

142nd CONGRESS
1ST SESSION

H.R.20

Providing for congressional authorization of the utilization of funds appropriated by the Budget for activities by the Department of Defense,

IN THE HOUSE OF REPRESENTATIVES

July 10, 2021

Mr. Mark of California (for himself), Mr. Ross of Arizona, Mr. Toby, Mr. Flynn, Mx. Alex of California, Mr. Wolf, Mr. Whitehouse of Georgia, Mr. Joey, Mr. Robinson of Indiana, Mr. Solomon of Massachusetts, Mr. Johnson of New York, Mr. Vanzetti of New Jersey, Mr. Wood of Oregon, Mr. Buttersen of Texas, Mr. Iron of Utah, Mr. Reagan of Virginia, Mr. Hoffman of Washington (for themselves) introduced the following bill

AN ACT

Providing for congressional authorization of the utilization of funds appropriated by the Budget for activities by the Department of Defense,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Desmond Doss National Defense Modernization Authorization Act of July 2021”

SEC. 2. ORGANIZATION OF ACT; TABLE OF CONTENTS.

- (a) DIVISIONS.—This Act is organized into three divisions as follows:
 - (i) Division A—Department of Defense Authorizations.
 - (ii) Division B—Military Construction Authorizations.
 - (iii) Division C—Funding Tables and Other Matters.
- (b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into subtitles; table of contents.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I — PROCUREMENT

Subtitle A- Naval Programs

Sec. 101. Procurement authority for Ford Class Aircraft Carrier Program.

Sec. 102. Full Shock Ship Trial for Ford Class Aircraft Carrier

Sec. 103. Procurement Authorities for Certain Amphibious Shipbuilding Programs

Sec. 104. Refueling and Complex Overhauls of the U.S.S. John C. Stennis and U.S.S. Harry S. Truman.

Sec. 105. Strategic Sealift Fleet Vessel

Sec. 106. Limitation on Alteration of the Navy Fleet Mix

Sec. 107. Sense of Congress on the Naming of Naval Vessels

Subtitle B- Army Programs

Sec. 108. Assessment of Investment and Sustainment for Procurement of Cannon tubes.

Subtitle C- Airforce Programs

Sec. 109. Modification to Limitation on Retirement of U-2 and RQ-4 Aircraft

Sec. 110. Authority to use F-35A fighter aircraft AT-1 through AT-6

Subtitle D—Defense-wide, Joint, and

Multiservice Matters

Sec. 111. Economic Order Quantity Contracting and Buy-to Budget Acquisition for F-35 Aircraft Program

TITLE II — RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A- Program Requirements, Restrictions, and Limitations

Sec. 112. Research, Development, And Deployment of Technologies to support Water sustainment.

Sec. 113. Research on the risks associated with usages of “Burn pits” and Research and Development of Alternatives to “Burn Pits”.

Sec. 114. Research on the Viability of the adoption of the “6.8 SPC” Cartridge

TITLE III—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A- Matters Relating to the Indo-Pacific Region

Sec. 115. Pacific Deterrence Initiative

TITLE IV—OPERATION AND MAINTENANCE

Subtitle A- Energy and Environment

Sec. 116. Prizes for development of Non-PFAS containing fire fighting agents.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS.

TITLE V—NAVAL MILITARY CONSTRUCTION

Sec.117. Authorized Navy Construction and Land Acquisition Projects

DIVISION C—FUNDING TABLES AND OTHER MATTERS.

TITLE VI—GENERAL PROVISIONS AND FINANCIAL MATTERS

Subtitle A-General Provisions

Sec. 118. General Transfer Authority

Sec. 119. Authorizing for Greater Flexibility in the usage of Department of Defense Funds

Sec. 120. Prohibition on names related to the Confederacy

Subtitle B-Authorization of Acquisition

Sec. 121. Authorization of Utilization of Appropriations

Sec. 122. Authorization of Amounts in Funding Tables

Sec. 123. Authorization of Utilization of Procurement Funds

Sec. 124. Incremental Procurement Funding for Programs Authorized

Sec. 125. Military Construction

Sec. 126. Incremental Military Construction Funding for Programs Authorized

Sec. 127. Research, Development, Test, and Evaluation

Sec. 128. Enactment

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE 1—PROCUREMENT

SUBTITLE A — NAVAL PROGRAMS

SEC. 101. PROCUREMENT AUTHORITY FOR FORD-CLASS AIRCRAFT CARRIER PROGRAM.

- (a) CONTRACT AUTHORITY.—
 - (i) PROCUREMENT AUTHORIZED.—The Secretary of the Navy may enter into one or more contracts, beginning with the fiscal year 2021 program year, for the procurement of two Ford-class aircraft carriers to be designated CVN–80 and CVN-81
- (b) SET OF INCREMENTAL FUNDING.—With respect to a contract entered into under subsection (a), the Secretary of the Navy may use incremental funding to make payments under the contract. No such payments may be obligated after the date that is 11 months after the date on which the fitting out of the aircraft carrier associated with the contract is completed.
- (c) LIABILITY.—A contract entered into under subsection (a) shall provide that the total liability to the Government for termination of the contract entered into shall be limited to the total amount of funding obligated at the time of termination.
- (d) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year is subject to the availability of appropriations for that purpose for such fiscal year.

SEC. 102. FULL SHIP SHOCK TRIAL FOR FORD-CLASS AIRCRAFT CARRIER.

- (a) The Secretary of the Navy shall ensure that full ship shock trials results are incorporated into the construction of the Ford-class aircraft carrier designated CVN–81 and CVN-80.

SEC. 103. PROCUREMENT AUTHORITIES FOR CERTAIN AMPHIBIOUS SHIPBUILDING PROGRAMS.

(a) **CONTRACT AUTHORITY.**—

- (i) **PROCUREMENT AUTHORIZED.**—In fiscal year 2021, the Secretary of the Navy may enter into one or more contracts for the procurement of three San Antonio-class amphibious ships and one America-class amphibious ship.
- (ii) **PROCUREMENT IN CONJUNCTION WITH EXISTING CONTRACTS.**—The ships authorized to be procured under paragraph (1) may be procured as additions to existing contracts covering such programs

(b) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The Secretary of the Navy may enter into one or more contracts for advance procurement associated with a vessel or vessels for which authorization to enter into a contract is provided under subsection (a), and for systems and subsystems associated with such vessels in economic order quantities when cost savings are achievable.

(c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year is subject to the availability of appropriations for that purpose for such fiscal year.

SEC. 104. REFUELING AND COMPLEX OVERHAULS OF THE U.S.S. JOHN C. STENNIS AND U.S.S. HARRY S. TRUMAN.

- (a) **REFUELING AND COMPLEX OVERHAUL.**—The Secretary of the Navy shall carry out the nuclear refueling and complex overhaul of the U.S.S. John C. Stennis (CVN–74) and U.S.S. Harry S. Truman (CVN–75).
- (b) **USE OF INCREMENTAL FUNDING.**—With respect to any contract entered into under subsection (a) for the nuclear refueling and complex overhauls of the U.S.S. John C. Stennis (CVN–74) and U.S.S. Harry S. Truman (CVN–75), the Secretary may use incremental funding for a period not to exceed six years after advance procurement funds for such nuclear refueling and complex overhaul effort are first obligated.

- (c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—Any contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2021 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 105. STRATEGIC SEALIFT FLEET VESSEL.

- (a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary of the Navy shall seek to enter into a contract for the construction of one sealift vessel.
- (b) **DELIVERY DATE.**—The contract entered into under subsection (a) shall specify a delivery date for the sealift vessel of not later than September 30, 2026.
- (c) **DESIGN AND CONSTRUCTION REQUIREMENTS.**—
 - (i) **USE OF EXISTING DESIGN.**—The design of the sealift vessel shall be based on a domestic or foreign design that exists as of the date of the enactment of this Act.
 - (ii) **COMMERCIAL STANDARDS AND PRACTICES.**—Subject to paragraph (1), the sealift vessel may be constructed using commercial design standards and commercial construction practices that are consistent with the best interests of the Federal Government.
 - (iii) **DOMESTIC SHIPYARD.**—The sealift vessel shall be constructed in a shipyard that is located in the United States.
- (d) **CERTIFICATE AND ENDORSEMENT.**—The sealift vessel shall meet the requirements necessary to receive a certificate of documentation and a coastwise endorsement under chapter 121 of title 46, United States Code, and the Secretary of the Navy shall ensure that the completed vessel receives such a certificate and endorsement.
- (e) **EXECUTIVE AGENT.**—
 - (i) **IN GENERAL.**—The Secretary of the Navy may seek to enter into a contract or other agreement with a private-sector entity under which the entity may act as executive agent for the Secretary for purposes of the contract under subsection (a).
 - (ii) **RESPONSIBILITIES.**—The executive agent described in paragraph (1) may be responsible for—
 - (1) selecting a shipyard for the construction of the sealift vessel;
 - (2) managing and overseeing the construction of the sealift vessel; and
 - (3) such other matters as the Secretary of the Navy determines to be appropriate

- (f) **USE OF INCREMENTAL FUNDING.**—With respect to the contract entered into under subsection (a), the Secretary of the Navy may use incremental funding to make payments under the contract.
- (g) **SEALIFT VESSEL DEFINED.**—In this section, the term “sealift vessel” means the sealift vessel constructed pursuant to the contract entered into under subsection (a).

SEC. 106. LIMITATION ON ALTERATION OF THE NAVY FLEET MIX.

(a) **LIMITATION.**—

- (i) **IN GENERAL.**—The Secretary of the Navy may not deviate from the large surface combatant requirements included in the 2016 Navy Force Structure Assessment until the date on which the Secretary submits to the congressional defense committees the certification under paragraph (2)
- (ii) **CERTIFICATION.**—The certification referred to in paragraph (1) is a certification, in writing, that the Navy can mitigate the reduction in multi-mission large surface combatant requirements, including anti-air and ballistic missile defense capabilities, due to having a reduced number of DDG–51 Destroyers with the advanced AN/SPY–6 radar in the next three decades.

SEC. 107. SENSE OF CONGRESS ON THE NAMING OF NAVAL VESSELS

It is the sense of Congress that the Secretary of the Navy should name the next 6 unnamed vessels in honor of the following individuals and historically significant vessels.

- (a) United States Army Corporal and Medal of Honor Recipient Desmond T. Doss
- (b) United States Marine Corps Sergeant and Medal of Honor Recipient Darrell S. Cole
- (c) United States Army Surgeon and Medal of Honor Recipient Mary E. Walker
- (d) United States Marine Corps First Lieutenant and Medal of Honor Recipient William D. Hawkins
- (e) USS Enterprise
- (f) United States Army Master Sergeant Roy P. Benavidez

SUBTITLE B — ARMY PROGRAMS

SEC. 108. ASSESSMENT OF INVESTMENT AND SUSTAINMENT FOR PROCUREMENT OF CANNON TUBES.

- (a) **ASSESSMENT REQUIRED.**—The Secretary of the Army shall conduct an assessment of the development, production, procurement, and modernization of the defense industrial base for cannon and large-caliber weapon tubes.

SUBTITLE C — AIRFORCE PROGRAMS

SEC. 109. MODIFICATION TO LIMITATION ON RETIREMENT OF U-2 AND RQ-4 AIRCRAFT.

Section 136 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1317) is amended by striking subsection (b) and inserting the following new subsection(b):

- (b) **WAIVER.**—The Secretary of Defense may waive a certification requirement under paragraphs (1) or (2) of subsection (a) with respect to U-2 aircraft or RQ-4 aircraft if the Secretary—
 - (i) with respect to the requirement under paragraph (1) of that subsection—
 - (1) determines, after analyzing sufficient and relevant data, that a greater capability is worth increased operating and sustainment costs; and
 - (2) provides to the appropriate committees of Congress a certification on such determination and supporting analysis; and
 - (ii) with respect to the requirement under paragraph (2) of that subsection—
 - (1) determines, after analyzing sufficient and relevant data, that a loss in capacity and capability will not prevent the combatant commands from accomplishing their missions at acceptable levels of risk; and
 - (2) provides to the appropriate committees of Congress a certification of such determination and supporting analysis.”.

SEC. 110. AUTHORITY TO USE F-35A FIGHTER AIRCRAFT AT-1 THROUGH AT-6.

- (a) **IN GENERAL.**—Subject to written approval by the Secretary of Defense to the Secretary of the Air Force, the Secretary of the Air Force is authorized to utilize, modify, and operate the six F-35A aircraft designated as AT-1 through AT-6 that are possessed by the United Government and currently reside in long term storage at Edwards Air Force Base, California.
- (b) **NOTICE ON APPROVAL.**—Not later than 15 days after the Secretary of Defense provides written approval to the Secretary of the Air Force as described in subsection (a), the Secretary of Defense shall provide a copy of the written approval to the congressional defense committees.

**SUBTITLE D — DEFENSE-WIDE, JOINT, AND
MULTISERVICE MATTERS**

**SEC. 111. ECONOMIC ORDER QUANTITY CONTRACTING AND
BUY-TO-BUDGET ACQUISITION FOR F-35 AIRCRAFT PROGRAM.**

- (a) **ECONOMIC ORDER QUANTITY CONTRACT AUTHORITY.**—
 - (i) **IN GENERAL.**—Subject to paragraphs (2) through (4), from amounts made available for obligation under the F-35 aircraft program, the Secretary of Defense may enter into one or more contracts, beginning with the fiscal year 2020 program year, for the procurement of economic order quantities of material and equipment that has completed formal hardware qualification testing for the F-35 aircraft program for use in procurement contracts to be awarded for such program during fiscal years 2021, 2022, and 2023.
 - (ii) **LIMITATION.**—The total amount obligated under all contracts entered into under paragraph (1) shall not exceed \$1,035,793,000.
- (b) **BUY-TO-BUDGET ACQUISITION.**—Subject to section 2308 of title 10, United States Code, the Secretary of Defense may procure a quantity of F-35 aircraft in excess of the quantity authorized by this Act.

TITLE II— RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Program Requirements, Restrictions, and Limitations

SEC. 112. RESEARCH, DEVELOPMENT, AND DEPLOYMENT OF TECHNOLOGIES TO SUPPORT WATER SUSTAINMENT.

- (a) **IN GENERAL.**—The Secretary of Defense shall research, develop, and deploy advanced water harvesting technologies to support and improve water sustainment within the Department of Defense and in geographic regions where the Department operates.
- (b) **REQUIRED ACTIVITIES.**—In carrying out subsection (a), the Secretary shall—
 - (i) develop advanced water harvesting systems that reduce weight and logistics support needs compared to conventional water supply systems, including—
 - a) modular water harvesting systems that are easily transportable; and
 - b) trailer mounted water harvesting systems that reduce resupply needs;
 - (2) develop and implement storage requirements for water harvesting systems at forward operating bases; and
 - (3) establish cross-functional teams to identify geographic regions where the deployment of water harvesting systems could reduce conflict and potentially eliminate the need for the presence of the Armed Forces

SEC. 113. RESEARCH ON THE RISKS ASSOCIATED WITH USAGES OF “BURN PITS” AND RESEARCH AND DEVELOPMENT OF ALTERNATIVES TO “BURN PITS”

- (a) **IN GENERAL** — The Secretary of Defense in conjunction with the Secretary of Veterans Affairs shall conduct a study to investigate health risks associated with FOB “Burn Pits” including both long-term and short-term implications.
- (b) **REVIEW OF GUIDELINES** — No later than 60 days after the passage of this act the Secretary of Defense shall review current standards and

regulations regarding the usage of burn pits and provide drafts and suggestions of revised safety regulations.

- (c) RESEARCH — The Department of Defense may be authorized a maximum of \$500,000,00 for Fiscal Months August to December for the purposes of Researching and Developing alternative methods for disposing of waste.

SEC. 114. RESEARCH ON THE VIABILITY OF THE ADOPTION OF THE “6.8 SPC” CARTRIDGE

- (a) VIABILITY OF 6.8MM SPC — As part of the “Next Generation Squad Weapon Program” (NGSW), the Secretary of the Army shall conduct a study
 - (i) on the effectiveness of the 6.8 SPC cartridge and its adaptation to the following weapon platforms.
 - (1) M4A1 Carbine
 - (2) M249 Squad automatic weapon
 - (ii) The required force structures, including necessary training, simulators, and range use needed by the Armed Forces, to support the employment of such weapons against the classes of targets that will be held at risk.
- (b) RESEARCH — The Department of Defense may be authorized a maximum of \$500,000,00 for Fiscal Months August to December for the purposes of carrying out Section.114(a) of this act.

TITLE III— MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Matters Relating to the Indo-Pacific Region

SEC. 115. PACIFIC DETERRENCE INITIATIVE.

- (a) IN GENERAL.—The Secretary of Defense shall establish an initiative, to be known as the “Pacific Deterrence Initiative” (in this section referred to as the “Initiative”), to carry out prioritized activities to enhance the United States deterrence and defense posture in the Indo-Pacific region, assure allies and partners, and increase capability and readiness in the Indo-Pacific region.
- (b) PURPOSE.—The Initiative required under subsection (a) shall carry out the following prioritized activities to improve the design and posture of the joint force in the Indo-Pacific region, primarily west of the International Date Line:

- (i) Modernize and strengthen the presence of the United States Armed Forces, including those with advanced capabilities.
 - (ii) Improve logistics and maintenance capabilities and the pre-positioning of equipment, munitions, fuel, and materiel.
 - (iii) Carry out a program of exercises, training, experimentation, and innovation for the joint force.
 - (iv) Improve infrastructure to enhance the responsiveness and resiliency of the United States Armed Forces.
 - (v) Build the defense and security capabilities, capacity, and cooperation of allies and partners.
- (c) **FUNDING.**—Of the amounts authorized to be appropriated by the Consolidated Appropriations Act of June and July 2021 for the Department of Defense for the fiscal months June and July, \$2,234,958,000 is authorized to be made available to carry out the Initiative required under subsection (a)

TITLE IV— OPERATION AND MAINTENANCE

SUBTITLE A — Energy and Environment

SEC. 116. PRIZES FOR DEVELOPMENT OF NON-PFAS-CONTAINING FIREFIGHTING AGENT.

- (a) **AUTHORITY.**—The Secretary of Defense, acting through the Assistant Secretary of Defense for Sustainment and the Strategic Environmental Research and Development Program, may carry out a program to award cash prizes and other types of prizes that the Secretary determines are appropriate to recognize outstanding achievements in the development of a non-PFAS-containing firefighting agent to replace aqueous film-forming foam with the potential for application to the performance of the military missions of the Department of Defense.
- (b) **COMPETITION REQUIREMENTS.**—A program under subsection (a) shall use a competitive process for the selection of recipients of cash prizes. The process shall include the widely-advertised solicitation of submissions of research results, technology developments, and prototypes.
- (c) **LIMITATIONS.**—The following limitations shall apply to a program under subsection (a):
- (i) No prize competition may result in the award of a prize with a fair market value of more than \$5,000,000.
 - (ii) No prize competition may result in the award of more than \$1,000,000 in cash prizes without the approval of the Assistant Secretary of Defense for Sustainment.

- (iii) No prize competition may result in the award of a solely non monetary prize with a fair market value of more than \$10,000 without the approval of the Assistant Secretary of Defense for Sustainment.
- (d) RELATIONSHIP TO OTHER AUTHORITY.—A program under subsection (a) may be carried out in conjunction with or in addition to the exercise of any other authority of the Department of Defense.
- (e) USE OF PRIZE AUTHORITY.—Use of prize authority under this section shall be considered the use of competitive procedures for the purposes of section 2304 of title 10, United States Code.
- (f) PFAS DEFINED.—In this section, the term “PFAS” means—
 - (i) man-made chemicals of which all of the carbon atoms are fully fluorinated carbon atoms; and
 - (ii) man-made chemicals containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and non fluorinated carbon atoms.
- (g) TERMINATION.—The authority to carry out a program under this section shall terminate on October 1, 2024.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

TITLE V—NAVAL MILITARY CONSTRUCTION

SEC. 117. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

- (a) INSIDE THE UNITED STATES.—Using amounts pursuant to the authorization of appropriations in section 121(a) and available for military construction projects inside the United States as specified in the funding table in section 123, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State/ Territory	Installation/ Project	Amount
Guam	Aegis Ashore	\$2,000,000,000

**DIVISION C—FUNDING TABLES AND
OTHER MATTERS**

**TITLE VI— GENERAL PROVISIONS AND
FINANCIAL MATTERS**

SUBTITLE A — GENERAL PROVISIONS

SEC. 118. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

- (i) AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2021 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

- (ii) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$4,000,000,000.
- (b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—
 - (i) (1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and
 - (ii) (2) may not be used to provide authority for an item that has been denied authorization by Congress.
- (c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

SEC. 119. AUTHORIZING FOR GREATER FLEXIBILITY FOR THE USAGE OF DEPARTMENT OF DEFENSE FUNDS.

(a) FUNDING AUTHORITY —

- (i) 10 U.S. Code § 114. — shall be amended as follows
 - (1) Sections 6, 7, and 8 of Subsection (a) shall be stricken
 - (2) The following text shall be inserted following Subsection (f) and ordered as Subsection (g)
 - a) Funds appropriated for any fiscal year or fiscal month to or for the use of any armed force for the following subcategories may be authorized to be obligated or expended at the discretion of the Secretary of Defense
 - i) Military construction
 - ii) The operation and maintenance of any armed force or of the activities and agencies of the Department of Defense (other than the military departments)
 - iii) Or procurement of ammunition

(b) 10 U.S. Code § 127a — shall be amended as follows

- (i) Section (c)(2) shall be stricken and replaced with the following text
 - (1) The total amount that the Secretary of Defense may transfer under the authority of this section in any fiscal month is \$1,500,000,000.

(c) ROLLOVER OF EXCESS FUNDING

- (i) Funds that are authorized or appropriated to the Department of Defense for a given Fiscal Month or Fiscal Year and are not utilized during that time period may “roll over” to the following Fiscal Month.
- (d) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

SEC. 120. PROHIBITION ON NAMES RELATED TO THE CONFEDERACY.

- (a) PROHIBITION ON NAMES RELATED TO THE CONFEDERACY.—
In naming a new asset or renaming an existing asset, the Secretary of Defense or the Secretary of a military department may not give a name to an asset that refers to, or includes a term referring to, the Confederate States of America (commonly referred to as the “Confederacy”), including any name referring to—
 - (i) a person who served or held leadership within the Confederacy;
or
 - (ii) a Confederate battlefield victory.
- (b) ASSET DEFINED.—In this section, the term “asset” includes any base, installation, facility, aircraft, ship, equipment, or any other property owned or controlled by the Department of Defense or a military department.
- (c) SAVINGS CLAUSE.—Nothing in this section may be construed as requiring a Secretary concerned to initiate a review of previously named assets.

SUBTITLE B — AUTHORIZATION OF ACQUISITION

SEC. 121. AUTHORIZATION OF UTILIZATION OF APPROPRIATIONS.

- (a) Funds appropriated in the Consolidated Appropriations and Technical Amendments Act of June and July 2021 are hereby authorized for use by the Department of Defense in the amounts specified in funding tables within Section 123, 125, and 127 of this Act.
 - (i) Authorization of funds for subsequent Fiscal Months shall be subject to Section 124 and 126 of this act.

SEC. 122. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

- (a) IN GENERAL.—Whenever a funding table in this subtitle specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.
- (b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall— (1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and (2) comply with other applicable provisions of law. (c)
- (c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this subtitle may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 121 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts. (d)

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this

Subtitle shall supersede the requirements of this section.

SEC. 123. AUTHORIZATION OF UTILIZATION OF PROCUREMENT FUNDS
(In Thousands of Dollars)

Line	Item	Authorized
SHIPBUILDING AND CONVERSION, NAVY		
001	CARRIER REPLACEMENT PROGRAM	4,620,471
002	CVN — 81	11,566,590
003	CVN REFUELING OVERHAULS	2,510,379
	Restore CVN–75 RCOH	[16,900]
004	CVN REFUELING OVERHAULS AP	34,284
	CVN–74 RCOH unjustified cost growth	[–16,000]
005	LPD FLIGHT II	1,650,801
	Excessive unit cost growth	[–28,000]
	Transfer to Line 6	[–2,000]
006	LPD FLIGHT II AP	2,000
	Transfer from Line 14 for LPD–32 and LPD–33	[2,000]
TOTAL SHIPBUILDING AND CONVERSION, NAVY		20,384,525
AIRCRAFT PROCUREMENT, NAVY		
COMBAT AIRCRAFT		
001	F/A–18E/F (FIGHTER) HORNET	1,730,360
	ECO and ancillary equipment excess growth	[–18,574]
002	F/A–18E/F (FIGHTER) HORNET	51,180
	Excess engine cost growth.....	[–3,948]
003	JOINT STRIKE FIGHTER CV	2,217,821
	Target cost savings	[–54,480]
004	JOINT STRIKE FIGHTER CV	339,053

TOTAL AIRCRAFT PROCUREMENT, NAVY 4,338,414

**AIRCRAFT PROCUREMENT, AIRFORCE
TACTICAL FORCES**

001 F-35	5,286,566
Additional 12 F-35As	[976,667]
Excess miscellaneous support costs	[-156,000]
Unit cost adjustment	[-101,119]
002 F-35 AP	610,800
004 F-15EX	1,242,247
Airframe excess to need	[-27,600]
005 F-15EX AP	133,500

TOTAL AIRCRAFT PROCUREMENT, AIRFORCE 7,273,113

**SEC. 124. INCREMENTAL PROCUREMENT FUNDING FOR
PROGRAMS AUTHORIZED**

(a) **FUNDING INTERVALS.** — Funding for the Shipbuilding Programs outlined in Section.123 shall be authorized in the following intervals. Funding will be allocated from the funds appropriated for the purpose of Procurement for that Fiscal month. Funding in (thousands of dollars)

- (i) Fiscal Month August — 5,096,131
- (ii) Fiscal Month September —5,096,131
- (iii) Fiscal Month October — 5,096,131
- (iv) Fiscal Month November — 5,096,131

(b) **FUNDING INTERVALS.** — Funding for the Navy Aircraft Procurement Programs outlined in Section.123. from Fiscal Months February to August shall be authorized in the following intervals. Funding in (thousands of dollars)

- (i) Fiscal Month August — 1,084,603
- (ii) Fiscal Month September — 1,084,603

- (iii) Fiscal Month October — 1,084,603
- (iv) Fiscal Month November — 1,084,603

(c) FUNDING INTERVALS. —Funding for the Airforce Aircraft

Procurement Programs outlined in Section.123 shall be authorized in the following intervals. Funding will be allocated from the funds appropriated for the purpose of Procurement for that Fiscal month.

Funding in (thousands of dollars)

- (i) Fiscal Month August — 1,818,278
- (ii) Fiscal Month September — 1,818,278
- (iii) Fiscal Month October — 1,818,278
- (iv) Fiscal Month November — 1,818,278

(d) CONDITION FOR OUT-YEAR PROGRAM PAYMENTS.—A contract entered shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal month is subject to the availability of appropriations for that purpose for such subsequent fiscal month.

(e) ALLOCATION OF FUNDS

- (i) Allocation of funds will be directed in accordance with their priority which will be dictated by order of appearance in the Funding table.

SEC. 125. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Line	State/ Country and Installation	Project Title	Authorized
Navy	Naval Base Guam	AEGIS ASHORE.....	2,000,000

**SEC. 126. INCREMENTAL MILITARY CONSTRUCTION FUNDING
FOR PROGRAMS AUTHORIZED**

- (f) FUNDING INTERVALS. — Funding for the Military Construction Programs outlined in Section.125 shall be authorized in the following intervals. Funding will be allocated from the funds appropriated for the purpose of Military Construction for that Fiscal month. Funding in (thousands of dollars)
- (i) Fiscal Month September — 1,000,000
 - (ii) Fiscal Month October —1,000,000

SEC. 127. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Item	Authorized
Army	VIABILITY OF 6.8 SPC.....	500,000,000
Army	BURN PIT ALTERNATIVES.....	500,000,000

SEC. 128. ENACTMENT.

EFFECTIVE DATE.— The provisions of this Act shall come into force immediately upon passage.

Drafted by Secretary of Defense Mark (L-CA-2) for Congress' use.