 other nonprofit entities.

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

23       (c) Notwithstanding any other provision of law, none  
24 of the funds available to the department from any source  
25 during the current fiscal year may be used by a defense

1 FFRDC, through a fee or other payment mechanism, for  
2 construction of new buildings not located on a military in-  
3 stallation, for payment of cost sharing for projects funded  
4 by Government grants, for absorption of contract over-  
5 runs, or for certain charitable contributions, not to include  
6 employee participation in community service and/or devel-  
7 opment.

8 (d) Notwithstanding any other provision of law, of  
9 the funds available to the department during fiscal year  
10 2023, not more than 6,184 staff years of technical effort  
11 (staff years) may be funded for defense FFRDCs: *Pro-*  
12 *vided*, That, within such funds for 6,184 staff years, funds  
13 shall be available only for 1,148 staff years for the defense  
14 studies and analysis FFRDCs: *Provided further*, That this  
15 subsection shall not apply to staff years funded in the Na-  
16 tional Intelligence Program (NIP) and the Military Intel-  
17 ligence Program (MIP).

18 (e) The Secretary of Defense shall, with the submis-  
19 sion of the Department's fiscal year 2024 budget request,  
20 submit a report presenting the specific amounts of staff  
21 years of technical effort to be allocated for each defense  
22 FFRDC during that fiscal year and the associated budget  
23 estimates.

24 (f) Notwithstanding any other provision of this Act,  
25 the total amount appropriated in this Act for FFRDCs

1 is hereby reduced by \$123,600,000: *Provided*, That this  
2 subsection shall not apply to appropriations for the Na-  
3 tional Intelligence Program and Military Intelligence Pro-  
4 gram.

5 SEC. 8027. For the purposes of this Act, the term  
6 “congressional defense committees” means the Armed  
7 Services Committee of the House of Representatives, the  
8 Armed Services Committee of the Senate, the Sub-  
9 committee on Defense of the Committee on Appropriations  
10 of the Senate, and the Subcommittee on Defense of the  
11 Committee on Appropriations of the House of Representa-  
12 tives.

13 SEC. 8028. For the purposes of this Act, the term  
14 “congressional intelligence committees” means the Perma-  
15 nent Select Committee on Intelligence of the House of  
16 Representatives, the Select Committee on Intelligence of  
17 the Senate, the Subcommittee on Defense of the Com-  
18 mittee on Appropriations of the House of Representatives,  
19 and the Subcommittee on Defense of the Committee on  
20 Appropriations of the Senate.

21 SEC. 8029. During the current fiscal year, the De-  
22 partment of Defense may acquire the modification, depot  
23 maintenance and repair of aircraft, vehicles and vessels  
24 as well as the production of components and other De-  
25 fense-related articles, through competition between De-



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

10 SEC. 8030. (a) None of the funds appropriated in this  
11 Act may be expended by an entity of the Department of  
12 Defense unless the entity, in expending the funds, com-  
13 plies with the Buy American Act. For purposes of this  
14 subsection, the term “Buy American Act” means chapter  
15 83 of title 41, United States Code.

16 (b) If the Secretary of Defense determines that a per-  
17 son has been convicted of intentionally affixing a label  
18 bearing a “Made in America” inscription to any product  
19 sold in or shipped to the United States that is not made  
20 in America, the Secretary shall determine, in accordance  
21 with section 4658 of title 10, United States Code, whether  
22 the person should be debarred from contracting with the  
23 Department of Defense.

24 (c) In the case of any equipment or products pur-  
25 chased with appropriations provided under this Act, it is

1 the sense of the Congress that any entity of the Depart-  
2 ment of Defense, in expending the appropriation, purchase  
3 only American-made equipment and products, provided  
4 that American-made equipment and products are cost-  
5 competitive, quality competitive, and available in a timely  
6 fashion.

7       SEC. 8031. None of the funds appropriated or made  
8 available in this Act shall be used to procure carbon, alloy,  
9 or armor steel plate for use in any Government-owned fa-  
10 cility or property under the control of the Department of  
11 Defense which were not melted and rolled in the United  
12 States or Canada: *Provided*, That these procurement re-  
13 strictions shall apply to any and all Federal Supply Class  
14 9515, American Society of Testing and Materials (ASTM)  
15 or American Iron and Steel Institute (AISI) specifications  
16 of carbon, alloy or armor steel plate: *Provided further*,  
17 That the Secretary of the military department responsible  
18 for the procurement may waive this restriction on a case-  
19 by-case basis by certifying in writing to the Committees  
20 on Appropriations of the House of Representatives and the  
21 Senate that adequate domestic supplies are not available  
22 to meet Department of Defense requirements on a timely  
23 basis and that such an acquisition must be made in order  
24 to acquire capability for national security purposes: *Pro-*  
25 *vided further*, That these restrictions shall not apply to

1 contracts which are in being as of the date of the enact-  
2 ment of this Act.

3       SEC. 8032. (a)(1) If the Secretary of Defense, after  
4 consultation with the United States Trade Representative,  
5 determines that a foreign country which is party to an  
6 agreement described in paragraph (2) has violated the  
7 terms of the agreement by discriminating against certain  
8 types of products produced in the United States that are  
9 covered by the agreement, the Secretary of Defense shall  
10 rescind the Secretary's blanket waiver of the Buy Amer-  
11 ican Act with respect to such types of products produced  
12 in that foreign country.

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

19       (b) The Secretary of Defense shall submit to the Con-  
20 gress a report on the amount of Department of Defense  
21 purchases from foreign entities in fiscal year 2023. Such  
22 report shall separately indicate the dollar value of items  
23 for which the Buy American Act was waived pursuant to  
24 any agreement described in subsection (a)(2), the Trade  
25 Agreements Act of 1979 (19 U.S.C. 2501 et seq.), or any

1 international agreement to which the United States is a  
2 party.

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

6 SEC. 8033. None of the funds appropriated by this  
7 Act may be used for the procurement of ball and roller  
8 bearings other than those produced by a domestic source  
9 and of domestic origin: *Provided*, That the Secretary of  
10 the military department responsible for such procurement  
11 may waive this restriction on a case-by-case basis by certi-  
12 fying in writing to the Committees on Appropriations of  
13 the House of Representatives and the Senate, that ade-  
14 quate domestic supplies are not available to meet Depart-  
15 ment of Defense requirements on a timely basis and that  
16 such an acquisition must be made in order to acquire ca-  
17 pability for national security purposes: *Provided further*,  
18 That this restriction shall not apply to the purchase of  
19 “commercial products”, as defined by section 103 of title  
20 41, United States Code, except that the restriction shall  
21 apply to ball or roller bearings purchased as end items.

22 SEC. 8034. In addition to any other funds made  
23 available for such purposes, there is appropriated  
24 \$93,500,000, for an additional amount for the “National  
25 Defense Stockpile Transaction Fund”, to remain available

1 until September 30, 2025, for activities pursuant to the  
2 Strategic and Critical Materials Stock Piling Act (50  
3 U.S.C. 98 et seq.): *Provided*, That none of the funds pro-  
4 vided under this section may be obligated or expended  
5 until 90 days after the Secretary of Defense provides the  
6 Committees on Appropriations of the House of Represent-  
7 atives and the Senate a detailed execution plan for such  
8 funds.

9 SEC. 8035. None of the funds in this Act may be  
10 used to purchase any supercomputer which is not manu-  
11 factured in the United States, unless the Secretary of De-  
12 fense certifies to the congressional defense committees  
13 that such an acquisition must be made in order to acquire  
14 capability for national security purposes that is not avail-  
15 able from United States manufacturers.

16 SEC. 8036. (a) The Secretary of Defense may, on a  
17 case-by-case basis, waive with respect to a foreign country  
18 each limitation on the procurement of defense items from  
19 foreign sources provided in law if the Secretary determines  
20 that the application of the limitation with respect to that  
21 country would invalidate cooperative programs entered  
22 into between the Department of Defense and the foreign  
23 country, or would invalidate reciprocal trade agreements  
24 for the procurement of defense items entered into under  
25 section 4851 of title 10, United States Code, and the

1 country does not discriminate against the same or similar  
2 defense items produced in the United States for that coun-  
3 try.

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

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

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

12 (c) Subsection (a) does not apply to a limitation re-  
13 garding construction of public vessels, ball and roller bear-  
14 ings, food, and clothing or textile materials as defined by  
15 section XI (chapters 50–65) of the Harmonized Tariff  
16 Schedule of the United States and products classified  
17 under headings 4010, 4202, 4203, 6401 through 6406,  
18 6505, 7019, 7218 through 7229, 7304.41 through  
19 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109,  
20 8211, 8215, and 9404.

21 SEC. 8037. None of the funds made available in this  
22 Act, or any subsequent Act making appropriations for the  
23 Department of Defense, may be used for the purchase or  
24 manufacture of a flag of the United States unless such

1 flags are treated as covered items under section 4862(b)  
2 of title 10, United States Code.

3 SEC. 8038. During the current fiscal year, amounts  
4 contained in the Department of Defense Overseas Military  
5 Facility Investment Recovery Account shall be available  
6 until expended for the payments specified by section  
7 2687a(b)(2) of title 10, United States Code.

8 SEC. 8039. During the current fiscal year, appropria-  
9 tions which are available to the Department of Defense  
10 for operation and maintenance may be used to purchase  
11 items having an investment item unit cost of not more  
12 than \$350,000: *Provided*, That upon determination by the  
13 Secretary of Defense that such action is necessary to meet  
14 the operational requirements of a Commander of a Com-  
15 batant Command engaged in a named contingency oper-  
16 ation overseas, such funds may be used to purchase items  
17 having an investment item unit cost of not more than  
18 \$500,000.

19 SEC. 8040. Up to \$10,720,000 of the funds appro-  
20 priated under the heading “Operation and Maintenance,  
21 Navy” may be made available for the Asia Pacific Re-  
22 gional Initiative Program for the purpose of enabling the  
23 United States Indo-Pacific Command to execute Theater  
24 Security Cooperation activities such as humanitarian as-  
25 sistance, and payment of incremental and personnel costs

1 of training and exercising with foreign security forces:  
2 *Provided*, That funds made available for this purpose may  
3 be used, notwithstanding any other funding authorities for  
4 humanitarian assistance, security assistance or combined  
5 exercise expenses: *Provided further*, That funds may not  
6 be obligated to provide assistance to any foreign country  
7 that is otherwise prohibited from receiving such type of  
8 assistance under any other provision of law.

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

19       SEC. 8042. (a) During the current fiscal year, none  
20 of the appropriations or funds available to the Department  
21 of Defense Working Capital Funds shall be used for the  
22 purchase of an investment item for the purpose of acquir-  
23 ing a new inventory item for sale or anticipated sale dur-  
24 ing the current fiscal year or a subsequent fiscal year to  
25 customers of the Department of Defense Working Capital



1 Funds if such an item would not have been chargeable  
2 to the Department of Defense Business Operations Fund  
3 during fiscal year 1994 and if the purchase of such an  
4 investment item would be chargeable during the current  
5 fiscal year to appropriations made to the Department of  
6 Defense for procurement.

7 (b) The fiscal year 2024 budget request for the De-  
8 partment of Defense as well as all justification material  
9 and other documentation supporting the fiscal year 2024  
10 Department of Defense budget shall be prepared and sub-  
11 mitted to the Congress on the basis that any equipment  
12 which was classified as an end item and funded in a pro-  
13 curement appropriation contained in this Act shall be  
14 budgeted for in a proposed fiscal year 2024 procurement  
15 appropriation and not in the supply management business  
16 area or any other area or category of the Department of  
17 Defense Working Capital Funds.

18 SEC. 8043. None of the funds appropriated by this  
19 Act for programs of the Central Intelligence Agency shall  
20 remain available for obligation beyond the current fiscal  
21 year, except for funds appropriated for the Reserve for  
22 Contingencies, which shall remain available until Sep-  
23 tember 30, 2024: *Provided*, That funds appropriated,  
24 transferred, or otherwise credited to the Central Intel-  
25 ligence Agency Central Services Working Capital Fund

1 during this or any prior or subsequent fiscal year shall  
2 remain available until expended: *Provided further*, That  
3 any funds appropriated or transferred to the Central Intel-  
4 ligence Agency for advanced research and development ac-  
5 quisition, for agent operations, and for covert action pro-  
6 grams authorized by the President under section 503 of  
7 the National Security Act of 1947 (50 U.S.C. 3093) shall  
8 remain available until September 30, 2024: *Provided fur-*  
9 *ther*, That any funds appropriated or transferred to the  
10 Central Intelligence Agency for the construction, improve-  
11 ment, or alteration of facilities, including leased facilities,  
12 to be used primarily by personnel of the intelligence com-  
13 munity shall remain available until September 30, 2025.

14 SEC. 8044. (a) During fiscal year 2023, in accord-  
15 ance with subsection (b), the Director of the Central Intel-  
16 ligence Agency shall have the same authority for the Cen-  
17 tral Intelligence Agency as is available to the Secretary  
18 of Homeland Security for the Department of Homeland  
19 Security under section 210G of the Homeland Security  
20 Act of 2002 (6 U.S.C. 124n), and shall be subject to the  
21 same limitations and requirements under such section.

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

23 (1) the reference in subsection (i) of section  
24 210G of the Homeland Security Act of 2002 (6  
25 U.S.C. 124n(i)) to “the date that is 4 years after

1 the date of enactment of this section” shall be  
2 deemed to be a reference to “September 30, 2023”;

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

6 (A) the Committee on Appropriations and  
7 the Permanent Select Committee on Intelligence  
8 of the House of Representatives, and

9 (B) the Committee on Appropriations and  
10 the Select Committee on Intelligence of the  
11 Senate; and

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

16 (A) that are located in the United States;  
17 and

18 (B) for which the Director may provide  
19 protection pursuant to sections 5(a)(4) or  
20 15(a)(1) of the Central Intelligence Agency Act  
21 of 1949 (50 U.S.C. 3506(a)(4); 3515(a)(1)).

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

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

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

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

13      (c) This section does not apply to—

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

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

20           (3) an Army field operating agency established  
21      to improve the effectiveness and efficiencies of bio-  
22      metric activities and to integrate common biometric  
23      technologies throughout the Department of Defense;  
24      or

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

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

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

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

22           (A) 10 percent of the most efficient organi-  
23          zation's personnel-related costs for performance  
24          of that activity or function by Federal employ-  
25          ees; or

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

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

5 (A) not making an employer-sponsored  
6 health insurance plan available to the workers  
7 who are to be employed in the performance of  
8 that activity or function under the contract; or

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

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

24 (A) is included on the procurement list estab-  
25 lished pursuant to section 2 of the Javits-Wagner-

1 O'Day Act (section 8503 of title 41, United States  
2 Code);

3 (B) is planned to be converted to performance  
4 by a qualified nonprofit agency for the blind or by  
5 a qualified nonprofit agency for other severely handi-  
6 capped individuals in accordance with that Act; or

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

14 (2) This section shall not apply to depot contracts  
15 or contracts for depot maintenance as provided in sections  
16 2469 and 2474 of title 10, United States Code.

17 (RESCISSIONS)

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

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

3 “Aircraft Procurement, Army”, 2021/2023,  
4 \$7,300,000;

5 “Other Procurement, Army”, 2021/2023,  
6 \$3,177,000;

7 “Aircraft Procurement, Air Force”, 2021/2023,  
8 \$49,100,000;

9 “Operation and Maintenance, Defense-Wide”,  
10 2022/2023, \$175,000,000;

11 “Counter-ISIS Train and Equip Fund”, 2022/  
12 2023, \$100,000,000;

13 “Aircraft Procurement, Army”, 2022/2024,  
14 \$9,437,000;

15 “Other Procurement, Army”, 2022/2024,  
16 \$71,544,000;

17 “Weapons Procurement, Navy”, 2022/2024,  
18 \$30,321,000;

19 “Aircraft Procurement, Air Force”, 2022/2024,  
20 \$64,000,000;

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

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



1           “Defense Counterintelligence and Security  
2     Agency Working Capital Fund”, 20XX,  
3     \$30,000,000.

4     SEC. 8048. None of the funds available in this Act  
5     may be used to reduce the authorized positions for mili-  
6     tary technicians (dual status) of the Army National  
7     Guard, Air National Guard, Army Reserve and Air Force  
8     Reserve for the purpose of applying any administratively  
9     imposed civilian personnel ceiling, freeze, or reduction on  
10    military technicians (dual status), unless such reductions  
11    are a direct result of a reduction in military force struc-  
12    ture.

13    SEC. 8049. None of the funds appropriated or other-  
14    wise made available in this Act may be obligated or ex-  
15    pended for assistance to the Democratic People’s Republic  
16    of Korea unless specifically appropriated for that purpose:  
17    *Provided*, That this restriction shall not apply to any ac-  
18    tivities incidental to the Defense POW/MIA Accounting  
19    Agency mission to recover and identify the remains of  
20    United States Armed Forces personnel from the Demo-  
21    cratic People’s Republic of Korea.

22    SEC. 8050. Funds appropriated in this Act for oper-  
23    ation and maintenance of the Military Departments, Com-  
24    batant Commands and Defense Agencies shall be available  
25    for reimbursement of pay, allowances and other expenses

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

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

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

21 SEC. 8052. In addition to the amounts appropriated  
22 or otherwise made available elsewhere in this Act,  
23 \$49,000,000 is hereby appropriated to the Department of  
24 Defense: *Provided*, That upon the determination of the  
25 Secretary of Defense that it shall serve the national inter-

1 est, the Secretary shall make grants in the amounts speci-  
2 fied as follows: \$24,000,000 to the United Service Organi-  
3 zations and \$25,000,000 to the Red Cross.

4       SEC. 8053. Notwithstanding any other provision in  
5 this Act, the Small Business Innovation Research program  
6 and the Small Business Technology Transfer program set-  
7 asides shall be taken proportionally from all programs,  
8 projects, or activities to the extent they contribute to the  
9 extramural budget. The Secretary of each military depart-  
10 ment, the Director of each Defense Agency, and the head  
11 of each other relevant component of the Department of  
12 Defense shall submit to the congressional defense commit-  
13 tees, concurrent with submission of the budget justifica-  
14 tion documents to Congress pursuant to section 1105 of  
15 title 31, United States Code, a report with a detailed ac-  
16 counting of the Small Business Innovation Research pro-  
17 gram and the Small Business Technology Transfer pro-  
18 gram set-asides taken from programs, projects, or activi-  
19 ties within such department, agency, or component during  
20 the most recently completed fiscal year.

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

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

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

6                           (INCLUDING TRANSFER OF FUNDS)

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

18          SEC. 8056. During the current fiscal year, in the case  
19          of an appropriation account of the Department of Defense  
20          for which the period of availability for obligation has ex-  
21          pired or which has closed under the provisions of section  
22          1552 of title 31, United States Code, and which has a  
23          negative unliquidated or unexpended balance, an obliga-  
24          tion or an adjustment of an obligation may be charged

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

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

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

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



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

10 SEC. 8059. None of the funds appropriated in title  
11 IV of this Act may be used to procure end-items for deliv-  
12 ery to military forces for operational training, operational  
13 use or inventory requirements: *Provided*, That this restric-  
14 tion does not apply to end-items used in development,  
15 prototyping, and test activities preceding and leading to  
16 acceptance for operational use: *Provided further*, That this  
17 restriction does not apply to programs funded within the  
18 National Intelligence Program: *Provided further*, That the  
19 Secretary of Defense shall, at the time of the submittal  
20 to Congress of the budget of the President for fiscal year  
21 2024 pursuant to section 1105 of title 31, United States  
22 Code, submit to the congressional defense committees a  
23 report detailing the use of funds requested in research,  
24 development, test and evaluation accounts for end-items  
25 used in development, prototyping and test activities pre-

1 ceding and leading to acceptance for operational use: *Pro-*  
2 *vided further*, That the report shall set forth, for each end-  
3 item covered by the preceding proviso, a detailed list of  
4 the statutory authorities under which amounts in the ac-  
5 counts described in that proviso were used for such item:  
6 *Provided further*, That the Secretary of Defense shall, at  
7 the time of the submittal to Congress of the budget of  
8 the President for fiscal year 2024 pursuant to section  
9 1105 of title 31, United States Code, submit to the con-  
10 gressional defense committees a certification that funds  
11 requested for fiscal year 2024 in research, development,  
12 test and evaluation are in compliance with this section:  
13 *Provided further*, That the Secretary of Defense may waive  
14 this restriction on a case-by-case basis by certifying in  
15 writing to the Committees on Appropriations of the House  
16 of Representatives and the Senate that it is in the national  
17 security interest to do so.

18 SEC. 8060. None of the funds appropriated or other-  
19 wise made available by this or other Department of De-  
20 fense Appropriations Acts may be obligated or expended  
21 for the purpose of performing repairs or maintenance to  
22 military family housing units of the Department of De-  
23 fense, including areas in such military family housing  
24 units that may be used for the purpose of conducting offi-  
25 cial Department of Defense business.



1        SEC. 8061. Notwithstanding any other provision of  
2 law, funds appropriated in this Act under the heading  
3 “Research, Development, Test and Evaluation, Defense-  
4 Wide” for any new start advanced concept technology  
5 demonstration project or joint capability demonstration  
6 project may only be obligated 45 days after a report, in-  
7 cluding a description of the project, the planned acquisi-  
8 tion and transition strategy and its estimated annual and  
9 total cost, has been provided in writing to the congress-  
10 sional defense committees: *Provided*, That the Secretary  
11 of Defense may waive this restriction on a case-by-case  
12 basis by certifying to the congressional defense committees  
13 that it is in the national interest to do so.

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

19        SEC. 8063. Notwithstanding section 12310(b) of title  
20 10, United States Code, a Reserve who is a member of  
21 the National Guard serving on full-time National Guard  
22 duty under section 502(f) of title 32, United States Code,  
23 may perform duties in support of the ground-based ele-  
24 ments of the National Ballistic Missile Defense System.

1           SEC. 8064. None of the funds provided in this Act  
2 may be used to transfer to any nongovernmental entity  
3 ammunition held by the Department of Defense that has  
4 a center-fire cartridge and a United States military no-  
5 menclature designation of “armor penetrator”, “armor  
6 piercing (AP)”, “armor piercing incendiary (API)”, or  
7 “armor-piercing incendiary tracer (API-T)”, except to an  
8 entity performing demilitarization services for the Depart-  
9 ment of Defense under a contract that requires the entity  
10 to demonstrate to the satisfaction of the Department of  
11 Defense that armor piercing projectiles are either: (1) ren-  
12 dered incapable of reuse by the demilitarization process;  
13 or (2) used to manufacture ammunition pursuant to a con-  
14 tract with the Department of Defense or the manufacture  
15 of ammunition for export pursuant to a License for Per-  
16 manent Export of Unclassified Military Articles issued by  
17 the Department of State.

18           SEC. 8065. Notwithstanding any other provision of  
19 law, the Chief of the National Guard Bureau, or their des-  
20 ignee, may waive payment of all or part of the consider-  
21 ation that otherwise would be required under section 2667  
22 of title 10, United States Code, in the case of a lease of  
23 personal property for a period not in excess of 1 year to  
24 any organization specified in section 508(d) of title 32,  
25 United States Code, or any other youth, social, or fra-

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

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8066. Of the amounts appropriated in this Act  
6 under the heading “Operation and Maintenance, Army”,  
7 \$158,967,374 shall remain available until expended: *Pro-*  
8 *vided*, That, notwithstanding any other provision of law,  
9 the Secretary of Defense is authorized to transfer such  
10 funds to other activities of the Federal Government: *Pro-*  
11 *vided further*, That the Secretary of Defense is authorized  
12 to enter into and carry out contracts for the acquisition  
13 of real property, construction, personal services, and oper-  
14 ations related to projects carrying out the purposes of this  
15 section: *Provided further*, That contracts entered into  
16 under the authority of this section may provide for such  
17 indemnification as the Secretary determines to be nec-  
18 essary: *Provided further*, That projects authorized by this  
19 section shall comply with applicable Federal, State, and  
20 local law to the maximum extent consistent with the na-  
21 tional security, as determined by the Secretary of Defense.

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

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

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

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

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

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

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

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

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

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

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

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

16 SEC. 8068. In addition to amounts provided else-  
17 where in this Act, \$5,000,000 is hereby appropriated to  
18 the Department of Defense, to remain available for obliga-  
19 tion until expended: *Provided*, That notwithstanding any  
20 other provision of law, that upon the determination of the  
21 Secretary of Defense that it shall serve the national inter-  
22 est, these funds shall be available only for a grant to the  
23 Fisher House Foundation, Inc., only for the construction  
24 and furnishing of additional Fisher Houses to meet the  
25 needs of military family members when confronted with

1 the illness or hospitalization of an eligible military bene-  
2 ficiary.

3 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

18                               (INCLUDING TRANSFER OF FUNDS)

19       SEC. 8073. Of the amounts appropriated in this Act  
20 under the headings “Procurement, Defense-Wide” and  
21 “Research, Development, Test and Evaluation, Defense-  
22 Wide”, \$500,000,000 shall be for the Israeli Cooperative  
23 Programs: *Provided*, That of this amount, \$80,000,000  
24 shall be for the Secretary of Defense to provide to the Gov-  
25 ernment of Israel for the procurement of the Iron Dome

1 defense system to counter short-range rocket threats, sub-  
2 ject to the U.S.-Israel Iron Dome Procurement Agree-  
3 ment, as amended; \$127,000,000 shall be for the Short  
4 Range Ballistic Missile Defense (SRBMD) program, in-  
5 cluding cruise missile defense research and development  
6 under the SRBMD program, of which \$40,000,000 shall  
7 be for co-production activities of SRBMD systems in the  
8 United States and in Israel to meet Israel's defense re-  
9 quirements consistent with each nation's laws, regulations,  
10 and procedures, subject to the U.S.-Israeli co-production  
11 agreement for SRBMD, as amended; \$80,000,000 shall  
12 be for an upper-tier component to the Israeli Missile De-  
13 fense Architecture, of which \$80,000,000 shall be for co-  
14 production activities of Arrow 3 Upper Tier systems in  
15 the United States and in Israel to meet Israel's defense  
16 requirements consistent with each nation's laws, regula-  
17 tions, and procedures, subject to the U.S.-Israeli co-pro-  
18 duction agreement for Arrow 3 Upper Tier, as amended;  
19 and \$173,000,000 shall be for the Arrow System Improve-  
20 ment Program including development of a long range,  
21 ground and airborne, detection suite: *Provided further,*  
22 That the transfer authority provided under this provision  
23 is in addition to any other transfer authority contained  
24 in this Act.



1           SEC. 8074. Of the amounts appropriated in this Act  
2 under the heading “Shipbuilding and Conversion, Navy”,  
3 \$1,328,146,000 shall be available until September 30,  
4 2023, to fund prior year shipbuilding cost increases for  
5 the following programs:

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

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

12           (3) Under the heading “Shipbuilding and Con-  
13 version, Navy”, 2015/2023: DDG–51 Destroyer  
14 \$30,231,000;

15           (4) Under the heading “Shipbuilding and Con-  
16 version, Navy”, 2015/2023: Littoral Combat Ship  
17 \$4,250,000;

18           (5) Under the heading “Shipbuilding and Con-  
19 version, Navy”, 2016/2023: DDG–51 Destroyer  
20 \$24,238,000;

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

1           (7) Under the heading “Shipbuilding and Con-  
2           version, Navy”, 2016/2023: TAO Fleet Oiler  
3           \$9,200,000;

4           (8) Under the heading “Shipbuilding and Con-  
5           version, Navy”, 2016/2023: Littoral Combat Ship  
6           \$18,000,000;

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

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

13          (11) Under the heading “Shipbuilding and Con-  
14          version, Navy”, 2017/2023: DDG-51 Destroyer  
15          \$168,178,000;

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

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

21          (14) Under the heading “Shipbuilding and Con-  
22          version, Navy”, 2017/2023: Littoral Combat Ship  
23          \$29,030,000;

1           (15) Under the heading “Shipbuilding and Con-  
2           version, Navy”, 2018/2023: DDG-51 Destroyer  
3           \$5,930,000;

4           (16) Under the heading “Shipbuilding and Con-  
5           version, Navy”, 2018/2023: Littoral Combat Ship  
6           \$9,538,000;

7           (17) Under the heading “Shipbuilding and Con-  
8           version, Navy”, 2018/2023: TAO Fleet Oiler  
9           \$12,500,000;

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

13          (19) Under the heading “Shipbuilding and Con-  
14          version, Navy”, 2019/2023: Littoral Combat Ship  
15          \$6,983,000;

16          (20) Under the heading “Shipbuilding and Con-  
17          version, Navy”, 2019/2023: TAO Fleet Oiler  
18          \$106,400,000;

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

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

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

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

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

17          SEC. 8077. The budget of the President for fiscal  
18          year 2024 submitted to the Congress pursuant to section  
19          1105 of title 31, United States Code, shall include sepa-  
20          rate budget justification documents for costs of United  
21          States Armed Forces’ participation in contingency oper-  
22          ations for the Military Personnel accounts, the Operation  
23          and Maintenance accounts, the Procurement accounts,  
24          and the Research, Development, Test and Evaluation ac-  
25          counts: *Provided*, That these documents shall include a de-

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

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

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

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

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

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

1 Amendment of the United States Constitution as imple-  
2 mented through Executive Order No. 12333.

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

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

13 SEC. 8083. None of the funds appropriated by this  
14 Act for programs of the Office of the Director of National  
15 Intelligence shall remain available for obligation beyond  
16 the current fiscal year, except for funds appropriated for  
17 research and technology, which shall remain available until  
18 September 30, 2024, and except for funds appropriated  
19 for the purchase of real property, which shall remain avail-  
20 able until September 30, 2025.

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

1 building and Conversion, Navy” appropriations in any  
2 prior fiscal year, and the 1 percent limitation shall apply  
3 to the total amount of the appropriation.

4 SEC. 8085. (a) Not later than 60 days after the date  
5 of the enactment of this Act, the Director of National In-  
6 telligence shall submit a report to the congressional intel-  
7 ligence committees to establish the baseline for application  
8 of reprogramming and transfer authorities for fiscal year  
9 2023: *Provided*, That the report shall include—

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

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

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

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



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

3 SEC. 8086. Any transfer of amounts appropriated to  
4 the Department of Defense Acquisition Workforce Devel-  
5 opment Account in or for fiscal year 2023 to a military  
6 department or Defense Agency pursuant to section  
7 1705(e)(1) of title 10, United States Code, shall be cov-  
8 ered by and subject to section 8005 of this Act.

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

15 (1) creates a new start effort;

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

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

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

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

12 SEC. 8088. (a) Any agency receiving funds made  
13 available in this Act, shall, subject to subsections (b) and  
14 (c), post on the public Web site of that agency any report  
15 required to be submitted by the Congress in this or any  
16 other Act, upon the determination by the head of the agen-  
17 cy that it shall serve the national interest.

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

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

21 (2) the report contains proprietary information.

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

1       SEC. 8089. (a) None of the funds appropriated or  
2 otherwise made available by this Act may be expended for  
3 any Federal contract for an amount in excess of  
4 \$1,000,000, unless the contractor agrees not to—

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

15           (2) take any action to enforce any provision of  
16 an existing agreement with an employee or inde-  
17 pendent contractor that mandates that the employee  
18 or independent contractor resolve through arbitra-  
19 tion any claim under title VII of the Civil Rights Act  
20 of 1964 or any tort related to or arising out of sex-  
21 ual assault or harassment, including assault and  
22 battery, intentional infliction of emotional distress,  
23 false imprisonment, or negligent hiring, supervision,  
24 or retention.

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

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

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

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

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8090. From within the funds appropriated for  
11 operation and maintenance for the Defense Health Pro-  
12 gram in this Act, up to \$168,000,000, shall be available  
13 for transfer to the Joint Department of Defense-Depart-  
14 ment of Veterans Affairs Medical Facility Demonstration  
15 Fund in accordance with the provisions of section 1704  
16 of the National Defense Authorization Act for Fiscal Year  
17 2010, Public Law 111–84: *Provided*, That for purposes  
18 of section 1704(b), the facility operations funded are oper-  
19 ations of the integrated Captain James A. Lovell Federal  
20 Health Care Center, consisting of the North Chicago Vet-  
21 erans Affairs Medical Center, the Navy Ambulatory Care  
22 Center, and supporting facilities designated as a combined  
23 Federal medical facility as described by section 706 of  
24 Public Law 110–417: *Provided further*, That additional  
25 funds may be transferred from funds appropriated for op-

1 eration and maintenance for the Defense Health Program  
2 to the Joint Department of Defense-Department of Vet-  
3 erans Affairs Medical Facility Demonstration Fund upon  
4 written notification by the Secretary of Defense to the  
5 Committees on Appropriations of the House of Represent-  
6 atives and the Senate.

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

12       SEC. 8092. Appropriations available to the Depart-  
13 ment of Defense may be used for the purchase of heavy  
14 and light armored vehicles for the physical security of per-  
15 sonnel or for force protection purposes up to a limit of  
16 \$450,000 per vehicle, notwithstanding price or other limi-  
17 tations applicable to the purchase of passenger carrying  
18 vehicles.

19                                   (INCLUDING TRANSFER OF FUNDS)

20       SEC. 8093. Upon a determination by the Director of  
21 National Intelligence that such action is necessary and in  
22 the national interest, the Director may, with the approval  
23 of the Office of Management and Budget, transfer not to  
24 exceed \$1,500,000,000 of the funds made available in this  
25 Act for the National Intelligence Program: *Provided*, That

1 such authority to transfer may not be used unless for  
2 higher priority items, based on unforeseen intelligence re-  
3 quirements, than those for which originally appropriated  
4 and in no case where the item for which funds are re-  
5 quested has been denied by the Congress: *Provided further*,  
6 That a request for multiple reprogrammings of funds  
7 using authority provided in this section shall be made  
8 prior to June 30, 2023.

9 SEC. 8094. Of the amounts appropriated in this Act  
10 for “Shipbuilding and Conversion, Navy”, \$138,000,000,  
11 to remain available for obligation until September 30,  
12 2027, may be used for the purchase of two used sealift  
13 vessels for the National Defense Reserve Fleet, established  
14 under section 11 of the Merchant Ship Sales Act of 1946  
15 (46 U.S.C. 57100): *Provided*, That such amounts are  
16 available for reimbursements to the Ready Reserve Force,  
17 Maritime Administration account of the United States De-  
18 partment of Transportation for programs, projects, activi-  
19 ties, and expenses related to the National Defense Reserve  
20 Fleet: *Provided further*, That notwithstanding section  
21 2218 of title 10, United States Code, none of these funds  
22 shall be transferred to the National Defense Sealift Fund  
23 for execution.

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

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

3           (1) conduct an acquisition pursuant to section  
4       702 of the Foreign Intelligence Surveillance Act of  
5       1978 for the purpose of targeting a United States  
6       person; or

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

14      SEC. 8097. None of the funds made available in this  
15 or any other Act may be used to pay the salary of any  
16 officer or employee of any agency funded by this Act who  
17 approves or implements the transfer of administrative re-  
18 sponsibilities or budgetary resources of any program,  
19 project, or activity financed by this Act to the jurisdiction  
20 of another Federal agency not financed by this Act with-  
21 out the express authorization of Congress: *Provided*, That  
22 this limitation shall not apply to transfers of funds ex-  
23 pressly provided for in Defense Appropriations Acts, or  
24 provisions of Acts providing supplemental appropriations  
25 for the Department of Defense.



1       SEC. 8098. Of the amounts appropriated in this Act  
2 for “Operation and Maintenance, Navy”, \$589,325,000,  
3 to remain available until expended, may be used for any  
4 purposes related to the National Defense Reserve Fleet  
5 established under section 11 of the Merchant Ship Sales  
6 Act of 1946 (46 U.S.C. 57100): *Provided*, That such  
7 amounts are available for reimbursements to the Ready  
8 Reserve Force, Maritime Administration account of the  
9 United States Department of Transportation for pro-  
10 grams, projects, activities, and expenses related to the Na-  
11 tional Defense Reserve Fleet.

12       SEC. 8099. (a) None of the funds provided in this  
13 Act for the TAO Fleet Oiler program shall be used to  
14 award a new contract that provides for the acquisition of  
15 the following components unless those components are  
16 manufactured in the United States: Auxiliary equipment  
17 (including pumps) for shipboard services; propulsion  
18 equipment (including engines, reduction gears, and propel-  
19 lers); shipboard cranes; spreaders for shipboard cranes;  
20 and anchor chains specifically for the seventh and subse-  
21 quent ships of the fleet.

22       (b) None of the funds provided in this Act for the  
23 FFG(X) Frigate program shall be used to award a new  
24 contract that provides for the acquisition of the following  
25 components unless those components are manufactured in

1 the United States: Air circuit breakers; gyrocompasses;  
2 electronic navigation chart systems; steering controls;  
3 pumps; propulsion and machinery control systems; totally  
4 enclosed lifeboats; auxiliary equipment pumps; shipboard  
5 cranes; auxiliary chill water systems; and propulsion pro-  
6 pellers: *Provided*, That the Secretary of the Navy shall in-  
7 corporate United States manufactured propulsion engines  
8 and propulsion reduction gears into the FFG(X) Frigate  
9 program beginning not later than with the eleventh ship  
10 of the program.

11 SEC. 8100. None of the funds provided in this Act  
12 for requirements development, performance specification  
13 development, concept design and development, ship con-  
14 figuration development, systems engineering, naval archi-  
15 tecture, marine engineering, operations research analysis,  
16 industry studies, preliminary design, development of the  
17 Detailed Design and Construction Request for Proposals  
18 solicitation package, or related activities for the T-  
19 ARC(X) Cable Laying and Repair Ship or the T-  
20 AGOS(X) Oceanographic Surveillance Ship may be used  
21 to award a new contract for such activities unless these  
22 contracts include specifications that all auxiliary equip-  
23 ment, including pumps and propulsion shafts, are manu-  
24 factured in the United States.

1           SEC. 8101. None of the funds made available by this  
2 Act may be obligated or expended for the purpose of de-  
3 commissioning the USS *Fort Worth*, the USS *Wichita*, the  
4 USS *Billings*, the USS *Indianapolis*, or the USS *St.*  
5 *Louis*.

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

10           (1) the Rapid Prototyping Fund established  
11 under section 804(d) of the National Defense Au-  
12 thorization Act for Fiscal Year 2016 (10 U.S.C.  
13 2302 note); or

14           (2) credited to a military-department specific  
15 fund established under section 804(d)(2) of the Na-  
16 tional Defense Authorization Act for Fiscal Year  
17 2016 (as amended by section 897 of the National  
18 Defense Authorization Act for Fiscal Year 2017).

19           SEC. 8103. None of the funds made available by this  
20 Act may be used for Government Travel Charge Card ex-  
21 penses by military or civilian personnel of the Department  
22 of Defense for gaming, or for entertainment that includes  
23 topless or nude entertainers or participants, as prohibited  
24 by Department of Defense FMR, Volume 9, Chapter 3

1 and Department of Defense Instruction 1015.10 (enclo-  
2 sure 3, 14a and 14b).

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

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

13 SEC. 8105. In addition to amounts provided else-  
14 where in this Act, there is appropriated \$300,751,000, for  
15 an additional amount for “Operation and Maintenance,  
16 Defense-Wide”, to remain available until expended: *Pro-*  
17 *vided*, That such funds shall only be available to the Sec-  
18 retary of Defense, acting through the Office of Local De-  
19 fense Community Cooperation of the Department of De-  
20 fense, or for transfer to the Secretary of Education, not-  
21 withstanding any other provision of law, to make grants,  
22 conclude cooperative agreements, or supplement other  
23 Federal funds to construct, renovate, repair, or expand el-  
24 ementary and secondary public schools on military instal-  
25 lations in order to address capacity or facility condition

1 deficiencies at such schools: *Provided further*, That in  
2 making such funds available, the Office of Local Defense  
3 Community Cooperation or the Secretary of Education  
4 shall give priority consideration to those military installa-  
5 tions with schools having the most serious capacity or fa-  
6 cility condition deficiencies as determined by the Secretary  
7 of Defense: *Provided further*, That as a condition of receiv-  
8 ing funds under this section a local educational agency or  
9 State shall provide a matching share as described in the  
10 notice titled “Department of Defense Program for Con-  
11 struction, Renovation, Repair or Expansion of Public  
12 Schools Located on Military Installations” published by  
13 the Department of Defense in the Federal Register on  
14 September 9, 2011 (76 Fed. Reg. 55883 et seq.): *Provided*  
15 *further*, That these provisions apply to funds provided  
16 under this section, and to funds previously provided by  
17 Congress to construct, renovate, repair, or expand elemen-  
18 tary and secondary public schools on military installations  
19 in order to address capacity or facility condition defi-  
20 ciencies at such schools to the extent such funds remain  
21 unobligated on the date of enactment of this section.

22       SEC. 8106. In carrying out the program described in  
23 the memorandum on the subject of “Policy for Assisted  
24 Reproductive Services for the Benefit of Seriously or Se-  
25 verely Ill/Injured (Category II or III) Active Duty Service

1 Members” issued by the Assistant Secretary of Defense  
2 for Health Affairs on April 3, 2012, and the guidance  
3 issued to implement such memorandum, the Secretary of  
4 Defense shall apply such policy and guidance, except  
5 that—

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

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

14 SEC. 8107. None of the funds provided for, or other-  
15 wise made available, in this or any other Act, may be obli-  
16 gated or expended by the Secretary of Defense to provide  
17 motorized vehicles, aviation platforms, munitions other  
18 than small arms and munitions appropriate for customary  
19 ceremonial honors, operational military units, or oper-  
20 ational military platforms if the Secretary determines that  
21 providing such units, platforms, or equipment would un-  
22 dermine the readiness of such units, platforms, or equip-  
23 ment.

24 SEC. 8108. The Secretary of Defense may obligate  
25 and expend funds made available under this Act for pro-

1 curement or for research, development, test and evaluation  
2 for the F-35 Joint Strike Fighter to modify up to six F-  
3 35 aircraft, including up to two F-35 aircraft of each vari-  
4 ant, to a test configuration: *Provided*, That the Secretary  
5 of Defense shall, with the concurrence of the Secretary  
6 of the Air Force and the Secretary of the Navy, notify  
7 the congressional defense committees not fewer than 30  
8 days prior to obligating and expending funds under this  
9 section: *Provided further*, That any transfer of funds pur-  
10 suant to the authority provided in this section shall be  
11 made in accordance with section 8005 of this Act: *Pro-*  
12 *vided further*, That aircraft referred to previously in this  
13 section are not additional to aircraft referred to in section  
14 8135 of the Department of Defense Appropriations Act,  
15 2019, section 8126 of the Department of Defense Appro-  
16 priations Act, 2020, section 8122 of the Department of  
17 Defense Appropriations Act, 2021, and section 8112 of  
18 the Department of Defense Appropriations Act, 2022.

19 SEC. 8109. (a) None of the funds made available by  
20 this or any other Act may be used to enter into a contract,  
21 memorandum of understanding, or cooperative agreement  
22 with, make a grant to, or provide a loan or loan guarantee  
23 to any corporation that has any unpaid Federal tax liabil-  
24 ity that has been assessed, for which all judicial and ad-  
25 ministrative remedies have been exhausted or have lapsed,

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

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

11 SEC. 8110. None of the funds appropriated or other-  
12 wise made available by this Act may be used to transfer  
13 the National Reconnaissance Office to the Space Force:  
14 *Provided*, That nothing in this Act shall be construed to  
15 limit or prohibit cooperation, collaboration, and coordina-  
16 tion between the National Reconnaissance Office and the  
17 Space Force or any other elements of the Department of  
18 Defense.

19 SEC. 8111. None of the funds appropriated or other-  
20 wise made available by this Act may be used to transfer  
21 any element of the Department of the Army, the Depart-  
22 ment of the Navy, or a Department of Defense agency  
23 to the Space Force unless, concurrent with the fiscal year  
24 2024 budget submission (as submitted to Congress pursu-  
25 ant to section 1105 of title 31, United States Code), the



1 Secretary of Defense, not to be delegated, provides a re-  
2 port to the Committees on Appropriations of the House  
3 of Representatives and the Senate, detailing any plans to  
4 transfer appropriate space elements of the Department of  
5 the Army, the Department of the Navy, or a Department  
6 of Defense agency to the Space Force and certifies in writ-  
7 ing to the Committees on Appropriations of the House of  
8 Representatives and the Senate that such transfer is con-  
9 sistent with the mission of the Space Force and will not  
10 have an adverse impact on the Department or agency from  
11 which such element is being transferred: *Provided*, That  
12 such report shall include fiscal year 2024 budget and fu-  
13 ture years defense program adjustments associated with  
14 such planned transfers.

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

18 SEC. 8113. During fiscal year 2023, the monetary  
19 limitation imposed by section 2208(l)(3) of title 10,  
20 United States Code may be exceeded by up to  
21 \$1,000,000,000.

22 SEC. 8114. (a) Amounts appropriated in this Act may  
23 be used for expenses for the agile research, development,  
24 test and evaluation, procurement, production, modifica-

1 tion, and operation and maintenance, only for the fol-  
2 lowing Software and Digital Technology Pilot programs—

3 (1) Defensive Cyber—Software Prototype De-  
4 velopment (PE 0608041A);

5 (2) Risk Management Information (PE  
6 0608013N);

7 (3) Maritime Tactical Command Control (PE  
8 0608231N);

9 (4) Defense Enterprise Accounting and Man-  
10 agement System (PE 0608920F);

11 (5) Air Force Defensive Cyber Systems (PE  
12 0308605F);

13 (6) All Domain Common Platform (PE  
14 0308606F);

15 (7) Air Force Weather Programs  
16 (PE0308607F);

17 (8) Electronic Warfare Integrated Reprogram-  
18 ming (PE 0308608F);

19 (9) Space Command and Control (PE  
20 1208248SF);

21 (10) National Background Investigation Serv-  
22 ices (PE 0608197V);

23 (11) Acquisition Visibility (PE 0608648D8Z);

24 (12) Global Command and Control System-  
25 Joint (PE 0308150K);

1 (13) National Industrial Security Systems (PE  
2 0308609V);

3 (14) Classified Programs (RDTE, Defense-  
4 Wide, BA-08, line 999); and

5 (15) Department of Defense Medical Informa-  
6 tion Exchange and Interoperability, Enterprise Intel-  
7 ligence and Data Solutions (Tile VI, Defense Health  
8 Program, RDTE).

9 (b) None of the funds appropriated by this or prior  
10 Department of Defense Appropriations Acts may be obli-  
11 gated or expended to initiate additional Software and Dig-  
12 ital Technology Pilot Programs in fiscal year 2023.

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

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

21 (2) Section 2242 of the Foreign Affairs Reform  
22 and Restructuring Act of 1998 (division G of Public  
23 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231  
24 note) and regulations prescribed thereto, including  
25 regulations under part 208 of title 8, Code of Fed-

1       eral Regulations, and part 95 of title 22, Code of  
2       Federal Regulations.

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

8       SEC. 8116. During the current fiscal year, the De-  
9       partment of Defense is authorized to incur obligations of  
10      not to exceed \$350,000,000 for purposes specified in sec-  
11      tion 2350j(c) of title 10, United States Code, in anticipa-  
12      tion of receipt of contributions, only from the Government  
13      of Kuwait, under that section: *Provided*, That, such con-  
14      tributions shall, upon receipt, be credited to the appropria-  
15      tions or fund which incurred such obligations.

16      SEC. 8117. The Secretary of Defense shall notify the  
17      congressional defense committees in writing not more than  
18      30 days after the receipt of any contribution of funds re-  
19      ceived from the government of a foreign country for any  
20      purpose relating to the stationing or operations of the  
21      United States Armed Forces: *Provided*, That such notifi-  
22      cation shall include the amount of the contribution; the  
23      purpose for which such contribution was made; and the  
24      authority under which such contribution was accepted by  
25      the Secretary of Defense: *Provided further*, That not fewer

1 than 15 days prior to obligating such funds, the Secretary  
2 of Defense shall submit to the congressional defense com-  
3 mittees in writing a notification of the planned use of such  
4 contributions, including whether such contributions would  
5 support existing or new stationing or operations of the  
6 United States Armed Forces.

7       SEC. 8118. From funds made available in title II of  
8 this Act, the Secretary of Defense may purchase for use  
9 by military and civilian employees of the Department of  
10 Defense in the United States Central Command area of  
11 responsibility: (1) passenger motor vehicles up to a limit  
12 of \$75,000 per vehicle; and (2) heavy and light armored  
13 vehicles for the physical security of personnel or for force  
14 protection purposes up to a limit of \$450,000 per vehicle,  
15 notwithstanding price or other limitations applicable to the  
16 purchase of passenger carrying vehicles.

17       SEC. 8119. Not later than 15 days after the date on  
18 which any foreign base that involves the stationing or op-  
19 erations of the United States Armed Forces, including a  
20 temporary base, permanent base, or base owned and oper-  
21 ated by a foreign country, is opened or closed, the Sec-  
22 retary of Defense shall notify the congressional defense  
23 committees in writing of the opening or closing of such  
24 base: *Provided*, That such notification shall also include  
25 information on any personnel changes, costs, and savings

1 associated with the opening or closing of such base: *Pro-*  
2 *vided further*, That of the funds made available under the  
3 heading “Operation and Maintenance, Defense-Wide” for  
4 the Office of the Secretary of Defense, \$50,000,000 shall  
5 not be available for obligation or expenditure until the Sec-  
6 retary submits the foreign base notifications required by  
7 the explanatory statement for the Department of Defense  
8 Appropriations Act, 2021 (division C of Public Law 116–  
9 260) and the explanatory statement for the Department  
10 of Defense Appropriations Act, 2022 (division C of Public  
11 Law 117–103).

12 SEC. 8120. The Secretary of Defense shall provide  
13 quarterly reports to the congressional defense committees  
14 on the deployment of United States Armed Forces by each  
15 geographic combatant command, including the number of  
16 members of the Armed Forces, civilian employees of the  
17 Department of Defense, and contract personnel, as well  
18 as the country and named operation, if applicable, to  
19 which such personnel are assigned: *Provided*, That of the  
20 funds made available under the heading “Operation and  
21 Maintenance, Defense-Wide” for the Office of the Sec-  
22 retary of Defense, \$50,000,000 shall not be available for  
23 obligation or expenditure until the Secretary submits the  
24 quarterly reports on deployment of United States Armed  
25 Forces required by the explanatory statement for the De-

1 partment of Defense Appropriations Act, 2021 (division  
2 C of Public Law 116–260) and the explanatory statement  
3 for the Department of Defense Appropriations Act, 2022  
4 (division C of Public Law 117–103).

5 SEC. 8121. (a) The Chairman of the Joint Chiefs,  
6 in coordination with the Secretaries of the military depart-  
7 ments and the Chiefs of the Armed Forces, shall submit  
8 to the congressional defense committees, not later than 30  
9 days after the last day of each quarter of the fiscal year,  
10 a report on the use of operation and maintenance funds  
11 for activities or exercises in excess of \$5,000,000 that have  
12 been designated by the Secretary of Defense as unplanned  
13 activities for fiscal year 2023.

14 (b) Each report required by subsection (a) shall also  
15 include—

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

18 (2) an identification of the military department  
19 and units that participated in each such activity or  
20 exercise (including an estimate of the number of  
21 participants);

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

1           (4) a short explanation of the objective of the  
2           activity or exercise.

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

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

9           SEC. 8123. None of the funds made available by this  
10          Act may be used with respect to Iraq in contravention of  
11          the War Powers Resolution (50 U.S.C. 1541 et seq.), in-  
12          cluding for the introduction of United States Armed  
13          Forces into hostilities in Iraq, into situations in Iraq  
14          where imminent involvement in hostilities is clearly indi-  
15          cated by the circumstances, or into Iraqi territory, air-  
16          space, or waters while equipped for combat, in contraven-  
17          tion of the congressional consultation and reporting re-  
18          quirements of sections 3 and 4 of such Resolution (50  
19          U.S.C. 1542 and 1543).

20          SEC. 8124. None of the funds made available by this  
21          Act may be used with respect to Syria in contravention  
22          of the War Powers Resolution (50 U.S.C. 1541 et seq.),  
23          including for the introduction of United States armed or  
24          military forces into hostilities in Syria, into situations in  
25          Syria where imminent involvement in hostilities is clearly



1 indicated by the circumstances, or into Syrian territory,  
2 airspace, or waters while equipped for combat, in con-  
3 travention of the congressional consultation and reporting  
4 requirements of sections 3 and 4 of that law (50 U.S.C.  
5 1542 and 1543).

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

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

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

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

18 SEC. 8127. None of the funds made available by this  
19 Act under the heading "Counter-ISIS Train and Equip  
20 Fund", and under the heading "Operation and Mainte-  
21 nance, Defense-Wide" for Department of Defense security  
22 cooperation grant programs, may be used to procure or  
23 transfer man-portable air defense systems.

24 SEC. 8128. None of the funds made available by this  
25 Act for excess defense articles, assistance under section

1 333 of title 10, United States Code, or peacekeeping oper-  
2 ations for the countries designated annually to be in viola-  
3 tion of the standards of the Child Soldiers Prevention Act  
4 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may  
5 be used to support any military training or operation that  
6 includes child soldiers, as defined by the Child Soldiers  
7 Prevention Act of 2008, unless such assistance is other-  
8 wise permitted under section 404 of the Child Soldiers  
9 Prevention Act of 2008.

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

12 SEC. 8130. Notwithstanding any other provision of  
13 law, any transfer of funds, appropriated or otherwise made  
14 available by this Act, for support to friendly foreign coun-  
15 tries in connection with the conduct of operations in which  
16 the United States is not participating, pursuant to section  
17 331(d) of title 10, United States Code, shall be made in  
18 accordance with section 8005 of this Act.

19 SEC. 8131. Of the amounts appropriated in this Act  
20 under the heading “Operation and Maintenance, Defense-  
21 Wide”, for the Defense Security Cooperation Agency,  
22 \$1,377,850,000, to remain available until September 30,  
23 2024, shall be available for International Security Co-  
24 operation Programs and other programs to provide sup-  
25 port and assistance to foreign security forces or other

1 groups or individuals to conduct, support or facilitate  
2 counterterrorism, crisis response, or building partner ca-  
3 pacity programs: *Provided*, That the Secretary of Defense  
4 shall, not less than 15 days prior to obligating funds made  
5 available in this section, notify the congressional defense  
6 committees in writing of the details of any planned obliga-  
7 tion: *Provided further*, That the Secretary of Defense shall  
8 provide quarterly reports to the Committees on Appropria-  
9 tions of the House of Representatives and the Senate on  
10 the use and status of funds made available in this section.

11 SEC. 8132. Of the amounts appropriated in this Act  
12 under the heading “Operation and Maintenance, Defense-  
13 Wide”, for the Defense Security Cooperation Agency,  
14 \$25,000,000, to remain available until September 30,  
15 2024, shall be for payments to reimburse key cooperating  
16 nations for logistical, military, and other support, includ-  
17 ing access, provided to United States military and stability  
18 operations to counter the Islamic State of Iraq and Syria:  
19 *Provided*, That such reimbursement payments may be  
20 made in such amounts as the Secretary of Defense, with  
21 the concurrence of the Secretary of State, and in consulta-  
22 tion with the Director of the Office of Management and  
23 Budget, may determine, based on documentation deter-  
24 mined by the Secretary of Defense to adequately account  
25 for the support provided, and such determination is final

1 and conclusive upon the accounting officers of the United  
2 States, and 15 days following written notification to the  
3 appropriate congressional committees: *Provided further*,  
4 That these funds may be used for the purpose of providing  
5 specialized training and procuring supplies and specialized  
6 equipment and providing such supplies and loaning such  
7 equipment on a non-reimbursable basis to coalition forces  
8 supporting United States military and stability operations  
9 to counter the Islamic State of Iraq and Syria, and 15  
10 days following written notification to the appropriate con-  
11 gressional committees: *Provided further*, That the Sec-  
12 retary of Defense shall provide quarterly reports to the  
13 Committees on Appropriations of the House of Represent-  
14 atives and the Senate on the use and status of funds made  
15 available in this section.

16 SEC. 8133. Of the amounts appropriated in this Act  
17 under the heading “Operation and Maintenance, Defense-  
18 Wide”, for the Defense Security Cooperation Agency,  
19 \$445,000,000, to remain available until September 30,  
20 2024, shall be available to reimburse Jordan, Lebanon,  
21 Egypt, Tunisia, and Oman under section 1226 of the Na-  
22 tional Defense Authorization Act for Fiscal Year 2016 (22  
23 U.S.C. 2151 note), for enhanced border security, of which  
24 not less than \$150,000,000 shall be for Jordan: *Provided*,  
25 That the Secretary of Defense shall, not less than 15 days

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

9 SEC. 8134. Up to \$500,000,000 of funds appro-  
10 priated by this Act for the Defense Security Cooperation  
11 Agency in “Operation and Maintenance, Defense-Wide”  
12 may be used to provide assistance to the Government of  
13 Jordan to support the armed forces of Jordan and to en-  
14 hance security along its borders.

15 SEC. 8135. Of the amounts appropriated in this Act  
16 under the heading “Operation and Maintenance, Defense-  
17 Wide”, for the Defense Security Cooperation Agency,  
18 \$300,000,000, to remain available until September 30,  
19 2024, shall be for the Ukraine Security Assistance Initia-  
20 tive: *Provided*, That such funds shall be available to the  
21 Secretary of Defense, with the concurrence of the Sec-  
22 retary of State, to provide assistance, including training;  
23 equipment; lethal assistance; logistics support, supplies  
24 and services; salaries and stipends; sustainment; and intel-  
25 ligence support to the military and national security forces

1 of Ukraine, and to other forces or groups recognized by  
2 and under the authority of the Government of Ukraine,  
3 including governmental entities within Ukraine, engaged  
4 in resisting Russian aggression against Ukraine, for re-  
5 placement of any weapons or articles provided to the Gov-  
6 ernment of Ukraine from the inventory of the United  
7 States, and to recover or dispose of equipment procured  
8 using funds made available in this section in this or prior  
9 Acts: *Provided further*, That such funds may be obligated  
10 and expended notwithstanding section 1250 of the Na-  
11 tional Defense Authorization Act for Fiscal Year 2016  
12 (Public Law 114–92): *Provided further*, That the Sec-  
13 retary of Defense shall, not less than 15 days prior to obli-  
14 gating funds made available in this section, notify the con-  
15 gressional defense committees in writing of the details of  
16 any such obligation: *Provided further*, That the Secretary  
17 of Defense shall, not more than 60 days after such notifi-  
18 cation is made, inform such committees if such funds have  
19 not been obligated and the reasons therefor: *Provided fur-*  
20 *ther*, That the Secretary of Defense shall consult with such  
21 committees in advance of the provision of support provided  
22 to other forces or groups recognized by and under the au-  
23 thority of the Government of Ukraine: *Provided further*,  
24 That the United States may accept equipment procured  
25 using funds made available in this section in this or prior

1 Acts transferred to the security forces of Ukraine and re-  
2 turned by such forces to the United States: *Provided fur-*  
3 *ther*, That equipment procured using funds made available  
4 in this section in this or prior Acts, and not yet trans-  
5 ferred to the military or national security forces of  
6 Ukraine or to other assisted entities, or returned by such  
7 forces or other assisted entities to the United States, may  
8 be treated as stocks of the Department of Defense upon  
9 written notification to the congressional defense commit-  
10 tees: *Provided further*, That the Secretary of Defense shall  
11 provide quarterly reports to the congressional defense  
12 committees on the use and status of funds made available  
13 in this section.

14 SEC. 8136. (a) None of the funds appropriated or  
15 otherwise made available by this or any other Act may  
16 be used by the Secretary of Defense, or any other official  
17 or officer of the Department of Defense, to enter into a  
18 contract, memorandum of understanding, or cooperative  
19 agreement with, or make a grant to, or provide a loan  
20 or loan guarantee to Rosoboronexport or any subsidiary  
21 of Rosoboronexport.

22 (b) The Secretary of Defense may waive the limita-  
23 tion in subsection (a) if the Secretary, in consultation with  
24 the Secretary of State and the Director of National Intel-  
25 ligence, determines that it is in the vital national security

1 interest of the United States to do so, and certifies in writ-  
2 ing to the congressional defense committees that—

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

7 (2) the armed forces of the Russian Federation  
8 have withdrawn from Ukraine; and

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

13 (c) The Inspector General of the Department of De-  
14 fense shall conduct a review of any action involving  
15 Rosoboronexport with respect to a waiver issued by the  
16 Secretary of Defense pursuant to subsection (b), and not  
17 later than 90 days after the date on which such a waiver  
18 is issued by the Secretary of Defense, the Inspector Gen-  
19 eral shall submit to the congressional defense committees  
20 a report containing the results of the review conducted  
21 with respect to such waiver.

22 SEC. 8137. None of the funds made available by this  
23 Act may be used to provide arms, training, or other assist-  
24 ance to the Azov Battalion.



1       SEC. 8138. None of the funds appropriated or other-  
2 wise made available by this Act may be used to support  
3 or facilitate offensive military operations conducted by the  
4 Saudi-led coalition against the Houthis in the war in  
5 Yemen.

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

10                                   (INCLUDING TRANSFER OF FUNDS)

11       SEC. 8140. Upon determination by the Secretary of  
12 Defense that such action is necessary to address an emer-  
13 gent need related to, or to improve the effectiveness or  
14 efficiency of, matters over which the commander of United  
15 States Cyber Command has responsibilities under section  
16 167b(d) of title 10, United States Code, the Secretary  
17 may, with the approval of the Director of the Office of  
18 Management and Budget and 15 days following written  
19 notification to the Committees on Appropriations of the  
20 House of Representatives and the Senate, transfer  
21 amounts made available for cyber activities in appropria-  
22 tions in this Act for Operation and Maintenance, Procure-  
23 ment, and Research, Development, Test and Evaluation:  
24 *Provided*, That transfers pursuant to this section shall be  
25 made in accordance with section 8005 of this Act, as ap-

1 plicable, except that transfers among appropriations pur-  
2 suant to this section shall not be taken into account for  
3 purposes of the limitation on the amount of funds that  
4 may be transferred under section 8005.

5       SEC. 8141. In addition to the amounts otherwise  
6 available, there is appropriated to the Secretary of De-  
7 fense, \$1,000,000,000, to remain available until Sep-  
8 tember 30, 2026, for transfer only to other appropriations  
9 or funds available to the Department of Defense (includ-  
10 ing amounts available for military construction): *Provided*,  
11 That such funds shall be available to the Secretary of De-  
12 fense for the purpose of conducting activities taken to  
13 comply with State of Hawaii Department of Health laws  
14 or otherwise determined to be appropriate, including ac-  
15 tivities relating to improvements of infrastructure and  
16 defueling, at the Red Hill Bulk Fuel Storage Facility: *Pro-*  
17 *vided further*, That amounts transferred pursuant to this  
18 section shall be merged with, and be available for the same  
19 purposes and time period as the appropriations or funds  
20 to which transferred: *Provided further*, That upon a deter-  
21 mination that all or part of the funds transferred from  
22 this appropriation are not necessary for the purposes pro-  
23 vided herein, such amounts may be transferred back to  
24 this appropriation: *Provided further*, That the transfer au-  
25 thority provided herein is in addition to any other transfer

1 authority provided by law: *Provided further*, That not less  
2 than 30 days prior to any transfer of funds pursuant to  
3 this section, the Secretary of Defense shall notify the con-  
4 gressional defense committees of the details of any such  
5 transfer.

6 SEC. 8142. During the current fiscal year, the Sec-  
7 retary of Defense and Secretaries of the military depart-  
8 ments may expend amounts made available for operation  
9 and maintenance for any purpose the Secretary concerned  
10 determines to be appropriate with regard to the response  
11 to the disruption of the water supply near the Red Hill  
12 Bulk Fuel Storage Facility, on Oahu, Hawaii: *Provided*,  
13 That such a determination is final and conclusive upon  
14 the accounting officers of the United States.

15 SEC. 8143. In addition to the amounts otherwise  
16 available, there is appropriated to the Department of De-  
17 fense, \$600,000,000, for an additional amount for title I  
18 of this Act for pay for military personnel: *Provided*, That  
19 amounts made available under this section shall be trans-  
20 ferred to the accounts in title I of this Act: *Provided fur-*  
21 *ther*, That the transfer authority provided herein is in ad-  
22 dition to any other transfer authority provided by law:  
23 *Provided further*, That the Secretary of Defense shall in-  
24 clude the details of any such transfer in the report re-  
25 quired by section 8007 of this Act.

1           SEC. 8144. None of the funds appropriated or other-  
2 wise made available by this Act may be used to reduce  
3 the availability of aircraft primarily used in support of  
4 travel for the official or representational duties of mem-  
5 bers of Congress or official duties of members of the Cabi-  
6 net below the level of availability of such aircraft during  
7 fiscal year 2022: *Provided*, That not later than 90 days  
8 after the date of the enactment of this Act, the Secretary  
9 of Defense shall submit to the congressional defense com-  
10 mittees a report on the necessary steps taken by the De-  
11 partment of Defense to meet the official travel needs of  
12 Congress and the Cabinet in fiscal years 2023 and 2024.

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

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

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

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

H:\SUBCOMMITTEE\BILL\2023\FY23 DEFENSE APPROPS.XML

[FULL COMMITTEE PRINT]

Union Calendar No. \_\_\_\_\_

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.** \_\_\_\_\_

[Report No. \_ - \_]

---

---

## A BILL

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

---

---

JUNE --, 2022

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