

Calendar No. 498

115TH CONGRESS
2D SESSION

S. 3159

[Report No. 115-290]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2018

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

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of Defense for the fiscal year ending Sep-
6 tember 30, 2019, and for other purposes, namely:

1

TITLE I

2

MILITARY PERSONNEL

3

MILITARY PERSONNEL, ARMY

4

For pay, allowances, individual clothing, subsistence,
interest on deposits, gratuities, permanent change of sta-
tion travel (including all expenses thereof for organiza-
tional movements), and expenses of temporary duty travel
between permanent duty stations, for members of the
Army on active duty (except members of reserve compo-
nents 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 Depart-
ment of Defense Military Retirement Fund,
\$43,060,042,000.

16

MILITARY PERSONNEL, NAVY

17

For pay, allowances, individual clothing, subsistence,
interest on deposits, gratuities, permanent change of sta-
tion travel (including all expenses thereof for organiza-
tional movements), and expenses of temporary duty travel
between permanent duty stations, for members of the
Navy on active duty (except members of the Reserve pro-
vided 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,

25

1 as amended (42 U.S.C. 402 note), and to the Department
2 of Defense Military Retirement Fund, \$30,305,481,000.

3 MILITARY PERSONNEL, MARINE CORPS

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the Ma-
9 rine Corps on active duty (except members of the Reserve
10 provided for elsewhere); and for payments pursuant to sec-
11 tion 156 of Public Law 97-377, as amended (42 U.S.C.
12 402 note), and to the Department of Defense Military Re-
13 tirement Fund, \$13,799,038,000.

14 MILITARY PERSONNEL, AIR FORCE

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

1 ment of Defense Military Retirement Fund,
2 \$30,173,691,000.

3 RESERVE PERSONNEL, ARMY

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Army Re-
6 serve on active duty under sections 10211, 10302, and
7 3038 of title 10, United States Code, or while serving on
8 active duty under section 12301(d) of title 10, United
9 States Code, in connection with performing duty specified
10 in section 12310(a) of title 10, United States Code, or
11 while undergoing reserve training, or while performing
12 drills or equivalent duty or other duty, and expenses au-
13 thorized by section 16131 of title 10, United States Code;
14 and for payments to the Department of Defense Military
15 Retirement Fund, \$4,870,947,000.

16 RESERVE PERSONNEL, NAVY

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

1 10, United States Code; and for payments to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$2,059,521,000.

4 RESERVE PERSONNEL, MARINE CORPS

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Marine
7 Corps Reserve on active duty under section 10211 of title
8 10, United States Code, or while serving on active duty
9 under section 12301(d) of title 10, United States Code,
10 in connection with performing duty specified in section
11 12310(a) of title 10, United States Code, or while under-
12 going reserve training, or while performing drills or equiv-
13 alent duty, and for members of the Marine Corps platoon
14 leaders class, and expenses authorized by section 16131
15 of title 10, United States Code; and for payments to the
16 Department of Defense Military Retirement Fund,
17 \$787,090,000.

18 RESERVE PERSONNEL, AIR FORCE

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

1 while undergoing reserve training, or while performing
2 drills or equivalent duty or other duty, and expenses au-
3 thorized by section 16131 of title 10, United States Code;
4 and for payments to the Department of Defense Military
5 Retirement Fund, \$1,871,286,000.

6 NATIONAL GUARD PERSONNEL, ARMY

7 For pay, allowances, clothing, subsistence, gratuities,
8 travel, and related expenses for personnel of the Army Na-
9 tional Guard while on duty under sections 10211, 10302,
10 or 12402 of title 10 or section 708 of title 32, United
11 States Code, or while serving on duty under section
12 12301(d) of title 10 or section 502(f) of title 32, United
13 States Code, in connection with performing duty specified
14 in section 12310(a) of title 10, United States Code, or
15 while undergoing training, or while performing drills or
16 equivalent duty or other duty, and expenses authorized by
17 section 16131 of title 10, United States Code; and for pay-
18 ments to the Department of Defense Military Retirement
19 Fund, \$8,650,645,000.

20 NATIONAL GUARD PERSONNEL, AIR FORCE

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

1 title 10 or section 502(f) of title 32, United States Code,
2 in connection with performing duty specified in section
3 12310(a) of title 10, United States Code, or while under-
4 going training, or while performing drills or equivalent
5 duty or other duty, and expenses authorized by section
6 16131 of title 10, United States Code; and for payments
7 to the Department of Defense Military Retirement Fund,
8 \$3,718,780,000.

9 TITLE II

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

12 For expenses, not otherwise provided for, necessary
13 for the operation and maintenance of the Army, as author-
14 ized by law, \$40,634,715,000: *Provided*, That not to ex-
15 ceed \$12,478,000 can be used for emergencies and ex-
16 traordinary expenses, to be expended on the approval or
17 authority of the Secretary of the Army, and payments may
18 be made on his certificate of necessity for confidential mili-
19 tary purposes.

20 OPERATION AND MAINTENANCE, NAVY

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance of the Navy and the
23 Marine Corps, as authorized by law, \$47,296,183,000:
24 *Provided*, That not to exceed \$15,055,000 can be used for
25 emergencies and extraordinary expenses, to be expended

1 on the approval or authority of the Secretary of the Navy,
2 and payments may be made on his certificate of necessity
3 for confidential military purposes.

4 OPERATION AND MAINTENANCE, MARINE CORPS

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance of the Marine Corps,
7 as authorized by law, \$6,372,000,000.

8 OPERATION AND MAINTENANCE, AIR FORCE

9 For expenses, not otherwise provided for, necessary
10 for the operation and maintenance of the Air Force, as
11 authorized by law, \$40,775,374,000: *Provided*, That not
12 to exceed \$7,699,000 can be used for emergencies and ex-
13 traordinary expenses, to be expended on the approval or
14 authority of the Secretary of the Air Force, and payments
15 may be made on his certificate of necessity for confidential
16 military purposes.

17 OPERATION AND MAINTENANCE, DEFENSE-WIDE

18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance of activities and agen-
21 cies of the Department of Defense (other than the military
22 departments), as authorized by law, \$35,662,783,000:
23 *Provided*, That not more than \$7,503,000 may be used
24 for the Combatant Commander Initiative Fund authorized
25 under section 166a of title 10, United States Code: *Pro-*

1 *vided further*, That not to exceed \$36,000,000 can be used
2 for emergencies and extraordinary expenses, to be ex-
3 pended on the approval or authority of the Secretary of
4 Defense, and payments may be made on his certificate of
5 necessity for confidential military purposes: *Provided fur-*
6 *ther*, That of the funds provided under this heading, not
7 less than \$33,025,000 shall be made available for the Pro-
8 curement Technical Assistance Cooperative Agreement
9 Program, of which not less than \$2,600,000 shall be avail-
10 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
11 *vided further*, That none of the funds appropriated or oth-
12 erwise made available by this Act may be used to plan
13 or implement the consolidation of a budget or appropria-
14 tions liaison office of the Office of the Secretary of De-
15 fense, the office of the Secretary of a military department,
16 or the service headquarters of one of the Armed Forces
17 into a legislative affairs or legislative liaison office: *Pro-*
18 *vided further*, That \$19,160,000, to remain available until
19 expended, is available only for expenses relating to certain
20 classified activities, and may be transferred as necessary
21 by the Secretary of Defense to operation and maintenance
22 appropriations or research, development, test and evalua-
23 tion appropriations, to be merged with and to be available
24 for the same time period as the appropriations to which
25 transferred: *Provided further*, That any ceiling on the in-

1 vestment item unit cost of items that may be purchased
2 with operation and maintenance funds shall not apply to
3 the funds described in the preceding proviso: *Provided fur-*
4 *ther*, That of the funds provided under this heading,
5 \$686,744,000, of which \$171,686,000, to remain available
6 until September 30, 2020, shall be available to provide
7 support and assistance to foreign security forces or other
8 groups or individuals to conduct, support or facilitate
9 counterterrorism, crisis response, or other Department of
10 Defense security cooperation programs: *Provided further*,
11 That the transfer authority provided under this heading
12 is in addition to any other transfer authority provided else-
13 where in this Act.

14 OPERATION AND MAINTENANCE, ARMY RESERVE

15 For expenses, not otherwise provided for, necessary
16 for the operation and maintenance, including training, or-
17 ganization, and administration, of the Army Reserve; re-
18 pair of facilities and equipment; hire of passenger motor
19 vehicles; travel and transportation; care of the dead; re-
20 cruiting; procurement of services, supplies, and equip-
21 ment; and communications, \$2,854,909,000.

22 OPERATION AND MAINTENANCE, NAVY RESERVE

23 For expenses, not otherwise provided for, necessary
24 for the operation and maintenance, including training, or-
25 ganization, and administration, of the Navy Reserve; re-

1 pair of facilities and equipment; hire of passenger motor
2 vehicles; travel and transportation; care of the dead; re-
3 cruiting; procurement of services, supplies, and equip-
4 ment; and communications, \$1,018,006,000.

5 OPERATION AND MAINTENANCE, MARINE CORPS

6 RESERVE

7 For expenses, not otherwise provided for, necessary
8 for the operation and maintenance, including training, or-
9 ganization, and administration, of the Marine Corps Re-
10 serve; repair of facilities and equipment; hire of passenger
11 motor vehicles; travel and transportation; care of the dead;
12 recruiting; procurement of services, supplies, and equip-
13 ment; and communications, \$271,570,000.

14 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

15 For expenses, not otherwise provided for, necessary
16 for the operation and maintenance, including training, or-
17 ganization, and administration, of the Air Force Reserve;
18 repair of facilities and equipment; hire of passenger motor
19 vehicles; travel and transportation; care of the dead; re-
20 cruiting; procurement of services, supplies, and equip-
21 ment; and communications, \$3,247,534,000.

22 OPERATION AND MAINTENANCE, ARMY NATIONAL

23 GUARD

24 For expenses of training, organizing, and admin-
25 istering the Army National Guard, including medical and

1 hospital treatment and related expenses in non-Federal
2 hospitals; maintenance, operation, and repairs to struc-
3 tures and facilities; hire of passenger motor vehicles; per-
4 sonnel services in the National Guard Bureau; travel ex-
5 penses (other than mileage), as authorized by law for
6 Army personnel on active duty, for Army National Guard
7 division, regimental, and battalion commanders while in-
8 specting units in compliance with National Guard Bureau
9 regulations when specifically authorized by the Chief, Na-
10 tional Guard Bureau; supplying and equipping the Army
11 National Guard as authorized by law; and expenses of re-
12 pair, modification, maintenance, and issue of supplies and
13 equipment (including aircraft), \$7,261,295,000.

14 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

1 authorized by law for Air National Guard personnel on
2 active Federal duty, for Air National Guard commanders
3 while inspecting units in compliance with National Guard
4 Bureau regulations when specifically authorized by the
5 Chief, National Guard Bureau, \$6,433,697,000.

6 UNITED STATES COURT OF APPEALS FOR THE ARMED
7 FORCES

8 For salaries and expenses necessary for the United
9 States Court of Appeals for the Armed Forces,
10 \$14,662,000, of which not to exceed \$5,000 may be used
11 for official representation purposes.

12 ENVIRONMENTAL RESTORATION, ARMY
13 (INCLUDING TRANSFER OF FUNDS)

14 For the Department of the Army, \$228,449,000, to
15 remain available until transferred: *Provided*, That the Sec-
16 retary of the Army shall, upon determining that such
17 funds are required for environmental restoration, reduc-
18 tion and recycling of hazardous waste, removal of unsafe
19 buildings and debris of the Department of the Army, or
20 for similar purposes, transfer the funds made available by
21 this appropriation to other appropriations made available
22 to the Department of the Army, to be merged with and
23 to be available for the same purposes and for the same
24 time period as the appropriations to which transferred:
25 *Provided further*, That upon a determination that all or

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

7 ENVIRONMENTAL RESTORATION, NAVY

8 (INCLUDING TRANSFER OF FUNDS)

9 For the Department of the Navy, \$329,253,000, to
10 remain available until transferred: *Provided*, That the Sec-
11 retary of the Navy shall, upon determining that such
12 funds are required for environmental restoration, reduc-
13 tion and recycling of hazardous waste, removal of unsafe
14 buildings and debris of the Department of the Navy, or
15 for similar purposes, transfer the funds made available by
16 this appropriation to other appropriations made available
17 to the Department of the Navy, to be merged with and
18 to be available for the same purposes and for the same
19 time period as the appropriations to which transferred:
20 *Provided further*, That upon a determination that all or
21 part of the funds transferred from this appropriation are
22 not necessary for the purposes provided herein, such
23 amounts may be transferred back to this appropriation:
24 *Provided further*, That the transfer authority provided

1 under this heading is in addition to any other transfer au-
2 thority provided elsewhere in this Act.

3 ENVIRONMENTAL RESTORATION, AIR FORCE
4 (INCLUDING TRANSFER OF FUNDS)

5 For the Department of the Air Force, \$365,808,000,
6 to remain available until transferred: *Provided*, That the
7 Secretary of the Air Force shall, upon determining that
8 such funds are required for environmental restoration, re-
9 duction and recycling of hazardous waste, removal of un-
10 safe buildings and debris of the Department of the Air
11 Force, or for similar purposes, transfer the funds made
12 available by this appropriation to other appropriations
13 made available to the Department of the Air Force, to be
14 merged with and to be available for the same purposes
15 and for the same time period as the appropriations to
16 which transferred: *Provided further*, That upon a deter-
17 mination that all or part of the funds transferred from
18 this appropriation are not necessary for the purposes pro-
19 vided herein, such amounts may be transferred back to
20 this appropriation: *Provided further*, That the transfer au-
21 thority provided under this heading is in addition to any
22 other transfer authority provided elsewhere in this Act.

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

3 For the Department of Defense, \$8,926,000, to re-
4 main available until transferred: *Provided*, That the Sec-
5 retary of Defense shall, upon determining that such funds
6 are required for environmental restoration, reduction and
7 recycling of hazardous waste, removal of unsafe buildings
8 and debris of the Department of Defense, or for similar
9 purposes, transfer the funds made available by this appro-
10 priation to other appropriations made available to the De-
11 partment of Defense, to be merged with and to be avail-
12 able for the same purposes and for the same time period
13 as the appropriations to which transferred: *Provided fur-*
14 *ther*, That upon a determination that all or part of the
15 funds transferred from this appropriation are not nec-
16 essary for the purposes provided herein, such amounts
17 may be transferred back to this appropriation: *Provided*
18 *further*, That the transfer authority provided under this
19 heading is in addition to any other transfer authority pro-
20 vided elsewhere in this Act.

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

24 For the Department of the Army, \$212,346,000, to
25 remain available until transferred: *Provided*, That the Sec-

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

17 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

18 For expenses relating to the Overseas Humanitarian,
19 Disaster, and Civic Aid programs of the Department of
20 Defense (consisting of the programs provided under sec-
21 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
22 United States Code), \$107,663,000, to remain available
23 until September 30, 2020.

1 COOPERATIVE THREAT REDUCTION ACCOUNT

2 For assistance, including assistance provided by con-
3 tract or by grants, under programs and activities of the
4 Department of Defense Cooperative Threat Reduction
5 Program authorized under the Department of Defense Co-
6 operative Threat Reduction Act, \$335,240,000, to remain
7 available until September 30, 2021.

8 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
9 DEVELOPMENT FUND

10 For the Department of Defense Acquisition Work-
11 force Development Fund, \$552,000,000, to remain avail-
12 able for obligation until September 30, 2020: *Provided,*
13 That no other amounts may be otherwise credited or
14 transferred to the Fund, or deposited into the Fund, in
15 fiscal year 2019 pursuant to section 1705(d) of title 10,
16 United States Code.

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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, \$4,890,658,000, to remain available for obligation until September 30, 2021.

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,

1 and construction prosecuted thereon prior to approval of
2 title; and procurement and installation of equipment, ap-
3 pliances, and machine tools in public and private plants;
4 reserve plant and Government and contractor-owned
5 equipment layaway; and other expenses necessary for the
6 foregoing purposes, \$3,160,597,000, to remain available
7 for obligation until September 30, 2021.

8 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
9 VEHICLES, ARMY

10 For construction, procurement, production, and
11 modification of weapons and tracked combat vehicles,
12 equipment, including ordnance, spare parts, and acces-
13 sories therefor; specialized equipment and training devices;
14 expansion of public and private plants, including the land
15 necessary therefor, for the foregoing purposes, and such
16 lands and interests therein, may be acquired, and con-
17 struction prosecuted thereon prior to approval of title; and
18 procurement and installation of equipment, appliances,
19 and machine tools in public and private plants; reserve
20 plant and Government and contractor-owned equipment
21 layaway; and other expenses necessary for the foregoing
22 purposes, \$4,515,290,000, to remain available for obliga-
23 tion until September 30, 2021.

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$2,283,369,000, to remain
15 available for obligation until September 30, 2021.

16 OTHER PROCUREMENT, ARMY

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

1 therein, may be acquired, and construction prosecuted
2 thereon prior to approval of title; and procurement and
3 installation of equipment, appliances, and machine tools
4 in public and private plants; reserve plant and Govern-
5 ment and contractor-owned equipment layaway; and other
6 expenses necessary for the foregoing purposes,
7 \$7,709,078,000, to remain available for obligation until
8 September 30, 2021.

9 AIRCRAFT PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-
11 tion, and modernization of aircraft, equipment, including
12 ordnance, spare parts, and accessories therefor; specialized
13 equipment; expansion of public and private plants, includ-
14 ing the land necessary therefor, and such lands and inter-
15 ests therein, may be acquired, and construction prosecuted
16 thereon prior to approval of title; and procurement and
17 installation of equipment, appliances, and machine tools
18 in public and private plants; reserve plant and Govern-
19 ment and contractor-owned equipment layaway,
20 \$20,083,169,000, to remain available for obligation until
21 September 30, 2021.

22 WEAPONS PROCUREMENT, NAVY

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

1 and accessories therefor; expansion of public and private
2 plants, including the land necessary therefor, and such
3 lands and interests therein, may be acquired, and con-
4 struction prosecuted thereon prior to approval of title; and
5 procurement and installation of equipment, appliances,
6 and machine tools in public and private plants; reserve
7 plant and Government and contractor-owned equipment
8 layaway, \$3,780,572,000, to remain available for obliga-
9 tion until September 30, 2021.

10 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
11 CORPS

12 For construction, procurement, production, and
13 modification of ammunition, and accessories therefor; spe-
14 cialized equipment and training devices; expansion of pub-
15 lic and private plants, including ammunition facilities, au-
16 thorized by section 2854 of title 10, United States Code,
17 and the land necessary therefor, for the foregoing pur-
18 poses, and such lands and interests therein, may be ac-
19 quired, and construction prosecuted thereon prior to ap-
20 proval of title; and procurement and installation of equip-
21 ment, appliances, and machine tools in public and private
22 plants; reserve plant and Government and contractor-
23 owned equipment layaway; and other expenses necessary
24 for the foregoing purposes, \$970,454,000, to remain avail-
25 able for obligation until September 30, 2021.

1 SHIPBUILDING AND CONVERSION, NAVY

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

14 Ohio Replacement Submarine (AP),
 15 \$3,242,330,000;

16 Carrier Replacement Program (CVN 80),
 17 \$1,573,181,000;

18 Virginia Class Submarine, \$4,373,382,000;

19 Virginia Class Submarine (AP),
 20 \$2,796,401,000;

21 CVN Refueling Overhauls (AP), \$449,597,000;

22 DDG-1000 Program, \$270,965,000;

23 DDG-51 Destroyer, \$5,171,827,000;

24 DDG-51 Destroyer (AP), \$641,928,000;

25 Littoral Combat Ship, \$1,121,244,000;

1 LPD-17, \$500,000,000;
2 Expeditionary Sea Base, \$650,000,000;
3 LHA Replacement (AP), \$350,000,000;
4 Expeditionary Fast Transport, \$225,000,000;
5 TAO Fleet Oiler, \$977,104,000;
6 TAO Fleet Oiler (AP), \$75,046,000;
7 Towing Salvage and Rescue Ship, \$80,517,000;
8 LCU 1700, \$41,520,000;
9 Ship to Shore Connector, \$325,375,000;
10 Service Craft, \$97,062,000;
11 LCAC SLEP, \$23,321,000;
12 For outfitting, post delivery, conversions, and
13 first destination transportation, \$550,038,000;
14 Completion of Prior Year Shipbuilding Pro-
15 grams, \$207,099,000; and
16 Cable Ship, \$250,000,000.

17 In all: \$23,992,937,000, to remain available for obli-
18 gation until September 30, 2023: *Provided*, That addi-
19 tional obligations may be incurred after September 30,
20 2023, for engineering services, tests, evaluations, and
21 other such budgeted work that must be performed in the
22 final stage of ship construction: *Provided further*, That
23 none of the funds provided under this heading for the con-
24 struction or conversion of any naval vessel to be con-
25 structed in shipyards in the United States shall be ex-

1 pended in foreign facilities for the construction of major
2 components of such vessel: *Provided further*, That none
3 of the funds provided under this heading shall be used
4 for the construction of any naval vessel in foreign ship-
5 yards: *Provided further*, That funds appropriated or other-
6 wise made available by this Act for production of the com-
7 mon missile compartment of nuclear-powered vessels may
8 be available for multiyear procurement of critical compo-
9 nents to support continuous production of such compart-
10 ments only in accordance with the provisions of subsection
11 (i) of section 2218a of title 10, United States Code (as
12 added by section 1023 of the National Defense Authoriza-
13 tion Act for Fiscal Year 2017 (Public Law 114–328)).

14 OTHER PROCUREMENT, NAVY

15 For procurement, production, and modernization of
16 support equipment and materials not otherwise provided
17 for, Navy ordnance (except ordnance for new aircraft, new
18 ships, and ships authorized for conversion); the purchase
19 of passenger motor vehicles for replacement only; expan-
20 sion of public and private plants, including the land nec-
21 essary therefor, and such lands and interests therein, may
22 be acquired, and construction prosecuted thereon prior to
23 approval of title; and procurement and installation of
24 equipment, appliances, and machine tools in public and
25 private plants; reserve plant and Government and con-

1 tractor-owned equipment layaway, \$10,393,562,000, to
2 remain available for obligation until September 30, 2021.

3 PROCUREMENT, MARINE CORPS

4 For expenses necessary for the procurement, manu-
5 facture, and modification of missiles, armament, military
6 equipment, spare parts, and accessories therefor; plant
7 equipment, appliances, and machine tools, and installation
8 thereof in public and private plants; reserve plant and
9 Government and contractor-owned equipment layaway; ve-
10 hicles for the Marine Corps, including the purchase of pas-
11 senger motor vehicles for replacement only; and expansion
12 of public and private plants, including land necessary
13 therefor, and such lands and interests therein, may be ac-
14 quired, and construction prosecuted thereon prior to ap-
15 proval of title, \$2,800,997,000, to remain available for ob-
16 ligation until September 30, 2021.

17 AIRCRAFT PROCUREMENT, AIR FORCE

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

1 therein, may be acquired, and construction prosecuted
2 thereon prior to approval of title; reserve plant and Gov-
3 ernment and contractor-owned equipment layaway; and
4 other expenses necessary for the foregoing purposes in-
5 cluding rents and transportation of things,
6 \$15,772,473,000, to remain available for obligation until
7 September 30, 2021.

8 MISSILE PROCUREMENT, AIR FORCE

9 For construction, procurement, and modification of
10 missiles, rockets, and related equipment, including spare
11 parts and accessories therefor; ground handling equip-
12 ment, and training devices; expansion of public and pri-
13 vate plants, Government-owned equipment and installa-
14 tion thereof in such plants, erection of structures, and ac-
15 quisition of land, for the foregoing purposes, and such
16 lands and interests therein, may be acquired, and con-
17 struction prosecuted thereon prior to approval of title; re-
18 serve plant and Government and contractor-owned equip-
19 ment layaway; and other expenses necessary for the fore-
20 going purposes including rents and transportation of
21 things, \$2,614,954,000, to remain available for obligation
22 until September 30, 2021.

23 SPACE PROCUREMENT, AIR FORCE

24 For construction, procurement, and modification of
25 spacecraft, rockets, and related equipment, including

1 spare parts and accessories therefor; ground handling
2 equipment, and training devices; expansion of public and
3 private plants, Government-owned equipment and installa-
4 tion thereof in such plants, erection of structures, and ac-
5 quisition of land, for the foregoing purposes, and such
6 lands and interests therein, may be acquired, and con-
7 struction prosecuted thereon prior to approval of title; re-
8 serve plant and Government and contractor-owned equip-
9 ment layaway; and other expenses necessary for the fore-
10 going purposes including rents and transportation of
11 things, \$2,224,142,000, to remain available for obligation
12 until September 30, 2021.

13 PROCUREMENT OF AMMUNITION, AIR FORCE

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

1 for the foregoing purposes, \$1,564,880,000, to remain
2 available for obligation until September 30, 2021.

3 OTHER PROCUREMENT, AIR FORCE

4 For procurement and modification of equipment (in-
5 cluding ground guidance and electronic control equipment,
6 and ground electronic and communication equipment),
7 and supplies, materials, and spare parts therefor, not oth-
8 erwise provided for; the purchase of passenger motor vehi-
9 cles for replacement only; lease of passenger motor vehi-
10 cles; and expansion of public and private plants, Govern-
11 ment-owned equipment and installation thereof in such
12 plants, erection of structures, and acquisition of land, for
13 the foregoing purposes, and such lands and interests
14 therein, may be acquired, and construction prosecuted
15 thereon, prior to approval of title; reserve plant and Gov-
16 ernment and contractor-owned equipment layaway,
17 \$20,839,366,000, to remain available for obligation until
18 September 30, 2021.

19 PROCUREMENT, DEFENSE-WIDE

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

1 and private plants, equipment, and installation thereof in
2 such plants, erection of structures, and acquisition of land
3 for the foregoing purposes, and such lands and interests
4 therein, may be acquired, and construction prosecuted
5 thereon prior to approval of title; reserve plant and Gov-
6 ernment and contractor-owned equipment layaway,
7 \$6,663,821,000, to remain available for obligation until
8 September 30, 2021.

9 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

10 For procurement of rotary-wing aircraft; combat, tac-
11 tical and support vehicles; other weapons; and other pro-
12 curement items for the reserve components of the Armed
13 Forces, \$900,000,000, to remain available for obligation
14 until September 30, 2021: *Provided*, That the Chiefs of
15 National Guard and Reserve components shall, not later
16 than 30 days after enactment of this Act, individually sub-
17 mit to the congressional defense committees the mod-
18 ernization priority assessment for their respective Na-
19 tional Guard or Reserve component: *Provided further*,
20 That none of the funds made available by this paragraph
21 may be used to procure manned fixed wing aircraft, or
22 procure or modify missiles, munitions, or ammunition.

23 DEFENSE PRODUCTION ACT PURCHASES

24 For activities by the Department of Defense pursuant
25 to sections 108, 301, 302, and 303 of the Defense Produc-

1 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
2 \$38,578,000, to remain available until expended.

3 TITLE IV

4 RESEARCH, DEVELOPMENT, TEST AND
5 EVALUATION

6 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

7 ARMY

8 For expenses necessary for basic and applied sci-
9 entific research, development, test and evaluation, includ-
10 ing maintenance, rehabilitation, lease, and operation of fa-
11 cilities and equipment, \$10,812,458,000, to remain avail-
12 able for obligation until September 30, 2020.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

14 NAVY

15 For expenses necessary for basic and applied sci-
16 entific research, development, test and evaluation, includ-
17 ing maintenance, rehabilitation, lease, and operation of fa-
18 cilities and equipment, \$18,992,064,000, to remain avail-
19 able for obligation until September 30, 2020: *Provided,*
20 That funds appropriated in this paragraph which are
21 available for the V-22 may be used to meet unique oper-
22 ational requirements of the Special Operations Forces.

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

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment, \$40,896,667,000, to remain avail-
7 able for obligation until September 30, 2020.

8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
9 DEFENSE-WIDE

10 For expenses of activities and agencies of the Depart-
11 ment of Defense (other than the military departments),
12 necessary for basic and applied scientific research, devel-
13 opment, test and evaluation; advanced research projects
14 as may be designated and determined by the Secretary
15 of Defense, pursuant to law; maintenance, rehabilitation,
16 lease, and operation of facilities and equipment,
17 \$24,049,621,000, to remain available for obligation until
18 September 30, 2020.

19 OPERATIONAL TEST AND EVALUATION, DEFENSE

20 For expenses, not otherwise provided for, necessary
21 for the independent activities of the Director, Operational
22 Test and Evaluation, in the direction and supervision of
23 operational test and evaluation, including initial oper-
24 ational test and evaluation which is conducted prior to,
25 and in support of, production decisions; joint operational

1 testing and evaluation; and administrative expenses in
2 connection therewith, \$381,009,000, to remain available
3 for obligation until September 30, 2020.

4 TITLE V

5 REVOLVING AND MANAGEMENT FUNDS

6 DEFENSE WORKING CAPITAL FUNDS

7 For the Defense Working Capital Funds,
8 \$1,641,115,000.

9 TITLE VI

10 OTHER DEPARTMENT OF DEFENSE PROGRAMS

11 DEFENSE HEALTH PROGRAM

12 For expenses, not otherwise provided for, for medical
13 and health care programs of the Department of Defense
14 as authorized by law, \$34,135,992,000; of which
15 \$31,588,995,000 shall be for operation and maintenance,
16 of which not to exceed one percent shall remain available
17 for obligation until September 30, 2020, and of which up
18 to \$15,152,801,000 may be available for contracts entered
19 into under the TRICARE program; of which
20 \$873,160,000, to remain available for obligation until Sep-
21 tember 30, 2021, shall be for procurement; and of which
22 \$1,673,837,000, to remain available for obligation until
23 September 30, 2020, shall be for research, development,
24 test and evaluation: *Provided*, That of the funds provided
25 under this heading for research, development, test and

1 evaluation, not less than \$761,500,000 shall be made
2 available to the United States Army Medical Research and
3 Materiel Command to carry out the congressionally di-
4 rected medical research programs.

5 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
6 DEFENSE

7 For expenses, not otherwise provided for, necessary
8 for the destruction of the United States stockpile of lethal
9 chemical agents and munitions in accordance with the pro-
10 visions of section 1412 of the Department of Defense Au-
11 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
12 struction of other chemical warfare materials that are not
13 in the chemical weapon stockpile, \$993,816,000, of which
14 \$105,997,000 shall be for operation and maintenance, of
15 which no less than \$52,735,000 shall be for the Chemical
16 Stockpile Emergency Preparedness Program, consisting of
17 \$21,600,000 for activities on military installations and
18 \$31,135,000, to remain available until September 30,
19 2020, to assist State and local governments; \$1,091,000
20 shall be for procurement, to remain available until Sep-
21 tember 30, 2021, of which \$1,091,000 shall be for the
22 Chemical Stockpile Emergency Preparedness Program to
23 assist State and local governments; and \$886,728,000, to
24 remain available until September 30, 2020, shall be for
25 research, development, test and evaluation, of which

1 \$880,283,000 shall only be for the Assembled Chemical
2 Weapons Alternatives program.

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

6 For drug interdiction and counter-drug activities of
7 the Department of Defense, for transfer to appropriations
8 available to the Department of Defense for military per-
9 sonnel of the reserve components serving under the provi-
10 sions of title 10 and title 32, United States Code; for oper-
11 ation and maintenance; for procurement; and for research,
12 development, test and evaluation, \$872,525,000, of which
13 \$507,171,000 shall be for counter-narcotics support;
14 \$117,900,000 shall be for the drug demand reduction pro-
15 gram; \$217,178,000 shall be for the National Guard
16 counter-drug program; and \$30,276,000 shall be for the
17 National Guard counter-drug schools program: *Provided*,
18 That the funds appropriated under this heading shall be
19 available for obligation for the same time period and for
20 the same purpose as the appropriation to which trans-
21 ferred: *Provided further*, That upon a determination that
22 all or part of the funds transferred from this appropriation
23 are not necessary for the purposes provided herein, such
24 amounts may be transferred back to this appropriation:
25 *Provided further*, That the transfer authority provided

1 under this heading is in addition to any other transfer au-
2 thority contained elsewhere in this Act.

3 OFFICE OF THE INSPECTOR GENERAL

4 For expenses and activities of the Office of the In-
5 spector General in carrying out the provisions of the In-
6 spector General Act of 1978, as amended, \$329,273,000,
7 of which \$325,236,000 shall be for operation and mainte-
8 nance, of which not to exceed \$700,000 is available for
9 emergencies and extraordinary expenses to be expended on
10 the approval or authority of the Inspector General, and
11 payments may be made on the Inspector General's certifi-
12 cate of necessity for confidential military purposes; of
13 which \$60,000, to remain available for obligation until
14 September 30, 2021, shall be for procurement; and of
15 which \$3,977,000, to remain available until September 30,
16 2020, shall be for research, development, test and evalua-
17 tion.

18 TITLE VII

19 RELATED AGENCIES

20 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
21 DISABILITY SYSTEM FUND

22 For payment to the Central Intelligence Agency Re-
23 tirement and Disability System Fund, to maintain the
24 proper funding level for continuing the operation of the

1 Central Intelligence Agency Retirement and Disability
2 System, \$514,000,000.

3 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

4 For necessary expenses of the Intelligence Commu-
5 nity Management Account, \$529,624,000.

6 TITLE VIII

7 GENERAL PROVISIONS

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

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

1 States diplomatic missions whose pay is set by the Depart-
2 ment of State under the Foreign Service Act of 1980: *Pro-*
3 *vided further*, That the limitations of this provision shall
4 not apply to foreign national employees of the Department
5 of Defense in the Republic of Turkey.

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

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

16 (TRANSFER OF FUNDS)

17 SEC. 8005. Upon determination by the Secretary of
18 Defense that such action is necessary in the national inter-
19 est, he may, with the approval of the Office of Manage-
20 ment and Budget, transfer not to exceed \$4,000,000,000
21 of working capital funds of the Department of Defense
22 or funds made available in this Act to the Department
23 of Defense for military functions (except military con-
24 struction) between such appropriations or funds or any
25 subdivision thereof, to be merged with and to be available

1 for the same purposes, and for the same time period, as
2 the appropriation or fund to which transferred: *Provided*,
3 That such authority to transfer may not be used unless
4 for higher priority items, based on unforeseen military re-
5 quirements, than those for which originally appropriated
6 and in no case where the item for which funds are re-
7 quested has been denied by the Congress: *Provided further*,
8 That the Secretary of Defense shall notify the Congress
9 promptly of all transfers made pursuant to this authority
10 or any other authority in this Act: *Provided further*, That
11 no part of the funds in this Act shall be available to pre-
12 pare or present a request to the Committees on Appropria-
13 tions for reprogramming of funds, unless for higher pri-
14 ority items, based on unforeseen military requirements,
15 than those for which originally appropriated and in no
16 case where the item for which reprogramming is requested
17 has been denied by the Congress: *Provided further*, That
18 a request for multiple reprogrammings of funds using au-
19 thority provided in this section shall be made prior to June
20 30, 2019: *Provided further*, That transfers among military
21 personnel appropriations shall not be taken into account
22 for purposes of the limitation on the amount of funds that
23 may be transferred under this section.

24 SEC. 8006. (a) With regard to the list of specific pro-
25 grams, projects, and activities (and the dollar amounts

1 and adjustments to budget activities corresponding to
2 such programs, projects, and activities) contained in the
3 tables titled “Committee Recommended Adjustments” in
4 the explanatory statement regarding this Act, the obliga-
5 tion and expenditure of amounts appropriated or other-
6 wise made available in this Act for those programs,
7 projects, and activities for which the amounts appro-
8 priated exceed the amounts requested are hereby required
9 by law to be carried out in the manner provided by such
10 tables to the same extent as if the tables were included
11 in the text of this Act.

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

18 SEC. 8007. (a) Not later than 60 days after enact-
19 ment of this Act, the Department of Defense shall submit
20 a report to the congressional defense committees to estab-
21 lish the baseline for application of reprogramming and
22 transfer authorities for fiscal year 2019: *Provided*, That
23 the report shall include—

24 (1) a table for each appropriation with a sepa-
25 rate column to display the President’s budget re-

1 quest, adjustments made by Congress, adjustments
2 due to enacted rescissions, if appropriate, and the
3 fiscal year enacted level;

4 (2) a delineation in the table for each appro-
5 priation both by budget activity and program,
6 project, and activity as detailed in the Budget Ap-
7 pendix; and

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

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

20 (1) “Environmental Restoration, Army”;

21 (2) “Environmental Restoration, Navy”;

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

23 (4) “Environmental Restoration, Defense-
24 Wide”;

1 (5) “Environmental Restoration, Formerly
2 Used Defense Sites”; and

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

5 (TRANSFER OF FUNDS)

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

1 inventory, unless the Secretary of Defense has notified the
2 Congress prior to any such obligation.

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

7 SEC. 8010. None of the funds provided in this Act
8 shall be available to initiate: (1) a multiyear contract that
9 employs economic order quantity procurement in excess of
10 \$20,000,000 in any one year of the contract or that in-
11 cludes an unfunded contingent liability in excess of
12 \$20,000,000; or (2) a contract for advance procurement
13 leading to a multiyear contract that employs economic
14 order quantity procurement in excess of \$20,000,000 in
15 any one year, unless the congressional defense committees
16 have been notified at least 30 days in advance of the pro-
17 posed contract award: *Provided*, That no part of any ap-
18 propriation contained in this Act shall be available to ini-
19 tiate a multiyear contract for which the economic order
20 quantity advance procurement is not funded at least to
21 the limits of the Government's liability: *Provided further*,
22 That no part of any appropriation contained in this Act
23 shall be available to initiate multiyear procurement con-
24 tracts for any systems or component thereof if the value
25 of the multiyear contract would exceed \$500,000,000 un-

1 less specifically provided in this Act: *Provided further*,
2 That no multiyear procurement contract can be termi-
3 nated without 30-day prior notification to the congres-
4 sional defense committees: *Provided further*, That the exe-
5 cution of multiyear authority shall require the use of a
6 present value analysis to determine lowest cost compared
7 to an annual procurement: *Provided further*, That none of
8 the funds provided in this Act may be used for a multiyear
9 contract executed after the date of the enactment of this
10 Act unless in the case of any such contract—

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

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

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

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

7 Funds appropriated in title III of this Act may be
8 used for multiyear procurement contracts for any or all
9 of the following projects:

10 (1) Standard Missile-3 IB;

11 (2) Standard Missile-6;

12 (3) F/A-18E/F Super Hornet and EA-18G
13 Aircraft variants;

14 (4) E-2D Advanced Hawkeye (AHE) Aircraft;
15 and

16 (5) C-130J, KC-130J, HC-130J; MC-130J,
17 AC-130J Aircraft:

18 *Provided*, That the multiyear procurement authority for
19 the E-2D Advanced Hawkeye (AHE) and the F/A-18E/
20 F Super Hornet programs provided for by this section
21 shall be subject to the certification requirement in section
22 2306b(i) of title 10, United States Code, with the cost
23 analysis in connection with such certification to be current
24 as of the date of such certification and to be submitted
25 to Congress prior to the Secretary exercising the authority

1 in accordance with section 2306b(i)(3) of title 10, United
2 States Code: *Provided further*, That the multiyear procure-
3 ment authority for the Standard Missile—6 program pro-
4 vided for by this section shall be subject to the certification
5 requirement in section 2306b(i) of title 10, United States
6 Code, with the cost analysis in connection with such cer-
7 tification to be current as of the date of such certification
8 and to be submitted to Congress prior to the Secretary
9 exercising the authority in accordance with section
10 2306b(i)(3) of title 10, United States Code.

11 SEC. 8011. Within the funds appropriated for the op-
12 eration and maintenance of the Armed Forces, funds are
13 hereby appropriated pursuant to section 401 of title 10,
14 United States Code, for humanitarian and civic assistance
15 costs under chapter 20 of title 10, United States Code.
16 Such funds may also be obligated for humanitarian and
17 civic assistance costs incidental to authorized operations
18 and pursuant to authority granted in section 401 of chap-
19 ter 20 of title 10, United States Code, and these obliga-
20 tions shall be reported as required by section 401(d) of
21 title 10, United States Code: *Provided*, That funds avail-
22 able for operation and maintenance shall be available for
23 providing humanitarian and similar assistance by using
24 Civic Action Teams in the Trust Territories of the Pacific
25 Islands and freely associated states of Micronesia, pursu-

1 ant to the Compact of Free Association as authorized by
2 Public Law 99–239: *Provided further*, That upon a deter-
3 mination by the Secretary of the Army that such action
4 is beneficial for graduate medical education programs con-
5 ducted at Army medical facilities located in Hawaii, the
6 Secretary of the Army may authorize the provision of med-
7 ical services at such facilities and transportation to such
8 facilities, on a nonreimbursable basis, for civilian patients
9 from American Samoa, the Commonwealth of the North-
10 ern Mariana Islands, the Marshall Islands, the Federated
11 States of Micronesia, Palau, and Guam.

12 SEC. 8012. (a) During the current fiscal year, the
13 civilian personnel of the Department of Defense may not
14 be managed on the basis of any end-strength, and the
15 management of such personnel during that fiscal year
16 shall not be subject to any constraint or limitation (known
17 as an end-strength) on the number of such personnel who
18 may be employed on the last day of such fiscal year.

19 (b) The fiscal year 2020 budget request for the De-
20 partment of Defense as well as all justification material
21 and other documentation supporting the fiscal year 2020
22 Department of Defense budget request shall be prepared
23 and submitted to the Congress as if subsections (a) and
24 (b) of this provision were effective with regard to fiscal
25 year 2020.

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

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

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

18 (TRANSFER OF FUNDS)

19 SEC. 8015. Funds appropriated in title III of this Act
20 for the Department of Defense Pilot Mentor-Protégé Pro-
21 gram may be transferred to any other appropriation con-
22 tained in this Act solely for the purpose of implementing
23 a Mentor-Protégé Program developmental assistance
24 agreement pursuant to section 831 of the National De-
25 fense Authorization Act for Fiscal Year 1991 (Public Law

1 101–510; 10 U.S.C. 2302 note), as amended, under the
2 authority of this provision or any other transfer authority
3 contained in this Act.

4 SEC. 8016. None of the funds appropriated by this
5 Act shall be used for the support of any nonappropriated
6 funds activity of the Department of Defense that procures
7 malt beverages and wine with nonappropriated funds for
8 resale (including such alcoholic beverages sold by the
9 drink) on a military installation located in the United
10 States unless such malt beverages and wine are procured
11 within that State, or in the case of the District of Colum-
12 bia, within the District of Columbia, in which the military
13 installation is located: *Provided*, That, in a case in which
14 the military installation is located in more than one State,
15 purchases may be made in any State in which the installa-
16 tion is located: *Provided further*, That such local procure-
17 ment requirements for malt beverages and wine shall
18 apply to all alcoholic beverages only for military installa-
19 tions in States which are not contiguous with another
20 State: *Provided further*, That alcoholic beverages other
21 than wine and malt beverages, in contiguous States and
22 the District of Columbia shall be procured from the most
23 competitive source, price and other factors considered.

24 SEC. 8017. None of the funds available to the De-
25 partment of Defense may be used to demilitarize or dis-

1 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
2 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
3 to demilitarize or destroy small arms ammunition or am-
4 munition components that are not otherwise prohibited
5 from commercial sale under Federal law, unless the small
6 arms ammunition or ammunition components are certified
7 by the Secretary of the Army or designee as unserviceable
8 or unsafe for further use.

9 SEC. 8018. No more than \$500,000 of the funds ap-
10 propriated or made available in this Act shall be used dur-
11 ing a single fiscal year for any single relocation of an orga-
12 nization, unit, activity or function of the Department of
13 Defense into or within the National Capital Region: *Pro-*
14 *vided*, That the Secretary of Defense may waive this re-
15 striction on a case-by-case basis by certifying in writing
16 to the congressional defense committees that such a relo-
17 cation is required in the best interest of the Government.

18 SEC. 8019. Of the funds made available in this Act,
19 up to \$15,000,000 may be available for incentive pay-
20 ments authorized by section 504 of the Indian Financing
21 Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime
22 contractor or a subcontractor at any tier that makes a
23 subcontract award to any subcontractor or supplier as de-
24 fined in section 1544 of title 25, United States Code, or
25 a small business owned and controlled by an individual

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

19 SEC. 8020. Funds appropriated by this Act for the
20 Defense Media Activity shall not be used for any national
21 or international political or psychological activities.

22 SEC. 8021. During the current fiscal year, the De-
23 partment of Defense is authorized to incur obligations of
24 not to exceed \$350,000,000 for purposes specified in sec-
25 tion 2350j(c) of title 10, United States Code, in anticipa-

1 tion of receipt of contributions, only from the Government
2 of Kuwait, under that section: *Provided*, That, upon re-
3 ceipt, such contributions from the Government of Kuwait
4 shall be credited to the appropriations or fund which in-
5 curred such obligations.

6 SEC. 8022. (a) Of the funds made available in this
7 Act, not less than \$46,100,000 shall be available for the
8 Civil Air Patrol Corporation, of which—

9 (1) \$33,600,000 shall be available from “Oper-
10 ation and Maintenance, Air Force” to support Civil
11 Air Patrol Corporation operation and maintenance,
12 readiness, counter-drug activities, and drug demand
13 reduction activities involving youth programs;

14 (2) \$10,800,000 shall be available from “Air-
15 craft Procurement, Air Force”; and

16 (3) \$1,700,000 shall be available from “Other
17 Procurement, Air Force” for vehicle procurement.

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

22 SEC. 8023. (a) None of the funds appropriated in this
23 Act are available to establish a new Department of De-
24 fense (department) federally funded research and develop-
25 ment center (FFRDC), either as a new entity, or as a

1 separate entity administrated by an organization man-
2 aging another FFRDC, or as a nonprofit membership cor-
3 poration consisting of a consortium of other FFRDCs and
4 other nonprofit entities.

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

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

1 employee participation in community service and/or devel-
2 opment.

3 (d) Notwithstanding any other provision of law, of
4 the funds available to the department during fiscal year
5 2019, not more than 6,030 staff years of technical effort
6 (staff years) may be funded for defense FFRDCs: *Pro-*
7 *vided*, That, of the specific amount referred to previously
8 in this subsection, not more than 1,125 staff years may
9 be funded for the defense studies and analysis FFRDCs:
10 *Provided further*, That this subsection shall not apply to
11 staff years funded in the National Intelligence Program
12 (NIP) and the Military Intelligence Program (MIP).

13 (e) The Secretary of Defense shall, with the submis-
14 sion of the department's fiscal year 2020 budget request,
15 submit a report presenting the specific amounts of staff
16 years of technical effort to be allocated for each defense
17 FFRDC during that fiscal year and the associated budget
18 estimates.

19 (f) Notwithstanding any other provision of this Act,
20 the total amount appropriated in this Act for FFRDCs
21 is hereby reduced by \$179,000,000: *Provided*, That this
22 subsection shall not apply to appropriations for the Na-
23 tional Intelligence Program (NIP) and the Military Intel-
24 ligence Program (MIP).

1 SEC. 8024. None of the funds appropriated or made
2 available in this Act shall be used to procure carbon, alloy,
3 or armor steel plate for use in any Government-owned fa-
4 cility or property under the control of the Department of
5 Defense which were not melted and rolled in the United
6 States or Canada: *Provided*, That these procurement re-
7 strictions shall apply to any and all Federal Supply Class
8 9515, American Society of Testing and Materials (ASTM)
9 or American Iron and Steel Institute (AISI) specifications
10 of carbon, alloy or armor steel plate: *Provided further*,
11 That the Secretary of the military department responsible
12 for the procurement may waive this restriction on a case-
13 by-case basis by certifying in writing to the Committees
14 on Appropriations of the House of Representatives and the
15 Senate that adequate domestic supplies are not available
16 to meet Department of Defense requirements on a timely
17 basis and that such an acquisition must be made in order
18 to acquire capability for national security purposes: *Pro-*
19 *vided further*, That these restrictions shall not apply to
20 contracts which are in being as of the date of the enact-
21 ment of this Act.

22 SEC. 8025. For the purposes of this Act, the term
23 “congressional defense committees” means the Armed
24 Services Committee of the House of Representatives, the
25 Armed Services Committee of the Senate, the Sub-

1 committee on Defense of the Committee on Appropriations
2 of the Senate, and the Subcommittee on Defense of the
3 Committee on Appropriations of the House of Representa-
4 tives.

5 SEC. 8026. During the current fiscal year, the De-
6 partment of Defense may acquire the modification, depot
7 maintenance and repair of aircraft, vehicles and vessels
8 as well as the production of components and other De-
9 fense-related articles, through competition between De-
10 partment of Defense depot maintenance activities and pri-
11 vate firms: *Provided*, That the Senior Acquisition Execu-
12 tive of the military department or Defense Agency con-
13 cerned, with power of delegation, shall certify that success-
14 ful bids include comparable estimates of all direct and in-
15 direct costs for both public and private bids: *Provided fur-*
16 *ther*, That Office of Management and Budget Circular A-
17 76 shall not apply to competitions conducted under this
18 section.

19 SEC. 8027. (a)(1) If the Secretary of Defense, after
20 consultation with the United States Trade Representative,
21 determines that a foreign country which is party to an
22 agreement described in paragraph (2) has violated the
23 terms of the agreement by discriminating against certain
24 types of products produced in the United States that are
25 covered by the agreement, the Secretary of Defense shall

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

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

10 (b) The Secretary of Defense shall submit to the Con-
11 gress a report on the amount of Department of Defense
12 purchases from foreign entities in fiscal year 2019. Such
13 report shall separately indicate the dollar value of items
14 for which the Buy American Act was waived pursuant to
15 any agreement described in subsection (a)(2), the Trade
16 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
17 international agreement to which the United States is a
18 party.

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

22 SEC. 8028. During the current fiscal year, amounts
23 contained in the Department of Defense Overseas Military
24 Facility Investment Recovery Account established by sec-
25 tion 2921(c)(1) of the National Defense Authorization Act

1 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
2 be available until expended for the payments specified by
3 section 2921(c)(2) of that Act.

4 SEC. 8029. (a) Notwithstanding any other provision
5 of law, the Secretary of the Air Force may convey at no
6 cost to the Air Force, without consideration, to Indian
7 tribes located in the States of Nevada, Idaho, North Da-
8 kota, South Dakota, Montana, Oregon, Minnesota, and
9 Washington relocatable military housing units located at
10 Grand Forks Air Force Base, Malmstrom Air Force Base,
11 Mountain Home Air Force Base, Ellsworth Air Force
12 Base, and Minot Air Force Base that are excess to the
13 needs of the Air Force.

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

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

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

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

9 SEC. 8030. During the current fiscal year, appropria-
10 tions which are available to the Department of Defense
11 for operation and maintenance may be used to purchase
12 items having an investment item unit cost of not more
13 than \$250,000.

14 SEC. 8031. Up to \$10,518,000 of the funds appro-
15 priated under the heading “Operation and Maintenance,
16 Navy” may be made available for the Asia Pacific Re-
17 gional Initiative Program for the purpose of enabling the
18 Pacific Command to execute Theater Security Cooperation
19 activities such as humanitarian assistance, and payment
20 of incremental and personnel costs of training and exer-
21 cising with foreign security forces: *Provided*, That funds
22 made available for this purpose may be used, notwith-
23 standing any other funding authorities for humanitarian
24 assistance, security assistance or combined exercise ex-
25 penses: *Provided further*, That funds may not be obligated

1 to provide assistance to any foreign country that is other-
2 wise prohibited from receiving such type of assistance
3 under any other provision of law.

4 SEC. 8032. The Secretary of Defense shall issue reg-
5 ulations to prohibit the sale of any tobacco or tobacco-
6 related products in military resale outlets in the United
7 States, its territories and possessions at a price below the
8 most competitive price in the local community: *Provided*,
9 That such regulations shall direct that the prices of to-
10 bacco or tobacco-related products in overseas military re-
11 tail outlets shall be within the range of prices established
12 for military retail system stores located in the United
13 States.

14 SEC. 8033. (a) During the current fiscal year, none
15 of the appropriations or funds available to the Department
16 of Defense Working Capital Funds shall be used for the
17 purchase of an investment item for the purpose of acquir-
18 ing a new inventory item for sale or anticipated sale dur-
19 ing the current fiscal year or a subsequent fiscal year to
20 customers of the Department of Defense Working Capital
21 Funds if such an item would not have been chargeable
22 to the Department of Defense Business Operations Fund
23 during fiscal year 1994 and if the purchase of such an
24 investment item would be chargeable during the current

1 fiscal year to appropriations made to the Department of
2 Defense for procurement.

3 (b) The fiscal year 2020 budget request for the De-
4 partment of Defense as well as all justification material
5 and other documentation supporting the fiscal year 2020
6 Department of Defense budget shall be prepared and sub-
7 mitted to the Congress on the basis that any equipment
8 which was classified as an end item and funded in a pro-
9 curement appropriation contained in this Act shall be
10 budgeted for in a proposed fiscal year 2020 procurement
11 appropriation and not in the supply management business
12 area or any other area or category of the Department of
13 Defense Working Capital Funds.

14 SEC. 8034. None of the funds appropriated by this
15 Act for programs of the Central Intelligence Agency shall
16 remain available for obligation beyond the current fiscal
17 year, except for funds appropriated for the Reserve for
18 Contingencies, which shall remain available until Sep-
19 tember 30, 2020: *Provided*, That funds appropriated,
20 transferred, or otherwise credited to the Central Intel-
21 ligence Agency Central Services Working Capital Fund
22 during this or any prior or subsequent fiscal year shall
23 remain available until expended: *Provided further*, That
24 any funds appropriated or transferred to the Central Intel-
25 ligence Agency for advanced research and development ac-

1 quisation, for agent operations, and for covert action pro-
2 grams authorized by the President under section 503 of
3 the National Security Act of 1947 (50 U.S.C. 3093) shall
4 remain available until September 30, 2020.

5 SEC. 8035. Of the funds appropriated to the Depart-
6 ment of Defense under the heading “Operation and Main-
7 tenance, Defense-Wide”, not less than \$12,000,000 may
8 be made available only for the mitigation of environmental
9 impacts, including training and technical assistance to
10 tribes, related administrative support, the gathering of in-
11 formation, documenting of environmental damage, and de-
12 veloping a system for prioritization of mitigation and cost
13 to complete estimates for mitigation, on Indian lands re-
14 sulting from Department of Defense activities.

15 SEC. 8036. (a) None of the funds appropriated in this
16 Act may be expended by an entity of the Department of
17 Defense unless the entity, in expending the funds, com-
18 plies with the Buy American Act. For purposes of this
19 subsection, the term “Buy American Act” means chapter
20 83 of title 41, United States Code.

21 (b) If the Secretary of Defense determines that a per-
22 son has been convicted of intentionally affixing a label
23 bearing a “Made in America” inscription to any product
24 sold in or shipped to the United States that is not made
25 in America, the Secretary shall determine, in accordance

1 with section 2410f of title 10, United States Code, wheth-
2 er the person should be debarred from contracting with
3 the Department of Defense.

4 (c) In the case of any equipment or products pur-
5 chased with appropriations provided under this Act, it is
6 the sense of the Congress that any entity of the Depart-
7 ment of Defense, in expending the appropriation, purchase
8 only American-made equipment and products, provided
9 that American-made equipment and products are cost-
10 competitive, quality competitive, and available in a timely
11 fashion.

12 SEC. 8037. (a) Except as provided in subsections (b)
13 and (c), none of the funds made available by this Act may
14 be used—

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

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

21 (b) The Secretary of Defense or Secretary of a mili-
22 tary department may waive the limitations in subsection
23 (a), on a case-by-case basis, if the Secretary determines,
24 and certifies to the Committees on Appropriations of the
25 House of Representatives and the Senate that the grant-

1 ing of the waiver will reduce the personnel requirements
2 or the financial requirements of the department.

3 (c) This section does not apply to—

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

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

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

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

19 SEC. 8038. (a) None of the funds appropriated by
20 this Act shall be available to convert to contractor per-
21 formance an activity or function of the Department of De-
22 fense that, on or after the date of the enactment of this
23 Act, is performed by Department of Defense civilian em-
24 ployees unless—

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

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

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

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

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

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

24 (B) offering to such workers an employer-
25 sponsored health benefits plan that requires the

1 employer to contribute less towards the pre-
2 mium or subscription share than the amount
3 that is paid by the Department of Defense for
4 health benefits for civilian employees under
5 chapter 89 of title 5, United States Code.

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

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

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

22 (C) is planned to be converted to performance
23 by a qualified firm under at least 51 percent owner-
24 ship by an Indian tribe, as defined in section 4(e)
25 of the Indian Self-Determination and Education As-

1 assistance Act (25 U.S.C. 450b(e)), or a Native Ha-
2 waiian Organization, as defined in section 8(a)(15)
3 of the Small Business Act (15 U.S.C. 637(a)(15)).

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

7 (c) The conversion of any activity or function of the
8 Department of Defense under the authority provided by
9 this section shall be credited toward any competitive or
10 outsourcing goal, target, or measurement that may be es-
11 tablished by statute, regulation, or policy and is deemed
12 to be awarded under the authority of, and in compliance
13 with, subsection (h) of section 2304 of title 10, United
14 States Code, for the competition or outsourcing of com-
15 mercial activities.

16 (RESCISSIONS)

17 SEC. 8039. Of the funds appropriated in Department
18 of Defense Appropriations Acts, the following funds are
19 hereby rescinded from the following accounts and pro-
20 grams in the specified amounts: *Provided*, That no
21 amounts may be rescinded from amounts that were des-
22 ignated by the Congress for Overseas Contingency Oper-
23 ations/Global War on Terrorism or as an emergency re-
24 quirement pursuant to the Concurrent Resolution on the

1 Budget or the Balanced Budget and Emergency Deficit

2 Control Act of 1985, as amended:

3 “Aircraft Procurement, Army”, 2017/2019,

4 \$16,000,000;

5 “Missile Procurement, Army”, 2017/2019,

6 \$12,900,000;

7 “Other Procurement, Army”, 2017/2019,

8 \$7,465,000;

9 “Other Procurement, Navy”, 2017/2019,

10 \$32,344,000;

11 “Aircraft Procurement, Air Force”, 2017/2019,

12 \$179,029,000;

13 “Space Procurement, Air Force”, 2017/2019,

14 \$15,000,000;

15 “Other Procurement, Air Force”, 2017/2019,

16 \$29,600,000;

17 “Defense Health Program: Procurement”,

18 2017/2019, \$2,413,000;

19 “Aircraft Procurement, Army”, 2018/2020,

20 \$4,939,000;

21 “Missile Procurement, Army”, 2018/2020,

22 \$149,400,000;

23 “Procurement of Weapons and Tracked Combat

24 Vehicles, Army”, 2018/2020, \$210,506,000;

1 “Other Procurement, Army”, 2018/2020,
2 \$115,389,000;

3 “Aircraft Procurement, Navy”, 2018/2020,
4 \$14,600,000;

5 “Other Procurement, Navy”, 2018/2020,
6 \$36,600,000;

7 “Aircraft Procurement, Air Force”, 2018/2020,
8 \$254,166,000;

9 “Space Procurement, Air Force”, 2018/2020,
10 \$192,300,000;

11 “Procurement of Ammunition, Air Force”,
12 2018/2020, \$17,100,000;

13 “Other Procurement, Air Force”, 2018/2020,
14 \$128,500,000;

15 “Research, Development, Test and Evaluation,
16 Army”, 2018/2019, \$237,384,000;

17 “Research, Development, Test and Evaluation,
18 Air Force”, 2018/2019, \$505,300,000;

19 “Research, Development, Test and Evaluation,
20 Defense-Wide”, 2018/2019, \$25,000,000; and

21 “Defense Health Program: Procurement”,
22 2018/2020, \$215,000,000.

23 SEC. 8040. None of the funds available in this Act
24 may be used to reduce the authorized positions for mili-
25 tary technicians (dual status) of the Army National

1 Guard, Air National Guard, Army Reserve and Air Force
2 Reserve for the purpose of applying any administratively
3 imposed civilian personnel ceiling, freeze, or reduction on
4 military technicians (dual status), unless such reductions
5 are a direct result of a reduction in military force struc-
6 ture.

7 SEC. 8041. None of the funds appropriated or other-
8 wise made available in this Act may be obligated or ex-
9 pended for assistance to the Democratic People's Republic
10 of Korea unless specifically appropriated for that purpose.

11 SEC. 8042. Funds appropriated in this Act for oper-
12 ation and maintenance of the Military Departments, Com-
13 batant Commands and Defense Agencies shall be available
14 for reimbursement of pay, allowances and other expenses
15 which would otherwise be incurred against appropriations
16 for the National Guard and Reserve when members of the
17 National Guard and Reserve provide intelligence or coun-
18 terintelligence support to Combatant Commands, Defense
19 Agencies and Joint Intelligence Activities, including the
20 activities and programs included within the National Intel-
21 ligence Program and the Military Intelligence Program:
22 *Provided*, That nothing in this section authorizes deviation
23 from established Reserve and National Guard personnel
24 and training procedures.

1 SEC. 8043. (a) None of the funds available to the
2 Department of Defense for any fiscal year for drug inter-
3 diction or counter-drug activities may be transferred to
4 any other department or agency of the United States ex-
5 cept as specifically provided in an appropriations law.

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

11 SEC. 8044. Of the amounts appropriated for “Work-
12 ing Capital Fund, Army”, \$99,000,000 shall be available
13 to maintain competitive rates at the arsenals.

14 SEC. 8045. In addition to the amounts appropriated
15 or otherwise made available elsewhere in this Act,
16 \$20,000,000 is hereby appropriated to the Department of
17 Defense: *Provided*, That upon the determination of the
18 Secretary of Defense that it shall serve the national inter-
19 est, the Secretary shall make grants in the amounts speci-
20 fied as follows: \$20,000,000 to the United Service Organi-
21 zations.

22 SEC. 8046. None of the funds in this Act may be
23 used to purchase any supercomputer which is not manu-
24 factured in the United States, unless the Secretary of De-
25 fense certifies to the congressional defense committees

1 that such an acquisition must be made in order to acquire
2 capability for national security purposes that is not avail-
3 able from United States manufacturers.

4 SEC. 8047. Notwithstanding any other provision in
5 this Act, the Small Business Innovation Research program
6 and the Small Business Technology Transfer program set-
7 asides shall be taken proportionally from all programs,
8 projects, or activities to the extent they contribute to the
9 extramural budget.

10 SEC. 8048. None of the funds available to the De-
11 partment of Defense under this Act shall be obligated or
12 expended to pay a contractor under a contract with the
13 Department of Defense for costs of any amount paid by
14 the contractor to an employee when—

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

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

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8049. During the current fiscal year, no more
22 than \$30,000,000 of appropriations made in this Act
23 under the heading “Operation and Maintenance, Defense-
24 Wide” may be transferred to appropriations available for
25 the pay of military personnel, to be merged with, and to

1 be available for the same time period as the appropriations
2 to which transferred, to be used in support of such per-
3 sonnel in connection with support and services for eligible
4 organizations and activities outside the Department of De-
5 fense pursuant to section 2012 of title 10, United States
6 Code.

7 SEC. 8050. During the current fiscal year, in the case
8 of an appropriation account of the Department of Defense
9 for which the period of availability for obligation has ex-
10 pired or which has closed under the provisions of section
11 1552 of title 31, United States Code, and which has a
12 negative unliquidated or unexpended balance, an obliga-
13 tion or an adjustment of an obligation may be charged
14 to any current appropriation account for the same purpose
15 as the expired or closed account if—

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

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

23 (3) in the case of an expired account, the obli-
24 gation is not chargeable to a current appropriation
25 of the Department of Defense under the provisions

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

14 SEC. 8051. (a) Notwithstanding any other provision
15 of law, the Chief of the National Guard Bureau may per-
16 mit the use of equipment of the National Guard Distance
17 Learning Project by any person or entity on a space-avail-
18 able, reimbursable basis. The Chief of the National Guard
19 Bureau shall establish the amount of reimbursement for
20 such use on a case-by-case basis.

21 (b) Amounts collected under subsection (a) shall be
22 credited to funds available for the National Guard Dis-
23 tance Learning Project and be available to defray the costs
24 associated with the use of equipment of the project under

1 that subsection. Such funds shall be available for such
2 purposes without fiscal year limitation.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8052. Of the funds appropriated in this Act
5 under the heading “Operation and Maintenance, Defense-
6 wide”, \$25,000,000 shall be for continued implementation
7 and expansion of the Sexual Assault Special Victims’
8 Counsel Program: *Provided*, That the funds are made
9 available for transfer to the Department of the Army, the
10 Department of the Navy, and the Department of the Air
11 Force: *Provided further*, That funds transferred shall be
12 merged with and available for the same purposes and for
13 the same time period as the appropriations to which the
14 funds are transferred: *Provided further*, That this transfer
15 authority is in addition to any other transfer authority
16 provided in this Act.

17 SEC. 8053. None of the funds appropriated in title
18 IV of this Act may be used to procure end-items for deliv-
19 ery to military forces for operational training, operational
20 use or inventory requirements: *Provided*, That this restric-
21 tion does not apply to end-items used in development,
22 prototyping, and test activities preceding and leading to
23 acceptance for operational use: *Provided further*, That the
24 Secretary of Defense shall, with submission of the depart-
25 ment’s fiscal year 2020 budget request, submit a report

1 detailing the use of funds requested in research, develop-
2 ment, test and evaluation accounts for end-items used in
3 development, prototyping and test activities preceding and
4 leading to acceptance for operational use: *Provided further*,
5 That this restriction does not apply to programs funded
6 within the National Intelligence Program: *Provided fur-*
7 *ther*, That the Secretary of Defense may waive this restric-
8 tion on a case-by-case basis by certifying in writing to the
9 Committees on Appropriations of the House of Represent-
10 atives and the Senate that it is in the national security
11 interest to do so.

12 SEC. 8054. (a) The Secretary of Defense may, on a
13 case-by-case basis, waive with respect to a foreign country
14 each limitation on the procurement of defense items from
15 foreign sources provided in law if the Secretary determines
16 that the application of the limitation with respect to that
17 country would invalidate cooperative programs entered
18 into between the Department of Defense and the foreign
19 country, or would invalidate reciprocal trade agreements
20 for the procurement of defense items entered into under
21 section 2531 of title 10, United States Code, and the
22 country does not discriminate against the same or similar
23 defense items produced in the United States for that coun-
24 try.

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

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

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

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

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8055. Of the amounts appropriated for “Oper-
19 ation and Maintenance, Navy”, up to \$1,000,000 shall be
20 available for transfer to the John C. Stennis Center for
21 Public Service Development Trust Fund established under
22 section 116 of the John C. Stennis Center for Public Serv-
23 ice Training and Development Act (2 U.S.C. 1105).

24 SEC. 8056. Notwithstanding any other provision of
25 law, funds appropriated in this Act under the heading

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

12 SEC. 8057. The Secretary of Defense shall continue
13 to provide a classified quarterly report to the House and
14 Senate Appropriations Committees, Subcommittees on
15 Defense on certain matters as directed in the classified
16 annex accompanying this Act.

17 SEC. 8058. Notwithstanding section 12310(b) of title
18 10, United States Code, a Reserve who is a member of
19 the National Guard serving on full-time National Guard
20 duty under section 502(f) of title 32, United States Code,
21 may perform duties in support of the ground-based ele-
22 ments of the National Ballistic Missile Defense System.

23 SEC. 8059. None of the funds provided in this Act
24 may be used to transfer to any nongovernmental entity
25 ammunition held by the Department of Defense that has

1 a center-fire cartridge and a United States military no-
2 menclature designation of “armor penetrator”, “armor
3 piercing (AP)”, “armor piercing incendiary (API)”, or
4 “armor-piercing incendiary tracer (API-T)”, except to an
5 entity performing demilitarization services for the Depart-
6 ment of Defense under a contract that requires the entity
7 to demonstrate to the satisfaction of the Department of
8 Defense that armor piercing projectiles are either: (1) ren-
9 dered incapable of reuse by the demilitarization process;
10 or (2) used to manufacture ammunition pursuant to a con-
11 tract with the Department of Defense or the manufacture
12 of ammunition for export pursuant to a License for Per-
13 manent Export of Unclassified Military Articles issued by
14 the Department of State.

15 SEC. 8060. Notwithstanding any other provision of
16 law, the Chief of the National Guard Bureau, or his des-
17 ignee, may waive payment of all or part of the consider-
18 ation that otherwise would be required under section 2667
19 of title 10, United States Code, in the case of a lease of
20 personal property for a period not in excess of 1 year to
21 any organization specified in section 508(d) of title 32,
22 United States Code, or any other youth, social, or fra-
23 ternal nonprofit organization as may be approved by the
24 Chief of the National Guard Bureau, or his designee, on
25 a case-by-case basis.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8061. Of the amounts appropriated in this Act
3 under the heading “Operation and Maintenance, Army”,
4 \$62,483,700 shall remain available until expended: *Pro-*
5 *vided*, That, notwithstanding any other provision of law,
6 the Secretary of Defense is authorized to transfer such
7 funds to other activities of the Federal Government: *Pro-*
8 *vided further*, That the Secretary of Defense is authorized
9 to enter into and carry out contracts for the acquisition
10 of real property, construction, personal services, and oper-
11 ations related to projects carrying out the purposes of this
12 section: *Provided further*, That contracts entered into
13 under the authority of this section may provide for such
14 indemnification as the Secretary determines to be nec-
15 essary: *Provided further*, That projects authorized by this
16 section shall comply with applicable Federal, State, and
17 local law to the maximum extent consistent with the na-
18 tional security, as determined by the Secretary of Defense.

19 SEC. 8062. (a) None of the funds appropriated in this
20 or any other Act may be used to take any action to mod-
21 ify—

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

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

5 (3) the process by which the National Intel-
6 ligence Program appropriations are apportioned to
7 the executing agencies; or

8 (4) the process by which the National Intel-
9 ligence Program appropriations are allotted, obli-
10 gated and disbursed.

11 (b) Nothing in section (a) shall be construed to pro-
12 hibit the merger of programs or changes to the National
13 Intelligence Program budget at or below the Expenditure
14 Center level, provided such change is otherwise in accord-
15 ance with paragraphs (a)(1)–(3).

16 (c) The Director of National Intelligence and the Sec-
17 retary of Defense may jointly, only for the purposes of
18 achieving auditable financial statements and improving
19 fiscal reporting, study and develop detailed proposals for
20 alternative financial management processes. Such study
21 shall include a comprehensive counterintelligence risk as-
22 sessment to ensure that none of the alternative processes
23 will adversely affect counterintelligence.

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

4 (1) provide the proposed alternatives to all af-
5 fected agencies;

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

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

14 SEC. 8063. None of the funds available to the De-
15 partment of Defense may be obligated to modify command
16 and control relationships to give Fleet Forces Command
17 operational and administrative control of United States
18 Navy forces assigned to the Pacific fleet: *Provided*, That
19 the command and control relationships which existed on
20 October 1, 2004, shall remain in force until a written
21 modification has been proposed to the House and Senate
22 Appropriations Committees: *Provided further*, That the
23 proposed modification may be implemented 30 days after
24 the notification unless an objection is received from either
25 the House or Senate Appropriations Committees: *Provided*

1 *further*, That any proposed modification shall not preclude
2 the ability of the commander of United States Pacific
3 Command to meet operational requirements.

4 SEC. 8064. Any notice that is required to be sub-
5 mitted to the Committees on Appropriations of the Senate
6 and the House of Representatives under section 806(c)(4)
7 of the Bob Stump National Defense Authorization Act for
8 Fiscal Year 2003 (10 U.S.C. 2302 note) after the date
9 of the enactment of this Act shall be submitted pursuant
10 to that requirement concurrently to the Subcommittees on
11 Defense of the Committees on Appropriations of the Sen-
12 ate and the House of Representatives.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8065. Of the amounts appropriated in this Act
15 under the headings “Procurement, Defense-Wide” and
16 “Research, Development, Test and Evaluation, Defense-
17 Wide”, \$500,000,000 shall be for the Israeli Cooperative
18 Programs: *Provided*, That of this amount, \$70,000,000
19 shall be for the Secretary of Defense to provide to the Gov-
20 ernment of Israel for the procurement of the Iron Dome
21 defense system to counter short-range rocket threats, sub-
22 ject to the U.S.-Israel Iron Dome Procurement Agree-
23 ment, as amended; \$187,000,000 shall be for the Short
24 Range Ballistic Missile Defense (SRBMD) program, in-
25 cluding cruise missile defense research and development

1 under the SRBMD program, of which \$50,000,000 shall
2 be for co-production activities of SRBMD systems in the
3 United States and in Israel to meet Israel's defense re-
4 quirements consistent with each nation's laws, regulations,
5 and procedures, subject to the U.S.-Israeli co-production
6 agreement for SRBMD, as amended; \$80,000,000 shall
7 be for an upper-tier component to the Israeli Missile De-
8 fense Architecture, of which \$80,000,000 shall be for co-
9 production activities of Arrow 3 Upper Tier systems in
10 the United States and in Israel to meet Israel's defense
11 requirements consistent with each nation's laws, regula-
12 tions, and procedures, subject to the U.S.-Israeli co-pro-
13 duction agreement for Arrow 3 Upper Tier, as amended;
14 and \$163,000,000 shall be for the Arrow System Improve-
15 ment Program including development of a long range,
16 ground and airborne, detection suite: *Provided further,*
17 That the transfer authority provided under this provision
18 is in addition to any other transfer authority contained
19 in this Act.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8066. Of the amounts appropriated in this Act
22 under the heading "Shipbuilding and Conversion, Navy",
23 \$207,099,000 shall be available until September 30, 2019,
24 to fund prior year shipbuilding cost increases: *Provided,*
25 That upon enactment of this Act, the Secretary of the

1 Navy shall transfer funds to the following appropriations
2 in the amounts specified: *Provided further*, That the
3 amounts transferred shall be merged with and be available
4 for the same purposes as the appropriations to which
5 transferred to:

6 (1) Under the heading “Shipbuilding and Con-
7 version, Navy”, 2011/2019: LHA Replacement
8 \$25,100,000;

9 (2) Under the heading “Shipbuilding and Con-
10 version, Navy”, 2013/2019: DDG-51 Destroyer
11 \$53,966,000;

12 (3) Under the heading “Shipbuilding and Con-
13 version, Navy”, 2014/2019: Littoral Combat Ship
14 \$19,498,000;

15 (4) Under the heading “Shipbuilding and Con-
16 version, Navy”, 2015/2019: Littoral Combat Ship
17 \$83,686,000;

18 (5) Under the heading “Shipbuilding and Con-
19 version, Navy”, 2015/2019: LCAC \$9,400,000; and

20 (6) Under the heading “Shipbuilding and Con-
21 version, Navy”, 2016/2019: TAO Fleet Oiler
22 \$15,449,000.

23 SEC. 8067. Funds appropriated by this Act, or made
24 available by the transfer of funds in this Act, for intel-
25 ligence activities are deemed to be specifically authorized

1 by the Congress for purposes of section 504 of the Na-
2 tional Security Act of 1947 (50 U.S.C. 3094) during fiscal
3 year 2019 until the enactment of the Intelligence Author-
4 ization Act for Fiscal Year 2019.

5 SEC. 8068. None of the funds provided in this Act
6 shall be available for obligation or expenditure through a
7 reprogramming of funds that creates or initiates a new
8 program, project, or activity unless such program, project,
9 or activity must be undertaken immediately in the interest
10 of national security and only after written prior notifica-
11 tion to the congressional defense committees.

12 SEC. 8069. The budget of the President for fiscal
13 year 2020 submitted to the Congress pursuant to section
14 1105 of title 31, United States Code, shall include sepa-
15 rate budget justification documents for costs of United
16 States Armed Forces' participation in contingency oper-
17 ations for the Military Personnel accounts, the Operation
18 and Maintenance accounts, the Procurement accounts,
19 and the Research, Development, Test and Evaluation ac-
20 counts: *Provided*, That these documents shall include a de-
21 scription of the funding requested for each contingency op-
22 eration, for each military service, to include all Active and
23 Reserve components, and for each appropriations account:
24 *Provided further*, That these documents shall include esti-
25 mated costs for each element of expense or object class,

1 a reconciliation of increases and decreases for each contin-
2 gency operation, and programmatic data including, but
3 not limited to, troop strength for each Active and Reserve
4 component, and estimates of the major weapons systems
5 deployed in support of each contingency: *Provided further*,
6 That these documents shall include budget exhibits OP-
7 5 and OP-32 (as defined in the Department of Defense
8 Financial Management Regulation) for all contingency op-
9 erations for the budget year and the two preceding fiscal
10 years.

11 SEC. 8070. None of the funds in this Act may be
12 used for research, development, test, evaluation, procure-
13 ment or deployment of nuclear armed interceptors of a
14 missile defense system.

15 SEC. 8071. (a) None of the funds made available in
16 this Act may be used to maintain or establish a computer
17 network unless such network is designed to block access
18 to pornography websites.

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

(TRANSFER OF FUNDS)

1
2 SEC. 8072. The Secretary of Defense may transfer
3 up to \$800,000,000 of the amounts appropriated or other-
4 wise made available in this Act to the Department of De-
5 fense for the rapid acquisition and deployment of supplies
6 and associated support pursuant to section 806 of the Bob
7 Stump National Defense Authorization Act for Fiscal
8 Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note):
9 *Provided*, That the Secretary of Defense shall notify the
10 congressional defense committees promptly of all transfers
11 made pursuant to this authority or any other authority
12 in this Act: *Provided further*, That the transfer authority
13 provided in this section is in addition to any other transfer
14 authority provided elsewhere in this Act.

15 SEC. 8073. None of the funds appropriated or made
16 available in this Act shall be used to reduce or disestablish
17 the operation of the 53rd Weather Reconnaissance Squad-
18 ron of the Air Force Reserve, if such action would reduce
19 the WC–130 Weather Reconnaissance mission below the
20 levels funded in this Act: *Provided*, That the Air Force
21 shall allow the 53rd Weather Reconnaissance Squadron to
22 perform other missions in support of national defense re-
23 quirements during the non-hurricane season.

24 SEC. 8074. None of the funds provided in this Act
25 shall be available for integration of foreign intelligence in-

1 formation unless the information has been lawfully col-
2 lected and processed during the conduct of authorized for-
3 eign intelligence activities: *Provided*, That information
4 pertaining to United States persons shall only be handled
5 in accordance with protections provided in the Fourth
6 Amendment of the United States Constitution as imple-
7 mented through Executive Order No. 12333.

8 SEC. 8075. (a) None of the funds appropriated by
9 this Act may be used to transfer research and develop-
10 ment, acquisition, or other program authority relating to
11 current tactical unmanned aerial vehicles (TUAVs) from
12 the Army.

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

18 SEC. 8076. None of the funds appropriated by this
19 Act for programs of the Office of the Director of National
20 Intelligence shall remain available for obligation beyond
21 the current fiscal year, except for funds appropriated for
22 research and technology, which shall remain available until
23 September 30, 2020.

24 SEC. 8077. For purposes of section 1553(b) of title
25 31, United States Code, any subdivision of appropriations

1 made in this Act under the heading “Shipbuilding and
2 Conversion, Navy” shall be considered to be for the same
3 purpose as any subdivision under the heading “Ship-
4 building and Conversion, Navy” appropriations in any
5 prior fiscal year, and the 1 percent limitation shall apply
6 to the total amount of the appropriation.

7 SEC. 8078. (a) Not later than 60 days after the date
8 of enactment of this Act, the Director of National Intel-
9 ligence shall submit a report to the congressional intel-
10 ligence committees to establish the baseline for application
11 of reprogramming and transfer authorities for fiscal year
12 2019: *Provided*, That the report shall include—

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

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

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

22 (b) None of the funds provided for the National Intel-
23 ligence Program in this Act shall be available for re-
24 programming or transfer until the report identified in sub-
25 section (a) is submitted to the congressional intelligence

1 committees, unless the Director of National Intelligence
2 certifies in writing to the congressional intelligence com-
3 mittees that such reprogramming or transfer is necessary
4 as an emergency requirement.

5 SEC. 8079. None of the funds provided in this Act
6 for the TAO–205 program shall be used to award a new
7 contract that provides for the acquisition of the following
8 components unless those components are manufactured in
9 the United States: Auxiliary equipment (including pumps)
10 for shipboard services; propulsion equipment (including
11 engines, reduction gears, and propellers); shipboard
12 cranes; and spreaders for shipboard cranes.

13 SEC. 8080. Notwithstanding any other provision of
14 law, any transfer of funds, appropriated or otherwise made
15 available by this Act, for support to friendly foreign coun-
16 tries in connection with the conduct of operations in which
17 the United States is not participating, pursuant to section
18 331(d) of title 10, United States Code, shall be made in
19 accordance with sections 8005 or 9002 of this Act, as ap-
20 plicable.

21 SEC. 8081. Any transfer of amounts appropriated to,
22 credited to, or deposited in the Department of Defense Ac-
23 quisition Workforce Development Fund in or for fiscal
24 year 2019 to a military department or Defense Agency
25 pursuant to section 1705(e)(1) of title 10, United States

1 Code, shall be covered by and subject to sections 8005 or
2 9002 of this Act, as applicable.

3 SEC. 8082. None of the funds made available by this
4 Act for excess defense articles, assistance under section
5 333 of title 10, United States Code, or peacekeeping oper-
6 ations for the countries designated annually to be in viola-
7 tion of the standards of the Child Soldiers Prevention Act
8 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may
9 be used to support any military training or operation that
10 includes child soldiers, as defined by the Child Soldiers
11 Prevention Act of 2008, unless such assistance is other-
12 wise permitted under section 404 of the Child Soldiers
13 Prevention Act of 2008.

14 SEC. 8083. (a) None of the funds provided for the
15 National Intelligence Program in this or any prior appro-
16 priations Act shall be available for obligation or expendi-
17 ture through a reprogramming or transfer of funds in ac-
18 cordance with section 102A(d) of the National Security
19 Act of 1947 (50 U.S.C. 3024(d)) that—

20 (1) creates a new start effort;

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

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

25 (4) transfers funding between appropriations,

1 unless the congressional intelligence committees are noti-
2 fied 30 days in advance of such reprogramming of funds;
3 this notification period may be reduced for urgent national
4 security requirements.

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

16 SEC. 8084. The Director of National Intelligence
17 shall submit to Congress each year, at or about the time
18 that the President's budget is submitted to Congress that
19 year under section 1105(a) of title 31, United States
20 Code, a future-years intelligence program (including asso-
21 ciated annexes) reflecting the estimated expenditures and
22 proposed appropriations included in that budget. Any such
23 future-years intelligence program shall cover the fiscal
24 year with respect to which the budget is submitted and
25 at least the four succeeding fiscal years.

1 SEC. 8085. For the purposes of this Act, the term
2 “congressional intelligence committees” means the Perma-
3 nent Select Committee on Intelligence of the House of
4 Representatives, the Select Committee on Intelligence of
5 the Senate, the Subcommittee on Defense of the Com-
6 mittee on Appropriations of the House of Representatives,
7 and the Subcommittee on Defense of the Committee on
8 Appropriations of the Senate.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8086. During the current fiscal year, not to ex-
11 ceed \$11,000,000 from each of the appropriations made
12 in title II of this Act for “Operation and Maintenance,
13 Army”, “Operation and Maintenance, Navy”, and “Oper-
14 ation and Maintenance, Air Force” may be transferred by
15 the military department concerned to its central fund es-
16 tablished for Fisher Houses and Suites pursuant to sec-
17 tion 2493(d) of title 10, United States Code.

18 SEC. 8087. None of the funds appropriated by this
19 Act may be available for the purpose of making remit-
20 tances to the Department of Defense Acquisition Work-
21 force Development Fund in accordance with section 1705
22 of title 10, United States Code.

23 SEC. 8088. (a) Any agency receiving funds made
24 available in this Act, shall, subject to subsections (b) and
25 (c), post on the public Web site of that agency any report

1 required to be submitted by the Congress in this or any
2 other Act, upon the determination by the head of the agen-
3 cy that it shall serve the national interest.

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

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

7 (2) the report contains proprietary information.

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

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

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

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

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

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

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

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8090. From within the funds appropriated for
21 operation and maintenance for the Defense Health Pro-
22 gram in this Act, up to \$113,000,000, shall be available
23 for transfer to the Joint Department of Defense-Depart-
24 ment of Veterans Affairs Medical Facility Demonstration
25 Fund in accordance with the provisions of section 1704

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

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

22 SEC. 8092. Appropriations available to the Depart-
23 ment of Defense may be used for the purchase of heavy
24 and light armored vehicles for the physical security of per-
25 sonnel or for force protection purposes up to a limit of

1 \$450,000 per vehicle, notwithstanding price or other limi-
2 tations applicable to the purchase of passenger carrying
3 vehicles.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8093. Upon a determination by the Director of
6 National Intelligence that such action is necessary and in
7 the national interest, the Director may, with the approval
8 of the Office of Management and Budget, transfer not to
9 exceed \$1,500,000,000 of the funds made available in this
10 Act for the National Intelligence Program: *Provided*, That
11 such authority to transfer may not be used unless for
12 higher priority items, based on unforeseen intelligence re-
13 quirements, than those for which originally appropriated
14 and in no case where the item for which funds are re-
15 quested has been denied by the Congress: *Provided further*,
16 That a request for multiple reprogrammings of funds
17 using authority provided in this section shall be made
18 prior to June 30, 2019.

19 SEC. 8094. None of the funds appropriated or other-
20 wise made available in this or any other Act may be used
21 to transfer, release, or assist in the transfer or release to
22 or within the United States, its territories, or possessions
23 Khalid Sheikh Mohammed or any other detainee who—
24 (1) is not a United States citizen or a member
25 of the Armed Forces of the United States; and

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

4 SEC. 8095. (a) None of the funds appropriated or
5 otherwise made available in this or any other Act may be
6 used to construct, acquire, or modify any facility in the
7 United States, its territories, or possessions to house any
8 individual described in subsection (c) for the purposes of
9 detention or imprisonment in the custody or under the ef-
10 fective control of the Department of Defense.

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

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

17 (1) is not a citizen of the United States or a
18 member of the Armed Forces of the United States;
19 and

20 (2) is—

21 (A) in the custody or under the effective
22 control of the Department of Defense; or

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

1 SEC. 8096. None of the funds appropriated or other-
2 wise made available in this Act may be used to transfer
3 any individual detained at United States Naval Station
4 Guantánamo Bay, Cuba, to the custody or control of the
5 individual's country of origin, any other foreign country,
6 or any other foreign entity except in accordance with sec-
7 tion 1034 of the National Defense Authorization Act for
8 Fiscal Year 2016 (Public Law 114–92) and section 1034
9 of the National Defense Authorization Act for Fiscal Year
10 2017 (Public Law 114–328).

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

14 SEC. 8098. (a) None of the funds appropriated or
15 otherwise made available by this or any other Act may
16 be used by the Secretary of Defense, or any other official
17 or officer of the Department of Defense, to enter into a
18 contract, memorandum of understanding, or cooperative
19 agreement with, or make a grant to, or provide a loan
20 or loan guarantee to Rosoboronexport or any subsidiary
21 of Rosoboronexport.

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

1 interest of the United States to do so, and certifies in writ-
2 ing to the congressional defense committees that, to the
3 best of the Secretary's knowledge:

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

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

14 (3) Agents of the Russian Federation have
15 ceased taking active measures to destabilize the con-
16 trol of the Government of Ukraine over eastern
17 Ukraine.

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

1 a report containing the results of the review conducted
2 with respect to such waiver.

3 SEC. 8099. The Secretary of Defense, in consultation
4 with the Service Secretaries, shall submit two reports to
5 the congressional defense committees, not later than
6 March 1, 2019, and not later than September 1, 2019,
7 detailing the submission of records during the previous 6
8 months to databases accessible to the National Instant
9 Criminal Background Check System (NICS), including
10 the Interstate Identification Index (III), the National
11 Crime Information Center (NCIC), and the NICS Index,
12 as required by Public Law 110–180: *Provided*, That such
13 reports shall provide the number and category of records
14 submitted by month to each such database, by Service or
15 Component: *Provided further*, That such reports shall
16 identify the number and category of records submitted by
17 month to those databases for which the Identification for
18 Firearm Sales (IFFS) flag or other database flags were
19 used to pre-validate the records and indicate that such
20 persons are prohibited from receiving or possessing a fire-
21 arm: *Provided further*, That such reports shall describe the
22 steps taken during the previous 6 months, by Service or
23 Component, to ensure complete and accurate submission
24 and appropriate flagging of records of individuals prohib-
25 ited from gun possession or receipt pursuant to 18 U.S.C.

1 922(g) or (n) including applicable records involving pro-
2 ceedings under the Uniform Code of Military Justice.

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

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

15 (1) the prospective foreign civilian recipient is
16 determined by the local military commander to be
17 friendly to the United States;

18 (2) a claim for damages would not be compen-
19 sable under chapter 163 of title 10, United States
20 Code (commonly known as the “Foreign Claims
21 Act”); and

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

24 (c) NATURE OF PAYMENTS.—Any payments provided
25 under a program under subsection (a) shall not be consid-

1 ered an admission or acknowledgement of any legal obliga-
2 tion to compensate for any damage, personal injury, or
3 death.

4 (d) AMOUNT OF PAYMENTS.—If the Secretary of De-
5 fense determines a program under subsection (a) to be ap-
6 propriate in a particular setting, the amounts of pay-
7 ments, if any, to be provided to civilians determined to
8 have suffered harm incident to combat operations of the
9 Armed Forces under the program should be determined
10 pursuant to regulations prescribed by the Secretary and
11 based on an assessment, which should include such factors
12 as cultural appropriateness and prevailing economic condi-
13 tions.

14 (e) LEGAL ADVICE.—Local military commanders
15 shall receive legal advice before making ex gratia pay-
16 ments under this subsection. The legal advisor, under reg-
17 ulations of the Department of Defense, shall advise on
18 whether an ex gratia payment is proper under this section
19 and applicable Department of Defense regulations.

20 (f) WRITTEN RECORD.—A written record of any ex
21 gratia payment offered or denied shall be kept by the local
22 commander and on a timely basis submitted to the appro-
23 priate office in the Department of Defense as determined
24 by the Secretary of Defense.

1 (g) REPORT.—The Secretary of Defense shall report
2 to the congressional defense committees on an annual
3 basis the efficacy of the ex gratia payment program in-
4 cluding the number of types of cases considered, amounts
5 offered, the response from ex gratia payment recipients,
6 and any recommended modifications to the program.

7 SEC. 8101. None of the funds available in this Act
8 to the Department of Defense, other than appropriations
9 made for necessary or routine refurbishments, upgrades
10 or maintenance activities, shall be used to reduce or to
11 prepare to reduce the number of deployed and non-de-
12 ployed strategic delivery vehicles and launchers below the
13 levels set forth in the report submitted to Congress in ac-
14 cordance with section 1042 of the National Defense Au-
15 thorization Act for Fiscal Year 2012.

16 SEC. 8102. Amounts in working capital funds of the
17 Department of Defense established pursuant to section
18 2208 of title 10, United States Code, may be obligated
19 and expended in fiscal year 2020 for the payment of death
20 gratuities authorized by subchapter II of chapter 75 of
21 title 10, United States Code, that are payable during the
22 period in which the appropriations bill for fiscal year 2020
23 for the Department has not become law and an Act or
24 joint resolution making continuing appropriations for fis-
25 cal year 2020 for the Department is not in effect (a “lapse

1 in appropriations’): *Provided*, That, upon enactment of
2 the appropriations Act for fiscal year 2020 for the Depart-
3 ment, such obligations and expenditures shall be recorded
4 against the appropriations made available by such Act for
5 the payment of such death gratuities.

6 SEC. 8103. The Secretary of each military depart-
7 ment, in reducing each research, development, test and
8 evaluation and procurement account of the military de-
9 partment as required under paragraph (1) of section
10 828(d) of the National Defense Authorization Act for Fis-
11 cal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note),
12 as amended by section 825(a)(3) of the National Defense
13 Authorization Act for Fiscal Year 2018, shall allocate the
14 percentage reduction determined under paragraph (2) of
15 such section 828(d) proportionally from all programs,
16 projects, or activities under such account: *Provided*, That
17 the authority under section 804(d)(2) of the National De-
18 fense Authorization Act for Fiscal Year 2016 (Public Law
19 114–92; 10 U.S.C. 2302 note) to transfer amounts avail-
20 able in the Rapid Prototyping Fund shall be subject to
21 section 8005 or 9002 of this Act, as applicable.

22 SEC. 8104. None of the funds made available by this
23 Act may be used by the National Security Agency to—

24 (1) conduct an acquisition pursuant to section
25 702 of the Foreign Intelligence Surveillance Act of

1 1978 for the purpose of targeting a United States
2 person; or

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

10 SEC. 8105. None of the funds made available in this
11 or any other Act may be used to pay the salary of any
12 officer or employee of any agency funded by this Act who
13 approves or implements the transfer of administrative re-
14 sponsibilities or budgetary resources of any program,
15 project, or activity financed by this Act to the jurisdiction
16 of another Federal agency not financed by this Act with-
17 out the express authorization of Congress: *Provided*, That
18 this limitation shall not apply to transfers of funds ex-
19 pressly provided for in Defense Appropriations Acts, or
20 provisions of Acts providing supplemental appropriations
21 for the Department of Defense.

22 SEC. 8106. None of the funds made available in this
23 Act may be obligated for activities authorized under sec-
24 tion 1208 of the Ronald W. Reagan National Defense Au-
25 thorization Act for Fiscal Year 2005 (Public Law 112–

1 81; 125 Stat. 1621) to initiate support for, or expand sup-
2 port to, foreign forces, irregular forces, groups, or individ-
3 uals unless the congressional defense committees are noti-
4 fied in accordance with the direction contained in the clas-
5 sified annex accompanying this Act, not less than 15 days
6 before initiating such support: *Provided*, That none of the
7 funds made available in this Act may be used under sec-
8 tion 1208 for any activity that is not in support of an
9 ongoing military operation being conducted by United
10 States Special Operations Forces to combat terrorism:
11 *Provided further*, That the Secretary of Defense may waive
12 the prohibitions in this section if the Secretary determines
13 that such waiver is required by extraordinary cir-
14 cumstances and, by not later than 72 hours after making
15 such waiver, notifies the congressional defense committees
16 of such waiver.

17 SEC. 8107. Of the amounts appropriated in this Act
18 for “Operation and Maintenance, Navy”, \$310,805,000,
19 to remain available until expended, may be used for any
20 purposes related to the National Defense Reserve Fleet
21 established under section 11 of the Merchant Ship Sales
22 Act of 1946 (50 U.S.C. 4405): *Provided*, That such
23 amounts are available for reimbursements to the Ready
24 Reserve Force, Maritime Administration account of the
25 United States Department of Transportation for pro-

1 grams, projects, activities, and expenses related to the Na-
2 tional Defense Reserve Fleet.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8108. Of the amounts appropriated in this Act,
5 the Secretary of Defense may use up to \$52,657,000
6 under the heading “Operation and Maintenance, Defense-
7 Wide”, and up to \$39,400,000 under the heading “Re-
8 search, Development, Test and Evaluation, Defense-
9 Wide” to develop, replace, and sustain Federal Govern-
10 ment security and suitability background investigation in-
11 formation technology systems of the Office of Personnel
12 Management or other Federal agency responsible for con-
13 ducting such investigations: *Provided*, That the Secretary
14 may transfer additional amounts into these headings or
15 into “Procurement, Defense-Wide” using established re-
16 programming procedures prescribed in the Department of
17 Defense Financial Management Regulation 7000.14, Vol-
18 ume 3, Chapter 6, dated September 2015: *Provided fur-*
19 *ther*, That such funds shall supplement, not supplant any
20 other amounts made available to other Federal agencies
21 for such purposes.

22 SEC. 8109. None of the funds made available by this
23 Act may be used to carry out the closure or realignment
24 of the United States Naval Station, Guantánamo Bay,
25 Cuba.

1 SEC. 8110. Notwithstanding any other provision of
2 law, any transfer of funds appropriated or otherwise made
3 available by this Act to the Global Engagement Center es-
4 tablished by section 1287 of the National Defense Author-
5 ization Act for Fiscal Year 2017 (Public Law 114–328;
6 130 Stat. 22 U.S.C. 2656 note) shall be made in accord-
7 ance with section 8005 or 9002 of this Act, as applicable.

8 SEC. 8111. No amounts credited or otherwise made
9 available in this or any other Act to the Department of
10 Defense Acquisition Workforce Development Fund may be
11 transferred to:

12 (1) the Rapid Prototyping Fund established
13 under section 804(d) of the National Defense Au-
14 thorization Act for Fiscal Year 2016 (10 U.S.C.
15 2302 note); or

16 (2) credited to a military-department specific
17 fund established under section 804(d)(2) of the Na-
18 tional Defense Authorization Act for Fiscal Year
19 2016 (as amended by section 897 of the National
20 Defense Authorization Act for Fiscal Year 2017).

21 SEC. 8112. Notwithstanding any other provision of
22 law, from funds made available to the Department of De-
23 fense in title II of this Act under the heading “Operation
24 and Maintenance, Defense-Wide”, \$15,000,000 shall be
25 available for a project in a country designated by the Sec-

1 retary of Defense: *Provided*, That in furtherance of the
 2 project, the Department of Defense is authorized to ac-
 3 quire services, including services performed pursuant to
 4 a grant agreement, from another Federal agency, on an
 5 advance of funds or reimbursable basis: *Provided further*,
 6 That an order for services placed under this section is
 7 deemed to be an obligation in the same manner that a
 8 similar order placed under a contract with a private con-
 9 tractor is an obligation.

10 SEC. 8113. None of the funds appropriated by this
 11 Act may be made available to transfer, or to facilitate the
 12 transfer of, F-35 aircraft to Turkey, including any de-
 13 fense articles or services related to such aircraft, until the
 14 Secretary of Defense, in consultation with the Secretary
 15 of State, certifies to the appropriate congressional commit-
 16 tees that the Government of Turkey is not purchasing the
 17 S-400 missile defense system from Russia and will not
 18 accept the delivery of such system.

19 TITLE IX

20 OVERSEAS CONTINGENCY OPERATIONS

21 MILITARY PERSONNEL

22 MILITARY PERSONNEL, ARMY

23 For an additional amount for “Military Personnel,
 24 Army”, \$2,929,154,000: *Provided*, That such amount is
 25 designated by the Congress for Overseas Contingency Op-

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

4 MILITARY PERSONNEL, NAVY

5 For an additional amount for “Military Personnel,
6 Navy”, \$385,461,000: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 MILITARY PERSONNEL, MARINE CORPS

12 For an additional amount for “Military Personnel,
13 Marine Corps”, \$109,232,000: *Provided*, That such
14 amount is designated by the Congress for Overseas Con-
15 tingency Operations/Global War on Terrorism pursuant to
16 section 251(b)(2)(A)(ii) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 MILITARY PERSONNEL, AIR FORCE

19 For an additional amount for “Military Personnel,
20 Air Force”, \$964,508,000: *Provided*, That such amount
21 is designated by the Congress for Overseas Contingency
22 Operations/Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 RESERVE PERSONNEL, ARMY

2 For an additional amount for “Reserve Personnel,
3 Army”, \$37,007,000: *Provided*, That such amount is des-
4 ignated by the Congress for Overseas Contingency Oper-
5 ations/Global War on Terrorism pursuant to section
6 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 RESERVE PERSONNEL, NAVY

9 For an additional amount for “Reserve Personnel,
10 Navy”, \$11,100,000: *Provided*, That such amount is des-
11 ignated by the Congress for Overseas Contingency Oper-
12 ations/Global War on Terrorism pursuant to section
13 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 RESERVE PERSONNEL, MARINE CORPS

16 For an additional amount for “Reserve Personnel,
17 Marine Corps”, \$2,380,000: *Provided*, That such amount
18 is designated by the Congress for Overseas Contingency
19 Operations/Global War on Terrorism pursuant to section
20 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 RESERVE PERSONNEL, AIR FORCE

23 For an additional amount for “Reserve Personnel,
24 Air Force”, \$21,076,000: *Provided*, That such amount is
25 designated by the Congress for Overseas Contingency Op-

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

4 NATIONAL GUARD PERSONNEL, ARMY

5 For an additional amount for “National Guard Per-
6 sonnel, Army”, \$195,283,000: *Provided*, That such
7 amount is designated by the Congress for Overseas Con-
8 tingency Operations/Global War on Terrorism pursuant to
9 section 251(b)(2)(A)(ii) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985.

11 NATIONAL GUARD PERSONNEL, AIR FORCE

12 For an additional amount for “National Guard Per-
13 sonnel, Air Force”, \$5,460,000: *Provided*, That such
14 amount is designated by the Congress for Overseas Con-
15 tingency Operations/Global War on Terrorism pursuant to
16 section 251(b)(2)(A)(ii) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 OPERATION AND MAINTENANCE

19 OPERATION AND MAINTENANCE, ARMY

20 For an additional amount for “Operation and Main-
21 tenance, Army”, \$19,028,500,000: *Provided*, That such
22 amount is designated by the Congress for Overseas Con-
23 tingency Operations/Global War on Terrorism pursuant to
24 section 251(b)(2)(A)(ii) of the Balanced Budget and
25 Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE, NAVY

2 For an additional amount for “Operation and Main-
3 tenance, Navy”, \$5,572,155,000: *Provided*, That such
4 amount is designated by the Congress for Overseas Con-
5 tingency Operations/Global War on Terrorism pursuant to
6 section 251(b)(2)(A)(ii) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 OPERATION AND MAINTENANCE, MARINE CORPS

9 For an additional amount for “Operation and Main-
10 tenance, Marine Corps”, \$1,475,800,000: *Provided*, That
11 such amount is designated by the Congress for Overseas
12 Contingency Operations/Global War on Terrorism pursu-
13 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
14 and Emergency Deficit Control Act of 1985.

15 OPERATION AND MAINTENANCE, AIR FORCE

16 For an additional amount for “Operation and Main-
17 tenance, Air Force”, \$10,055,789,000: *Provided*, That
18 such amount is designated by the Congress for Overseas
19 Contingency Operations/Global War on Terrorism pursu-
20 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
21 and Emergency Deficit Control Act of 1985.

22 OPERATION AND MAINTENANCE, DEFENSE-WIDE

23 For an additional amount for “Operation and Main-
24 tenance, Defense-Wide”, \$8,354,905,000: *Provided*, That
25 of the funds provided under this heading, not to exceed

1 \$900,000,000, to remain available until September 30,
2 2020, shall be for payments to reimburse key cooperating
3 nations for logistical, military, and other support, includ-
4 ing access, provided to United States military and stability
5 operations in Afghanistan and to counter the Islamic
6 State of Iraq and Syria: *Provided further*, That such reim-
7 bursement payments may be made in such amounts as the
8 Secretary of Defense, with the concurrence of the Sec-
9 retary of State, and in consultation with the Director of
10 the Office of Management and Budget, may determine,
11 based on documentation determined by the Secretary of
12 Defense to adequately account for the support provided,
13 and such determination is final and conclusive upon the
14 accounting officers of the United States, and 15 days fol-
15 lowing notification to the appropriate congressional com-
16 mittees: *Provided further*, That these funds may be used
17 for the purpose of providing specialized training and pro-
18 curing supplies and specialized equipment and providing
19 such supplies and loaning such equipment on a non-reim-
20 bursable basis to coalition forces supporting United States
21 military and stability operations in Afghanistan and to
22 counter the Islamic State of Iraq and Syria, and 15 days
23 following notification to the appropriate congressional
24 committees: *Provided further*, That these funds may be
25 used in accordance with section 1226 of the National De-

1 fense Authorization Act for Fiscal Year 2016 (Public Law
2 114–92), upon 15 days prior written notification to the
3 congressional defense committees outlining the amounts
4 intended to be provided and the nature of the expenses
5 incurred: *Provided further*, That of the funds provided
6 under this heading, not to exceed \$793,000,000, to remain
7 available until September 30, 2020, shall be available to
8 provide support and assistance to foreign security forces
9 or other groups or individuals to conduct, support or facili-
10 tate counterterrorism, crisis response, or other Depart-
11 ment of Defense security cooperation programs: *Provided*
12 *further*, That the Secretary of Defense shall provide quar-
13 terly reports to the congressional defense committees on
14 the use of funds provided in this paragraph: *Provided fur-*
15 *ther*, That such amount is designated by the Congress for
16 Overseas Contingency Operations/Global War on Ter-
17 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

19 OPERATION AND MAINTENANCE, ARMY RESERVE

20 For an additional amount for “Operation and Main-
21 tenance, Army Reserve”, \$41,887,000: *Provided*, That
22 such amount is designated by the Congress for Overseas
23 Contingency Operations/Global War on Terrorism pursu-
24 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
25 and Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE, NAVY RESERVE

2 For an additional amount for “Operation and Main-
3 tenance, Navy Reserve”, \$25,637,000: *Provided*, That
4 such amount is designated by the Congress for Overseas
5 Contingency Operations/Global War on Terrorism pursu-
6 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 OPERATION AND MAINTENANCE, MARINE CORPS

9 RESERVE

10 For an additional amount for “Operation and Main-
11 tenance, Marine Corps Reserve”, \$3,345,000: *Provided*,
12 That such amount is designated by the Congress for Over-
13 seas Contingency Operations/Global War on Terrorism
14 pursuant to section 251(b)(2)(A)(ii) of the Balanced
15 Budget and Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

17 For an additional amount for “Operation and Main-
18 tenance, Air Force Reserve”, \$60,500,000: *Provided*, That
19 such amount is designated by the Congress for Overseas
20 Contingency Operations/Global War on Terrorism pursu-
21 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985.

1 frastructure repair, renovation, construction, and funding:
2 *Provided further*, That the Secretary of Defense may obli-
3 gate and expend funds made available to the Department
4 of Defense in this title for additional costs associated with
5 existing projects previously funded with amounts provided
6 under the heading “Afghanistan Infrastructure Fund” in
7 prior Acts: *Provided further*, That such costs shall be lim-
8 ited to contract changes resulting from inflation, market
9 fluctuation, rate adjustments, and other necessary con-
10 tract actions to complete existing projects, and associated
11 supervision and administration costs and costs for design
12 during construction: *Provided further*, That the Secretary
13 may not use more than \$50,000,000 under the authority
14 provided in this section: *Provided further*, That the Sec-
15 retary shall notify in advance such contract changes and
16 adjustments in annual reports to the congressional defense
17 committees: *Provided further*, That the authority to pro-
18 vide assistance under this heading is in addition to any
19 other authority to provide assistance to foreign nations:
20 *Provided further*, That contributions of funds for the pur-
21 poses provided herein from any person, foreign govern-
22 ment, or international organization may be credited to this
23 Fund, to remain available until expended, and used for
24 such purposes: *Provided further*, That the Secretary of De-
25 fense shall notify the congressional defense committees in

1 writing upon the receipt and upon the obligation of any
2 contribution, delineating the sources and amounts of the
3 funds received and the specific use of such contributions:
4 *Provided further*, That the Secretary of Defense shall, not
5 fewer than 15 days prior to obligating from this appro-
6 priation account, notify the congressional defense commit-
7 tees in writing of the details of any such obligation: *Pro-*
8 *vided further*, That the Secretary of Defense shall notify
9 the congressional defense committees of any proposed new
10 projects or transfer of funds between budget sub-activity
11 groups in excess of \$20,000,000: *Provided further*, That
12 the United States may accept equipment procured using
13 funds provided under this heading in this or prior Acts
14 that was transferred to the security forces of Afghanistan
15 and returned by such forces to the United States: *Provided*
16 *further*, That equipment procured using funds provided
17 under this heading in this or prior Acts, and not yet trans-
18 ferred to the security forces of Afghanistan or transferred
19 to the security forces of Afghanistan and returned by such
20 forces to the United States, may be treated as stocks of
21 the Department of Defense upon written notification to
22 the congressional defense committees: *Provided further*,
23 That of the funds provided under this heading, not less
24 than \$10,000,000 shall be for recruitment and retention
25 of women in the Afghanistan National Security Forces,

1 and the recruitment and training of female security per-
2 sonnel: *Provided further*, That such amount is designated
3 by the Congress for Overseas Contingency Operations/
4 Global War on Terrorism pursuant to section
5 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 COUNTER-ISIS TRAIN AND EQUIP FUND

8 For the “Counter-Islamic State of Iraq and Syria
9 Train and Equip Fund”, \$994,000,000, to remain avail-
10 able until September 30, 2020: *Provided*, That such funds
11 shall be available to the Secretary of Defense in coordina-
12 tion with the Secretary of State, to provide assistance, in-
13 cluding training; equipment; logistics support, supplies,
14 and services; stipends; infrastructure repair and renova-
15 tion; and sustainment, to foreign security forces, irregular
16 forces, groups, or individuals participating, or preparing
17 to participate in activities to counter the Islamic State of
18 Iraq and Syria, and their affiliated or associated groups:
19 *Provided further*, That amounts made available under this
20 heading shall be available to provide assistance only for
21 activities in a country designated by the Secretary of De-
22 fense, in coordination with the Secretary of State, as hav-
23 ing a security mission to counter the Islamic State of Iraq
24 and Syria, and following written notification to the con-
25 gressional defense committees of such designation: *Pro-*

1 *vided further*, That the Secretary of Defense shall ensure
2 that prior to providing assistance to elements of any forces
3 or individuals, such elements or individuals are appro-
4 priately vetted, including at a minimum, assessing such
5 elements for associations with terrorist groups or groups
6 associated with the Government of Iran; and receiving
7 commitments from such elements to promote respect for
8 human rights and the rule of law: *Provided further*, That
9 the Secretary of Defense shall, not fewer than 15 days
10 prior to obligating from this appropriation account, notify
11 the congressional defense committees in writing of the de-
12 tails of any such obligation: *Provided further*, That the
13 Secretary of Defense may accept and retain contributions,
14 including assistance in-kind, from foreign governments,
15 including the Government of Iraq and other entities, to
16 carry out assistance authorized under this heading: *Pro-*
17 *vided further*, That contributions of funds for the purposes
18 provided herein from any foreign government or other en-
19 tity may be credited to this Fund, to remain available until
20 expended, and used for such purposes: *Provided further*,
21 That the Secretary of Defense may waive a provision of
22 law relating to the acquisition of items and support serv-
23 ices or sections 40 and 40A of the Arms Export Control
24 Act (22 U.S.C. 2780 and 2785) if the Secretary deter-
25 mines that such provision of law would prohibit, restrict,

1 delay or otherwise limit the provision of such assistance
2 and a notice of and justification for such waiver is sub-
3 mitted to the congressional defense committees, the Com-
4 mittees on Appropriations and Foreign Relations of the
5 Senate and the Committees on Appropriations and For-
6 eign Affairs of the House of Representatives: *Provided fur-*
7 *ther*, That the United States may accept equipment pro-
8 cured using funds provided under this heading, or under
9 the heading, “Iraq Train and Equip Fund” in prior Acts,
10 that was transferred to security forces, irregular forces,
11 or groups participating, or preparing to participate in ac-
12 tivities to counter the Islamic State of Iraq and Syria and
13 returned by such forces or groups to the United States,
14 may be treated as stocks of the Department of Defense
15 upon written notification to the congressional defense
16 committees: *Provided further*, That equipment procured
17 using funds provided under this heading, or under the
18 heading, “Iraq Train and Equip Fund” in prior Acts, and
19 not yet transferred to security forces, irregular forces, or
20 groups participating, or preparing to participate in activi-
21 ties to counter the Islamic State of Iraq and Syria may
22 be treated as stocks of the Department of Defense when
23 determined by the Secretary to no longer be required for
24 transfer to such forces or groups and upon written notifi-
25 cation to the congressional defense committees: *Provided*

1 *further*, That the Secretary of Defense shall provide quar-
2 terly reports to the congressional defense committees on
3 the use of funds provided under this heading, including,
4 but not limited to, the number of individuals trained, the
5 nature and scope of support and sustainment provided to
6 each group or individual, the area of operations for each
7 group, and the contributions of other countries, groups,
8 or individuals: *Provided further*, That such amount is des-
9 ignated by the Congress for Overseas Contingency Oper-
10 ations/Global War on Terrorism pursuant to section
11 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 PROCUREMENT

14 AIRCRAFT PROCUREMENT, ARMY

15 For an additional amount for “Aircraft Procurement,
16 Army”, \$363,363,000, to remain available until Sep-
17 tember 30, 2021: *Provided*, That such amount is des-
18 ignated by the Congress for Overseas Contingency Oper-
19 ations/Global War on Terrorism pursuant to section
20 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 MISSILE PROCUREMENT, ARMY

23 For an additional amount for “Missile Procurement,
24 Army”, \$1,740,985,000, to remain available until Sep-
25 tember 30, 2021: *Provided*, That such amount is des-

1 tember 30, 2021: *Provided*, That such amount is des-
2 ignated by the Congress for Overseas Contingency Oper-
3 ations/Global War on Terrorism pursuant to section
4 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985.

6 AIRCRAFT PROCUREMENT, NAVY

7 For an additional amount for “Aircraft Procurement,
8 Navy”, \$80,119,000, to remain available until September
9 30, 2021: *Provided*, That such amount is designated by
10 the Congress for Overseas Contingency Operations/Global
11 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
12 the Balanced Budget and Emergency Deficit Control Act
13 of 1985.

14 WEAPONS PROCUREMENT, NAVY

15 For an additional amount for “Weapons Procure-
16 ment, Navy”, \$14,134,000, to remain available until Sep-
17 tember 30, 2021: *Provided*, That such amount is des-
18 ignated by the Congress for Overseas Contingency Oper-
19 ations/Global War on Terrorism pursuant to section
20 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
23 CORPS

24 For an additional amount for “Procurement of Am-
25 munition, Navy and Marine Corps”, \$223,312,000, to re-

1 main available until September 30, 2021: *Provided*, That
2 such amount is designated by the Congress for Overseas
3 Contingency Operations/Global War on Terrorism pursu-
4 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
5 and Emergency Deficit Control Act of 1985.

6 OTHER PROCUREMENT, NAVY

7 For an additional amount for “Other Procurement,
8 Navy”, \$181,173,000, to remain available until September
9 30, 2021: *Provided*, That such amount is designated by
10 the Congress for Overseas Contingency Operations/Global
11 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
12 the Balanced Budget and Emergency Deficit Control Act
13 of 1985.

14 PROCUREMENT, MARINE CORPS

15 For an additional amount for “Procurement, Marine
16 Corps”, \$58,023,000, to remain available until September
17 30, 2021: *Provided*, That such amount is designated by
18 the Congress for Overseas Contingency Operations/Global
19 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
20 the Balanced Budget and Emergency Deficit Control Act
21 of 1985.

22 AIRCRAFT PROCUREMENT, AIR FORCE

23 For an additional amount for “Aircraft Procurement,
24 Air Force”, \$1,007,888,000, to remain available until
25 September 30, 2021: *Provided*, That such amount is des-

1 ignated by the Congress for Overseas Contingency Oper-
2 ations/Global War on Terrorism pursuant to section
3 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 MISSILE PROCUREMENT, AIR FORCE

6 For an additional amount for “Missile Procurement,
7 Air Force”, \$493,526,000, to remain available until Sep-
8 tember 30, 2021: *Provided*, That such amount is des-
9 ignated by the Congress for Overseas Contingency Oper-
10 ations/Global War on Terrorism pursuant to section
11 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 PROCUREMENT OF AMMUNITION, AIR FORCE

14 For an additional amount for “Procurement of Am-
15 munition, Air Force”, \$1,371,516,000, to remain available
16 until September 30, 2021: *Provided*, That such amount
17 is designated by the Congress for Overseas Contingency
18 Operations/Global War on Terrorism pursuant to section
19 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 OTHER PROCUREMENT, AIR FORCE

22 For an additional amount for “Other Procurement,
23 Air Force”, \$3,705,044,000, to remain available until
24 September 30, 2021: *Provided*, That such amount is des-
25 ignated by the Congress for Overseas Contingency Oper-

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

4 PROCUREMENT, DEFENSE-WIDE

5 For an additional amount for “Procurement, De-
6 fense-Wide”, \$557,135,000, to remain available until Sep-
7 tember 30, 2021: *Provided*, That such amount is des-
8 ignated by the Congress for Overseas Contingency Oper-
9 ations/Global War on Terrorism pursuant to section
10 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 RESEARCH, DEVELOPMENT, TEST AND
13 EVALUATION

14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
15 ARMY

16 For an additional amount for “Research, Develop-
17 ment, Test and Evaluation, Army”, \$325,104,000, to re-
18 main available until September 30, 2020: *Provided*, That
19 such amount is designated by the Congress for Overseas
20 Contingency Operations/Global War on Terrorism pursu-
21 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Navy”, \$167,812,000, to re-
5 main available until September 30, 2020: *Provided*, That
6 such amount is designated by the Congress for Overseas
7 Contingency Operations/Global War on Terrorism pursu-
8 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
9 and Emergency Deficit Control Act of 1985.

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

12 For an additional amount for “Research, Develop-
13 ment, Test and Evaluation, Air Force”, \$287,971,000, to
14 remain available until September 30, 2020: *Provided*,
15 That such amount is designated by the Congress for Over-
16 seas Contingency Operations/Global War on Terrorism
17 pursuant to section 251(b)(2)(A)(ii) of the Balanced
18 Budget and Emergency Deficit Control Act of 1985.

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

21 For an additional amount for “Research, Develop-
22 ment, Test and Evaluation, Defense-Wide”,
23 \$394,883,000, to remain available until September 30,
24 2020: *Provided*, That such amount is designated by the
25 Congress for Overseas Contingency Operations/Global

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

4 REVOLVING AND MANAGEMENT FUNDS

5 DEFENSE WORKING CAPITAL FUNDS

6 For an additional amount for “Defense Working
7 Capital Funds”, \$15,190,000: *Provided*, That such
8 amount is designated by the Congress for Overseas Con-
9 tingency Operations/Global War on Terrorism pursuant to
10 section 251(b)(2)(A)(ii) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 OTHER DEPARTMENT OF DEFENSE PROGRAMS

13 DEFENSE HEALTH PROGRAM

14 For an additional amount for “Defense Health Pro-
15 gram”, \$352,068,000, which shall be for operation and
16 maintenance: *Provided*, That such amount is designated
17 by the Congress for Overseas Contingency Operations/
18 Global War on Terrorism pursuant to section
19 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

22 DEFENSE

23 For an additional amount for “Drug Interdiction and
24 Counter-Drug Activities, Defense”, \$143,100,000: *Pro-
25 vided*, That such amount is designated by the Congress

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

4 OFFICE OF THE INSPECTOR GENERAL

5 For an additional amount for the “Office of the In-
6 spector General”, \$24,692,000: *Provided*, That such
7 amount is designated by the Congress for Overseas Con-
8 tingency Operations/Global War on Terrorism pursuant to
9 section 251(b)(2)(A)(ii) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985.

11 GENERAL PROVISIONS—THIS TITLE

12 SEC. 9001. Notwithstanding any other provision of
13 law, funds made available in this title are in addition to
14 amounts appropriated or otherwise made available for the
15 Department of Defense for fiscal year 2019.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 9002. Upon the determination of the Secretary
18 of Defense that such action is necessary in the national
19 interest, the Secretary may, with the approval of the Of-
20 fice of Management and Budget, transfer up to
21 \$2,000,000,000 between the appropriations or funds made
22 available to the Department of Defense in this title: *Pro-*
23 *vided*, That the Secretary shall notify the Congress
24 promptly of each transfer made pursuant to the authority
25 in this section: *Provided further*, That the authority pro-

1 vided in this section is in addition to any other transfer
2 authority available to the Department of Defense and is
3 subject to the same terms and conditions as the authority
4 provided in section 8005 of this Act.

5 SEC. 9003. Supervision and administration costs and
6 costs for design during construction associated with a con-
7 struction project funded with appropriations available for
8 operation and maintenance or the “Afghanistan Security
9 Forces Fund” provided in this Act and executed in direct
10 support of overseas contingency operations in Afghani-
11 stan, may be obligated at the time a construction contract
12 is awarded: *Provided*, That, for the purpose of this section,
13 supervision and administration costs and costs for design
14 during construction include all in-house Government costs.

15 SEC. 9004. From funds made available in this title,
16 the Secretary of Defense may purchase for use by military
17 and civilian employees of the Department of Defense in
18 the United States Central Command area of responsi-
19 bility: (1) passenger motor vehicles up to a limit of
20 \$75,000 per vehicle; and (2) heavy and light armored vehi-
21 cles for the physical security of personnel or for force pro-
22 tection purposes up to a limit of \$450,000 per vehicle, not-
23 withstanding price or other limitations applicable to the
24 purchase of passenger carrying vehicles.

1 SEC. 9005. Not to exceed \$5,000,000 of the amounts
2 appropriated by this title under the heading “Operation
3 and Maintenance, Army” may be used, notwithstanding
4 any other provision of law, to fund the Commanders’
5 Emergency Response Program (CERP), for the purpose
6 of enabling military commanders in Afghanistan to re-
7 spond to urgent, small-scale, humanitarian relief and re-
8 construction requirements within their areas of responsi-
9 bility: *Provided*, That each project (including any ancillary
10 or related elements in connection with such project) exe-
11 cuted under this authority shall not exceed \$2,000,000:
12 *Provided further*, That not later than 45 days after the
13 end of each 6 months of the fiscal year, the Secretary of
14 Defense shall submit to the congressional defense commit-
15 tees a report regarding the source of funds and the alloca-
16 tion and use of funds during that 6-month period that
17 were made available pursuant to the authority provided
18 in this section or under any other provision of law for the
19 purposes described herein: *Provided further*, That, not
20 later than 30 days after the end of each fiscal year quar-
21 ter, the Army shall submit to the congressional defense
22 committees quarterly commitment, obligation, and expend-
23 iture data for the CERP in Afghanistan: *Provided further*,
24 That, not less than 15 days before making funds available
25 pursuant to the authority provided in this section or under

1 any other provision of law for the purposes described here-
2 in for a project with a total anticipated cost for completion
3 of \$500,000 or more, the Secretary shall submit to the
4 congressional defense committees a written notice con-
5 taining each of the following:

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

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

15 (3) A plan for the sustainment of the proposed
16 project, including the agreement with either the host
17 nation, a non-Department of Defense agency of the
18 United States Government or a third-party contrib-
19 utor to finance the sustainment of the activities and
20 maintenance of any equipment or facilities to be pro-
21 vided through the proposed project.

22 SEC. 9006. Funds available to the Department of De-
23 fense for operation and maintenance may be used, not-
24 withstanding any other provision of law, to provide sup-
25 plies, services, transportation, including airlift and sealift,

1 and other logistical support to allied forces participating
2 in a combined operation with the armed forces of the
3 United States and coalition forces supporting military and
4 stability operations in Afghanistan and to counter the Is-
5 lamic State of Iraq and Syria: *Provided*, That the Sec-
6 retary of Defense shall provide quarterly reports to the
7 congressional defense committees regarding support pro-
8 vided under this section.

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

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

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

18 (3) To establish any military installation or
19 base for the purpose of providing for the permanent
20 stationing of United States Armed Forces in Af-
21 ghanistan.

22 SEC. 9008. None of the funds made available in this
23 Act may be used in contravention of the following laws
24 enacted or regulations promulgated to implement the
25 United Nations Convention Against Torture and Other

1 Cruel, Inhuman or Degrading Treatment or Punishment
2 (done at New York on December 10, 1984):

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

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

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

17 SEC. 9009. None of the funds provided for the “Af-
18 ghanistan Security Forces Fund” (ASFF) may be obli-
19 gated prior to the approval of a financial and activity plan
20 by the Afghanistan Resources Oversight Council (AROC)
21 of the Department of Defense: *Provided*, That the AROC
22 must approve the requirement and acquisition plan for any
23 service requirements in excess of \$50,000,000 annually
24 and any non-standard equipment requirements in excess
25 of \$100,000,000 using ASFF: *Provided further*, That the

1 Department of Defense must certify to the congressional
2 defense committees that the AROC has convened and ap-
3 proved a process for ensuring compliance with the require-
4 ments in the preceding proviso and accompanying report
5 language for the ASFF.

6 SEC. 9010. Funds made available in this title to the
7 Department of Defense for operation and maintenance
8 may be used to purchase items having an investment unit
9 cost of not more than \$250,000: *Provided*, That, upon de-
10 termination by the Secretary of Defense that such action
11 is necessary to meet the operational requirements of a
12 Commander of a Combatant Command engaged in contin-
13 gency operations overseas, such funds may be used to pur-
14 chase items having an investment item unit cost of not
15 more than \$500,000.

16 SEC. 9011. (a) None of the funds appropriated or
17 otherwise made available by this Act under the heading
18 “Operation and Maintenance, Defense-Wide” for pay-
19 ments under section 1233 of Public Law 110–181 for re-
20 imbursement to the Government of Pakistan may be made
21 available unless the Secretary of Defense, in coordination
22 with the Secretary of State, certifies to the congressional
23 defense committees that the Government of Pakistan is—

24 (1) cooperating with the United States in
25 counterterrorism efforts against the Haqqani Net-

1 work, the Quetta Shura Taliban, Lashkar e-Tayyiba,
2 Jaish-e-Mohammed, Al Qaeda, and other domestic
3 and foreign terrorist organizations, including taking
4 steps to end support for such groups and prevent
5 them from basing and operating in Pakistan and
6 carrying out cross border attacks into neighboring
7 countries;

8 (2) not supporting terrorist activities against
9 United States or coalition forces in Afghanistan, and
10 Pakistan's military and intelligence agencies are not
11 intervening extra-judicially into political and judicial
12 processes in Pakistan;

13 (3) dismantling improvised explosive device
14 (IED) networks and interdicting precursor chemicals
15 used in the manufacture of IEDs;

16 (4) preventing the proliferation of nuclear-re-
17 lated material and expertise;

18 (5) implementing policies to protect judicial
19 independence and due process of law;

20 (6) issuing visas in a timely manner for United
21 States visitors engaged in counterterrorism efforts
22 and assistance programs in Pakistan; and

23 (7) providing humanitarian organizations access
24 to detainees, internally displaced persons, and other
25 Pakistani civilians affected by the conflict.

1 (b) The Secretary of Defense, in coordination with
2 the Secretary of State, may waive the restriction in sub-
3 section (a) on a case-by-case basis by certifying in writing
4 to the congressional defense committees that it is in the
5 national security interest to do so: *Provided*, That if the
6 Secretary of Defense, in coordination with the Secretary
7 of State, exercises such waiver authority, the Secretaries
8 shall report to the congressional defense committees on
9 both the justification for the waiver and on the require-
10 ments of this section that the Government of Pakistan was
11 not able to meet: *Provided further*, That such report may
12 be submitted in classified form if necessary.

13 SEC. 9012. None of the funds in this Act may be
14 made available for the transfer of additional C-130 cargo
15 aircraft to the Afghanistan National Security Forces or
16 the Afghanistan Air Force until the Department of De-
17 fense provides a report to the congressional defense com-
18 mittees of the Afghanistan Air Force's medium airlift re-
19 quirements. The report should identify Afghanistan's abil-
20 ity to utilize and maintain existing medium lift aircraft
21 in the inventory and the best alternative platform, if nec-
22 essary, to provide additional support to the Afghanistan
23 Air Force's current medium airlift capacity.

(RESCISSIONS)

1
2 SEC. 9013. Of the funds appropriated in Department
3 of Defense Appropriations Acts, the following funds are
4 hereby rescinded from the following accounts and pro-
5 grams in the specified amounts: *Provided*, That such
6 amounts are designated by the Congress for Overseas
7 Contingency Operations/Global War on Terrorism pursu-
8 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
9 and Emergency Deficit Control Act of 1985:

10 “Operation and Maintenance, Defense-Wide:
11 Coalition Support Funds”, 2018/2019,
12 \$800,000,000;

13 “Operation and Maintenance, Defense-Wide:
14 DSCA Security Cooperation”, 2018/2019,
15 \$150,000,000;

16 “Counter-ISIS Train and Equip Fund”, 2018/
17 2019, \$400,000,000; and

18 “Aircraft Procurement, Air Force”, 2018/2020,
19 \$88,400,000.

20 SEC. 9014. Funds available for the Afghanistan Se-
21 curity Forces Fund may be used to provide limited train-
22 ing, equipment, and other assistance that would otherwise
23 be prohibited by 10 U.S.C. 362 to a unit of the security
24 forces of Afghanistan only if the Secretary certifies to the
25 congressional defense committees, within 30 days of a de-

1 cision to provide such assistance, that (1) a denial of such
2 assistance would present significant risk to U.S. or coali-
3 tion forces or significantly undermine United States na-
4 tional security objectives in Afghanistan; and (2) the Sec-
5 retary has sought a commitment by the Government of
6 Afghanistan to take all necessary corrective steps: *Pro-*
7 *vided*, That such certification shall be accompanied by a
8 report describing: (1) the information relating to the gross
9 violation of human rights; (2) the circumstances that ne-
10 cessitated the provision of such assistance; (3) the Afghan
11 security force unit involved; (4) the assistance provided
12 and the assistance withheld; and (5) the corrective steps
13 to be taken by the Government of Afghanistan: *Provided*
14 *further*, That every 120 days after the initial report an
15 additional report shall be submitted detailing the status
16 of any corrective steps taken by the Government of Af-
17 ghanistan: *Provided further*, That if the Government of Af-
18 ghanistan has not initiated necessary corrective steps
19 within one year of the certification, the authority under
20 this section to provide assistance to such unit shall no
21 longer apply: *Provided further*, That the Secretary shall
22 submit a report to such committees detailing the final dis-
23 position of the case by the Government of Afghanistan.

24 SEC. 9015. Equipment procured using funds provided
25 in prior Acts under the heading “Counterterrorism Part-

1 nerships Fund” for the program authorized by section
2 1209 of the Carl Levin and Howard P. “Buck” McKeon
3 National Defense Authorization Act for Fiscal Year 2015
4 (Public Law 113–291), and not yet transferred to author-
5 ized recipients may be transferred to foreign security
6 forces, irregular forces, groups, or individuals, authorized
7 to receive assistance using amounts provided under the
8 heading “Counter-ISIS Train and Equip Fund” in this
9 Act: *Provided*, That such equipment may be transferred
10 15 days following written notification to the congressional
11 defense committees.

12 SEC. 9016. Each amount designated in this Act by
13 the Congress for Overseas Contingency Operations/Global
14 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
15 the Balanced Budget and Emergency Deficit Control Act
16 of 1985 shall be available (or rescinded, if applicable) only
17 if the President subsequently so designates all such
18 amounts and transmits such designations to the Congress.

19 This Act may be cited as the “Department of Defense
20 Appropriations Act, 2019”.

Calendar No. 498

115TH CONGRESS
2^D SESSION

S. 3159

[Report No. 115-290]

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

JUNE 28, 2018

Read twice and placed on the calendar