

117TH CONGRESS  
2D SESSION

# S. 4663

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

---

IN THE SENATE OF THE UNITED STATES

JULY 28, 2022

Mr. TESTER introduced the following bill; which was read twice and referred to the Committee on Appropriations

---

## A BILL

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

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       Department of Defense for the fiscal year ending Sep-  
6       tember 30, 2023, 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,  
\$50,090,995,000.

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, \$36,484,883,000.

3           MILITARY PERSONNEL, MARINE CORPS

4           For pay, allowances, individual clothing, subsistence,  
5 interest on deposits, gratuities, permanent change of sta-  
6 tion travel (including all expenses thereof for organiza-  
7 tional movements), and expenses of temporary duty travel  
8 between permanent duty stations, for members of the Ma-  
9 rine Corps on active duty (except members of the Reserve  
10 provided for elsewhere); and for payments pursuant to sec-  
11 tion 156 of Public Law 97-377, as amended (42 U.S.C.  
12 402 note), and to the Department of Defense Military Re-  
13 tirement Fund, \$15,226,541,000.

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 \$34,740,869,000.

3           MILITARY PERSONNEL, SPACE FORCE

4       For pay, allowances, individual clothing, subsistence,  
5 interest on deposits, gratuities, permanent change of sta-  
6 tion travel (including all expenses thereof for organiza-  
7 tional movements), and expenses of temporary duty travel  
8 between permanent duty stations, for members of the  
9 Space Force on active duty, cadets; for members of the  
10 Reserve Officers Training Corps; and for payments pursu-  
11 ant to section 156 of Public Law 97-377, as amended (42  
12 U.S.C. 402 note), and to the Department of Defense Mili-  
13 tary Retirement Fund, \$1,119,926,000.

14           RESERVE PERSONNEL, ARMY

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

1 and for payments to the Department of Defense Military  
2 Retirement Fund, \$5,221,698,000.

3 RESERVE PERSONNEL, NAVY

4 For pay, allowances, clothing, subsistence, gratuities,  
5 travel, and related expenses for personnel of the Navy Re-  
6 serve on active duty under section 10211 of title 10,  
7 United States Code, or while serving on active duty under  
8 section 12301(d) of title 10, United States Code, in con-  
9 nection with performing duty specified in section 12310(a)  
10 of title 10, United States Code, or while undergoing re-  
11 serve training, or while performing drills or equivalent  
12 duty, and expenses authorized by section 16131 of title  
13 10, United States Code; and for payments to the Depart-  
14 ment of Defense Military Retirement Fund,  
15 \$2,382,618,000.

16 RESERVE PERSONNEL, MARINE CORPS

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

1 leaders class, and expenses authorized by section 16131  
2 of title 10, United States Code; and for payments to the  
3 Department of Defense Military Retirement Fund,  
4 \$860,240,000.

5                   RESERVE PERSONNEL, AIR FORCE

6       For pay, allowances, clothing, subsistence, gratuities,  
7 travel, and related expenses for personnel of the Air Force  
8 Reserve on active duty under sections 10211, 10305, and  
9 8038 of title 10, United States Code, or while serving on  
10 active duty under section 12301(d) of title 10, United  
11 States Code, in connection with performing duty specified  
12 in section 12310(a) of title 10, United States Code, or  
13 while undergoing reserve training, or while performing  
14 drills or equivalent duty or other duty, and expenses au-  
15 thorized by section 16131 of title 10, United States Code;  
16 and for payments to the Department of Defense Military  
17 Retirement Fund, \$2,506,922,000.

18                   NATIONAL GUARD PERSONNEL, ARMY

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

1 in section 12310(a) of title 10, United States Code, or  
2 while undergoing training, or while performing drills or  
3 equivalent duty or other duty, and expenses authorized by  
4 section 16131 of title 10, United States Code; and for pay-  
5 ments to the Department of Defense Military Retirement  
6 Fund, \$9,375,029,000.

7 NATIONAL GUARD PERSONNEL, AIR FORCE

8 For pay, allowances, clothing, subsistence, gratuities,  
9 travel, and related expenses for personnel of the Air Na-  
10 tional Guard on duty under sections 10211, 10305, or  
11 12402 of title 10 or section 708 of title 32, United States  
12 Code, or while serving on duty under section 12301(d) of  
13 title 10 or section 502(f) of title 32, United States Code,  
14 in connection with performing duty specified in section  
15 12310(a) of title 10, United States Code, or while under-  
16 going training, or while performing drills or equivalent  
17 duty or other duty, and expenses authorized by section  
18 16131 of title 10, United States Code; and for payments  
19 to the Department of Defense Military Retirement Fund,  
20 \$5,020,248,000.

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

4 For expenses, not otherwise provided for, necessary  
5 for the operation and maintenance of the Army, as author-  
6 ized by law, \$58,928,528,000: *Provided*, That not to ex-  
7 ceed \$12,478,000 may be used for emergencies and ex-  
8 traordinary expenses, to be expended upon the approval  
9 or authority of the Secretary of the Army, and payments  
10 may be made upon the Secretary's certificate of necessity  
11 for confidential military purposes.

12 OPERATION AND MAINTENANCE, NAVY

13 For expenses, not otherwise provided for, necessary  
14 for the operation and maintenance of the Navy and the  
15 Marine Corps, as authorized by law, \$67,380,932,000:  
16 *Provided*, That not to exceed \$15,055,000 may be used  
17 for emergencies and extraordinary expenses, to be ex-  
18 pended upon the approval or authority of the Secretary  
19 of the Navy, and payments may be made upon the Sec-  
20 retary's certificate of necessity for confidential military  
21 purposes.

22 OPERATION AND MAINTENANCE, MARINE CORPS

23 For expenses, not otherwise provided for, necessary  
24 for the operation and maintenance of the Marine Corps,  
25 as authorized by law, \$10,057,284,000.



## 1 OPERATION AND MAINTENANCE, AIR FORCE

2 For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance of the Air Force, as  
4 authorized by law, \$59,766,942,000: *Provided*, That not  
5 to exceed \$7,699,000 may be used for emergencies and  
6 extraordinary expenses, to be expended upon the approval  
7 or authority of the Secretary of the Air Force, and pay-  
8 ments may be made upon the Secretary's certificate of ne-  
9 cessity for confidential military purposes.

## 10 OPERATION AND MAINTENANCE, SPACE FORCE

11 For expenses, not otherwise provided for, necessary  
12 for the operation and maintenance of the Space Force, as  
13 authorized by law, \$4,090,783,000.

## 14 OPERATION AND MAINTENANCE, DEFENSE-WIDE

15 (INCLUDING TRANSFER OF FUNDS)

16 For expenses, not otherwise provided for, necessary  
17 for the operation and maintenance of activities and agen-  
18 cies of the Department of Defense (other than the military  
19 departments), as authorized by law, \$48,989,470,000:  
20 *Provided*, That not more than \$2,981,000 may be used  
21 for the Combatant Commander Initiative Fund authorized  
22 under section 166a of title 10, United States Code: *Pro-*  
23 *vided further*, That not to exceed \$36,000,000 may be  
24 used for emergencies and extraordinary expenses, to be ex-  
25 pended upon the approval or authority of the Secretary

1 of Defense, and payments may be made upon the Sec-  
2 retary's certificate of necessity for confidential military  
3 purposes: *Provided further*, That of the funds provided  
4 under this heading, not less than \$50,000,000 shall be  
5 made available for the Procurement Technical Assistance  
6 Cooperative Agreement Program, of which not less than  
7 \$4,500,000 shall be available for centers defined in 10  
8 U.S.C. 2411(1)(D): *Provided further*, That none of the  
9 funds appropriated or otherwise made available by this  
10 Act may be used to plan or implement the consolidation  
11 of a budget or appropriations liaison office of the Office  
12 of the Secretary of Defense, the office of the Secretary  
13 of a military department, or the service headquarters of  
14 one of the Armed Forces into a legislative affairs or legis-  
15 lative liaison office: *Provided further*, That \$49,071,000  
16 to remain available until expended, is available only for  
17 expenses relating to certain classified activities, and may  
18 be transferred as necessary by the Secretary of Defense  
19 to operation and maintenance appropriations or research,  
20 development, test and evaluation appropriations, to be  
21 merged with and to be available for the same time period  
22 as the appropriations to which transferred: *Provided fur-*  
23 *ther*, That any ceiling on the investment item unit cost  
24 of items that may be purchased with operation and main-  
25 tenance funds shall not apply to the funds described in

1 the preceding proviso: *Provided further*, That of the funds  
2 provided under this heading, \$2,389,669,000, of which  
3 \$1,511,920,000, to remain available until September 30,  
4 2024, shall be available to provide support and assistance  
5 to foreign security forces or other groups or individuals  
6 to conduct, support or facilitate counterterrorism, crisis  
7 response, or other Department of Defense security co-  
8 operation programs: *Provided further*, That the transfer  
9 authority provided under this heading is in addition to any  
10 other transfer authority provided elsewhere in this Act.

11 COUNTER-ISIS TRAIN AND EQUIP FUND

12 For the “Counter-Islamic State of Iraq and Syria  
13 Train and Equip Fund”, \$487,513,000, to remain avail-  
14 able until September 30, 2024: *Provided*, That such funds  
15 shall be available to the Secretary of Defense in coordina-  
16 tion with the Secretary of State, to provide assistance, in-  
17 cluding training; equipment; logistics support, supplies,  
18 and services; stipends; infrastructure repair and renova-  
19 tion; construction for facility fortification and humane  
20 treatment; and sustainment, to foreign security forces, ir-  
21 regular forces, groups, or individuals participating, or pre-  
22 paring to participate in activities to counter the Islamic  
23 State of Iraq and Syria, and their affiliated or associated  
24 groups: *Provided further*, That amounts made available  
25 under this heading shall be available to provide assistance

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

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

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

17 OPERATION AND MAINTENANCE, ARMY RESERVE

18 For expenses, not otherwise provided for, necessary  
19 for the operation and maintenance, including training, or-  
20 ganization, and administration, of the Army Reserve; re-  
21 pair of facilities and equipment; hire of passenger motor  
22 vehicles; travel and transportation; care of the dead; re-  
23 cruiting; procurement of services, supplies, and equip-  
24 ment; and communications, \$3,258,504,000.

## 1 OPERATION AND MAINTENANCE, NAVY RESERVE

2 For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance, including training, or-  
4 ganization, and administration, of the Navy Reserve; re-  
5 pair of facilities and equipment; hire of passenger motor  
6 vehicles; travel and transportation; care of the dead; re-  
7 cruiting; procurement of services, supplies, and equip-  
8 ment; and communications, \$1,233,300,000.

## 9 OPERATION AND MAINTENANCE, MARINE CORPS

## 10 RESERVE

11 For expenses, not otherwise provided for, necessary  
12 for the operation and maintenance, including training, or-  
13 ganization, and administration, of the Marine Corps Re-  
14 serve; repair of facilities and equipment; hire of passenger  
15 motor vehicles; travel and transportation; care of the dead;  
16 recruiting; procurement of services, supplies, and equip-  
17 ment; and communications, \$309,633,000.

## 18 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

19 For expenses, not otherwise provided for, necessary  
20 for the operation and maintenance, including training, or-  
21 ganization, and administration, of the Air Force Reserve;  
22 repair of facilities and equipment; hire of passenger motor  
23 vehicles; travel and transportation; care of the dead; re-  
24 cruiting; procurement of services, supplies, and equip-  
25 ment; and communications, \$3,569,044,000.





1 modification, maintenance, and issue of supplies and  
2 equipment, including those furnished from stocks under  
3 the control of agencies of the Department of Defense;  
4 travel expenses (other than mileage) on the same basis as  
5 authorized by law for Air National Guard personnel on  
6 active Federal duty, for Air National Guard commanders  
7 while inspecting units in compliance with National Guard  
8 Bureau regulations when specifically authorized by the  
9 Chief, National Guard Bureau, \$7,278,779,000.

10 UNITED STATES COURT OF APPEALS FOR THE ARMED  
11 FORCES

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

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

18 For the Department of the Army, \$238,244,000, to  
19 remain available until transferred: *Provided*, That the Sec-  
20 retary of the Army shall, upon determining that such  
21 funds are required for environmental restoration, reduc-  
22 tion and recycling of hazardous waste, removal of unsafe  
23 buildings and debris of the Department of the Army, or  
24 for similar purposes, transfer the funds made available by  
25 this appropriation to other appropriations made available

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

11 ENVIRONMENTAL RESTORATION, NAVY

12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of the Navy, \$374,348,000, to  
14 remain available until transferred: *Provided*, That the Sec-  
15 retary of the Navy shall, upon determining that such  
16 funds are required for environmental restoration, reduc-  
17 tion and recycling of hazardous waste, removal of unsafe  
18 buildings and debris of the Department of the Navy, or  
19 for similar purposes, transfer the funds made available by  
20 this appropriation to other appropriations made available  
21 to the Department of the Navy, to be merged with and  
22 to be available for the same purposes and for the same  
23 time period as the appropriations to which transferred:  
24 *Provided further*, That upon a determination that all or  
25 part of the funds transferred from this appropriation are

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

6 ENVIRONMENTAL RESTORATION, AIR FORCE

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Department of the Air Force, \$466,474,000,  
9 to remain available until transferred: *Provided*, That the  
10 Secretary of the Air Force shall, upon determining that  
11 such funds are required for environmental restoration, re-  
12 duction and recycling of hazardous waste, removal of un-  
13 safe buildings and debris of the Department of the Air  
14 Force, or for similar purposes, transfer the funds made  
15 available by this appropriation to other appropriations  
16 made available to the Department of the Air Force, to be  
17 merged with and to be available for the same purposes  
18 and for the same time period as the appropriations to  
19 which transferred: *Provided further*, That upon a deter-  
20 mination that all or part of the funds transferred from  
21 this appropriation are not necessary for the purposes pro-  
22 vided herein, such amounts may be transferred back to  
23 this appropriation: *Provided further*, That the transfer au-  
24 thority provided under this heading is in addition to any  
25 other transfer authority provided elsewhere in this Act.

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

3 For the Department of Defense, \$8,924,000, 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, \$297,262,000, 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), \$112,800,000, to remain available  
23 until September 30, 2024.

## 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, \$341,598,000, to remain  
7 available until September 30, 2025.

8           DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE  
9                                   DEVELOPMENT ACCOUNT

10          For the Department of Defense Acquisition Work-  
11 force Development Account, \$126,791,000: *Provided,*  
12 That no other amounts may be otherwise credited or  
13 transferred to the Account, or deposited into the Account,  
14 in fiscal year 2023 pursuant to section 1705(d) of title  
15 10, United States Code.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$3,403,946,000, to remain available for obligation until September 30, 2025.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired,

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, \$3,853,303,000, to remain available  
 7 for obligation until September 30, 2025.

8       PROCUREMENT OF WEAPONS AND TRACKED COMBAT  
 9                               VEHICLES, ARMY

10       For construction, procurement, production, and  
 11 modification of weapons and tracked combat vehicles,  
 12 equipment, including ordnance, spare parts, and acces-  
 13 sories therefor; specialized equipment and training devices;  
 14 expansion of public and private plants, including the land  
 15 necessary therefor, for the foregoing purposes, and such  
 16 lands and interests therein, may be acquired, and con-  
 17 struction prosecuted thereon prior to approval of title; and  
 18 procurement and installation of equipment, appliances,  
 19 and machine tools in public and private plants; reserve  
 20 plant and Government and contractor-owned equipment  
 21 layaway; and other expenses necessary for the foregoing  
 22 purposes, \$4,790,018,000, to remain available for obliga-  
 23 tion until September 30, 2025.



## 1           PROCUREMENT OF AMMUNITION, ARMY

2           For construction, procurement, production, and  
3 modification of ammunition, and accessories therefor; spe-  
4 cialized equipment and training devices; expansion of pub-  
5 lic and private plants, including ammunition facilities, au-  
6 thorized by section 2854 of title 10, United States Code,  
7 and the land necessary therefor, for the foregoing pur-  
8 poses, and such lands and interests therein, may be ac-  
9 quired, and construction prosecuted thereon prior to ap-  
10 proval of title; and procurement and installation of equip-  
11 ment, appliances, and machine tools in public and private  
12 plants; reserve plant and Government and contractor-  
13 owned equipment layaway; and other expenses necessary  
14 for the foregoing purposes, \$2,732,300,000, to remain  
15 available for obligation until September 30, 2025.

## 16           OTHER PROCUREMENT, ARMY

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

1 therein, may be acquired, and construction prosecuted  
2 thereon prior to approval of title; and procurement and  
3 installation of equipment, appliances, and machine tools  
4 in public and private plants; reserve plant and Govern-  
5 ment and contractor-owned equipment layaway; and other  
6 expenses necessary for the foregoing purposes,  
7 \$7,936,312,000, to remain available for obligation until  
8 September 30, 2025.

9 AIRCRAFT PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-  
11 tion, and modernization of aircraft, equipment, including  
12 ordnance, spare parts, and accessories therefor; specialized  
13 equipment; expansion of public and private plants, includ-  
14 ing the land necessary therefor, and such lands and inter-  
15 ests therein, may be acquired, and construction prosecuted  
16 thereon prior to approval of title; and procurement and  
17 installation of equipment, appliances, and machine tools  
18 in public and private plants; reserve plant and Govern-  
19 ment and contractor-owned equipment layaway,  
20 \$18,059,443,000, to remain available for obligation until  
21 September 30, 2025.

22 WEAPONS PROCUREMENT, NAVY

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



## 1 SHIPBUILDING AND CONVERSION, NAVY

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

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

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

17 Carrier Replacement Program (CVN-80),  
18 \$1,465,880,000;

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

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

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

24 CVN Refueling Overhauls (AP), \$612,081,000;

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

1 DDG-51 Destroyer, \$6,946,537,000;  
2 DDG-51 Destroyer (AP), \$695,652,000;  
3 FFG-Frigate, \$1,135,224,000;  
4 LPD Flight II, \$1,673,000,000;  
5 LPD Flight II (AP), \$250,000,000;  
6 LHA Replacement, \$1,374,470,000;  
7 Expeditionary Fast Transport, \$645,000,000;  
8 TAO Fleet Oiler, \$782,588,000;  
9 Towing, Salvage, and Rescue Ship,  
10 \$95,915,000;  
11 Ship to Shore Connector, \$454,533,000;  
12 Service Craft, \$21,056,000;  
13 Auxiliary Personnel Lighter, \$63,218,000;  
14 LCAC SLEP, \$36,301,000;  
15 Auxiliary Vessels, \$133,000,000;  
16 For outfitting, post delivery, conversions, and  
17 first destination transportation, \$673,484,000; and  
18 Completion of Prior Year Shipbuilding Pro-  
19 grams, \$1,328,146,000.  
20 In all: \$31,928,696,000, to remain available for obligation  
21 until September 30, 2027: *Provided*, That additional obli-  
22 gations may be incurred after September 30, 2027, for  
23 engineering services, tests, evaluations, and other such  
24 budgeted work that must be performed in the final stage  
25 of ship construction: *Provided further*, That none of the

1 funds provided under this heading for the construction or  
2 conversion of any naval vessel to be constructed in ship-  
3 yards in the United States shall be expended in foreign  
4 facilities for the construction of major components of such  
5 vessel: *Provided further*, That none of the funds provided  
6 under this heading shall be used for the construction of  
7 any naval vessel in foreign shipyards: *Provided further*,  
8 That funds appropriated or otherwise made available by  
9 this Act for Columbia Class Submarine (AP) may be avail-  
10 able for the purposes authorized by subsections (f), (g),  
11 (h) or (i) of section 2218a of title 10, United States Code,  
12 only in accordance with the provisions of the applicable  
13 subsection.

#### 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, \$11,851,783,000, to  
2 remain available for obligation until September 30, 2025:  
3 *Provided*, That such funds are also available for the main-  
4 tenance, repair, and modernization of ships under a pilot  
5 program established for such purposes.

6                   PROCUREMENT, MARINE CORPS

7           For expenses necessary for the procurement, manu-  
8 facture, and modification of missiles, armament, military  
9 equipment, spare parts, and accessories therefor; plant  
10 equipment, appliances, and machine tools, and installation  
11 thereof in public and private plants; reserve plant and  
12 Government and contractor-owned equipment layaway; ve-  
13 hicles for the Marine Corps, including the purchase of pas-  
14 senger motor vehicles for replacement only; and expansion  
15 of public and private plants, including land necessary  
16 therefor, and such lands and interests therein, may be ac-  
17 quired, and construction prosecuted thereon prior to ap-  
18 proval of title, \$3,713,286,000, to remain available for ob-  
19 ligation until September 30, 2025.

20                   AIRCRAFT PROCUREMENT, AIR FORCE

21           For construction, procurement, and modification of  
22 aircraft and equipment, including armor and armament,  
23 specialized ground handling equipment, and training de-  
24 vices, spare parts, and accessories therefor; specialized  
25 equipment; expansion of public and private plants, Gov-

1 ernment-owned equipment and installation thereof in such  
2 plants, erection of structures, and acquisition of land, for  
3 the foregoing purposes, and such lands and interests  
4 therein, may be acquired, and construction prosecuted  
5 thereon prior to approval of title; reserve plant and Gov-  
6 ernment and contractor-owned equipment layaway; and  
7 other expenses necessary for the foregoing purposes in-  
8 cluding rents and transportation of things,  
9 \$20,704,120,000, to remain available for obligation until  
10 September 30, 2025.

11 MISSILE PROCUREMENT, AIR FORCE

12 For construction, procurement, and modification of  
13 missiles, rockets, and related equipment, including spare  
14 parts and accessories therefor; ground handling equip-  
15 ment, and training devices; expansion of public and pri-  
16 vate plants, Government-owned equipment and installa-  
17 tion thereof in such plants, erection of structures, and ac-  
18 quisition of land, for the foregoing purposes, and such  
19 lands and interests therein, may be acquired, and con-  
20 struction prosecuted thereon prior to approval of title; re-  
21 serve plant and Government and contractor-owned equip-  
22 ment layaway; and other expenses necessary for the fore-  
23 going purposes including rents and transportation of  
24 things, \$3,207,815,000, to remain available for obligation  
25 until September 30, 2025.



## 1           PROCUREMENT OF AMMUNITION, AIR FORCE

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, \$870,822,000, to remain avail-  
15 able for obligation until September 30, 2025.

## 16           OTHER PROCUREMENT, AIR FORCE

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

1 the foregoing purposes, and such lands and interests  
2 therein, may be acquired, and construction prosecuted  
3 thereon, prior to approval of title; reserve plant and Gov-  
4 ernment and contractor-owned equipment layaway,  
5 \$26,063,918,000, to remain available for obligation until  
6 September 30, 2025.

7                   PROCUREMENT, SPACE FORCE

8           For construction, procurement, and modification of  
9 spacecraft, rockets, and related equipment, including  
10 spare parts and accessories therefor; ground handling  
11 equipment, and training devices; expansion of public and  
12 private plants, Government-owned equipment and installa-  
13 tion thereof in such plants, erection of structures, and ac-  
14 quisition of land, for the foregoing purposes, and such  
15 lands and interests therein, may be acquired, and con-  
16 struction prosecuted thereon prior to approval of title; re-  
17 serve plant and Government and contractor-owned equip-  
18 ment layaway; and other expenses necessary for the fore-  
19 going purposes including rents and transportation of  
20 things, \$4,050,914,000, to remain available for obligation  
21 until September 30, 2025.

22                   PROCUREMENT, DEFENSE-WIDE

23           For expenses of activities and agencies of the Depart-  
24 ment of Defense (other than the military departments)  
25 necessary for procurement, production, and modification

1 of equipment, supplies, materials, and spare parts there-  
2 for, not otherwise provided for; the purchase of passenger  
3 motor vehicles for replacement only; expansion of public  
4 and private plants, equipment, and installation thereof in  
5 such plants, erection of structures, and acquisition of land  
6 for the foregoing purposes, and such lands and interests  
7 therein, may be acquired, and construction prosecuted  
8 thereon prior to approval of title; reserve plant and Gov-  
9 ernment and contractor-owned equipment layaway,  
10 \$5,740,190,000, to remain available for obligation until  
11 September 30, 2025.

12 DEFENSE PRODUCTION ACT PURCHASES

13 For activities by the Department of Defense pursuant  
14 to sections 108, 301, 302, and 303 of the Defense Produc-  
15 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),  
16 \$359,906,000, to remain available until expended, which  
17 shall be obligated and expended by the Secretary of De-  
18 fense as if delegated the necessary authorities conferred  
19 by the Defense Production Act of 1950.

20 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

21 For procurement of rotary-wing aircraft; combat, tac-  
22 tical and support vehicles; other weapons; and other pro-  
23 curement items for the reserve components of the Armed  
24 Forces, \$1,500,000,000, to remain available for obligation  
25 until September 30, 2025: *Provided*, That the Chiefs of

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

1 TITLE IV  
2 RESEARCH, DEVELOPMENT, TEST AND  
3 EVALUATION

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
5 ARMY

6 For expenses necessary for basic and applied sci-  
7 entific research, development, test and evaluation, includ-  
8 ing maintenance, rehabilitation, lease, and operation of fa-  
9 cilities and equipment, \$15,496,166,000, to remain avail-  
10 able for obligation until September 30, 2024.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
12 NAVY

13 For expenses necessary for basic and applied sci-  
14 entific research, development, test and evaluation, includ-  
15 ing maintenance, rehabilitation, lease, and operation of fa-  
16 cilities and equipment, \$24,445,418,000, to remain avail-  
17 able for obligation until September 30, 2024: *Provided*,  
18 That funds appropriated in this paragraph which are  
19 available for the V-22 may be used to meet unique oper-  
20 ational requirements of the Special Operations Forces.

21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
22 AIR FORCE

23 For expenses necessary for basic and applied sci-  
24 entific research, development, test and evaluation, includ-  
25 ing maintenance, rehabilitation, lease, and operation of fa-

1 cilities and equipment, \$43,717,011,000, to remain avail-  
2 able for obligation until September 30, 2024.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
4 SPACE FORCE

5 For expenses necessary for basic and applied sci-  
6 entific research, development, test and evaluation, includ-  
7 ing maintenance, rehabilitation, lease, and operation of fa-  
8 cilities and equipment, \$16,528,488,000, to remain avail-  
9 able until September 30, 2024.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
11 DEFENSE-WIDE

12 For expenses of activities and agencies of the Depart-  
13 ment of Defense (other than the military departments),  
14 necessary for basic and applied scientific research, devel-  
15 opment, test and evaluation; advanced research projects  
16 as may be designated and determined by the Secretary  
17 of Defense, pursuant to law; maintenance, rehabilitation,  
18 lease, and operation of facilities and equipment,  
19 \$33,836,217,000, to remain available for obligation until  
20 September 30, 2024.

21 OPERATIONAL TEST AND EVALUATION, DEFENSE

22 For expenses, not otherwise provided for, necessary  
23 for the independent activities of the Director, Operational  
24 Test and Evaluation, in the direction and supervision of  
25 operational test and evaluation, including initial oper-

1 ational test and evaluation which is conducted prior to,  
2 and in support of, production decisions; joint operational  
3 testing and evaluation; and administrative expenses in  
4 connection therewith, \$602,194,000, to remain available  
5 for obligation until September 30, 2024.

6

## TITLE V

7

## REVOLVING AND MANAGEMENT FUNDS

8

## DEFENSE WORKING CAPITAL FUNDS

9

For the Defense Working Capital Funds,

10 \$1,445,095,000.

1 TITLE VI  
2 OTHER DEPARTMENT OF DEFENSE PROGRAMS  
3 DEFENSE HEALTH PROGRAM

4 For expenses, not otherwise provided for, for medical  
5 and health care programs of the Department of Defense  
6 as authorized by law, \$37,617,924,000; of which  
7 \$35,046,200,000 shall be for operation and maintenance,  
8 of which not to exceed one percent shall remain available  
9 for obligation until September 30, 2024, and of which up  
10 to \$18,455,209,000 may be available for contracts entered  
11 into under the TRICARE program; of which  
12 \$570,074,000, to remain available for obligation until Sep-  
13 tember 30, 2025, shall be for procurement; and of which  
14 \$2,001,650,000, to remain available for obligation until  
15 September 30, 2024, shall be for research, development,  
16 test and evaluation: *Provided*, That of the funds provided  
17 under this heading for research, development, test and  
18 evaluation, not less than \$954,500,000 shall be made  
19 available to the United States Army Medical Research and  
20 Development Command to carry out the congressionally  
21 directed medical research programs.

22 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,  
23 DEFENSE

24 For expenses, not otherwise provided for, necessary  
25 for the destruction of the United States stockpile of lethal



1 chemical agents and munitions in accordance with the pro-  
2 visions of section 1412 of the Department of Defense Au-  
3 thorization Act, 1986 (50 U.S.C. 1521), and for the de-  
4 struction of other chemical warfare materials that are not  
5 in the chemical weapon stockpile, \$1,059,818,000, of  
6 which \$84,612,000 shall be for operation and mainte-  
7 nance, of which no less than \$53,186,000 shall be for the  
8 Chemical Stockpile Emergency Preparedness Program,  
9 consisting of \$22,778,000 for activities on military instal-  
10 lations and \$30,408,000, to remain available until Sep-  
11 tember 30, 2024, to assist State and local governments;  
12 and \$975,206,000, to remain available until September  
13 30, 2024, shall be for research, development, test and eval-  
14 uation, of which \$971,742,000 shall only be for the As-  
15 sembled Chemical Weapons Alternatives program.

16 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,  
17 DEFENSE

18 (INCLUDING TRANSFER OF FUNDS)

19 For drug interdiction and counter-drug activities of  
20 the Department of Defense, for transfer to appropriations  
21 available to the Department of Defense for military per-  
22 sonnel of the reserve components serving under the provi-  
23 sions of title 10 and title 32, United States Code; for oper-  
24 ation and maintenance; for procurement; and for research,  
25 development, test and evaluation, \$977,408,000, of which

1 \$621,154,000 shall be for counter-narcotics support;  
2 \$130,060,000 shall be for the drug demand reduction pro-  
3 gram; \$200,316,000 shall be for the National Guard  
4 counter-drug program; and \$25,878,000 shall be for the  
5 National Guard counter-drug schools program: *Provided*,  
6 That the funds appropriated under this heading shall be  
7 available for obligation for the same time period and for  
8 the same purpose as the appropriation to which trans-  
9 ferred: *Provided further*, That upon a determination that  
10 all or part of the funds transferred from this appropriation  
11 are not necessary for the purposes provided herein, such  
12 amounts may be transferred back to this appropriation:  
13 *Provided further*, That the transfer authority provided  
14 under this heading is in addition to any other transfer au-  
15 thority contained elsewhere in this Act.

16 OFFICE OF THE INSPECTOR GENERAL

17 For expenses and activities of the Office of the In-  
18 spector General in carrying out the provisions of the In-  
19 spector General Act of 1978, as amended, \$499,359,000,  
20 of which \$495,971,000 shall be for operation and mainte-  
21 nance, of which not to exceed \$700,000 is available for  
22 emergencies and extraordinary expenses to be expended  
23 upon the approval or authority of the Inspector General,  
24 and payments may be made upon the Inspector General's  
25 certificate of necessity for confidential military purposes;



1 TITLE VII  
2 RELATED AGENCIES  
3 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
4 DISABILITY SYSTEM FUND  
5 For payment to the Central Intelligence Agency Re-  
6 tirement and Disability System Fund, to maintain the  
7 proper funding level for continuing the operation of the  
8 Central Intelligence Agency Retirement and Disability  
9 System, \$514,000,000.  
10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT  
11 For necessary expenses of the Intelligence Commu-  
12 nity Management Account, \$581,210,000.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TITLE VIII

GENERAL PROVISIONS

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

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense:

*Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.



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

21       SEC. 8006. (a) With regard to the list of specific pro-  
22 grams, projects, and activities (and the dollar amounts  
23 and adjustments to budget activities corresponding to  
24 such programs, projects, and activities) contained in the  
25 tables titled “Committee Recommended Adjustments” in

1 the explanatory statement regarding this Act and the ta-  
2 bles contained in the classified annex accompanying this  
3 Act, the obligation and expenditure of amounts appro-  
4 priated or otherwise made available in this Act for those  
5 programs, projects, and activities for which the amounts  
6 appropriated exceed the amounts requested are hereby re-  
7 quired by law to be carried out in the manner provided  
8 by such tables to the same extent as if the tables were  
9 included in the text of this Act.

10 (b) Amounts specified in the referenced tables de-  
11 scribed in subsection (a) shall not be treated as subdivi-  
12 sions of appropriations for purposes of section 8005 of this  
13 Act: *Provided*, That section 8005 of this Act shall apply  
14 when transfers of the amounts described in subsection (a)  
15 occur between appropriation accounts, subject to the limi-  
16 tation in subsection (c): *Provided further*, That the trans-  
17 fer amount limitation provided in section 8005 of this Act  
18 shall not apply to transfers of amounts described in sub-  
19 section (a) if such transfers are necessary for the proper  
20 execution of such funds.

21 (c) During the current fiscal year, amounts specified  
22 in the referenced tables described in subsection (a) may  
23 not be transferred pursuant to section 8005 of this Act  
24 other than for proper execution of such amounts, as pro-  
25 vided in subsection (b).



1        SEC. 8007. (a) Not later than 60 days after enact-  
2 ment of this Act, the Department of Defense shall submit  
3 a report to the congressional defense committees to estab-  
4 lish the baseline for application of reprogramming and  
5 transfer authorities for fiscal year 2023: *Provided*, That  
6 the report shall include—

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

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

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

18        (b) Notwithstanding section 8005 of this Act, none  
19 of the funds provided in this Act shall be available for  
20 reprogramming or transfer until the report identified in  
21 subsection (a) is submitted to the congressional defense  
22 committees, unless the Secretary of Defense certifies in  
23 writing to the congressional defense committees that such  
24 reprogramming or transfer is necessary as an emergency  
25 requirement: *Provided*, That this subsection shall not

1 apply to transfers from the following appropriations ac-  
2 counts:

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

12 (TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

14 Funds appropriated in title III of this Act may be used  
15 for multiyear procurement contracts for up to 15 DDG-  
16 51 Arleigh Burke Class Guided Missile Destroyers.

17 SEC. 8011. Within the funds appropriated for the op-  
18 eration and maintenance of the Armed Forces, funds are  
19 hereby appropriated pursuant to section 401 of title 10,  
20 United States Code, for humanitarian and civic assistance  
21 costs under chapter 20 of title 10, United States Code:  
22 *Provided*, That such funds may also be obligated for hu-  
23 manitarian and civic assistance costs incidental to author-  
24 ized operations and pursuant to authority granted in sec-  
25 tion 401 of title 10, United States Code, and these obliga-

1 tions shall be reported as required by section 401(d) of  
2 title 10, United States Code: *Provided further*, That funds  
3 available for operation and maintenance shall be available  
4 for providing humanitarian and similar assistance by  
5 using Civic Action Teams in the Trust Territories of the  
6 Pacific Islands and freely associated states of Micronesia,  
7 pursuant to the Compact of Free Association as author-  
8 ized by Public Law 99–239: *Provided further*, That upon  
9 a determination by the Secretary of the Army that such  
10 action is beneficial for graduate medical education pro-  
11 grams conducted at Army medical facilities located in Ha-  
12 waii, the Secretary of the Army may authorize the provi-  
13 sion of medical services at such facilities and transpor-  
14 tation to such facilities, on a nonreimbursable basis, for  
15 civilian patients from American Samoa, the Common-  
16 wealth of the Northern Mariana Islands, the Marshall Is-  
17 lands, the Federated States of Micronesia, Palau, and  
18 Guam.

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

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

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

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

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

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

20          (d) The fiscal year 2024 budget request for the De-  
21          partment of Defense, and any justification material and  
22          other documentation supporting such a request, shall be  
23          prepared and submitted to Congress as if subsections (a)  
24          and (b) were effective with respect to such fiscal year.

1 (e) 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 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 (TRANSFER OF FUNDS)

17 SEC. 8015. (a) Funds appropriated in title III of this  
18 Act for the Department of Defense Pilot Mentor-Protégé  
19 Program may be transferred to any other appropriation  
20 contained in this Act solely for the purpose of imple-  
21 menting a Mentor-Protégé Program developmental assist-  
22 ance agreement pursuant to section 831 of the National  
23 Defense Authorization Act for Fiscal Year 1991 (Public  
24 Law 101–510; 10 U.S.C. 2302 note), as amended, under



1 the authority of this provision or any other transfer au-  
2 thority contained in this Act.

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

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

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

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

1 State: *Provided further*, That alcoholic beverages other  
2 than wine and malt beverages, in contiguous States and  
3 the District of Columbia shall be procured from the most  
4 competitive source, price and other factors considered.

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

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

24 SEC. 8020. Of the funds made available in this Act,  
25 up to \$17,500,000 may be available for incentive pay-

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

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

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

21        (c) The Operation Walking Shield Program shall re-  
22 solve any conflicts among requests of Indian tribes for  
23 housing units under subsection (a) before submitting re-  
24 quests to the Secretary of the Air Force under subsection  
25 (b).

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

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

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

19 SEC. 8024. Of the amounts appropriated for “Work-  
20 ing Capital Fund, Army”, \$115,000,000 shall be available  
21 to maintain competitive rates at the arsenals.

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

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

6           (2) \$11,600,000 shall be available from “Air-  
7           craft Procurement, Air Force”; and

8           (3) \$1,900,000 shall be available from “Other  
9           Procurement, Air Force” for vehicle procurement.

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

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

22          (b) No member of a Board of Directors, Trustees,  
23          Overseers, Advisory Group, Special Issues Panel, Visiting  
24          Committee, or any similar entity of a defense FFRDC,  
25          and no paid consultant to any defense FFRDC, except

1 when acting in a technical advisory capacity, may be com-  
2 pensated for his or her services as a member of such enti-  
3 ty, or as a paid consultant by more than one FFRDC in  
4 a fiscal year: *Provided*, That a member of any such entity  
5 referred to previously in this subsection shall be allowed  
6 travel expenses and per diem as authorized under the Fed-  
7 eral Joint Travel Regulations, when engaged in the per-  
8 formance of membership duties.

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

19 (d) Notwithstanding any other provision of law, of  
20 the funds available to the department during fiscal year  
21 2023, not more than \$2,601,510,000 may be funded for  
22 defense FFRDCs: *Provided*, That within such funds, no  
23 more than \$482,989,836 shall be available for the defense  
24 studies and analysis FFRDCs: *Provided further*, That this  
25 subsection shall not apply to staff years funded in the Na-



1 tional Intelligence Program and the Military Intelligence  
2 Program: *Provided further*, That the Secretary of Defense  
3 shall, with the submission of the department’s fiscal year  
4 2024 budget request, submit a report presenting the spe-  
5 cific amounts of staff years of technical effort to be allo-  
6 cated for each defense FFRDC by program during that  
7 fiscal year and the associated budget estimates, by appro-  
8 priation account and program.

9 (e) Notwithstanding any other provision of this Act,  
10 the total amount appropriated in this Act for FFRDCs  
11 is hereby reduced by \$192,150,000: *Provided*, That this  
12 subsection shall not apply to appropriations for the Na-  
13 tional Intelligence Program and Military Intelligence Pro-  
14 gram.

15 SEC. 8027. For the purposes of this Act, the term  
16 “congressional defense committees” means the Armed  
17 Services Committee of the House of Representatives, the  
18 Armed Services Committee of the Senate, the Sub-  
19 committee on Defense of the Committee on Appropriations  
20 of the Senate, and the Subcommittee on Defense of the  
21 Committee on Appropriations of the House of Representa-  
22 tives.

23 SEC. 8028. For the purposes of this Act, the term  
24 “congressional intelligence committees” means the Perma-  
25 nent Select Committee on Intelligence of the House of

1 Representatives, the Select Committee on Intelligence of  
2 the Senate, the Subcommittee on Defense of the Com-  
3 mittee on Appropriations of the House of Representatives,  
4 and the Subcommittee on Defense of the Committee on  
5 Appropriations of the Senate.

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

20       SEC. 8030. (a) None of the funds appropriated in this  
21 Act may be expended by an entity of the Department of  
22 Defense unless the entity, in expending the funds, com-  
23 plies with the Buy American Act. For purposes of this  
24 subsection, the term “Buy American Act” means chapter  
25 83 of title 41, United States Code.

1 (b) If the Secretary of Defense determines that a per-  
2 son has been convicted of intentionally affixing a label  
3 bearing a “Made in America” inscription to any product  
4 sold in or shipped to the United States that is not made  
5 in America, the Secretary shall determine, in accordance  
6 with section 2410f of title 10, United States Code, wheth-  
7 er the person should be debarred from contracting with  
8 the Department of Defense.

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

17 SEC. 8031. None of the funds appropriated or made  
18 available in this Act shall be used to procure carbon, alloy,  
19 or armor steel plate for use in any Government-owned fa-  
20 cility or property under the control of the Department of  
21 Defense which were not melted and rolled in the United  
22 States or Canada: *Provided*, That these procurement re-  
23 strictions shall apply to any and all Federal Supply Class  
24 9515, American Society of Testing and Materials (ASTM)  
25 or American Iron and Steel Institute (AISI) specifications

1 of carbon, alloy or armor steel plate: *Provided further,*  
2 That the Secretary of the military department responsible  
3 for the procurement may waive this restriction on a case-  
4 by-case basis by certifying in writing to the Committees  
5 on Appropriations of the House of Representatives and the  
6 Senate that adequate domestic supplies are not available  
7 to meet Department of Defense requirements on a timely  
8 basis and that such an acquisition must be made in order  
9 to acquire capability for national security purposes: *Pro-*  
10 *vided further,* That these restrictions shall not apply to  
11 contracts which are in being as of the date of the enact-  
12 ment of this Act.

13       SEC. 8032. (a)(1) If the Secretary of Defense, after  
14 consultation with the United States Trade Representative,  
15 determines that a foreign country which is party to an  
16 agreement described in paragraph (2) has violated the  
17 terms of the agreement by discriminating against certain  
18 types of products produced in the United States that are  
19 covered by the agreement, the Secretary of Defense shall  
20 rescind the Secretary's blanket waiver of the Buy Amer-  
21 ican Act with respect to such types of products produced  
22 in that foreign country.

23       (2) An agreement referred to in paragraph (1) is any  
24 reciprocal defense procurement memorandum of under-  
25 standing, between the United States and a foreign country

1 pursuant to which the Secretary of Defense has prospec-  
2 tively waived the Buy American Act for certain products  
3 in that country.

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

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

16 SEC. 8033. None of the funds appropriated by this  
17 Act may be used for the procurement of ball and roller  
18 bearings other than those produced by a domestic source  
19 and of domestic origin: *Provided*, That the Secretary of  
20 the military department responsible for such procurement  
21 may waive this restriction on a case-by-case basis by certi-  
22 fying in writing to the Committees on Appropriations of  
23 the House of Representatives and the Senate, that ade-  
24 quate domestic supplies are not available to meet Depart-  
25 ment of Defense requirements on a timely basis and that

1 such an acquisition must be made in order to acquire ca-  
2 pability for national security purposes: *Provided further*,  
3 That this restriction shall not apply to the purchase of  
4 “commercial products”, as defined by section 103 of title  
5 41, United States Code, except that the restriction shall  
6 apply to ball or roller bearings purchased as end items.

7       SEC. 8034. In addition to any other funds made  
8 available for such purposes, there is appropriated  
9 \$93,500,000, for an additional amount for the “National  
10 Defense Stockpile Transaction Fund”, to remain available  
11 until September 30, 2025, for activities pursuant to the  
12 Strategic and Critical Materials Stock Piling Act (50  
13 U.S.C. 98 et seq.): *Provided*, That none of the funds pro-  
14 vided under this section may be obligated or expended  
15 until 90 days after the Secretary of Defense provides the  
16 Committees on Appropriations of the House of Represent-  
17 atives and the Senate a detailed execution plan for such  
18 funds.

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

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

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

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

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

22        (c) Subsection (a) does not apply to a limitation re-  
23 garding construction of public vessels, ball and roller bear-  
24 ings, food, and clothing or textile materials as defined by  
25 section XI (chapters 50–65) of the Harmonized Tariff

1 Schedule of the United States and products classified  
2 under headings 4010, 4202, 4203, 6401 through 6406,  
3 6505, 7019, 7218 through 7229, 7304.41 through  
4 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109,  
5 8211, 8215, and 9404.

6       SEC. 8037. None of the funds made available in this  
7 Act, or any subsequent Act making appropriations for the  
8 Department of Defense, may be used for the purchase or  
9 manufacture of a flag of the United States unless such  
10 flags are treated as covered items under section 2533a(b)  
11 of title 10, United States Code.

12       SEC. 8038. During the current fiscal year, amounts  
13 contained in the Department of Defense Overseas Military  
14 Facility Investment Recovery Account shall be available  
15 until expended for the payments specified by section  
16 2687a(b)(2) of title 10, United States Code.

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



1 having an investment item unit cost of not more than  
2 \$500,000.

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

18       SEC. 8041. The Secretary of Defense shall issue reg-  
19 ulations to prohibit the sale of any tobacco or tobacco-  
20 related products in military resale outlets in the United  
21 States, its territories and possessions at a price below the  
22 most competitive price in the local community: *Provided*,  
23 That such regulations shall direct that the prices of to-  
24 bacco or tobacco-related products in overseas military re-  
25 tail outlets shall be within the range of prices established

1 for military retail system stores located in the United  
2 States.

3       SEC. 8042. (a) During the current fiscal year, none  
4 of the appropriations or funds available to the Department  
5 of Defense Working Capital Funds shall be used for the  
6 purchase of an investment item for the purpose of acquir-  
7 ing a new inventory item for sale or anticipated sale dur-  
8 ing the current fiscal year or a subsequent fiscal year to  
9 customers of the Department of Defense Working Capital  
10 Funds if such an item would not have been chargeable  
11 to the Department of Defense Business Operations Fund  
12 during fiscal year 1994 and if the purchase of such an  
13 investment item would be chargeable during the current  
14 fiscal year to appropriations made to the Department of  
15 Defense for procurement.

16       (b) The fiscal year 2024 budget request for the De-  
17 partment of Defense as well as all justification material  
18 and other documentation supporting the fiscal year 2024  
19 Department of Defense budget shall be prepared and sub-  
20 mitted to the Congress on the basis that any equipment  
21 which was classified as an end item and funded in a pro-  
22 curement appropriation contained in this Act shall be  
23 budgeted for in a proposed fiscal year 2024 procurement  
24 appropriation and not in the supply management business

1 area or any other area or category of the Department of  
2 Defense Working Capital Funds.

3       SEC. 8043. None of the funds appropriated by this  
4 Act for programs of the Central Intelligence Agency shall  
5 remain available for obligation beyond the current fiscal  
6 year, except for funds appropriated for the Reserve for  
7 Contingencies, which shall remain available until Sep-  
8 tember 30, 2024: *Provided*, That funds appropriated,  
9 transferred, or otherwise credited to the Central Intel-  
10 ligence Agency Central Services Working Capital Fund  
11 during this or any prior or subsequent fiscal year shall  
12 remain available until expended: *Provided further*, That  
13 any funds appropriated or transferred to the Central Intel-  
14 ligence Agency for advanced research and development ac-  
15 quisition, for agent operations, and for covert action pro-  
16 grams authorized by the President under section 503 of  
17 the National Security Act of 1947 (50 U.S.C. 3093) shall  
18 remain available until September 30, 2024: *Provided fur-*  
19 *ther*, That any funds appropriated or transferred to the  
20 Central Intelligence Agency for the construction, improve-  
21 ment, or alteration of facilities, including leased facilities,  
22 to be used primarily by personnel of the intelligence com-  
23 munity, shall remain available until September 30, 2025.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8044. In addition to amounts made available  
3 elsewhere in this Act, \$200,000,000 is hereby appro-  
4 priated to the Department of Defense and made available  
5 for transfer to the operation and maintenance accounts  
6 and research, development, test and evaluation accounts  
7 of the Army, Navy, Marine Corps, Air Force, and Space  
8 Force for purposes of improving tactical artificial intel-  
9 ligence at the Combatant Commands: *Provided*, That none  
10 of the funds provided under this section may be obligated  
11 or expended until 90 days after the Secretary of Defense  
12 provides to the congressional defense committees an execu-  
13 tion plan: *Provided further*, That not less than 30 days  
14 prior to any transfer of funds, the Secretary of Defense  
15 shall notify the congressional defense committees of the  
16 details of any such transfer: *Provided further*, That upon  
17 transfer, the funds shall be merged with and available for  
18 the same purposes, and for the same time period, as the  
19 appropriation to which transferred: *Provided further*, That  
20 the transfer authority provided under this section is in ad-  
21 dition to any other transfer authority provided elsewhere  
22 in this Act.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 8045. In addition to amounts made available  
25 elsewhere in this Act, \$100,000,000 is hereby appro-

1 priated to the Department of Defense and made available  
2 for transfer to the operation and maintenance, procure-  
3 ment, and research, development, test and evaluation ac-  
4 counts of the Army, Navy, Marine Corps, Air Force, and  
5 Space Force for purposes of enhancing Department of De-  
6 fense access to commercially innovative technologies: *Pro-*  
7 *vided*, That none of the funds provided under this section  
8 may be obligated or expended until 90 days after the  
9 Under Secretary of Defense (Research and Engineering),  
10 in coordination with the Under Secretary of Defense  
11 (Comptroller), the Assistant Secretary of the Army (Ac-  
12 quisition, Logistics and Technology), the Assistant Sec-  
13 retary of the Navy (Research, Defense and Acquisition),  
14 the Assistant Secretary of the Air Force (Acquisition,  
15 Technology and Logistics), and the Assistant Secretary of  
16 the Air Force (Space Acquisition and Integration) pro-  
17 vides to the congressional defense committees an execution  
18 plan: *Provided further*, That not less than 30 days prior  
19 to any transfer of funds, the Secretary of Defense shall  
20 notify the congressional defense committees of the details  
21 of any such transfer: *Provided further*, That upon transfer,  
22 the funds shall be merged with and available for the same  
23 purposes, and for the same time period, as the appropria-  
24 tion to which transferred: *Provided further*, That the  
25 transfer authority provided under this section is in addi-

1 tion to any other transfer authority provided elsewhere in  
2 this Act.

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

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

13 (2) the Competitive Sourcing Official determines  
14 that, over all performance periods stated in the solicitation  
15 of offers for performance of the activity or function, the  
16 cost of performance of the activity or function by a con-  
17 tractor would be less costly to the Department of Defense  
18 by an amount that equals or exceeds the lesser of—

19 (A) 10 percent of the most efficient organiza-  
20 tion's personnel-related costs for performance of that  
21 activity or function by Federal employees; or

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

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

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

5           (B) offering to such workers an employer-spon-  
6 sored health benefits plan that requires the employer  
7 to contribute less towards the premium or subscrip-  
8 tion share than the amount that is paid by the De-  
9 partment of Defense for health benefits for civilian  
10 employees under chapter 89 of title 5, United States  
11 Code.

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

20           (A) is included on the procurement list estab-  
21 lished pursuant to section 2 of the Javits-Wagner-  
22 O'Day Act (section 8503 of title 41, United States  
23 Code);

24           (B) is planned to be converted to performance  
25 by a qualified nonprofit agency for the blind or by

1 a qualified nonprofit agency for other severely handi-  
2 capped individuals in accordance with that Act; or

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

10 (2) This section shall not apply to depot contracts  
11 or contracts for depot maintenance as provided in sections  
12 2469 and 2474 of title 10, United States Code.

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

22 (RESCISSIONS)

23 SEC. 8047. Of the funds appropriated in Department  
24 of Defense Appropriations Acts, the following funds are  
25 hereby rescinded from the following accounts and pro-



1 grams in the specified amounts: *Provided*, That no  
2 amounts may be rescinded from amounts that were des-  
3 ignated by the Congress as an emergency requirement  
4 pursuant to a concurrent resolution on the budget or the  
5 Balanced Budget and Emergency Deficit Control Act of  
6 1985:

7           “Aircraft Procurement, Air Force”, 2021/2023,  
8           \$213,716,000;

9           “Operation and Maintenance, Defense-Wide”,  
10          2022/2023, \$65,000,000;

11          “Aircraft Procurement, Navy”, 2022/2024,  
12          \$4,358,000;

13          “Shipbuilding and Conversion, Navy: CVN Re-  
14          fueling Overhauls (AP)”, 2022/2026, \$191,000,000;

15          “Shipbuilding and Conversion, Navy: Service  
16          Craft”, 2022/2026, \$6,092,000;

17          “Aircraft Procurement, Air Force”, 2022/2024,  
18          \$205,805,000;

19          “Procurement, Space Force”, 2022/2024,  
20          \$7,000,000; and

21          “Research, Development, Test and Evaluation,  
22          Space Force”, 2022/2023, \$139,400,000.

23          SEC. 8048. 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. 8049. 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 *Provided*, That this restriction shall not apply to any ac-  
12 tivities incidental to the Defense POW/MIA Accounting  
13 Agency mission to recover and identify the remains of  
14 United States Armed Forces personnel from the Demo-  
15 cratic People's Republic of Korea.

16       SEC. 8050. In this fiscal year and each fiscal year  
17 thereafter, funds appropriated for operation and mainte-  
18 nance of the Military Departments, Combatant Com-  
19 mands and Defense Agencies shall be available for reim-  
20 bursement of pay, allowances and other expenses which  
21 would otherwise be incurred against appropriations for the  
22 National Guard and Reserve when members of the Na-  
23 tional Guard and Reserve provide intelligence or counter-  
24 intelligence support to Combatant Commands, Defense  
25 Agencies and Joint Intelligence Activities, including the

1 activities and programs included within the National Intel-  
2 ligence Program and the Military Intelligence Program:  
3 *Provided*, That nothing in this section authorizes deviation  
4 from established Reserve and National Guard personnel  
5 and training procedures.

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

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

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

24 SEC. 8053. Notwithstanding any other provision in  
25 this Act, the Small Business Innovation Research program

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

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

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

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

1 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

20 *Provided*, That the Under Secretary of Defense (Comp-  
21 troller) shall include with the budget of the President for  
22 fiscal year 2024 (as submitted to Congress pursuant to  
23 section 1105 of title 31, United States Code) a statement  
24 describing each instance if any, during each of the fiscal

1 years 2017 through 2023 in which the authority in this  
2 section was exercised.

3 SEC. 8057. (a) Notwithstanding any other provision  
4 of law, the Chief of the National Guard Bureau may per-  
5 mit the use of equipment of the National Guard Distance  
6 Learning Project by any person or entity on a space-avail-  
7 able, reimbursable basis. The Chief of the National Guard  
8 Bureau shall establish the amount of reimbursement for  
9 such use on a case-by-case basis.

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

16 SEC. 8058. (a) None of the funds appropriated or  
17 otherwise made available by this or prior Acts may be obli-  
18 gated or expended to retire, prepare to retire, or place in  
19 storage or on backup aircraft inventory status any C-40  
20 aircraft.

21 (b) The limitation under subsection (a) shall not  
22 apply to an individual C-40 aircraft that the Secretary of  
23 the Air Force determines, on a case-by-case basis, to be  
24 no longer mission capable due to a Class A mishap.

1 (c) If the Secretary determines under subsection (b)  
2 that an aircraft is no longer mission capable, the Secretary  
3 shall submit to the congressional defense committees a  
4 certification in writing that the status of such aircraft is  
5 due to a Class A mishap and not due to lack of mainte-  
6 nance, repairs, or other reasons.

7 SEC. 8059. (a) None of the funds appropriated in  
8 title IV of this Act may be used to procure end-items for  
9 delivery to military forces for operational training, oper-  
10 ational use, or inventory requirements: *Provided*, That this  
11 restriction does not apply to end-items used in develop-  
12 ment, prototyping in accordance with an approved test  
13 strategy, and test activities preceding and leading to ac-  
14 ceptance for operational use.

15 (b) If the number of end-items budgeted with funds  
16 appropriated in title IV of this Act exceeds the number  
17 required in an approved test strategy, the Under Secretary  
18 of Defense (Research and Engineering) and the Under  
19 Secretary of Defense (Acquisition and Sustainment), in  
20 coordination with the responsible Service Acquisition Ex-  
21 ecutive, shall certify in writing to the congressional de-  
22 fense committees that there is a bonafide need for the ad-  
23 ditional end-items at the time of submittal to Congress  
24 of the budget of the President for fiscal year 2024 pursu-  
25 ant to section 1105 of title 31, United States Code: *Pro-*



1 *vided*, That this restriction does not apply to programs  
2 funded within the National Intelligence Program.

3 (c) The Secretary of Defense shall, at the time of the  
4 submittal to Congress of the budget of the President for  
5 fiscal year 2024 pursuant to section 1105 of title 31,  
6 United States Code, submit to the congressional defense  
7 committees a report detailing the use of funds requested  
8 in research, development, test and evaluation accounts for  
9 end-items used in development, prototyping and test ac-  
10 tivities preceding and leading to acceptance for operational  
11 use: *Provided*, That the report shall set forth, for each  
12 end item covered by the preceding proviso, a detailed list  
13 of the statutory authorities under which amounts in the  
14 accounts described in that proviso were used for such item:  
15 *Provided further*, That the Secretary of Defense shall, at  
16 the time of the submittal to Congress of the budget of  
17 the President for fiscal year 2024 pursuant to section  
18 1105 of title 31, United States Code, submit to the con-  
19 gressional defense committees a certification that funds  
20 requested for fiscal year 2024 in research, development,  
21 test and evaluation accounts are in compliance with this  
22 section: *Provided further*, That the Secretary of Defense  
23 may waive this restriction on a case-by-case basis by certi-  
24 fying in writing to the Committees on Appropriations of

1 the House of Representatives and the Senate that it is  
2 in the national security interest to do so.

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

11       SEC. 8061. Notwithstanding any other provision of  
12 law, funds appropriated in this Act under the heading  
13 “Research, Development, Test and Evaluation, Defense-  
14 Wide” for any new start defense innovation acceleration  
15 or defense innovation acceleration prototyping demonstra-  
16 tion project with a value of more than \$5,000,000 may  
17 only be obligated 15 days after a report, including a de-  
18 scription of the project, the planned acquisition and tran-  
19 sition strategy and its estimated annual and total cost,  
20 has been provided in writing to the congressional defense  
21 committees: *Provided*, That the Secretary of Defense may  
22 waive this restriction on a case-by-case basis by certifying  
23 to the congressional defense committees that it is in the  
24 national interest to do so.

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

6       SEC. 8063. Notwithstanding section 12310(b) of title  
7 10, United States Code, a Reserve who is a member of  
8 the National Guard serving on full-time National Guard  
9 duty under section 502(f) of title 32, United States Code,  
10 may perform duties in support of the ground-based ele-  
11 ments of the National Ballistic Missile Defense System.

12       SEC. 8064. None of the funds provided in this Act  
13 may be used to transfer to any nongovernmental entity  
14 ammunition held by the Department of Defense that has  
15 a center-fire cartridge and a United States military no-  
16 menclature designation of “armor penetrator”, “armor  
17 piercing (AP)”, “armor piercing incendiary (API)”, or  
18 “armor-piercing incendiary tracer (API-T)”, except to an  
19 entity performing demilitarization services for the Depart-  
20 ment of Defense under a contract that requires the entity  
21 to demonstrate to the satisfaction of the Department of  
22 Defense that armor piercing projectiles are either: (1) ren-  
23 dered incapable of reuse by the demilitarization process;  
24 or (2) used to manufacture ammunition pursuant to a con-  
25 tract with the Department of Defense or the manufacture

1 of ammunition for export pursuant to a License for Per-  
2 manent Export of Unclassified Military Articles issued by  
3 the Department of State.

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

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8066. Of the amounts appropriated in this Act  
17 under the heading “Operation and Maintenance, Army”,  
18 \$158,967,374 shall remain available until expended: *Pro-*  
19 *vided*, That, notwithstanding any other provision of law,  
20 the Secretary of Defense is authorized to transfer such  
21 funds to other activities of the Federal Government: *Pro-*  
22 *vided further*, That the Secretary of Defense is authorized  
23 to enter into and carry out contracts for the acquisition  
24 of real property, construction, personal services, and oper-  
25 ations related to projects carrying out the purposes of this

1 section: *Provided further*, That contracts entered into  
2 under the authority of this section may provide for such  
3 indemnification as the Secretary determines to be nec-  
4 essary: *Provided further*, That projects authorized by this  
5 section shall comply with applicable Federal, State, and  
6 local law to the maximum extent consistent with the na-  
7 tional security, as determined by the Secretary of Defense.

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

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

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

19 (3) the process by which the National Intel-  
20 ligence Program appropriations are apportioned to  
21 the executing agencies; or

22 (4) the process by which the National Intel-  
23 ligence Program appropriations are allotted, obli-  
24 gated and disbursed.

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

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

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

17 (1) provide the proposed alternatives to all af-  
18 fected agencies;

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

23 (3) not later than 30 days after receiving all  
24 necessary certifications under paragraph (2), present

1 the proposed alternatives and certifications to the  
2 congressional defense and intelligence committees.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8068. In addition to amounts made available  
5 elsewhere in this Act, \$500,000,000 is hereby appro-  
6 priated to the Department of Defense and made available  
7 for transfer to operation and maintenance accounts, pro-  
8 curement accounts, and research, development, test and  
9 evaluation accounts only for those efforts by the United  
10 States Africa Command or United States Southern Com-  
11 mand to expand cooperation or improve the capabilities  
12 of our allies and partners in their areas of operation: *Pro-*  
13 *vided*, That none of the funds provided under this section  
14 may be obligated or expended until 60 days after the Sec-  
15 retary of Defense provides to the congressional defense  
16 committees an execution plan: *Provided further*, That not  
17 less than 30 days prior to any transfer of funds, the Sec-  
18 retary of Defense shall notify the congressional defense  
19 committees of the details of any such transfer: *Provided*  
20 *further*, That upon transfer, the funds shall be merged  
21 with and available for the same purposes, and for the same  
22 time period, as the appropriation to which transferred:  
23 *Provided further*, That the transfer authority provided  
24 under this section is in addition to any other transfer au-  
25 thority provided elsewhere in this Act.

1 (INCLUDING TRANSFER OF FUNDS)

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

10 (INCLUDING TRANSFER OF FUNDS)

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

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



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

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

18                                   (INCLUDING TRANSFER OF FUNDS)

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

1 defense system to counter short-range rocket threats, sub-  
2 ject to the U.S.-Israel Iron Dome Procurement Agree-  
3 ment, as amended; \$167,000,000 shall be for the Short  
4 Range Ballistic Missile Defense (SRBMD) program, in-  
5 cluding cruise missile defense research and development  
6 under the SRBMD program, of which \$40,000,000 shall  
7 be for co-production activities of SRBMD systems in the  
8 United States and in Israel to meet Israel's defense re-  
9 quirements consistent with each nation's laws, regulations,  
10 and procedures, subject to the U.S.-Israeli co-production  
11 agreement for SRBMD, as amended; \$80,000,000 shall  
12 be for an upper-tier component to the Israeli Missile De-  
13 fense Architecture, of which \$80,000,000 shall be for co-  
14 production activities of Arrow 3 Upper Tier systems in  
15 the United States and in Israel to meet Israel's defense  
16 requirements consistent with each nation's laws, regula-  
17 tions, and procedures, subject to the U.S.-Israeli co-pro-  
18 duction agreement for Arrow 3 Upper Tier, as amended;  
19 and \$173,000,000 shall be for the Arrow System Improve-  
20 ment Program including development of a long range,  
21 ground and airborne, detection suite: *Provided further,*  
22 That the transfer authority provided under this provision  
23 is in addition to any other transfer authority contained  
24 in this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4           SEC. 8075. Funds appropriated by this Act, or made  
5           available by the transfer of funds in this Act, for intel-  
6           ligence activities are deemed to be specifically authorized  
7           by the Congress for purposes of section 504 of the Na-  
8           tional Security Act of 1947 (50 U.S.C. 3094) during fiscal  
9           year 2023 until the enactment of the Intelligence Author-  
10          ization Act for Fiscal Year 2023.

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

18          SEC. 8077. The budget of the President for fiscal  
19          year 2024 submitted to the Congress pursuant to section  
20          1105 of title 31, United States Code, shall include budget  
21          justification for costs of United States Armed Forces’ par-  
22          ticipation in contingency operations for the Military Per-  
23          sonnel accounts, the Operation and Maintenance accounts,  
24          the Procurement accounts, and the Research, Develop-  
25          ment, Test and Evaluation accounts: *Provided*, That the

1 justification shall include a description of the funding re-  
2 quested for each contingency operation, for each military  
3 service, to include all Active and Reserve components, and  
4 for each appropriations account: *Provided further*, That  
5 the justification shall include estimated costs for each ele-  
6 ment of expense or object class, a reconciliation of in-  
7 creases and decreases for each contingency operation, and  
8 programmatic data including, but not limited to, troop  
9 strength for each Active and Reserve component, and esti-  
10 mates of the major weapons systems deployed in support  
11 of each contingency: *Provided further*, That the justifica-  
12 tion shall be included within the baseline OP-5 and OP-  
13 32 budget exhibits (as defined in the Department of De-  
14 fense Financial Management Regulation) for all contin-  
15 gency operations for the budget year and the two pre-  
16 ceding fiscal years.

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

21                               (INCLUDING TRANSFER OF FUNDS)

22       SEC. 8079. In addition to amounts appropriated in  
23 title II or otherwise made available elsewhere in this Act,  
24 \$3,000,000,000 is hereby appropriated to the Department  
25 of Defense and made available for transfer to the oper-

1 ation and maintenance accounts of the Army, Navy, Ma-  
2 rine Corps, Air Force, and Space Force (including Na-  
3 tional Guard and Reserve) for purposes of improving mili-  
4 tary readiness: *Provided*, That the transfer authority pro-  
5 vided under this section is in addition to any other trans-  
6 fer authority provided elsewhere in this Act: *Provided fur-*  
7 *ther*, That none of the funds provided under this section  
8 may be obligated or expended until 30 days after the Sec-  
9 retary of Defense provides the Committees on Appropria-  
10 tions of the House of Representatives and the Senate a  
11 detailed execution plan for such funds.

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

21 SEC. 8081. None of the funds provided in this Act  
22 shall be available for integration of foreign intelligence in-  
23 formation unless the information has been lawfully col-  
24 lected and processed during the conduct of authorized for-  
25 eign intelligence activities: *Provided*, That information



1 pertaining to United States persons shall only be handled  
2 in accordance with protections provided in the Fourth  
3 Amendment of the United States Constitution as imple-  
4 mented through Executive Order No. 12333.

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

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

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

23       SEC. 8084. For purposes of section 1553(b) of title  
24 31, United States Code, any subdivision of appropriations  
25 made in this Act under the heading “Shipbuilding and

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

6 SEC. 8085. (a) Not later than 60 days after the date  
7 of enactment of this Act, the Director of National Intel-  
8 ligence shall submit a report to the congressional intel-  
9 ligence committees to establish the baseline for application  
10 of reprogramming and transfer authorities for fiscal year  
11 2023: *Provided*, That the report shall include—

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

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

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

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

1 certifies in writing to the congressional intelligence com-  
2 mittees that such reprogramming or transfer is necessary  
3 as an emergency requirement.

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

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

16 (1) creates a new start effort;

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

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

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

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

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

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

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

21 (2) the report contains proprietary information.

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

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

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

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

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

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

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

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

9 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

19                               (INCLUDING TRANSFER OF FUNDS)

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



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

9 SEC. 8094. Of the amounts appropriated in this Act  
10 for “Shipbuilding and Conversion, Navy”, \$133,000,000,  
11 to remain available for obligation until September 30,  
12 2027, may be used for the purchase of two used sealift  
13 vessels for the National Defense Reserve Fleet, established  
14 under section 11 of the Merchant Ship Sales Act of 1946  
15 (46 U.S.C. 57100): *Provided*, That such amounts are  
16 available for reimbursements to the Ready Reserve Force,  
17 Maritime Administration account of the United States De-  
18 partment of Transportation for programs, projects, activi-  
19 ties, and expenses related to the National Defense Reserve  
20 Fleet: *Provided further*, That notwithstanding section  
21 2218 of title 10, United States Code, none of these funds  
22 shall be transferred to the National Defense Sealift Fund  
23 for execution.

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

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

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

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

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

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

12        SEC. 8099. None of the funds made available in this  
13 Act may be obligated for activities authorized under sec-  
14 tion 1208 of the Ronald W. Reagan National Defense Au-  
15 thorization Act for Fiscal Year 2005 (Public Law 112–  
16 81; 125 Stat. 1621) to initiate support for, or expand sup-  
17 port to, foreign forces, irregular forces, groups, or individ-  
18 uals unless the congressional defense committees are noti-  
19 fied in accordance with the direction contained in the clas-  
20 sified annex accompanying this Act, not less than 15 days  
21 before initiating such support: *Provided*, That none of the  
22 funds made available in this Act may be used under sec-  
23 tion 1208 for any activity that is not in support of an  
24 ongoing military operation being conducted by United  
25 States Special Operations Forces to combat terrorism:

1 *Provided further*, That the Secretary of Defense may waive  
2 the prohibitions in this section if the Secretary determines  
3 that such waiver is required by extraordinary cir-  
4 cumstances and, by not later than 72 hours after making  
5 such waiver, notifies the congressional defense committees  
6 of such waiver.

7       SEC. 8100. (a) None of the funds provided in this  
8 Act for the TAO Fleet Oiler program shall be used to  
9 award a new contract that provides for the acquisition of  
10 the following components unless those components are  
11 manufactured in the United States: Auxiliary equipment  
12 (including pumps) for shipboard services; propulsion  
13 equipment (including engines, reduction gears, and propel-  
14 lers); shipboard cranes; spreaders for shipboard cranes;  
15 and anchor chains, specifically for the seventh and subse-  
16 quent ships of the fleet.

17       (b) None of the funds provided in this Act for the  
18 FFG(X) Frigate program shall be used to award a new  
19 contract that provides for the acquisition of the following  
20 components unless those components are manufactured in  
21 the United States: Air circuit breakers; gyrocompasses;  
22 electronic navigation chart systems; steering controls;  
23 pumps; propulsion and machinery control systems; totally  
24 enclosed lifeboats; auxiliary equipment pumps; shipboard  
25 cranes; auxiliary chill water systems; and propulsion pro-

1 pellers: *Provided*, That the Secretary of the Navy shall in-  
2 corporate United States manufactured propulsion engines  
3 and propulsion reduction gears into the FFG(X) Frigate  
4 program beginning not later than with the eleventh ship  
5 of the program.

6 SEC. 8101. None of the funds provided in this Act  
7 for requirements development, performance specification  
8 development, concept design and development, ship con-  
9 figuration development, systems engineering, naval archi-  
10 tecture, marine engineering, operations research analysis,  
11 industry studies, preliminary design, development of the  
12 Detailed Design and Construction Request for Proposals  
13 solicitation package, or related activities for the T-  
14 ARC(X) Cable Laying and Repair Ship or the T-  
15 AGOS(X) Oceanographic Surveillance Ship may be used  
16 to award a new contract for such activities unless these  
17 contracts include specifications that all auxiliary equip-  
18 ment, including pumps and propulsion shafts, are manu-  
19 factured in the United States.

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

24 (1) the Rapid Prototyping Fund established  
25 under section 804(d) of the National Defense Au-

1 authorization Act for Fiscal Year 2016 (10 U.S.C.  
2 2302 note); or

3 (2) credited to a military-department specific  
4 fund established under section 804(d)(2) of the Na-  
5 tional Defense Authorization Act for Fiscal Year  
6 2016 (as amended by section 897 of the National  
7 Defense Authorization Act for Fiscal Year 2017).

8 SEC. 8103. From funds made available in title II of  
9 this Act, the Secretary of Defense may purchase for use  
10 by military and civilian employees of the Department of  
11 Defense in the United States Central Command area of  
12 responsibility: (1) passenger motor vehicles up to a limit  
13 of \$75,000 per vehicle; and (2) heavy and light armored  
14 vehicles for the physical security of personnel or for force  
15 protection purposes up to a limit of \$450,000 per vehicle,  
16 notwithstanding price or other limitations applicable to the  
17 purchase of passenger carrying vehicles.

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

22 (b) Nothing in subsection (a) shall limit the use of  
23 funds necessary for any Federal, State, tribal, or local law  
24 enforcement agency or any other entity carrying out crimi-  
25 nal investigations, prosecution, or adjudication activities,

1 or for any activity necessary for the national defense, in-  
2 cluding intelligence activities.

3       SEC. 8105. None of the funds provided for, or other-  
4 wise made available, in this or any other Act, may be obli-  
5 gated or expended by the Secretary of Defense to provide  
6 motorized vehicles, aviation platforms, munitions other  
7 than small arms and munitions appropriate for customary  
8 ceremonial honors, operational military units, or oper-  
9 ational military platforms if the Secretary determines that  
10 providing such units, platforms, or equipment would un-  
11 dermine the readiness of such units, platforms, or equip-  
12 ment.

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

24       (b) Subsection (a) shall not apply if the applicable  
25 Federal agency has considered suspension or debarment

1 of the corporation described in such subsection and has  
2 made a determination that such suspension or debarment  
3 is not necessary to protect the interests of the Federal  
4 Government.

5 SEC. 8107. (a) Amounts appropriated under title IV  
6 of this Act, as detailed in budget activity eight of the ta-  
7 bles of “Committee Recommended Adjustments” in the  
8 explanatory statement regarding this Act, may be used for  
9 expenses for the agile research, development, test and  
10 evaluation, procurement, production, modification, and op-  
11 eration and maintenance, only for the following Software  
12 and Digital Technology Pilot programs—

13 (1) Defensive CYBER—Software Prototype  
14 Development (PE 0608041A);

15 (2) Risk Management Information (PE  
16 0608013N);

17 (3) Maritime Tactical Command Control (PE  
18 0608231N);

19 (4) Space Command & Control—Software Pilot  
20 Program (PE 1208248SF);

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

23 (6) Global Command and Control System-Joint  
24 (PE 0303150K); and

25 (7) Acquisition Visibility (PE 0608648D8Z).



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

5 SEC. 8108. 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 “Counter-ISIS Train  
9 and Equip Fund” provided in this Act and executed in  
10 direct support of military and stability operations to  
11 counter the Islamic State of Iraq and Syria, may be obli-  
12 gated at the time a construction contract is awarded: *Pro-*  
13 *vided*, That, for the purpose of this section, supervision  
14 and administration costs and costs for design during con-  
15 struction include all in-house Government costs.

16 SEC. 8109. None of the funds made available in this  
17 Act may be used in contravention of the following laws  
18 enacted or regulations promulgated to implement the  
19 United Nations Convention Against Torture and Other  
20 Cruel, Inhuman or Degrading Treatment or Punishment  
21 (done at New York on December 10, 1984):

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

24 (2) Section 2242 of the Foreign Affairs Reform  
25 and Restructuring Act of 1998 (division G of Public

1 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231  
2 note) and regulations prescribed thereto, including  
3 regulations under part 208 of title 8, Code of Fed-  
4 eral Regulations, and part 95 of title 22, Code of  
5 Federal Regulations.

6 (3) Sections 1002 and 1003 of the Department  
7 of Defense, Emergency Supplemental Appropriations  
8 to Address Hurricanes in the Gulf of Mexico, and  
9 Pandemic Influenza Act, 2006 (Public Law 109–  
10 148).

11 SEC. 8110. Of the amounts appropriated in this Act  
12 under the heading “Operation and Maintenance, Defense-  
13 Wide”, for the Defense Security Cooperation Agency,  
14 \$300,000,000, to remain available until September 30,  
15 2024, shall be for the Ukraine Security Assistance Initia-  
16 tive: *Provided*, That such funds shall be available to the  
17 Secretary of Defense, with the concurrence of the Sec-  
18 retary of State, to provide assistance, including training;  
19 equipment; lethal assistance; logistics support, supplies  
20 and services; salaries and stipends; sustainment; and intel-  
21 ligence support to the military and national security forces  
22 of Ukraine, and to other forces or groups recognized by  
23 and under the authority of the Government of Ukraine,  
24 including governmental entities within Ukraine, engaged  
25 in resisting Russian aggression against Ukraine, for re-

1 placement of any weapons or articles provided to the Gov-  
2 ernment of Ukraine from the inventory of the United  
3 States, and to recover or dispose of equipment procured  
4 using funds made available in this section in this or prior  
5 Acts: *Provided further*, That the Secretary of Defense  
6 shall, not less than 15 days prior to obligating funds made  
7 available in this section (or if the Secretary of Defense  
8 determines, on a case-by-case basis, that extraordinary cir-  
9 cumstances exist that impact the national security of the  
10 United States, as far in advance as is practicable) 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 shall, not more than 60 days after  
14 such notification is made, inform such committees if such  
15 funds have not been obligated and the reasons therefor:  
16 *Provided further*, That the Secretary of Defense shall con-  
17 sult with such committees in advance of the provision of  
18 support provided to other forces or groups recognized by  
19 and under the authority of the Government of Ukraine:  
20 *Provided further*, That the United States may accept  
21 equipment procured using funds made available in this  
22 section in this or prior Acts transferred to the security  
23 forces of Ukraine and returned by such forces to the  
24 United States: *Provided further*, That equipment procured  
25 using funds made available in this section in this or prior

1 Acts, and not yet transferred to the military or national  
2 security forces of Ukraine or to other assisted entities, or  
3 returned by such forces or other assisted entities to the  
4 United States, may be treated as stocks of the Depart-  
5 ment of Defense upon written notification to the congres-  
6 sional defense committees: *Provided further*, That the Sec-  
7 retary of Defense shall provide quarterly reports to the  
8 congressional defense committees on the use and status  
9 of funds made available in this section.

10 SEC. 8111. During the current fiscal year, the De-  
11 partment of Defense is authorized to incur obligations of  
12 not to exceed \$350,000,000 for purposes specified in sec-  
13 tion 2350j(c) of title 10, United States Code, in anticipa-  
14 tion of receipt of contributions, only from the Government  
15 of Kuwait, under that section: *Provided*, That upon re-  
16 ceipt, such contributions from the Government of Kuwait  
17 shall be credited to the appropriations or fund which in-  
18 curred such obligations.

19 SEC. 8112. Of the amounts appropriated in this Act  
20 under the heading “Operation and Maintenance, Defense-  
21 Wide”, for the Defense Security Cooperation Agency,  
22 \$1,511,920,000, to remain available until September 30,  
23 2024, shall be available for International Security Co-  
24 operation Programs and other programs to provide sup-  
25 port and assistance to foreign security forces or other

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

11       SEC. 8113. Of the amounts appropriated in this Act  
12 under the heading “Operation and Maintenance, Defense-  
13 Wide”, for the Defense Security Cooperation Agency,  
14 \$370,000,000, to remain available until September 30,  
15 2024, shall be available to reimburse Jordan, Lebanon,  
16 Egypt, Tunisia, and Oman under section 1226 of the Na-  
17 tional Defense Authorization Act for Fiscal Year 2016 (22  
18 U.S.C. 2151 note), for enhanced border security: *Pro-*  
19 *vided*, That the Secretary of Defense shall, not less than  
20 15 days prior to obligating funds provided under this sec-  
21 tion, notify the congressional defense committees in writ-  
22 ing of the details of any planned obligation and the nature  
23 of the expenses incurred: *Provided further*, That the Sec-  
24 retary of Defense shall provide quarterly reports to the  
25 Committees on Appropriations of the House of Represent-

1 atives and the Senate on the use and status of funds made  
2 available in this section.

3 SEC. 8114. None of the funds made available by this  
4 Act may be used in contravention of the War Powers Res-  
5 olution (50 U.S.C. 1541 et seq.).

6 SEC. 8115. None of the funds made available by this  
7 Act for excess defense articles, assistance under section  
8 333 of title 10, United States Code, or peacekeeping oper-  
9 ations for the countries designated annually to be in viola-  
10 tion of the standards of the Child Soldiers Prevention Act  
11 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may  
12 be used to support any military training or operation that  
13 includes child soldiers, as defined by the Child Soldiers  
14 Prevention Act of 2008, unless such assistance is other-  
15 wise permitted under section 404 of the Child Soldiers  
16 Prevention Act of 2008.

17 SEC. 8116. None of the funds made available by this  
18 Act may be made available for any member of the Taliban.

19 SEC. 8117. Notwithstanding any other provision of  
20 law, any transfer of funds, appropriated or otherwise made  
21 available by this Act, for support to friendly foreign coun-  
22 tries in connection with the conduct of operations in which  
23 the United States is not participating, pursuant to section  
24 331(d) of title 10, United States Code, shall be made in  
25 accordance with section 8005 of this Act.

1       SEC. 8118. (a) None of the funds appropriated or  
2 otherwise made available by this or any other Act may  
3 be used by the Secretary of Defense, or any other official  
4 or officer of the Department of Defense, to enter into a  
5 contract, memorandum of understanding, or cooperative  
6 agreement with, or make a grant to, or provide a loan  
7 or loan guarantee to Rosoboronexport or any subsidiary  
8 of Rosoboronexport.

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

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

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

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

5           (c) The Inspector General of the Department of De-  
6           fense shall conduct a review of any action involving  
7           Rosoboronexport with respect to a waiver issued by the  
8           Secretary of Defense pursuant to subsection (b), and not  
9           later than 90 days after the date on which such a waiver  
10          is issued by the Secretary of Defense, the Inspector Gen-  
11          eral shall submit to the congressional defense committees  
12          a report containing the results of the review conducted  
13          with respect to such waiver.

14                           (INCLUDING TRANSFER OF FUNDS)

15          SEC. 8119. In addition to the amounts appropriated  
16          or otherwise made available elsewhere in this Act,  
17          \$1,000,000,000, to remain available until September 30,  
18          2024, is hereby appropriated to the Department of De-  
19          fense and made available for transfer only to other appro-  
20          priations available to the Department of Defense in De-  
21          partment of Defense Appropriations Acts: *Provided*, That  
22          such funds shall be available to the Secretary of Defense  
23          for the purpose of conducting activities relating to im-  
24          provements of infrastructure and defueling at the Red Hill  
25          Bulk Fuel Storage Facility: *Provided further*, That



1 amounts transferred pursuant to this appropriation shall  
2 be merged with, and be available for the same purposes  
3 and time period as the appropriations to which trans-  
4 ferred: *Provided further*, That upon a determination that  
5 all or part of the funds transferred from this appropriation  
6 are not necessary for the purposes provided in this section,  
7 such amounts may be transferred back to this section:  
8 *Provided further*, That the transfer authority provided  
9 pursuant to this section is in addition to any other trans-  
10 fer authority provided by law: *Provided further*, That not  
11 less than 30 days prior to any transfer of funds pursuant  
12 to this section, the Secretary of Defense shall notify the  
13 congressional defense committees of the details of any  
14 such transfer: *Provided further*, That not later than 60  
15 days after the enactment of this Act and every 30 days  
16 thereafter through fiscal year 2024, the Secretary of De-  
17 fense shall submit a report to the Committees on Appro-  
18 priations of the House of Representatives and Senate, set-  
19 ting forth all categories and amounts of obligations and  
20 expenditures made under the authority provided in this  
21 section.

22       SEC. 8120. Notwithstanding any other provision of  
23 this Act, to reflect higher than anticipated fuel costs, the  
24 total amount appropriated in title II of this Act is hereby  
25 increased by \$5,000,000,000.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8121. In addition to amounts appropriated in  
3 title III, title IV, or otherwise made available elsewhere  
4 in this Act, \$1,500,000,000 is hereby appropriated to the  
5 Department of Defense and made available for transfer  
6 to the procurement and research, development, test and  
7 evaluation accounts of the Army, Navy, Marine Corps, Air  
8 Force, and Space Force to reflect revised economic as-  
9 sumptions: *Provided*, That the transfer authority provided  
10 under this section is in addition to any other transfer au-  
11 thority provided elsewhere in this Act: *Provided further*,  
12 That none of the funds provided under this section may  
13 be obligated or expended until 30 days after the Secretary  
14 of Defense provides the Committees on Appropriations of  
15 the House of Representatives and the Senate a detailed  
16 execution plan for such funds.

17 SEC. 8122. Notwithstanding any other provision of  
18 this Act, to reflect savings due to favorable foreign ex-  
19 change rates, the total amount appropriated in this Act  
20 is hereby reduced by \$375,000,000.

21 SEC. 8123. Equipment procured using funds provided  
22 in prior Acts under the heading “Counterterrorism Part-  
23 nerships Fund” for the program authorized by section  
24 1209 of the Carl Levin and Howard P. “Buck” McKeon  
25 National Defense Authorization Act for Fiscal Year 2015

1 (Public Law 113–291), or under the heading “Iraq Train  
2 and Equip Fund” for the program authorized by section  
3 1236 of such Act, and not yet transferred to authorized  
4 recipients may be transferred to foreign security forces,  
5 irregular forces, groups, or individuals, authorized to re-  
6 ceive assistance using amounts provided under the heading  
7 “Counter-ISIS Train and Equip Fund” in this Act: *Pro-*  
8 *vided*, That such equipment may be transferred 15 days  
9 following written notification to the congressional defense  
10 committees.

11 SEC. 8124. Of the amounts appropriated under the  
12 heading “Operation and Maintenance, Defense-Wide”, for  
13 the Defense Security Cooperation Agency, \$5,000,000, to  
14 remain available until September 30, 2024, shall be for  
15 payments to reimburse key cooperating nations for  
16 logistical, military, and other support, including access,  
17 provided to United States military and stability operations  
18 to counter the Islamic State of Iraq and Syria: *Provided*,  
19 That such reimbursement payments may be made in such  
20 amounts as the Secretary of Defense, with the concurrence  
21 of the Secretary of State, and in consultation with the Di-  
22 rector of the Office of Management and Budget, may de-  
23 termine, based on documentation determined by the Sec-  
24 retary of Defense to adequately account for the support  
25 provided, and such determination is final and conclusive

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

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

○