

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

# H. R. 5293

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## AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.

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

1 That the following sums are appropriated, out of any  
2 money in the Treasury not otherwise appropriated, for the  
3 fiscal year ending September 30, 2017, for military func-  
4 tions administered by the Department of Defense and for  
5 other purposes, namely:

6 TITLE I

7 MILITARY PERSONNEL

8 MILITARY PERSONNEL, ARMY

9 For pay, allowances, individual clothing, subsistence,  
10 interest on deposits, gratuities, permanent change of sta-  
11 tion travel (including all expenses thereof for organiza-  
12 tional movements), and expenses of temporary duty travel  
13 between permanent duty stations, for members of the  
14 Army on active duty (except members of reserve compo-  
15 nents provided for elsewhere), cadets, and aviation cadets;  
16 for members of the Reserve Officers' Training Corps; and  
17 for payments pursuant to section 156 of Public Law 97-  
18 377, as amended (42 U.S.C. 402 note), and to the Depart-  
19 ment of Defense Military Retirement Fund,  
20 \$39,986,962,000.

21 MILITARY PERSONNEL, NAVY

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

1 between permanent duty stations, for members of the  
2 Navy on active duty (except members of the Reserve pro-  
3 vided for elsewhere), midshipmen, and aviation cadets; for  
4 members of the Reserve Officers' Training Corps; and for  
5 payments pursuant to section 156 of Public Law 97-377,  
6 as amended (42 U.S.C. 402 note), and to the Department  
7 of Defense Military Retirement Fund, \$27,774,605,000  
8 (reduced by \$2,000,000) (increased by \$2,000,000).

9           MILITARY PERSONNEL, MARINE CORPS

10       For pay, allowances, individual clothing, subsistence,  
11 interest on deposits, gratuities, permanent change of sta-  
12 tion travel (including all expenses thereof for organiza-  
13 tional movements), and expenses of temporary duty travel  
14 between permanent duty stations, for members of the Ma-  
15 rine Corps on active duty (except members of the Reserve  
16 provided for elsewhere); and for payments pursuant to sec-  
17 tion 156 of Public Law 97-377, as amended (42 U.S.C.  
18 402 note), and to the Department of Defense Military Re-  
19 tirement Fund, \$12,701,412,000.

20           MILITARY PERSONNEL, AIR FORCE

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

1 Force on active duty (except members of reserve compo-  
2 nents provided for elsewhere), cadets, and aviation cadets;  
3 for members of the Reserve Officers' Training Corps; and  
4 for payments pursuant to section 156 of Public Law 97-  
5 377, as amended (42 U.S.C. 402 note), and to the Depart-  
6 ment of Defense Military Retirement Fund,  
7 \$27,794,615,000.

8 RESERVE PERSONNEL, ARMY

9 For pay, allowances, clothing, subsistence, gratuities,  
10 travel, and related expenses for personnel of the Army Re-  
11 serve on active duty under sections 10211, 10302, and  
12 3038 of title 10, United States Code, or while serving on  
13 active duty under section 12301(d) of title 10, United  
14 States Code, in connection with performing duty specified  
15 in section 12310(a) of title 10, United States Code, or  
16 while undergoing reserve training, or while performing  
17 drills or equivalent duty or other duty, and expenses au-  
18 thorized by section 16131 of title 10, United States Code;  
19 and for payments to the Department of Defense Military  
20 Retirement Fund, \$4,458,963,000.

21 RESERVE PERSONNEL, NAVY

22 For pay, allowances, clothing, subsistence, gratuities,  
23 travel, and related expenses for personnel of the Navy Re-  
24 serve on active duty under section 10211 of title 10,  
25 United States Code, or while serving on active duty under

1 section 12301(d) of title 10, United States Code, in con-  
2 nection with performing duty specified in section 12310(a)  
3 of title 10, United States Code, or while undergoing re-  
4 serve training, or while performing drills or equivalent  
5 duty, and expenses authorized by section 16131 of title  
6 10, United States Code; and for payments to the Depart-  
7 ment of Defense Military Retirement Fund,  
8 \$1,898,825,000.

9 RESERVE PERSONNEL, MARINE CORPS

10 For pay, allowances, clothing, subsistence, gratuities,  
11 travel, and related expenses for personnel of the Marine  
12 Corps Reserve on active duty under section 10211 of title  
13 10, United States Code, or while serving on active duty  
14 under section 12301(d) of title 10, United States Code,  
15 in connection with performing duty specified in section  
16 12310(a) of title 10, United States Code, or while under-  
17 going reserve training, or while performing drills or equiv-  
18 alent duty, and for members of the Marine Corps platoon  
19 leaders class, and expenses authorized by section 16131  
20 of title 10, United States Code; and for payments to the  
21 Department of Defense Military Retirement Fund,  
22 \$736,305,000.

23 RESERVE PERSONNEL, AIR FORCE

24 For pay, allowances, clothing, subsistence, gratuities,  
25 travel, and related expenses for personnel of the Air Force

1 Reserve on active duty under sections 10211, 10305, and  
2 8038 of title 10, United States Code, or while serving on  
3 active duty under section 12301(d) of title 10, United  
4 States Code, in connection with performing duty specified  
5 in section 12310(a) of title 10, United States Code, or  
6 while undergoing reserve training, or while performing  
7 drills or equivalent duty or other duty, and expenses au-  
8 thorized by section 16131 of title 10, United States Code;  
9 and for payments to the Department of Defense Military  
10 Retirement Fund, \$1,718,126,000.

11 NATIONAL GUARD PERSONNEL, ARMY

12 For pay, allowances, clothing, subsistence, gratuities,  
13 travel, and related expenses for personnel of the Army Na-  
14 tional Guard while on duty under sections 10211, 10302,  
15 or 12402 of title 10 or section 708 of title 32, United  
16 States Code, or while serving on duty under section  
17 12301(d) of title 10 or section 502(f) of title 32, United  
18 States Code, in connection with performing duty specified  
19 in section 12310(a) of title 10, United States Code, or  
20 while undergoing training, or while performing drills or  
21 equivalent duty or other duty, and expenses authorized by  
22 section 16131 of title 10, United States Code; and for pay-  
23 ments to the Department of Defense Military Retirement  
24 Fund, \$7,827,440,000.

## 1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,  
3 travel, and related expenses for personnel of the Air Na-  
4 tional Guard on duty under sections 10211, 10305, or  
5 12402 of title 10 or section 708 of title 32, United States  
6 Code, or while serving on duty under section 12301(d) of  
7 title 10 or section 502(f) of title 32, United States Code,  
8 in connection with performing duty specified in section  
9 12310(a) of title 10, United States Code, or while under-  
10 going training, or while performing drills or equivalent  
11 duty or other duty, and expenses authorized by section  
12 16131 of title 10, United States Code; and for payments  
13 to the Department of Defense Military Retirement Fund,  
14 \$3,271,215,000.

## 15 TITLE II

## 16 OPERATION AND MAINTENANCE

## 17 OPERATION AND MAINTENANCE, ARMY

18 For expenses, not otherwise provided for, necessary  
19 for the operation and maintenance of the Army, as author-  
20 ized by law, \$34,436,295,000 (reduced by \$5,600,000):  
21 *Provided*, That not to exceed \$12,478,000 can be used for  
22 emergencies and extraordinary expenses, to be expended  
23 on the approval or authority of the Secretary of the Army,  
24 and payments may be made on his certificate of necessity  
25 for confidential military purposes.

## 1           OPERATION AND MAINTENANCE, NAVY

2           For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance of the Navy and the  
4 Marine Corps, as authorized by law, \$40,213,485,000 (re-  
5 duced by \$6,086,000) (increased by \$6,086,000): *Pro-*  
6 *vided*, That not to exceed \$15,055,000 can be used for  
7 emergencies and extraordinary expenses, to be expended  
8 on the approval or authority of the Secretary of the Navy,  
9 and payments may be made on his certificate of necessity  
10 for confidential military purposes.

## 11          OPERATION AND MAINTENANCE, MARINE CORPS

12          For expenses, not otherwise provided for, necessary  
13 for the operation and maintenance of the Marine Corps,  
14 as authorized by law, \$6,246,366,000.

## 15          OPERATION AND MAINTENANCE, AIR FORCE

16          For expenses, not otherwise provided for, necessary  
17 for the operation and maintenance of the Air Force, as  
18 authorized by law, \$38,209,602,000: *Provided*, That not  
19 to exceed \$7,699,000 can be used for emergencies and ex-  
20 traordinary expenses, to be expended on the approval or  
21 authority of the Secretary of the Air Force, and payments  
22 may be made on his certificate of necessity for confidential  
23 military purposes.

1       OPERATION AND MAINTENANCE, DEFENSE-WIDE  
2                   (INCLUDING TRANSFER OF FUNDS)

3       For expenses, not otherwise provided for, necessary  
4 for the operation and maintenance of activities and agen-  
5 cies of the Department of Defense (other than the military  
6 departments), as authorized by law, \$32,263,224,000 (re-  
7 duced by \$20,000,000) (reduced by \$40,000,000) (in-  
8 creased by \$5,000,000) (reduced by \$1,000,000) (in-  
9 creased by \$1,000,000) (reduced by \$5,000,000) (in-  
10 creased by \$5,000,000) (reduced by \$5,000,000) (in-  
11 creased by \$5,000,000) (reduced by \$10,000,000) (re-  
12 duced by \$7,000,000) (reduced by \$17,000,000) (reduced  
13 by \$5,000,000) (reduced by \$5,500,000) (reduced by  
14 \$5,000,000) (reduced by \$1,000,000) (reduced by  
15 \$5,000,000) (reduced by \$8,000,000) (reduced by  
16 \$2,000,000) (reduced by \$7,800,000) (reduced by  
17 \$2,000,000) (reduced by \$25,000,000) (reduced by  
18 \$80,000,000): *Provided*, That not more than \$15,000,000  
19 may be used for the Combatant Commander Initiative  
20 Fund authorized under section 166a of title 10, United  
21 States Code: *Provided further*, That not to exceed  
22 \$36,000,000 can be used for emergencies and extraor-  
23 dinary expenses, to be expended on the approval or author-  
24 ity of the Secretary of Defense, and payments may be  
25 made on his certificate of necessity for confidential mili-

1 tary purposes: *Provided further*, That of the funds pro-  
2 vided under this heading, not less than \$35,045,000 shall  
3 be made available for the Procurement Technical Assist-  
4 ance Cooperative Agreement Program, of which not less  
5 than \$3,600,000 shall be available for centers defined in  
6 10 U.S.C. 2411(1)(D): *Provided further*, That none of the  
7 funds appropriated or otherwise made available by this  
8 Act may be used to plan or implement the consolidation  
9 of a budget or appropriations liaison office of the Office  
10 of the Secretary of Defense, the office of the Secretary  
11 of a military department, or the service headquarters of  
12 one of the Armed Forces into a legislative affairs or legis-  
13 lative liaison office: *Provided further*, That \$8,023,000, to  
14 remain available until expended, is available only for ex-  
15 penses relating to certain classified activities, and may be  
16 transferred as necessary by the Secretary of Defense to  
17 operation and maintenance appropriations or research, de-  
18 velopment, test and evaluation appropriations, to be  
19 merged with and to be available for the same time period  
20 as the appropriations to which transferred: *Provided fur-*  
21 *ther*, That any ceiling on the investment item unit cost  
22 of items that may be purchased with operation and main-  
23 tenance funds shall not apply to the funds described in  
24 the preceding proviso: *Provided further*, That the transfer

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

3 OPERATION AND MAINTENANCE, ARMY RESERVE

4 For expenses, not otherwise provided for, necessary  
5 for the operation and maintenance, including training, or-  
6 ganization, and administration, of the Army Reserve; re-  
7 pair of facilities and equipment; hire of passenger motor  
8 vehicles; travel and transportation; care of the dead; re-  
9 cruiting; procurement of services, supplies, and equip-  
10 ment; and communications, \$2,767,471,000.

11 OPERATION AND MAINTENANCE, NAVY RESERVE

12 For expenses, not otherwise provided for, necessary  
13 for the operation and maintenance, including training, or-  
14 ganization, and administration, of the Navy Reserve; re-  
15 pair of facilities and equipment; hire of passenger motor  
16 vehicles; travel and transportation; care of the dead; re-  
17 cruiting; procurement of services, supplies, and equip-  
18 ment; and communications, \$975,724,000.

19 OPERATION AND MAINTENANCE, MARINE CORPS

20 RESERVE

21 For expenses, not otherwise provided for, necessary  
22 for the operation and maintenance, including training, or-  
23 ganization, and administration, of the Marine Corps Re-  
24 serve; repair of facilities and equipment; hire of passenger  
25 motor vehicles; travel and transportation; care of the dead;

1 recruiting; procurement of services, supplies, and equip-  
2 ment; and communications, \$320,066,000.

3 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

4 For expenses, not otherwise provided for, necessary  
5 for the operation and maintenance, including training, or-  
6 ganization, and administration, of the Air Force Reserve;  
7 repair of facilities and equipment; hire of passenger motor  
8 vehicles; travel and transportation; care of the dead; re-  
9 cruiting; procurement of services, supplies, and equip-  
10 ment; and communications, \$3,106,066,000.

11 OPERATION AND MAINTENANCE, ARMY NATIONAL

12 GUARD

13 For expenses of training, organizing, and admin-  
14 istering the Army National Guard, including medical and  
15 hospital treatment and related expenses in non-Federal  
16 hospitals; maintenance, operation, and repairs to struc-  
17 tures and facilities; hire of passenger motor vehicles; per-  
18 sonnel services in the National Guard Bureau; travel ex-  
19 penses (other than mileage), as authorized by law for  
20 Army personnel on active duty, for Army National Guard  
21 division, regimental, and battalion commanders while in-  
22 specting units in compliance with National Guard Bureau  
23 regulations when specifically authorized by the Chief, Na-  
24 tional Guard Bureau; supplying and equipping the Army  
25 National Guard as authorized by law; and expenses of re-

1 pair, modification, maintenance, and issue of supplies and  
2 equipment (including aircraft), \$6,923,595,000.

3 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

4 For expenses of training, organizing, and admin-  
5 istering the Air National Guard, including medical and  
6 hospital treatment and related expenses in non-Federal  
7 hospitals; maintenance, operation, and repairs to struc-  
8 tures and facilities; transportation of things, hire of pas-  
9 senger motor vehicles; supplying and equipping the Air  
10 National Guard, as authorized by law; expenses for repair,  
11 modification, maintenance, and issue of supplies and  
12 equipment, including those furnished from stocks under  
13 the control of agencies of the Department of Defense;  
14 travel expenses (other than mileage) on the same basis as  
15 authorized by law for Air National Guard personnel on  
16 active Federal duty, for Air National Guard commanders  
17 while inspecting units in compliance with National Guard  
18 Bureau regulations when specifically authorized by the  
19 Chief, National Guard Bureau, \$6,708,200,000.

20 UNITED STATES COURT OF APPEALS FOR THE ARMED

21 FORCES

22 For salaries and expenses necessary for the United  
23 States Court of Appeals for the Armed Forces,  
24 \$14,194,000, of which not to exceed \$5,000 may be used  
25 for official representation purposes.

## 1 ENVIRONMENTAL RESTORATION, ARMY

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Army, \$170,167,000 (re-  
4 duced by \$1,000,000), to remain available until trans-  
5 ferred: *Provided*, That the Secretary of the Army shall,  
6 upon determining that such funds are required for envi-  
7 ronmental restoration, reduction and recycling of haz-  
8 ardous waste, removal of unsafe buildings and debris of  
9 the Department of the Army, or for similar purposes,  
10 transfer the funds made available by this appropriation  
11 to other appropriations made available to the Department  
12 of the Army, to be merged with and to be available for  
13 the same purposes and for the same time period as the  
14 appropriations to which transferred: *Provided further*,  
15 That upon a determination that all or part of the funds  
16 transferred from this appropriation are not necessary for  
17 the purposes provided herein, such amounts may be trans-  
18 ferred back to this appropriation: *Provided further*, That  
19 the transfer authority provided under this heading is in  
20 addition to any other transfer authority provided else-  
21 where in this Act.

## 22 ENVIRONMENTAL RESTORATION, NAVY

23 (INCLUDING TRANSFER OF FUNDS)

24 For the Department of the Navy, \$289,262,000, to  
25 remain available until transferred: *Provided*, That the Sec-

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

17 ENVIRONMENTAL RESTORATION, AIR FORCE

18 (INCLUDING TRANSFER OF FUNDS)

19 For the Department of the Air Force, \$371,521,000,  
20 to remain available until transferred: *Provided*, That the  
21 Secretary of the Air Force shall, upon determining that  
22 such funds are required for environmental restoration, re-  
23 duction and recycling of hazardous waste, removal of un-  
24 safe buildings and debris of the Department of the Air  
25 Force, or for similar purposes, transfer the funds made

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

12 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

13 (INCLUDING TRANSFER OF FUNDS)

14 For the Department of Defense, \$9,009,000, to re-  
15 main available until transferred: *Provided*, That the Sec-  
16 retary of Defense shall, upon determining that such funds  
17 are required for environmental restoration, reduction and  
18 recycling of hazardous waste, removal of unsafe buildings  
19 and debris of the Department of Defense, or for similar  
20 purposes, transfer the funds made available by this appro-  
21 priation to other appropriations made available to the De-  
22 partment of Defense, to be merged with and to be avail-  
23 able for the same purposes and for the same time period  
24 as the appropriations to which transferred: *Provided fur-*  
25 *ther*, That upon a determination that all or part of the

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

7 ENVIRONMENTAL RESTORATION, FORMERLY USED  
8 DEFENSE SITES  
9 (INCLUDING TRANSFER OF FUNDS)

10 For the Department of the Army, \$222,084,000, to  
11 remain available until transferred: *Provided*, That the Sec-  
12 retary of the Army shall, upon determining that such  
13 funds are required for environmental restoration, reduc-  
14 tion and recycling of hazardous waste, removal of unsafe  
15 buildings and debris at sites formerly used by the Depart-  
16 ment of Defense, transfer the funds made available by this  
17 appropriation to other appropriations made available to  
18 the Department of the Army, to be merged with and to  
19 be available for the same purposes and for the same time  
20 period as the appropriations to which transferred: *Pro-*  
21 *vided further*, That upon a determination that all or part  
22 of the funds transferred from this appropriation are not  
23 necessary for the purposes provided herein, such amounts  
24 may be transferred back to this appropriation: *Provided*  
25 *further*, That the transfer authority provided under this

1 heading is in addition to any other transfer authority pro-  
2 vided elsewhere in this Act.

3 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

4 For expenses relating to the Overseas Humanitarian,  
5 Disaster, and Civic Aid programs of the Department of  
6 Defense (consisting of the programs provided under sec-  
7 tions 401, 402, 404, 407, 2557, and 2561 of title 10,  
8 United States Code), \$108,125,000, to remain available  
9 until September 30, 2018.

10 COOPERATIVE THREAT REDUCTION ACCOUNT

11 For assistance, including assistance provided by con-  
12 tract or by grants, under programs and activities of the  
13 Department of Defense Cooperative Threat Reduction  
14 Program authorized under the Department of Defense Co-  
15 operative Threat Reduction Act, \$325,604,000, to remain  
16 available until September 30, 2019.

17 TITLE III

18 PROCUREMENT

19 AIRCRAFT PROCUREMENT, ARMY

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

1 and such lands and interests therein, may be acquired,  
2 and construction prosecuted thereon prior to approval of  
3 title; and procurement and installation of equipment, ap-  
4 pliances, and machine tools in public and private plants;  
5 reserve plant and Government and contractor-owned  
6 equipment layaway; and other expenses necessary for the  
7 foregoing purposes, \$4,628,697,000, to remain available  
8 for obligation until September 30, 2019.

9                   MISSILE PROCUREMENT, ARMY

10         For construction, procurement, production, modifica-  
11 tion, and modernization of missiles, equipment, including  
12 ordnance, ground handling equipment, spare parts, and  
13 accessories therefor; specialized equipment and training  
14 devices; expansion of public and private plants, including  
15 the land necessary therefor, for the foregoing purposes,  
16 and such lands and interests therein, may be acquired,  
17 and construction prosecuted thereon prior to approval of  
18 title; and procurement and installation of equipment, ap-  
19 pliances, and machine tools in public and private plants;  
20 reserve plant and Government and contractor-owned  
21 equipment layaway; and other expenses necessary for the  
22 foregoing purposes, \$1,502,377,000, to remain available  
23 for obligation until September 30, 2019.



1 proval of title; and procurement and installation of equip-  
2 ment, appliances, and machine tools in public and private  
3 plants; reserve plant and Government and contractor-  
4 owned equipment layaway; and other expenses necessary  
5 for the foregoing purposes, \$1,513,157,000 (increased by  
6 \$20,000,000), to remain available for obligation until Sep-  
7 tember 30, 2019.

8                   OTHER PROCUREMENT, ARMY

9       For construction, procurement, production, and  
10 modification of vehicles, including tactical, support, and  
11 non-tracked combat vehicles; the purchase of passenger  
12 motor vehicles for replacement only; communications and  
13 electronic equipment; other support equipment; spare  
14 parts, ordnance, and accessories therefor; specialized  
15 equipment and training devices; expansion of public and  
16 private plants, including the land necessary therefor, for  
17 the foregoing purposes, and such lands and interests  
18 therein, may be acquired, and construction prosecuted  
19 thereon prior to approval of title; and procurement and  
20 installation of equipment, appliances, and machine tools  
21 in public and private plants; reserve plant and Govern-  
22 ment and contractor-owned equipment layaway; and other  
23 expenses necessary for the foregoing purposes,  
24 \$6,081,856,000, to remain available for obligation until  
25 September 30, 2019.

## 1 AIRCRAFT PROCUREMENT, NAVY

2 For construction, procurement, production, modifica-  
3 tion, and modernization of aircraft, equipment, including  
4 ordnance, spare parts, and accessories therefor; specialized  
5 equipment; expansion of public and private plants, includ-  
6 ing the land necessary therefor, and such lands and inter-  
7 ests therein, may be acquired, and construction prosecuted  
8 thereon prior to approval of title; and procurement and  
9 installation of equipment, appliances, and machine tools  
10 in public and private plants; reserve plant and Govern-  
11 ment and contractor-owned equipment layaway,  
12 \$15,900,093,000, to remain available for obligation until  
13 September 30, 2019.

## 14 WEAPONS PROCUREMENT, NAVY

15 For construction, procurement, production, modifica-  
16 tion, and modernization of missiles, torpedoes, other weap-  
17 ons, and related support equipment including spare parts,  
18 and accessories therefor; expansion of public and private  
19 plants, including the land necessary therefor, and such  
20 lands and interests therein, may be acquired, and con-  
21 struction prosecuted thereon prior to approval of title; and  
22 procurement and installation of equipment, appliances,  
23 and machine tools in public and private plants; reserve  
24 plant and Government and contractor-owned equipment



1 long lead time components and designs for vessels to be  
2 constructed or converted in the future; and expansion of  
3 public and private plants, including land necessary there-  
4 for, and such lands and interests therein, may be acquired,  
5 and construction prosecuted thereon prior to approval of  
6 title, as follows:

7           Ohio Replacement Submarine, \$773,138,000;  
8           Carrier Replacement Program, \$1,271,205,000;  
9           Carrier Replacement Program, (AP),  
10          \$1,370,784,000;  
11          Virginia Class Submarine, \$3,187,985,000;  
12          Virginia Class Submarine (AP),  
13          \$1,742,134,000;  
14          CVN Refueling Overhauls, \$1,689,920,000;  
15          CVN Refueling Overhauls (AP), \$248,599,000;  
16          DDG-1000 Program, \$271,756,000;  
17          DDG-51 Destroyer, \$3,211,292,000;  
18          Littoral Combat Ship, \$1,439,192,000;  
19          LHA Replacement, \$1,559,189,000;  
20          TAO Fleet Oiler, \$73,079,000;  
21          Moored Training Ship, \$624,527,000;  
22          Ship to Shore Connector, \$128,067,000;  
23          Service Craft, \$65,192,000;  
24          LCAC Service Life Extension Program,  
25          \$1,774,000;

1           YP           Craft           Maintenance/ROH/SLEP,  
2           \$21,363,000;

3           For outfitting, post delivery, conversions, and  
4           first destination transportation, \$645,054,000; and  
5           Completion of Prior Year Shipbuilding Pro-  
6           grams, \$160,274,000.

7           In all: \$18,484,524,000, to remain available for obli-  
8           gation until September 30, 2021, of which \$160,274,000  
9           shall remain available until September 30, 2017, to fund  
10          completion of prior year shipbuilding programs: *Provided*,  
11          That additional obligations may be incurred after Sep-  
12          tember 30, 2021, for engineering services, tests, evalua-  
13          tions, and other such budgeted work that must be per-  
14          formed in the final stage of ship construction: *Provided*  
15          *further*, That none of the funds provided under this head-  
16          ing for the construction or conversion of any naval vessel  
17          to be constructed in shipyards in the United States shall  
18          be expended in foreign facilities for the construction of  
19          major components of such vessel: *Provided further*, That  
20          none of the funds provided under this heading shall be  
21          used for the construction of any naval vessel in foreign  
22          shipyards.

23                                   OTHER PROCUREMENT, NAVY

24          For procurement, production, and modernization of  
25          support equipment and materials not otherwise provided

1 for, Navy ordnance (except ordnance for new aircraft, new  
2 ships, and ships authorized for conversion); the purchase  
3 of passenger motor vehicles for replacement only; expan-  
4 sion of public and private plants, including the land nec-  
5 essary therefor, and such lands and interests therein, may  
6 be acquired, and construction prosecuted thereon prior to  
7 approval of title; and procurement and installation of  
8 equipment, appliances, and machine tools in public and  
9 private plants; reserve plant and Government and con-  
10 tractor-owned equipment layaway, \$6,099,326,000, to re-  
11 main available for obligation until September 30, 2019.

12                   PROCUREMENT, MARINE CORPS

13       For expenses necessary for the procurement, manu-  
14 facture, and modification of missiles, armament, military  
15 equipment, spare parts, and accessories therefor; plant  
16 equipment, appliances, and machine tools, and installation  
17 thereof in public and private plants; reserve plant and  
18 Government and contractor-owned equipment layaway; ve-  
19 hicles for the Marine Corps, including the purchase of pas-  
20 senger motor vehicles for replacement only; and expansion  
21 of public and private plants, including land necessary  
22 therefor, and such lands and interests therein, may be ac-  
23 quired, and construction prosecuted thereon prior to ap-  
24 proval of title, \$1,213,872,000, to remain available for ob-  
25 ligation until September 30, 2019.

## 1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For construction, procurement, and modification of  
3 aircraft and equipment, including armor and armament,  
4 specialized ground handling equipment, and training de-  
5 vices, spare parts, and accessories therefor; specialized  
6 equipment; expansion of public and private plants, Gov-  
7 ernment-owned equipment and installation thereof in such  
8 plants, erection of structures, and acquisition of land, for  
9 the foregoing purposes, and such lands and interests  
10 therein, may be acquired, and construction prosecuted  
11 thereon prior to approval of title; reserve plant and Gov-  
12 ernment and contractor-owned equipment layaway; and  
13 other expenses necessary for the foregoing purposes in-  
14 cluding rents and transportation of things,  
15 \$14,325,117,000 (increased by \$7,000,000) (increased by  
16 \$80,000,000), to remain available for obligation until Sep-  
17 tember 30, 2019.

## 18 MISSILE PROCUREMENT, AIR FORCE

19 For construction, procurement, and modification of  
20 missiles, rockets, and related equipment, including spare  
21 parts and accessories therefor; ground handling equip-  
22 ment, and training devices; expansion of public and pri-  
23 vate plants, Government-owned equipment and installa-  
24 tion thereof in such plants, erection of structures, and ac-  
25 quisition of land, for the foregoing purposes, and such

1 lands and interests therein, may be acquired, and con-  
2 struction prosecuted thereon prior to approval of title; re-  
3 serve plant and Government and contractor-owned equip-  
4 ment layaway; and other expenses necessary for the fore-  
5 going purposes including rents and transportation of  
6 things, \$2,288,772,000, to remain available for obligation  
7 until September 30, 2019.

8                   SPACE PROCUREMENT, AIR FORCE

9           For construction, procurement, and modification of  
10 spacecraft, rockets, and related equipment, including  
11 spare parts and accessories therefor; ground handling  
12 equipment, and training devices; expansion of public and  
13 private plants, Government-owned equipment and installa-  
14 tion thereof in such plants, erection of structures, and ac-  
15 quisition of land, for the foregoing purposes, and such  
16 lands and interests therein, may be acquired, and con-  
17 struction prosecuted thereon prior to approval of title; re-  
18 serve plant and Government and contractor-owned equip-  
19 ment layaway; and other expenses necessary for the fore-  
20 going purposes including rents and transportation of  
21 things, \$2,538,152,000, to remain available for obligation  
22 until September 30, 2019.

23                   PROCUREMENT OF AMMUNITION, AIR FORCE

24           For construction, procurement, production, and  
25 modification of ammunition, and accessories therefor; spe-

1 cialized equipment and training devices; expansion of pub-  
2 lic and private plants, including ammunition facilities, au-  
3 thorized by section 2854 of title 10, United States Code,  
4 and the land necessary therefor, for the foregoing pur-  
5 poses, and such lands and interests therein, may be ac-  
6 quired, and construction prosecuted thereon prior to ap-  
7 proval of title; and procurement and installation of equip-  
8 ment, appliances, and machine tools in public and private  
9 plants; reserve plant and Government and contractor-  
10 owned equipment layaway; and other expenses necessary  
11 for the foregoing purposes, \$1,609,719,000, to remain  
12 available for obligation until September 30, 2019.

#### 13 OTHER PROCUREMENT, AIR FORCE

14 For procurement and modification of equipment (in-  
15 cluding ground guidance and electronic control equipment,  
16 and ground electronic and communication equipment),  
17 and supplies, materials, and spare parts therefor, not oth-  
18 erwise provided for; the purchase of passenger motor vehi-  
19 cles for replacement only; lease of passenger motor vehi-  
20 cles; and expansion of public and private plants, Govern-  
21 ment-owned equipment and installation thereof in such  
22 plants, erection of structures, and acquisition of land, for  
23 the foregoing purposes, and such lands and interests  
24 therein, may be acquired, and construction prosecuted  
25 thereon, prior to approval of title; reserve plant and Gov-

1 ernment and contractor-owned equipment layaway,  
2 \$17,342,313,000, to remain available for obligation until  
3 September 30, 2019.

4                   PROCUREMENT, DEFENSE-WIDE

5           For expenses of activities and agencies of the Depart-  
6 ment of Defense (other than the military departments)  
7 necessary for procurement, production, and modification  
8 of equipment, supplies, materials, and spare parts there-  
9 for, not otherwise provided for; the purchase of passenger  
10 motor vehicles for replacement only; expansion of public  
11 and private plants, equipment, and installation thereof in  
12 such plants, erection of structures, and acquisition of land  
13 for the foregoing purposes, and such lands and interests  
14 therein, may be acquired, and construction prosecuted  
15 thereon prior to approval of title; reserve plant and Gov-  
16 ernment and contractor-owned equipment layaway,  
17 \$4,649,876,000 (increased by \$5,000,000) (reduced by  
18 \$10,000,000) (increased by \$12,500,000), to remain avail-  
19 able for obligation until September 30, 2019.

20                   DEFENSE PRODUCTION ACT PURCHASES

21           For activities by the Department of Defense pursuant  
22 to sections 108, 301, 302, and 303 of the Defense Produc-  
23 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),  
24 \$74,065,000 (increased by \$25,000,000), to remain avail-  
25 able until expended.

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, \$7,864,517,000 (increased by  
10 \$17,000,000) (increased by \$5,000,000) (reduced by  
11 \$1,000,000) (increased by \$1,000,000), to remain avail-  
12 able for obligation until September 30, 2018.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
14 NAVY

15 For expenses necessary for basic and applied sci-  
16 entific research, development, test and evaluation, includ-  
17 ing maintenance, rehabilitation, lease, and operation of fa-  
18 cilities and equipment, \$16,831,290,000 (reduced by  
19 \$2,000,000) (increased by \$2,000,000) (increased by  
20 \$29,800,000), to remain available for obligation until Sep-  
21 tember 30, 2018: *Provided*, That funds appropriated in  
22 this paragraph which are available for the V-22 may be  
23 used to meet unique operational requirements of the Spe-  
24 cial Operations Forces.

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

3 For expenses necessary for basic and applied sci-  
4 entific research, development, test and evaluation, includ-  
5 ing maintenance, rehabilitation, lease, and operation of fa-  
6 cilities and equipment, \$27,106,851,000 (reduced by  
7 \$5,000,000), to remain available for obligation until Sep-  
8 tember 30, 2018.

9 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
10 DEFENSE-WIDE  
11 (INCLUDING TRANSFER OF FUNDS)

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 \$18,311,236,000 (increased by \$5,000,000) (increased by  
20 \$5,000,000) (increased by \$12,500,000) (reduced by  
21 \$25,000,000) (increased by \$5,000,000) (reduced by  
22 \$33,900,000), to remain available for obligation until Sep-  
23 tember 30, 2018: *Provided*, That, of the funds made avail-  
24 able in this paragraph, \$250,000,000 for the Defense  
25 Rapid Innovation Program shall only be available for ex-

1 penses, not otherwise provided for, to include program  
2 management and oversight, to conduct research, develop-  
3 ment, test and evaluation to include proof of concept dem-  
4 onstration; engineering, testing, and validation; and tran-  
5 sition to full-scale production: *Provided further*, That the  
6 Secretary of Defense may transfer funds provided herein  
7 for the Defense Rapid Innovation Program to appropria-  
8 tions for research, development, test and evaluation to ac-  
9 complish the purpose provided herein: *Provided further*,  
10 That this transfer authority is in addition to any other  
11 transfer authority available to the Department of Defense:  
12 *Provided further*, That the Secretary of Defense shall, not  
13 fewer than 30 days prior to making transfers from this  
14 appropriation, notify the congressional defense committees  
15 in writing of the details of any such transfer.

16       OPERATIONAL TEST AND EVALUATION, DEFENSE

17       For expenses, not otherwise provided for, necessary  
18 for the independent activities of the Director, Operational  
19 Test and Evaluation, in the direction and supervision of  
20 operational test and evaluation, including initial oper-  
21 ational test and evaluation which is conducted prior to,  
22 and in support of, production decisions; joint operational  
23 testing and evaluation; and administrative expenses in  
24 connection therewith, \$178,994,000, to remain available  
25 for obligation until September 30, 2018.

1 TITLE V  
2 REVOLVING AND MANAGEMENT FUNDS  
3 DEFENSE WORKING CAPITAL FUNDS  
4 For the Defense Working Capital Funds,  
5 \$1,371,613,000.

6 TITLE VI  
7 OTHER DEPARTMENT OF DEFENSE PROGRAMS  
8 DEFENSE HEALTH PROGRAM  
9 For expenses, not otherwise provided for, for medical  
10 and health care programs of the Department of Defense  
11 as authorized by law, \$33,576,563,000 (increased by  
12 \$32,000,000) (increased by \$1,000,000) (increased by  
13 \$5,000,000) (increased by \$1,000,000) (increased by  
14 \$5,000,000) (increased by \$8,000,000) (increased by  
15 \$2,000,000) (increased by \$2,000,000) (increased by  
16 \$10,000,000); of which \$31,696,337,000 (increased by  
17 \$32,000,000) shall be for operation and maintenance, of  
18 which not to exceed 1 percent shall remain available for  
19 obligation until September 30, 2018, and of which up to  
20 \$15,523,832,000 (increased by \$32,000,000) may be  
21 available for contracts entered into under the TRICARE  
22 program; of which \$413,219,000, to remain available for  
23 obligation until September 30, 2019, shall be for procure-  
24 ment; and of which \$1,467,007,000 (increased by  
25 \$1,000,000) (increased by \$5,000,000) (increased by

1 \$1,000,000) (increased by \$5,000,000) (increased by  
2 \$8,000,000) (increased by \$2,000,000) (increased by  
3 \$2,000,000) (increased by \$10,000,000), to remain avail-  
4 able for obligation until September 30, 2018, shall be for  
5 research, development, test and evaluation: *Provided*,  
6 That, notwithstanding any other provision of law, of the  
7 amount made available under this heading for research,  
8 development, test and evaluation, not less than  
9 \$8,000,000 shall be available for HIV prevention edu-  
10 cational activities undertaken in connection with United  
11 States military training, exercises, and humanitarian as-  
12 sistance activities conducted primarily in African nations:  
13 *Provided further*, That of the funds provided under this  
14 heading for research, development, test and evaluation,  
15 not less than \$644,100,000 shall be made available to the  
16 United States Army Medical Research and Materiel Com-  
17 mand to carry out the congressionally directed medical re-  
18 search programs.

19 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,  
20 DEFENSE

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

1 construction of other chemical warfare materials that are not  
2 in the chemical weapon stockpile, \$551,023,000, of which  
3 \$147,282,000 shall be for operation and maintenance, of  
4 which no less than \$49,533,000 shall be for the Chemical  
5 Stockpile Emergency Preparedness Program, consisting of  
6 \$20,368,000 for activities on military installations and  
7 \$29,165,000, to remain available until September 30,  
8 2018, to assist State and local governments, not more  
9 than \$30,000,000, to remain available until September 30,  
10 2018, shall be for the destruction of eight United States-  
11 origin chemical munitions in the Republic of Panama, to  
12 the extent authorized by law; \$15,132,000 shall be for pro-  
13 curement, to remain available until September 30, 2019,  
14 of which \$15,132,000 shall be for the Chemical Stockpile  
15 Emergency Preparedness Program to assist State and  
16 local governments; and \$388,609,000, to remain available  
17 until September 30, 2018, shall be for research, develop-  
18 ment, test and evaluation, of which \$380,892,000 shall  
19 only be for the Assembled Chemical Weapons Alternatives  
20 program.

21 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

22 DEFENSE

23 (INCLUDING TRANSFER OF FUNDS)

24 For drug interdiction and counter-drug activities of  
25 the Department of Defense, for transfer to appropriations

1 available to the Department of Defense for military per-  
2 sonnel of the reserve components serving under the provi-  
3 sions of title 10 and title 32, United States Code; for oper-  
4 ation and maintenance; for procurement; and for research,  
5 development, test and evaluation, \$908,800,000, of which  
6 \$631,087,000 shall be for counter-narcotics support;  
7 \$118,713,000 shall be for the drug demand reduction pro-  
8 gram; and \$159,000,000 shall be for the National Guard  
9 counter-drug program: *Provided*, That the funds appro-  
10 priated under this heading shall be available for obligation  
11 for the same time period and for the same purpose as the  
12 appropriation to which transferred: *Provided further*, That  
13 upon a determination that all or part of the funds trans-  
14 ferred from this appropriation are not necessary for the  
15 purposes provided herein, such amounts may be trans-  
16 ferred back to this appropriation: *Provided further*, That  
17 the transfer authority provided under this heading is in  
18 addition to any other transfer authority contained else-  
19 where in this Act.

20 OFFICE OF THE INSPECTOR GENERAL

21 For expenses and activities of the Office of the In-  
22 spector General in carrying out the provisions of the In-  
23 spector General Act of 1978, as amended, \$322,035,000,  
24 of which \$318,882,000 shall be for operation and mainte-  
25 nance, of which not to exceed \$700,000 is available for

1 emergencies and extraordinary expenses to be expended on  
2 the approval or authority of the Inspector General, and  
3 payments may be made on the Inspector General's certifi-  
4 cate of necessity for confidential military purposes; and  
5 of which \$3,153,000, to remain available until September  
6 30, 2018, shall be for research, development, test and eval-  
7 uation.

## 8 TITLE VII

### 9 RELATED AGENCIES

#### 10 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

#### 11 DISABILITY SYSTEM FUND

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

#### 17 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

18 For necessary expenses of the Intelligence Commu-  
19 nity Management Account, \$483,596,000.

## 20 TITLE VIII

### 21 GENERAL PROVISIONS

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

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

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

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

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

6 (TRANSFER OF FUNDS)

7 SEC. 8005. Upon determination by the Secretary of  
8 Defense that such action is necessary in the national inter-  
9 est, he may, with the approval of the Office of Manage-  
10 ment and Budget, transfer not to exceed \$4,500,000,000  
11 of working capital funds of the Department of Defense  
12 or funds made available in this Act to the Department  
13 of Defense for military functions (except military con-  
14 struction) between such appropriations or funds or any  
15 subdivision thereof, to be merged with and to be available  
16 for the same purposes, and for the same time period, as  
17 the appropriation or fund to which transferred: *Provided*,  
18 That such authority to transfer may not be used unless  
19 for higher priority items, based on unforeseen military re-  
20 quirements, than those for which originally appropriated  
21 and in no case where the item for which funds are re-  
22 quested has been denied by the Congress: *Provided further*,  
23 That the Secretary of Defense shall notify the Congress  
24 promptly of all transfers made pursuant to this authority  
25 or any other authority in this Act: *Provided further*, That

1 no part of the funds in this Act shall be available to pre-  
2 pare or present a request to the Committees on Appropria-  
3 tions for reprogramming of funds, unless for higher pri-  
4 ority items, based on unforeseen military requirements,  
5 than those for which originally appropriated and in no  
6 case where the item for which reprogramming is requested  
7 has been denied by the Congress: *Provided further*, That  
8 a request for multiple reprogrammings of funds using au-  
9 thority provided in this section shall be made prior to June  
10 30, 2017: *Provided further*, That transfers among military  
11 personnel appropriations shall not be taken into account  
12 for purposes of the limitation on the amount of funds that  
13 may be transferred under this section.

14 SEC. 8006. (a) With regard to the list of specific pro-  
15 grams, projects, and activities (and the dollar amounts  
16 and adjustments to budget activities corresponding to  
17 such programs, projects, and activities) contained in the  
18 tables titled Explanation of Project Level Adjustments in  
19 the explanatory statement regarding this Act, the obliga-  
20 tion and expenditure of amounts appropriated or other-  
21 wise made available in this Act for those programs,  
22 projects, and activities for which the amounts appro-  
23 priated exceed the amounts requested are hereby required  
24 by law to be carried out in the manner provided by such

1 tables to the same extent as if the tables were included  
2 in the text of this Act.

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

9 SEC. 8007. (a) Not later than 60 days after enact-  
10 ment of this Act, the Department of Defense shall submit  
11 a report to the congressional defense committees to estab-  
12 lish the baseline for application of reprogramming and  
13 transfer authorities for fiscal year 2017: *Provided*, That  
14 the report shall include—

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

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

24 (3) an identification of items of special congres-  
25 sional interest.

1 (b) Notwithstanding section 8005 of this Act, none  
2 of the funds provided in this Act shall be available for  
3 reprogramming or transfer until the report identified in  
4 subsection (a) is submitted to the congressional defense  
5 committees, unless the Secretary of Defense certifies in  
6 writing to the congressional defense committees that such  
7 reprogramming or transfer is necessary as an emergency  
8 requirement: *Provided*, That this subsection shall not  
9 apply to transfers from the following appropriations ac-  
10 counts:

- 11 (1) Environmental Restoration, Army;
- 12 (2) Environmental Restoration, Navy;
- 13 (3) Environmental Restoration, Air Force;
- 14 (4) Environmental Restoration, Defense-wide;
- 15 (5) Environmental Restoration, Formerly Used  
16 Defense Sites; and
- 17 (6) Drug Interdiction and Counter-drug Activi-  
18 ties, Defense.

19 (TRANSFER OF FUNDS)

20 SEC. 8008. During the current fiscal year, cash bal-  
21 ances in working capital funds of the Department of De-  
22 fense established pursuant to section 2208 of title 10,  
23 United States Code, may be maintained in only such  
24 amounts as are necessary at any time for cash disburse-  
25 ments to be made from such funds: *Provided*, That trans-

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

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

20       SEC. 8010. None of the funds provided in this Act  
21  shall be available to initiate: (1) a multiyear contract that  
22  employs economic order quantity procurement in excess of  
23  \$20,000,000 in any one year of the contract or that in-  
24  cludes an unfunded contingent liability in excess of  
25  \$20,000,000; or (2) a contract for advance procurement

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

24           (1) the Secretary of Defense has submitted to  
25           Congress a budget request for full funding of units

1 to be procured through the contract and, in the case  
2 of a contract for procurement of aircraft, that in-  
3 cludes, for any aircraft unit to be procured through  
4 the contract for which procurement funds are re-  
5 quested in that budget request for production be-  
6 yond advance procurement activities in the fiscal  
7 year covered by the budget, full funding of procure-  
8 ment of such unit in that fiscal year;

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

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

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

20 SEC. 8011. Within the funds appropriated for the op-  
21 eration and maintenance of the Armed Forces, funds are  
22 hereby appropriated pursuant to section 401 of title 10,  
23 United States Code, for humanitarian and civic assistance  
24 costs under chapter 20 of title 10, United States Code.  
25 Such funds may also be obligated for humanitarian and

1 civic assistance costs incidental to authorized operations  
2 and pursuant to authority granted in section 401 of chap-  
3 ter 20 of title 10, United States Code, and these obliga-  
4 tions shall be reported as required by section 401(d) of  
5 title 10, United States Code: *Provided*, That funds avail-  
6 able for operation and maintenance shall be available for  
7 providing humanitarian and similar assistance by using  
8 Civic Action Teams in the Trust Territories of the Pacific  
9 Islands and freely associated states of Micronesia, pursu-  
10 ant to the Compact of Free Association as authorized by  
11 Public Law 99–239: *Provided further*, That upon a deter-  
12 mination by the Secretary of the Army that such action  
13 is beneficial for graduate medical education programs con-  
14 ducted at Army medical facilities located in Hawaii, the  
15 Secretary of the Army may authorize the provision of med-  
16 ical services at such facilities and transportation to such  
17 facilities, on a nonreimbursable basis, for civilian patients  
18 from American Samoa, the Commonwealth of the North-  
19 ern Mariana Islands, the Marshall Islands, the Federated  
20 States of Micronesia, Palau, and Guam.

21       SEC. 8012. (a) During fiscal year 2017, the civilian  
22 personnel of the Department of Defense may not be man-  
23 aged on the basis of any end-strength, and the manage-  
24 ment of such personnel during that fiscal year shall not  
25 be subject to any constraint or limitation (known as an

1 end-strength) on the number of such personnel who may  
2 be employed on the last day of such fiscal year.

3 (b) The fiscal year 2018 budget request for the De-  
4 partment of Defense as well as all justification material  
5 and other documentation supporting the fiscal year 2018  
6 Department of Defense budget request shall be prepared  
7 and submitted to the Congress as if subsections (a) and  
8 (b) of this provision were effective with regard to fiscal  
9 year 2018.

10 (c) As required by section 1107 of the National De-  
11 fense Authorization Act for Fiscal Year 2014 (Public Law  
12 113–66; 10 U.S.C. 2358 note) civilian personnel at the  
13 Department of Army Science and Technology Reinvention  
14 Laboratories may not be managed on the basis of the  
15 Table of Distribution and Allowances, and the manage-  
16 ment of the workforce strength shall be done in a manner  
17 consistent with the budget available with respect to such  
18 Laboratories.

19 (d) Nothing in this section shall be construed to apply  
20 to military (civilian) technicians.

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



1 anchor and mooring chain 4 inches in diameter and under  
2 unless the anchor and mooring chain are manufactured  
3 in the United States from components which are substan-  
4 tially manufactured in the United States: *Provided*, That  
5 for the purpose of this section, the term “manufactured”  
6 shall include cutting, heat treating, quality control, testing  
7 of chain and welding (including the forging and shot blast-  
8 ing process): *Provided further*, That for the purpose of this  
9 section substantially all of the components of anchor and  
10 mooring chain shall be considered to be produced or manu-  
11 factured in the United States if the aggregate cost of the  
12 components produced or manufactured in the United  
13 States exceeds the aggregate cost of the components pro-  
14 duced or manufactured outside the United States: *Pro-*  
15 *vided further*, That when adequate domestic supplies are  
16 not available to meet Department of Defense requirements  
17 on a timely basis, the Secretary of the service responsible  
18 for the procurement may waive this restriction on a case-  
19 by-case basis by certifying in writing to the Committees  
20 on Appropriations that such an acquisition must be made  
21 in order to acquire capability for national security pur-  
22 poses.

23 SEC. 8017. None of the funds available to the De-  
24 partment of Defense may be used to demilitarize or dis-  
25 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,

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

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

17       SEC. 8019. Of the funds made available in this Act,  
18 \$15,000,000 shall be available for incentive payments au-  
19 thorized by section 504 of the Indian Financing Act of  
20 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor  
21 or a subcontractor at any tier that makes a subcontract  
22 award to any subcontractor or supplier as defined in sec-  
23 tion 1544 of title 25, United States Code, or a small busi-  
24 ness owned and controlled by an individual or individuals  
25 defined under section 4221(9) of title 25, United States

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

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

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

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

5 SEC. 8022. (a) Of the funds made available in this  
6 Act, not less than \$40,021,000 shall be available for the  
7 Civil Air Patrol Corporation, of which—

8 (1) \$28,000,000 shall be available from “Oper-  
9 ation and Maintenance, Air Force” to support Civil  
10 Air Patrol Corporation operation and maintenance,  
11 readiness, counter-drug activities, and drug demand  
12 reduction activities involving youth programs;

13 (2) \$10,337,000 shall be available from “Air-  
14 craft Procurement, Air Force”; and

15 (3) \$1,684,000 shall be available from “Other  
16 Procurement, Air Force” for vehicle procurement.

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

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

1 aging another FFRDC, or as a nonprofit membership cor-  
2 poration consisting of a consortium of other FFRDCs and  
3 other nonprofit entities.

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

16 (c) Notwithstanding any other provision of law, none  
17 of the funds available to the department from any source  
18 during the current fiscal year may be used by a defense  
19 FFRDC, through a fee or other payment mechanism, for  
20 construction of new buildings not located on a military in-  
21 stallation, for payment of cost sharing for projects funded  
22 by Government grants, for absorption of contract over-  
23 runs, or for certain charitable contributions, not to include  
24 employee participation in community service and/or devel-  
25 opment: *Provided*, That up to 1 percent of funds provided

1 in this Act for support of defense FFRDCs may be used  
2 for planning and design of scientific or engineering facili-  
3 ties: *Provided further*, That the Secretary of Defense shall  
4 notify the congressional defense committees 15 days in ad-  
5 vance of exercising the authority in the previous proviso.

6 (d) Notwithstanding any other provision of law, of  
7 the funds available to the department during fiscal year  
8 2017, not more than 5,750 staff years of technical effort  
9 (staff years) may be funded for defense FFRDCs: *Pro-*  
10 *vided*, That, of the specific amount referred to previously  
11 in this subsection, not more than 1,125 staff years may  
12 be funded for the defense studies and analysis FFRDCs:  
13 *Provided further*, That this subsection shall not apply to  
14 staff years funded in the National Intelligence Program  
15 (NIP) and the Military Intelligence Program (MIP).

16 (e) The Secretary of Defense shall, with the submis-  
17 sion of the department's fiscal year 2018 budget request,  
18 submit a report presenting the specific amounts of staff  
19 years of technical effort to be allocated for each defense  
20 FFRDC during that fiscal year and the associated budget  
21 estimates.

22 (f) Notwithstanding any other provision of this Act,  
23 the total amount appropriated in this Act for FFRDCs  
24 is hereby reduced by \$126,800,000.

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

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

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

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

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

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

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

10 (b) The Secretary of Defense shall submit to the Con-  
11 gress a report on the amount of Department of Defense  
12 purchases from foreign entities in fiscal year 2017. Such  
13 report shall separately indicate the dollar value of items  
14 for which the Buy American Act was waived pursuant to  
15 any agreement described in subsection (a)(2), the Trade  
16 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any  
17 international agreement to which the United States is a  
18 party.

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

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

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

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

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

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

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

4 (d) In this section, the term “Indian tribe” means  
5 any recognized Indian tribe included on the current list  
6 published by the Secretary of the Interior under section  
7 104 of the Federally Recognized Indian Tribe Act of 1994  
8 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–  
9 1).

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

15 SEC. 8031. None of the funds made available by this  
16 Act may be used to—

17 (1) disestablish, or prepare to disestablish, a  
18 Senior Reserve Officers’ Training Corps program in  
19 accordance with Department of Defense Instruction  
20 Number 1215.08, dated June 26, 2006; or

21 (2) close, downgrade from host to extension  
22 center, or place on probation a Senior Reserve Offi-  
23 cers’ Training Corps program in accordance with the  
24 information paper of the Department of the Army  
25 titled “Army Senior Reserve Officers’ Training

1 Corps (SROTC) Program Review and Criteria”,  
2 dated January 27, 2014.

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

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

1           (b) The fiscal year 2018 budget request for the De-  
2   partment of Defense as well as all justification material  
3   and other documentation supporting the fiscal year 2018  
4   Department of Defense budget shall be prepared and sub-  
5   mitted to the Congress on the basis that any equipment  
6   which was classified as an end item and funded in a pro-  
7   curement appropriation contained in this Act shall be  
8   budgeted for in a proposed fiscal year 2018 procurement  
9   appropriation and not in the supply management business  
10  area or any other area or category of the Department of  
11  Defense Working Capital Funds.

12           SEC. 8034. None of the funds appropriated by this  
13  Act for programs of the Central Intelligence Agency shall  
14  remain available for obligation beyond the current fiscal  
15  year, except for funds appropriated for the Reserve for  
16  Contingencies, which shall remain available until Sep-  
17  tember 30, 2018: *Provided*, That funds appropriated,  
18  transferred, or otherwise credited to the Central Intel-  
19  ligence Agency Central Services Working Capital Fund  
20  during this or any prior or subsequent fiscal year shall  
21  remain available until expended: *Provided further*, That  
22  any funds appropriated or transferred to the Central Intel-  
23  ligence Agency for advanced research and development ac-  
24  quisition, for agent operations, and for covert action pro-  
25  grams authorized by the President under section 503 of

1 the National Security Act of 1947 (50 U.S.C. 3093) shall  
2 remain available until September 30, 2018.

3 SEC. 8035. Notwithstanding any other provision of  
4 law, funds made available in this Act for the Defense In-  
5 telligence Agency may be used for the design, develop-  
6 ment, and deployment of General Defense Intelligence  
7 Program intelligence communications and intelligence in-  
8 formation systems for the Services, the Unified and Speci-  
9 fied Commands, and the component commands.

10 SEC. 8036. Of the funds appropriated to the Depart-  
11 ment of Defense under the heading “Operation and Main-  
12 tenance, Defense-Wide”, not less than \$12,000,000 shall  
13 be made available only for the mitigation of environmental  
14 impacts, including training and technical assistance to  
15 tribes, related administrative support, the gathering of in-  
16 formation, documenting of environmental damage, and de-  
17 veloping a system for prioritization of mitigation and cost  
18 to complete estimates for mitigation, on Indian lands re-  
19 sulting from Department of Defense activities.

20 SEC. 8037. (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. 8038. None of the funds appropriated by this  
18 Act and hereafter shall be available for a contract for stud-  
19 ies, analysis, or consulting services entered into without  
20 competition on the basis of an unsolicited proposal unless  
21 the head of the activity responsible for the procurement  
22 determines—

23                   (1) as a result of thorough technical evaluation,  
24           only one source is found fully qualified to perform  
25           the proposed work;

1           (2) the purpose of the contract is to explore an  
2           unsolicited proposal which offers significant sci-  
3           entific or technological promise, represents the prod-  
4           uct of original thinking, and was submitted in con-  
5           fidence by one source; or

6           (3) the purpose of the contract is to take ad-  
7           vantage of unique and significant industrial accom-  
8           plishment by a specific concern, or to insure that a  
9           new product or idea of a specific concern is given fi-  
10          nancial support: *Provided*, That this limitation shall  
11          not apply to contracts in an amount of less than  
12          \$25,000, contracts related to improvements of equip-  
13          ment that is in development or production, or con-  
14          tracts as to which a civilian official of the Depart-  
15          ment of Defense, who has been confirmed by the  
16          Senate, determines that the award of such contract  
17          is in the interest of the national defense.

18          SEC. 8039. (a) Except as provided in subsections (b)  
19          and (c), none of the funds made available by this Act may  
20          be used—

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

22                 (2) to pay the basic pay of a member of the  
23          Armed Forces or civilian employee of the depart-  
24          ment who is transferred or reassigned from a head-

1       quarters activity if the member or employee's place  
2       of duty remains at the location of that headquarters.

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

10       (c) This section does not apply to—

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

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

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

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

1       SEC. 8040. (a) None of the funds appropriated by  
2 this Act shall be available to convert to contractor per-  
3 formance an activity or function of the Department of De-  
4 fense that, on or after the date of the enactment of this  
5 Act, is performed by Department of Defense civilian em-  
6 ployees unless—

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

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

18                   (A) 10 percent of the most efficient organi-  
19 zation's personnel-related costs for performance  
20 of that activity or function by Federal employ-  
21 ees; or

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

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

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

5 (B) offering to such workers an employer-  
6 sponsored health benefits plan that requires the  
7 employer to contribute less towards the pre-  
8 mium or subscription share than the amount  
9 that is paid by the Department of Defense for  
10 health benefits for civilian employees under  
11 chapter 89 of title 5, United States 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. 8041. 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 for Overseas Contingency Oper-  
4 ations/Global War on Terrorism or as an emergency re-  
5 quirement pursuant to the Concurrent Resolution on the  
6 Budget or the Balanced Budget and Emergency Deficit  
7 Control Act of 1985, as amended:

8 (1) “Aircraft Procurement, Army”, 2015/2017,  
9 \$15,000,000;

10 (2) “Other Procurement, Army”, 2015/2017,  
11 \$30,000,000;

12 (3) “Aircraft Procurement, Navy”, 2015/2017,  
13 \$150,000,000;

14 (4) “Weapons Procurement, Navy”, 2015/2017,  
15 \$16,698,000;

16 (5) “Procurement of Ammunition, Navy and  
17 Marine Corps”, 2015/2017, \$43,600,000;

18 (6) “Aircraft Procurement, Air Force”, 2015/  
19 2017, \$65,800,000;

20 (7) “Procurement of Ammunition, Army”,  
21 2016/2018, \$13,000,000;

22 (8) “Other Procurement, Army”, 2016/2018,  
23 \$58,000,000;

24 (9) “Aircraft Procurement, Navy”, 2016/2018,  
25 \$6,755,000;

1           (10) “Weapons Procurement, Navy”, 2016/  
2           2018, \$15,413,000;

3           (11) “Procurement of Ammunition, Navy and  
4           Marine Corps”, 2016/2018, \$1,000,000;

5           (12) “Shipbuilding and Conversion, Navy”,  
6           2016/2020, \$276,906,000;

7           (13) “Other Procurement, Navy”, 2016/2018,  
8           \$54,394,000;

9           (14) “Aircraft Procurement, Air Force”, 2016/  
10          2018, \$178,300,000;

11          (15) “Other Procurement, Air Force”, 2016/  
12          2018, \$23,250,000;

13          (16) “Procurement, Defense-wide”, 2016/2018,  
14          \$2,600,000;

15          (17) “Research, Development, Test and Evalua-  
16          tion, Army”, 2016/2017, \$73,000,000;

17          (18) “Research, Development, Test and Evalua-  
18          tion, Navy”, 2016/2017, \$75,000,000;

19          (19) “Research, Development, Test and Evalua-  
20          tion, Air Force”, 2016/2017, \$181,700,000; and

21          (20) “Research, Development, Test and Evalua-  
22          tion, Defense-wide”, 2016/2017, \$3,000,000.

23          SEC. 8042. 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. 8043. None of the funds appropriated or other-  
8 wise made available in this Act may be obligated or ex-  
9 pended for assistance to the Democratic People's Republic  
10 of Korea unless specifically appropriated for that purpose.

11 SEC. 8044. Funds appropriated in this Act for oper-  
12 ation and maintenance of the Military Departments, Com-  
13 batant Commands and Defense Agencies shall be available  
14 for reimbursement of pay, allowances and other expenses  
15 which would otherwise be incurred against appropriations  
16 for the National Guard and Reserve when members of the  
17 National Guard and Reserve provide intelligence or coun-  
18 terintelligence support to Combatant Commands, Defense  
19 Agencies and Joint Intelligence Activities, including the  
20 activities and programs included within the National Intel-  
21 ligence Program and the Military Intelligence Program:  
22 *Provided*, That nothing in this section authorizes deviation  
23 from established Reserve and National Guard personnel  
24 and training procedures.

1       SEC. 8045. (a) None of the funds available to the  
2 Department of Defense for any fiscal year for drug inter-  
3 diction or counter-drug activities may be transferred to  
4 any other department or agency of the United States ex-  
5 cept as specifically provided in an appropriations law.

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

11       SEC. 8046. None of the funds appropriated by this  
12 Act may be used for the procurement of ball and roller  
13 bearings other than those produced by a domestic source  
14 and of domestic origin: *Provided*, That the Secretary of  
15 the military department responsible for such procurement  
16 may waive this restriction on a case-by-case basis by certi-  
17 fying in writing to the Committees on Appropriations of  
18 the House of Representatives and the Senate, that ade-  
19 quate domestic supplies are not available to meet Depart-  
20 ment of Defense requirements on a timely basis and that  
21 such an acquisition must be made in order to acquire ca-  
22 pability for national security purposes: *Provided further*,  
23 That this restriction shall not apply to the purchase of  
24 “commercial items”, as defined by section 103 of title 41,

1 United States Code, except that the restriction shall apply  
2 to ball or roller bearings purchased as end items.

3 SEC. 8047. None of the funds made available by this  
4 Act for Evolved Expendable Launch Vehicle service com-  
5 petitive procurements may be used unless the competitive  
6 procurements are open for award to all certified providers  
7 of Evolved Expendable Launch Vehicle-class systems: *Pro-*  
8 *vided*, That the award shall be made to the provider that  
9 offers the best value to the government.

10 SEC. 8048. In addition to the amounts appropriated  
11 or otherwise made available elsewhere in this Act,  
12 \$44,000,000 is hereby appropriated to the Department of  
13 Defense: *Provided*, That upon the determination of the  
14 Secretary of Defense that it shall serve the national inter-  
15 est, the Secretary shall make grants in the amounts speci-  
16 fied as follows: \$20,000,000 to the United Service Organi-  
17 zations and \$24,000,000 to the Red Cross.

18 SEC. 8049. None of the funds in this Act may be  
19 used to purchase any supercomputer which is not manu-  
20 factured in the United States, unless the Secretary of De-  
21 fense certifies to the congressional defense committees  
22 that such an acquisition must be made in order to acquire  
23 capability for national security purposes that is not avail-  
24 able from United States manufacturers.

1       SEC. 8050. Notwithstanding any other provision in  
2 this Act, the Small Business Innovation Research program  
3 and the Small Business Technology Transfer program set-  
4 asides shall be taken proportionally from all programs,  
5 projects, or activities to the extent they contribute to the  
6 extramural budget.

7       SEC. 8051. None of the funds available to the De-  
8 partment of Defense under this Act shall be obligated or  
9 expended to pay a contractor under a contract with the  
10 Department of Defense for costs of any amount paid by  
11 the contractor to an employee when—

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

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

17                       (INCLUDING TRANSFER OF FUNDS)

18       SEC. 8052. During the current fiscal year, no more  
19 than \$30,000,000 of appropriations made in this Act  
20 under the heading “Operation and Maintenance, Defense-  
21 Wide” may be transferred to appropriations available for  
22 the pay of military personnel, to be merged with, and to  
23 be available for the same time period as the appropriations  
24 to which transferred, to be used in support of such per-  
25 sonnel in connection with support and services for eligible

1 organizations and activities outside the Department of De-  
2 fense pursuant to section 2012 of title 10, United States  
3 Code.

4       SEC. 8053. During the current fiscal year, in the case  
5 of an appropriation account of the Department of Defense  
6 for which the period of availability for obligation has ex-  
7 pired or which has closed under the provisions of section  
8 1552 of title 31, United States Code, and which has a  
9 negative unliquidated or unexpended balance, an obliga-  
10 tion or an adjustment of an obligation may be charged  
11 to any current appropriation account for the same purpose  
12 as the expired or closed account if—

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

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

20           (3) in the case of an expired account, the obli-  
21 gation is not chargeable to a current appropriation  
22 of the Department of Defense under the provisions  
23 of section 1405(b)(8) of the National Defense Au-  
24 thorization Act for Fiscal Year 1991, Public Law  
25 101–510, as amended (31 U.S.C. 1551 note): *Pro-*

1        *vided*, That in the case of an expired account, if sub-  
2        sequent review or investigation discloses that there  
3        was not in fact a negative unliquidated or unex-  
4        pended balance in the account, any charge to a cur-  
5        rent account under the authority of this section shall  
6        be reversed and recorded against the expired ac-  
7        count: *Provided further*, That the total amount  
8        charged to a current appropriation under this sec-  
9        tion may not exceed an amount equal to 1 percent  
10       of the total appropriation for that account.

11       SEC. 8054. (a) Notwithstanding any other provision  
12       of law, the Chief of the National Guard Bureau may per-  
13       mit the use of equipment of the National Guard Distance  
14       Learning Project by any person or entity on a space-avail-  
15       able, reimbursable basis. The Chief of the National Guard  
16       Bureau shall establish the amount of reimbursement for  
17       such use on a case-by-case basis.

18       (b) Amounts collected under subsection (a) shall be  
19       credited to funds available for the National Guard Dis-  
20       tance Learning Project and be available to defray the costs  
21       associated with the use of equipment of the project under  
22       that subsection. Such funds shall be available for such  
23       purposes without fiscal year limitation.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8055. Of the funds appropriated in this Act  
3 under the heading “Operation and Maintenance, Defense-  
4 wide”, \$25,000,000 shall be for continued implementation  
5 and expansion of the Sexual Assault Special Victims’  
6 Counsel Program: *Provided*, That the funds are made  
7 available for transfer to the Department of the Army, the  
8 Department of the Navy, and the Department of the Air  
9 Force: *Provided further*, That funds transferred shall be  
10 merged with and available for the same purposes and for  
11 the same time period as the appropriations to which the  
12 funds are transferred: *Provided further*, That this transfer  
13 authority is in addition to any other transfer authority  
14 provided in this Act.

15 SEC. 8056. None of the funds appropriated in title  
16 IV of this Act may be used to procure end-items for deliv-  
17 ery to military forces for operational training, operational  
18 use or inventory requirements: *Provided*, That this restric-  
19 tion does not apply to end-items used in development,  
20 prototyping, and test activities preceding and leading to  
21 acceptance for operational use: *Provided further*, That this  
22 restriction does not apply to programs funded within the  
23 National Intelligence Program: *Provided further*, That the  
24 Secretary of Defense may waive this restriction on a case-  
25 by-case basis by certifying in writing to the Committees

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

4       SEC. 8057. (a) The Secretary of Defense may, on a  
5 case-by-case basis, waive with respect to a foreign country  
6 each limitation on the procurement of defense items from  
7 foreign sources provided in law if the Secretary determines  
8 that the application of the limitation with respect to that  
9 country would invalidate cooperative programs entered  
10 into between the Department of Defense and the foreign  
11 country, or would invalidate reciprocal trade agreements  
12 for the procurement of defense items entered into under  
13 section 2531 of title 10, United States Code, and the  
14 country does not discriminate against the same or similar  
15 defense items produced in the United States for that coun-  
16 try.

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

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

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

1           (c) Subsection (a) does not apply to a limitation re-  
2   garding construction of public vessels, ball and roller bear-  
3   ings, food, and clothing or textile materials as defined by  
4   section XI (chapters 50–65) of the Harmonized Tariff  
5   Schedule of the United States and products classified  
6   under headings 4010, 4202, 4203, 6401 through 6406,  
7   6505, 7019, 7218 through 7229, 7304.41 through  
8   7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109,  
9   8211, 8215, and 9404.

10          SEC. 8058. None of the funds appropriated or other-  
11   wise made available by this or other Department of De-  
12   fense Appropriations Acts may be obligated or expended  
13   for the purpose of performing repairs or maintenance to  
14   military family housing units of the Department of De-  
15   fense, including areas in such military family housing  
16   units that may be used for the purpose of conducting offi-  
17   cial Department of Defense business.

18          SEC. 8059. Notwithstanding any other provision of  
19   law, funds appropriated in this Act under the heading  
20   “Research, Development, Test and Evaluation, Defense-  
21   Wide” for any new start advanced concept technology  
22   demonstration project or joint capability demonstration  
23   project may only be obligated 45 days after a report, in-  
24   cluding a description of the project, the planned acquisi-  
25   tion and transition strategy and its estimated annual and

1 total cost, has been provided in writing to the congress-  
2 sional defense committees: *Provided*, That the Secretary  
3 of Defense may waive this restriction on a case-by-case  
4 basis by certifying to the congressional defense committees  
5 that it is in the national interest to do so.

6       SEC. 8060. The Secretary of Defense shall continue  
7 to provide a classified quarterly report to the House and  
8 Senate Appropriations Committees, Subcommittees on  
9 Defense on certain matters as directed in the classified  
10 annex accompanying this Act.

11       SEC. 8061. Notwithstanding section 12310(b) of title  
12 10, United States Code, a Reserve who is a member of  
13 the National Guard serving on full-time National Guard  
14 duty under section 502(f) of title 32, United States Code,  
15 may perform duties in support of the ground-based ele-  
16 ments of the National Ballistic Missile Defense System.

17       SEC. 8062. None of the funds provided in this Act  
18 may be used to transfer to any nongovernmental entity  
19 ammunition held by the Department of Defense that has  
20 a center-fire cartridge and a United States military no-  
21 menclature designation of “armor penetrator”, “armor  
22 piercing (AP)”, “armor piercing incendiary (API)”, or  
23 “armor-piercing incendiary tracer (API-T)”, except to an  
24 entity performing demilitarization services for the Depart-  
25 ment of Defense under a contract that requires the entity

1 to demonstrate to the satisfaction of the Department of  
2 Defense that armor piercing projectiles are either:

3 (1) rendered incapable of reuse by the demili-  
4 tarization process; or

5 (2) used to manufacture ammunition pursuant  
6 to a contract with the Department of Defense or the  
7 manufacture of ammunition for export pursuant to  
8 a License for Permanent Export of Unclassified  
9 Military Articles issued by the Department of State.

10 SEC. 8063. Notwithstanding any other provision of  
11 law, the Chief of the National Guard Bureau, or his des-  
12 ignee, may waive payment of all or part of the consider-  
13 ation that otherwise would be required under section 2667  
14 of title 10, United States Code, in the case of a lease of  
15 personal property for a period not in excess of 1 year to  
16 any organization specified in section 508(d) of title 32,  
17 United States Code, or any other youth, social, or fra-  
18 ternal nonprofit organization as may be approved by the  
19 Chief of the National Guard Bureau, or his designee, on  
20 a case-by-case basis.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8064. Of the amounts appropriated in this Act  
23 under the heading “Operation and Maintenance, Army”,  
24 \$75,950,170 shall remain available until expended: *Pro-*  
25 *vided*, That, notwithstanding any other provision of law,

1 the Secretary of Defense is authorized to transfer such  
2 funds to other activities of the Federal Government: *Pro-*  
3 *vided further*, That the Secretary of Defense is authorized  
4 to enter into and carry out contracts for the acquisition  
5 of real property, construction, personal services, and oper-  
6 ations related to projects carrying out the purposes of this  
7 section: *Provided further*, That contracts entered into  
8 under the authority of this section may provide for such  
9 indemnification as the Secretary determines to be nec-  
10 essary: *Provided further*, That projects authorized by this  
11 section shall comply with applicable Federal, State, and  
12 local law to the maximum extent consistent with the na-  
13 tional security, as determined by the Secretary of Defense.

14 SEC. 8065. (a) None of the funds appropriated in this  
15 or any other Act may be used to take any action to mod-  
16 ify—

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

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

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

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

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

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

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

23                  (1) provide the proposed alternatives to all af-  
24          fected agencies;

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

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

9           (e) This section shall not be construed to alter or af-  
10          fect the application of section 1633 of the National De-  
11          fense Authorization Act for Fiscal Year 2016 to the  
12          amounts made available by this Act.

13          SEC. 8066. In addition to amounts provided else-  
14          where in this Act, \$5,000,000 (increased by \$5,000,000)  
15          is hereby appropriated to the Department of Defense, to  
16          remain available for obligation until expended: *Provided,*  
17          That notwithstanding any other provision of law, that  
18          upon the determination of the Secretary of Defense that  
19          it shall serve the national interest, these funds shall be  
20          available only for a grant to the Fisher House Foundation,  
21          Inc., only for the construction and furnishing of additional  
22          Fisher Houses to meet the needs of military family mem-  
23          bers when confronted with the illness or hospitalization of  
24          an eligible military beneficiary.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8067. Of the amounts appropriated in this Act  
3 under the headings “Procurement, Defense-Wide” and  
4 “Research, Development, Test and Evaluation, Defense-  
5 Wide”, \$600,735,000 (increased by \$10,000,000) (in-  
6 creased by \$25,000,000) shall be for the Israeli Coopera-  
7 tive Programs: *Provided*, That of this amount,  
8 \$62,000,000 (increased by \$10,000,000) shall be for the  
9 Secretary of Defense to provide to the Government of  
10 Israel for the procurement of the Iron Dome defense sys-  
11 tem to counter short-range rocket threats, subject to the  
12 U.S.-Israel Iron Dome Procurement Agreement, as  
13 amended; \$266,511,000 shall be for the Short Range Bal-  
14 listic Missile Defense (SRBMD) program, including cruise  
15 missile defense research and development under the  
16 SRBMD program, of which \$150,000,000 shall be for co-  
17 production activities of SRBMD missiles in the United  
18 States and in Israel to meet Israel’s defense requirements  
19 consistent with each nation’s laws, regulations, and proce-  
20 dures, of which not more than \$90,000,000, subject to  
21 previously established transfer procedures, may be obli-  
22 gated or expended until establishment of a U.S.-Israeli co-  
23 production agreement for SRBMD; \$204,893,000 shall be  
24 for an upper-tier component to the Israeli Missile Defense  
25 Architecture, of which \$120,000,000 shall be for co-pro-

1 duction activities of Arrow 3 Upper Tier missiles in the  
2 United States and in Israel to meet Israel’s defense re-  
3 quirements consistent with each nation’s laws, regulations,  
4 and procedures, of which not more than \$70,000,000, sub-  
5 ject to previously established transfer procedures, may be  
6 obligated or expended until establishment of a U.S.-Israeli  
7 co-production agreement for Arrow 3 Upper Tier; and  
8 \$67,331,000 shall be for the Arrow System Improvement  
9 Program including development of a long range, ground  
10 and airborne, detection suite: *Provided further*, That the  
11 transfer authority provided under this provision is in addi-  
12 tion to any other transfer authority contained in this Act.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8068. Of the amounts appropriated in this Act  
15 under the heading “Shipbuilding and Conversion, Navy”,  
16 \$160,274,000 shall be available until September 30, 2017,  
17 to fund prior year shipbuilding cost increases: *Provided*,  
18 That upon enactment of this Act, the Secretary of the  
19 Navy shall transfer funds to the following appropriations  
20 in the amounts specified: *Provided further*, That the  
21 amounts transferred shall be merged with and be available  
22 for the same purposes as the appropriations to which  
23 transferred to:

1           (1) Under the heading “Shipbuilding and Con-  
2           version, Navy”, 2012/2017: LPD–17 Amphibious  
3           Transport Dock Program \$45,060,000;

4           (2) Under the heading “Shipbuilding and Con-  
5           version, Navy”, 2011/2017: DDG–51 Destroyer  
6           \$15,959,000;

7           (3) Under the heading “Shipbuilding and Con-  
8           version, Navy”, 2012/2017: Littoral Combat Ship  
9           \$3,600,000;

10          (4) Under the heading “Shipbuilding and Con-  
11          version, Navy”, 2013/2017: Littoral Combat Ship  
12          \$82,400,000;

13          (5) Under the heading “Shipbuilding and Con-  
14          version, Navy”, 2012/2017: Expeditionary Fast  
15          Transport \$6,710,000; and

16          (6) Under the heading “Shipbuilding and Con-  
17          version, Navy”, 2013/2017: Expeditionary Fast  
18          Transport \$6,545,000.

19          SEC. 8069. Funds appropriated by this Act, or made  
20          available by the transfer of funds in this Act, for intel-  
21          ligence activities are deemed to be specifically authorized  
22          by the Congress for purposes of section 504 of the Na-  
23          tional Security Act of 1947 (50 U.S.C. 3094) during fiscal  
24          year 2017 until the enactment of the Intelligence Author-  
25          ization Act for Fiscal Year 2017.

1        SEC. 8070. None of the funds provided in this Act  
2 shall be available for obligation or expenditure through a  
3 reprogramming of funds that creates or initiates a new  
4 program, project, or activity unless such program, project,  
5 or activity must be undertaken immediately in the interest  
6 of national security and only after written prior notifica-  
7 tion to the congressional defense committees.

8        SEC. 8071. The budget of the President for fiscal  
9 year 2018 submitted to the Congress pursuant to section  
10 1105 of title 31, United States Code, shall include sepa-  
11 rate budget justification documents for costs of United  
12 States Armed Forces' participation in contingency oper-  
13 ations for the Military Personnel accounts, the Operation  
14 and Maintenance accounts, the Procurement accounts,  
15 and the Research, Development, Test and Evaluation ac-  
16 counts: *Provided*, That these documents shall include a de-  
17 scription of the funding requested for each contingency op-  
18 eration, for each military service, to include all Active and  
19 Reserve components, and for each appropriations account:  
20 *Provided further*, That these documents shall include esti-  
21 mated costs for each element of expense or object class,  
22 a reconciliation of increases and decreases for each contin-  
23 gency operation, and programmatic data including, but  
24 not limited to, troop strength for each Active and Reserve  
25 component, and estimates of the major weapons systems

1 deployed in support of each contingency: *Provided further*,  
2 That these documents shall include budget exhibits OP-  
3 5 and OP-32 (as defined in the Department of Defense  
4 Financial Management Regulation) for all contingency op-  
5 erations for the budget year and the two preceding fiscal  
6 years.

7 SEC. 8072. None of the funds in this Act may be  
8 used for research, development, test, evaluation, procure-  
9 ment or deployment of nuclear armed interceptors of a  
10 missile defense system.

11 SEC. 8073. Notwithstanding any other provision of  
12 this Act, to reflect savings due to favorable foreign ex-  
13 change rates, the total amount appropriated in this Act  
14 is hereby reduced by \$573,400,000.

15 SEC. 8074. None of the funds appropriated or made  
16 available in this Act shall be used to reduce or disestablish  
17 the operation of the 53rd Weather Reconnaissance Squad-  
18 ron of the Air Force Reserve, if such action would reduce  
19 the WC-130 Weather Reconnaissance mission below the  
20 levels funded in this Act: *Provided*, That the Air Force  
21 shall allow the 53rd Weather Reconnaissance Squadron to  
22 perform other missions in support of national defense re-  
23 quirements during the non-hurricane season.

24 SEC. 8075. None of the funds provided in this Act  
25 shall be available for integration of foreign intelligence in-

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

8       SEC. 8076. (a) None of the funds appropriated by  
9 this Act may be used to transfer research and develop-  
10 ment, acquisition, or other program authority relating to  
11 current tactical unmanned aerial vehicles (TUAVs) from  
12 the Army.

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

18       SEC. 8077. Up to \$15,000,000 of the funds appro-  
19 priated under the heading “Operation and Maintenance,  
20 Navy” may be made available for the Asia Pacific Re-  
21 gional Initiative Program for the purpose of enabling the  
22 Pacific Command to execute Theater Security Cooperation  
23 activities such as humanitarian assistance, and payment  
24 of incremental and personnel costs of training and exer-  
25 cising with foreign security forces: *Provided*, That funds

1 made available for this purpose may be used, notwith-  
2 standing any other funding authorities for humanitarian  
3 assistance, security assistance or combined exercise ex-  
4 penses: *Provided further*, That funds may not be obligated  
5 to provide assistance to any foreign country that is other-  
6 wise prohibited from receiving such type of assistance  
7 under any other provision of law.

8       SEC. 8078. None of the funds appropriated by this  
9 Act for programs of the Office of the Director of National  
10 Intelligence shall remain available for obligation beyond  
11 the current fiscal year, except for funds appropriated for  
12 research and technology, which shall remain available until  
13 September 30, 2018.

14       SEC. 8079. For purposes of section 1553(b) of title  
15 31, United States Code, any subdivision of appropriations  
16 made in this Act under the heading “Shipbuilding and  
17 Conversion, Navy” shall be considered to be for the same  
18 purpose as any subdivision under the heading “Ship-  
19 building and Conversion, Navy” appropriations in any  
20 prior fiscal year, and the 1 percent limitation shall apply  
21 to the total amount of the appropriation.

22       SEC. 8080. (a) Not later than 60 days after the date  
23 of enactment of this Act, the Director of National Intel-  
24 ligence shall submit a report to the congressional intel-  
25 ligence committees to establish the baseline for application

1 of reprogramming and transfer authorities for fiscal year  
2 2017: *Provided*, That the report shall include—

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

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

10 (3) an identification of items of special congres-  
11 sional interest.

12 (b) None of the funds provided for the National Intel-  
13 ligence Program in this Act shall be available for re-  
14 programming or transfer until the report identified in sub-  
15 section (a) is submitted to the congressional intelligence  
16 committees, unless the Director of National Intelligence  
17 certifies in writing to the congressional intelligence com-  
18 mittees that such reprogramming or transfer is necessary  
19 as an emergency requirement.

20 SEC. 8081. None of the funds made available by this  
21 Act may be used to eliminate, restructure, or realign Army  
22 Contracting Command—New Jersey or make dispropor-  
23 tionate personnel reductions at any Army Contracting  
24 Command—New Jersey sites without 30-day prior notifi-  
25 cation to the congressional defense committees.

1       SEC. 8082. None of the funds made available by this  
2 Act for excess defense articles, assistance under section  
3 2282 of title 10, United States Code, or peacekeeping op-  
4 erations for the countries designated annually to be in vio-  
5 lation of the standards of the Child Soldiers Prevention  
6 Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c et  
7 seq.) may be used to support any military training or oper-  
8 ation that includes child soldiers, as defined by the Child  
9 Soldiers Prevention Act of 2008, unless such assistance  
10 is otherwise permitted under section 404 of the Child Sol-  
11 diers Prevention Act of 2008.

12                               (INCLUDING TRANSFER OF FUNDS)

13       SEC. 8083. Of the funds appropriated in the Intel-  
14 ligence Community Management Account for the Program  
15 Manager for the Information Sharing Environment,  
16 \$17,000,000 is available for transfer by the Director of  
17 National Intelligence to other departments and agencies  
18 for purposes of Government-wide information sharing ac-  
19 tivities: *Provided*, That funds transferred under this provi-  
20 sion are to be merged with and available for the same pur-  
21 poses and time period as the appropriation to which trans-  
22 ferred: *Provided further*, That the Office of Management  
23 and Budget must approve any transfers made under this  
24 provision.

1       SEC. 8084. (a) None of the funds provided for the  
2 National Intelligence Program in this or any prior appro-  
3 priations Act shall be available for obligation or expendi-  
4 ture through a reprogramming or transfer of funds in ac-  
5 cordance with section 102A(d) of the National Security  
6 Act of 1947 (50 U.S.C. 3024(d)) that—

7           (1) creates a new start effort;

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

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

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

17       (b) None of the funds provided for the National Intel-  
18 ligence Program in this or any prior appropriations Act  
19 shall be available for obligation or expenditure through a  
20 reprogramming or transfer of funds in accordance with  
21 section 102A(d) of the National Security Act of 1947 (50  
22 U.S.C. 3024(d)) that results in a cumulative increase or  
23 decrease of the levels specified in the classified annex ac-  
24 companying the Act unless the congressional intelligence  
25 committees are notified 30 days in advance of such re-

1 programming of funds; this notification period may be re-  
2 duced for urgent national security requirements.

3       SEC. 8085. The Director of National Intelligence  
4 shall submit to Congress each year, at or about the time  
5 that the President's budget is submitted to Congress that  
6 year under section 1105(a) of title 31, United States  
7 Code, a future-years intelligence program (including asso-  
8 ciated annexes) reflecting the estimated expenditures and  
9 proposed appropriations included in that budget. Any such  
10 future-years intelligence program shall cover the fiscal  
11 year with respect to which the budget is submitted and  
12 at least the four succeeding fiscal years.

13       SEC. 8086. For the purposes of this Act, the term  
14 "congressional intelligence committees" means the Perma-  
15 nent Select Committee on Intelligence of the House of  
16 Representatives, the Select Committee on Intelligence of  
17 the Senate, the Subcommittee on Defense of the Com-  
18 mittee on Appropriations of the House of Representatives,  
19 and the Subcommittee on Defense of the Committee on  
20 Appropriations of the Senate.

21       SEC. 8087. The Department of Defense shall con-  
22 tinue to report incremental contingency operations costs  
23 for Operation Inherent Resolve, Operation Freedom's Sen-  
24 tinel, and any named successor operations, on a monthly  
25 basis and any other operation designated and identified

1 by the Secretary of Defense for the purposes of section  
2 127a of title 10, United States Code, on a semi-annual  
3 basis in the Cost of War Execution Report as prescribed  
4 in the Department of Defense Financial Management  
5 Regulation Department of Defense Instruction 7000.14,  
6 Volume 12, Chapter 23 “Contingency Operations”, Annex  
7 1, dated September 2005.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8088. During the current fiscal year, not to ex-  
10 ceed \$11,000,000 from each of the appropriations made  
11 in title II of this Act for “Operation and Maintenance,  
12 Army”, “Operation and Maintenance, Navy”, and “Oper-  
13 ation and Maintenance, Air Force” may be transferred by  
14 the military department concerned to its central fund es-  
15 tablished for Fisher Houses and Suites pursuant to sec-  
16 tion 2493(d) of title 10, United States Code.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8089. Funds appropriated by this Act may be  
19 available for the purpose of making remittances and trans-  
20 fers to the Defense Acquisition Workforce Development  
21 Fund in accordance with section 1705 of title 10, United  
22 States Code.

23 SEC. 8090. (a) Any agency receiving funds made  
24 available in this Act, shall, subject to subsections (b) and  
25 (c), post on the public Web site of that agency any report

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

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

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

7 (2) the report contains proprietary information.

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

12 SEC. 8091. (a) None of the funds appropriated or  
13 otherwise made available by this Act may be expended for  
14 any Federal contract for an amount in excess of  
15 \$1,000,000, unless the contractor agrees not to—

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

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

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

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

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

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8092. From within the funds appropriated for  
21 operation and maintenance for the Defense Health Pro-  
22 gram in this Act, up to \$122,375,000, shall be available  
23 for transfer to the Joint Department of Defense-Depart-  
24 ment of Veterans Affairs Medical Facility Demonstration  
25 Fund in accordance with the provisions of section 1704

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

17       SEC. 8093. Appropriations available to the Depart-  
18 ment of Defense may be used for the purchase of heavy  
19 and light armored vehicles for the physical security of per-  
20 sonnel or for force protection purposes up to a limit of  
21 \$450,000 per vehicle, notwithstanding price or other limi-  
22 tations applicable to the purchase of passenger carrying  
23 vehicles.

24       SEC. 8094. None of the funds appropriated or other-  
25 wise made available by this Act may be used by the De-

1 partment of Defense or a component thereof in contraven-  
2 tion of the provisions of section 130h of title 10, United  
3 States Code.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8095. Upon a determination by the Director of  
6 National Intelligence that such action is necessary and in  
7 the national interest, the Director may, with the approval  
8 of the Office of Management and Budget, transfer not to  
9 exceed \$1,000,000,000 of the funds made available in this  
10 Act for the National Intelligence Program: *Provided*, That  
11 such authority to transfer may not be used unless for  
12 higher priority items, based on unforeseen intelligence re-  
13 quirements, than those for which originally appropriated  
14 and in no case where the item for which funds are re-  
15 quested has been denied by the Congress: *Provided further*,  
16 That a request for multiple reprogrammings of funds  
17 using authority provided in this section shall be made  
18 prior to June 30, 2017.

19 SEC. 8096. None of the funds appropriated or other-  
20 wise made available in this or any other Act may be used  
21 to transfer, release, or assist in the transfer or release to  
22 or within the United States, its territories, or possessions  
23 Khalid Sheikh Mohammed or any other detainee who—  
24 (1) is not a United States citizen or a member  
25 of the Armed Forces of the United States; and

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

4           SEC. 8097. (a) None of the funds appropriated or  
5 otherwise made available in this or any other Act may be  
6 used to construct, acquire, or modify any facility in the  
7 United States, its territories, or possessions to house any  
8 individual described in subsection (c) for the purposes of  
9 detention or imprisonment in the custody or under the ef-  
10 fective control of the Department of Defense.

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

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

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

20           (2) is—

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

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

1       SEC. 8098. None of the funds appropriated or other-  
2 wise made available in this Act may be used to transfer  
3 any individual detained at United States Naval Station  
4 Guantanamo Bay, Cuba, to the custody or control of the  
5 individual's country of origin, any other foreign country,  
6 or any other foreign entity except in accordance with sec-  
7 tion 1034 of the National Defense Authorization Act for  
8 Fiscal Year 2016 (Public Law 114–92) and section 1034  
9 of the National Defense Authorization Act for Fiscal Year  
10 2017.

11       SEC. 8099. None of the funds made available by this  
12 Act may be used in contravention of the War Powers Res-  
13 olution (50 U.S.C. 1541 et seq.).

14       SEC. 8100. None of the funds made available by this  
15 Act may be used by the Department of Defense or any  
16 other Federal agency to lease or purchase new light duty  
17 vehicles, for any executive fleet, or for any agency's fleet  
18 inventory, except in accordance with Presidential Memo-  
19 randum-Federal Fleet Performance, dated May 24, 2011.

20       SEC. 8101. (a) None of the funds appropriated or  
21 otherwise made available by this or any other Act may  
22 be used by the Secretary of Defense, or any other official  
23 or officer of the Department of Defense, to enter into a  
24 contract, memorandum of understanding, or cooperative  
25 agreement with, or make a grant to, or provide a loan

1 or loan guarantee to Rosoboronexport or any subsidiary  
2 of Rosoboronexport.

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

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

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

20 (3) Agents of the Russian Federation have  
21 ceased taking active measures to destabilize the con-  
22 trol of the Government of Ukraine over eastern  
23 Ukraine.

24 (c) The Inspector General of the Department of De-  
25 fense shall conduct a review of any action involving

1 Rosoboronexport with respect to a waiver issued by the  
2 Secretary of Defense pursuant to subsection (b), and not  
3 later than 90 days after the date on which such a waiver  
4 is issued by the Secretary of Defense, the Inspector Gen-  
5 eral shall submit to the congressional defense committees  
6 a report containing the results of the review conducted  
7 with respect to such waiver.

8       SEC. 8102. None of the funds made available in this  
9 Act may be used for the purchase or manufacture of a  
10 flag of the United States unless such flags are treated as  
11 covered items under section 2533a(b) of title 10, United  
12 States Code.

13       SEC. 8103. (a) Of the funds appropriated in this Act  
14 for the Department of Defense, amounts may be made  
15 available, under such regulations as the Secretary of De-  
16 fense may prescribe, to local military commanders ap-  
17 pointed by the Secretary, or by an officer or employee des-  
18 igned by the Secretary, to provide at their discretion ex  
19 gratia payments in amounts consistent with subsection (d)  
20 of this section for damage, personal injury, or death that  
21 is incident to combat operations of the Armed Forces in  
22 a foreign country.

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

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

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

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

10          (c) NATURE OF PAYMENTS.—Any payments provided  
11          under a program under subsection (a) shall not be consid-  
12          ered an admission or acknowledgement of any legal obliga-  
13          tion to compensate for any damage, personal injury, or  
14          death.

15          (d) AMOUNT OF PAYMENTS.—If the Secretary of De-  
16          fense determines a program under subsection (a) to be ap-  
17          propriate in a particular setting, the amounts of pay-  
18          ments, if any, to be provided to civilians determined to  
19          have suffered harm incident to combat operations of the  
20          Armed Forces under the program should be determined  
21          pursuant to regulations prescribed by the Secretary and  
22          based on an assessment, which should include such factors  
23          as cultural appropriateness and prevailing economic condi-  
24          tions.

1           (e) LEGAL ADVICE.—Local military commanders  
2 shall receive legal advice before making ex gratia pay-  
3 ments under this subsection. The legal advisor, under reg-  
4 ulations of the Department of Defense, shall advise on  
5 whether an ex gratia payment is proper under this section  
6 and applicable Department of Defense regulations.

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

12           (g) REPORT.—The Secretary of Defense shall report  
13 to the congressional defense committees on an annual  
14 basis the efficacy of the ex gratia payment program in-  
15 cluding the number of types of cases considered, amounts  
16 offered, the response from ex gratia payment recipients,  
17 and any recommended modifications to the program.

18           SEC. 8104. None of the funds available in this Act  
19 to the Department of Defense, other than appropriations  
20 made for necessary or routine refurbishments, upgrades  
21 or maintenance activities, shall be used to reduce or to  
22 prepare to reduce the number of deployed and non-de-  
23 ployed strategic delivery vehicles and launchers below the  
24 levels set forth in the report submitted to Congress in ac-

1 cordance with section 1042 of the National Defense Au-  
2 thorization Act for Fiscal Year 2012.

3 SEC. 8105. The Secretary of Defense shall post grant  
4 awards on a public Web site in a searchable format.

5 SEC. 8106. None of the funds made available by this  
6 Act may be used to fund the performance of a flight dem-  
7 onstration team at a location outside of the United States:  
8 *Provided*, That this prohibition applies only if a perform-  
9 ance of a flight demonstration team at a location within  
10 the United States was canceled during the current fiscal  
11 year due to insufficient funding.

12 SEC. 8107. None of the funds made available by this  
13 Act may be used by the National Security Agency to—

14 (1) conduct an acquisition pursuant to section  
15 702 of the Foreign Intelligence Surveillance Act of  
16 1978 for the purpose of targeting a United States  
17 person; or

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

1       SEC. 8108. None of the funds made available by this  
2 Act may be obligated or expended to implement the Arms  
3 Trade Treaty until the Senate approves a resolution of  
4 ratification for the Treaty.

5       SEC. 8109. None of the funds made available in this  
6 or any other Act may be used to pay the salary of any  
7 officer or employee of any agency funded by this Act who  
8 approves or implements the transfer of administrative re-  
9 sponsibilities or budgetary resources of any program,  
10 project, or activity financed by this Act to the jurisdiction  
11 of another Federal agency not financed by this Act with-  
12 out the express authorization of Congress: *Provided*, That  
13 this limitation shall not apply to transfers of funds ex-  
14 pressly provided for in Defense Appropriations Acts, or  
15 provisions of Acts providing supplemental appropriations  
16 for the Department of Defense.

17       SEC. 8110. None of the funds made available in this  
18 Act may be obligated for activities authorized under sec-  
19 tion 1208 of the Ronald W. Reagan National Defense Au-  
20 thorization Act for Fiscal Year 2005 (Public Law 112–  
21 81; 125 Stat. 1621) to initiate support for, or expand sup-  
22 port to, foreign forces, irregular forces, groups, or individ-  
23 uals unless the congressional defense committees are noti-  
24 fied in accordance with the direction contained in the clas-  
25 sified annex accompanying this Act, not less than 15 days

1 before initiating such support: *Provided*, That none of the  
2 funds made available in this Act may be used under sec-  
3 tion 1208 for any activity that is not in support of an  
4 ongoing military operation being conducted by United  
5 States Special Operations Forces to combat terrorism:  
6 *Provided further*, That the Secretary of Defense may waive  
7 the prohibitions in this section if the Secretary determines  
8 that such waiver is required by extraordinary cir-  
9 cumstances and, by not later than 72 hours after making  
10 such waiver, notifies the congressional defense committees  
11 of such waiver.

12       SEC. 8111. None of the funds made available by this  
13 Act may be used with respect to Iraq in contravention of  
14 the War Powers Resolution (50 U.S.C. 1541 et seq.), in-  
15 cluding for the introduction of United States armed forces  
16 into hostilities in Iraq, into situations in Iraq where immi-  
17 nent involvement in hostilities is clearly indicated by the  
18 circumstances, or into Iraqi territory, airspace, or waters  
19 while equipped for combat, in contravention of the con-  
20 gressional consultation and reporting requirements of sec-  
21 tions 3 and 4 of such Resolution (50 U.S.C. 1542 and  
22 1543).

23       SEC. 8112. None of the funds made available by this  
24 Act may be used to divest, retire, transfer, or place in stor-  
25 age or on backup aircraft inventory status, or prepare to

1 divest, retire, transfer, or place in storage or on backup  
2 aircraft inventory status, any A-10 aircraft, or to dis-  
3 tablish any units of the active or reserve component associ-  
4 ated with such aircraft.

5       SEC. 8113. Of the funds provided for “Research, De-  
6 velopment, Test and Evaluation, Defense-Wide” in this  
7 Act, not less than \$2,800,000 shall be used to support  
8 the Department’s activities related to the implementation  
9 of the Digital Accountability and Transparency Act (Pub-  
10 lic Law 113–101; 31 U.S.C. 6101 note) and to support  
11 the implementation of a uniform procurement instrument  
12 identifier as described in subpart 4.16 of Title 48, Code  
13 of Federal Regulations, to include changes in business  
14 processes, workforce, or information technology.

15       SEC. 8114. None of the funds provided in this Act  
16 for the T-AO(X) program shall be used to award a new  
17 contract that provides for the acquisition of the following  
18 components unless those components are manufactured in  
19 the United States: Auxiliary equipment (including pumps)  
20 for shipboard services; propulsion equipment (including  
21 engines, reduction gears, and propellers); shipboard  
22 cranes; and spreaders for shipboard cranes.

23       SEC. 8115. The amount appropriated in title II for  
24 “Operation and Maintenance, Army” is hereby reduced by

1 \$336,000,000 to reflect excess cash balances in Depart-  
2 ment of Defense Working Capital Funds.

3 SEC. 8116. Notwithstanding any other provision of  
4 this Act, to reflect savings due to lower than anticipated  
5 fuel costs, the total amount appropriated in title II of this  
6 Act is hereby reduced by \$1,493,000,000.

7 SEC. 8117. None of the funds made available by this  
8 Act may be used to divest or retire, or to prepare to divest  
9 or retire, KC-10 aircraft.

10 SEC. 8118. None of the funds made available by this  
11 Act may be used to divest, retire, transfer, or place in stor-  
12 age or on backup aircraft inventory status, or prepare to  
13 divest, retire, transfer, or place in storage or on backup  
14 aircraft inventory status, any EC-130H aircraft.

15 SEC. 8119. None of the funds made available by this  
16 Act may be used for Government Travel Charge Card ex-  
17 penses by military or civilian personnel of the Department  
18 of Defense for gaming, or for entertainment that includes  
19 topless or nude entertainers or participants, as prohibited  
20 by Department of Defense FMR, Volume 9, Chapter 3  
21 and Department of Defense Instruction 1015.10 (enclo-  
22 sure 3, 14a and 14b).

23 SEC. 8120. None of the funds made available by this  
24 Act may be used to propose, plan for, or execute a new

1 or additional Base Realignment and Closure (BRAC)  
2 round.

3 SEC. 8121. Funds appropriated in title III of this Act  
4 may be used for a multiyear procurement contract as fol-  
5 lows: AH-64E Apache Helicopter and UH-60M  
6 Blackhawk Helicopter.

7 SEC. 8122. Of the amounts appropriated in this Act  
8 for “Operation and Maintenance, Navy”, \$274,524,000,  
9 to remain available until expended, may be used for any  
10 purposes related to the National Defense Reserve Fleet  
11 established under section 11 of the Merchant Ship Sales  
12 Act of 1946 (50 U.S.C. 4405): *Provided*, That such  
13 amounts are available for reimbursements to the Ready  
14 Reserve Force, Maritime Administration account of the  
15 United States Department of Transportation for pro-  
16 grams, projects, activities, and expenses related to the Na-  
17 tional Defense Reserve Fleet.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 8123. Of the funds previously appropriated for  
20 the “Ship Modernization, Operations and Sustainment  
21 Fund”, the Secretary of the Navy may transfer such funds  
22 to appropriations for research, development, test and eval-  
23 uation; and procurement, only for the purposes of sus-  
24 taining, equipping, and modernizing the Ticonderoga-class  
25 guided missile cruisers CG-63, CG-64, CG-65, CG-66,

1 CG-67, CG-68, CG-69, CG-70, CG-71, CG-72, CG-73,  
2 and the Whidbey Island-class dock landing ships LSD-  
3 41, LSD-42, and LSD-46: *Provided*, That funds trans-  
4 ferred shall be merged with and be available for the same  
5 purposes and for the same time period as the appropria-  
6 tion to which they are transferred: *Provided further*, That  
7 the transfer authority provided herein shall be in addition  
8 to any other transfer authority provided in the Act: *Pro-*  
9 *vided further*, That the Secretary of the Navy shall, not  
10 less than 30 days prior to making any transfer from the  
11 “Ship Modernization, Operations and Sustainment  
12 Fund”, notify the congressional defense committees in  
13 writing of the details of such transfer: *Provided further*,  
14 That the Secretary of the Navy shall transfer and obligate  
15 funds from the “Ship Modernization, Operations and  
16 Sustainment Fund” for modernization of not more than  
17 two Ticonderoga-class guided missile cruisers: *Provided*  
18 *further*, That no more than six Ticonderoga-class guided  
19 missile cruisers shall be in a phased modernization at any  
20 time: *Provided further*, That the Secretary of the Navy  
21 shall contract for the required modernization equipment  
22 in the year prior to inducting a Ticonderoga-class cruiser  
23 for modernization: *Provided further*, That the prohibition  
24 in section 2244a(a) of title 10, United States Code, shall

1 not apply to the use of any funds transferred pursuant  
2 to this section.

3       SEC. 8124. The Secretary of Defense may use up to  
4 \$95,000,000 appropriated in titles II and IV of this Act  
5 to develop, replace, and sustain Federal Government secu-  
6 rity and suitability background investigation information  
7 technology systems of the Office of Personnel Manage-  
8 ment: *Provided*, That such funds shall supplement, not  
9 supplant any other amounts made available to other Fed-  
10 eral agencies for such purposes.

11       SEC. 8125. None of the funds made available by this  
12 Act for the Joint Surveillance Target Attack Radar Sys-  
13 tem recapitalization program may be obligated or ex-  
14 pended for pre-milestone B activities after December 31,  
15 2017.

16       SEC. 8126. Of the amounts made available by this  
17 Act for “Defense Working Capital Funds” that are pro-  
18 vided for the Defense Working Capital Fund, Defense  
19 Commissary Agency (DeCA), not less than \$48,000,000  
20 shall be used to support the transportation of fresh fruits  
21 and vegetables to commissaries in Asia and the Pacific.

22       SEC. 8127. None of the funds provided in this Act  
23 shall be used for the acceptance of fresh fruits and vegeta-  
24 bles at any commissary in Asia and the Pacific unless such  
25 fresh fruits and vegetables were grown within the country

1 in which the commissary was located or were accepted for  
2 use by the Defense Commissary Agency at a location in  
3 the continental United States.

4 SEC. 8128. None of the funds made available in this  
5 Act or any other Act making appropriations for the De-  
6 partment of Defense may be used to close, in part or in  
7 whole, or transfer, in part or in whole, from the jurisdic-  
8 tion of the Department of Defense of the United States,  
9 Naval Station Guantanamo Bay.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 8129. In addition to amounts provided else-  
12 where in this Act for military personnel pay, including ac-  
13 tive duty, reserve and National Guard personnel,  
14 \$340,000,000 is hereby appropriated to the Department  
15 of Defense and made available for transfer only to military  
16 personnel accounts: *Provided*, That the transfer authority  
17 provided under this heading is in addition to any other  
18 transfer authority provided elsewhere in this Act.

19 SEC. 8130. None of the funds made available by this  
20 Act may be used to enforce section 526 of the Energy  
21 Independence and Security Act of 2007 (Public Law 110-  
22 140; 42 U.S.C. 17142).

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 8131. Additional readiness funds made available  
25 in title II of this Act for “Operation and Maintenance,

1 Army”, “Operation and Maintenance, Navy”, “Operation  
2 and Maintenance, Marine Corps”, and “Operation and  
3 Maintenance, Air Force” may be transferred to and  
4 merged with any appropriation of the Department of De-  
5 fense for activities related to the Zika virus in order to  
6 provide health support for the full range of military oper-  
7 ations and sustain the health of the members of the Armed  
8 Forces, civilian employees of the Department of Defense,  
9 and their families, to include: research and development,  
10 disease surveillance, vaccine development, rapid detection,  
11 vector controls and surveillance, training, and outbreak re-  
12 sponse: *Provided*, That the authority provided in this sec-  
13 tion is subject to the same terms and conditions as the  
14 authority provided in section 8005 of this Act.

15 SEC. 8132. (a) The Secretary of Defense may provide  
16 from funds appropriated in title II of this Act up to  
17 \$5,000,000 for financial support for military service me-  
18 morials and museums in the acquisition, installation, and  
19 maintenance of exhibits, facilities, and programs that  
20 highlight the role of women in the military.

21 (b)(1) Subject to paragraph (2), the Secretary may  
22 carry out subsection (a) by entering into contracts with  
23 nonprofit organizations under which such an organization  
24 shall carry out the activities described in such subsection.

1           (2) The Secretary may not enter into a contract  
2 under paragraph (1) until the congressional defense com-  
3 mittees have received a report from the Secretary that de-  
4 scribes how the use of such a contract will help educate  
5 and inform the public on the history and mission of the  
6 military, or support training and leadership development  
7 of military personnel, and is in the best interests of the  
8 Department of Defense.

9           SEC. 8133. (a) None of the funds made available in  
10 this Act may be used to maintain or establish a computer  
11 network unless such network blocks the viewing,  
12 downloading, and exchanging of pornography.

13           (b) Nothing in subsection (a) shall limit the use of  
14 funds necessary for any Federal, State, tribal, or local law  
15 enforcement agency or any other entity carrying out crimi-  
16 nal investigations, prosecution, or adjudication activities,  
17 or for any activity necessary for the national defense, in-  
18 cluding intelligence activities.

19           SEC. 8134. None of the funds made available by this  
20 Act may be used to carry out the changes to the Joint  
21 Travel Regulations of the Department of Defense de-  
22 scribed in the memorandum of the Per Diem Travel and  
23 Transportation Allowance Committee titled “UTD/CTD  
24 for MAP 118–13/CAP 118–13—Flat Rate Per Diem for  
25 Long Term TDY” and dated October 1, 2014.

1 TITLE IX  
2 OVERSEAS CONTINGENCY OPERATIONS/GLOBAL  
3 WAR ON TERRORISM  
4 MILITARY PERSONNEL  
5 MILITARY PERSONNEL, ARMY

6 For an additional amount for “Military Personnel,  
7 Army”, \$2,426,130,000: *Provided*, That such amount is  
8 designated by the Congress for Overseas Contingency Op-  
9 erations/Global War on Terrorism pursuant to section  
10 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
11 Deficit Control Act of 1985: *Provided further*, That of the  
12 amount provided under this heading, \$1,154,828,000 shall  
13 be made available to support base budget requirements as  
14 detailed in the appropriate account table included under  
15 the heading “Title IX – Overseas Contingency Operations/  
16 Global War on Terrorism” in the report accompanying  
17 this Act.

18 MILITARY PERSONNEL, NAVY  
19 For an additional amount for “Military Personnel,  
20 Navy”, \$257,501,000: *Provided*, That such amount is des-  
21 ignated by the Congress for Overseas Contingency Oper-  
22 ations/Global War on Terrorism pursuant to section  
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
24 Deficit Control Act of 1985: *Provided further*, That of the  
25 amount provided under this heading, \$63,500,000 shall be

1 made available to support base budget requirements as de-  
2 tailed in the appropriate account table included under the  
3 heading “Title IX – Overseas Contingency Operations/  
4 Global War on Terrorism” in the report accompanying  
5 this Act.

6           MILITARY PERSONNEL, MARINE CORPS

7           For an additional amount for “Military Personnel,  
8 Marine Corps”, \$453,542,000: *Provided*, That such  
9 amount is designated by the Congress for Overseas Con-  
10 tingency Operations/Global War on Terrorism pursuant to  
11 section 251(b)(2)(A)(ii) of the Balanced Budget and  
12 Emergency Deficit Control Act of 1985: *Provided further*,  
13 That of the amount provided under this heading,  
14 \$349,000,000 shall be made available to support base  
15 budget requirements as detailed in the appropriate ac-  
16 count table included under the heading “Title IX – Over-  
17 seas Contingency Operations/Global War on Terrorism” in  
18 the report accompanying this Act.

19           MILITARY PERSONNEL, AIR FORCE

20           For an additional amount for “Military Personnel,  
21 Air Force”, \$591,792,000: *Provided*, That such amount  
22 is designated by the Congress for Overseas Contingency  
23 Operations/Global War on Terrorism pursuant to section  
24 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
25 Deficit Control Act of 1985: *Provided further*, That of the

1 amount provided under this heading, \$145,000,000 shall  
2 be made available to support base budget requirements as  
3 detailed in the appropriate account table included under  
4 the heading “Title IX – Overseas Contingency Operations/  
5 Global War on Terrorism” in the report accompanying  
6 this Act.

7                                   RESERVE PERSONNEL, ARMY

8           For an additional amount for “Reserve Personnel,  
9 Army”, \$203,174,000: *Provided*, That such amount is  
10 designated by the Congress for Overseas Contingency Op-  
11 erations/Global War on Terrorism pursuant to section  
12 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
13 Deficit Control Act of 1985: *Provided further*, That of the  
14 amount provided under this heading, \$172,362,000 shall  
15 be made available to support base budget requirements as  
16 detailed in the appropriate account table included under  
17 the heading “Title IX – Overseas Contingency Operations/  
18 Global War on Terrorism” in the report accompanying  
19 this Act.

20                                   RESERVE PERSONNEL, NAVY

21           For an additional amount for “Reserve Personnel,  
22 Navy”, \$7,905,000: *Provided*, That such amount is des-  
23 ignated by the Congress for Overseas Contingency Oper-  
24 ations/Global War on Terrorism pursuant to section

1 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
2 Deficit Control Act of 1985.

3 RESERVE PERSONNEL, MARINE CORPS

4 For an additional amount for “Reserve Personnel,  
5 Marine Corps”, \$3,087,000: *Provided*, That such amount  
6 is designated by the Congress for Overseas Contingency  
7 Operations/Global War on Terrorism pursuant to section  
8 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
9 Deficit Control Act of 1985.

10 RESERVE PERSONNEL, AIR FORCE

11 For an additional amount for “Reserve Personnel,  
12 Air Force”, \$15,979,000: *Provided*, That such amount is  
13 designated by the Congress for Overseas Contingency Op-  
14 erations/Global War on Terrorism pursuant to section  
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
16 Deficit Control Act of 1985.

17 NATIONAL GUARD PERSONNEL, ARMY

18 For an additional amount for “National Guard Per-  
19 sonnel, Army”, \$436,968,000: *Provided*, That such  
20 amount is designated by the Congress for Overseas Con-  
21 tingency Operations/Global War on Terrorism pursuant to  
22 section 251(b)(2)(A)(ii) of the Balanced Budget and  
23 Emergency Deficit Control Act of 1985: *Provided further*,  
24 That of the amount provided under this heading,  
25 \$316,454,000 shall be made available to support base

1 budget requirements as detailed in the appropriate ac-  
2 count table included under the heading “Title IX – Over-  
3 seas Contingency Operations/Global War on Terrorism” in  
4 the report accompanying this Act.

5 NATIONAL GUARD PERSONNEL, AIR FORCE

6 For an additional amount for “National Guard Per-  
7 sonnel, Air Force”, \$4,125,000: *Provided*, That such  
8 amount is designated by the Congress for Overseas Con-  
9 tingency Operations/Global War on Terrorism pursuant to  
10 section 251(b)(2)(A)(ii) of the Balanced Budget and  
11 Emergency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE

13 OPERATION AND MAINTENANCE, ARMY

14 For an additional amount for “Operation and Main-  
15 tenance, Army”, \$12,582,680,000: *Provided*, That such  
16 amount is designated by the Congress for Overseas Con-  
17 tingency Operations/Global War on Terrorism pursuant to  
18 section 251(b)(2)(A)(ii) of the Balanced Budget and  
19 Emergency Deficit Control Act of 1985: *Provided further*,  
20 That of the amount provided under this heading,  
21 \$2,186,672,000 shall be made available to support base  
22 budget requirements as detailed in the appropriate ac-  
23 count table included under the heading “Title IX – Over-  
24 seas Contingency Operations/Global War on Terrorism” in  
25 the report accompanying this Act.

## 1 OPERATION AND MAINTENANCE, NAVY

2 (INCLUDING TRANSFER OF FUNDS)

3 For an additional amount for “Operation and Main-  
4 tenance, Navy”, \$5,029,252,000, of which up to  
5 \$162,692,000 may be transferred to the Coast Guard  
6 “Operating Expenses” account: *Provided*, That such  
7 amount is designated by the Congress for Overseas Con-  
8 tingency Operations/Global War on Terrorism pursuant to  
9 section 251(b)(2)(A)(ii) of the Balanced Budget and  
10 Emergency Deficit Control Act of 1985: *Provided further*,  
11 That of the amount provided under this heading,  
12 \$1,082,170,000 shall be made available to support base  
13 budget requirements as detailed in the appropriate ac-  
14 count table included under the heading “Title IX – Over-  
15 seas Contingency Operations/Global War on Terrorism” in  
16 the report accompanying this Act.

## 17 OPERATION AND MAINTENANCE, MARINE CORPS

18 For an additional amount for “Operation and Main-  
19 tenance, Marine Corps”, \$916,496,000: *Provided*, That  
20 such amount is designated by the Congress for Overseas  
21 Contingency Operations/Global War on Terrorism pursu-  
22 ant to section 251(b)(2)(A)(ii) of the Balanced Budget  
23 and Emergency Deficit Control Act of 1985: *Provided fur-*  
24 *ther*, That of the amount provided under this heading,  
25 \$166,900,000 shall be made available to support base

1 budget requirements as detailed in the appropriate ac-  
2 count table included under the heading “Title IX – Over-  
3 seas Contingency Operations/Global War on Terrorism” in  
4 the report accompanying this Act.

5 OPERATION AND MAINTENANCE, AIR FORCE

6 For an additional amount for “Operation and Main-  
7 tenance, Air Force”, \$6,870,406,000: *Provided*, That such  
8 amount is designated by the Congress for Overseas Con-  
9 tingency Operations/Global War on Terrorism pursuant to  
10 section 251(b)(2)(A)(ii) of the Balanced Budget and  
11 Emergency Deficit Control Act of 1985: *Provided further*,  
12 That of the amount provided under this heading,  
13 \$960,626,000 shall be made available to support base  
14 budget requirements as detailed in the appropriate ac-  
15 count table included under the heading “Title IX – Over-  
16 seas Contingency Operations/Global War on Terrorism” in  
17 the report accompanying this Act.

18 OPERATION AND MAINTENANCE, DEFENSE-WIDE

19 For an additional amount for “Operation and Main-  
20 tenance, Defense-Wide”, \$3,895,434,000: *Provided*, That  
21 of the funds provided under this heading, not to exceed  
22 \$1,100,000,000, to remain available until September 30,  
23 2018, shall be for payments to reimburse key cooperating  
24 nations for logistical, military, and other support, includ-  
25 ing access, provided to United States military and stability

1 operations in Afghanistan and to counter the Islamic  
2 State of Iraq and the Levant: *Provided further*, That such  
3 reimbursement payments may be made in such amounts  
4 as the Secretary of Defense, with the concurrence of the  
5 Secretary of State, and in consultation with the Director  
6 of the Office of Management and Budget, may determine,  
7 based on documentation determined by the Secretary of  
8 Defense to adequately account for the support provided,  
9 and such determination is final and conclusive upon the  
10 accounting officers of the United States, and 15 days fol-  
11 lowing notification to the appropriate congressional com-  
12 mittees: *Provided further*, That these funds may be used  
13 for the purpose of providing specialized training and pro-  
14 curing supplies and specialized equipment and providing  
15 such supplies and loaning such equipment on a non-reim-  
16 bursable basis to coalition forces supporting United States  
17 military and stability operations in Afghanistan and to  
18 counter the Islamic State of Iraq and the Levant, and 15  
19 days following notification to the appropriate congres-  
20 sional committees: *Provided further*, That these funds may  
21 be used to support the Government of Jordan, in such  
22 amounts as the Secretary of Defense may determine, to  
23 enhance the ability of the armed forces of Jordan to in-  
24 crease or sustain security along its borders, upon 15 days  
25 prior written notification to the congressional defense

1 committees outlining the amounts intended to be provided  
2 and the nature of the expenses incurred: *Provided further*,  
3 That of the funds provided under this heading, up to  
4 \$30,000,000 shall be for Operation Observant Compass:  
5 *Provided further*, That the Secretary of Defense shall pro-  
6 vide quarterly reports to the congressional defense com-  
7 mittees on the use of funds provided in this paragraph:  
8 *Provided further*, That such amount is designated by the  
9 Congress for Overseas Contingency Operations/Global  
10 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
11 the Balanced Budget and Emergency Deficit Control Act  
12 of 1985: *Provided further*, That of the amount provided  
13 under this heading, \$351,000,000 shall be made available  
14 to support base budget requirements as detailed in the ap-  
15 propriate account table included under the heading “Title  
16 IX – Overseas Contingency Operations/Global War on  
17 Terrorism” in the report accompanying this Act.

18 OPERATION AND MAINTENANCE, ARMY RESERVE

19 For an additional amount for “Operation and Main-  
20 tenance, Army Reserve”, \$272,047,000: *Provided*, That  
21 such amount is designated by the Congress for Overseas  
22 Contingency Operations/Global War on Terrorism pursu-  
23 ant to section 251(b)(2)(A)(ii) of the Balanced Budget  
24 and Emergency Deficit Control Act of 1985: *Provided fur-*  
25 *ther*, That of the amount provided under this heading,

1 \$186,381,000 shall be made available to support base  
2 budget requirements as detailed in the appropriate ac-  
3 count table included under the heading “Title IX – Over-  
4 seas Contingency Operations/Global War on Terrorism” in  
5 the report accompanying this Act.

6 OPERATION AND MAINTENANCE, NAVY RESERVE

7 For an additional amount for “Operation and Main-  
8 tenance, Navy Reserve”, \$138,019,000: *Provided*, That  
9 such amount is designated by the Congress for Overseas  
10 Contingency Operations/Global War on Terrorism pursu-  
11 ant to section 251(b)(2)(A)(ii) of the Balanced Budget  
12 and Emergency Deficit Control Act of 1985: *Provided fur-*  
13 *ther*, That of the amount provided under this heading,  
14 \$112,350,000 shall be made available to support base  
15 budget requirements as detailed in the appropriate ac-  
16 count table included under the heading “Title IX – Over-  
17 seas Contingency Operations/Global War on Terrorism” in  
18 the report accompanying this Act.

19 OPERATION AND MAINTENANCE, MARINE CORPS  
20 RESERVE

21 For an additional amount for “Operation and Main-  
22 tenance, Marine Corps Reserve”, \$29,628,000: *Provided*,  
23 That such amount is designated by the Congress for Over-  
24 seas Contingency Operations/Global War on Terrorism  
25 pursuant to section 251(b)(2)(A)(ii) of the Balanced

1 Budget and Emergency Deficit Control Act of 1985: *Pro-*  
2 *vided further*, That of the amount provided under this  
3 heading, \$24,550,000 shall be made available to support  
4 base budget requirements as detailed in the appropriate  
5 account table included under the heading “Title IX –  
6 Overseas Contingency Operations/Global War on Ter-  
7 rorism” in the report accompanying this Act.

8 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

9 For an additional amount for “Operation and Main-  
10 tenance, Air Force Reserve”, \$72,723,000: *Provided*, That  
11 such amount is designated by the Congress for Overseas  
12 Contingency Operations/Global War on Terrorism pursu-  
13 ant to section 251(b)(2)(A)(ii) of the Balanced Budget  
14 and Emergency Deficit Control Act of 1985: *Provided fur-*  
15 *ther*, That of the amount provided under this heading,  
16 \$27,550,000 shall be made available to support base budg-  
17 et requirements as detailed in the appropriate account  
18 table included under the heading “Title IX – Overseas  
19 Contingency Operations/Global War on Terrorism” in the  
20 report accompanying this Act.

21 OPERATION AND MAINTENANCE, ARMY NATIONAL

22 GUARD

23 For an additional amount for “Operation and Main-  
24 tenance, Army National Guard”, \$380,221,000: *Provided*,  
25 That such amount is designated by the Congress for Over-

1 seas Contingency Operations/Global War on Terrorism  
2 pursuant to section 251(b)(2)(A)(ii) of the Balanced  
3 Budget and Emergency Deficit Control Act of 1985: *Pro-*  
4 *vided further*, That of the amount provided under this  
5 heading, \$237,880,000 shall be made available to support  
6 base budget requirements as detailed in the appropriate  
7 account table included under the heading “Title IX –  
8 Overseas Contingency Operations/Global War on Ter-  
9 rorism” in the report accompanying this Act.

10 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

11 For an additional amount for “Operation and Main-  
12 tenance, Air National Guard”, \$279,036,000: *Provided*,  
13 That such amount is designated by the Congress for Over-  
14 seas Contingency Operations/Global War on Terrorism  
15 pursuant to section 251(b)(2)(A)(ii) of the Balanced  
16 Budget and Emergency Deficit Control Act of 1985: *Pro-*  
17 *vided further*, That of the amount provided under this  
18 heading, \$247,950,000 shall be made available to support  
19 base budget requirements as detailed in the appropriate  
20 account table included under the heading “Title IX –  
21 Overseas Contingency Operations/Global War on Ter-  
22 rorism” in the report accompanying this Act.

## 1 COUNTERTERRORISM PARTNERSHIPS FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For the “Counterterrorism Partnerships Fund”,  
4 \$750,000,000, to remain available until September 30,  
5 2018: *Provided*, That such funds shall be available to pro-  
6 vide support and assistance to foreign security forces or  
7 other groups or individuals to conduct, support, or facili-  
8 tate counterterrorism and crisis response activities: *Pro-*  
9 *vided further*, That the Secretary of Defense shall transfer  
10 the funds provided herein to other appropriations provided  
11 for in this Act to be merged with and to be available for  
12 the same purposes and subject to the same authorities and  
13 for the same time period as the appropriation to which  
14 transferred: *Provided further*, That the transfer authority  
15 under this heading is in addition to any other transfer au-  
16 thority provided elsewhere in this Act: *Provided further*,  
17 That the funds available under this heading are available  
18 for transfer only to the extent that the Secretary of De-  
19 fense submits a prior approval reprogramming request to  
20 the congressional defense committees: *Provided further*,  
21 That upon a determination by the Secretary of Defense  
22 that all or part of the funds transferred from this appro-  
23 priation are not necessary for the purposes herein, such  
24 amounts may be transferred back to the appropriation and  
25 shall be available for the same purposes and for the same

1 time period as originally appropriated: *Provided further*,  
2 That the amount provided under this heading is des-  
3 ignated by the Congress for Overseas Contingency Oper-  
4 ations/Global War on Terrorism pursuant to section  
5 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
6 Deficit Control Act of 1985.

7           AFGHANISTAN SECURITY FORCES FUND

8           For the “Afghanistan Security Forces Fund”,  
9 \$3,448,715,000, to remain available until September 30,  
10 2018: *Provided*, That such funds shall be available to the  
11 Secretary of Defense, notwithstanding any other provision  
12 of law, for the purpose of allowing the Commander, Com-  
13 bined Security Transition Command—Afghanistan, or the  
14 Secretary’s designee, to provide assistance, with the con-  
15 currence of the Secretary of State, to the security forces  
16 of Afghanistan, including the provision of equipment, sup-  
17 plies, services, training, facility and infrastructure repair,  
18 renovation, construction, and funding: *Provided further*,  
19 That the authority to provide assistance under this head-  
20 ing is in addition to any other authority to provide assist-  
21 ance to foreign nations: *Provided further*, That contribu-  
22 tions of funds for the purposes provided herein from any  
23 person, foreign government, or international organization  
24 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 notify the congress-  
2 sional defense committees in writing upon the receipt and  
3 upon the obligation of any contribution, delineating the  
4 sources and amounts of the funds received and the specific  
5 use of such contributions: *Provided further*, That the Sec-  
6 retary of Defense shall, not fewer than 15 days prior to  
7 obligating from this appropriation account, notify the con-  
8 gressional defense committees in writing of the details of  
9 any such obligation: *Provided further*, That the Secretary  
10 of Defense shall notify the congressional defense commit-  
11 tees of any proposed new projects or transfer of funds be-  
12 tween budget sub-activity groups in excess of  
13 \$20,000,000: *Provided further*, That the United States  
14 may accept equipment procured using funds provided  
15 under this heading in this or prior Acts that was trans-  
16 ferred to the security forces of Afghanistan and returned  
17 by such forces to the United States: *Provided further*, That  
18 equipment procured using funds provided under this head-  
19 ing in this or prior Acts, and not yet transferred to the  
20 security forces of Afghanistan or transferred to the secu-  
21 rity forces of Afghanistan and returned by such forces to  
22 the United States, may be treated as stocks of the Depart-  
23 ment of Defense upon written notification to the congress-  
24 sional defense committees: *Provided further*, That of the  
25 funds provided under this heading, not more than

1 \$25,000,000 shall be for recruitment and retention of  
2 women in the Afghanistan National Security Forces, and  
3 the recruitment and training of female security personnel:  
4 *Provided further*, That such amount is designated by the  
5 Congress for Overseas Contingency Operations/Global  
6 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
7 the Balanced Budget and Emergency Deficit Control Act  
8 of 1985.

9 COUNTER-ISLAMIC STATE OF IRAQ AND THE LEVANT  
10 TRAIN AND EQUIP FUND

11 For the “Counter-Islamic State of Iraq and the Le-  
12 vant Train and Equip Fund”, \$880,000,000, to remain  
13 available until September 30, 2018: *Provided*, That such  
14 funds shall be available to the Secretary of Defense, in  
15 coordination with the Secretary of State, to provide assist-  
16 ance, including training; equipment; logistics support, sup-  
17 plies, and services; funding, including payments and sti-  
18 pends; infrastructure repair, renovation, and sustainment,  
19 to military and other security forces of or associated with  
20 the Government of Iraq, including Kurdish and tribal se-  
21 curity forces or other foreign security forces, irregular  
22 forces, or groups with a security mission, to counter the  
23 Islamic State of Iraq and the Levant, and their affiliated  
24 or associated groups: *Provided further*, That the Secretary  
25 of Defense shall, not fewer than 15 days prior to obli-

1 gating from this appropriation account, notify the congres-  
2 sional defense committees in writing of the details of any  
3 such obligation: *Provided further*, That the Secretary of  
4 Defense shall notify the congressional defense committees  
5 of any proposed new projects or transfer of funds between  
6 budget sub-activity groups in excess of \$20,000,000: *Pro-*  
7 *vided further*, That the United States may accept equip-  
8 ment procured using funds provided under this heading,  
9 or under the heading “Iraq Train and Equip Fund” in  
10 prior Acts, that was transferred to security forces, irreg-  
11 ular forces, or groups participating, or preparing to par-  
12 ticipate in activities to counter the Islamic State of Iraq  
13 and the Levant and returned by such forces or groups to  
14 the United States, may be treated as stocks of the Depart-  
15 ment of Defense upon written notification to the congres-  
16 sional defense committees: *Provided further*, That equip-  
17 ment procured using funds provided under this heading,  
18 or under the heading, “Iraq Train and Equip Fund” in  
19 prior Acts, and not yet transferred to security forces, ir-  
20 regular forces, or groups participating or preparing to par-  
21 ticipate in activities to counter the Islamic State of Iraq  
22 and the Levant may be treated as stocks of the Depart-  
23 ment of Defense when determined by the Secretary to no  
24 longer be required for transfer to such forces or groups  
25 and upon written notification to the congressional defense

1 committees: *Provided further*, That amounts made avail-  
2 able under this heading shall be available to provide assist-  
3 ance only for activities in a country designated by the Sec-  
4 retary of Defense, with the concurrence of the Secretary  
5 of State, as having a security mission to counter the Is-  
6 lamic State of Iraq and the Levant, and following written  
7 notification to the congressional defense committees with-  
8 in 15 days of such designation: *Provided further*, That the  
9 authority to provide assistance under this heading is in  
10 addition to any other authority to provide assistance to  
11 foreign security forces, irregular forces, or groups: *Pro-*  
12 *vided further*, That the Secretary of Defense shall ensure  
13 that prior to providing assistance to elements of any forces  
14 such elements are appropriately vetted, including, at a  
15 minimum, by assessing such elements for associations with  
16 terrorist groups or groups associated with the Government  
17 of Iran; and receiving commitments from such elements  
18 to promote respect for human rights and the rule of law:  
19 *Provided further*, That the Secretary of Defense may ac-  
20 cept and retain contributions, including assistance in-kind,  
21 from foreign governments, including the Government of  
22 Iraq and other entities, to carry out assistance authorized  
23 under this heading: *Provided further*, That contributions  
24 of funds for the purposes provided herein from any foreign  
25 government or other entities may be credited to this Fund,

1 to remain available until expended, and used for such pur-  
2 poses: *Provided further*, That not more than 25 percent  
3 of the funds appropriated under this heading may be obli-  
4 gated or expended until not fewer than 15 days after: (1)  
5 the Secretary of Defense submits a report to the appro-  
6 priate congressional committees, describing the plan for  
7 the provision of such training and assistance and the  
8 forces designated to receive such assistance; and (2) the  
9 President submits a report to the appropriate congres-  
10 sional committees on how assistance provided under this  
11 heading supports a larger regional strategy: *Provided fur-*  
12 *ther*, That of the amount provided under this heading, not  
13 more than 60 percent may be obligated or expended until  
14 not fewer than 15 days after the date on which the Sec-  
15 retary of Defense certifies to the appropriate congressional  
16 committees that an amount equal to not less than 40 per-  
17 cent of the amount provided under this heading has been  
18 contributed by other countries and entities for the pur-  
19 poses for which funds are provided under this heading,  
20 of which at least 35 percent shall have been contributed  
21 or provided by the Government of Iraq: *Provided further*,  
22 That the limitation in the preceding proviso shall not  
23 apply if the Secretary of Defense determines, in writing,  
24 that the national security objectives of the United States  
25 will be compromised by the application of the limitation

1 to such assistance, and notifies the appropriate congress-  
2 sional committees not less than 15 days in advance of the  
3 exemption taking effect, including a justification for the  
4 Secretary's determination and a description of the assist-  
5 ance to be exempted from the application of such limita-  
6 tion: *Provided further*, That the Secretary of Defense may  
7 waive a provision of law relating to the acquisition of items  
8 and support services or sections 40 and 40A of the Arms  
9 Export Control Act (22 U.S.C. 2780 and 2785) if the Sec-  
10 retary determines such provisions of law would prohibit,  
11 restrict, delay or otherwise limit the provision of such as-  
12 sistance and a notice of and justification for such waiver  
13 is submitted to the appropriate congressional committees:  
14 *Provided further*, That the Secretary of Defense shall pro-  
15 vide quarterly reports to the congressional defense com-  
16 mittees on the use of funds provided under this heading.  
17 The reports shall include claimed numbers of members in  
18 each organization, as previously defined; numbers of ac-  
19 tual fighters trained; ideology; status of relationship for  
20 each group; the areas of operation for each group and the  
21 scope of support provided for each group, and a listing  
22 of the countries, groups, and individuals providing assist-  
23 ance: *Provided further*, That the term "appropriate con-  
24 gressional committees" under this heading means the con-  
25 gressional defense committees, the Committees on Appro-

1 priations and Foreign Relations of the Senate and the  
2 Committees on Appropriations and Foreign Affairs of the  
3 House of Representatives: *Provided further*, That amounts  
4 made available under this heading are designated by the  
5 Congress for Overseas Contingency Operations/Global  
6 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
7 the Balanced Budget and Emergency Deficit Control Act  
8 of 1985.

## 9 PROCUREMENT

### 10 AIRCRAFT PROCUREMENT, ARMY

11 For an additional amount for “Aircraft Procurement,  
12 Army”, \$795,071,000, to remain available until Sep-  
13 tember 30, 2019: *Provided*, That such amount is des-  
14 ignated by the Congress for Overseas Contingency Oper-  
15 ations/Global War on Terrorism pursuant to section  
16 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
17 Deficit Control Act of 1985: *Provided further*, That of the  
18 amount provided under this heading, \$481,900,000 shall  
19 be made available to support base budget requirements as  
20 detailed in the appropriate account table included under  
21 the heading “Title IX – Overseas Contingency Operations/  
22 Global War on Terrorism” in the report accompanying  
23 this Act.

## 1 MISSILE PROCUREMENT, ARMY

2 For an additional amount for “Missile Procurement,  
3 Army”, \$828,917,000, to remain available until Sep-  
4 tember 30, 2019: *Provided*, That such amount is des-  
5 ignated by the Congress for Overseas Contingency Oper-  
6 ations/Global War on Terrorism pursuant to section  
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
8 Deficit Control Act of 1985: *Provided further*, That of the  
9 amount provided under this heading, \$196,100,000 shall  
10 be made available to support base budget requirements as  
11 detailed in the appropriate account table included under  
12 the heading “Title IX – Overseas Contingency Operations/  
13 Global War on Terrorism” in the report accompanying  
14 this Act.

## 15 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

## 16 VEHICLES, ARMY

17 For an additional amount for “Procurement of Weap-  
18 ons and Tracked Combat Vehicles, Army”, \$610,544,000,  
19 to remain available until September 30, 2019: *Provided*,  
20 That such amount is designated by the Congress for Over-  
21 seas Contingency Operations/Global War on Terrorism  
22 pursuant to section 251(b)(2)(A)(ii) of the Balanced  
23 Budget and Emergency Deficit Control Act of 1985: *Pro-*  
24 *vided further*, That of the amount provided under this  
25 heading, \$212,000,000 shall be made available to support

1 base budget requirements as detailed in the appropriate  
2 account table included under the heading “Title IX –  
3 Overseas Contingency Operations/Global War on Ter-  
4 rorism” in the report accompanying this Act.

5           PROCUREMENT OF AMMUNITION, ARMY

6           For an additional amount for “Procurement of Am-  
7 muniton, Army”, \$541,723,000, to remain available until  
8 September 30, 2019: *Provided*, That such amount is des-  
9 ignated by the Congress for Overseas Contingency Oper-  
10 ations/Global War on Terrorism pursuant to section  
11 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
12 Deficit Control Act of 1985: *Provided further*, That of the  
13 amount provided under this heading, \$240,200,000 shall  
14 be made available to support base budget requirements as  
15 detailed in the appropriate account table included under  
16 the heading “Title IX – Overseas Contingency Operations/  
17 Global War on Terrorism” in the report accompanying  
18 this Act.

19           OTHER PROCUREMENT, ARMY

20           For an additional amount for “Other Procurement,  
21 Army”, \$1,381,410,000, to remain available until Sep-  
22 tember 30, 2019: *Provided*, That such amount is des-  
23 ignated by the Congress for Overseas Contingency Oper-  
24 ations/Global War on Terrorism pursuant to section  
25 251(b)(2)(A)(ii) of the Balanced Budget and Emergency

1 Deficit Control Act of 1985: *Provided further*, That of the  
2 amount provided under this heading, \$8,400,000 shall be  
3 made available to support base budget requirements as de-  
4 tailed in the appropriate account table included under the  
5 heading “Title IX – Overseas Contingency Operations/  
6 Global War on Terrorism” in the report accompanying  
7 this Act.

8 AIRCRAFT PROCUREMENT, NAVY

9 For an additional amount for “Aircraft Procurement,  
10 Navy”, \$971,037,000, to remain available until September  
11 30, 2019: *Provided*, That such amount is designated by  
12 the Congress for Overseas Contingency Operations/Global  
13 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
14 the Balanced Budget and Emergency Deficit Control Act  
15 of 1985: *Provided further*, That of the amount provided  
16 under this heading, \$626,714,000 shall be made available  
17 to support base budget requirements as detailed in the ap-  
18 propriate account table included under the heading “Title  
19 IX – Overseas Contingency Operations/Global War on  
20 Terrorism” in the report accompanying this Act.

21 WEAPONS PROCUREMENT, NAVY

22 For an additional amount for “Weapons Procure-  
23 ment, Navy”, \$183,700,000, to remain available until  
24 September 30, 2019: *Provided*, That such amount is des-  
25 ignated by the Congress for Overseas Contingency Oper-



## 1 SHIPBUILDING AND CONVERSION, NAVY

2 For an additional amount for “Shipbuilding and Con-  
3 version, Navy”, \$3,086,300,000, to remain available until  
4 September 30, 2021, to be provided to the following pro-  
5 grams: Carrier Replacement Program, (AP),  
6 \$263,000,000; DDG-51 Destroyer, \$433,000,000; Am-  
7 phibious Ship Replacement LXR, \$1,550,000,000; Ship to  
8 Shore Connector, \$160,000,000; LCAC Service Life Ex-  
9 tension Program, \$80,300,000; and Classified Programs,  
10 \$600,000,000: *Provided*, That such amount is designated  
11 by the Congress for Overseas Contingency Operations/  
12 Global War on Terrorism pursuant to section  
13 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
14 Deficit Control Act of 1985: *Provided further*, That of the  
15 amount provided under this heading, \$3,086,300,000 shall  
16 be made available to support base budget requirements as  
17 detailed in the appropriate account table included under  
18 the heading “Title IX – Overseas Contingency Operations/  
19 Global War on Terrorism” in the report accompanying  
20 this Act.

## 21 OTHER PROCUREMENT, NAVY

22 For an additional amount for “Other Procurement,  
23 Navy”, \$214,081,000, to remain available until September  
24 30, 2019: *Provided*, That such amount is designated by  
25 the Congress for Overseas Contingency Operations/Global

1 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
2 the Balanced Budget and Emergency Deficit Control Act  
3 of 1985: *Provided further*, That of the amount provided  
4 under this heading, \$102,530,000 shall be made available  
5 to support base budget requirements as detailed in the ap-  
6 propriate account table included under the heading “Title  
7 IX – Overseas Contingency Operations/Global War on  
8 Terrorism” in the report accompanying this Act.

9                   PROCUREMENT, MARINE CORPS

10       For an additional amount for “Procurement, Marine  
11 Corps”, \$213,667,000, to remain available until Sep-  
12 tember 30, 2019: *Provided*, That such amount is des-  
13 ignated by the Congress for Overseas Contingency Oper-  
14 ations/Global War on Terrorism pursuant to section  
15 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
16 Deficit Control Act of 1985: *Provided further*, That of the  
17 amount provided under this heading, \$107,463,000 shall  
18 be made available to support base budget requirements as  
19 detailed in the appropriate account table included under  
20 the heading “Title IX – Overseas Contingency Operations/  
21 Global War on Terrorism” in the report accompanying  
22 this Act.

23                   AIRCRAFT PROCUREMENT, AIR FORCE

24       For an additional amount for “Aircraft Procurement,  
25 Air Force”, \$2,005,549,000 (reduced by \$100,000,000)

1 (increased by \$100,000,000), to remain available until  
2 September 30, 2019: *Provided*, That such amount is des-  
3 ignated by the Congress for Overseas Contingency Oper-  
4 ations/Global War on Terrorism pursuant to section  
5 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
6 Deficit Control Act of 1985: *Provided further*, That of the  
7 amount provided under this heading, \$1,295,716,000 shall  
8 be made available to support base budget requirements as  
9 detailed in the appropriate account table included under  
10 the heading “Title IX – Overseas Contingency Operations/  
11 Global War on Terrorism” in the report accompanying  
12 this Act.

13 MISSILE PROCUREMENT, AIR FORCE

14 For an additional amount for “Missile Procurement,  
15 Air Force”, \$335,795,000, to remain available until Sep-  
16 tember 30, 2019: *Provided*, That such amount is des-  
17 ignated by the Congress for Overseas Contingency Oper-  
18 ations/Global War on Terrorism pursuant to section  
19 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
20 Deficit Control Act of 1985: *Provided further*, That of the  
21 amount provided under this heading, \$194,420,000 shall  
22 be made available to support base budget requirements as  
23 detailed in the appropriate account table included under  
24 the heading “Title IX – Overseas Contingency Operations/

1 Global War on Terrorism” in the report accompanying  
2 this Act.

3           PROCUREMENT OF AMMUNITION, AIR FORCE

4           For an additional amount for “Procurement of Am-  
5 munition, Air Force”, \$478,158,000, to remain available  
6 until September 30, 2019: *Provided*, That such amount  
7 is designated by the Congress for Overseas Contingency  
8 Operations/Global War on Terrorism pursuant to section  
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
10 Deficit Control Act of 1985: *Provided further*, That of the  
11 amount provided under this heading, \$323,000,000 shall  
12 be made available to support base budget requirements as  
13 detailed in the appropriate account table included under  
14 the heading “Title IX – Overseas Contingency Operations/  
15 Global War on Terrorism” in the report accompanying  
16 this Act.

17           OTHER PROCUREMENT, AIR FORCE

18           For an additional amount for “Other Procurement,  
19 Air Force”, \$3,479,781,000, to remain available until  
20 September 30, 2019: *Provided*, That such amount is des-  
21 ignated by the Congress for Overseas Contingency Oper-  
22 ations/Global War on Terrorism pursuant to section  
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
24 Deficit Control Act of 1985.

## 1                   PROCUREMENT, DEFENSE-WIDE

2           For an additional amount for “Procurement, De-  
3 fense-Wide”, \$389,134,000, to remain available until Sep-  
4 tember 30, 2019: *Provided*, That such amount is des-  
5 ignated by the Congress for Overseas Contingency Oper-  
6 ations/Global War on Terrorism pursuant to section  
7 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
8 Deficit Control Act of 1985: *Provided further*, That of the  
9 amount provided under this heading, \$170,000,000 shall  
10 be made available to support base budget requirements as  
11 detailed in the appropriate account table included under  
12 the heading “Title IX – Overseas Contingency Operations/  
13 Global War on Terrorism” in the report accompanying  
14 this Act.

## 15   NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

16           For procurement of rotary-wing aircraft; combat, tac-  
17 tical and support vehicles; other weapons; and other pro-  
18 curement items for the reserve components of the Armed  
19 Forces, \$1,000,000,000, to remain available for obligation  
20 until September 30, 2019: *Provided*, That the Chiefs of  
21 National Guard and Reserve components shall, not later  
22 than 30 days after enactment of this Act, individually sub-  
23 mit to the congressional defense committees the mod-  
24 ernization priority assessment for their respective Na-  
25 tional Guard or Reserve component: *Provided further*,

1 That none of the funds made available by this paragraph  
2 may be used to procure manned fixed wing aircraft, or  
3 procure or modify missiles, munitions, or ammunition:  
4 *Provided further*, That such amount is designated by the  
5 Congress for Overseas Contingency Operations/Global  
6 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
7 the Balanced Budget and Emergency Deficit Control Act  
8 of 1985.

9 RESEARCH, DEVELOPMENT, TEST, AND  
10 EVALUATION

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
12 ARMY

13 For an additional amount for “Research, Develop-  
14 ment, Test and Evaluation, Army”, \$167,522,000, to re-  
15 main available until September 30, 2018: *Provided*, That  
16 such amount is designated by the Congress for Overseas  
17 Contingency Operations/Global War on Terrorism pursu-  
18 ant to section 251(b)(2)(A)(ii) of the Balanced Budget  
19 and Emergency Deficit Control Act of 1985: *Provided fur-*  
20 *ther*, That of the amount provided under this heading,  
21 \$67,000,000 shall be made available to support base budg-  
22 et requirements as detailed in the appropriate account  
23 table included under the heading “Title IX – Overseas  
24 Contingency Operations/Global War on Terrorism” in the  
25 report accompanying this Act.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
2 NAVY

3 For an additional amount for “Research, Develop-  
4 ment, Test and Evaluation, Navy”, \$106,323,000, to re-  
5 main available until September 30, 2018: *Provided*, That  
6 such amount is designated by the Congress for Overseas  
7 Contingency Operations/Global War on Terrorism pursu-  
8 ant to section 251(b)(2)(A)(ii) of the Balanced Budget  
9 and Emergency Deficit Control Act of 1985: *Provided fur-*  
10 *ther*, That of the amount provided under this heading,  
11 \$65,990,000 shall be made available to support base budg-  
12 et requirements as detailed in the appropriate account  
13 table included under the heading “Title IX – Overseas  
14 Contingency Operations/Global War on Terrorism” in the  
15 report accompanying this Act.

16 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
17 AIR FORCE

18 For an additional amount for “Research, Develop-  
19 ment, Test and Evaluation, Air Force”, \$42,905,000, to  
20 remain available until September 30, 2018: *Provided*,  
21 That such amount is designated by the Congress for Over-  
22 seas Contingency Operations/Global War on Terrorism  
23 pursuant to section 251(b)(2)(A)(ii) of the Balanced  
24 Budget and Emergency Deficit Control Act of 1985: *Pro-*  
25 *vided further*, That of the amount provided under this

1 heading, \$10,000,000 shall be made available to support  
2 base budget requirements as detailed in the appropriate  
3 account table included under the heading “Title IX –  
4 Overseas Contingency Operations/Global War on Ter-  
5 rorism” in the report accompanying this Act.

6 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
7 DEFENSE-WIDE

8 For an additional amount for “Research, Develop-  
9 ment, Test and Evaluation, Defense-Wide”,  
10 \$179,919,000, to remain available until September 30,  
11 2018: *Provided*, That such amount is designated by the  
12 Congress for Overseas Contingency Operations/Global  
13 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
14 the Balanced Budget and Emergency Deficit Control Act  
15 of 1985: *Provided further*, That of the amount provided  
16 under this heading, \$20,000,000 shall be made available  
17 to support base budget requirements as detailed in the ap-  
18 propriate account table included under the heading “Title  
19 IX – Overseas Contingency Operations/Global War on  
20 Terrorism” in the report accompanying this Act.

21 REVOLVING AND MANAGEMENT FUNDS

22 DEFENSE WORKING CAPITAL FUNDS

23 For an additional amount for “Defense Working  
24 Capital Funds”, \$140,633,000: *Provided*, That such  
25 amount is designated by the Congress for Overseas Con-

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

4 OTHER DEPARTMENT OF DEFENSE PROGRAMS  
5 DEFENSE HEALTH PROGRAM

6 For an additional amount for “Defense Health Pro-  
7 gram”, \$781,764,000, which shall be for operation and  
8 maintenance: *Provided*, That such amount is designated  
9 by the Congress for Overseas Contingency Operations/  
10 Global War on Terrorism pursuant to section  
11 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
12 Deficit Control Act of 1985: *Provided further*, That of the  
13 amount provided under this heading, \$450,000,000 shall  
14 be made available to support base budget requirements as  
15 detailed in the appropriate account table included under  
16 the heading “Title IX – Overseas Contingency Operations/  
17 Global War on Terrorism” in the report accompanying  
18 this Act.

19 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,  
20 DEFENSE

21 For an additional amount for “Drug Interdiction and  
22 Counter-Drug Activities, Defense”, \$215,333,000: *Pro-*  
23 *vided*, That such amount is designated by the Congress  
24 for Overseas Contingency Operations/Global War on Ter-

1 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-  
2 anced Budget and Emergency Deficit Control Act of 1985.

3           JOINT IMPROVISED-THREAT DEFEAT FUND

4                   (INCLUDING TRANSFER OF FUNDS)

5           For the “Joint Improvised-Threat Defeat Fund”,  
6 \$408,272,000, to remain available until September 30,  
7 2019: *Provided*, That such funds shall be available to the  
8 Secretary of Defense, notwithstanding any other provision  
9 of law, for the purpose of allowing the Director of the  
10 Joint Improvised Explosive Device Defeat Organization to  
11 investigate, develop and provide equipment, supplies, serv-  
12 ices, training, facilities, personnel and funds to assist  
13 United States forces in the defeat of improvised explosive  
14 devices: *Provided further*, That the Secretary of Defense  
15 may transfer funds provided herein to appropriations for  
16 military personnel; operation and maintenance; procure-  
17 ment; research, development, test and evaluation; and de-  
18 fense working capital funds to accomplish the purpose pro-  
19 vided herein: *Provided further*, That this transfer author-  
20 ity is in addition to any other transfer authority available  
21 to the Department of Defense: *Provided further*, That the  
22 Secretary of Defense shall, not fewer than 15 days prior  
23 to making transfers from this appropriation, notify the  
24 congressional defense committees in writing of the details  
25 of any such transfer: *Provided further*, That such amount

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

5 OFFICE OF THE INSPECTOR GENERAL

6 For an additional amount for the “Office of the In-  
7 spector General”, \$22,062,000: *Provided*, That such  
8 amount is designated by the Congress for Overseas Con-  
9 tingency Operations/Global War on Terrorism pursuant to  
10 section 251(b)(2)(A)(ii) of the Balanced Budget and  
11 Emergency Deficit Control Act of 1985.

12 GENERAL PROVISIONS—THIS TITLE

13 SEC. 9001. Notwithstanding any other provision of  
14 law, funds made available in this title are in addition to  
15 amounts appropriated or otherwise made available for the  
16 Department of Defense for fiscal year 2017.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 9002. Upon the determination of the Secretary  
19 of Defense that such action is necessary in the national  
20 interest, the Secretary may, with the approval of the Of-  
21 fice of Management and Budget, transfer up to  
22 \$4,500,000,000 between the appropriations or funds made  
23 available to the Department of Defense in this title: *Pro-*  
24 *vided*, That the Secretary shall notify the Congress  
25 promptly of each transfer made pursuant to the authority

1 in this section: *Provided further*, That the authority pro-  
2 vided in this section is in addition to any other transfer  
3 authority available to the Department of Defense and is  
4 subject to the same terms and conditions as the authority  
5 provided in section 8005 of this Act.

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

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

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

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

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

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

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

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

1 and other logistical support to coalition forces supporting  
2 military and stability operations in Afghanistan and to  
3 counter the Islamic State of Iraq and the Levant: *Pro-*  
4 *vided*, That the Secretary of Defense shall provide quar-  
5 terly reports to the congressional defense committees re-  
6 garding support provided under this section.

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

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

14           (2) To exercise United States control over any  
15 oil resource of Iraq.

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

20       SEC. 9008. None of the funds made available in this  
21 Act may be used in contravention of the following laws  
22 enacted or regulations promulgated to implement the  
23 United Nations Convention Against Torture and Other  
24 Cruel, Inhuman or Degrading Treatment or Punishment  
25 (done at New York on December 10, 1984):

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

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

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

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

1 proved a process for ensuring compliance with the require-  
2 ments in the preceding proviso and accompanying report  
3 language for the ASFF.

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

14       SEC. 9011. From funds made available to the De-  
15 partment of Defense in this title under the heading “Oper-  
16 ation and Maintenance, Air Force”, up to \$60,000,000  
17 may be used by the Secretary of Defense, notwithstanding  
18 any other provision of law, to support United States Gov-  
19 ernment transition activities in Iraq by funding the oper-  
20 ations and activities of the Office of Security Cooperation  
21 in Iraq and security assistance teams, including life sup-  
22 port, transportation and personal security, and facilities  
23 renovation and construction, and site closeout activities  
24 prior to returning sites to the Government of Iraq: *Pro-*  
25 *vided*, That to the extent authorized under the National

1 Defense Authorization Act for Fiscal Year 2017, the oper-  
2 ations and activities that may be carried out by the Office  
3 of Security Cooperation in Iraq may, with the concurrence  
4 of the Secretary of State, include non-operational training  
5 activities in support of Iraqi Minister of Defense and  
6 Counter Terrorism Service personnel in an institutional  
7 environment to address capability gaps, integrate proc-  
8 esses relating to intelligence, air sovereignty, combined  
9 arms, logistics and maintenance, and to manage and inte-  
10 grate defense-related institutions: *Provided further*, That  
11 not later than 30 days following the enactment of this Act,  
12 the Secretary of Defense and the Secretary of State shall  
13 submit to the congressional defense committees a plan for  
14 transitioning any such training activities that they deter-  
15 mine are needed after the end of fiscal year 2017, to exist-  
16 ing or new contracts for the sale of defense articles or  
17 defense services consistent with the provisions of the Arms  
18 Export Control Act (22 U.S.C. 2751 et seq.): *Provided*  
19 *further*, That, not less than 15 days before making funds  
20 available pursuant to the authority provided in this sec-  
21 tion, the Secretary of Defense shall submit to the congres-  
22 sional defense committees a written notice containing a  
23 detailed justification and timeline for the operations and  
24 activities of the Office of Security Cooperation in Iraq at  
25 each site where such operations and activities will be con-

1 ducted during fiscal year 2017: *Provided further*, That  
2 amounts made available by this section are designated by  
3 the Congress for Overseas Contingency Operations/Global  
4 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
5 the Balanced Budget and Emergency Deficit Control Act  
6 of 1985.

7       SEC. 9012. Up to \$500,000,000 of funds appro-  
8 priated by this Act for the Counterterrorism Partnerships  
9 Fund may be used to provide assistance to the Govern-  
10 ment of Jordan to support the armed forces of Jordan  
11 and to enhance security along its borders.

12       SEC. 9013. None of the funds made available by this  
13 Act under the heading “Counter-Islamic State of Iraq and  
14 the Levant Train and Equip Fund” may be used to pro-  
15 cure or transfer man-portable air defense systems.

16       SEC. 9014. For the “Ukraine Security Assistance Ini-  
17 tiative”, \$150,000,000 is hereby appropriated, to remain  
18 available until September 30, 2017: *Provided*, That such  
19 funds shall be available to the Secretary of Defense, in  
20 coordination with the Secretary of State, to provide assist-  
21 ance, including training; equipment; lethal weapons of a  
22 defensive nature; logistics support, supplies and services;  
23 sustainment; and intelligence support to the military and  
24 national security forces of Ukraine, and for replacement  
25 of any weapons or defensive articles provided to the Gov-

1 ernment of Ukraine from the inventory of the United  
2 States: *Provided further*, That the Secretary of Defense  
3 shall, not less than 15 days prior to obligating funds pro-  
4 vided under this heading, notify the congressional defense  
5 committees in writing of the details of any such obligation:  
6 *Provided further*, That the United States may accept  
7 equipment procured using funds provided under this head-  
8 ing in this or prior Acts that was transferred to the secu-  
9 rity forces of Ukraine and returned by such forces to the  
10 United States: *Provided further*, That equipment procured  
11 using funds provided under this heading in this or prior  
12 Acts, and not yet transferred to the military or National  
13 Security Forces of Ukraine or returned by such forces to  
14 the United States, may be treated as stocks of the Depart-  
15 ment of Defense upon written notification to the congress-  
16 sional defense committees: *Provided further*, That amounts  
17 made available by this section are designated by the Con-  
18 gress for Overseas Contingency Operations/Global War on  
19 Terrorism pursuant to section 251(b)(2)(A)(ii) of the Bal-  
20 anced Budget and Emergency Deficit Control Act of 1985.

21 SEC. 9015. Funds appropriated in this title shall be  
22 available for replacement of funds for items provided to  
23 the Government of Ukraine from the inventory of the  
24 United States to the extent specifically provided for in sec-  
25 tion 9014 of this Act.

1        SEC. 9016. None of the funds made available by this  
2 Act under section 9014 for “Assistance and Sustainment  
3 to the Military and National Security Forces of Ukraine”  
4 may be used to procure or transfer man-portable air de-  
5 fense systems.

6        SEC. 9017. (a) None of the funds appropriated or  
7 otherwise made available by this Act under the heading  
8 “Operation and Maintenance, Defense-Wide” for pay-  
9 ments under section 1233 of Public Law 110–181 for re-  
10 imbursement to the Government of Pakistan may be made  
11 available unless the Secretary of Defense, in coordination  
12 with the Secretary of State, certifies to the congressional  
13 defense committees that the Government of Pakistan is—

14            (1) cooperating with the United States in  
15 counterterrorism efforts against the Haqqani Net-  
16 work, the Quetta Shura Taliban, Lashkar e-Tayyiba,  
17 Jaish-e-Mohammed, Al Qaeda, and other domestic  
18 and foreign terrorist organizations, including taking  
19 steps to end support for such groups and prevent  
20 them from basing and operating in Pakistan and  
21 carrying out cross border attacks into neighboring  
22 countries;

23            (2) not supporting terrorist activities against  
24 United States or coalition forces in Afghanistan, and  
25 Pakistan’s military and intelligence agencies are not

1       intervening extra-judicially into political and judicial  
2       processes in Pakistan;

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

6           (4) preventing the proliferation of nuclear-re-  
7       lated material and expertise;

8           (5) implementing policies to protect judicial  
9       independence and due process of law;

10          (6) issuing visas in a timely manner for United  
11       States visitors engaged in counterterrorism efforts  
12       and assistance programs in Pakistan; and

13          (7) providing humanitarian organizations access  
14       to detainees, internally displaced persons, and other  
15       Pakistani civilians affected by the conflict.

16       (b) The Secretary of Defense, in coordination with  
17       the Secretary of State, may waive the restriction in sub-  
18       section (a) on a case-by-case basis by certifying in writing  
19       to the congressional defense committees that it is in the  
20       national security interest to do so: *Provided*, That if the  
21       Secretary of Defense, in coordination with the Secretary  
22       of State, exercises such waiver authority, the Secretaries  
23       shall report to the congressional defense committees on  
24       both the justification for the waiver and on the require-  
25       ments of this section that the Government of Pakistan was

1 not able to meet: *Provided further*, That such report may  
2 be submitted in classified form if necessary.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 9018. In addition to amounts otherwise made  
5 available in this Act, \$500,000,000 is hereby appropriated  
6 to the Department of Defense and made available for  
7 transfer only to the operation and maintenance, military  
8 personnel, and procurement accounts, to improve the intel-  
9 ligence, surveillance, and reconnaissance capabilities of the  
10 Department of Defense: *Provided*, That the transfer au-  
11 thority provided in this section is in addition to any other  
12 transfer authority provided elsewhere in this Act: *Provided*  
13 *further*, That not later than 30 days prior to exercising  
14 the transfer authority provided in this section, the Sec-  
15 retary of Defense shall submit a report to the congress-  
16 sional defense committees on the proposed uses of these  
17 funds: *Provided further*, That the funds provided in this  
18 section may not be transferred to any program, project,  
19 or activity specifically limited or denied by this Act: *Pro-*  
20 *vided further*, That amounts made available by this section  
21 are designated by the Congress for Overseas Contingency  
22 Operations/Global War on Terrorism pursuant to section  
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
24 Deficit Control Act of 1985: *Provided further*, That the

1 authority to provide funding under this section shall termi-  
2 nate on September 30, 2017.

3 SEC. 9019. None of the funds made available by this  
4 Act may be used with respect to Syria in contravention  
5 of the War Powers Resolution (50 U.S.C. 1541 et seq.),  
6 including for the introduction of United States armed or  
7 military forces into hostilities in Syria, into situations in  
8 Syria where imminent involvement in hostilities is clearly  
9 indicated by the circumstances, or into Syrian territory,  
10 airspace, or waters while equipped for combat, in con-  
11 travention of the congressional consultation and reporting  
12 requirements of sections 3 and 4 of that law (50 U.S.C.  
13 1542 and 1543).

14 (RESCISSIONS)

15 SEC. 9020. Of the funds appropriated in Department  
16 of Defense Appropriations Acts, the following funds are  
17 hereby rescinded from the following accounts and pro-  
18 grams in the specified amounts: *Provided*, That such  
19 amounts are designated by the Congress for Overseas  
20 Contingency Operations/Global War on Terrorism pursu-  
21 ant to section 251(b)(2)(A)(ii) of the Balanced Budget  
22 and Emergency Deficit Control Act of 1985, as amended:

23 (1) “Operation and Maintenance, Defense-  
24 Wide, DSCA Coalition Support Fund”, 2016/2017,  
25 \$300,000,000;

1           (2) “Counterterrorism Partnership Fund”,  
2           2016/2017, \$200,000,000; and

3           (3) “Other Procurement, Air Force”, 2016/  
4           2018, \$169,000,000.

5           SEC. 9021. Each amount designated in this Act by  
6 the Congress for Overseas Contingency Operations/Global  
7 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of  
8 the Balanced Budget and Emergency Deficit Control Act  
9 of 1985 shall be available only if the President subse-  
10 quently so designates all such amounts and transmits such  
11 designations to the Congress.

12   TITLE X—ADDITIONAL GENERAL PROVISIONS

13           SEC. 10001. (a) Congress finds that—

14           (1) the United States has been engaged in mili-  
15           tary operations against the Islamic State of Iraq and  
16           the Levant (ISIL) for more than 20 months;

17           (2) President Obama submitted an authoriza-  
18           tion for the use of military force against ISIL in  
19           February 2015; and

20           (3) under article 1, section 8 of the Constitu-  
21           tion, Congress has the authority to “declare war”.

22           (b) Therefore, Congress has a constitutional duty to  
23           debate and determine whether or not to authorize the use  
24           of military force against ISIL.

1       SEC. 10002. None of the funds made available by this  
2 Act may be used to provide arms, training, or other assist-  
3 ance to the Azov Battalion.

4                               SPENDING REDUCTION ACCOUNT

5       SEC. 10003. The amount by which the applicable al-  
6 location of new budget authority made by the Committee  
7 on Appropriations of the House of Representatives under  
8 section 302(b) of the Congressional Budget Act of 1974  
9 exceeds the amount of proposed new budget authority is  
10 \$0.

11       SEC. 10004. None of the funds made available by this  
12 Act may be used to promulgate Directive 293, issued De-  
13 cember 16, 2010, by the Office of Federal Contract Com-  
14 pliance Programs.

15       SEC. 10005. None of the funds made available by this  
16 Act may be used to enter into a contract with any offeror  
17 or any of its principals if the offeror certifies, as required  
18 by the Federal Acquisition Regulation, that the offeror or  
19 any of its principals—

20               (1) within a 3-year period preceding the offer  
21       has been convicted of or had a civil judgment ren-  
22       dered against it for commission of fraud or a crimi-  
23       nal offense in connection with obtaining, attempting  
24       to obtain, or performing a public (Federal, State, or  
25       local) contract or subcontract; violation of Federal or

1 State antitrust statutes relating to the submission of  
2 offers; or commission of embezzlement, theft, for-  
3 gery, bribery, falsification or destruction of records,  
4 making false statements, tax evasion, violating Fed-  
5 eral criminal tax laws, or receiving stolen property;

6 (2) is presently indicted for, or otherwise crimi-  
7 nally or civilly charged by a governmental entity  
8 with, commission of any of the offenses enumerated  
9 above in paragraph (1); or

10 (3) within a 3-year period preceding the offer,  
11 has been notified of any delinquent Federal taxes in  
12 an amount that exceeds \$3,000 for which the liabil-  
13 ity remains unsatisfied.

14 SEC. 10006. None of the funds made available by this  
15 Act may be used to designate or expand a heritage asset  
16 under division A of subtitle III of title 54, United States  
17 Code (commonly referred to as the “National Historic  
18 Preservation Act”), in any of Baca, Bent, Crowley,  
19 Huerfano, Kiowa, Las Animas, Otero, Prowers, and Pueb-  
20 lo counties, Colorado.

21 SEC. 10007. None of the funds made available in this  
22 Act may be used to transfer any individual detained at  
23 United States Naval Station, Guantanamo Bay, Cuba, to  
24 any other location.

1       SEC. 10008. None of the funds made available by this  
2 Act may be used to carry out Executive Order No. 13688  
3 entitled “Federal Support for Local Law Enforcement  
4 Equipment Acquisition”.

5       SEC. 10009. None of the funds appropriated by this  
6 Act may be used to plan for, begin, continue, complete,  
7 process, or approve a public-private competition under the  
8 Office of Management and Budget Circular A–76.

9       SEC. 10010. None of the funds made available by this  
10 Act may be used for performances by a military musical  
11 unit (as defined in section 974 of title 10, United States  
12 Code) described in paragraph (2)(B) or (3) of subsection  
13 (a) of such section.

14       SEC. 10011. None of the funds appropriated or other-  
15 wise made available in this Act may be used for a contract  
16 under section 2922a of title 10, United States Code, for  
17 energy or fuel for a military installation that is procured  
18 from the Russian Federation.

19       SEC. 10012. None of the funds made available by this  
20 Act may be used to revise the DoD Food Service Program  
21 Manual (Number 1338.10 and dated December 2, 2014)  
22 to exclude meat.

23       SEC. 10013. None of the funds appropriated or other-  
24 wise made available in this Act may be used to implement

1 Department of Defense Directive 4715.21 on Climate  
2 Change Adaptation and Resilience.

3 SEC. 10014. None of the funds made available by this  
4 Act may be used to modify a military installation in the  
5 United States, including construction or modification of  
6 a facility on a military installation, to provide temporary  
7 housing for unaccompanied alien children.

8 SEC. 10015. None of the funds made available by this  
9 Act may be used to carry out or in response to the memo-  
10 randum of the Deputy Assistant Secretary of Defense for  
11 Homeland Defense Integration and Defense Support of  
12 Civil Authorities titled “Memorandum for Secretaries of  
13 the Military Departments Director, Joint Staff” and dated  
14 November 25, 2015.

15 SEC. 10016. None of the funds made available by this  
16 Act may be used by the Department of Defense to survey,  
17 assess, or review potential locations in the United States  
18 to detain any individual detained at United States Naval  
19 Station, Guantanamo Bay, Cuba, as of the date of the  
20 enactment of this Act.

21 SEC. 10017. None of the funds appropriated or other-  
22 wise made available in this Act may be used to carry out  
23 any of the following:

24 (1) Section 2, 3, 4, 5, 6(b)(iii), or 6(c) of Exec-  
25 utive Order No. 13653 (78 Fed. Reg. 66817).

1           (2) Section 2, 3, 7, 8, 9, 10, 11, 12, 13, 14,  
2           or 15(b) of Executive Order No. 13693 (80 Fed.  
3           Reg. 15869).

4           (3) Paragraph (4), (9), (10), or (12) of sub-  
5           section (c) or subsection (e) of section 2911 of title  
6           10, United States Code.

7           (4) Section 400AA or 400FF of the Energy  
8           Policy and Conservation Act (42 U.S.C. 6374,  
9           6374e).

10          (5) Section 303 of the Energy Policy Act of  
11          1992 (42 U.S.C. 13212).

12          (6) Section 203 of the Energy Policy Act of  
13          2005 (42 U.S.C. 15852).

14          SEC. 10018. None of the funds appropriated or other-  
15          wise made available in this Act may be used to pay for  
16          any salaries or expenses of the office or position of the  
17          Special Envoy for Guantanamo Detention Closure or the  
18          Principal Director, Detainee Policy.

19          SEC. 10019. None of the funds made available in this  
20          Act may be used to enforce, implement, or carry out the  
21          second proviso in the paragraph designated “Afghanistan  
22          Security Forces Fund” in Public Law 114–113.

- 1 This Act may be cited as the “Department of Defense
- 2 Appropriations Act, 2017”.

Passed the House of Representatives June 16, 2016.

Attest:

*Clerk.*

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

**H. R. 5293**

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**AN ACT**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.