

[COMMITTEE PRINT]

NOTICE: This bill is a draft for use of the Committee and its Staff only, in preparation for markup.

Calendar No. 000114TH CONGRESS
1ST SESSION**S. 0000****[Report No. 114-000]**

Making appropriations for Department of Defense for the fiscal year ending September 30, 2016, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE _____, 2015

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

A BILL

Making appropriations for Department of Defense for the fiscal year ending September 30, 2016, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the following sums are appropriated, out of any

1 money in the Treasury not otherwise appropriated, for the
2 Department of Defense for the fiscal year ending Sep-
3 tember 30, 2016, and for other purposes, namely:

4 TITLE I

5 MILITARY PERSONNEL

6 MILITARY PERSONNEL, ARMY

7 For pay, allowances, individual clothing, subsistence,
8 interest on deposits, gratuities, permanent change of sta-
9 tion travel (including all expenses thereof for organiza-
10 tional movements), and expenses of temporary duty travel
11 between permanent duty stations, for members of the
12 Army on active duty (except members of reserve compo-
13 nents provided for elsewhere), cadets, and aviation cadets;
14 for members of the Reserve Officers' Training Corps; and
15 for payments pursuant to section 156 of Public Law 97-
16 377, as amended (42 U.S.C. 402 note), and to the Depart-
17 ment of Defense Military Retirement Fund,
18 \$41,038,287,000.

19 MILITARY PERSONNEL, NAVY

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

1 vided for elsewhere), midshipmen, and aviation cadets; for
2 members of the Reserve Officers' Training Corps; and for
3 payments pursuant to section 156 of Public Law 97-377,
4 as amended (42 U.S.C. 402 note), and to the Department
5 of Defense Military Retirement Fund, \$27,983,432,000.

6 MILITARY PERSONNEL, MARINE CORPS

7 For pay, allowances, individual clothing, subsistence,
8 interest on deposits, gratuities, permanent change of sta-
9 tion travel (including all expenses thereof for organiza-
10 tional movements), and expenses of temporary duty travel
11 between permanent duty stations, for members of the Ma-
12 rine Corps on active duty (except members of the Reserve
13 provided for elsewhere); and for payments pursuant to sec-
14 tion 156 of Public Law 97-377, as amended (42 U.S.C.
15 402 note), and to the Department of Defense Military Re-
16 tirement Fund, \$12,953,400,000.

17 MILITARY PERSONNEL, AIR FORCE

18 For pay, allowances, individual clothing, subsistence,
19 interest on deposits, gratuities, permanent change of sta-
20 tion travel (including all expenses thereof for organiza-
21 tional movements), and expenses of temporary duty travel
22 between permanent duty stations, for members of the Air
23 Force on active duty (except members of reserve compo-
24 nents provided for elsewhere), cadets, and aviation cadets;
25 for members of the Reserve Officers' Training Corps; and

1 for payments pursuant to section 156 of Public Law 97–
2 377, as amended (42 U.S.C. 402 note), and to the Depart-
3 ment of Defense Military Retirement Fund,
4 \$27,756,536,000.

5 RESERVE PERSONNEL, ARMY

6 For pay, allowances, clothing, subsistence, gratuities,
7 travel, and related expenses for personnel of the Army Re-
8 serve on active duty under sections 10211, 10302, and
9 3038 of title 10, United States Code, or while serving on
10 active duty under section 12301(d) of title 10, United
11 States Code, in connection with performing duty specified
12 in section 12310(a) of title 10, United States Code, or
13 while undergoing reserve training, or while performing
14 drills or equivalent duty or other duty, and expenses au-
15 thorized by section 16131 of title 10, United States Code;
16 and for payments to the Department of Defense Military
17 Retirement Fund, \$4,418,714,000.

18 RESERVE PERSONNEL, NAVY

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

1 serve training, or while performing drills or equivalent
2 duty, and expenses authorized by section 16131 of title
3 10, United States Code; and for payments to the Depart-
4 ment of Defense Military Retirement Fund,
5 \$1,849,541,000.

6 RESERVE PERSONNEL, MARINE CORPS

7 For pay, allowances, clothing, subsistence, gratuities,
8 travel, and related expenses for personnel of the Marine
9 Corps Reserve on active duty under section 10211 of title
10 10, United States Code, or while serving on active duty
11 under section 12301(d) of title 10, United States Code,
12 in connection with performing duty specified in section
13 12310(a) of title 10, United States Code, or while under-
14 going reserve training, or while performing drills or equiv-
15 alent duty, and for members of the Marine Corps platoon
16 leaders class, and expenses authorized by section 16131
17 of title 10, United States Code; and for payments to the
18 Department of Defense Military Retirement Fund,
19 \$697,839,000.

20 RESERVE PERSONNEL, AIR FORCE

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

1 States Code, in connection with performing duty specified
2 in section 12310(a) of title 10, United States Code, or
3 while undergoing reserve training, or while performing
4 drills or equivalent duty or other duty, and expenses au-
5 thorized by section 16131 of title 10, United States Code;
6 and for payments to the Department of Defense Military
7 Retirement Fund, \$1,676,551,000.

8 NATIONAL GUARD PERSONNEL, ARMY

9 For pay, allowances, clothing, subsistence, gratuities,
10 travel, and related expenses for personnel of the Army Na-
11 tional Guard while on duty under sections 10211, 10302,
12 or 12402 of title 10 or section 708 of title 32, United
13 States Code, or while serving on duty under section
14 12301(d) of title 10 or section 502(f) of title 32, United
15 States Code, in connection with performing duty specified
16 in section 12310(a) of title 10, United States Code, or
17 while undergoing training, or while performing drills or
18 equivalent duty or other duty, and expenses authorized by
19 section 16131 of title 10, United States Code; and for pay-
20 ments to the Department of Defense Military Retirement
21 Fund, \$7,862,122,000.

22 NATIONAL GUARD PERSONNEL, AIR FORCE

23 For pay, allowances, clothing, subsistence, gratuities,
24 travel, and related expenses for personnel of the Air Na-
25 tional Guard on duty under sections 10211, 10305, or

1 12402 of title 10 or section 708 of title 32, United States
2 Code, or while serving on duty under section 12301(d) of
3 title 10 or section 502(f) of title 32, United States Code,
4 in connection with performing duty specified in section
5 12310(a) of title 10, United States Code, or while under-
6 going training, or while performing drills or equivalent
7 duty or other duty, and expenses authorized by section
8 16131 of title 10, United States Code; and for payments
9 to the Department of Defense Military Retirement Fund,
10 \$3,205,691,000.

11 TITLE II

12 OPERATION AND MAINTENANCE

13 OPERATION AND MAINTENANCE, ARMY

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance of the Army, as author-
16 ized by law, \$27,338,766,000: *Provided*, That not to ex-
17 ceed \$12,478,000 can be used for emergencies and ex-
18 traordinary expenses, to be expended on the approval or
19 authority of the Secretary of the Army, and payments may
20 be made on his certificate of necessity for confidential mili-
21 tary purposes.

22 OPERATION AND MAINTENANCE, NAVY

23 For expenses, not otherwise provided for, necessary
24 for the operation and maintenance of the Navy and the
25 Marine Corps, as authorized by law, \$25,986,766,000:

1 *Provided*, That not to exceed \$15,055,000 can be used for
2 emergencies and extraordinary expenses, to be expended
3 on the approval or authority of the Secretary of the Navy,
4 and payments may be made on his certificate of necessity
5 for confidential military purposes.

6 OPERATION AND MAINTENANCE, MARINE CORPS

7 For expenses, not otherwise provided for, necessary
8 for the operation and maintenance of the Marine Corps,
9 as authorized by law, \$5,277,785,000.

10 OPERATION AND MAINTENANCE, AIR FORCE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance of the Air Force, as
13 authorized by law, \$26,198,654,000: *Provided*, That not
14 to exceed \$7,699,000 can be used for emergencies and ex-
15 traordinary expenses, to be expended on the approval or
16 authority of the Secretary of the Air Force, and payments
17 may be made on his certificate of necessity for confidential
18 military purposes.

19 OPERATION AND MAINTENANCE, DEFENSE-WIDE

20 (INCLUDING TRANSFER OF FUNDS)

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance of activities and agen-
23 cies of the Department of Defense (other than the military
24 departments), as authorized by law, \$32,124,431,000:
25 *Provided*, That not more than \$15,000,000 may be used

1 for the Combatant Commander Initiative Fund authorized
2 under section 166a of title 10, United States Code: *Pro-*
3 *vided further*, That not to exceed \$36,000,000 can be used
4 for emergencies and extraordinary expenses, to be ex-
5 pended on the approval or authority of the Secretary of
6 Defense, and payments may be made on his certificate of
7 necessity for confidential military purposes: *Provided fur-*
8 *ther*, That of the funds provided under this heading, not
9 less than \$35,045,000 shall be made available for the Pro-
10 curement Technical Assistance Cooperative Agreement
11 Program, of which not less than \$3,600,000 shall be avail-
12 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
13 *vided further*, That none of the funds appropriated or oth-
14 erwise made available by this Act may be used to plan
15 or implement the consolidation of a budget or appropria-
16 tions liaison office of the Office of the Secretary of De-
17 fense, the office of the Secretary of a military department,
18 or the service headquarters of one of the Armed Forces
19 into a legislative affairs or legislative liaison office: *Pro-*
20 *vided further*, That \$9,031,000, to remain available until
21 expended, is available only for expenses relating to certain
22 classified activities, and may be transferred as necessary
23 by the Secretary of Defense to operation and maintenance
24 appropriations or research, development, test and evalua-
25 tion appropriations, to be merged with and to be available

1 for the same time period as the appropriations to which
2 transferred: *Provided further*, That any ceiling on the in-
3 vestment item unit cost of items that may be purchased
4 with operation and maintenance funds shall not apply to
5 the funds described in the preceding proviso: *Provided fur-*
6 *ther*, That the transfer authority provided under this head-
7 ing is in addition to any other transfer authority provided
8 elsewhere in this Act.

9 OPERATION AND MAINTENANCE, ARMY RESERVE

10 For expenses, not otherwise provided for, necessary
11 for the operation and maintenance, including training, or-
12 ganization, and administration, of the Army Reserve; re-
13 pair of facilities and equipment; hire of passenger motor
14 vehicles; travel and transportation; care of the dead; re-
15 cruiting; procurement of services, supplies, and equip-
16 ment; and communications, \$2,679,992,000.

17 OPERATION AND MAINTENANCE, NAVY RESERVE

18 For expenses, not otherwise provided for, necessary
19 for the operation and maintenance, including training, or-
20 ganization, and administration, of the Navy Reserve; re-
21 pair of facilities and equipment; hire of passenger motor
22 vehicles; travel and transportation; care of the dead; re-
23 cruiting; procurement of services, supplies, and equip-
24 ment; and communications, \$998,758,000.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance, including training, or-
5 ganization, and administration, of the Marine Corps Re-
6 serve; repair of facilities and equipment; hire of passenger
7 motor vehicles; travel and transportation; care of the dead;
8 recruiting; procurement of services, supplies, and equip-
9 ment; and communications, \$277,036,000.

10 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance, including training, or-
13 ganization, and administration, of the Air Force Reserve;
14 repair of facilities and equipment; hire of passenger motor
15 vehicles; travel and transportation; care of the dead; re-
16 cruiting; procurement of services, supplies, and equip-
17 ment; and communications, \$3,056,357,000.

18 OPERATION AND MAINTENANCE, ARMY NATIONAL

19 GUARD

20 For expenses of training, organizing, and admin-
21 istering the Army National Guard, including medical and
22 hospital treatment and related expenses in non-Federal
23 hospitals; maintenance, operation, and repairs to struc-
24 tures and facilities; hire of passenger motor vehicles; per-
25 sonnel services in the National Guard Bureau; travel ex-

1 penses (other than mileage), as authorized by law for
2 Army personnel on active duty, for Army National Guard
3 division, regimental, and battalion commanders while in-
4 specting units in compliance with National Guard Bureau
5 regulations when specifically authorized by the Chief, Na-
6 tional Guard Bureau; supplying and equipping the Army
7 National Guard as authorized by law; and expenses of re-
8 pair, modification, maintenance, and issue of supplies and
9 equipment (including aircraft), \$6,746,302,000.

10 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

1 Bureau regulations when specifically authorized by the
2 Chief, National Guard Bureau, \$6,951,010,000.

3 UNITED STATES COURT OF APPEALS FOR THE ARMED
4 FORCES

5 For salaries and expenses necessary for the United
6 States Court of Appeals for the Armed Forces,
7 \$14,078,000, of which not to exceed \$5,000 may be used
8 for official representation purposes.

9 ENVIRONMENTAL RESTORATION, ARMY
10 (INCLUDING TRANSFER OF FUNDS)

11 For the Department of the Army, \$234,829,000, to
12 remain available until transferred: *Provided*, That the Sec-
13 retary of the Army shall, upon determining that such
14 funds are required for environmental restoration, reduc-
15 tion and recycling of hazardous waste, removal of unsafe
16 buildings and debris of the Department of the Army, or
17 for similar purposes, transfer the funds made available by
18 this appropriation to other appropriations made available
19 to the Department of the Army, to be merged with and
20 to be available for the same purposes and for the same
21 time period as the appropriations to which transferred:
22 *Provided further*, That upon a determination that all or
23 part of the funds transferred from this appropriation are
24 not necessary for the purposes provided herein, such
25 amounts may be transferred back to this appropriation:

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

4 ENVIRONMENTAL RESTORATION, NAVY
5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of the Navy, \$292,453,000, to
7 remain available until transferred: *Provided*, That the Sec-
8 retary of the Navy shall, upon determining that such
9 funds are required for environmental restoration, reduc-
10 tion and recycling of hazardous waste, removal of unsafe
11 buildings and debris of the Department of the Navy, or
12 for similar purposes, transfer the funds made available by
13 this appropriation to other appropriations made available
14 to the Department of the Navy, to be merged with and
15 to be available for the same purposes and for the same
16 time period as the appropriations to which transferred:
17 *Provided further*, That upon a determination that all or
18 part of the funds transferred from this appropriation are
19 not necessary for the purposes provided herein, such
20 amounts may be transferred back to this appropriation:
21 *Provided further*, That the transfer authority provided
22 under this heading is in addition to any other transfer au-
23 thority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$368,131,000,
4 to remain available until transferred: *Provided*, That the
5 Secretary of the Air Force shall, upon determining that
6 such funds are required for environmental restoration, re-
7 duction and recycling of hazardous waste, removal of un-
8 safe buildings and debris of the Department of the Air
9 Force, or for similar purposes, transfer the funds made
10 available by this appropriation to other appropriations
11 made available to the Department of the Air Force, to be
12 merged with and to be available for the same purposes
13 and for the same time period as the appropriations to
14 which transferred: *Provided further*, That upon a deter-
15 mination that all or part of the funds transferred from
16 this appropriation are not necessary for the purposes pro-
17 vided herein, such amounts may be transferred back to
18 this appropriation: *Provided further*, That the transfer au-
19 thority provided under this heading is in addition to any
20 other transfer authority provided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of Defense, \$8,232,000, to re-
24 main available until transferred: *Provided*, That the Sec-
25 retary of Defense shall, upon determining that such funds

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

16 ENVIRONMENTAL RESTORATION, FORMERLY USED
17 DEFENSE SITES
18 (INCLUDING TRANSFER OF FUNDS)

19 For the Department of the Army, \$233,717,000, to
20 remain available until transferred: *Provided*, That the Sec-
21 retary of the Army shall, upon determining that such
22 funds are required for environmental restoration, reduc-
23 tion and recycling of hazardous waste, removal of unsafe
24 buildings and debris at sites formerly used by the Depart-
25 ment of Defense, transfer the funds made available by this

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

12 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

13 For expenses relating to the Overseas Humanitarian,
14 Disaster, and Civic Aid programs of the Department of
15 Defense (consisting of the programs provided under sec-
16 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
17 United States Code), \$100,266,000, to remain available
18 until September 30, 2017.

19 COOPERATIVE THREAT REDUCTION ACCOUNT

20 For assistance to the republics of the former Soviet
21 Union and, with appropriate authorization by the Depart-
22 ment of Defense and Department of State, to countries
23 outside of the former Soviet Union, including assistance
24 provided by contract or by grants, for facilitating the
25 elimination and the safe and secure transportation and

1 storage of nuclear, chemical and other weapons; for estab-
2 lishing programs to prevent the proliferation of weapons,
3 weapons components, and weapon-related technology and
4 expertise; for programs relating to the training and sup-
5 port of defense and military personnel for demilitarization
6 and protection of weapons, weapons components, and
7 weapons technology and expertise, and for defense and
8 military contacts, \$358,496,000, to remain available until
9 September 30, 2018.

10 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

11 DEVELOPMENT FUND

12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of Defense Acquisition Work-
14 force Development Fund, \$84,140,000 to remain available
15 until September 30, 2017: *Provided*, That the Secretary
16 of Defense may transfer funds provided herein to appro-
17 priations for military personnel; for operation and mainte-
18 nance; for procurement; and for research, development,
19 test and evaluation to accomplish purposes as provided for
20 in section 1705 of title 10, United States Code: *Provided*
21 *further*, That the funds appropriated under this heading
22 shall be available for obligation for the same time period
23 and for the same purpose as the appropriation to which
24 transferred: *Provided further*, That upon a determination
25 that all or part of the funds transferred from this appro-

1 priation are not necessary for the purposes provided here-
2 in, such amounts may be transferred back to this appro-
3 priation: *Provided further*, That the transfer authority pro-
4 vided under this heading is in addition to any other trans-
5 fer authority provided elsewhere in this Act.

6 TITLE III

7 PROCUREMENT

8 AIRCRAFT PROCUREMENT, ARMY

9 For construction, procurement, production, modifica-
10 tion, and modernization of aircraft, equipment, including
11 ordnance, ground handling equipment, spare parts, and
12 accessories therefor; specialized equipment and training
13 devices; expansion of public and private plants, including
14 the land necessary therefor, for the foregoing purposes,
15 and such lands and interests therein, may be acquired,
16 and construction prosecuted thereon prior to approval of
17 title; and procurement and installation of equipment, ap-
18 pliances, and machine tools in public and private plants;
19 reserve plant and Government and contractor-owned
20 equipment layaway; and other expenses necessary for the
21 foregoing purposes, \$5,465,751,000, to remain available
22 for obligation until September 30, 2018.

23 MISSILE PROCUREMENT, ARMY

24 For construction, procurement, production, modifica-
25 tion, and modernization of missiles, equipment, including

1 layaway; and other expenses necessary for the foregoing
2 purposes, \$1,914,446,000, to remain available for obliga-
3 tion until September 30, 2018.

4 PROCUREMENT OF AMMUNITION, ARMY

5 For construction, procurement, production, and
6 modification of ammunition, and accessories therefor; spe-
7 cialized equipment and training devices; expansion of pub-
8 lic and private plants, including ammunition facilities, au-
9 thorized by section 2854 of title 10, United States Code,
10 and the land necessary therefor, for the foregoing pur-
11 poses, and such lands and interests therein, may be ac-
12 quired, and construction prosecuted thereon prior to ap-
13 proval of title; and procurement and installation of equip-
14 ment, appliances, and machine tools in public and private
15 plants; reserve plant and Government and contractor-
16 owned equipment layaway; and other expenses necessary
17 for the foregoing purposes, \$1,247,426,000, to remain
18 available for obligation until September 30, 2018.

19 OTHER PROCUREMENT, ARMY

20 For construction, procurement, production, and
21 modification of vehicles, including tactical, support, and
22 non-tracked combat vehicles; the purchase of passenger
23 motor vehicles for replacement only; communications and
24 electronic equipment; other support equipment; spare
25 parts, ordnance, and accessories therefor; specialized

1 equipment and training devices; expansion of public and
2 private plants, including the land necessary therefor, for
3 the foregoing purposes, and such lands and interests
4 therein, may be acquired, and construction prosecuted
5 thereon prior to approval of title; and procurement and
6 installation of equipment, appliances, and machine tools
7 in public and private plants; reserve plant and Govern-
8 ment and contractor-owned equipment layaway; and other
9 expenses necessary for the foregoing purposes,
10 \$5,648,874,000, to remain available for obligation until
11 September 30, 2018.

12 AIRCRAFT PROCUREMENT, NAVY

13 For construction, procurement, production, modifica-
14 tion, and modernization of aircraft, equipment, including
15 ordnance, spare parts, and accessories therefor; specialized
16 equipment; expansion of public and private plants, includ-
17 ing the land necessary therefor, and such lands and inter-
18 ests 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,
23 \$17,392,174,000, to remain available for obligation until
24 September 30, 2018.

1 WEAPONS PROCUREMENT, NAVY

2 For construction, procurement, production, modifica-
3 tion, and modernization of missiles, torpedoes, other weap-
4 ons, and related support equipment including spare parts,
5 and accessories therefor; expansion of public and private
6 plants, including the land necessary therefor, and such
7 lands and interests therein, may be acquired, and con-
8 struction prosecuted thereon prior to approval of title; and
9 procurement and installation of equipment, appliances,
10 and machine tools in public and private plants; reserve
11 plant and Government and contractor-owned equipment
12 layaway, \$3,172,822,000, to remain available for obliga-
13 tion until September 30, 2018.

14 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
15 CORPS

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

1 plants; reserve plant and Government and contractor-
2 owned equipment layaway; and other expenses necessary
3 for the foregoing purposes, \$728,741,000, to remain avail-
4 able for obligation until September 30, 2018.

5 SHIPBUILDING AND CONVERSION, NAVY

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

18 Carrier Replacement Program, \$1,634,701,000;
19 Carrier Replacement Program (AP),
20 \$683,200,000;
21 Virginia Class Submarine, \$3,346,370,000;
22 Virginia Class Submarine (AP),
23 \$1,993,740,000;
24 CVN Refueling Overhauls, \$678,274,000;
25 CVN Refueling Overhauls (AP), \$14,951,000;

1 DDG-1000 Program, \$433,404,000;
2 DDG-51 Destroyer, \$4,149,703,000;
3 Littoral Combat Ship, \$1,331,591,000;
4 LPD-17, \$550,000,000;
5 Afloat Forward Staging Base (AP),
6 \$97,000,000;
7 LHA Replacement (AP), \$476,543,000;
8 LX(R) (AP), \$250,000,000;
9 Joint High Speed Vessel, \$225,000,000;
10 TAO Fleet Oiler, \$674,190,000;
11 T-ATS(X) Fleet Tug, \$75,000,000;
12 LCU Replacement, \$34,000,000;
13 Moored Training Ship (AP), \$138,200,000;
14 Ship to Shore Connector, \$204,630,000;
15 Service Craft, \$30,014,000;
16 LCAC Service Life Extension Program,
17 \$80,738,000;
18 YP Craft Maintenance/ROH/SLEP,
19 \$21,838,000; and
20 For outfitting, post delivery, conversions, and
21 first destination transportation, \$663,970,000.
22 Completion of Prior Year Shipbuilding Pro-
23 grams, \$389,305,000.
24 In all: \$18,176,362,000, to remain available for obli-
25 gation until September 30, 2020: *Provided*, That addi-

1 tional obligations may be incurred after September 30,
2 2020, for engineering services, tests, evaluations, and
3 other such budgeted work that must be performed in the
4 final stage of ship construction: *Provided further*, That
5 none of the funds provided under this heading for the con-
6 struction or conversion of any naval vessel to be con-
7 structed in shipyards in the United States shall be ex-
8 pended in foreign facilities for the construction of major
9 components of such vessel: *Provided further*, That none
10 of the funds provided under this heading shall be used
11 for the construction of any naval vessel in foreign ship-
12 yards.

13 OTHER PROCUREMENT, NAVY

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

1 tractor-owned equipment layaway, \$6,329,750,000, to re-
2 main available for obligation until September 30, 2018.

3 PROCUREMENT, MARINE CORPS

4 For expenses necessary for the procurement, manu-
5 facture, and modification of missiles, armament, military
6 equipment, spare parts, and accessories therefor; plant
7 equipment, appliances, and machine tools, and installation
8 thereof in public and private plants; reserve plant and
9 Government and contractor-owned equipment layaway; ve-
10 hicles for the Marine Corps, including the purchase of pas-
11 senger motor vehicles for replacement only; and expansion
12 of public and private plants, including land necessary
13 therefor, and such lands and interests therein, may be ac-
14 quired, and construction prosecuted thereon prior to ap-
15 proval of title, \$1,239,618,000, to remain available for ob-
16 ligation until September 30, 2018.

17 AIRCRAFT PROCUREMENT, AIR FORCE

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

1 therein, may be acquired, and construction prosecuted
2 thereon prior to approval of title; reserve plant and Gov-
3 ernment and contractor-owned equipment layaway; and
4 other expenses necessary for the foregoing purposes in-
5 cluding rents and transportation of things,
6 \$15,890,661,000, to remain available for obligation until
7 September 30, 2018.

8 MISSILE PROCUREMENT, AIR FORCE

9 For construction, procurement, and modification of
10 missiles, rockets, and related equipment, including spare
11 parts and accessories therefor; ground handling equip-
12 ment, and training devices; expansion of public and pri-
13 vate plants, Government-owned equipment and installa-
14 tion thereof in such plants, erection of structures, and ac-
15 quisition of land, for the foregoing purposes, and such
16 lands and interests therein, may be acquired, and con-
17 struction prosecuted thereon prior to approval of title; re-
18 serve plant and Government and contractor-owned equip-
19 ment layaway; and other expenses necessary for the fore-
20 going purposes including rents and transportation of
21 things, \$2,965,869,000, to remain available for obligation
22 until September 30, 2018.

23 SPACE PROCUREMENT, AIR FORCE

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

1 spare parts and accessories therefor; ground handling
2 equipment, and training devices; expansion of public and
3 private plants, Government-owned equipment and installa-
4 tion thereof in such plants, erection of structures, and ac-
5 quisition of land, for the foregoing purposes, and such
6 lands and interests therein, may be acquired, and con-
7 struction prosecuted thereon prior to approval of title; re-
8 serve plant and Government and contractor-owned equip-
9 ment layaway; and other expenses necessary for the fore-
10 going purposes including rents and transportation of
11 things, \$2,891,159,000, to remain available for obligation
12 until September 30, 2018.

13 PROCUREMENT OF AMMUNITION, AIR FORCE

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

1 for the foregoing purposes, \$1,797,343,000, to remain
2 available for obligation until September 30, 2018.

3 OTHER PROCUREMENT, AIR FORCE

4 For procurement and modification of equipment (in-
5 cluding ground guidance and electronic control equipment,
6 and ground electronic and communication equipment),
7 and supplies, materials, and spare parts therefor, not oth-
8 erwise provided for; the purchase of passenger motor vehi-
9 cles for replacement only; lease of passenger motor vehi-
10 cles; and expansion of public and private plants, Govern-
11 ment-owned equipment and installation thereof in such
12 plants, erection of structures, and acquisition of land, for
13 the foregoing purposes, and such lands and interests
14 therein, may be acquired, and construction prosecuted
15 thereon, prior to approval of title; reserve plant and Gov-
16 ernment and contractor-owned equipment layaway,
17 \$17,997,359,000, to remain available for obligation until
18 September 30, 2018.

19 PROCUREMENT, DEFENSE-WIDE

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

1 and private plants, equipment, and installation thereof in
2 such plants, erection of structures, and acquisition of land
3 for the foregoing purposes, and such lands and interests
4 therein, may be acquired, and construction prosecuted
5 thereon prior to approval of title; reserve plant and Gov-
6 ernment and contractor-owned equipment layaway,
7 \$5,211,532,000, to remain available for obligation until
8 September 30, 2018.

9 DEFENSE PRODUCTION ACT PURCHASES

10 For activities by the Department of Defense pursuant
11 to sections 108, 301, 302, and 303 of the Defense Produc-
12 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
13 2093), \$76,680,000, to remain available until expended.

14 TITLE IV

15 RESEARCH, DEVELOPMENT, TEST AND

16 EVALUATION

17 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

18 ARMY

19 For expenses necessary for basic and applied sci-
20 entific research, development, test and evaluation, includ-
21 ing maintenance, rehabilitation, lease, and operation of fa-
22 cilities and equipment, \$7,096,935,000, to remain avail-
23 able for obligation until September 30, 2017.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment, \$18,236,645,000, to remain avail-
7 able for obligation until September 30, 2017: *Provided,*
8 That funds appropriated in this paragraph which are
9 available for the V-22 may be used to meet unique oper-
10 ational requirements of the Special Operations Forces.

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

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$25,874,116,000, to remain avail-
17 able for obligation until September 30, 2017.

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

20 (INCLUDING TRANSFER OF FUNDS)

21 For expenses of activities and agencies of the Depart-
22 ment of Defense (other than the military departments),
23 necessary for basic and applied scientific research, devel-
24 opment, test and evaluation; advanced research projects
25 as may be designated and determined by the Secretary

1 of Defense, pursuant to law; maintenance, rehabilitation,
2 lease, and operation of facilities and equipment,
3 \$18,926,433,000, to remain available for obligation until
4 September 30, 2017: *Provided*, That, of the funds made
5 available in this paragraph, \$400,000,000 for the Defense
6 Rapid Innovation Program shall only be available for ex-
7 penses, not otherwise provided for, to include program
8 management and oversight, to conduct research, develop-
9 ment, test and evaluation to include proof of concept dem-
10 onstration; engineering, testing, and validation; and tran-
11 sition to full-scale production: *Provided further*, That the
12 Secretary of Defense may transfer funds provided herein
13 for the Defense Rapid Innovation Program to appropria-
14 tions for research, development, test and evaluation to ac-
15 complish the purpose provided herein: *Provided further*,
16 That this transfer authority is in addition to any other
17 transfer authority available to the Department of Defense:
18 *Provided further*, That the Secretary of Defense shall, not
19 fewer than 30 days prior to making transfers from this
20 appropriation, notify the congressional defense committees
21 in writing of the details of any such transfer.

22 OPERATIONAL TEST AND EVALUATION, DEFENSE

23 For expenses, not otherwise provided for, necessary
24 for the independent activities of the Director, Operational
25 Test and Evaluation, in the direction and supervision of

1 operational test and evaluation, including initial oper-
2 ational test and evaluation which is conducted prior to,
3 and in support of, production decisions; joint operational
4 testing and evaluation; and administrative expenses in
5 connection therewith, \$190,558,000, to remain available
6 for obligation until September 30, 2017.

7 TITLE V

8 REVOLVING AND MANAGEMENT FUNDS

9 DEFENSE WORKING CAPITAL FUNDS

10 For the Defense Working Capital Funds,
11 \$1,457,568,000.

12 NATIONAL DEFENSE SEALIFT FUND

13 For National Defense Sealift Fund programs,
14 projects, and activities, and for expenses of the National
15 Defense Reserve Fleet, as established by section 11 of the
16 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
17 and for the necessary expenses to maintain and preserve
18 a U.S.-flag merchant fleet to serve the national security
19 needs of the United States, \$474,164,000, to remain avail-
20 able until expended: *Provided*, That none of the funds pro-
21 vided in this paragraph shall be used to award a new con-
22 tract that provides for the acquisition of any of the fol-
23 lowing major components unless such components are
24 manufactured in the United States: auxiliary equipment,
25 including pumps, for all shipboard services; propulsion

1 system components (engines, reduction gears, and propel-
2 lers); shipboard cranes; and spreaders for shipboard
3 cranes: *Provided further*, That the exercise of an option
4 in a contract awarded through the obligation of previously
5 appropriated funds shall not be considered to be the award
6 of a new contract: *Provided further*, That none of the
7 funds provided in this paragraph shall be used to award
8 a new contract for the construction, acquisition, or conver-
9 sion of vessels, including procurement of critical, long lead
10 time components and designs for vessels to be constructed
11 or converted in the future: *Provided further*, That the Sec-
12 retary of the military department responsible for such pro-
13 curement may waive the restrictions in the first proviso
14 on a case-by-case basis by certifying in writing to the
15 Committees on Appropriations of the House of Represent-
16 atives and the Senate that adequate domestic supplies are
17 not available to meet Department of Defense requirements
18 on a timely basis and that such an acquisition must be
19 made in order to acquire capability for national security
20 purposes.

21

TITLE VI

22 OTHER DEPARTMENT OF DEFENSE PROGRAMS

23

DEFENSE HEALTH PROGRAM

24 For expenses, not otherwise provided for, for medical

25 and health care programs of the Department of Defense

1 as authorized by law, \$32,267,914,000; of which
2 \$30,103,891,000 shall be for operation and maintenance,
3 of which not to exceed one percent shall remain available
4 for obligation until September 30, 2017, and of which up
5 to \$14,812,040,000 may be available for contracts entered
6 into under the TRICARE program; of which
7 \$365,390,000, to remain available for obligation until Sep-
8 tember 30, 2018, shall be for procurement; and of which
9 \$1,798,633,000, to remain available for obligation until
10 September 30, 2017, shall be for research, development,
11 test and evaluation.

12 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
13 DEFENSE

14 For expenses, not otherwise provided for, necessary
15 for the destruction of the United States stockpile of lethal
16 chemical agents and munitions in accordance with the pro-
17 visions of section 1412 of the Department of Defense Au-
18 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
19 struction of other chemical warfare materials that are not
20 in the chemical weapon stockpile, \$699,821,000, of which
21 \$118,198,000 shall be for operation and maintenance, of
22 which no less than \$50,743,000 shall be for the Chemical
23 Stockpile Emergency Preparedness Program, consisting of
24 \$21,289,000 for activities on military installations and
25 \$29,454,000, to remain available until September 30,

1 2017, to assist State and local governments; \$2,281,000
2 shall be for procurement, to remain available until Sep-
3 tember 30, 2018, of which \$2,281,000 shall be for the
4 Chemical Stockpile Emergency Preparedness Program to
5 assist State and local governments; and \$579,342,000, to
6 remain available until September 30, 2017, shall be for
7 research, development, test and evaluation, of which
8 \$569,339,000 shall only be for the Assembled Chemical
9 Weapons Alternatives program.

10 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

11 DEFENSE

12 (INCLUDING TRANSFER OF FUNDS)

13 For drug interdiction and counter-drug activities of
14 the Department of Defense, for transfer to appropriations
15 available to the Department of Defense for military per-
16 sonnel of the reserve components serving under the provi-
17 sions of title 10 and title 32, United States Code; for oper-
18 ation and maintenance; for procurement; and for research,
19 development, test and evaluation, \$1,013,598,000, of
20 which \$681,109,000 shall be for counter-narcotics sup-
21 port; \$119,589,000 shall be for the drug demand reduc-
22 tion program; \$192,900,000 shall be for the National
23 Guard counter-drug program; and \$20,000,000 shall be
24 for the National Guard counter-drug schools program:
25 *Provided*, That the funds appropriated under this heading

1 shall be available for obligation for the same time period
2 and for the same purpose as the appropriation to which
3 transferred: *Provided further*, That upon a determination
4 that all or part of the funds transferred from this appro-
5 priation are not necessary for the purposes provided here-
6 in, such amounts may be transferred back to this appro-
7 priation: *Provided further*, That the transfer authority pro-
8 vided under this heading is in addition to any other trans-
9 fer authority contained elsewhere in this Act.

10 OFFICE OF THE INSPECTOR GENERAL

11 For expenses and activities of the Office of the In-
12 spector General in carrying out the provisions of the In-
13 spector General Act of 1978, as amended, \$312,559,000,
14 of which \$310,459,000 shall be for operation and mainte-
15 nance, of which not to exceed \$700,000 is available for
16 emergencies and extraordinary expenses to be expended on
17 the approval or authority of the Inspector General, and
18 payments may be made on the Inspector General's certifi-
19 cate of necessity for confidential military purposes; and
20 of which \$2,100,000, to remain available until September
21 30, 2017, shall be for research, development, test and eval-
22 uation.

1

TITLE VII

2

RELATED AGENCIES

3

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

4

DISABILITY SYSTEM FUND

5

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

10

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

11

For necessary expenses of the Intelligence Community Management Account, \$513,923,000.

13

TITLE VIII

14

GENERAL PROVISIONS

15

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

18

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian

1 employees of the Department of Defense whose pay is
2 computed under the provisions of section 5332 of title 5,
3 United States Code, or at a rate in excess of the percent-
4 age increase provided by the appropriate host nation to
5 its own employees, whichever is higher: *Provided further,*
6 That this section shall not apply to Department of De-
7 fense foreign service national employees serving at United
8 States diplomatic missions whose pay is set by the Depart-
9 ment of State under the Foreign Service Act of 1980: *Pro-*
10 *vided further,* That the limitations of this provision shall
11 not apply to foreign national employees of the Department
12 of Defense in the Republic of Turkey.

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

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

23 (TRANSFER OF FUNDS)

24 SEC. 8005. Upon determination by the Secretary of
25 Defense that such action is necessary in the national inter-

1 est, he may, with the approval of the Office of Manage-
2 ment and Budget, transfer not to exceed \$5,000,000,000
3 of working capital funds of the Department of Defense
4 or funds made available in this Act to the Department
5 of Defense for military functions (except military con-
6 struction) between such appropriations or funds or any
7 subdivision thereof, to be merged with and to be available
8 for the same purposes, and for the same time period, as
9 the appropriation or fund to which transferred: *Provided,*
10 That such authority to transfer may not be used unless
11 for higher priority items, based on unforeseen military re-
12 quirements, than those for which originally appropriated
13 and in no case where the item for which funds are re-
14 quested has been denied by the Congress: *Provided further,*
15 That the Secretary of Defense shall notify the Congress
16 promptly of all transfers made pursuant to this authority
17 or any other authority in this Act: *Provided further,* That
18 no part of the funds in this Act shall be available to pre-
19 pare or present a request to the Committees on Appropria-
20 tions for reprogramming of funds, unless for higher pri-
21 ority items, based on unforeseen military requirements,
22 than those for which originally appropriated and in no
23 case where the item for which reprogramming is requested
24 has been denied by the Congress: *Provided further,* That
25 a request for multiple reprogrammings of funds using au-

1 thority provided in this section shall be made prior to June
2 30, 2016: *Provided further*, That transfers among military
3 personnel appropriations shall not be taken into account
4 for purposes of the limitation on the amount of funds that
5 may be transferred under this section.

6 SEC. 8006. (a) With regard to the list of specific pro-
7 grams, projects, and activities (and the dollar amounts
8 and adjustments to budget activities corresponding to
9 such programs, projects, and activities) contained in the
10 tables titled “Committee Recommended Adjustments” in
11 the explanatory statement regarding this Act, the obliga-
12 tion and expenditure of amounts appropriated or other-
13 wise made available in this Act for those programs,
14 projects, and activities for which the amounts appro-
15 priated exceed the amounts requested are hereby required
16 by law to be carried out in the manner provided by such
17 tables to the same extent as if the tables were included
18 in the text of this Act.

19 (b) Amounts specified in the referenced tables de-
20 scribed in subsection (a) shall not be treated as subdivi-
21 sions of appropriations for purposes of section 8005 of this
22 Act: *Provided*, That section 8005 shall apply when trans-
23 fers of the amounts described in subsection (a) occur be-
24 tween appropriation accounts.

1 SEC. 8007. (a) Not later than 60 days after enact-
2 ment of this Act, the Department of Defense shall submit
3 a report to the congressional defense committees to estab-
4 lish the baseline for application of reprogramming and
5 transfer authorities for fiscal year 2016: *Provided*, That
6 the report shall include—

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

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

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

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

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

3 (1) “Environmental Restoration, Army”.

4 (2) “Environmental Restoration, Navy”.

5 (3) “Environmental Restoration, Air Force”.

6 (4) “Environmental Restoration, Defense-
7 wide”.

8 (5) “Environmental Restoration, Formerly
9 Used Defense Sites”.

10 (TRANSFER OF FUNDS)

11 SEC. 8008. During the current fiscal year, cash bal-
12 ances in working capital funds of the Department of De-
13 fense established pursuant to section 2208 of title 10,
14 United States Code, may be maintained in only such
15 amounts as are necessary at any time for cash disburse-
16 ments to be made from such funds: *Provided*, That trans-
17 fers may be made between such funds: *Provided further*,
18 That transfers may be made between working capital
19 funds and the “Foreign Currency Fluctuations, Defense”
20 appropriation and the “Operation and Maintenance” ap-
21 propriation accounts in such amounts as may be deter-
22 mined by the Secretary of Defense, with the approval of
23 the Office of Management and Budget, except that such
24 transfers may not be made unless the Secretary of Defense
25 has notified the Congress of the proposed transfer: *Pro-*

1 *vided further*, That except in amounts equal to the
2 amounts appropriated to working capital funds in this Act,
3 no obligations may be made against a working capital fund
4 to procure or increase the value of war reserve material
5 inventory, unless the Secretary of Defense has notified the
6 Congress prior to any such obligation.

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

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

1 That no part of any appropriation contained in this Act
2 shall be available to initiate multiyear procurement con-
3 tracts for any systems or component thereof if the value
4 of the multiyear contract would exceed \$500,000,000 un-
5 less specifically provided in this Act: *Provided further,*
6 That no multiyear procurement contract can be termi-
7 nated without 30-day prior notification to the congres-
8 sional defense committees: *Provided further,* That the exe-
9 cution of multiyear authority shall require the use of a
10 present value analysis to determine lowest cost compared
11 to an annual procurement: *Provided further,* That none of
12 the funds provided in this Act may be used for a multiyear
13 contract executed after the date of the enactment of this
14 Act unless in the case of any such contract—

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

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

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

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

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

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

13 SEC. 8012. (a) During fiscal year 2016, the civilian
14 personnel of the Department of Defense may not be man-
15 aged on the basis of any end-strength, and the manage-
16 ment of such personnel during that fiscal year shall not
17 be subject to any constraint or limitation (known as an
18 end-strength) on the number of such personnel who may
19 be employed on the last day of such fiscal year.

20 (b) The fiscal year 2017 budget request for the De-
21 partment of Defense as well as all justification material
22 and other documentation supporting the fiscal year 2017
23 Department of Defense budget request shall be prepared
24 and submitted to the Congress as if subsections (a) and

1 (b) of this provision were effective with regard to fiscal
2 year 2017.

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

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

9 SEC. 8014. None of the funds appropriated by this
10 Act shall be available for the basic pay and allowances of
11 any member of the Army participating as a full-time stu-
12 dent and receiving benefits paid by the Secretary of Vet-
13 erans Affairs from the Department of Defense Education
14 Benefits Fund when time spent as a full-time student is
15 credited toward completion of a service commitment: *Pro-*
16 *vided*, That this section shall not apply to those members
17 who have reenlisted with this option prior to October 1,
18 1987: *Provided further*, That this section applies only to
19 active components of the Army.

20 (TRANSFER OF FUNDS)

21 SEC. 8015. Funds appropriated in title III of this Act
22 for the Department of Defense Pilot Mentor-Protégé Pro-
23 gram may be transferred to any other appropriation con-
24 tained in this Act solely for the purpose of implementing
25 a Mentor-Protégé Program developmental assistance

1 agreement pursuant to section 831 of the National De-
2 fense Authorization Act for Fiscal Year 1991 (Public Law
3 101–510; 10 U.S.C. 2302 note), as amended, under the
4 authority of this provision or any other transfer authority
5 contained in this Act.

6 SEC. 8016. Of the amounts appropriated for “Work-
7 ing Capital Fund, Army”, \$145,000,000 shall be available
8 to maintain competitive rates at the arsenals.

9 SEC. 8017. None of the funds available to the De-
10 partment of Defense may be used to demilitarize or dis-
11 pose of M–1 Carbines, M–1 Garand rifles, M–14 rifles,
12 .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or
13 to demilitarize or destroy small arms ammunition or am-
14 munition components that are not otherwise prohibited
15 from commercial sale under Federal law, unless the small
16 arms ammunition or ammunition components are certified
17 by the Secretary of the Army or designee as unserviceable,
18 unsuitable, or unsafe for further use.

19 SEC. 8018. No more than \$500,000 of the funds ap-
20 propriated or made available in this Act shall be used dur-
21 ing a single fiscal year for any single relocation of an orga-
22 nization, unit, activity or function of the Department of
23 Defense into or within the National Capital Region: *Pro-*
24 *vided*, That the Secretary of Defense may waive this re-
25 striction on a case-by-case basis by certifying in writing

1 to the congressional defense committees that such a relo-
2 cation is required in the best interest of the Government.

3 SEC. 8019. Of the funds made available in this Act,
4 up to \$15,000,000 may be available for incentive pay-
5 ments authorized by section 504 of the Indian Financing
6 Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime
7 contractor or a subcontractor at any tier that makes a
8 subcontract award to any subcontractor or supplier as de-
9 fined in section 1544 of title 25, United States Code, or
10 a small business owned and controlled by an individual
11 or individuals defined under section 4221(9) of title 25,
12 United States Code, shall be considered a contractor for
13 the purposes of being allowed additional compensation
14 under section 504 of the Indian Financing Act of 1974
15 (25 U.S.C. 1544) whenever the prime contract or sub-
16 contract amount is over \$500,000 and involves the ex-
17 penditure of funds appropriated by an Act making appro-
18 priations for the Department of Defense with respect to
19 any fiscal year: *Provided further*, That notwithstanding
20 section 1906 of title 41, United States Code, this section
21 shall be applicable to any Department of Defense acquisi-
22 tion of supplies or services, including any contract and any
23 subcontract at any tier for acquisition of commercial items
24 produced or manufactured, in whole or in part, by any
25 subcontractor or supplier defined in section 1544 of title

1 25, United States Code, or a small business owned and
2 controlled by an individual or individuals defined under
3 section 4221(9) of title 25, United States Code.

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

7 SEC. 8021. During the current fiscal year, the De-
8 partment of Defense is authorized to incur obligations of
9 not to exceed \$350,000,000 for purposes specified in sec-
10 tion 2350j(c) of title 10, United States Code, in anticipa-
11 tion of receipt of contributions, only from the Government
12 of Kuwait, under that section: *Provided*, That, upon re-
13 ceipt, such contributions from the Government of Kuwait
14 shall be credited to the appropriations or fund which in-
15 curred such obligations.

16 SEC. 8022. (a) Of the funds made available in this
17 Act, not less than \$39,805,000 shall be available for the
18 Civil Air Patrol Corporation, of which—

19 (1) \$27,711,000 shall be available from “Oper-
20 ation and Maintenance, Air Force” to support Civil
21 Air Patrol Corporation operation and maintenance,
22 readiness, counter-drug activities, and drug demand
23 reduction activities involving youth programs;

24 (2) \$10,417,000 shall be available from “Air-
25 craft Procurement, Air Force”; and

1 (3) \$1,677,000 shall be available from “Other
2 Procurement, Air Force” for vehicle procurement.

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

7 SEC. 8023. (a) None of the funds appropriated in this
8 Act are available to establish a new Department of De-
9 fense (department) federally funded research and develop-
10 ment center (FFRDC), either as a new entity, or as a
11 separate entity administrated by an organization man-
12 aging another FFRDC, or as a nonprofit membership cor-
13 poration consisting of a consortium of other FFRDCs and
14 other nonprofit entities.

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

1 eral Joint Travel Regulations, when engaged in the per-
2 formance of membership duties.

3 (c) Notwithstanding any other provision of law, none
4 of the funds available to the department from any source
5 during fiscal year 2016 may be used by a defense FFRDC,
6 through a fee or other payment mechanism, for construc-
7 tion of new buildings, for payment of cost sharing for
8 projects funded by Government grants, for absorption of
9 contract overruns, or for certain charitable contributions,
10 not to include employee participation in community service
11 and/or development: *Provided*, That up to 1 percent of
12 funds provided in this Act for support of defense FFRDCs
13 may be used for planning and design of scientific or engi-
14 neering facilities: *Provided further*, That the Secretary of
15 Defense shall notify the congressional defense committees
16 15 days in advance of exercising the authority in the pre-
17 vious proviso.

18 (d) Notwithstanding any other provision of law, of
19 the funds available to the department during fiscal year
20 2016, not more than 5,750 staff years of technical effort
21 (staff years) may be funded for defense FFRDCs: *Pro-*
22 *vided*, That, of the specific amount referred to previously
23 in this subsection, not more than 1,125 staff years may
24 be funded for the defense studies and analysis FFRDCs:
25 *Provided further*, That this subsection shall not apply to

1 staff years funded in the National Intelligence Program
2 (NIP) and the Military Intelligence Program (MIP).

3 (e) The Secretary of Defense shall, with the submit-
4 sion of the department's fiscal year 2017 budget request,
5 submit a report presenting the specific amounts of staff
6 years of technical effort to be allocated for each defense
7 FFRDC during that fiscal year and the associated budget
8 estimates.

9 (f) Notwithstanding any other provision of this Act,
10 the total amount appropriated in this Act for FFRDCs
11 is hereby reduced by \$65,000,000.

12 SEC. 8024. None of the funds appropriated or made
13 available in this Act shall be used to procure carbon, alloy,
14 or armor steel plate for use in any Government-owned fa-
15 cility or property under the control of the Department of
16 Defense which were not melted and rolled in the United
17 States or Canada: *Provided*, That these procurement re-
18 strictions shall apply to any and all Federal Supply Class
19 9515, American Society of Testing and Materials (ASTM)
20 or American Iron and Steel Institute (AISI) specifications
21 of carbon, alloy or armor steel plate: *Provided further*,
22 That the Secretary of the military department responsible
23 for the procurement may waive this restriction on a case-
24 by-case basis by certifying in writing to the Committees
25 on Appropriations of the House of Representatives and the

1 Senate that adequate domestic supplies are not available
2 to meet Department of Defense requirements on a timely
3 basis and that such an acquisition must be made in order
4 to acquire capability for national security purposes: *Pro-*
5 *vided further*, That these restrictions shall not apply to
6 contracts which are in being as of the date of the enact-
7 ment of this Act.

8 SEC. 8025. For the purposes of this Act, the term
9 “congressional defense committees” means the Armed
10 Services Committee of the House of Representatives, the
11 Armed Services Committee of the Senate, the Sub-
12 committee on Defense of the Committee on Appropriations
13 of the Senate, and the Subcommittee on Defense of the
14 Committee on Appropriations of the House of Representa-
15 tives.

16 SEC. 8026. During the current fiscal year, the De-
17 partment of Defense may acquire the modification, depot
18 maintenance and repair of aircraft, vehicles and vessels
19 as well as the production of components and other De-
20 fense-related articles, through competition between De-
21 partment of Defense depot maintenance activities and pri-
22 vate firms: *Provided*, That the Senior Acquisition Execu-
23 tive of the military department or Defense Agency con-
24 cerned, with power of delegation, shall certify that success-
25 ful bids include comparable estimates of all direct and in-

1 direct costs for both public and private bids: *Provided fur-*
2 *ther*, That Office of Management and Budget Circular A-
3 76 shall not apply to competitions conducted under this
4 section.

5 SEC. 8027. (a)(1) If the Secretary of Defense, after
6 consultation with the United States Trade Representative,
7 determines that a foreign country which is party to an
8 agreement described in paragraph (2) has violated the
9 terms of the agreement by discriminating against certain
10 types of products produced in the United States that are
11 covered by the agreement, the Secretary of Defense shall
12 rescind the Secretary's blanket waiver of the Buy Amer-
13 ican Act with respect to such types of products produced
14 in that foreign country.

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

21 (b) The Secretary of Defense shall submit to the Con-
22 gress a report on the amount of Department of Defense
23 purchases from foreign entities in fiscal year 2016. Such
24 report shall separately indicate the dollar value of items
25 for which the Buy American Act was waived pursuant to

1 any agreement described in subsection (a)(2), the Trade
2 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
3 international agreement to which the United States is a
4 party.

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

8 SEC. 8028. During the current fiscal year, amounts
9 contained in the Department of Defense Overseas Military
10 Facility Investment Recovery Account established by sec-
11 tion 2921(c)(1) of the National Defense Authorization Act
12 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
13 be available until expended for the payments specified by
14 section 2921(e)(2) of that Act.

15 SEC. 8029. (a) Notwithstanding any other provision
16 of law, the Secretary of the Air Force may convey at no
17 cost to the Air Force, without consideration, to Indian
18 tribes located in the States of Nevada, Idaho, North Da-
19 kota, South Dakota, Montana, Oregon, Minnesota, and
20 Washington relocatable military housing units located at
21 Grand Forks Air Force Base, Malmstrom Air Force Base,
22 Mountain Home Air Force Base, Ellsworth Air Force
23 Base, and Minot Air Force Base that are excess to the
24 needs of the Air Force.

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

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

16 (d) In this section, the term “Indian tribe” means
17 any recognized Indian tribe included on the current list
18 published by the Secretary of the Interior under section
19 104 of the Federally Recognized Indian Tribe Act of 1994
20 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–
21 1).

22 SEC. 8030. During the current fiscal year, appropria-
23 tions which are available to the Department of Defense
24 for operation and maintenance may be used to purchase

1 items having an investment item unit cost of not more
2 than \$250,000.

3 SEC. 8031. 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. 8032. (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 2017 budget request for the De-
2 partment of Defense as well as all justification material
3 and other documentation supporting the fiscal year 2017
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 2017 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. 8033. 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, 2017: *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, 2017.

3 SEC. 8034. 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. 8035. 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 may
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. 8036. (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. 8037. 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. 8038. (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. 8039. (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. 8040. 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 “Cooperative Threat Reduction Account”,
9 2014/2016, \$23,727,000;

10 “Other Procurement, Air Force”, 2014/2016,
11 \$78,000,000;

12 “Cooperative Threat Reduction Account”,
13 2015/2017, \$13,345,000;

14 “Aircraft Procurement, Army”, 2015/2017,
15 \$68,000,000;

16 “Aircraft Procurement, Air Force”, 2015/2017,
17 \$139,976,000;

18 “Missile Procurement, Air Force”, 2015/2017,
19 \$212,000,000;

20 “Other Procurement, Air Force”, 2015/2017,
21 \$9,000,000;

22 “Research, Development, Test and Evaluation,
23 Army”, 2015/2016, \$9,299,000;

24 “Research, Development, Test and Evaluation,
25 Air Force”, 2015/2016, \$665,000,000; and

1 “Research, Development, Test and Evaluation,
2 Defense-Wide”, 2015/2016, \$60,691,000.

3 SEC. 8041. None of the funds available in this Act
4 may be used to reduce the authorized positions for mili-
5 tary technicians (dual status) of the Army National
6 Guard, Air National Guard, Army Reserve and Air Force
7 Reserve for the purpose of applying any administratively
8 imposed civilian personnel ceiling, freeze, or reduction on
9 military technicians (dual status), unless such reductions
10 are a direct result of a reduction in military force struc-
11 ture.

12 SEC. 8042. None of the funds appropriated or other-
13 wise made available in this Act may be obligated or ex-
14 pended for assistance to the Democratic People’s Republic
15 of Korea unless specifically appropriated for that purpose.

16 SEC. 8043. Funds appropriated in this Act for oper-
17 ation and maintenance of the Military Departments, Com-
18 batant Commands and Defense Agencies shall be available
19 for reimbursement of pay, allowances and other expenses
20 which would otherwise be incurred against appropriations
21 for the National Guard and Reserve when members of the
22 National Guard and Reserve provide intelligence or coun-
23 terintelligence support to Combatant Commands, Defense
24 Agencies and Joint Intelligence Activities, including the
25 activities and programs included within the National Intel-

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

5 SEC. 8044. (a) None of the funds available to the
6 Department of Defense for any fiscal year for drug inter-
7 diction or counter-drug activities may be transferred to
8 any other department or agency of the United States ex-
9 cept as specifically provided in an appropriations law.

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

15 SEC. 8045. None of the funds made available by this
16 Act may be used for Evolved Expendable Launch Vehicle
17 launch service competitions unless such competitions are
18 open to all certified providers of Evolved Expendable
19 Launch Vehicle-class systems: *Provided*, That competi-
20 tions for launches with multiple service providers shall
21 consider bids from two or more providers: *Provided fur-*
22 *ther*, That notwithstanding any other provision of law,
23 such providers may compete any certified launch vehicle
24 in their inventory.

1 SEC. 8046. In addition to the amounts appropriated
2 or otherwise made available elsewhere in this Act,
3 \$20,000,000 is hereby appropriated to the Department of
4 Defense: *Provided*, That upon the determination of the
5 Secretary of Defense that it shall serve the national inter-
6 est, the Secretary shall make a grant in the amount speci-
7 fied as follows: \$20,000,000 to the United Service Organi-
8 zations.

9 SEC. 8047. None of the funds in this Act may be
10 used to purchase any supercomputer which is not manu-
11 factured in the United States, unless the Secretary of De-
12 fense certifies to the congressional defense committees
13 that such an acquisition must be made in order to acquire
14 capability for national security purposes that is not avail-
15 able from United States manufacturers.

16 SEC. 8048. Notwithstanding any other provision in
17 this Act, the Small Business Innovation Research program
18 and the Small Business Technology Transfer program set-
19 asides shall be taken proportionally from all programs,
20 projects, or activities to the extent they contribute to the
21 extramural budget.

22 SEC. 8049. None of the funds available to the De-
23 partment of Defense under this Act shall be obligated or
24 expended to pay a contractor under a contract with the

1 Department of Defense for costs of any amount paid by
2 the contractor to an employee when—

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

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

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8050. During the current fiscal year, no more
10 than \$30,000,000 of appropriations made in this Act
11 under the heading “Operation and Maintenance, Defense-
12 Wide” may be transferred to appropriations available for
13 the pay of military personnel, to be merged with, and to
14 be available for the same time period as the appropriations
15 to which transferred, to be used in support of such per-
16 sonnel in connection with support and services for eligible
17 organizations and activities outside the Department of De-
18 fense pursuant to section 2012 of title 10, United States
19 Code.

20 SEC. 8051. During the current fiscal year, in the case
21 of an appropriation account of the Department of Defense
22 for which the period of availability for obligation has ex-
23 pired or which has closed under the provisions of section
24 1552 of title 31, United States Code, and which has a
25 negative unliquidated or unexpended balance, an obliga-

1 tion or an adjustment of an obligation may be charged
2 to any current appropriation account for the same purpose
3 as the expired or closed account if—

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

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

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

1 tion may not exceed an amount equal to 1 percent
2 of the total appropriation for that account.

3 SEC. 8052. (a) Notwithstanding any other provision
4 of law, the Chief of the National Guard Bureau may per-
5 mit the use of equipment of the National Guard Distance
6 Learning Project by any person or entity on a space-avail-
7 able, reimbursable basis. The Chief of the National Guard
8 Bureau shall establish the amount of reimbursement for
9 such use on a case-by-case basis.

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

16 SEC. 8053. None of the funds available to the De-
17 partment of Defense may be obligated to modify command
18 and control relationships to give Fleet Forces Command
19 operational and administrative control of United States
20 Navy forces assigned to the Pacific fleet: *Provided*, That
21 the command and control relationships which existed on
22 October 1, 2004, shall remain in force unless changes are
23 specifically authorized in a subsequent Act: *Provided fur-*
24 *ther*, That this section does not apply to administrative
25 control of Navy Air and Missile Defense Command.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8054. 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. 8055. 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. 8056. (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 11 (chapters 50–65) of the Harmonized Tariff
5 Schedule and products classified under headings 4010,
6 4202, 4203, 6401 through 6406, 6505, 7019, 7218
7 through 7229, 7304.41 through 7304.49, 7306.40, 7502
8 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

9 SEC. 8057. Notwithstanding any other provision of
10 law, none of the funds appropriated or otherwise made
11 available by this or any other Act may be used to consoli-
12 date or relocate any element of a United States Air Force
13 Rapid Engineer Deployable Heavy Operational Repair
14 Squadron Engineer (RED HORSE) outside of the United
15 States until the Secretary of the Air Force—

16 (1) completes an analysis and comparison of
17 the cost and infrastructure investment required to
18 consolidate or relocate a RED HORSE squadron
19 outside of the United States versus within the
20 United States;

21 (2) provides to the congressional defense com-
22 mittees a report detailing the findings of the cost
23 analysis; and

24 (3) certifies in writing to the congressional de-
25 fense committees that the preferred site for the con-

1 solidation or relocation yields the greatest savings
2 for the Air Force:

3 *Provided*, That the term “United States” in this section
4 does not include any territory or possession of the United
5 States.

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

14 SEC. 8059. Notwithstanding any other provision of
15 law, funds appropriated in this Act under the heading
16 “Research, Development, Test and Evaluation, Defense-
17 Wide” for any new start advanced concept technology
18 demonstration project or joint capability demonstration
19 project may only be obligated 45 days after a report, in-
20 cluding a description of the project, the planned acquisi-
21 tion and transition strategy and its estimated annual and
22 total cost, has been provided in writing to the congress-
23 sional defense committees: *Provided*, That the Secretary
24 of Defense may waive this restriction on a case-by-case

1 basis by certifying to the congressional defense committees
2 that it is in the national interest to do so.

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

8 SEC. 8061. Notwithstanding section 12310(b) of title
9 10, United States Code, a Reserve who is a member of
10 the National Guard serving on full-time National Guard
11 duty under section 502(f) of title 32, United States Code,
12 may perform duties in support of the ground-based ele-
13 ments of the National Ballistic Missile Defense System.

14 SEC. 8062. None of the funds provided in this Act
15 may be used to transfer to any nongovernmental entity
16 ammunition held by the Department of Defense that has
17 a center-fire cartridge and a United States military no-
18 menclature designation of “armor penetrator”, “armor
19 piercing (AP)”, “armor piercing incendiary (API)”, or
20 “armor-piercing incendiary tracer (API-T)”, except to an
21 entity performing demilitarization services for the Depart-
22 ment of Defense under a contract that requires the entity
23 to demonstrate to the satisfaction of the Department of
24 Defense that armor piercing projectiles are either: (1) ren-
25 dered incapable of reuse by the demilitarization process;