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. ___

117TH CONGRESS 2D 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,
That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2023, for military functions administered by the Department of Defense and for other purposes, namely:

**TITLE I**

**MILITARY PERSONNEL**

**MILITARY PERSONNEL, ARMY**

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

**MILITARY PERSONNEL, NAVY**

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel
between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $36,244,037,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $15,230,772,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve compo-
ments provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $35,060,287,000.

MILITARY PERSONNEL, SPACE FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Space Force on active duty and cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $1,084,361,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 7038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or
while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,374,686,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,400,777,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section
12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $839,942,000.

Reserve Personnel, Air Force

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

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code.
States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $9,324,213,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,123,235,000.
TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, $57,583,205,000: Provided, That not to exceed $12,478,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of the Army, and payments may be made upon the Secretary’s certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, $65,775,711,000: Provided, That not to exceed $15,055,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of the Navy, and payments may be made upon the Secretary’s certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $9,638,125,000.
Operation and Maintenance, Air Force

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, $58,038,438,000: Provided, That not to exceed $7,699,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary of the Air Force, and payments may be made upon the Secretary's certificate of necessity for confidential military purposes.

Operation and Maintenance, Space Force

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

Operation and Maintenance, Defense-Wide (Including Transfer of Funds)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $48,663,571,000: Provided, That not more than $3,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed $36,000,000 may be used for emergencies and extraordinary expenses, to be expended upon the approval or authority of the Secretary
of Defense, and payments may be made upon the Secretary's certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than $55,000,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $5,000,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $19,071,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in
the preceding proviso: *Provided further*, That of the funds provided under this heading, $2,348,599,000, of which $1,377,850,000, to remain available until September 30, 2024, shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or other Department of Defense security cooperation programs: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this paragraph: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**COUNTER-ISIS TRAIN AND EQUIP FUND**

For the “Counter-Islamic State of Iraq and Syria Train and Equip Fund”, $450,000,000, to remain available until September 30, 2024: *Provided*, That such funds shall be available to the Secretary of Defense in coordination with the Secretary of State, to provide assistance, including training; equipment; logistics support, supplies, and services; stipends; infrastructure repair and renovation; construction for facility fortification and humane treatment; and sustainment, to foreign security forces, irregular forces, groups, or individuals participating, or pre-
paring to participate in activities to counter the Islamic
State of Iraq and Syria, and their affiliated or associated
groups: Provided further, That amounts made available
under this heading shall be available to provide assistance
only for activities in a country designated by the Secretary
of Defense, in coordination with the Secretary of State,
as having a security mission to counter the Islamic State
of Iraq and Syria, and following written notification to the
congressional defense committees of such designation:
Provided further, That the Secretary of Defense shall en-
sure that prior to providing assistance to elements of any
forces or individuals, such elements or individuals are ap-
propriately vetted, including at a minimum, assessing such
elements for associations with terrorist groups or groups
associated with the Government of Iran; and receiving
commitments from such elements to promote respect for
human rights and the rule of law: Provided further, That
the Secretary of Defense shall, not fewer than 15 days
prior to obligating from this appropriation account, notify
the congressional defense committees in writing of the de-
tails of any such obligation: Provided further, That the
Secretary of Defense may accept and retain contributions,
including assistance in-kind, from foreign governments,
including the Government of Iraq and other entities, to
carry out assistance authorized under this heading: Pro-
vided further, That contributions of funds for the purposes
provided herein from any foreign government or other ent-
ity may be credited to this Fund, to remain available until
expended, and used for such purposes: Provided further,
That the Secretary of Defense shall prioritize such con-
tributions when providing any assistance for construction
for facility fortification: Provided further, That the Sec-
retary of Defense may waive a provision of law relating
to the acquisition of items and support services or sections
40 and 40A of the Arms Export Control Act (22 U.S.C.
2780 and 2785) if the Secretary determines that such pro-
vision of law would prohibit, restrict, delay or otherwise
limit the provision of such assistance and a notice of and
justification for such waiver is submitted to the congres-
sional defense committees, the Committees on Appropria-
tions and Foreign Relations of the Senate and the Com-
mittees on Appropriations and Foreign Affairs of the
House of Representatives: Provided further, That the
United States may accept equipment procured using funds
provided under this heading, or under the heading, “Iraq
Train and Equip Fund” in prior Acts, that was trans-
ferred to security forces, irregular forces, or groups par-
ticipating, or preparing to participate in activities to
counter the Islamic State of Iraq and Syria and returned
by such forces or groups to the United States, and such
equipment may be treated as stocks of the Department
of Defense upon written notification to the congressional
defense committees: Provided further, That equipment
procured using funds provided under this heading, or
under the heading, “Iraq Train and Equip Fund” in prior
Acts, and not yet transferred to security forces, irregular
forces, or groups participating, or preparing to participate
in activities to counter the Islamic State of Iraq and Syria
may be treated as stocks of the Department of Defense
when determined by the Secretary to no longer be required
for transfer to such forces or groups and upon written
notification to the congressional defense committees: Pro-
vided further, That the Secretary of Defense shall provide
quarterly reports to the congressional defense committees
on the use of funds provided under this heading, including,
but not limited to, the number of individuals trained, the
nature and scope of support and sustainment provided to
each group or individual, the area of operations for each
group, and the contributions of other countries, groups,
or individuals.

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary
for the operation and maintenance, including training, or-
ganization, and administration, of the Army Reserve; re-
pair of facilities and equipment; hire of passenger motor
vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,169,504,000.

**Operation and Maintenance, Navy Reserve**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,216,300,000.

**Operation and Maintenance, Marine Corps Reserve**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $340,733,000.

**Operation and Maintenance, Air Force Reserve**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $340,733,000.
vehicles; travel and transportation; care of the dead; re-
cruiting; procurement of services, supplies, and equip-
ment; and communications, $3,535,544,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL
GUARD

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

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and admin-
istering the Air National Guard, including medical and
hospital treatment and related expenses in non-Federal
hospitals; maintenance, operation, and repairs to struc-
tures and facilities; transportation of things, hire of pas-
senger motor vehicles; supplying and equipping the Air
National Guard, as authorized by law; expenses for repair,
modification, maintenance, and issue of supplies and
equipment, including those furnished from stocks under
the control of agencies of the Department of Defense;
travel expenses (other than mileage) on the same basis as
authorized by law for Air National Guard personnel on
active Federal duty, for Air National Guard commanders
while inspecting units in compliance with National Guard
Bureau regulations when specifically authorized by the
Chief, National Guard Bureau, $6,908,979,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED
FORCES

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

ENVIRONMENTAL RESTORATION, ARMY
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $273,700,000, to
remain available until transferred: *Provided*, That the Sec-

*etary of the Army shall, upon determining that such
funds are required for environmental restoration, reduc-
tion and recycling of hazardous waste, removal of unsafe
buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: 

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

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

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $390,113,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same
time period as the appropriations to which transferred:

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

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

ENVIRONMENTAL RESTORATION, Air Force

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $438,810,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to
this appropriation: Provided further, That the transfer au-
authority provided under this heading is in addition to any
other transfer authority provided elsewhere in this Act.

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

For the Department of Defense, $10,979,000, to re-
main available until transferred: Provided, That the Sec-
etary of Defense shall, upon determining that such funds
are required for environmental restoration, reduction and
recycling of hazardous waste, removal of unsafe buildings
and debris of the Department of Defense, or for similar
purposes, transfer the funds made available by this appro-
priation to other appropriations made available to the De-
partment of Defense, to be merged with and to be avail-
able for the same purposes and for the same time period
as the appropriations to which transferred: Provided fur-
ther, That upon a determination that all or part of the
funds transferred from this appropriation are not nec-
essary for the purposes provided herein, such amounts
may be transferred back to this appropriation: Provided
further, That the transfer authority provided under this
heading is in addition to any other transfer authority pro-
vided elsewhere in this Act.
ENVIRONMENTAL RESTORATION, FORMERLY USED
DEFENSE SITES
(INCLUDING TRANSFER OF FUNDS)
For the Department of the Army, $292,580,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID
For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sec-
tions 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $150,000,000, to remain available until September 30, 2024: Provided, That such amounts shall not be subject to the limitation in section 407(c)(3) of title 10, United States Code.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance, including assistance provided by contract or by grants, under programs and activities of the Department of Defense Cooperative Threat Reduction Program authorized under the Department of Defense Cooperative Threat Reduction Act, $351,598,000, to remain available until September 30, 2025.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT ACCOUNT

For the Department of Defense Acquisition Workforce Development Account, $53,791,000, to remain available for obligation until September 30, 2023: Provided, That no other amounts may be otherwise credited or transferred to the Account, or deposited into the Account, in fiscal year 2023 pursuant to section 1705(d) of title 10, United States Code.
TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,276,970,000, to remain available for obligation until September 30, 2025.

MISSILE PROCUREMENT, ARMY

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

PROCUREMENT OF WEAPONS AND TRACKED COMBAT
VEHICLES, ARMY

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

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,576,648,000, to remain available for obligation until September 30, 2025.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests
therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $8,243,869,000, to remain available for obligation until September 30, 2025.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $16,334,708,000, to remain available for obligation until September 30, 2025.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts,
and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,594,139,000, to remain available for obligation until September 30, 2025.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $911,982,000, to remain available for obligation until September 30, 2025.
SHIPBUILDING AND CONVERSION, NAVY

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

- Columbia Class Submarine, $3,079,223,000;
- Columbia Class Submarine (AP), $2,778,553,000;
- Carrier Replacement Program (CVN–80), $1,463,905,000;
- Carrier Replacement Program (CVN–81), $1,052,024,000;
- Virginia Class Submarine, $4,534,184,000;
- Virginia Class Submarine (AP), $2,025,651,000;
- CVN Refueling Overhauls (AP), $573,422,000;
- DDG–1000 Program, $72,976,000;
DDG–51 Destroyer, $4,376,537,000;
DDG–51 Destroyer (AP), $618,352,000;
FFG–Frigate, $1,085,224,000;
LPD Flight II, $1,673,000,000;
LHA Replacement, $1,085,470,000;
TAO Fleet Oiler, $794,719,000;
Towing, Salvage, and Rescue Ship, $95,915,000;
Ship to Shore Connector, $190,433,000;
Service Craft, $68,274,000;
LCAC SLEP, $36,301,000;
Auxiliary Vessels, $140,686,000;
For outfitting, post delivery, conversions, and first destination transportation, $707,412,000; and Completion of Prior Year Shipbuilding Programs, $1,328,146,000.
In all: $27,780,407,000, to remain available for obligation until September 30, 2027: Provided, That additional obligations may be incurred after September 30, 2027, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be ex-
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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.

Other Procurement, Navy

For procurement, production, and modernization of
support equipment and materials not otherwise provided
for, Navy ordnance (except ordnance for new aircraft, new
ships, and ships authorized for conversion); the purchase
of passenger motor vehicles for replacement only; expan-
sion of public and private plants, including the land nec-
essary therefor, and such lands and interests therein, may
be acquired, and construction prosecuted thereon prior to
approval of title; and procurement and installation of
equipment, appliances, and machine tools in public and
private plants; reserve plant and Government and con-
tactor-owned equipment layaway, $11,285,187,000, to
remain available for obligation until September 30, 2025:

Provided, That such funds are also available for the main-
tenance, repair, and modernization of ships under a pilot program established for such purposes.

**Procurement, Marine Corps**

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $3,414,365,000, to remain available for obligation until September 30, 2025.

**Aircraft Procurement, Air Force**

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests
therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $18,114,396,000, to remain available for obligation until September 30, 2025: Provided, That none of the funds provided under this heading for the procurement of F-15EX aircraft may be obligated or expended through an undefinitized contractual action (as that term is defined in section 3377(b)(1) of title 10, United States Code).

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of
things, $2,866,722,000, to remain available for obligation
until September 30, 2025.

PROCUREMENT OF AMMUNITION, AIR FORCE

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

OTHER PROCUREMENT, AIR FORCE

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

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

PROCUREMENT, SPACE FORCE

For construction, procurement, and modification of spacecraft, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $3,717,369,000, to remain available for obligation until September 30, 2025.
Procurement, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $5,425,747,000, to remain available for obligation until September 30, 2025.

Defense Production Act Purchases

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533), $707,906,000, to remain available until expended, which shall be obligated and expended by the Secretary of Defense as if delegated the necessary authorities conferred by the Defense Production Act of 1950.
NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

For procurement of rotary-wing aircraft; combat, tactical and support vehicles; other weapons; and other procurement items for the reserve components of the Armed Forces, $1,000,000,000, to remain available for obligation until September 30, 2025: Provided, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: Provided further, That none of the funds made available by this paragraph may be used to procure manned fixed wing aircraft, or procure or modify missiles, munitions, or ammunition.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $15,004,405,000, to remain available for obligation until September 30, 2024.
RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $25,142,077,000, to remain available for obligation until September 30, 2024: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $43,173,883,000, to remain available for obligation until September 30, 2024.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

SPACE FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $15,461,468,000, to remain available until September 30, 2024.
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $32,608,153,000, to remain available for obligation until September 30, 2024.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $277,194,000, to remain available for obligation until September 30, 2024.
TITLE V

REVENALVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

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

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $38,052,432,000; of which $35,141,343,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2024, and of which up to $18,342,836,000 may be available for contracts entered into under the TRICARE program; of which $570,074,000, to remain available for obligation until September 30, 2025, shall be for procurement; and of which $2,341,015,000, to remain available for obligation until September 30, 2024, shall be for research, development, test and evaluation: Provided, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $12,000,000 shall be available for HIV prevention educational activities undertaken in connection

Provided, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $12,000,000 shall be available for HIV prevention educational activities undertaken in connection

...
with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: Provided further, That of the funds provided under this heading for research, development, test and evaluation, not less than $1,144,000,000 shall be made available to the Defense Health Agency to carry out the congressionally directed medical research programs: Provided further, That the Secretary of Defense shall submit to the congressional defense committees quarterly reports on the current status of the deployment of the electronic health record: Provided further, That the Secretary of Defense shall provide notice to the congressional defense committees not later than 10 business days after delaying the proposed timeline of such deployment if such delay is longer than 1 week: Provided further, That the Comptroller General of the United States shall perform quarterly performance reviews of such deployment.

Chemical Agents and Munitions Destruction,

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not
in the chemical weapon stockpile, $1,059,818,000, of which $84,612,000 shall be for operation and maintenance, of which no less than $22,778,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $31,426,000 for activities on military installations and $30,408,000, to remain available until September 30, 2024, to assist State and local governments; and $975,206,000, to remain available until September 30, 2024, shall be for research, development, test and evaluation, of which $971,742,000 shall only be for the Assembled Chemical Weapons Alternatives program.

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

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $878,027,000, of which $547,878,000 shall be for counter-narcotics support; $130,060,000 shall be for the drug demand reduction program; $194,211,000 shall be for the National Guard counter-drug program; and $5,878,000 shall be for the
National Guard counter-drug schools program: Provided,

That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act: Provided further, That funds appropriated under this heading may not be used to support a new start program or project unless such program or project must be undertaken immediately in the interest of national security and only after written prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

Office of the Inspector General

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $479,359,000, of which $475,971,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended upon the approval or authority of the Inspector General,
and payments may be made upon the Inspector General’s certificate of necessity for confidential military purposes; of which $1,524,000, to remain available for obligation until September 30, 2025, shall be for procurement; and of which $1,864,000, to remain available until September 30, 2024, shall be for research, development, test and evaluation.

TITLE VII
RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

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

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $578,705,000.

TITLE VIII
GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.
Sec. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

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

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

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer not to exceed $6,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided*
further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations of the House of Representatives and the Senate for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2023: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

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

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: Provided, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after the date of the enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2023: Provided, That the report shall include—

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

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and
(3) an identification of items of special congressional interest.

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

1. “Environmental Restoration, Army”;
2. “Environmental Restoration, Navy”;
3. “Environmental Restoration, Air Force”;
4. “Environmental Restoration, Defense-Wide”;
5. “Environmental Restoration, Formerly Used Defense Sites”; and

(TRANSFER OF FUNDS)

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

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

Sec. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of
$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government’s liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 30-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear
contract executed after the date of the enactment of this
Act unless in the case of any such contract—

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

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

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

(4) the contract does not provide for a price ad-
justment based on a failure to award a follow-on
contract.
Funds appropriated in title III of this Act may be used for multiyear procurement contracts for the Arleigh Burke Class Guided Missile Destroyer.

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

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

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

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

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

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

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

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

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

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

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

(TRANSFER OF FUNDS)

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

(b) The Secretary of Defense shall include with the budget justification documents in support of the budget for fiscal year 2024 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) a description of each transfer under this section that occurred during the last fiscal year before the fiscal year in which such budget is submitted.
SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section, the term “manufactured” shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the Service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that such an acquisition must be made in order to acquire capability for national security purposes.
SEC. 8017. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That, in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

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

SEC. 8019. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. In addition to the funds provided elsewhere in this Act, $25,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional com-
penison under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8021. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.
(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

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

Sec. 8022. Of the funds appropriated to the Department of Defense under the heading “Operation and Maintenance, Defense-Wide”, not less than $20,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to
tribes, related administrative support, the gathering of information, document ing of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

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

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

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

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

(2) $11,600,000 shall be available from “Aircraft Procurement, Air Force”; and

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

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

SEC. 8026. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

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

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

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

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

(f) Notwithstanding any other provision of this Act,
the total amount appropriated in this Act for FFRDCs
is hereby reduced by $123,600,000: Provided, That this subsection shall not apply to appropriations for the National Intelligence Program and Military Intelligence Program.

Sec. 8027. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

Sec. 8028. For the purposes of this Act, the term “congressional intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

Sec. 8029. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other defense-related articles, through competition between De-
part of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids; *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

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

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

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

SEC. 8031. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to
contracts which are in being as of the date of the enactment of this Act.

SEC. 8032. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary’s blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

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

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

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

SEC. 8033. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of “commercial products”, as defined by section 103 of title 41, United States Code, except that the restriction shall apply to ball or roller bearings purchased as end items.

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

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

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

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

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

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

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

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

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

SEC. 8039. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $350,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in a named contingency operation overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 8040. Up to $10,720,000 of the funds appropriated under the heading “Operation and Maintenance, Navy” may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the United States Indo-Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs
of training and exercising with foreign security forces: 

Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8041. The Secretary of Defense shall issue regulations to prohibit the sale of any tobacco or tobacco-related products in military resale outlets in the United States, its territories and possessions at a price below the most competitive price in the local community: Provided, That such regulations shall direct that the prices of tobacco or tobacco-related products in overseas military retail outlets shall be within the range of prices established for military retail system stores located in the United States.

SEC. 8042. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital
Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2024 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2024 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2024 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8043. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2024: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence 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.

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

(b) For purposes of subsection (a)—

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

(2) the term “appropriate congressional committees” as defined in paragraph (1) of subsection (k) of such section shall be deemed to mean—

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

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

(3) the term “covered facility or asset” as defined in paragraph (3) of such subsection (k) shall be deemed to mean installations, property, and persons—

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

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

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

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

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

(c) This section does not apply to—

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

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats;

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense; or
(4) an Air Force field operating agency established to administer the Air Force Mortuary Affairs Program and Mortuary Operations for the Department of Defense and authorized Federal entities.

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

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

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

(A) 10 percent of the most efficient organization’s personnel-related costs for performance of that activity or function by Federal employees; or
(B) $10,000,000; and

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

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

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

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

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-
O’Day Act (section 8503 of title 41, United States Code); (B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

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

(RESCISSIONS)

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

2 “Aircraft Procurement, Army”, 2021/2023, $7,300,000;

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

4 “Aircraft Procurement, Air Force”, 2021/2023, $49,100,000;

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

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

7 “Aircraft Procurement, Army”, 2022/2024, $9,437,000;

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

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

10 “Aircraft Procurement, Air Force”, 2022/2024, $64,000,000;

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

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

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

SEC. 8049. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People’s Republic of Korea unless specifically appropriated for that purpose: Provided, That this restriction shall not apply to any activities incidental to the Defense POW/MIA Accounting Agency mission to recover and identify the remains of United States Armed Forces personnel from the Democratic People’s Republic of Korea.

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

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

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

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

Sec. 8052. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $49,000,000 is hereby appropriated to the Department of Defense: Provided, That upon the determination of the Secretary of Defense that it shall serve the national inter-
est, the Secretary shall make grants in the amounts specified as follows: $24,000,000 to the United Service Organizations and $25,000,000 to the Red Cross.

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

SEC. 8054. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—
(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

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

(INCLUDING TRANSFER OF FUNDS)

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

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

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

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

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account:
Provided, That the Under Secretary of Defense (Comptroller) shall include with the budget of the President for fiscal year 2024 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) a statement describing each instance if any, during each of the fiscal years 2016 through 2023 in which the authority in this section was exercised.

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

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

(INCLUDING TRANSFER OF FUNDS)

Sec. 8058. Of the funds appropriated in this Act under the heading “Operation and Maintenance, Defense-Wide”, $47,000,000 shall be for continued implementation and expansion of the Sexual Assault Special Victims’
Counsel Program: Provided, That the funds are made available for transfer to the Department of the Army, the Department of the Navy, and the Department of the Air Force: Provided further, That funds transferred shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: Provided further, That this transfer authority is in addition to any other transfer authority provided in this Act.

SEC. 8059. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense shall, at the time of the submittal to Congress of the budget of the President for fiscal year 2024 pursuant to section 1105 of title 31, United States Code, submit to the congressional defense committees a report detailing the use of funds requested in research, development, test and evaluation accounts for end-items used in development, prototyping and test activities pre-
ceding and leading to acceptance for operational use: Provided further, That the report shall set forth, for each end-item covered by the preceding proviso, a detailed list of the statutory authorities under which amounts in the accounts described in that proviso were used for such item: Provided further, That the Secretary of Defense shall, at the time of the submittal to Congress of the budget of the President for fiscal year 2024 pursuant to section 1105 of title 31, United States Code, submit to the congressional defense committees a certification that funds requested for fiscal year 2024 in research, development, test and evaluation are in compliance with this section: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8060. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.
SEC. 8061. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

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

SEC. 8063. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.
SEC. 8064. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary tracer (API–T)”, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

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

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 8067. (a) None of the funds appropriated in this
or any other Act may be used to take any action to mod-
ify—
(1) the appropriations account structure for the National Intelligence Program budget, including through the creation of a new appropriation or new appropriation account;

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

(3) the process by which the National Intelligence Program appropriations are apportioned to the executing agencies; or

(4) the process by which the National Intelligence Program appropriations are allotted, obligated and disbursed.

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

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

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

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

(2) receive certification from all affected agencies attesting that the proposed alternatives will help achieve auditability, improve fiscal reporting, and will not adversely affect counterintelligence; and

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

SEC. 8068. In addition to amounts provided elsewhere in this Act, $5,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: Provided, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with
the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

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

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

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the headings “Procurement, Defense-Wide” and “Research, Development, Test and Evaluation, Defense-Wide”, $500,000,000 shall be for the Israeli Cooperative Programs: Provided, That of this amount, $80,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome
defense system to counter short-range rocket threats, sub-
ject to the U.S.-Israel Iron Dome Procurement Agree-
ment, as amended; $127,000,000 shall be for the Short
Range Ballistic Missile Defense (SRBMD) program, in-
cluding cruise missile defense research and development
under the SRBMD program, of which $40,000,000 shall
be for co-production activities of SRBMD systems in the
United States and in Israel to meet Israel’s defense re-
quirements consistent with each nation’s laws, regulations,
and procedures, subject to the U.S.-Israeli co-production
agreement for SRBMD, as amended; $80,000,000 shall
be for an upper-tier component to the Israeli Missile De-
fense Architecture, of which $80,000,000 shall be for co-
production activities of Arrow 3 Upper Tier systems in
the United States and in Israel to meet Israel’s defense
requirements consistent with each nation’s laws, regula-
tions, and procedures, subject to the U.S.-Israeli co-pro-
duction agreement for Arrow 3 Upper Tier, as amended;
and $173,000,000 shall be for the Arrow System Improve-
ment Program including development of a long range,
ground and airborne, detection suite: Provided further,
That the transfer authority provided under this provision
is in addition to any other transfer authority contained
in this Act.
SEC. 8074. Of the amounts appropriated in this Act under the heading “Shipbuilding and Conversion, Navy”, $1,328,146,000 shall be available until September 30, 2023, to fund prior year shipbuilding cost increases for the following programs:

(1) Under the heading “Shipbuilding and Conversion, Navy”, 2013/2023: Carrier Replacement Program $461,700,000;

(2) Under the heading “Shipbuilding and Conversion, Navy”, 2015/2023: Virginia Class Submarine Program $46,060,000;

(3) Under the heading “Shipbuilding and Conversion, Navy”, 2015/2023: DDG–51 Destroyer $30,231,000;

(4) Under the heading “Shipbuilding and Conversion, Navy”, 2015/2023: Littoral Combat Ship $4,250,000;

(5) Under the heading “Shipbuilding and Conversion, Navy”, 2016/2023: DDG–51 Destroyer $24,238,000;

(6) Under the heading “Shipbuilding and Conversion, Navy”, 2016/2023: Virginia Class Submarine Program $58,642,000;
(7) Under the heading “Shipbuilding and Conversion, Navy”, 2016/2023: TAO Fleet Oiler $9,200,000;

(8) Under the heading “Shipbuilding and Conversion, Navy”, 2016/2023: Littoral Combat Ship $18,000,000;

(9) Under the heading “Shipbuilding and Conversion, Navy”, 2016/2023: CVN Refueling Overhauls $62,000,000;

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


(12) Under the heading “Shipbuilding and Conversion, Navy”, 2017/2023: LPD–17 $17,739,000;

(13) Under the heading “Shipbuilding and Conversion, Navy”, 2017/2023: LHA Replacement Program $19,300,000;

(14) Under the heading “Shipbuilding and Conversion, Navy”, 2017/2023: Littoral Combat Ship $29,030,000;
(15) Under the heading “Shipbuilding and Conversion, Navy”, 2018/2023: DDG–51 Destroyer $5,930,000;

(16) Under the heading “Shipbuilding and Conversion, Navy”, 2018/2023: Littoral Combat Ship $9,538,000;

(17) Under the heading “Shipbuilding and Conversion, Navy”, 2018/2023: TAO Fleet Oiler $12,500,000;

(18) Under the heading “Shipbuilding and Conversion, Navy”, 2018/2023: Towing, Salvage, and Rescue Ship Program $6,750,000;

(19) Under the heading “Shipbuilding and Conversion, Navy”, 2019/2023: Littoral Combat Ship $6,983,000;

(20) Under the heading “Shipbuilding and Conversion, Navy”, 2019/2023: TAO Fleet Oiler $106,400,000;

(21) Under the heading “Shipbuilding and Conversion, Navy”, 2019/2023: Towing, Salvage, and Rescue Ship Program $4,500,000;

(22) Under the heading “Shipbuilding and Conversion, Navy”, 2021/2023: Virginia Class Submarine Program $200,000,000; and

Sec. 8075. Funds appropriated by this Act for intelligence and intelligence-related activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)) until the enactment of the Intelligence Authorization Act for Fiscal Year 2023.

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

Sec. 8077. The budget of the President for fiscal year 2024 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces’ participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, the Procurement accounts, and the Research, Development, Test and Evaluation accounts. Provided, That these documents shall include a de-
scription of the funding requested for each contingency opera-
tion, for each military service, to include all Active and
Reserve components, and for each appropriations account:
Provided further, That these documents shall include esti-
mated costs for each element of expense or object class,
a reconciliation of increases and decreases for each contin-
gency operation, and programmatic data including, but
not limited to, troop strength for each Active and Reserve
component, and estimates of the major weapons systems
deployed in support of each contingency: Provided further,
That these documents shall include budget exhibits OP–
5 and OP–32 (as defined in the Department of Defense
Financial Management Regulation) for all contingency op-
erations for the budget year and the two preceding fiscal
years.

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

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

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

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

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

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

SEC. 8083. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2024, and except for funds appropriated for the purchase of real property, which shall remain available until September 30, 2025.

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

SEC. 8085. (a) Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2023: Provided, That the report shall include—

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

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

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

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

SEC. 8086. Any transfer of amounts appropriated to the Department of Defense Acquisition Workforce Development Account in or for fiscal year 2023 to a military department or Defense Agency pursuant to section 1705(c)(1) of title 10, United States Code, shall be covered by and subject to section 8005 of this Act.

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

(1) creates a new start effort;

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

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

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

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

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

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.
SEC. 8089. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000, unless the contractor agrees not to—

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

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.
(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a “covered subcontractor” is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $168,000,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: Provided, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: Provided further, That additional funds may be transferred from funds appropriated for op-
eration and maintenance for the Defense Health Program
to the Joint Department of Defense-Department of Vet-
ers Affairs Medical Facility Demonstration Fund upon
written notification by the Secretary of Defense to the
Committees on Appropriations of the House of Represent-
atives and the Senate.

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

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

(INCLUDING TRANSFER OF FUNDS)

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

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

SEC. 8095. The Secretary of Defense shall post grant
awards on a public website in a searchable format.
SEC. 8096. None of the funds made available by this Act may be used by the National Security Agency to—

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

(2) acquire, monitor, or store the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication of a United States person from a provider of electronic communication services to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.

SEC. 8097. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of any agency funded by this Act who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.
SEC. 8098. Of the amounts appropriated in this Act for “Operation and Maintenance, Navy”, $589,325,000, to remain available until expended, may be used for any purposes related to the National Defense Reserve Fleet established under section 11 of the Merchant Ship Sales Act of 1946 (46 U.S.C. 57100): Provided, That such amounts are available for reimbursements to the Ready Reserve Force, Maritime Administration account of the United States Department of Transportation for programs, projects, activities, and expenses related to the National Defense Reserve Fleet.

SEC. 8099. (a) None of the funds provided in this Act for the TAO Fleet Oiler program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Auxiliary equipment (including pumps) for shipboard services; propulsion equipment (including engines, reduction gears, and propellers); shipboard cranes; spreaders for shipboard cranes; and anchor chains specifically for the seventh and subsequent ships of the fleet.

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

SEC. 8100. None of the funds provided in this Act for requirements development, performance specification development, concept design and development, ship configuration development, systems engineering, naval architecture, marine engineering, operations research analysis, industry studies, preliminary design, development of the Detailed Design and Construction Request for Proposals solicitation package, or related activities for the T–ARC(X) Cable Laying and Repair Ship or the T–AGOS(X) Oceanographic Surveillance Ship may be used to award a new contract for such activities unless these contracts include specifications that all auxiliary equipment, including pumps and propulsion shafts, are manufactured in the United States.
SEC. 8101. None of the funds made available by this Act may be obligated or expended for the purpose of decommissioning the USS Fort Worth, the USS Wichita, the USS Billings, the USS Indianapolis, or the USS St. Louis.

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

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

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

SEC. 8103. None of the funds made available by this Act may be used for Government Travel Charge Card expenses by military or civilian personnel of the Department of Defense for gaming, or for entertainment that includes topless or nude entertainers or participants, as prohibited by Department of Defense FMR, Volume 9, Chapter 3.
and Department of Defense Instruction 1015.10 (enclosure 3, 14a and 14b).

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

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

SEC. 8105. In addition to amounts provided elsewhere in this Act, there is appropriated $300,751,000, for an additional amount for “Operation and Maintenance, Defense-Wide”, to remain available until expended: Provided, That such funds shall only be available to the Secretary of Defense, acting through the Office of Local Defense Community Cooperation of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition
deficiencies at such schools: Provided further, That in
making such funds available, the Office of Local Defense
Community Cooperation or the Secretary of Education
shall give priority consideration to those military installa-
tions with schools having the most serious capacity or fa-
cility condition deficiencies as determined by the Secretary
of Defense: Provided further, That as a condition of receiv-
ing funds under this section a local educational agency or
State shall provide a matching share as described in the
notice titled “Department of Defense Program for Con-
struction, Renovation, Repair or Expansion of Public
Schools Located on Military Installations” published by
the Department of Defense in the Federal Register on
September 9, 2011 (76 Fed. Reg. 55883 et seq.): Provided
further, That these provisions apply to funds provided
under this section, and to funds previously provided by
Congress to construct, renovate, repair, or expand element-
tary and secondary public schools on military installations
in order to address capacity or facility condition defi-
cencies at such schools to the extent such funds remain
unobligated on the date of enactment of this section.

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

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

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

SEC. 8107. None of the funds provided for, or otherwise made available, in this or any other Act, may be obligated or expended by the Secretary of Defense to provide motorized vehicles, aviation platforms, munitions other than small arms and munitions appropriate for customary ceremonial honors, operational military units, or operational military platforms if the Secretary determines that providing such units, platforms, or equipment would undermine the readiness of such units, platforms, or equipment.

SEC. 8108. The Secretary of Defense may obligate and expend funds made available under this Act for pro-
 curedment or for research, development, test and evaluation
for the F–35 Joint Strike Fighter to modify up to six F–
35 aircraft, including up to two F–35 aircraft of each vari-
ant, to a test configuration: Provided, That the Secretary
of Defense shall, with the concurrence of the Secretary
of the Air Force and the Secretary of the Navy, notify
the congressional defense committees not fewer than 30
days prior to obligating and expending funds under this
section: Provided further, That any transfer of funds pur-
suant to the authority provided in this section shall be
made in accordance with section 8005 of this Act: Pro-
vided further, That aircraft referred to previously in this
section are not additional to aircraft referred to in section
8135 of the Department of Defense Appropriations Act,
2019, section 8126 of the Department of Defense Appro-
priations Act, 2020, section 8122 of the Department of
Defense Appropriations Act, 2021, and section 8112 of
the Department of Defense Appropriations Act, 2022.

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

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

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

Sec. 8111. None of the funds appropriated or other-
wise made available by this Act may be used to transfer
any element of the Department of the Army, the Depart-
ment of the Navy, or a Department of Defense agency
to the Space Force unless, concurrent with the fiscal year
2024 budget submission (as submitted to Congress pursu-
ant to section 1105 of title 31, United States Code), the
Secretary of Defense, not to be delegated, provides a report to the Committees on Appropriations of the House of Representatives and the Senate, detailing any plans to transfer appropriate space elements of the Department of the Army, the Department of the Navy, or a Department of Defense agency to the Space Force and certifies in writing to the Committees on Appropriations of the House of Representatives and the Senate that such transfer is consistent with the mission of the Space Force and will not have an adverse impact on the Department or agency from which such element is being transferred: Provided, That such report shall include fiscal year 2024 budget and future years defense program adjustments associated with such planned transfers.

Sec. 8112. None of the funds appropriated or otherwise made available by this Act may be used to establish a field operating agency of the Space Force.

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

Sec. 8114. (a) Amounts appropriated in this Act may be used for expenses for the agile research, development, test and evaluation, procurement, production, modifica-
tion, and operation and maintenance, only for the following Software and Digital Technology Pilot programs—

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

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

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

(4) Defense Enterprise Accounting and Management System (PE 0608920F);

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

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

(7) Air Force Weather Programs (PE 0308607F);

(8) Electronic Warfare Integrated Reprogramming (PE 0308608F);

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

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

(11) Acquisition Visibility (PE 0608648D8Z);

(12) Global Command and Control System-Joint (PE 0308150K);
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(13) National Industrial Security Systems (PE 0308609V);

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

(15) Department of Defense Medical Information Exchange and Interoperability, Enterprise Intelligence and Data Solutions (Tile VI, Defense Health Program, RDTE).

(b) None of the funds appropriated by this or prior Department of Defense Appropriations Acts may be obligated or expended to initiate additional Software and Digital Technology Pilot Programs in fiscal year 2023.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) the total cost of the activity or exercise, by budget line item (with a breakdown by cost element such as transportation); and
(4) a short explanation of the objective of the activity or exercise.

(c) The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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

SEC. 8123. None of the funds made available by this Act may be used with respect to Iraq in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States Armed Forces into hostilities in Iraq, into situations in Iraq where imminent involvement in hostilities is clearly indicated by the circumstances, or into Iraqi territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of such Resolution (50 U.S.C. 1542 and 1543).

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

SEC. 8125. Nothing in this Act may be construed as authorizing the use of force against Iran or the Democratic People’s Republic of Korea.

SEC. 8126. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

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

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

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

SEC. 8128. None of the funds made available by this Act for excess defense articles, assistance under section
333 of title 10, United States Code, or peacekeeping operations for the countries designated annually to be in violation of the standards of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may be used to support any military training or operation that includes child soldiers, as defined by the Child Soldiers Prevention Act of 2008, unless such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008.

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

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

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

SEC. 8132. Of the amounts appropriated in this Act
under the heading “Operation and Maintenance, Defense-
Wide”, for the Defense Security Cooperation Agency,
$25,000,000, to remain available until September 30,
2024, shall be for payments to reimburse key cooperating
nations for logistical, military, and other support, includ-
ing access, provided to United States military and stability
operations to counter the Islamic State of Iraq and Syria:
Provided, That such reimbursement payments may be
made in such amounts as the Secretary of Defense, with
the concurrence of the Secretary of State, and in consulta-
tion with the Director of the Office of Management and
Budget, may determine, based on documentation deter-
mined by the Secretary of Defense to adequately account
for the support provided, and such determination is final
and conclusive upon the accounting officers of the United States, and 15 days following written notification to the appropriate congressional committees: Provided further, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military and stability operations to counter the Islamic State of Iraq and Syria, and 15 days following written notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this section.

SEC. 8133. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Defense-Wide”, for the Defense Security Cooperation Agency, $445,000,000, to remain available until September 30, 2024, shall be available to reimburse Jordan, Lebanon, Egypt, Tunisia, and Oman under section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2151 note), for enhanced border security, of which not less than $150,000,000 shall be for Jordan: Provided, That the Secretary of Defense shall, not less than 15 days
prior to obligating funds made available in this section, notify the congressional defense committees in writing of the details of any planned obligation and the nature of the expenses incurred: Provided further, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on the use and status of funds made available in this section.

SEC. 8134. Up to $500,000,000 of funds appropriated by this Act for the Defense Security Cooperation Agency in “Operation and Maintenance, Defense-Wide” may be used to provide assistance to the Government of Jordan to support the armed forces of Jordan and to enhance security along its borders.

SEC. 8135. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Defense-Wide”, for the Defense Security Cooperation Agency, $300,000,000, to remain available until September 30, 2024, shall be for the Ukraine Security Assistance Initiative: Provided, That such funds shall be available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance, including training; equipment; lethal assistance; logistics support, supplies and services; salaries and stipends; sustainment; and intelligence support to the military and national security forces.
of Ukraine, and to other forces or groups recognized by
and under the authority of the Government of Ukraine,
including governmental entities within Ukraine, engaged
in resisting Russian aggression against Ukraine, for re-
placement of any weapons or articles provided to the Gov-
ernment of Ukraine from the inventory of the United
States, and to recover or dispose of equipment procured
using funds made available in this section in this or prior
Acts: Provided further, That such funds may be obligated
and expended notwithstanding section 1250 of the Na-
(Public Law 114–92): Provided further, That the Sec-
retary of Defense shall, not less than 15 days prior to obli-
gating funds made available in this section, notify the con-
gressional defense committees in writing of the details of
any such obligation: Provided further, That the Secretary
of Defense shall, not more than 60 days after such notifi-
cation is made, inform such committees if such funds have
not been obligated and the reasons therefor: Provided fur-
ther, That the Secretary of Defense shall consult with such
committees in advance of the provision of support provided
to other forces or groups recognized by and under the au-
thority of the Government of Ukraine: Provided further,
That the United States may accept equipment procured
using funds made available in this section in this or prior
Acts transferred to the security forces of Ukraine and returned by such forces to the United States: Provided further, That equipment procured using funds made available in this section in this or prior Acts, and not yet transferred to the military or national security forces of Ukraine or to other assisted entities, or returned by such forces or other assisted entities to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use and status of funds made available in this section.

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

(b) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary, in consultation with the Secretary of State and the Director of National Intelligence, determines that it is in the vital national security
interest of the United States to do so, and certifies in writing to the congressional defense committees that—

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

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

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

(e) The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport with respect to a waiver issued by the Secretary of Defense pursuant to subsection (b), and not later than 90 days after the date on which such a waiver is issued by the Secretary of Defense, the Inspector General shall submit to the congressional defense committees a report containing the results of the review conducted with respect to such waiver.

Sec. 8137. None of the funds made available by this Act may be used to provide arms, training, or other assistance to the Azov Battalion.
SEC. 8138. None of the funds appropriated or otherwise made available by this Act may be used to support or facilitate offensive military operations conducted by the Saudi-led coalition against the Houthis in the war in Yemen.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8140. Upon determination by the Secretary of Defense that such action is necessary to address an emergent need related to, or to improve the effectiveness or efficiency of, matters over which the commander of United States Cyber Command has responsibilities under section 167b(d) of title 10, United States Code, the Secretary may, with the approval of the Director of the Office of Management and Budget and 15 days following written notification to the Committees on Appropriations of the House of Representatives and the Senate, transfer amounts made available for cyber activities in appropriations in this Act for Operation and Maintenance, Procurement, and Research, Development, Test and Evaluation: Provided, That transfers pursuant to this section shall be made in accordance with section 8005 of this Act, as ap-
Applicable, except that transfers among appropriations pursuant to this section shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005.

SEC. 8141. In addition to the amounts otherwise available, there is appropriated to the Secretary of Defense, $1,000,000,000, to remain available until September 30, 2026, for transfer only to other appropriations or funds available to the Department of Defense (including amounts available for military construction): Provided, That such funds shall be available to the Secretary of Defense for the purpose of conducting activities taken to comply with State of Hawaii Department of Health laws or otherwise determined to be appropriate, including activities relating to improvements of infrastructure and defueling, at the Red Hill Bulk Fuel Storage Facility: Provided further, That amounts transferred pursuant to this section shall be merged with, and be available for the same purposes and time period as the appropriations or funds to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided herein is in addition to any other transfer
authority provided by law: *Provided further*, That not less than 30 days prior to any transfer of funds pursuant to this section, the Secretary of Defense shall notify the congressional defense committees of the details of any such transfer.

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

SEC. 8143. In addition to the amounts otherwise available, there is appropriated to the Department of Defense, $600,000,000, for an additional amount for title I of this Act for pay for military personnel: *Provided*, That amounts made available under this section shall be transferred to the accounts in title I of this Act: *Provided further*, That the transfer authority provided herein is in addition to any other transfer authority provided by law: *Provided further*, That the Secretary of Defense shall include the details of any such transfer in the report required by section 8007 of this Act.
SEC. 8144. None of the funds appropriated or otherwise made available by this Act may be used to reduce the availability of aircraft primarily used in support of travel for the official or representational duties of members of Congress or official duties of members of the Cabinet below the level of availability of such aircraft during fiscal year 2022: Provided, That not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the necessary steps taken by the Department of Defense to meet the official travel needs of Congress and the Cabinet in fiscal years 2023 and 2024.

SEC. 8145. None of the funds appropriated or otherwise made available by this Act may be used to deny leave for any member of the Armed Forces or civilian employee of the Department of Defense—

(1) who is pregnant and requests leave to obtain an abortion; or

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

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