

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

# S. 2289

To authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 5, 2014

Mr. LEVIN (for himself and Mr. INHOFE) (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, 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       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Defense Au-  
5       thorization Act for Fiscal Year 2015”.

1 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**  
 2 **CONTENTS.**

3 (a) DIVISIONS.—This Act is organized into two divi-  
 4 sions as follows:

5 (1) DIVISION A.—Department of Defense Au-  
 6 thorizations.

7 (2) DIVISION B.—Military Construction Author-  
 8 izations.

9 (b) TABLE OF CONTENTS.—The table of contents for  
 10 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of act into divisions; table of contents.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Joint Improvised Explosive Device Defeat Fund.

Sec. 106. Defense production act purchases.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Revision to the service requirement under the Science, Mathematics  
 and Research for Transformation (SMART) Defense Edu-  
 cation program.

Sec. 212. Modification to the requirement for contractor cost-sharing in the  
 pilot program to include technology protection features during  
 research and development of certain defense systems.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Program Matters

- Sec. 311. Expansion of authority for Secretary of Defense to use the Department of Defense reimbursement rate for transportation services provided to certain non-Department of Defense entities.
- Sec. 312. Repeal of authority relating to use of military installations by Civil Reserve Air Fleet contractors.
- Sec. 313. Repeal of annual report on Department of Defense operation and financial support for military museums.
- Sec. 314. Memorial to the victims of the shooting attack at the Washington Navy Yard.
- Sec. 315. Southern Sea Otter Military Readiness Areas.
- Sec. 316. Environmental restoration at former Naval Air Station, Chincoteague, Virginia.

#### TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

##### Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.

##### Subtitle B—Reserve Forces

- Sec. 411. End strengths for selected reserve.
- Sec. 412. End strengths for reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2015 limitation on number of non-dual status technicians.
- Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
- Sec. 416. Management of military technicians.

##### Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

#### TITLE V—MILITARY PERSONNEL POLICY

##### Subtitle A—Officer Personnel Policy Generally

- Sec. 501. Repeal of requirement for submission to Congress of annual reports on joint officer management and promotion policy objectives for joint officers.
- Sec. 502. Authority to limit consideration for early retirement by selective retirement boards to particular warrant officer year groups and specialties.
- Sec. 503. Authority for three-month deferral of retirement for officers selected for selective early retirement.

##### Subtitle B—Reserve Component Management

- Sec. 511. Reconciliation of contradictory provisions relating to citizenship qualifications for enlistment in the reserve components of the armed forces.
- Sec. 512. Repeal of requirement for membership in specific unit of the selected reserve as a condition of employment as a military technician (dual status).
- Sec. 513. Retention on the reserve active-status list following nonselection for promotion of certain health professions officers and first lieutenants and lieutenants (junior grade) pursuing baccalaureate degrees.

Subtitle C—Member Education and Training

- Sec. 521. Inter-European Air Forces Academy.
- Sec. 522. Authority for Joint Special Operations University to award degrees.
- Sec. 523. Duration of foreign and cultural exchange activities at military service academies.
- Sec. 524. Enhancement of authority to accept support for Air Force Academy athletic programs.

Subtitle D—Defense Dependents' Education and Military Family Readiness Matters

- Sec. 531. Earlier determination of dependent status with respect to transitional compensation for dependents of members separated for dependent abuse.
- Sec. 532. Authority to employ non-United States citizens as teachers in Department of Defense Overseas Dependents' School System.
- Sec. 533. Expansion of the function of the advisory council on dependents' education to include the domestic dependent elementary and secondary schools.

Subtitle E—Other Matters

- Sec. 541. Procedures for judicial review of military personnel decisions relating to correction of military records.
- Sec. 542. Enhanced role for Department of Justice under Military Lending Act.
- Sec. 543. Enforcement of rights under chapter 43 of title 38, United States Code, with respect to a State or private employer.
- Sec. 544. Modification of criteria for eligibility for naturalization through service in the armed forces.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Fiscal year 2015 increase in military basic pay.
- Sec. 602. Inclusion of Chief of the National Guard Bureau and senior enlisted advisor to the Chief of the National Guard Bureau among senior members of the armed forces for purposes of pay and allowances.
- Sec. 603. Revision to method of computation of basic allowance for housing.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain expiring bonus and special pay authorities.

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Authority to require employees of the Department of Defense and members of the Army, Navy, Air Force, and Marine Corps to occupy quarters on a rental basis while performing official travel.
- Sec. 622. Single standard mileage reimbursement rate for privately owned automobiles of Government employees and members of the uniformed services.

## TITLE VII—HEALTHCARE PROVISIONS

## Subtitle A—TRICARE and Other Health Care Benefits

- Sec. 701. Consolidated TRICARE health plan.
- Sec. 702. Revisions to cost sharing requirements for TRICARE for life and the pharmacy benefits program.

## Subtitle B—Health Care Administration

- Sec. 711. Designation and responsibilities of Senior Medical Advisor for Armed Forces Retirement Home.
- Sec. 712. Extension of authority for the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.
- Sec. 713. Parity in provision of inpatient mental health services with other inpatient medical services.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT,  
AND RELATED MATTERS

## Subtitle A—Acquisition Policy and Management

- Sec. 801. Three-year extension of authority for Joint Urgent Operational Needs Fund.
- Sec. 802. Five-year extension of Defense Production Act of 1950.
- Sec. 803. Program fraud civil remedies statute for the Department of Defense and the National Aeronautics and Space Administration.
- Sec. 804. Permanent authority for use of simplified acquisition procedures for certain commercial items.

Subtitle B—Amendments to General Contract Authorities, Procedures, and  
Limitations

- Sec. 811. Authority for Defense Contract Audit Agency to interview contractor employees in connection with examination of contractor records.
- Sec. 812. Extension to United States transportation command of authorities relating to prohibition on contracting with the enemy.
- Sec. 813. Recharacterization of changes to major automated information system programs.
- Sec. 814. Extension of special emergency procurement authority.
- Sec. 815. Extension of contract authority for advanced component development or prototype units.
- Sec. 816. Exception to requirement to include cost or price to the Government as a factor in the evaluation of proposals for certain task or delivery order contracts.
- Sec. 817. Authority for waiver of competitive prototyping requirement for major defense acquisition programs in case of programs with no risk reduction phase activities.
- Sec. 818. Extension of authority for additional access to contractor and subcontractor records in a contingency operation.
- Sec. 819. Modification of limitations on procurement of photovoltaic devices by the Department of Defense.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND  
MANAGEMENT

- Sec. 901. Implementation of the December 2013 Secretary of Defense plan for reorganization of the Office of the Secretary of Defense and implementation of the elimination of Deputy Under Secretary of Defense positions.
- Sec. 902. Revision of Secretary of Defense authority to engage in commercial activities as security for intelligence collection activities.
- Sec. 903. Permanent authority relating to jurisdiction over Department of Defense facilities for intelligence collection or special operations activities abroad.
- Sec. 904. One-year extension of authority to waive reimbursement of costs of activities for nongovernmental personnel at Department of Defense regional centers for security studies.
- Sec. 905. One-year extension of authorization for non-conventional assisted recovery capabilities.
- Sec. 906. Authority for Secretary of Defense to engage in commercial activities as security for military operations abroad.
- Sec. 907. Statutory streamlining to enable Defense Commissary Agency to become partially self-sustaining.

## TITLE X—GENERAL PROVISIONS

### Subtitle A—Financial Matters

- Sec. 1001. Authority for use of amounts recovered for damage to Government property.

### Subtitle B—Counter-Drug Activities

- Sec. 1011. Extension of authority to support unified counter-drug and counter-terrorism campaign in Colombia and of numerical limitation on assignment of United States personnel in Colombia.

### Subtitle C—Naval Vessels and Shipyards

- Sec. 1021. Elimination of requirement that a qualified aviator or naval flight officer be in command of an inactivated nuclear-powered aircraft carrier before decommissioning.
- Sec. 1022. Ensuring operational readiness of littoral combat ships on extended deployments.
- Sec. 1023. Authority for limited coastwise trade for certain vessels providing transportation services under a shipbuilding or ship repair contract with the Secretary of the Navy.

### Subtitle D—Sexual Assault Prevention and Response Related Reforms

- Sec. 1031. Repeal of outdated requirement to develop comprehensive management plan to address deficiencies in the data captured in the defense incident-based reporting system.
- Sec. 1032. Revision to requirements relating to Department of Defense policy on retention of evidence in a sexual assault case to allow return of personal property upon completion of related proceedings.

### Subtitle E—Other Matters

- Sec. 1041. Technical and clerical amendments.
- Sec. 1042. Renewals, extensions, and succeeding leases for financial institutions operating on Department of Defense installations.

- Sec. 1043. Limited authority for United States to secure copyrights for certain scholarly works prepared by faculty of certain Department of Defense professional schools.
- Sec. 1044. Revision to statute of limitations for aviation insurance claims.
- Sec. 1045. Transfer of functions of the Veterans' Advisory Board on Dose Reconstruction to the Secretaries of Veterans Affairs and Defense.
- Sec. 1046. Authority to accept certain voluntary services.
- Sec. 1047. Transfer of Administration of Ocean Research Advisory Panel From Department of the Navy to National Oceanic and Atmospheric Administration.
- Sec. 1048. Repeal and modification of reporting requirements.

#### TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. Modifications to Biennial Strategic Workforce Plan relating to senior management, functional, and technical workforce of the Department of Defense.
- Sec. 1102. Authority to provide additional compensation for defense clandestine service employees.
- Sec. 1103. Pilot program for the temporary exchange of financial management personnel.

#### TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

- Sec. 1201. Enhanced authority to acquire products and services produced in Djibouti in support of Department of Defense activities in United States Africa Command area of responsibility.
- Sec. 1202. Permanent and global authority for use of acquisition and cross-servicing agreements to lend certain military equipment to certain foreign forces for personnel protection and survivability.
- Sec. 1203. Revisions to Global Security Contingency Fund authority.
- Sec. 1204. Increase in annual limitation on transfer of excess defense articles.
- Sec. 1205. One-year extension of Afghan Special Immigrant Visa Program.
- Sec. 1206. Enhanced authority for provision of support to foreign military liaison officers of foreign countries while assigned to the Department of Defense.

#### TITLE XIII—OTHER AUTHORIZATIONS

##### Subtitle A—Military Programs

- Sec. 1301. Working Capital Funds.
- Sec. 1302. Joint Urgent Operational Needs Fund.
- Sec. 1303. Chemical Agents and Munitions Destruction, Defense.
- Sec. 1304. Drug Interdiction and Counter-Drug Activities, Defense-Wide.
- Sec. 1305. Defense Inspector General.
- Sec. 1306. Defense Health Program.

##### Subtitle B—Other Matters

- Sec. 1311. Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.
- Sec. 1312. Authorization of appropriations for Armed Forces Retirement Home.

TITLE XIV—UNIFORMED AND OVERSEAS CITIZENS ABSENTEE  
VOTING ACT AMENDMENTS

- Sec. 1401. Pre-election reporting requirements on availability and transmission of absentee ballots.
- Sec. 1402. Transmission requirements; repeal of waiver provision.
- Sec. 1403. Clarification of State responsibility, civil penalties, and private right of action.
- Sec. 1404. Technical clarifications to conform to 2009 MOVE Act amendments related to the Federal write-in absentee ballot.
- Sec. 1405. Treatment of ballot requests.
- Sec. 1406. Inclusion of Northern Mariana Islands in the definition of “State” for purposes of the Uniformed and Overseas Citizens Absentee Voting Act.
- Sec. 1407. Requirement for Presidential designee to revise the Federal post card application to allow voters to designate ballot requests.
- Sec. 1408. Requirement of plurality vote for Virgin Islands and Guam Federal elections.
- Sec. 1409. Extension of reporting deadline for the annual report on the assessment of the effectiveness of activities of the Federal Voting Assistance Program.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS  
FOR OVERSEAS CONTINGENCY OPERATIONS

[RESERVED]

TITLE XVI—CONSOLIDATION AND MODERNIZATION OF STATUTES  
RELATING TO THE DEPARTMENT OF DEFENSE COOPERATIVE  
THREAT REDUCTION PROGRAM

- Sec. 1601. Short title; table of contents.

Subtitle A—Program Authorities

- Sec. 1611. Authority to carry out the Department of Defense Cooperative Threat Reduction Program.
- Sec. 1612. Use of Department of Defense Cooperative Threat Reduction funds for certain emergent threats or opportunities.
- Sec. 1613. Department of Defense Cooperative Threat Reduction Program authority for urgent threat reduction activities.
- Sec. 1614. Use of funds for other purposes or for increased amounts.
- Sec. 1615. Use of contributions to the Department of Defense Cooperative Threat Reduction Program.

Subtitle B—Restrictions and Limitations

- Sec. 1621. Prohibition on use of funds for specified purposes.
- Sec. 1622. Requirement for on-site managers.
- Sec. 1623. Limitation on use of funds until certain permits obtained.

Subtitle C—Recurring Certifications and Reports

- Sec. 1631. Annual certifications on use of facilities being constructed for Department of Defense Cooperative Threat Reduction projects or activities.
- Sec. 1632. Requirement to submit summary of amounts requested by project category.



- Sec. 1633. Reports on activities and assistance under the Department of Defense Cooperative Threat Reduction Program.
- Sec. 1634. Metrics for the Department of Defense Cooperative Threat Reduction Program.

Subtitle D—Repeals and Transition Provision

- Sec. 1641. Repeals.
- Sec. 1642. Transition provision.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.
- Sec. 2002. Expiration of authorizations and amounts required to be specified by law.

TITLE XXI—ARMY MILITARY CONSTRUCTION

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Authorization of appropriations, Army.
- Sec. 2104. Modification of authority to carry out certain fiscal year 2004 project.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2013 projects.
- Sec. 2106. Extension of authorizations of certain fiscal year 2011 project.
- Sec. 2107. Extension of authorizations of certain fiscal year 2012 projects.

TITLE XXII—NAVY MILITARY CONSTRUCTION

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modification of authority to carry out certain fiscal year 2012 projects.
- Sec. 2206. Modification of authority to carry out certain fiscal year 2014 project.
- Sec. 2207. Extension of authorizations of certain fiscal year 2011 projects.
- Sec. 2208. Extension of authorizations of certain fiscal year 2012 projects.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Authorization of appropriations, Air Force.
- Sec. 2303. Modification of authority to carry out certain fiscal year 2008 project.
- Sec. 2304. Extension of authorizations of certain fiscal year 2011 project.
- Sec. 2305. Extension of authorizations of certain fiscal year 2012 project.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A—Defense Agency Authorizations

- Sec. 2401. Authorized defense agencies construction and land acquisition projects.
- Sec. 2402. Authorized energy conservation projects.
- Sec. 2403. Authorization of appropriations, defense agencies.

- Sec. 2404. Extension of authorizations of certain fiscal year 2011 project.
- Sec. 2405. Extension of authorizations of certain fiscal year 2012 projects.
- Sec. 2406. Extension of authorizations of certain fiscal year 2012 projects.

#### Subtitle B—Chemical Demilitarization Authorizations

- Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.
- Sec. 2412. Modification of authority to carry out certain fiscal year 2000 project.

### TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

### TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

#### Subtitle A—Project Authorizations and Authorization of Appropriations

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
- Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
- Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
- Sec. 2606. Authorization of appropriations, National Guard and Reserve.

#### Subtitle B—Other Matters

- Sec. 2611. Modification and extension of authority to carry out certain fiscal year 2012 projects.
- Sec. 2612. Modification of authority to carry out certain fiscal year 2013 project.
- Sec. 2613. Extension of authorization of certain fiscal year 2011 project.

### TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

- Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account.

### TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

- Sec. 2801. Revisions to minor military construction authorities.
- Sec. 2802. Annual locality adjustment of dollar thresholds applicable to unspecified minor military construction authorities.
- Sec. 2803. Change in authorities relating to scope of work variations for military construction projects.
- Sec. 2804. Modification of Department of Defense authority to accept financial incentives, goods, or services under the authority of energy savings contracts and activities.
- Sec. 2805. Clarification of authority to enter into energy saving performance contracts.

- Sec. 2806. Production and use of natural gas at Fort Knox, Kentucky.  
 Sec. 2807. Deposit of reimbursed funds to cover administrative expenses relating to certain real property transactions.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

- Sec. 2901. Short title and purpose.  
 Sec. 2902. The Commission.  
 Sec. 2903. Procedure for making recommendations for base closures and realignments.  
 Sec. 2904. Closure and realignment of military installations.  
 Sec. 2905. Implementation.  
 Sec. 2906. Department of Defense Base Closure Account 2014.  
 Sec. 2907. Reports.  
 Sec. 2908. Congressional consideration of commission report.  
 Sec. 2909. Restriction on other base closure authority.  
 Sec. 2910. Definitions.  
 Sec. 2911. Treatment as a base closure law for purposes of other provisions of law.  
 Sec. 2912. Conforming amendments.

1     **DIVISION A—DEPARTMENT OF**  
 2     **DEFENSE AUTHORIZATIONS**  
 3     **TITLE I—PROCUREMENT**

4     **SEC. 101. ARMY.**

5         Funds are hereby authorized to be appropriated for  
 6     fiscal year 2015 for procurement for the Army as follows:

7             (1) For aircraft, \$5,102,685,000.

8             (2) For missiles, \$1,017,483,000.

9             (3) For weapons and tracked combat vehicles,  
 10     \$1,471,438,000.

11            (4) For ammunition, \$1,031,477,000.

12            (5) For other procurement, \$4,893,634,000.

13     **SEC. 102. NAVY AND MARINE CORPS.**

14         Funds are hereby authorized to be appropriated for  
 15     fiscal year 2015 for procurement for the Navy and Marine  
 16     Corps as follows:

1 (1) For aircraft, \$13,074,317,000.

2 (2) For weapons, including missiles and tor-  
3 pedoes, \$3,217,945,000.

4 (3) For shipbuilding and conversion,  
5 \$14,400,625,000.

6 (4) For other procurement, \$5,975,828,000.

7 (5) For procurement, Marine Corps,  
8 \$983,352,000.

9 (6) For ammunition procurement, Navy and  
10 Marine Corps, \$771,945,000.

11 **SEC. 103. AIR FORCE.**

12 Funds are hereby authorized to be appropriated for  
13 fiscal year 2015 for procurement for the Air Force as fol-  
14 lows:

15 (1) For aircraft, \$11,542,571,000.

16 (2) For ammunition, \$677,400,000.

17 (3) For missiles, \$4,690,506,000.

18 (4) For other procurement, \$16,566,018,000.

19 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

20 Funds are hereby authorized to be appropriated for  
21 fiscal year 2015 for Defense-wide procurement in the  
22 amount of \$4,221,437,000.

1 **SEC. 105. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**  
2 **FUND.**

3 Funds are hereby authorized to be appropriated for  
4 fiscal year 2015 for the Joint Improvised Explosive Device  
5 Defeat Fund in the amount of \$115,058,000.

6 **SEC. 106. DEFENSE PRODUCTION ACT PURCHASES.**

7 Funds are hereby authorized to be appropriated for  
8 fiscal year 2015 for purchases under the Defense Produc-  
9 tion Act of 1950 (50 U.S.C. App. 2061 et seq.) in the  
10 amount of \$21,638,000.

11 **TITLE II—RESEARCH, DEVELOP-**  
12 **MENT, TEST, AND EVALUA-**  
13 **TION**

14 **Subtitle A—Authorization of**  
15 **Appropriations**

16 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

17 Funds are hereby authorized to be appropriated for  
18 fiscal year 2015 for the use of the Department of Defense  
19 for research, development, test, and evaluation as follows:

20 (1) For the Army, \$6,593,898,000.

21 (2) For the Navy, \$16,266,335,000.

22 (3) For the Air Force, \$23,739,892,000.

23 (4) For Defense-wide activities,  
24 \$16,766,084,000.

25 (5) For the Director of Operational Test and  
26 Evaluation, \$167,738,000.

1 **Subtitle B—Program Require-**  
2 **ments, Restrictions, and Limita-**  
3 **tions**

4 **SEC. 211. REVISION TO THE SERVICE REQUIREMENT**  
5 **UNDER THE SCIENCE, MATHEMATICS AND**  
6 **RESEARCH FOR TRANSFORMATION (SMART)**  
7 **DEFENSE EDUCATION PROGRAM.**

8 Subparagraph (B) of section 2192a(c)(1) of title 10,  
9 United States Code, is amended by striking “in the De-  
10 partment of Defense” and all that follows through the pe-  
11 riod at the end and inserting “for the period of obligated  
12 service determined under paragraph (2)—

13 “(i) with the Department of Defense; or

14 “(ii) with a public or private sector entity  
15 or organization outside the Department of De-  
16 fense if the Secretary of Defense determines  
17 that employment of the person with such entity  
18 or organization for the purpose of such obli-  
19 gated service would provide a benefit to the De-  
20 partment of Defense.”.

1 **SEC. 212. MODIFICATION TO THE REQUIREMENT FOR CON-**  
2 **TRACTOR COST-SHARING IN THE PILOT PRO-**  
3 **GRAM TO INCLUDE TECHNOLOGY PROTEC-**  
4 **TION FEATURES DURING RESEARCH AND DE-**  
5 **VELOPMENT OF CERTAIN DEFENSE SYSTEMS.**

6 Section 243(b) of the Ike Skelton National Defense  
7 Authorization Act for Fiscal Year 2011 (Public Law 111–  
8 383; 10 U.S.C. 2358 note) is amended by striking “at  
9 least one half of the cost of such activities” and inserting  
10 “an appropriate share of the cost of such activities, as de-  
11 termined by the Secretary”.

12 **TITLE III—OPERATION AND**  
13 **MAINTENANCE**  
14 **Subtitle A—Authorization of**  
15 **Appropriations**

16 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

17 Funds are hereby authorized to be appropriated for  
18 fiscal year 2015 for the use of the armed forces and other  
19 activities and agencies of the Department of Defense for  
20 expenses, not otherwise provided for, for operation and  
21 maintenance, in amounts as follows:

- 22 (1) For the Army, \$33,240,148,000.  
23 (2) For the Navy, \$39,316,857,000.  
24 (3) For the Marine Corps, \$5,909,487,000.  
25 (4) For the Air Force, \$35,331,193,000.

- 1           (5)       For       Defense-wide       activities,  
2       \$31,198,232,000.
- 3           (6) For the Army Reserve, \$2,490,569,000.
- 4           (7) For the Navy Reserve, \$1,007,100,000.
- 5           (8)       For       the       Marine       Corps       Reserve,  
6       \$268,582,000.
- 7           (9) For the Air Force Reserve, \$3,015,842,000.
- 8           (10)     For       the       Army       National       Guard,  
9       \$6,030,773,000.
- 10          (11)     For       the       Air       National       Guard,  
11       \$6,392,859,000.
- 12          (12) For the United States Court of Appeals  
13       for the Armed Forces, \$13,723,000.
- 14          (13) For the Department of Defense Acquisi-  
15       tion Workforce Development Fund, \$212,875,000.
- 16          (14) For Environmental Restoration, Army,  
17       \$201,560,000.
- 18          (15) For Environmental Restoration, Navy,  
19       \$277,294,000.
- 20          (16) For Environmental Restoration, Air Force,  
21       \$408,716,000.
- 22          (17) For Environmental Restoration, Defense-  
23       wide, \$8,547,000.
- 24          (18) For Environmental Restoration, Formerly  
25       Used Defense Sites, \$208,353,000.



1 (19) For Overseas Humanitarian, Disaster, and  
2 Civic Aid programs, \$100,000,000.

3 (20) For Cooperative Threat Reduction pro-  
4 grams, \$365,108,000.

5 (21) For Overseas Contingency Operations  
6 Transfer Fund, \$5,000,000.

7 (22) For Support for International Sporting  
8 Competitions, Defense, \$10,000,000.

## 9 **Subtitle B—Program Matters**

### 10 **SEC. 311. EXPANSION OF AUTHORITY FOR SECRETARY OF** 11 **DEFENSE TO USE THE DEPARTMENT OF DE-** 12 **FENSE REIMBURSEMENT RATE FOR TRANS-** 13 **PORTATION SERVICES PROVIDED TO CER-** 14 **TAIN NON-DEPARTMENT OF DEFENSE ENTI-** 15 **TIES.**

16 (a) ELIGIBLE CATEGORIES OF TRANSPORTATION.—  
17 Subsection (a) of section 2642 of title 10, United States  
18 Code, is amended—

19 (1) in the matter preceding paragraph (1), by  
20 striking “The Secretary” and inserting “Subject to  
21 subsection (b), the Secretary”;

22 (2) in paragraph (3)—

23 (A) by striking “During the period begin-  
24 ning on October 28, 2009, and ending on Octo-  
25 ber 28, 2019, for” and inserting “For”;

1 (B) by striking “of Defense” the first place  
2 it appears and all that follows through “mili-  
3 tary sales” and inserting “of Defense”; and

4 (C) by striking “, but only if” and all that  
5 follows through “commercial transportation in-  
6 dustry”; and

7 (3) by adding at the end the following new  
8 paragraphs:

9 “(4) For military transportation services pro-  
10 vided in support of foreign military sales.

11 “(5) For military transportation services pro-  
12 vided to a State, local, or tribal agency (including  
13 any organization composed of State, local, or tribal  
14 agencies).

15 “(6) For military transportation services pro-  
16 vided to a Department of Defense contractor when  
17 transporting supplies that are for, or destined for, a  
18 Department of Defense entity.”.

19 (b) TERMINATION OF AUTHORITY FOR CERTAIN  
20 CATEGORIES OF TRANSPORTATION.—Such section is fur-  
21 ther amended—

22 (1) by redesignating subsection (b) as sub-  
23 section (c); and

24 (2) by inserting after subsection (a) the fol-  
25 lowing new subsection (b):

1       “(b) TERMINATION OF AUTHORITY FOR CERTAIN  
2 CATEGORIES OF TRANSPORTATION.—The provisions of  
3 paragraphs (3), (4), (5), and (6) of subsection (a) shall  
4 apply only to military transportation services provided be-  
5 fore October 1, 2019.”.

6       (c) CLERICAL AMENDMENTS.—

7           (1) SECTION HEADING.—The heading of such  
8 section is amended to read as follows:

9       **“§ 2642. Transportation services provided to certain**  
10                           **non-Department of Defense agencies and**  
11                           **entities: use of Department of Defense re-**  
12                           **imbursement rate”.**

13           (2) TABLE OF SECTIONS.—The item relating to  
14 such section in the table of sections at the beginning  
15 of chapter 157 of such title is amended to read as  
16 follows:

“2642. Transportation services provided to certain non-Department of Defense  
agencies and entities: use of Department of Defense reimburse-  
ment rate.”.

17       **SEC. 312. REPEAL OF AUTHORITY RELATING TO USE OF**  
18                           **MILITARY INSTALLATIONS BY CIVIL RE-**  
19                           **SERVE AIR FLEET CONTRACTORS.**

20           (a) REPEAL.—Section 9513 of title 10, United States  
21 Code, is repealed.

22           (b) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of chapter 931 of such title is amended  
24 by striking the item relating to section 9513.

1 **SEC. 313. REPEAL OF ANNUAL REPORT ON DEPARTMENT**  
2 **OF DEFENSE OPERATION AND FINANCIAL**  
3 **SUPPORT FOR MILITARY MUSEUMS.**

4 (a) IN GENERAL.—Section 489 of title 10, United  
5 States Code, is repealed.

6 (b) CLERICAL AMENDMENT.—The table of sections  
7 at the beginning of chapter 23 of such title is amended  
8 by striking the item relating to section 489.

9 **SEC. 314. MEMORIAL TO THE VICTIMS OF THE SHOOTING**  
10 **ATTACK AT THE WASHINGTON NAVY YARD.**

11 (a) MEMORIAL AUTHORIZED.—The Secretary of the  
12 Navy may establish, maintain, and repair a memorial dedi-  
13 cated to the victims of the shooting attack at the Wash-  
14 ington Navy Yard, Washington, DC, that occurred on Sep-  
15 tember 16, 2013.

16 (b) LOCATION.—The memorial shall become part of  
17 the Washington Navy Yard.

18 (c) ADDITIONAL FUNDING.—

19 (1) ESTABLISHMENT OF ACCOUNT.—An ac-  
20 count shall be established on the books of the Treas-  
21 ury for the purpose of managing contributions re-  
22 ceived pursuant to paragraph (2).

23 (2) ACCEPTANCE OF CONTRIBUTIONS.—The  
24 Secretary of the Navy may establish procedures  
25 under which the Secretary may solicit and accept  
26 monetary contributions or gifts of property for the

1 purpose of the activities described in subsection (a)  
2 without regard to limitations contained in section  
3 2601 of title 10, United States Code.

4 (3) DEPOSIT OF CONTRIBUTIONS.—The Sec-  
5 retary of the Navy shall deposit monetary contribu-  
6 tions accepted under paragraph (2) in the account  
7 established under paragraph (1). The funds in the  
8 account established under paragraph (1) shall be  
9 available until expended without further appropria-  
10 tion, but only for the purposes described in sub-  
11 section (a).

12 **SEC. 315. SOUTHERN SEA OTTER MILITARY READINESS**  
13 **AREAS.**

14 (a) ESTABLISHMENT OF THE SOUTHERN SEA OTTER  
15 MILITARY READINESS AREAS.—Chapter 631 of title 10,  
16 United States Code, is amended by adding at the end the  
17 following new section:

18 **“§ 7235. Establishment of the Southern Sea Otter**  
19 **Military Readiness Areas**

20 “(a) ESTABLISHMENT.—The Secretary of the Navy  
21 shall establish areas, to be known as ‘Southern Sea Otter  
22 Military Readiness Areas’, for national defense purposes.  
23 Such areas shall include each of the following:

24 “(1) The area that includes Naval Base Ven-  
25 tura County, San Nicolas Island, and Begg Rock

1 and the adjacent and surrounding waters within the  
2 following coordinates:

3 “N. Latitude/W. Longitude

4 “33°27.8′/119°34.3′

5 “33°20.5′/119°15.5′

6 “33°13.5′/119°11.8′

7 “33°06.5′/119°15.3′

8 “33°02.8′/119°26.8′

9 “33°08.8′/119°46.3′

10 “33°17.2′/119°56.9′

11 “33°30.9′/119°54.2′.

12 “(2) The area that includes Naval Base Coro-  
13 nado, San Clemente Island and the adjacent and  
14 surrounding waters running parallel to shore to 3  
15 nautical miles from the high tide line designated by  
16 part 165 of title 33, Code of Federal Regulations, on  
17 May 20, 2010, as the San Clemente Island 3NM  
18 Safety Zone.

19 “(b) ACTIVITIES WITHIN THE SOUTHERN SEA  
20 OTTER MILITARY READINESS AREAS.—

21 “(1) INCIDENTAL TAKINGS UNDER ENDAN-  
22 GERED SPECIES ACT OF 1973.—Sections 4 and 9 of  
23 the Endangered Species Act of 1973 (16 U.S.C.  
24 1533, 1538) shall not apply with respect to the inci-  
25 dental taking of any southern sea otter in the South-

1       ern Sea Otter Military Readiness Areas in the  
2       course of conducting a military readiness activity.

3               “(2) INCIDENTAL TAKINGS UNDER MARINE  
4       MAMMAL PROTECTION ACT OF 1972.—Sections 101  
5       and 102 of the Marine Mammal Protection Act of  
6       1972 (16 U.S.C. 1371, 1372) shall not apply with  
7       respect to the incidental taking of any southern sea  
8       otter in the Southern Sea Otter Military Readiness  
9       Areas in the course of conducting a military readi-  
10      ness activity.

11              “(3) TREATMENT AS SPECIES PROPOSED TO BE  
12      LISTED.—For purposes of conducting a military  
13      readiness activity, any southern sea otter while with-  
14      in the Southern Sea Otter Military Readiness Areas  
15      shall be treated for the purposes of section 7 of the  
16      Endangered Species Act of 1973 (16 U.S.C. 1536)  
17      as a member of a species that is proposed to be list-  
18      ed as an endangered species or a threatened species  
19      under section 4 of the Endangered Species Act of  
20      1973 (16 U.S.C. 1533).

21              “(c) REMOVAL.—Nothing in this section or any other  
22      Federal law shall be construed to require that any south-  
23      ern sea otter located within the Southern Sea Otter Mili-  
24      tary Readiness Areas be removed from the Areas.

1       “(d) REVISION OR TERMINATION OF EXCEPTIONS.—

2 The Secretary of the Interior may revise or terminate the  
3 application of subsection (b) if the Secretary of the Inte-  
4 rior, in consultation with the Secretary of the Navy, deter-  
5 mines that military activities occurring in the Southern  
6 Sea Otter Military Readiness Areas are impeding the  
7 southern sea otter conservation or the return of southern  
8 sea otters to optimum sustainable population levels.

9       “(e) MONITORING.—

10           “(1) IN GENERAL.—The Secretary of the Navy  
11 shall conduct monitoring and research within the  
12 Southern Sea Otter Military Readiness Areas to de-  
13 termine the effects of military readiness activities on  
14 the growth or decline of the southern sea otter popu-  
15 lation and on the near-shore ecosystem. Monitoring  
16 and research parameters and methods shall be deter-  
17 mined in consultation with the Service.

18           “(2) REPORTS.—Not later than 24 months  
19 after the date of the enactment of this section and  
20 every three years thereafter, the Secretary of the  
21 Navy shall report to Congress and the public on  
22 monitoring undertaken pursuant to paragraph (1).

23       “(f) DEFINITIONS.—In this section:



1           “(1) SOUTHERN SEA OTTER.—The term ‘south-  
2           ern sea otter’ means any member of the subspecies  
3           *Enhydra lutris nereis*.

4           “(2) TAKE.—The term ‘take’—

5                   “(A) when used in reference to activities  
6                   subject to regulation by the Endangered Species  
7                   Act of 1973 (16 U.S.C. 1531 et seq.), shall  
8                   have the meaning given such term in that Act;  
9                   and

10                   “(B) when used in reference to activities  
11                   subject to regulation by the Marine Mammal  
12                   Protection Act of 1972 (16 U.S.C. 1361 et  
13                   seq.) shall have the meaning given such term in  
14                   that Act.

15           “(3) INCIDENTAL TAKING.—The term ‘inci-  
16           dental taking’ means any take of a southern sea  
17           otter that is incidental to, and not the purpose of,  
18           the carrying out of an otherwise lawful activity.

19           “(4) MILITARY READINESS ACTIVITY.—The  
20           term ‘military readiness activity’ has the meaning  
21           given that term in section 315(f) of the Bob Stump  
22           National Defense Authorization Act for Fiscal Year  
23           2003 (16 U.S.C. 703 note) and includes all training  
24           and operations of the armed forces that relate to  
25           combat and the adequate and realistic testing of

1 military equipment, vehicles, weapons, and sensors  
 2 for proper operation and suitability for combat use.

3 “(5) OPTIMUM SUSTAINABLE POPULATION.—

4 The term ‘optimum sustainable population’ means,  
 5 with respect to any population stock, the number of  
 6 animals that will result in the maximum productivity  
 7 of the population or the species, keeping in mind the  
 8 carrying capacity of the habitat and the health of  
 9 the ecosystem of which they form a constituent ele-  
 10 ment.”.

11 (b) CLERICAL AMENDMENT.—The table of sections  
 12 at the beginning of such chapter is amended by adding  
 13 at the end the following new item:

“7235. Establishment of the Southern Sea Otter Military Readiness Areas.”.

14 (c) CONFORMING AMENDMENT.—Section 1 of Public  
 15 Law 99–625 (16 U.S.C. 1536 note) is repealed.

16 **SEC. 316. ENVIRONMENTAL RESTORATION AT FORMER**  
 17 **NAVAL AIR STATION, CHINCOTEAGUE, VIR-**  
 18 **GINIA.**

19 (a) ENVIRONMENTAL RESTORATION PROJECT.—

20 Notwithstanding the administrative jurisdiction of the Ad-  
 21 ministrator of the National Aeronautics and Space Admin-  
 22 istration over the Wallops Flight Facility, Virginia, the  
 23 Secretary of Defense may undertake an environmental  
 24 restoration project in a manner consistent with chapter  
 25 160 of title 10, United States Code, at the property consti-

1 tuting that facility in order to provide necessary response  
2 actions for contamination from a release of a hazardous  
3 substance or a pollutant or contaminant that is solely at-  
4 tributable to the activities of the Department of Defense  
5 at the time the property was under the administrative ju-  
6 risdiction of the Secretary of the Navy or used by the  
7 Navy pursuant to a permit or license issued by the Na-  
8 tional Aeronautics and Space Administration in the area  
9 formerly known as the Naval Air Station Chincoteague,  
10 Virginia. Any such project may be undertaken jointly or  
11 in conjunction with an environmental restoration project  
12 of the Administrator.

13 (b) INTERAGENCY AGREEMENT.—The Secretary and  
14 the Administrator may enter into an agreement or agree-  
15 ments to provide for the effective and efficient perform-  
16 ance of environmental restoration projects for purposes of  
17 subsection (a). Notwithstanding section 2215 of title 10,  
18 United States Code, any such agreement may provide for  
19 environmental restoration projects conducted jointly or by  
20 one agency on behalf of the other or both agencies and  
21 for reimbursement of the agency conducting the project  
22 by the other agency for that portion of the project for  
23 which the reimbursing agency has authority to respond.

24 (c) SOURCE OF DEPARTMENT OF DEFENSE  
25 FUNDS.—Pursuant to section 2703(c) of title 10, United

1 States Code, the Secretary may use funds available in the  
2 Environmental Restoration, Formerly Used Defense Sites,  
3 account of the Department of Defense for environmental  
4 restoration projects conducted for or by the Secretary  
5 under subsection (a) and for reimbursable agreements en-  
6 tered into under subsection (b).

7 **TITLE IV—MILITARY**  
8 **PERSONNEL AUTHORIZATIONS**  
9 **Subtitle A—Active Forces**

10 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

11 The armed forces are authorized strengths for active  
12 duty personnel as of September 30, 2015, as follows:

- 13 (1) The Army, 490,000.  
14 (2) The Navy, 323,600.  
15 (3) The Marine Corps, 184,100.  
16 (4) The Air Force, 310,900.

17 **Subtitle B—Reserve Forces**

18 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

19 (a) IN GENERAL.—The armed forces are authorized  
20 strengths for Selected Reserve personnel of the reserve  
21 components as of September 30, 2015, as follows:

- 22 (1) The Army National Guard of the United  
23 States, 350,200.  
24 (2) The Army Reserve, 202,000.  
25 (3) The Navy Reserve, 57,300.

1           (4) The Marine Corps Reserve, 39,200.

2           (5) The Air National Guard of the United  
3 States, 105,000.

4           (6) The Air Force Reserve, 67,100.

5           (7) The Coast Guard Reserve, 7,000.

6       (b) END STRENGTH REDUCTIONS.—The end  
7 strengths prescribed by subsection (a) for the Selected Re-  
8 serve of any reserve component shall be proportionately  
9 reduced by—

10           (1) the total authorized strength of units orga-  
11 nized to serve as units of the Selected Reserve of  
12 such component which are on active duty (other  
13 than for training) at the end of the fiscal year; and

14           (2) the total number of individual members not  
15 in units organized to serve as units of the Selected  
16 Reserve of such component who are on active duty  
17 (other than for training or for unsatisfactory partici-  
18 pation in training) without their consent at the end  
19 of the fiscal year.

20       (c) END STRENGTH INCREASES.—Whenever units or  
21 individual members of the Selected Reserve for any reserve  
22 component are released from active duty during any fiscal  
23 year, the end strength prescribed for such fiscal year for  
24 the Selected Reserve of such reserve component shall be  
25 increased proportionately by the total authorized strengths

1 of such units and by the total number of such individual  
2 members.

3 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
4 **DUTY IN SUPPORT OF THE RESERVES.**

5 Within the end strengths prescribed in section  
6 411(a), the reserve components of the armed forces are  
7 authorized, as of September 30, 2015, the following num-  
8 ber of Reserves to be serving on full-time active duty or  
9 full-time duty, in the case of members of the National  
10 Guard, for the purpose of organizing, administering, re-  
11 cruiting, instructing, or training the reserve components:

12 (1) The Army National Guard of the United  
13 States, 31,385.

14 (2) The Army Reserve, 16,261.

15 (3) The Navy Reserve, 9,973.

16 (4) The Marine Corps Reserve, 2,261.

17 (5) The Air National Guard of the United  
18 States, 14,704.

19 (6) The Air Force Reserve, 2,830.

20 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**  
21 **(DUAL STATUS).**

22 The minimum number of military technicians (dual  
23 status) as of the last day of fiscal year 2015 for the re-  
24 serve components of the Army and the Air Force (notwith-

1 standing section 129 of title 10, United States Code) shall  
2 be the following:

3 (1) For the Army National Guard of the United  
4 States, 27,210.

5 (2) For the Army Reserve, 7,895.

6 (3) For the Air National Guard of the United  
7 States, 21,792.

8 (4) For the Air Force Reserve, 9,789.

9 **SEC. 414. FISCAL YEAR 2015 LIMITATION ON NUMBER OF**  
10 **NON-DUAL STATUS TECHNICIANS.**

11 (a) LIMITATIONS.—

12 (1) NATIONAL GUARD.—Within the limitation  
13 provided in section 10217(c)(2) of title 10, United  
14 States Code, the number of non-dual status techni-  
15 cians employed by the National Guard as of Sep-  
16 tember 30, 2015, may not exceed the following:

17 (A) For the Army National Guard of the  
18 United States, 1,600.

19 (B) For the Air National Guard of the  
20 United States, 350.

21 (2) ARMY RESERVE.—The number of non-dual  
22 status technicians employed by the Army Reserve as  
23 of September 30, 2015, may not exceed the number  
24 in effect for the Army Reserve under section  
25 10217(c)(1) of title 10, United States Code.

1           (3) AIR FORCE RESERVE.—The number of non-  
2           dual status technicians employed by the Air Force  
3           Reserve as of September 30, 2015, may not exceed  
4           90.

5           (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In  
6           this section, the term “non-dual status technician” has the  
7           meaning given that term in section 10217(a) of title 10,  
8           United States Code.

9           **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**  
10                           **THORIZED TO BE ON ACTIVE DUTY FOR**  
11                           **OPERATIONAL SUPPORT.**

12           During fiscal year 2015, the maximum number of  
13           members of the reserve components of the armed forces  
14           who may be serving at any time on full-time operational  
15           support duty under section 115(b) of title 10, United  
16           States Code, is the following:

17           (1) The Army National Guard of the United  
18           States, 17,000.

19           (2) The Army Reserve, 13,000.

20           (3) The Navy Reserve, 6,200.

21           (4) The Marine Corps Reserve, 3,000.

22           (5) The Air National Guard of the United  
23           States, 16,000.

24           (6) The Air Force Reserve, 14,000.



1 **SEC. 416. MANAGEMENT OF MILITARY TECHNICIANS.**

2 (a) DESIGNATION OF NON-DUAL STATUS TECHNI-  
3 CIAN POSITIONS.—Subsection (a) of section 10217 of title  
4 10, United States Code, is amended—

5 (1) in paragraph (1), by striking “a technician”  
6 and inserting “an employee of the Department of  
7 Defense”;

8 (2) by striking “or” at the end of paragraph  
9 (2);

10 (3) by striking the period at the end of para-  
11 graph (3) and inserting “; or”; and

12 (4) by adding at the end the following new  
13 paragraph:

14 “(4) is serving in the Army Reserve in a posi-  
15 tion designated by the Secretary of the Army to be  
16 filled by a non-dual status technician.”.

17 (b) REVISED LIMITATION ON NUMBER OF ARMY RE-  
18 SERVE TECHNICIANS.—Subsection (c)(1) of such section  
19 is amended—

20 (1) by inserting “(A)” after “(1)”;

21 (2) by designating the second sentence as sub-  
22 paragraph (C);

23 (3) by inserting after subparagraph (A), as des-  
24 ignated by paragraph (1), the following new sub-  
25 paragraph:

1 “(B) The total number of non-dual status technicians  
 2 employed by the Army Reserve may not exceed 60 percent  
 3 of the total number of military technicians employed by  
 4 the Army Reserve.”; and

5 (4) in subparagraph (C), as designated by para-  
 6 graph (2), by striking “the preceding sentence” and  
 7 inserting “subparagraph (A) or subparagraph (B),  
 8 as the case may be”.

9 (c) LOSS OF STATUS AS A MILITARY TECHNICIAN  
 10 (DUAL STATUS).—Section 10218(a)(3) of such title is  
 11 amended—

12 (1) in subparagraph (A)(ii)—

13 (A) by inserting “military” after “not a”;  
 14 and

15 (B) by inserting “(dual status)” after  
 16 “technician”; and

17 (2) in subparagraph (B), by inserting “in a po-  
 18 sition designated for military technician (dual sta-  
 19 tus)” after “non-dual status technician”.

## 20 **Subtitle C—Authorization of** 21 **Appropriations**

### 22 **SEC. 421. MILITARY PERSONNEL.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
 24 hereby authorized to be appropriated for military per-  
 25 sonnel for fiscal year 2015 a total of \$128,957,593,000.

1 (b) CONSTRUCTION OF AUTHORIZATION.—The au-  
 2 thorization of appropriations in subsection (a) supersedes  
 3 any other authorization of appropriations (definite or in-  
 4 definite) for such purpose for fiscal year 2015.

5 **TITLE V—MILITARY PERSONNEL**  
 6 **POLICY**

7 **Subtitle A—Officer Personnel**  
 8 **Policy Generally**

9 **SEC. 501. REPEAL OF REQUIREMENT FOR SUBMISSION TO**  
 10 **CONGRESS OF ANNUAL REPORTS ON JOINT**  
 11 **OFFICER MANAGEMENT AND PROMOTION**  
 12 **POLICY OBJECTIVES FOR JOINT OFFICERS.**

13 (a) REPEAL OF ANNUAL REPORTS.—

14 (1) JOINT OFFICER MANAGEMENT.—Section  
 15 667 of title 10, United States Code, is repealed.

16 (2) PROMOTION POLICY OBJECTIVES FOR JOINT  
 17 OFFICERS.—Section 662 of such title is amended—

18 (A) by striking “(a) QUALIFICATIONS.—”;

19 and

20 (B) by striking subsection (b).

21 (b) CLERICAL AMENDMENT.—The table of sections  
 22 at the beginning of chapter 38 of such title is amended  
 23 by striking the item relating to section 667.

1 **SEC. 502. AUTHORITY TO LIMIT CONSIDERATION FOR**  
2 **EARLY RETIREMENT BY SELECTIVE RETIRE-**  
3 **MENT BOARDS TO PARTICULAR WARRANT**  
4 **OFFICER YEAR GROUPS AND SPECIALTIES.**

5 Section 581(d) of title 10, United States Code, is  
6 amended—

7 (1) by redesignating paragraph (2) as para-  
8 graph (3);

9 (2) by designating the second sentence of para-  
10 graph (1) as paragraph (2); and

11 (3) in paragraph (2), as so designated—

12 (A) by striking “the list shall include each”  
13 and inserting “the list shall include—  
14 “(A) the name of each”;

15 (B) by striking the period at the end and  
16 inserting “; or”; and

17 (C) by adding at the end the following new  
18 subparagraph:

19 “(B) with respect to a group of warrant officers  
20 designated under subparagraph (A) who are in a  
21 particular grade and competitive category, only those  
22 warrant officers in that grade and competitive cat-  
23 egory who are also in a particular year group or spe-  
24 cialty, or any combination thereof determined by the  
25 Secretary.”.

1 **SEC. 503. AUTHORITY FOR THREE-MONTH DEFERRAL OF**  
2 **RETIREMENT FOR OFFICERS SELECTED FOR**  
3 **SELECTIVE EARLY RETIREMENT.**

4 (a) **WARRANT OFFICERS.**—Section 581(e) of title 10,  
5 United States Code, is amended—

6 (1) by striking “90 days” and inserting “three  
7 months”; and

8 (2) by inserting after the first sentence the fol-  
9 lowing new sentence: “An officer recommended for  
10 early retirement under this section, if approved for  
11 deferral, shall be retired on the date requested by  
12 the officer, and approved by the Secretary con-  
13 cerned, which date shall be not later than the first  
14 day of the tenth calendar month beginning after the  
15 month in which the Secretary concerned approves  
16 the report of the board which recommended the offi-  
17 cer for early retirement.”.

18 (b) **OFFICERS ON THE ACTIVE-DUTY LIST.**—Section  
19 638(b) of such title is amended—

20 (1) in paragraph (1), by inserting before the pe-  
21 riod at the end of subparagraph (B) the following:  
22 “, with such retirement under that section to be not  
23 later than the first day of the month beginning after  
24 the month in which the officer becomes qualified for  
25 retirement under that section, or on the first day of  
26 the seventh calendar month beginning after the

1 month in which the Secretary concerned approves  
2 the report of the board which recommended the offi-  
3 cer for early retirement, whichever is later”; and

4 (2) in paragraph (3)—

5 (A) by striking “90 days” and inserting  
6 “three months”; and

7 (B) by inserting after the first sentence  
8 the following new sentences: “An officer rec-  
9 ommended for early retirement under subpara-  
10 graph (b)(1)(A) or under section 638a of this  
11 title, if approved for deferral, shall be retired on  
12 the date requested by the officer, and approved  
13 by the Secretary concerned, which date shall be  
14 not later than the first day of the tenth cal-  
15 endar month beginning after the month in  
16 which the Secretary concerned approves the re-  
17 port of the board which recommended the offi-  
18 cer for early retirement. The Secretary con-  
19 cerned may defer the retirement of an officer  
20 otherwise approved for early retirement under  
21 subparagraph (b)(1)(B), but in no case later  
22 than the first day of the tenth calendar month  
23 beginning after the month in which the Sec-  
24 retary concerned approves the report of the  
25 board which recommended the officer for early

1 retirement. An officer recommended for early  
 2 retirement under subparagraph (b)(2), if ap-  
 3 proved for deferral, shall be retired on the date  
 4 requested by the officer, and approved by the  
 5 Secretary concerned, which date shall be not  
 6 later than the first day of the thirteenth cal-  
 7 endar month beginning after the month in  
 8 which the Secretary concerned approves the re-  
 9 port of the board which recommended the offi-  
 10 cer for early retirement.”.

11 **Subtitle B—Reserve Component**  
 12 **Management**

13 **SEC. 511. RECONCILIATION OF CONTRADICTION PROVI-**  
 14 **SIONS RELATING TO CITIZENSHIP QUALI-**  
 15 **FICATIONS FOR ENLISTMENT IN THE RE-**  
 16 **SERVE COMPONENTS OF THE ARMED**  
 17 **FORCES.**

18 Paragraphs (1) and (2) of section 12102(b) of title  
 19 10, United States Code, are amended to read as follows:

20 “(1) that person has met the citizenship or resi-  
 21 dency requirements established in section 504(b)(1)  
 22 of this title; or

23 “(2) that person is authorized to enlist by the  
 24 Secretary concerned under section 504(b)(2) of this  
 25 title.”.

1 **SEC. 512. REPEAL OF REQUIREMENT FOR MEMBERSHIP IN**  
 2 **SPECIFIC UNIT OF THE SELECTED RESERVE**  
 3 **AS A CONDITION OF EMPLOYMENT AS A MILI-**  
 4 **TARY TECHNICIAN (DUAL STATUS).**

5 (a) REPEAL OF UNIT MEMBERSHIP REQUIRE-  
 6 MENT.—Section 10216 of title 10, United States Code,  
 7 is amended by striking subsection (d).

8 (b) CONFORMING AMENDMENT.—Subsection (g) of  
 9 such section is amended by striking “subsection (d) of this  
 10 section or”.

11 **SEC. 513. RETENTION ON THE RESERVE ACTIVE-STATUS**  
 12 **LIST FOLLOWING NONSELECTION FOR PRO-**  
 13 **MOTION OF CERTAIN HEALTH PROFESSIONS**  
 14 **OFFICERS AND FIRST LIEUTENANTS AND**  
 15 **LIEUTENANTS (JUNIOR GRADE) PURSUING**  
 16 **BACCALAUREATE DEGREES.**

17 (a) RETENTION OF CERTAIN FIRST LIEUTENANTS  
 18 AND LIEUTENANTS (JUNIOR GRADE) FOLLOWING NON-  
 19 SELECTION FOR PROMOTION.—Subsection (a)(1) of sec-  
 20 tion 14701 of title 10, United States Code, is amended—

21 (1) by inserting “(A)” after “(1)”;

22 (2) by striking “A reserve officer of” and insert-  
 23 ing “A reserve officer of the Army, Navy, Air Force,  
 24 or Marine Corps described in subparagraph (B) who  
 25 is required to be removed from the reserve active-



1 status list under section 14504 of this title, or a re-  
2 serve officer of”;

3 (3) by inserting a comma after “14507 of this  
4 title”; and

5 (4) by adding at the end the following new sub-  
6 paragraph:

7 “(B) A reserve officer described in this subparagraph  
8 is a reserve officer of the Army, Air Force, or Marine  
9 Corps who holds the grade of first lieutenant, or a reserve  
10 officer of the Navy who holds the grade of lieutenant (jun-  
11 ior grade), who—

12 “(i) is a health professions officer; or

13 “(ii) is actively pursuing an undergraduate pro-  
14 gram of education leading to a baccalaureate de-  
15 gree.”.

16 (b) RETENTION OF HEALTH PROFESSIONS OFFI-  
17 CERS.—Such section is further amended—

18 (1) by redesignating subsection (b) as sub-  
19 section (c); and

20 (2) by inserting after subsection (a) the fol-  
21 lowing new subsection (b):

22 “(b) CONTINUATION OF HEALTH PROFESSIONS OF-  
23 FICERS.—(1) Notwithstanding subsection (a)(6), a health  
24 professions officer obligated to a period of service incurred  
25 under section 16201 of this title who is required to be

1 removed from the reserve active-status list under section  
2 14504, 14505, 14506, or 14507 of this title and who has  
3 not completed a service obligation incurred under section  
4 16201 shall be retained on the reserve active-status list  
5 until the completion of such service obligation and then  
6 discharged, unless sooner retired or discharged under an-  
7 other provision of law.

8       “(2) The Secretary concerned may waive the applica-  
9 bility of paragraph (1) to any officer if the Secretary de-  
10 termines that completion of the service obligation of that  
11 officer is not in the best interest of the service.

12       “(3) A health professions officer who is continued on  
13 the reserve active-status list under this subsection who is  
14 subsequently promoted or whose name is on a list of offi-  
15 cers recommended for promotion to the next higher grade  
16 is not required to be discharged or retired upon completion  
17 of the officer’s service obligation. Such officer may con-  
18 tinue on the reserve active-status list as other officers of  
19 the same grade unless separated under another provision  
20 of law.”.

1 **Subtitle C—Member Education and**  
2 **Training**

3 **SEC. 521. INTER-EUROPEAN AIR FORCES ACADEMY.**

4 (a) IN GENERAL.—Chapter 907 of title 10, United  
5 States Code, is amended by inserting after section 9415  
6 the following new section:

7 **“§ 9416. Inter-European Air Forces Academy**

8 “(a) OPERATION.—The Secretary of the Air Force  
9 may operate the Air Force education and training facility  
10 known as the Inter-European Air Forces Academy for the  
11 purpose of providing military education and training to  
12 military personnel of countries that are members of the  
13 North Atlantic Treaty Organization or signatories to the  
14 Partnership for Peace Framework Documents, and other  
15 countries eligible for assistance under chapter 5 of part  
16 II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347  
17 et seq.).

18 “(b) ELIGIBLE COUNTRIES.—

19 “(1) No foreign force may be trained under the  
20 authority of this section without the concurrence of  
21 the Secretary of State.

22 “(2) The Secretary of the Air Force may not  
23 use the authority in subsection (a) to provide assist-  
24 ance to any foreign country that is otherwise prohib-

1       ited from receiving such type of assistance under  
2       any other provision of law.

3       “(c) COSTS.—The costs of operating and maintaining  
4 the Inter-European Air Forces Academy may be paid from  
5 funds available for operation and maintenance of the Air  
6 Force.

7       “(d) SUPPLIES AND CLOTHING.—The Secretary of  
8 the Air Force may, under such conditions as the Secretary  
9 may prescribe, provide to a person receiving training  
10 under this chapter—

11               “(1) transportation incident to the training;

12               “(2) supplies and equipment to be used during  
13 the training; and

14               “(3) billeting, food, and health services.

15       “(e) LIVING ALLOWANCE.—The Secretary of the Air  
16 Force may pay to a person receiving training under this  
17 chapter a living allowance at a rate to be prescribed by  
18 the Secretary, taking into account the amount of living  
19 allowances authorized for a member of the armed forces  
20 under similar circumstances.

21       “(f) MAINTENANCE.—The Secretary of the Air Force  
22 may authorize such expenditures from the appropriations  
23 of the Air Force as the Secretary considers necessary for  
24 the efficient and effective maintenance of the Program in  
25 accordance with this chapter.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of such chapter is amended by inserting  
 3 after the item relating to section 9415 the following new  
 4 item:

“9416. Inter-European Air Forces Academy.”.

5 **SEC. 522. AUTHORITY FOR JOINT SPECIAL OPERATIONS**  
 6 **UNIVERSITY TO AWARD DEGREES.**

7 (a) IN GENERAL.—Chapter 108 of title 10, United  
 8 States Code, is amended by inserting after section 2163  
 9 the following new section:

10 **“§ 2163a. Degree granting authority for Joint Special**  
 11 **Operations University**

12 “(a) AUTHORITY.—Under regulations prescribed by  
 13 the Secretary of Defense, the President of the Joint Spe-  
 14 cial Operations University may, upon the recommendation  
 15 of the faculty of the Joint Special Operations University,  
 16 confer appropriate degrees upon graduates who meet the  
 17 degree requirements.

18 “(b) LIMITATION.—A degree may not be conferred  
 19 under this section unless—

20 “(1) the Secretary of Education has rec-  
 21 ommended approval of the degree in accordance with  
 22 the Federal Policy Governing Granting of Academic  
 23 Degrees by Federal Agencies; and

24 “(2) the Joint Special Operations University is  
 25 accredited by the appropriate civilian academic ac-

1 crediting agency or organization to award the de-  
 2 gree, as determined by the Secretary of Education.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
 4 at the beginning of such chapter is amended by inserting  
 5 after the item relating to section 2163 the following new  
 6 item:

“2163a. Degree granting authority for Joint Special Operations University.”.

7 **SEC. 523. DURATION OF FOREIGN AND CULTURAL EX-**  
 8 **CHANGE ACTIVITIES AT MILITARY SERVICE**  
 9 **ACADEMIES.**

10 (a) MILITARY ACADEMY.—Section 4345a(a) of title  
 11 10, United States Code, is amended by striking “two  
 12 weeks” and inserting “four weeks”.

13 (b) NAVAL ACADEMY.—Section 6957b(a) of such title  
 14 is amended by striking “two weeks” and inserting “four  
 15 weeks”.

16 (c) AIR FORCE ACADEMY.—Section 9345a(a) of such  
 17 title is amended by striking “two weeks” and inserting  
 18 “four weeks”.

19 **SEC. 524. ENHANCEMENT OF AUTHORITY TO ACCEPT SUP-**  
 20 **PORT FOR AIR FORCE ACADEMY ATHLETIC**  
 21 **PROGRAMS.**

22 Section 9362 of title 10, United States Code, is  
 23 amended by striking subsections (e), (f), and (g) and in-  
 24 serting the following new subsections:

25 “(e) ACCEPTANCE OF SUPPORT.—

1           “(1) SUPPORT RECEIVED FROM THE CORPORA-  
2           TION.—Notwithstanding section 1342 of title 31, the  
3           Secretary of the Air Force may accept from the cor-  
4           poration funds, supplies, equipment, and services for  
5           the support of the athletic programs of the Acad-  
6           emy.

7           “(2) FUNDS RECEIVED FROM OTHER  
8           SOURCES.—The Secretary may charge fees for the  
9           support of the athletic programs of the Academy.  
10          The Secretary may accept and retain fees for serv-  
11          ices and other benefits provided incident to the oper-  
12          ation of its athletic programs, including fees from  
13          the National Collegiate Athletic Association, fees  
14          from athletic conferences, game guarantees from  
15          other educational institutions, fees for ticketing or li-  
16          censing, and other consideration provided incidental  
17          to the execution of the athletic programs of the  
18          Academy.

19          “(3) LIMITATION.—The Secretary shall ensure  
20          that contributions accepted under this subsection do  
21          not reflect unfavorably on the ability of the Depart-  
22          ment of the Air Force, any of its employees, or any  
23          member of the armed forces to carry out any respon-  
24          sibility or duty in a fair and objective manner, or  
25          compromise the integrity or appearance of integrity

1 of any program of the Department of the Air Force,  
2 or any individual involved in such a program.

3 “(f) LEASES AND LICENSES.—

4 “(1) The Secretary may, in accordance with  
5 section 2667 of this title, enter into leases or li-  
6 censes with the corporation for the purpose of sup-  
7 porting the athletic programs of the Academy. Con-  
8 sideration provided under such a lease or license  
9 may be provided in the form of funds, supplies,  
10 equipment, and services for the support of the ath-  
11 letic programs of the Academy.

12 “(2) The Secretary may provide support serv-  
13 ices to the corporation without charge while the cor-  
14 poration conducts its support activities at the Acad-  
15 emy. In this section, the term ‘support services’ in-  
16 cludes the providing of utilities, office furnishings  
17 and equipment, communications services, records  
18 staging and archiving, audio and video support, and  
19 security systems in conjunction with the leasing or  
20 licensing of property. Any such support services may  
21 only be provided without any liability of the United  
22 States to the corporation.

23 “(g) CONTRACTS AND COOPERATIVE AGREE-  
24 MENTS.—The Secretary may enter into contracts and co-  
25 operative agreements with the corporation for the purpose



1 of supporting the athletic programs of the Academy. Not-  
2 withstanding section 2304(k) of this title, the Secretary  
3 may enter such contracts or cooperative agreements on a  
4 sole source basis pursuant to section 2304(c)(5) of this  
5 title. Notwithstanding chapter 63 of title 31, a cooperative  
6 agreement under this section may be used to acquire prop-  
7 erty, services, or travel for the direct benefit or use of the  
8 Academy athletic programs.

9 “(h) TRADEMARKS AND SERVICE MARKS.—

10 “(1) LICENSING, MARKETING, AND SPONSOR-  
11 SHIP AGREEMENTS.—An agreement under sub-  
12 section (g) may, consistent with section 2260 (other  
13 than subsection (d)) of this title, authorize the cor-  
14 poration to enter into licensing, marketing, and  
15 sponsorship agreements relating to trademarks and  
16 service marks identifying the Academy, subject to  
17 the approval of the Secretary.

18 “(2) LIMITATIONS.—No such licensing, mar-  
19 keting, or sponsorship agreement may be entered  
20 into if it would reflect unfavorably on the ability of  
21 the Department of the Air Force, any of its employ-  
22 ees, or any member of the armed forces to carry out  
23 any responsibility or duty in a fair and objective  
24 manner, or if the Secretary determines that the use  
25 of the trademark or service mark would compromise

1 the integrity or appearance of integrity of any pro-  
2 gram of the Department of the Air Force, or any in-  
3 dividual involved in such a program.

4 “(i) RETENTION AND USE OF FUNDS.—Any funds  
5 received under this section may be retained for use in sup-  
6 port of the athletic programs of the Academy and shall  
7 remain available until expended.”.

8 **Subtitle D—Defense Dependents’**  
9 **Education and Military Family**  
10 **Readiness Matters**

11 **SEC. 531. EARLIER DETERMINATION OF DEPENDENT STA-**  
12 **TUS WITH RESPECT TO TRANSITIONAL COM-**  
13 **PENSATION FOR DEPENDENTS OF MEMBERS**  
14 **SEPARATED FOR DEPENDENT ABUSE.**

15 Subsection (d)(4) of section 1059 of title 10, United  
16 States Code, is amended by striking “as of the date on  
17 which the individual described in subsection (b) is sepa-  
18 rated from active duty” and inserting “as of the date on  
19 which the separation action is initiated by a commander  
20 of the individual described in subsection (b)”.

1 **SEC. 532. AUTHORITY TO EMPLOY NON-UNITED STATES**  
2 **CITIZENS AS TEACHERS IN DEPARTMENT OF**  
3 **DEFENSE OVERSEAS DEPENDENTS' SCHOOL**  
4 **SYSTEM.**

5 Section 2(2)(A) of the Defense Department Overseas  
6 Teachers Pay and Personnel Practices Act (20 U.S.C.  
7 901(2)(A)) is amended by inserting “or a local national  
8 who teaches a host nation language course” after “who  
9 is a citizen of the United States”.

10 **SEC. 533. EXPANSION OF THE FUNCTION OF THE ADVISORY**  
11 **COUNCIL ON DEPENDENTS' EDUCATION TO**  
12 **INCLUDE THE DOMESTIC DEPENDENT ELE-**  
13 **MENTARY AND SECONDARY SCHOOLS.**

14 (a) EXPANSION OF FUNCTIONS.—Subsection (c) of  
15 section 1411 of the Defense Dependents' Education Act  
16 of 1978 (20 U.S.C. 929) is amended—

17 (1) in paragraph (1), by inserting “, and of the  
18 domestic dependent elementary and secondary school  
19 system established under section 2164 of title 10,  
20 United States Code,” after “of the defense depend-  
21 ents' education system”; and

22 (2) in paragraph (2), by inserting “and in the  
23 domestic dependent elementary and secondary school  
24 system” before the comma at the end.

25 (b) MEMBERSHIP OF COUNCIL.—Subsection  
26 (a)(1)(B) of such section is amended—

1 (1) by inserting “and the domestic dependent  
 2 elementary and secondary schools established under  
 3 section 2164 of title 10, United States Code” after  
 4 “the defense dependents’ education system”; and

5 (2) by inserting “either” before “such system”.

## 6 **Subtitle E—Other Matters**

### 7 **SEC. 541. PROCEDURES FOR JUDICIAL REVIEW OF MILI-** 8 **TARY PERSONNEL DECISIONS RELATING TO** 9 **CORRECTION OF MILITARY RECORDS.**

10 (a) AVAILABILITY OF JUDICIAL REVIEW; LIMITA-  
 11 TIONS.—

12 (1) IN GENERAL.—Chapter 79 of title 10,  
 13 United States Code, is amended by adding at the  
 14 end the following new section:

#### 15 **“§ 1560. Judicial review of decisions relating to cor-** 16 **rection of military records**

17 “(a) AVAILABILITY OF JUDICIAL REVIEW.—

18 “(1) IN GENERAL.—Pursuant to sections 1346  
 19 and 1491 of title 28 and chapter 7 of title 5, any  
 20 person adversely affected by a records correction  
 21 final decision may obtain judicial review of the deci-  
 22 sion in a court with jurisdiction to hear the matter.

23 “(2) RECORDS CORRECTION FINAL DECISION  
 24 DEFINED.—In this section, the term ‘records correc-

1       tion final decision’ means any of the following deci-  
2       sions:

3               “(A) A final decision issued by the Sec-  
4               retary concerned pursuant to section 1552 of  
5               this title.

6               “(B) A final decision issued by the Sec-  
7               retary of a military department or the Sec-  
8               retary of Homeland Security pursuant to sec-  
9               tion 1034(g) of this title.

10              “(C) A final decision issued by the Sec-  
11              retary of Defense pursuant to section 1034(h)  
12              of this title.

13              “(D) A final decision issued by the Sec-  
14              retary concerned pursuant to section 1554a of  
15              this title.

16       “(b) EXHAUSTION OF ADMINISTRATIVE REM-  
17 EDIES.—

18              “(1) GENERAL RULE.—Except as provided in  
19              paragraphs (3) and (4), judicial review of a matter  
20              that could be subject to correction under a provision  
21              of law specified in subsection (a)(2) may not be ob-  
22              tained under this section or any other provision of  
23              law unless—

24                      “(A) the petitioner has requested a correc-  
25                      tion under sections 1552 or 1554a of this title

1 (including such a request in a matter arising  
2 under section 1034 of this title); and

3 “(B) the Secretary concerned has rendered  
4 a final decision denying that correction in whole  
5 or in part.

6 “(2) WHISTLEBLOWER CASES.—When the final  
7 decision of the Secretary concerned is subject to re-  
8 view by the Secretary of Defense under section  
9 1034(h) of this title, the petitioner is not required  
10 to seek such review before obtaining judicial review,  
11 but if the petitioner seeks such review, judicial re-  
12 view may not be sought until the earlier of the fol-  
13 lowing occurs:

14 “(A) The Secretary of Defense makes a  
15 decision in the matter.

16 “(B) The period specified in section  
17 1034(h) of this title for the Secretary to make  
18 a decision in the matter expires.

19 “(3) CLASS ACTIONS.—If judicial review of a  
20 records correction final decision is sought, and the  
21 petitioner for such judicial review also seeks to bring  
22 a class action with respect to a matter for which the  
23 petitioner requested a correction under section 1552  
24 of this title (including a request in a matter arising  
25 under section 1034 of this title) and the court issues

1 an order certifying a class in the case, paragraphs  
2 (1) and (2) do not apply to any member of the cer-  
3 tified class (other than the petitioner) with respect  
4 to any matter covered by a claim for which the class  
5 is certified.

6 “(4) TIMELINESS.—Paragraph (1) shall not  
7 apply if the records correction final decision of the  
8 Secretary concerned is not issued by the date that  
9 is 18 months after the date on which the petitioner  
10 requests a correction.

11 “(c) STATUTES OF LIMITATION.—

12 “(1) SIX YEARS FROM FINAL DECISION.—A  
13 records correction final decision (other than in a  
14 matter to which paragraph (2) applies) is not sub-  
15 ject to judicial review under this section or otherwise  
16 subject to review in any court unless petition for  
17 such review is filed in a court not later than six  
18 years after the date of the records correction final  
19 decision.

20 “(2) SIX YEARS FOR CERTAIN CLAIMS THAT  
21 MAY RESULT IN PAYMENT OF MONEY.—(A) In a  
22 case of a records correction final decision described  
23 in subparagraph (B), the records correction final de-  
24 cision (or the portion of such decision described in  
25 such subparagraph) is not subject to judicial review

1 under this section or otherwise subject to review in  
2 any court unless petition for such review is filed in  
3 a court before the end of the six-year period that  
4 began on the date of discharge, retirement, release  
5 from active duty, or death while on active duty, of  
6 the person whose military records are the subject of  
7 the correction request. Such period does not include  
8 any time between the date of the filing of the re-  
9 quest for correction of military records leading to  
10 the records correction final decision and the date of  
11 the final decision.

12 “(B) Subparagraph (A) applies to a records  
13 correction final decision or portion of the decision  
14 that involves a denial of a claim that, if relief were  
15 to be granted by the court, would support, or result  
16 in, the payment of money either under a court order  
17 or under a subsequent administrative determination,  
18 other than payments made under—

19 “(i) chapter 61 of this title to a claimant  
20 who prior to such records correction final deci-  
21 sion, was not the subject of a decision by a  
22 physical evaluation board or by any other board  
23 authorized to grant disability payments to the  
24 claimant; or

25 “(ii) chapter 73 of this title.



1       “(d) HABEAS CORPUS.—This section does not affect  
2 any cause of action arising under chapter 153 of title 28.”.

3           (2) CLERICAL AMENDMENT.—The table of sec-  
4 tions at the beginning of such chapter is amended  
5 by adding at the end the following new item:

“1560. Judicial review of decisions.”.

6       (b) EFFECT OF DENIAL OF REQUEST FOR CORREC-  
7 TION OF RECORDS WHEN PROHIBITED PERSONNEL AC-  
8 TION ALLEGED.—

9           (1) NOTICE OF DENIAL; PROCEDURES FOR JU-  
10 DICIAL REVIEW.—Subsection (g) of section 1034 of  
11 such title is amended by adding at the end the fol-  
12 lowing new paragraph:

13       “(7) In any case in which the final decision of the  
14 Secretary concerned results in denial, in whole or in part,  
15 of any requested correction of the record of the member  
16 or former member, the Secretary concerned shall provide  
17 the member or former member—

18           “(A) a concise written statement of the basis  
19 for the decision; and

20           “(B) a notification of the availability of judicial  
21 review of the decision pursuant to section 1560 of  
22 this title and the time period for obtaining such re-  
23 view in accordance with the applicable statute of lim-  
24 itations.”.

1           (2) SECRETARY OF DEFENSE REVIEW; NOTICE  
2           OF DENIAL.—Subsection (h) of such section is  
3           amended—

4                   (A) by inserting “(1)” before “Upon the  
5           completion of all”; and

6                   (B) by adding at the end the following new  
7           paragraph:

8           “(2) The submittal of a matter to the Secretary of  
9           Defense by the member or former member under para-  
10          graph (1) must be made within 90 days of the receipt by  
11          the member or former member of the final decision of the  
12          Secretary of the military department concerned in the  
13          matter. In any case in which the final decision of the Sec-  
14          retary of Defense results in denial, in whole or in part,  
15          of any requested correction of the record of the member  
16          or former member, the Secretary of Defense shall provide  
17          the member or former member—

18                   “(A) a concise written statement of the basis  
19           for the decision; and

20                   “(B) a notification of the availability of judicial  
21           review of the decision pursuant to section 1560 of  
22           this title and the time period for obtaining such re-  
23           view in accordance with the applicable statute of lim-  
24           itations.”.

1           (3) SOLE BASIS FOR JUDICIAL REVIEW.—Such  
2 section is further amended—

3           (A) by redesignating subsections (i) and (j)  
4 as subsections (j) and (k), respectively; and

5           (B) by inserting after subsection (h) the  
6 following new subsection (i):

7           “(i) JUDICIAL REVIEW.—(1) A decision of the Sec-  
8 retary of Defense under subsection (h) shall be subject to  
9 judicial review only as provided in section 1560 of this  
10 title.

11           “(2) In a case in which review by the Secretary of  
12 Defense under subsection (h) was not sought, a decision  
13 of the Secretary of a military department under subsection  
14 (g) shall be subject to judicial review only as provided in  
15 section 1560 of this title.

16           “(3) A decision by the Secretary of Homeland Secu-  
17 rity under subsection (g) shall be subject to judicial review  
18 only as provided in section 1560 of this title.”.

19           (c) EFFECT OF DENIAL OF OTHER REQUESTS FOR  
20 CORRECTION OF MILITARY RECORDS.—Section 1552 of  
21 such title is amended by adding at the end the following  
22 new subsections:

23           “(h) In any case in which the final decision of the  
24 Secretary concerned results in denial, in whole or in part,

1 of any requested correction, the Secretary concerned shall  
 2 provide the claimant—

3 “(1) a concise written statement of the basis for  
 4 the decision; and

5 “(2) a notification of the availability of judicial  
 6 review of the decision pursuant to section 1560 of  
 7 this title and the time period for obtaining such re-  
 8 view in accordance with the applicable statute of lim-  
 9 itations.

10 “(i) A decision by the Secretary concerned under this  
 11 section shall be subject to judicial review only as provided  
 12 in section 1560 of this title.”.

13 (d) JUDICIAL REVIEW OF CORRECTIONS REC-  
 14 OMMENDED BY THE PHYSICAL DISABILITY BOARD OF  
 15 REVIEW.—Section 1554a of such title is amended—

16 (1) by redesignating subsection (f) as sub-  
 17 section (h); and

18 (2) by inserting after subsection (e) the fol-  
 19 lowing new subsections (f) and (g):

20 “(f) RECORD OF DECISION AND NOTIFICATION.—In  
 21 any case in which the final decision of the Secretary con-  
 22 cerned results in denial, in whole or in part, of any re-  
 23 quested correction of the record of the member or former  
 24 member, the Secretary shall provide to the member or  
 25 former member—

1           “(1) a concise written statement of the basis for  
2 the decision; and

3           “(2) a notification of the availability of judicial  
4 review of the decision pursuant to section 1560 of  
5 this title and the time period for obtaining such re-  
6 view in accordance with the applicable statute of lim-  
7 itations.

8           “(g) JUDICIAL REVIEW.—A decision by the Secretary  
9 concerned under this section shall be subject to judicial  
10 review only as provided in section 1560 of this title.”.

11           (e) EFFECTIVE DATE AND APPLICATION.—

12           (1) IN GENERAL.—The amendments made by  
13 this section shall take effect on January 1, 2016,  
14 and shall apply to all final decisions of the Secretary  
15 of Defense under section 1034(h) of title 10, United  
16 States Code, and of the Secretary of a military de-  
17 partment and the Secretary of Homeland Security  
18 under sections 1034(g), 1552 or 1554a of such title  
19 rendered on or after such date.

20           (2) TREATMENT OF EXISTING CASES.—This  
21 section and the amendments made by this section do  
22 not affect the authority of any court to exercise ju-  
23 risdiction over any case that was properly before the  
24 court before the effective date specified in paragraph  
25 (1).

1 (f) IMPLEMENTATION.—The Secretary of a military  
2 department and the Secretary of Homeland Security (in  
3 the case of the Coast Guard when it is not operating as  
4 a service in the Department of the Navy) may prescribe  
5 regulations, and interim guidance before prescribing such  
6 regulations, to implement the amendments made by this  
7 section. Regulations or interim guidance prescribed by the  
8 Secretary of a military department may not take effect  
9 until approved by the Secretary of Defense.

10 **SEC. 542. ENHANCED ROLE FOR DEPARTMENT OF JUSTICE**  
11 **UNDER MILITARY LENDING ACT.**

12 (a) ENFORCEMENT BY THE ATTORNEY GENERAL.—  
13 Subsection (f) of section 987 of title 10, United States  
14 Code, is amended by adding at the end the following new  
15 paragraph:

16 “(7) ENFORCEMENT BY THE ATTORNEY GEN-  
17 ERAL.—

18 “(A) IN GENERAL.—The Attorney General  
19 may commence a civil action in any appropriate  
20 district court of the United States against any  
21 person who—

22 “(i) engages in a pattern or practice  
23 of violating this section; or

1           “(ii) engages in a violation of this sec-  
2           tion that raises an issue of general public  
3           importance.

4           “(B) RELIEF.—In a civil action com-  
5           menced under subparagraph (A), the court—

6           “(i) may grant any appropriate equi-  
7           table or declaratory relief with respect to  
8           the violation of this section;

9           “(ii) may award all other appropriate  
10          relief, including monetary damages, to any  
11          person aggrieved by the violation; and

12          “(iii) may, to vindicate the public in-  
13          terest, assess a civil penalty—

14                  “(I) in an amount not exceeding  
15                  \$110,000 for a first violation; and

16                  “(II) in an amount not exceeding  
17                  \$220,000 for any subsequent viola-  
18                  tion.

19          “(C) INTERVENTION.—Upon timely appli-  
20          cation, a person aggrieved by a violation of this  
21          section with respect to which the civil action is  
22          commenced may intervene in such action, and  
23          may obtain such appropriate relief as the per-  
24          son could obtain in a civil action under para-

1 graph (5) with respect to that violation, along  
2 with costs and a reasonable attorney fee.

3 “(D) ISSUANCE AND SERVICE OF CIVIL IN-  
4 VESTIGATIVE DEMANDS.—Whenever the Attor-  
5 ney General, or a designee, has reason to be-  
6 lieve that any person may be in possession, cus-  
7 tody, or control of any documentary material  
8 relevant to an investigation under this section,  
9 the Attorney General, or a designee, may, be-  
10 fore commencing a civil action under subpara-  
11 graph (A), issue in writing and cause to be  
12 served upon such person, a civil investigative  
13 demand requiring—

14 “(i) the production of such documen-  
15 tary material for inspection and copying;

16 “(ii) that the custodian of such docu-  
17 mentary material answer in writing written  
18 questions with respect to such documen-  
19 tary material; or

20 “(iii) the production of any combina-  
21 tion of such documentary material or an-  
22 swers.

23 “(E) RELATIONSHIP TO FALSE CLAIMS  
24 ACT.—The statutory provisions governing the  
25 authority to issue, use, and enforce civil inves-



1           tigrative demands under section 3733 of title 31  
2           (known as the ‘False Claims Act’) shall govern  
3           the authority to issue, use, and enforce civil in-  
4           vestigative demands under subparagraph (D),  
5           except that—

6                   “(i) any reference in that section to  
7                   false claims law investigators or investiga-  
8                   tions shall be applied for purposes of sub-  
9                   paragraph (D) as referring to investigators  
10                  or investigations under this section;

11                  “(ii) any reference in that section to  
12                  interrogatories shall be applied for pur-  
13                  poses of subparagraph (D) as referring to  
14                  written questions and answers to such  
15                  need not be under oath;

16                  “(iii) the statutory definitions for pur-  
17                  poses of that section relating to ‘false  
18                  claims law’ shall not apply; and

19                  “(iv) provisions of that section relat-  
20                  ing to qui tam relators shall not apply.”.

21           (b) CONSULTATION WITH DEPARTMENT OF JUS-  
22   TICE.—Subsection (h)(3) of such section is amended by  
23   adding at the end the following new subparagraph:

24                   “(H) The Department of Justice.”.

1 **SEC. 543. ENFORCEMENT OF RIGHTS UNDER CHAPTER 43**  
2 **OF TITLE 38, UNITED STATES CODE, WITH RE-**  
3 **SPECT TO A STATE OR PRIVATE EMPLOYER.**

4 (a) ACTION FOR RELIEF.—

5 (1) INITIATION OF ACTIONS.—Paragraph (1) of  
6 subsection (a) of section 4323 of title 38, United  
7 States Code, is amended by striking the third sen-  
8 tence and inserting the following new sentences: “If  
9 the Attorney General is reasonably satisfied that the  
10 person on whose behalf the complaint is referred is  
11 entitled to the rights or benefits sought, the Attor-  
12 ney General may commence an action for relief  
13 under this chapter. The person on whose behalf the  
14 complaint is referred may, upon timely application,  
15 intervene in such action and may obtain such appro-  
16 priate relief as provided in subsections (d) and (e).”.

17 (2) ATTORNEY GENERAL NOTICE TO SERVICE-  
18 MEMBER OF DECISION.—Paragraph (2) of such sub-  
19 section is amended to read as follows:

20 “(2)(A) Not later than 60 days after the date the  
21 Attorney General receives a referral under paragraph (1),  
22 the Attorney General shall transmit, in writing, to the per-  
23 son on whose behalf the complaint is submitted—

24 “(i) if the Attorney General has made a deci-  
25 sion about whether the United States will commence  
26 an action for relief under paragraph (1) relating to

1 the complaint of the person, notice of the decision;  
2 and

3 “(ii) if the Attorney General has not made such  
4 a decision, notice of when the Attorney General ex-  
5 pects to make such a decision.

6 “(B) If the Attorney General notifies a person of  
7 when the Attorney General expects to make a decision  
8 under subparagraph (A)(ii), the Attorney General shall,  
9 not later than 30 days after the date on which the Attor-  
10 ney General makes such decision, notify, in writing, the  
11 person of such decision.”.

12 (3) PATTERN OR PRACTICE CASES.—Such sub-  
13 section is further amended—

14 (A) by redesignating paragraph (3) as  
15 paragraph (4); and

16 (B) by inserting after paragraph (2) (as  
17 amended by paragraph (2) of this subsection)  
18 the following new paragraph (3):

19 “(3) Whenever the Attorney General has reasonable  
20 cause to believe that a State (as an employer) or a private  
21 employer is engaged in a pattern or practice of resistance  
22 to the full enjoyment of any of the rights or benefits se-  
23 cured by this chapter, the Attorney General may com-  
24 mence an action under this chapter.”.

1           (4) ACTIONS BY PRIVATE PERSONS.—Subpara-  
2           graph (C) of paragraph (4) of such subsection, as  
3           redesignated by paragraph (3)(A), is amended by  
4           striking “refused” and all that follows and inserting  
5           “notified by the Department of Justice that the At-  
6           torney General does not intend to bring a civil ac-  
7           tion.”.

8           (b) SOVEREIGN IMMUNITY.—Paragraph (2) of sub-  
9           section (b) of section 4323 of such title is amended to read  
10          as follows:

11          “(2)(A) In the case of an action against a State (as  
12          an employer), any instrumentality of a State, or any offi-  
13          cer or employee of a State or instrumentality of a State  
14          acting in that officer or employee’s official capacity, by  
15          any person, the action may be brought in the appropriate  
16          district court of the United States or in a State court of  
17          competent jurisdiction, and the State, instrumentality of  
18          the State, or officer or employee of the State or instrumen-  
19          tality acting in that officer or employee’s official capacity  
20          shall not be immune under the Eleventh Amendment of  
21          the Constitution, or under any other doctrine of sovereign  
22          immunity, from such action.

23          “(B)(i) No State, instrumentality of such State, or  
24          officer or employee of such State or instrumentality of  
25          such State, acting in that officer or employee’s official ca-

1   pacity, that receives or uses Federal financial assistance  
2   for a program or activity shall be immune, under the Elev-  
3   enth Amendment of the Constitution or under any other  
4   doctrine of sovereign immunity, from suit in Federal or  
5   State court by any person for any violation under this  
6   chapter related to such program or activity.

7       “(ii) In an action against a State brought pursuant  
8   to subsection (a), a court may award the remedies (includ-  
9   ing remedies both at law and in equity) that are available  
10   under subsections (d) and (e).”.

11       (c) VENUE FOR CASES AGAINST PRIVATE EMPLOY-  
12   ERS.—Subsection (c)(2) of such section is amended by  
13   striking “United States district court for any district in  
14   which the private employer of the person maintains a place  
15   of business.” and inserting “United States district court  
16   for—

17       “(A) any district in which the employer main-  
18   tains a place of business;

19       “(B) any district in which a substantial part of  
20   the events or omissions giving rise to the claim oc-  
21   curred; or

22       “(C) if there is no district in which an action  
23   may otherwise be brought as provided in subpara-  
24   graph (A) or (B), any district in which the employer

1 is subject to the court’s personal jurisdiction with re-  
2 spect to such action.”.

3 (d) COMPENSATORY AND PUNITIVE DAMAGES.—Sub-  
4 section (d)(1) of such section is amended by striking sub-  
5 paragraph (C) and inserting the following new subpara-  
6 graphs:

7 “(C) The court may require the employer to  
8 pay the person compensatory damages suffered by  
9 reason of such employer’s failure to comply with the  
10 provisions of this chapter.

11 “(D) The court may require the employer  
12 (other than a government, government agency, or  
13 political subdivision) to pay the person punitive dam-  
14 ages if the court determines that the employer failed  
15 to comply with the provisions of this chapter with  
16 reckless indifference to the federally protected rights  
17 of the person.

18 “(E) The sum of the amount of compensatory  
19 damages awarded under this section and the amount  
20 of punitive damages awarded under this section, may  
21 not exceed, for each person the following:

22 “(i) In the case of an employer who has  
23 more than 14 and fewer than 101 employees in  
24 each of 20 or more calendar weeks in the cur-  
25 rent or preceding calendar year, \$50,000.

1           “(ii) In the case of an employer who has  
2           more than 100 and fewer than 201 employees  
3           in each of 20 or more calendar weeks in the  
4           current or preceding calendar year, \$100,000.

5           “(iii) In the case of an employer who has  
6           more than 200 and fewer than 501 employees  
7           in each of 20 or more calendar weeks in the  
8           current or preceding calendar year, \$200,000.

9           “(iv) In the case of an employer who has  
10           more than 500 employees in each of 20 or more  
11           calendar weeks in the current or preceding cal-  
12           endar year, \$300,000.”.

13       (e) STANDING.—Subsection (f) of such section is  
14       amended—

15           (1) by inserting “by the United States or” after  
16           “may be initiated only”; and

17           (2) by striking “or by the United States under  
18           subsection (a)(1)”.

19       (f) ATTORNEY FEES AND OTHER LITIGATION EX-  
20       PENSES.—Subsection (h)(2) of such section is amended  
21       by striking “subsection (a)(2)” and inserting “subsection  
22       (a)(1) or subsection (a)(4)”.

23       (g) PENSION CONTRIBUTION CALCULATIONS.—Sub-  
24       section (b) of section 4318 of such title is amended—

1           (1) in paragraph (3)(B), by striking “on the  
2           basis of” and all that follows and inserting “on the  
3           basis specified in paragraph (4).”; and

4           (2) by adding at the end the following new  
5           paragraph:

6           “(4) The basis for a computation under paragraph  
7 (3) to which subparagraph (B) of that paragraph applies  
8 is as follows:

9           “(A) If the period of service described in sub-  
10          section (a)(2)(B) is one year or less, the computa-  
11          tion shall be made on the basis of the employee’s av-  
12          erage rate of compensation during the 12-month pe-  
13          riod immediately preceding such period or, if short-  
14          er, the period of employment immediately preceding  
15          such period.

16          “(B) If the period of such service is more than  
17          one year, the computation shall be made on the  
18          basis of the average rate of compensation during  
19          such period of service of employees of that employer  
20          who are similarly situated to the servicemember in  
21          terms of having similar seniority, status, and pay.”.

22          (h) **DISABILITY DISCOVERED AFTER EMPLOYEE RE-**  
23 **SUMES EMPLOYMENT.**—Subsection (a)(3) of section 4313  
24 of such title is amended by inserting “including a dis-  
25 ability that is brought to the employer’s attention within



1 five years after the person resumes employment,” after  
2 “during, such service,”.

3 (i) BURDEN OF IDENTIFYING PROPER REEMPLOY-  
4 MENT POSITIONS.—Section 4313 of such title is further  
5 amended by adding at the end the following new sub-  
6 section:

7 “(c) For purposes of this section, the employer shall  
8 have the burden of identifying the appropriate reemploy-  
9 ment positions.”.

10 (j) CIVIL INVESTIGATIVE DEMANDS.—Section 4323  
11 of such title is further amended by adding at the end the  
12 following new subsection:

13 “(j) ISSUANCE AND SERVICE OF CIVIL INVESTIGA-  
14 TIVE DEMANDS BY ATTORNEY GENERAL.—(1) Whenever  
15 the Attorney General has reason to believe that any person  
16 may be in possession, custody, or control of any documen-  
17 tary material relevant to an investigation under this chap-  
18 ter, the Attorney General may, before commencing a civil  
19 action under subsection (a), issue in writing and cause to  
20 be served upon such person, a civil investigative demand  
21 requiring—

22 “(A) the production of such documentary mate-  
23 rial for inspection and copying;

1           “(B) that the custodian of such documentary  
2 material answer in writing written questions with re-  
3 spect to such documentary material; or

4           “(C) the production of any combination of such  
5 documentary material or answers.

6           “(2) The provisions governing the authority to issue,  
7 use, and enforce civil investigative demands under section  
8 3733 of title 31 (known as the ‘False Claims Act’) shall  
9 govern the authority to issue, use, and enforce civil inves-  
10 tigative demands under paragraph (1), except that for  
11 purposes of that paragraph—

12           “(A) a reference in that section to false claims  
13 law investigators or investigations shall be applied as  
14 referring to investigators or investigations under this  
15 chapter;

16           “(B) a reference to interrogatories shall be ap-  
17 plied as referring to written questions, and answers  
18 to such need not be under oath;

19           “(C) the statutory definitions for purposes of  
20 that section relating to ‘false claims law’ shall not  
21 apply; and

22           “(D) provisions of that section relating to qui  
23 tam relators shall not apply.”.

1 **SEC. 544. MODIFICATION OF CRITERIA FOR ELIGIBILITY**  
2 **FOR NATURALIZATION THROUGH SERVICE IN**  
3 **THE ARMED FORCES.**

4 Section 328(a) of the Immigration and Nationality  
5 Act (8 U.S.C. 1439(a)) is amended—

6 (1) by inserting “(1)” after “(a)”; and

7 (2) by adding at the end the following new  
8 paragraph:

9 “(2)(A) In addition to the authorities provided in  
10 paragraph (1), a qualifying noncitizen United States vet-  
11 eran may be naturalized without having been lawfully ad-  
12 mitted to the United States for permanent residence if the  
13 person’s application for naturalization is filed while the  
14 applicant is serving in the armed forces of the United  
15 States or within six months after the termination of such  
16 service.

17 “(B) For purposes of subparagraph (A), a qualifying  
18 noncitizen United States veteran is a person—

19 “(i) who has served in the armed forces of the  
20 United States as described in subparagraph (C); and

21 “(ii) whose enlistment in the armed forces—

22 “(I) was lawful under section 504(b) of  
23 title 10, United States Code; and

24 “(II) was not procured by a knowingly  
25 false representation or by deliberate conceal-

1           ment as to the person’s qualifications for that  
2           enlistment.

3           “(C) A person’s service in the armed forces of the  
4 United States is described in this subparagraph if—

5           “(i) the person served honorably in the armed  
6 forces for a period or periods aggregating one year,  
7 any part of which was served after the date of the  
8 enactment of this paragraph; and

9           “(ii) in the case of a person who has been sepa-  
10 rated from such service, the person was never sepa-  
11 rated except under honorable conditions.”.

12       **TITLE VI—COMPENSATION AND**  
13       **OTHER PERSONNEL BENEFITS**  
14       **Subtitle A—Pay and Allowances**

15       **SEC. 601. FISCAL YEAR 2015 INCREASE IN MILITARY BASIC**  
16                               **PAY.**

17           (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The  
18 adjustment to become effective during fiscal year 2015 re-  
19 quired by section 1009 of title 37, United States Code,  
20 in the rates of monthly basic pay authorized members of  
21 the uniformed services shall not be made.

22           (b) INCREASE IN BASIC PAY.—Effective on January  
23 1, 2015, the rates of monthly basic pay for members of  
24 the uniformed services are increased by 1 percent for en-

1 listed member pay grades, warrant officer pay grades, and  
 2 commissioned officer pay grades below pay grade O-7.

3 (c) APPLICATION OF EXECUTIVE SCHEDULE LEVEL  
 4 II CEILING ON PAYABLE RATES FOR GENERAL AND FLAG  
 5 OFFICERS.—Section 203(a)(2) of title 37, United States  
 6 Code, shall be applied for rates of basic pay payable for  
 7 commissioned officers in pay grades O-7 through O-10  
 8 during calendar year 2015 by using the rate of pay for  
 9 level II of the Executive Schedule in effect during 2014.

10 **SEC. 602. INCLUSION OF CHIEF OF THE NATIONAL GUARD**  
 11 **BUREAU AND SENIOR ENLISTED ADVISOR TO**  
 12 **THE CHIEF OF THE NATIONAL GUARD BU-**  
 13 **REAU AMONG SENIOR MEMBERS OF THE**  
 14 **ARMED FORCES FOR PURPOSES OF PAY AND**  
 15 **ALLOWANCES.**

16 (a) BASIC PAY RATE EQUAL TREATMENT OF CHIEF  
 17 OF THE NATIONAL GUARD BUREAU AND SENIOR EN-  
 18 LISTED ADVISOR TO THE CHIEF OF THE NATIONAL  
 19 GUARD BUREAU.—

20 (1) CHIEF OF THE NATIONAL GUARD BU-  
 21 REAU.—The rate of basic pay for an officer while  
 22 serving as the Chief of the National Guard Bureau  
 23 shall be the same as the rate of basic pay for the  
 24 officers specified in Footnote 2 of the table entitled  
 25 “COMMISSIONED OFFICERS” in section 601(b) of the

1 National Defense Authorization Act for Fiscal Year  
2 2004 (Public Law 108–136; 37 U.S.C. 1009 note),  
3 regardless of cumulative years of service computed  
4 under section 205 of title 37, United States Code.

5 (2) SENIOR ENLISTED ADVISOR TO THE CHIEF  
6 OF THE NATIONAL GUARD BUREAU.—

7 (A) Subsection (a)(1) of section 685 of the  
8 National Defense Authorization Act for Fiscal  
9 Year 2006 (37 U.S.C. 205 note) is amended by  
10 inserting “or as Senior Enlisted Advisor to the  
11 Chief of the National Guard Bureau” after  
12 “Chairman of the Joint Chiefs of Staff”.

13 (B) The heading of such section is amend-  
14 ed by inserting “**AND FOR THE CHIEF OF**  
15 **THE NATIONAL GUARD BUREAU**” after  
16 “**CHAIRMAN OF THE JOINT CHIEFS OF**  
17 **STAFF**”.

18 (C) The amendment made by subpara-  
19 graph (A) shall apply to the individual who on  
20 the date of the enactment of this Act is serving  
21 as Senior Enlisted Advisor to the Chief of the  
22 National Guard Bureau effective as of the date  
23 on which the assignment of that individual to  
24 that position began.

1 (b) PAY DURING TERMINAL LEAVE AND WHILE  
2 HOSPITALIZED.—Section 210 of title 37, United States  
3 Code, is amended—

4 (1) in subsection (a), by inserting “or the sen-  
5 ior enlisted advisor to the Chairman of the Joint  
6 Chiefs of Staff or the Chief of the National Guard  
7 Bureau” after “that armed force”; and

8 (2) in subsection (c), by striking paragraph (6).

9 (c) PERSONAL MONEY ALLOWANCE.—Section 414 of  
10 title 37, United States Code, is amended—

11 (1) in subsection (a)(5)—

12 (A) by striking “or” before “Commandant  
13 of the Coast Guard”; and

14 (B) by inserting “, or Chief of the Na-  
15 tional Guard Bureau” after “Commandant of  
16 the Coast Guard”; and

17 (2) in subsection (c)—

18 (A) by striking “or” before “the Senior  
19 Enlisted Advisor to the Chairman of the Joint  
20 Chiefs of Staff”; and

21 (B) by inserting “, or the Senior Enlisted  
22 Advisor to the Chief of the National Guard Bu-  
23 reau” after “Chiefs of Staff”.

24 (d) RETIRED BASE PAY.—Section 1406(i) of title 10,  
25 United States Code, is amended—

1 (1) in the subsection heading, by inserting  
2 “CHIEF OF THE NATIONAL GUARD BUREAU,” after  
3 “CHIEFS OF SERVICE,”;

4 (2) in paragraph (1)—

5 (A) by inserting “the Chief of the National  
6 Guard Bureau,” after “Chief of Service,”; and

7 (B) by inserting “or the senior enlisted ad-  
8 visor to the Chairman of the Joint Chiefs of  
9 Staff or the Chief of the National Guard Bu-  
10 reau” after “of an armed force”; and

11 (3) in paragraph (3), by striking clause (vi) of  
12 subparagraph (B).

13 **SEC. 603. REVISION TO METHOD OF COMPUTATION OF**  
14 **BASIC ALLOWANCE FOR HOUSING.**

15 Paragraph (3) of section 403(b) of title 37, United  
16 States Code, is amended to read as follows:

17 “(3)(A) The monthly amount of the basic allowance  
18 for housing for an area of the United States for a member  
19 of a uniformed service shall be the amount equal to the  
20 difference between—

21 “(i) the amount of the monthly cost of adequate  
22 housing in that area, as determined by the Secretary  
23 of Defense, for members of the uniformed services  
24 serving in the same pay grade and with the same de-  
25 pendency status as the member; and



1           “(ii) the amount equal to a specified percentage  
2           (determined under subparagraph (B)) of the na-  
3           tional average monthly cost of adequate housing in  
4           the United States, as determined by the Secretary,  
5           for members of the uniformed services serving in the  
6           same pay grade and with the same dependency sta-  
7           tus as the member.

8           “(B) The percentage to be used for purposes of sub-  
9           paragraph (A)(ii) shall be determined by the Secretary of  
10          Defense and may not exceed 5 percent.”.

## 11           **Subtitle B—Bonuses and Special** 12           **and Incentive Pays**

### 13          **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING** 14           **BONUS AND SPECIAL PAY AUTHORITIES.**

15           (a)    AUTHORITIES    RELATING    TO    RESERVE  
16          FORCES.—The following sections of title 37, United  
17          States Code, are amended by striking “December 31,  
18          2014” and inserting “December 31, 2015”:

19                   (1) Section 308b(g), relating to Selected Re-  
20                   serve reenlistment bonus.

21                   (2) Section 308c(i), relating to Selected Reserve  
22                   affiliation or enlistment bonus.

23                   (3) Section 308d(c), relating to special pay for  
24                   enlisted members assigned to certain high-priority  
25                   units.

1           (4) Section 308g(f)(2), relating to Ready Re-  
2           serve enlistment bonus for persons without prior  
3           service.

4           (5) Section 308h(e), relating to Ready Reserve  
5           enlistment and reenlistment bonus for persons with  
6           prior service.

7           (6) Section 308i(f), relating to Selected Reserve  
8           enlistment and reenlistment bonus for persons with  
9           prior service.

10          (7) Section 910(g), relating to income replace-  
11          ment payments for reserve component members ex-  
12          periencing extended and frequent mobilization for  
13          active duty service.

14          (b) TITLE 10 AUTHORITIES RELATING TO HEALTH  
15          CARE PROFESSIONALS.—The following sections of title  
16          10, United States Code, are amended by striking “Decem-  
17          ber 31, 2014” and inserting “December 31, 2015”:

18               (1) Section 2130a(a)(1), relating to nurse offi-  
19               cer candidate accession program.

20               (2) Section 16302(d), relating to repayment of  
21               education loans for certain health professionals who  
22               serve in the Selected Reserve.

23          (c) TITLE 37 AUTHORITIES RELATING TO HEALTH  
24          CARE PROFESSIONALS.—The following sections of title

1 37, United States Code, are amended by striking “Decem-  
2 ber 31, 2014” and inserting “December 31, 2015”:

3 (1) Section 302e–1(f), relating to accession and  
4 retention bonuses for psychologists.

5 (2) Section 302d(a)(1), relating to accession  
6 bonus for registered nurses.

7 (3) Section 302e(a)(1), relating to incentive  
8 special pay for nurse anesthetists.

9 (4) Section 302g(e), relating to special pay for  
10 Selected Reserve health professionals in critically  
11 short wartime specialties.

12 (5) Section 302h(a)(1), relating to accession  
13 bonus for dental officers.

14 (6) Section 302j(a), relating to accession bonus  
15 for pharmacy officers.

16 (7) Section 302k(f), relating to accession bonus  
17 for medical officers in critically short wartime spe-  
18 cialties.

19 (8) Section 302l(g), relating to accession bonus  
20 for dental specialist officers in critically short war-  
21 time specialties.

22 (d) AUTHORITIES RELATING TO NUCLEAR OFFI-  
23 CERS.—The following sections of title 37, United States  
24 Code, are amended by striking “December 31, 2014” and  
25 inserting “December 31, 2015”:

1           (1) Section 312(f), relating to special pay for  
2 nuclear-qualified officers extending period of active  
3 service.

4           (2) Section 312b(c), relating to nuclear career  
5 accession bonus.

6           (3) Section 312c(d), relating to nuclear career  
7 annual incentive bonus.

8           (e) AUTHORITIES RELATING TO TITLE 37 CONSOLI-  
9 DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-  
10 THORITIES.—The following sections of title 37, United  
11 States Code, are amended by striking “December 31,  
12 2014” and inserting “December 31, 2015”:

13           (1) Section 331(h), relating to general bonus  
14 authority for enlisted members.

15           (2) Section 332(g), relating to general bonus  
16 authority for officers.

17           (3) Section 333(i), relating to special bonus and  
18 incentive pay authorities for nuclear officers.

19           (4) Section 334(i), relating to special aviation  
20 incentive pay and bonus authorities for officers.

21           (5) Section 335(k), relating to bonus and incen-  
22 tive pay authorities for officers in health professions.

23           (6) Section 351(h), relating to hazardous duty  
24 pay.

1           (7) Section 352(g), relating to assignment pay  
2 or special duty pay.

3           (8) Section 353(i), relating to skill incentive  
4 pay or proficiency bonus.

5           (9) Section 355(h), relating to retention incen-  
6 tives for members qualified in critical military skills  
7 or assigned to high priority units.

8           (f) OTHER TITLE 37 BONUS AND SPECIAL PAY AU-  
9 THORITIES.—The following sections of title 37, United  
10 States Code, are amended by striking “December 31,  
11 2014” and inserting “December 31, 2015”:

12           (1) Section 301b(a), relating to aviation officer  
13 retention bonus.

14           (2) Section 307a(g), relating to assignment in-  
15 centive pay.

16           (3) Section 308(g), relating to reenlistment  
17 bonus for active members.

18           (4) Section 309(e), relating to enlistment  
19 bonus.

20           (5) Section 324(g), relating to accession bonus  
21 for new officers in critical skills.

22           (6) Section 326(g), relating to incentive bonus  
23 for conversion to military occupational specialty to  
24 ease personnel shortage.

1           (7) Section 327(h), relating to incentive bonus  
2 for transfer between the armed forces.

3           (8) Section 330(f), relating to accession bonus  
4 for officer candidates.

5           (9) Section 403(b)(7)(E), relating to basic al-  
6 lowance for housing.

7                           **Subtitle C—Travel and**  
8                           **Transportation Allowances**

9   **SEC. 621. AUTHORITY TO REQUIRE EMPLOYEES OF THE DE-**  
10                           **PARTMENT OF DEFENSE AND MEMBERS OF**  
11                           **THE ARMY, NAVY, AIR FORCE, AND MARINE**  
12                           **CORPS TO OCCUPY QUARTERS ON A RENTAL**  
13                           **BASIS WHILE PERFORMING OFFICIAL TRAV-**  
14                           **EL.**

15           (a) **AUTHORITY.**—Subsection (e) of section 5911 of  
16 title 5, United States Code, is amended—

17                   (1) by striking “The head” and inserting “(1)  
18           Except as provided in paragraph (2), the head”; and

19                   (2) by adding at the end the following new  
20 paragraph:

21           “(2)(A) The Secretary of Defense may require an em-  
22 ployee of the Department of Defense or a member of the  
23 uniformed services under the Secretary’s jurisdiction per-  
24 forming duty on official travel to occupy adequate quarters  
25 on a rental basis when available.

1       “(B) A requirement under subparagraph (A) with re-  
 2 spect to an employee of the Department of Defense may  
 3 not be construed to be subject to negotiation under chap-  
 4 ter 71 of this title.”.

5       (b) DEFINITION OF QUARTERS.—Subsection (a)(5)  
 6 of such section is amended by inserting “or commercial  
 7 lodging arranged through a Government lodging program”  
 8 after “leased by the Government”.

9       **SEC. 622. SINGLE STANDARD MILEAGE REIMBURSEMENT**  
 10                                   **RATE FOR PRIVATELY OWNED AUTOMOBILES**  
 11                                   **OF GOVERNMENT EMPLOYEES AND MEM-**  
 12                                   **BERS OF THE UNIFORMED SERVICES.**

13       (a) INCORPORATION OF IRS RATE AS SINGLE  
 14 STANDARD MILEAGE RATE APPLICABLE TO AUTO-  
 15 MOBILES.—Section 5704(a)(1) of title 5, United States  
 16 Code, is amended by striking “established by the Adminis-  
 17 trator shall not exceed” in the last sentence and inserting  
 18 “shall be”.

19       (b) ESTABLISHMENT OF MILEAGE REIMBURSEMENT  
 20 RATES.—

21                   (1) ELIMINATION OF AUTOMOBILES FROM PERI-  
 22 ODIC INVESTIGATIONS OF COST OF TRAVEL.—Para-  
 23 graph (1)(A) of section 5707(b) of such title is  
 24 amended—

1 (A) by striking “, in consultation with the  
 2 Secretary of Transportation, the Secretary of  
 3 Defense, and representatives of organizations of  
 4 employees of the Government,”; and

5 (B) by striking “vehicles to” and inserting  
 6 “airplanes and privately owned motorcycles by”.

7 (2) REIMBURSEMENT RATE FOR AUTO-  
 8 MOBILES.—Paragraph (2)(A)(i) of such section is  
 9 amended by striking “prescribe a mileage reimburse-  
 10 ment rate which reflects the current costs as deter-  
 11 mined by the Administrator of operating privately  
 12 owned automobiles, and which shall not exceed,” and  
 13 inserting “provide that the mileage reimbursement  
 14 rate for privately owned automobiles,”.

15 **TITLE VII—HEALTHCARE**  
 16 **PROVISIONS**

17 **Subtitle A—TRICARE and Other**  
 18 **Health Care Benefits**

19 **SEC. 701. CONSOLIDATED TRICARE HEALTH PLAN.**

20 (a) FREEDOM OF CHOICE FOR TRICARE POINTS OF  
 21 SERVICE.—Chapter 55 of title 10, United States Code, is  
 22 amended by inserting after section 1073b the following  
 23 new section:



1 **“§ 1073c. TRICARE program: freedom of choice for**  
 2 **points of service**

3 “(a) FREEDOM OF CHOICE.—A covered beneficiary  
 4 may choose to receive care from any of the points of serv-  
 5 ice specified in subsection (b), subject to availability.

6 “(b) POINTS OF SERVICE.—The TRICARE program  
 7 has three points of service through which medical and den-  
 8 tal care and health benefits are provided, as follows:

9 “(1) Facilities of the uniformed services.

10 “(2) Entities with which the Secretary of De-  
 11 fense has contracted for the delivery of health care  
 12 under this chapter.

13 “(3) Entities other than those described in  
 14 paragraphs (1) and (2).”.

15 (b) TRICARE COST-SHARING REQUIREMENTS.—  
 16 Such chapter is further amended by inserting after section  
 17 1074m the following new section:

18 **“§ 1075. TRICARE program: cost-sharing require-**  
 19 **ments**

20 “(a) IN GENERAL.—This section establishes cost-  
 21 sharing requirements for beneficiaries under the  
 22 TRICARE program.

23 “(b) BENEFICIARIES FOR COST-SHARING PUR-  
 24 POSES.—

25 “(1) BENEFICIARY CATEGORIES.—The bene-  
 26 ficiary categories for purposes of cost-sharing re-

1 requirements under the TRICARE program are as fol-  
2 lows:

3 “(A) CATEGORY 1: ACTIVE-DUTY MEM-  
4 BERS.—Category 1 consists of beneficiaries who  
5 are covered by section 1074(a) of this title.

6 “(B) CATEGORY 2: MEMBERS OF THE SE-  
7 LECTED RESERVE; DEPENDENTS OF ACTIVE-  
8 DUTY MEMBERS.—Category 2 consists of bene-  
9 ficiaries who are covered by section 1076d or  
10 1079 of this title.

11 “(C) CATEGORY 3: DISABILITY RETIREES &  
12 FAMILY MEMBERS; FAMILY MEMBERS OF PER-  
13 SONS DYING ON ACTIVE DUTY.—Category 3  
14 consists of beneficiaries (other than Category 5  
15 beneficiaries) who are—

16 “(i) covered by section 1086(c)(1) of  
17 this title by reason of being retired under  
18 chapter 61 of this title or being a depend-  
19 ent of such a member; or

20 “(ii) covered by section 1086(c)(2) of  
21 this title.

22 “(D) CATEGORY 4: OTHER RETIREES &  
23 FAMILY MEMBERS.—Category 4 consists of  
24 beneficiaries covered by section 1086(c) of this

1 title other than Category 3 beneficiaries and  
2 Category 5 beneficiaries.

3 “(E) CATEGORY 5: MEDICARE-ELIGIBLE  
4 BENEFICIARIES.—Category 5 consists of bene-  
5 ficiaries who are described in section  
6 1086(d)(2) of this title.

7 “(2) JUNIOR ENLISTED BENEFICIARIES.—A  
8 beneficiary is a junior enlisted beneficiary if the ben-  
9 eficiary is—

10 “(A) a Category 2 beneficiary who is a de-  
11 pendent of a member in pay grade E–1 through  
12 E–4;

13 “(B) a Category 2 beneficiary who is a  
14 member of the Selected Reserve of the Ready  
15 Reserve in pay grade E–1 through E–4;

16 “(C) a Category 3 beneficiary who retired  
17 under chapter 61 of this title in pay grade E–  
18 1 through E–4 or who is a dependent of such  
19 a member; or

20 “(D) a Category 3 beneficiary who is cov-  
21 ered by section 1086(c)(2) of this title by rea-  
22 son of being a dependent of a member who was  
23 in pay grade E–1 through E–4 at the time of  
24 death.

1       “(c) INAPPLICABILITY OF COST-SHARING REQUIRE-  
2       MENTS TO CERTAIN BENEFICIARIES AND CATEGORIES OF  
3       CARE.—

4               “(1) CATEGORY 1 BENEFICIARIES.—There are  
5       no cost-sharing requirements under this section for  
6       Category 1 beneficiaries.

7               “(2) CATEGORY 5 BENEFICIARIES.—Cost shar-  
8       ing under this section does not apply to a Category  
9       5 beneficiary for care covered by section 1086(d)(3)  
10       of this title, except that the catastrophic cap under  
11       subsection (g)(3) does apply to such care. For care  
12       provided to a Category 5 beneficiary that is not cov-  
13       ered by such section, the cost-sharing requirements  
14       applicable to Category 4 beneficiaries under this sec-  
15       tion apply, except that the enrollment fee under sub-  
16       section (e) does not apply.

17               “(3) EXTENDED HEALTH-CARE SERVICES.—  
18       Cost sharing under this section does not apply to ex-  
19       tended health care services under section 1079(d)  
20       and (e) of this title.

21               “(4) OTHER PROGRAMS.—This section does not  
22       apply to premiums established under this chapter  
23       under sections other than 1079 and 1086. For a  
24       program under this chapter for which such a pre-

1 mium applies, the enrollment fee under subsection  
2 (e) does not apply.

3 “(d) SPECIAL RULES.—

4 “(1) PHARMACY BENEFITS PROGRAM.—Re-  
5 quired copayments for services under the Pharmacy  
6 Benefits Program are set forth in section 1074g of  
7 this title. The enrollment fee, deductible, and cata-  
8 strophic cap under this section apply to the Phar-  
9 macy Benefits Program under that section.

10 “(2) CALENDAR YEAR ENROLLMENT PERIOD.—

11 Enrollment fees, deductible amounts, and cata-  
12 strophic caps under this section are on a calendar-  
13 year basis.

14 “(3) CREDITING OF AMOUNTS RECEIVED.—

15 Amounts received under this section for care pro-  
16 vided by a facility of the uniformed services shall be  
17 deposited to the credit of the appropriation sup-  
18 porting the maintenance and operation of that facil-  
19 ity.

20 “(e) ANNUAL ENROLLMENT FEE FOR CATEGORY 4  
21 BENEFICIARIES.—

22 “(1) REQUIREMENT.—As a condition of eligi-  
23 bility for the TRICARE program in any year (in-  
24 cluding care in facilities of the uniformed services  
25 and pharmacy benefits under section 1074g of this

1 title), a Category 4 beneficiary shall pay an enroll-  
2 ment fee for that year.

3 “(2) AMOUNT.—The amount of such fee for  
4 any year is the baseline amount as adjusted under  
5 subsection (j). The baseline amount is the amount  
6 that would have been charged for enrollment in  
7 TRICARE Prime during fiscal year 2016 under sec-  
8 tion 1097 of this title on the day before the effective  
9 date of this section.

10 “(f) ANNUAL DEDUCTIBLE.—

11 “(1) REQUIREMENT.—For a Category 2, 3, or  
12 4 beneficiary, the cost-sharing requirements applica-  
13 ble under this section include an annual deductible  
14 of the charges for care received under the TRICARE  
15 program during a year.

16 “(2) EXCLUSION.—Any charge paid with re-  
17 spect to care provided in a facility of the uniformed  
18 services shall not be applied to the annual deduct-  
19 ible.

20 “(3) AMOUNT.—The amount of the annual de-  
21 ductible for a beneficiary is the following:

22 “(A) \$150 per person, with a maximum of  
23 \$300 per family group of two or more persons,  
24 for a junior enlisted beneficiary.

1           “(B) \$300 per person, with a maximum of  
2           \$600 per family group of two or more persons,  
3           for all other beneficiaries subject to this sub-  
4           section.

5           “(g) CATASTROPHIC CAP.—

6           “(1) REQUIREMENT.—The total amount of cost  
7           sharing required to be paid by a beneficiary under  
8           the TRICARE program for a year is limited to a  
9           maximum amount, referred to as a catastrophic cap.

10           “(2) EXCLUSION.—An enrollment fee paid  
11           under subsection (e) shall not be counted toward the  
12           catastrophic cap.

13           “(3) AMOUNT.—The catastrophic cap has been  
14           reached for a beneficiary during a year if the total  
15           amount of cost sharing requirements (other than an  
16           enrollment fee paid under subsection (e)) incurred  
17           under the TRICARE program by all beneficiaries in  
18           the beneficiary’s family group during that year is  
19           the following:

20           “(A) For a Category 2 or 3 beneficiary,  
21           \$1,500 for health care provided by network pro-  
22           viders or \$2,500 for all health care.

23           “(B) For a Category 4 beneficiary, \$3,000  
24           for health care provided by military treatment

1 facilities and network providers or \$5,000 for  
 2 all health care.

3 “(h) OUTPATIENT COST SHARING.—

4 “(1) IN GENERAL.—A Category 2, 3, or 4 bene-  
 5 ficiary shall be subject to cost-sharing for outpatient  
 6 care in accordance with the amounts and percent-  
 7 ages under the following table, as such amounts are  
 8 adjusted under subsection (j):

“Services	TRICARE Network Providers and Facilities of the Uniformed Services (FUS)			Out-of-Network Providers	
	Junior Enlisted Beneficiaries	Category 2 and 3 Beneficiaries (other than Junior Enlisted Beneficiaries)	Category 4 Beneficiaries	Category 2 and 3 Beneficiaries	Category 4 Beneficiaries
Clinical preventive services <sup>a</sup>	\$0	\$0	\$0	\$0	\$0
Primary care visit	\$0 FUS visit; \$10 network visit	\$0 FUS visit; \$15 network visit	\$10 FUS visit; \$20 network visit	20% <sup>b</sup>	25% <sup>b</sup>
Specialty care visit (including PT, OT, speech)	\$0 FUS visit or network behavioral health group visit; \$20 network visit	\$0 FUS visit or network behavioral health group visit; \$25 network visit	\$20 FUS visit or network behavioral health group visit; \$30 network visit	20% <sup>b</sup>	25% <sup>b</sup>



“Services	TRICARE Network Providers and Facilities of the Uniformed Services (FUS)			Out-of-Network Providers	
	Junior Enlisted Beneficiaries	Category 2 and 3 Beneficiaries (other than Junior Enlisted Beneficiaries)	Category 4 Beneficiaries	Category 2 and 3 Beneficiaries	Category 4 Beneficiaries
Urgent care center	\$0 FUS visit; \$25 network visit	\$0 FUS visit; \$40 network visit	\$30 FUS visit; \$50 network visit	20% <sup>b</sup>	25% <sup>b</sup>
Emergency department	\$0 FUS visit; \$30 network visit	\$0 FUS visit; \$50 network visit	\$50 FUS visit; \$75 network visit	20% <sup>b</sup>	25% <sup>b</sup>
Ambulance	\$10 trip, FUS or network	\$15 trip, FUS or network	\$20 trip, FUS or network	20% <sup>b</sup>	25% <sup>b</sup>
DME, prosthetics, orthotics, and supplies	10% of negotiated network fee	10% of negotiated network fee	20% of FUS cost or network negotiated fee	20% <sup>b</sup>	25% <sup>b</sup>
Ambulatory surgery	\$0 FUS; \$25 network	\$0 FUS; \$50 network	\$50 FUS; \$100 network	20% <sup>b</sup>	25% <sup>b</sup>

<sup>a</sup>No cost for clinical preventive services as selected consistent with the Patient Protection and Affordable Care Act.

<sup>b</sup>Percentage of TRICARE maximum allowable charge after deductible is met.

Note: FUS—facility of the uniformed services; PT—physical therapy; OT—occupational therapy; DME—durable medical equipment.

1                   “(2) SPECIAL RULE FOR CATEGORY 2 BENE-  
2                   FICIARIES IN REMOTE LOCATIONS.—In the case of a  
3                   Category 2 beneficiary who resides with the active-  
4                   duty member from whom such beneficiary’s eligi-

1 bility is derived at a duty location remote from an  
 2 area in which services are provided by a network  
 3 provider, network cost sharing amounts under the  
 4 table in paragraph (2) apply, notwithstanding that  
 5 care was provided by an out-of-network provider.

6 “(i) INPATIENT COST SHARING.—A Category 2, 3,  
 7 or 4 beneficiary shall be subject to cost sharing for inpa-  
 8 tient care in accordance with the amounts and percentages  
 9 under the following table, as such amounts are adjusted  
 10 under subsection (j):

“Services	TRICARE Network Providers and Facilities of the Uniformed Services (FUS)			Out-of-Network Providers		
	Junior Enlisted Beneficiaries	Category 2 and 3 Beneficiaries (other than Junior Enlisted Beneficiaries)	Category 4 Beneficiaries	Junior Enlisted Beneficiaries	Category 2 and 3 Beneficiaries (other than Junior Enlisted Beneficiaries)	Category 4 Beneficiaries
Hospitalization	\$17.35 FUS per day; \$50 network per admission	\$17.35 FUS per day; \$80 network per admission	\$17.35 FUS per day; \$200 network per admission	20% <sup>a</sup>	20% <sup>a</sup>	25% <sup>a</sup>

“Services	TRICARE Network Providers and Facilities of the Uniformed Services (FUS)			Out-of-Network Providers		
	Junior Enlisted Beneficiaries	Category 2 and 3 Beneficiaries (other than Junior Enlisted Beneficiaries)	Category 4 Beneficiaries	Junior Enlisted Beneficiaries	Category 2 and 3 Beneficiaries (other than Junior Enlisted Beneficiaries)	Category 4 Beneficiaries
Inpatient skilled nursing/rehabilitation <sup>b</sup>	\$17 network per day	\$25 network per day	\$25 per day	\$25 per day	\$35 per day	\$250 per day or 20% <sup>a</sup> of billed charges for institutional services, whichever is less, <i>plus</i> 20% for separately billed services

<sup>a</sup> Percentage of TRICARE maximum allowable charge after deductible is met.

<sup>b</sup> Inpatient skilled nursing/rehabilitation is generally not offered in MTFs for anyone other than service members.

1 “(j) ANNUAL ADJUSTMENT TO CERTAIN COST-SHAR-  
 2 ING AMOUNTS.—

3 “(1) ADJUSTMENT.—For any year after 2016,  
 4 the dollar amounts specified in paragraph (2) shall  
 5 be equal to such dollar amounts increased by the  
 6 percentage by which retired pay has been increased

1 under section 1401a(b)(2) of this title since 2016,  
2 rounded to the next lower multiple of \$1.

3 “(2) AMOUNTS SUBJECT TO ADJUSTMENT.—

4 Paragraph (1) applies to the following:

5 “(A) The amount of the enrollment fee in  
6 effect under subsection (e).

7 “(B) Each deductible amount in effect  
8 under subsection (f).

9 “(C) Each catastrophic cap amount in ef-  
10 fect under subsection (g).

11 “(D) Each amount in effect under sub-  
12 section (h) for outpatient care.

13 “(E) Each amount in effect under sub-  
14 section (i) for inpatient care.

15 “(k) REGULATIONS.—

16 “(1) IN GENERAL.—The Secretary of Defense,  
17 after consultation with the other administering Sec-  
18 retaries, shall prescribe regulations to carry out this  
19 section.

20 “(2) MATTERS TO BE INCLUDED.—The regula-  
21 tions prescribed under paragraph (1) shall include  
22 the following:

23 “(A) Provisions to ensure, to the extent  
24 practicable, the availability of network providers  
25 to at least 85 percent of beneficiaries for whom

1 the TRICARE program provides primary health  
2 benefits.

3 “(B) Provisions for an annual open season  
4 enrollment period and for enrollment modifica-  
5 tions under appropriate circumstances.

6 “(C) Priorities for access to care in facili-  
7 ties of the uniformed services and other stand-  
8 ards to ensure timely access to care.

9 “(3) ADDITIONAL MATTERS.—Those regula-  
10 tions may provide for TRICARE eligibility and al-  
11 ternate cost sharing for beneficiaries who are Cat-  
12 egory 2, 3, 4, or 5 beneficiaries who have other  
13 health insurance that provides primary health bene-  
14 fits.

15 “(4) AUTHORITY FOR ADDITIONAL PROVISIONS  
16 FOR EFFECTIVE AND EFFICIENT ADMINISTRA-  
17 TION.—Those regulations may include such other  
18 provisions as the Secretary determines appropriate  
19 for the effective and efficient administration of the  
20 TRICARE program, including any matter not spe-  
21 cifically addressed in this chapter or any other law.

22 “(l) DEFINITIONS.—In this section:

23 “(1) The term ‘network provider’ means a  
24 health care provider referred to in section  
25 1073c(b)(2) of this title.

1           “(2) The term ‘out-of-network provider’ means  
2           a health care provider referred to in section  
3           1073e(b)(3) of this title.”.

4           (c) TRANSITION RULES FOR LAST QUARTER OF CAL-  
5           ENDAR YEAR 2015.—With respect to cost sharing require-  
6           ments applicable under sections 1079, 1086, or 1097 of  
7           title 10, United States Code, to a covered beneficiary  
8           under such sections during the period October 1, 2015,  
9           through December 31, 2015:

10           (1) Any enrollment fee shall be one-fourth of  
11           the amount in effect during fiscal year 2015.

12           (2) Any deductible amount applicable during  
13           fiscal year 2015 shall apply for the 15-month period  
14           of October 1, 2014, through December 31, 2015.

15           (3) Any catastrophic cap applicable during fis-  
16           cal year 2015 shall apply for the 15-month period of  
17           October 1, 2014, through December 31, 2015.

18           (d) REPEAL OF SUPERSEDED AUTHORITIES.—The  
19           following provisions of law are repealed:

20           (1) Section 1078 of title 10, United States  
21           Code.

22           (2) Section 1097a of title 10, United States  
23           Code.

24           (3) Section 1099 of title 10, United States  
25           Code.

1           (4) Section 731 of the National Defense Au-  
2           thorization Act for Fiscal Year 1994 (Public Law  
3           103–160; 10 U.S.C. 1073 note).

4           (e) CONFORMING AMENDMENTS TO TITLE 10,  
5           UNITED STATES CODE.—Title 10, United States Code is  
6           amended as follows:

7           (1) Section 1072 is amended by striking para-  
8           graph (7) and inserting the following:

9           “(7) The term ‘TRICARE program’ means the  
10          various programs carried out by the Secretary of  
11          Defense under this chapter and any other provision  
12          of law providing for the furnishing of medical and  
13          dental care and health benefits to members and  
14          former members of the uniformed services and their  
15          dependents.”.

16          (2) Section 1074(c)(2) is amended by striking  
17          “the managed care option of the TRICARE program  
18          known as TRICARE Prime” and inserting “the  
19          TRICARE program”.

20          (3) Section 1076d is amended by striking  
21          “TRICARE Standard” each place it appears (in-  
22          cluding in the heading of such section) and inserting  
23          “TRICARE Reserve Select”.

24          (4) Section 1076e is amended by striking  
25          “TRICARE Standard” each place it appears (in-

1 including in the heading of such section) and inserting  
2 “TRICARE Retired Reserve”.

3 (5) Section 1076e is further amended by strik-  
4 ing “TRICARE Retired Reserve Coverage at age  
5 60” (as inserted by paragraph (4)) and inserting  
6 “TRICARE coverage at age 60”.

7 (6) Section 1079 is amended—

8 (A) in subsection (b), by striking “of the  
9 following amounts:” and all that follows and in-  
10 sserting “of amounts as provided under section  
11 1075 of this title.”; and

12 (B) by striking subsections (c), (g) and  
13 (p).

14 (7) Section 1079a is amended—

15 (A) by striking “CHAMPUS” in the head-  
16 ing and inserting “TRICARE program”; and

17 (B) by striking “the Civilian Health and  
18 Medical Program of the Uniformed Services”  
19 and inserting “the TRICARE program”.

20 (8) Section 1086(b) is amended by striking  
21 “contain the following” and all that follows and in-  
22 sserting “include provisions for payment by the pa-  
23 tient as provided under section 1075 of this title.”.

24 (9) Section 1097(e) is amended to read as fol-  
25 lows:



1       “(e) CHARGES FOR HEALTH CARE.—Section 1075 of  
2 this title applies to health care services under this sec-  
3 tion.”.

4       (f) OTHER CONFORMING AMENDMENTS.—

5           (1) Section 721 of the National Defense Au-  
6 thorization Act for Fiscal Year 1997 (Public Law  
7 104–201; 10 U.S.C. 1073 note) is amended—

8               (A) in paragraph (7), by striking “the  
9 health plan known as the ‘TRICARE PRIME’  
10 option under”; and

11               (B) in paragraph (9), by striking all that  
12 follows “The term ‘TRICARE program’” and  
13 inserting “has the meaning given that term in  
14 section 1072(7) of title 10, United States  
15 Code.”.

16           (2) Section 723(a) of such Act (Public Law  
17 104–201; 10 U.S.C. 1073 note) is amended by strik-  
18 ing “section 731 of the National Defense Authoriza-  
19 tion Act for Fiscal Year 1994 (Public Law 103–160;  
20 10 U.S.C. 1073 note)” and inserting “section 1075  
21 of title 10, United States Code”.

22           (3) Section 706 of the National Defense Au-  
23 thorization Act for Fiscal Year 2000 (Public Law  
24 106–65; 113 Stat. 684) is amended—

1 (A) in subsection (c), by striking “Prime  
2 Remote”; and

3 (B) in subsection (d), by striking “the  
4 TRICARE Standard plan” and inserting “the  
5 TRICARE program”.

6 (g) CLERICAL AMENDMENTS.—The table of sections  
7 at the beginning of chapter 55 of title 10, United States  
8 Code, is amended—

9 (1) by inserting after the item relating to sec-  
10 tion 1073b the following new item:

“1073c. TRICARE program; freedom of choice for points of service.”;

11 (2) by inserting after the item relating to sec-  
12 tion 1074m the following new item:

“1075. TRICARE program; cost-sharing requirements.”;

13 (3) in the item relating to section 1076d, by  
14 striking “TRICARE Standard” and inserting  
15 “TRICARE Reserve Select”;

16 (4) in the item relating to section 1076e, by  
17 striking “TRICARE Standard” and inserting  
18 “TRICARE Retired Reserve”;

19 (5) in the item relating to section 1079a, by  
20 striking “CHAMPUS” and inserting “TRICARE  
21 program”; and

22 (6) by striking the items relating to sections  
23 1078, 1097a, and 1099.

24 (h) EFFECTIVE DATES.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), this section and the amendments made by  
3           the section shall take effect on January 1, 2016.

4           (2) TRANSITION RULES.—Subsection (c) shall  
5           take effect on October 1, 2015.

6 **SEC. 702. REVISIONS TO COST SHARING REQUIREMENTS**  
7                           **FOR TRICARE FOR LIFE AND THE PHARMACY**  
8                           **BENEFITS PROGRAM.**

9           (a) TRICARE FOR LIFE ENROLLMENT FEES.—Sec-  
10          tion 1086(d)(3) of title 10, United States Code, is amend-  
11          ed by adding at the end the following new subparagraph:

12                       “(D)(i) Beginning January 1, 2015, a per-  
13                       son described in paragraph (2) (except as pro-  
14                       vided in clauses (vi) and (vii)), shall pay an an-  
15                       nual enrollment fee as a condition of eligibility  
16                       for health care benefits under this section. Such  
17                       enrollment fee shall be an amount (rounded to  
18                       the nearest dollar) equal to the applicable per-  
19                       centage (specified in clause (ii)) of the annual  
20                       retired pay of the member or former member  
21                       upon whom the covered beneficiary’s eligibility  
22                       is based, except that the amount of such enroll-  
23                       ment fee shall not be in excess of the applicable  
24                       maximum enrollment fee (specified in clause  
25                       (iii)).

1                   “(ii) The applicable percentage of re-  
 2                   tired pay shall be determined in accordance  
 3                   with the following table:

“For:	The applicable percentage for a family group of two or more persons is:	The applicable percentage for an individual is:
2015 .....	0.50%	0.25%
2016 .....	1.00%	0.50%
2017 .....	1.50%	0.75%
2018 and after .....	2.00%	1.00%.

4                   “(iii) For any year 2015 through  
 5                   2018, the applicable maximum enrollment  
 6                   fees for a family group of two or more per-  
 7                   sons shall be determined in accordance  
 8                   with the following table:

“For:	The applicable maximum enrollment fee for a family group whose eligibility is based upon a member or former member of retired grade O-7 or above is:	The applicable maximum enrollment fee for a family group whose eligibility is based upon a member or former member of retired grade O-6 or below is:
2015 .....	\$200	\$150
2016 .....	\$400	\$300
2017 .....	\$600	\$450
2018 .....	\$800	\$600.

9                   “(iv) For any year after 2018, the ap-  
 10                  plicable maximum enrollment fee shall be  
 11                  equal to the maximum enrollment fee for

1 the previous year increased by the percent-  
2 age by which retired pay is increased  
3 under section 1401a(b)(2) of this title for  
4 such year.

5 “(v) The applicable maximum enroll-  
6 ment fee for an individual shall be one-half  
7 the corresponding maximum fee for a fam-  
8 ily group of two or more persons (as deter-  
9 mined under clauses (iii) and (iv)).

10 “(vi) Clause (i) shall not apply to a  
11 dependent of a member of the uniformed  
12 services who dies while on active duty, a  
13 member retired under chapter 61 of this  
14 title, or a dependent of such a member.

15 “(vii) Clause (i) also shall not apply  
16 to a person who, prior to the date of the  
17 enactment of this subparagraph, met the  
18 conditions described in paragraph (2)(A)  
19 and (B).”.

20 (b) TRICARE PHARMACY PROGRAM REQUIRE-  
21 MENTS.—

22 (1) AVAILABILITY OF PHARMACEUTICAL  
23 AGENTS THROUGH NATIONAL MAIL-ORDER PHAR-  
24 MACY PROGRAM.—Section 1074g(a)(5) of such title  
25 is amended—

1 (A) by striking “at least one of the means  
 2 described in paragraph (2)(E)” and inserting  
 3 “the national mail-order pharmacy program”;  
 4 and

5 (B) by striking “may include” and all that  
 6 follows through the end of the paragraph and  
 7 inserting “shall include cost sharing by the eli-  
 8 gible covered beneficiary as specified in para-  
 9 graph (6).”.

10 (2) COST SHARING AMOUNTS.—Section  
 11 1074g(a)(6) of such title is amended to read as fol-  
 12 lows:

13 “(6)(A) In the case of any of the years 2015 through  
 14 2024, the cost sharing amounts referred to in paragraph  
 15 (5) shall be determined in accordance with the following  
 16 table:

“For:	The cost sharing amount for a 30-day supply of a retail generic is:	The cost sharing amount for a 30-day supply of a retail formulary is:	The cost sharing amount for a 90-day supply of a mail order generic is:	The cost sharing amount for a 90-day supply of a mail order formulary is:	The cost amount for a 90-day supply of a mail order non-formulary is:
2015	\$5	\$26	\$0	\$26	\$51
2016	\$6	\$28	\$0	\$28	\$54
2017	\$7	\$30	\$0	\$30	\$58
2018	\$8	\$32	\$0	\$32	\$62
2019	\$9	\$34	\$9	\$34	\$66

“For:	The cost sharing amount for a 30-day supply of a retail generic is:	The cost sharing amount for a 30-day supply of a retail formulary is:	The cost sharing amount for a 90-day supply of a mail order generic is:	The cost sharing amount for a 90-day supply of a mail order formulary is:	The cost amount for a 90-day supply of a mail order non-formulary is:
2020	\$10	\$36	\$10	\$36	\$70
2021	\$11	\$38	\$11	\$38	\$75
2022	\$12	\$40	\$12	\$40	\$80
2023	\$13	\$43	\$13	\$43	\$85
2024	\$14	\$45	\$14	\$45	\$90.

1 “(B) For any year after 2024, the cost sharing  
2 amounts referred to in paragraph (5) shall be equal to  
3 the cost sharing amounts for the previous year, adjusted  
4 by an amount, if any, as determined by the Secretary to  
5 reflect changes in the costs of pharmaceutical agents and  
6 prescription dispensing, rounded to the nearest dollar.

7 “(C) Notwithstanding subparagraphs (A) and (B),  
8 the cost-sharing amounts referred to in paragraph (5) for  
9 any year for a dependent of a member of the uniformed  
10 services who dies while on active duty, a member retired  
11 under chapter 61 of this title, or a dependent of such a  
12 member shall be equal to the cost sharing amounts, if any,  
13 for fiscal year 2014.”.

14 (c) REFILLS OF PRESCRIPTION MAINTENANCE  
15 MEDICATIONS THROUGH THE NATIONAL MAIL ORDER  
16 PHARMACY PROGRAM.—

1           (1) IN GENERAL.—Under the authority of sec-  
2           tion 1092 of such title, beginning January 1, 2015,  
3           the pharmacy benefits program shall require eligible  
4           covered beneficiaries generally to refill non-generic  
5           prescription maintenance medications through mili-  
6           tary treatment facility pharmacies or the national  
7           mail-order pharmacy program.

8           (2) MEDICATIONS COVERED.—

9           (A) DETERMINATION.—The Secretary  
10           shall determine the maintenance medications  
11           subject to the requirement under paragraph  
12           (1).

13           (B) SUPPLY.—In carrying out the require-  
14           ment under paragraph (1), the Secretary shall  
15           ensure that the medications subject to the re-  
16           quirement under paragraph (1) are—

17                   (i) generally available to eligible cov-  
18                   ered beneficiaries through retail phar-  
19                   macies only for an initial filling of a 30-  
20                   day or less supply; and

21                   (ii) any refills of such medications are  
22                   obtained through a military treatment fa-  
23                   cility pharmacy or the national mail-order  
24                   pharmacy program.



1           (C) EXEMPTION.—The Secretary may ex-  
2           empt the following prescription maintenance  
3           medications from the requirements in subpara-  
4           graph (B):

5                   (i) Medications that are for acute care  
6                   needs.

7                   (ii) Such other medications as the  
8                   Secretary determines appropriate.

9           (d) AUTHORITY TO ADJUST PAYMENTS INTO THE  
10          MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.—  
11          Section 1116 of such title is amended by adding at the  
12          end the following new subsection:

13           “(e)(1) During any fiscal year, if the Secretary of De-  
14          fense determines that the amount certified under sub-  
15          section (c) is no longer accurate because of a significant  
16          change in circumstances or law, the Secretary of Defense  
17          may, if appropriate, certify a revised amount determined  
18          in accordance with subsection (b)(2) to the Secretary of  
19          the Treasury.

20           “(2) If the Secretary of Defense makes a certification  
21          under paragraph (1), each other administering Secretary  
22          shall make and advise the Secretary of the Treasury of  
23          a revised determination, consistent with section 1111(c)  
24          of this title.

1 “(3) If a certification and determination are made  
 2 under paragraphs (1) and (2), the Secretary of the Treas-  
 3 ury shall promptly pay into or recoup from the Fund the  
 4 difference between the amount paid into the Fund under  
 5 subsection (a) and the amount certified or determined by  
 6 the administering Secretary under paragraph (1) or (2).”.

## 7 **Subtitle B—Health Care**

### 8 **Administration**

#### 9 **SEC. 711. DESIGNATION AND RESPONSIBILITIES OF SENIOR**

#### 10 **MEDICAL ADVISOR FOR ARMED FORCES RE-**

#### 11 **TIREMENT HOME.**

12 (a) DESIGNATION OF SENIOR MEDICAL ADVISOR.—  
 13 Subsection (a) of section 1513A of the Armed Forces Re-  
 14 tirement Home Act of 1991 (24 U.S.C. 413a) is amend-  
 15 ed—

16 (1) in paragraph (1), by striking “Deputy Di-  
 17 rector of the TRICARE Management Activity” and  
 18 inserting “Deputy Director of the Defense Health  
 19 Agency”; and

20 (2) in paragraph (2), by striking “Deputy Di-  
 21 rector of the TRICARE Management Activity” both  
 22 places it appears and inserting “Deputy Director of  
 23 the Defense Health Agency”.

24 (b) CLARIFICATION OF RESPONSIBILITIES AND DU-  
 25 TIES OF SENIOR MEDICAL ADVISOR.—Subsection (c)(2)

1 of such section is amended by striking “health care stand-  
 2 ards of the Department of Veterans Affairs” and inserting  
 3 “nationally recognized health care standards and require-  
 4 ments”.

5 **SEC. 712. EXTENSION OF AUTHORITY FOR THE JOINT DE-**  
 6 **PARTMENT OF DEFENSE-DEPARTMENT OF**  
 7 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**  
 8 **ONSTRATION FUND.**

9 Subsection (e) of section 1704 of the National De-  
 10 fense Authorization Act for Fiscal Year 2010 (Public Law  
 11 111–84; 123 Stat. 2573) is amended by striking “Sep-  
 12 tember 30, 2015” and inserting “September 30, 2016”.

13 **SEC. 713. PARITY IN PROVISION OF INPATIENT MENTAL**  
 14 **HEALTH SERVICES WITH OTHER INPATIENT**  
 15 **MEDICAL SERVICES.**

16 (a) **ELIMINATION OF INPATIENT DAY LIMITS IN**  
 17 **PROVISION OF MENTAL HEALTH SERVICES.**—Section  
 18 1079 of title 10, United States Code, is amended—

19 (1) by striking paragraph (6) of subsection (a);

20 and

21 (2) by striking subsection (i).

22 (b) **WAIVER OF NONAVAILABILITY STATEMENT FOR**  
 23 **MENTAL HEALTH SERVICES.**—Section 721(a) of the  
 24 Floyd D. Spence National Defense Authorization Act for  
 25 Fiscal Year 2001 (as enacted into law by Public Law 106–

1 398; 10 U.S.C. 1073 note) is amended by striking “(other  
2 than mental health services)”.

3 **TITLE VIII—ACQUISITION POL-**  
4 **ICY, ACQUISITION MANAGE-**  
5 **MENT, AND RELATED MAT-**  
6 **TERS**

7 **Subtitle A—Acquisition Policy and**  
8 **Management**

9 **SEC. 801. THREE-YEAR EXTENSION OF AUTHORITY FOR**  
10 **JOINT URGENT OPERATIONAL NEEDS FUND.**

11 Section 2216a(e) of title 10, United States Code, is  
12 amended by striking “September 30, 2015” and inserting  
13 “September 30, 2018”.

14 **SEC. 802. FIVE-YEAR EXTENSION OF DEFENSE PRODUC-**  
15 **TION ACT OF 1950.**

16 Section 717(a) of the Defense Production Act of  
17 1950 (50 U.S.C. App. 2166(a)) is amended by striking  
18 “September 30, 2014” and inserting “September 30,  
19 2019”.

20 **SEC. 803. PROGRAM FRAUD CIVIL REMEDIES STATUTE FOR**  
21 **THE DEPARTMENT OF DEFENSE AND THE NA-**  
22 **TIONAL AERONAUTICS AND SPACE ADMINIS-**  
23 **TRATION.**

24 (a) **PURPOSE.**—The purpose of this section is to pro-  
25 vide the Secretary of Defense and the Administrator of

1 the National Aeronautics and Space Administration with  
 2 an effective administrative remedy to obtain recompense  
 3 for the Department of Defense and the National Aero-  
 4 nautics and Space Administration for losses resulting from  
 5 the submission to the Department or the Administration,  
 6 respectively, of false, fictitious, or fraudulent claims and  
 7 statements.

8 (b) PROGRAM FRAUD CIVIL REMEDIES.—

9 (1) IN GENERAL.—Chapter IV of subtitle A of  
 10 title 10, United States Code, is amended by insert-  
 11 ing after chapter 163 the following new chapter:

12 **“CHAPTER 164—ADMINISTRATIVE REM-**  
 13 **EDIES FOR FALSE CLAIMS AND STATE-**  
 14 **MENTS**

“Sec.

“2751. Applicability of chapter; definitions.

“2752. False claims and statements; liability.

“2753. Hearing and determinations.

“2754. Payment; interest on late payments.

“2755. Judicial review.

“2756. Collection of civil penalties and assessments.

“2757. Right to administrative offset.

“2758. Limitations.

“2759. Effect on other laws.

15 **“§ 2751. Applicability of chapter; definitions**

16 “(a) APPLICABILITY OF CHAPTER.—This chapter ap-  
 17 plies to the following agencies:

18 “(1) The Department of Defense.

19 “(2) The National Aeronautics and Space Ad-  
 20 ministration.

1 “(b) DEFINITIONS.—In this chapter:

2 “(1) HEAD OF AN AGENCY.—The term ‘head of  
3 an agency’ means the Secretary of Defense and the  
4 Administrator of the National Aeronautics and  
5 Space Administration.

6 “(2) CLAIM.—The term ‘claim’ means any re-  
7 quest, demand, or submission—

8 “(A) made to the head of an agency for  
9 property, services, or money (including money  
10 representing grants, loans, insurance, or bene-  
11 fits);

12 “(B) made to a recipient of property, serv-  
13 ices, or money received directly or indirectly  
14 from the head of an agency or to a party to a  
15 contract with the head of an agency—

16 “(i) for property or services if the  
17 United States—

18 “(I) provided such property or  
19 services;

20 “(II) provided any portion of the  
21 funds for the purchase of such prop-  
22 erty or services; or

23 “(III) will reimburse such recipi-  
24 ent or party for the purchase of such  
25 property or services; or

1           “(ii) for the payment of money (in-  
2           cluding money representing grants, loans,  
3           insurance, or benefits) if the United  
4           States—

5                   “(I) provided any portion of the  
6                   money requested or demanded; or

7                   “(II) will reimburse such recipi-  
8                   ent or party for any portion of the  
9                   money paid on such request or de-  
10                  mand; or

11                  “(C) made to the head of an agency which  
12                  has the effect of decreasing an obligation to pay  
13                  or account for property, services, or money.

14                  “(3) KNOWS OR HAS REASON TO KNOW.—The  
15                  term ‘knows or has reason to know’, for purposes of  
16                  establishing liability under section 2752 of this title,  
17                  means that a person, with respect to a claim or  
18                  statement—

19                   “(A) has actual knowledge that the claim  
20                   or statement is false, fictitious, or fraudulent;

21                   “(B) acts in deliberate ignorance of the  
22                   truth or falsity of the claim or statement; or

23                   “(C) acts in reckless disregard of the truth  
24                   or falsity of the claim or statement, and no  
25                   proof of specific intent to defraud is required.

1           “(4) RESPONSIBLE OFFICIAL.—The term ‘re-  
2           sponsible official’ means a designated debarring and  
3           suspending official of the agency named in sub-  
4           section (a).

5           “(5) RESPONDENT.—The term ‘respondent’  
6           means a person who has received notice from a re-  
7           sponsible official asserting liability under section  
8           2752 of this title.

9           “(6) STATEMENT.—The term ‘statement’  
10          means any representation, certification, affirmation,  
11          document, record, or an accounting or bookkeeping  
12          entry made—

13                 “(A) with respect to a claim or to obtain  
14                 the approval or payment of a claim (including  
15                 relating to eligibility to make a claim); or

16                 “(B) with respect to (including relating to  
17                 eligibility for)—

18                         “(i) a contract with, or a bid or pro-  
19                         posal for a contract with the head of an  
20                         agency; or

21                         “(ii) a grant, loan, or benefit from the  
22                         head of an agency.

23          “(c) CLAIMS.—For purposes of paragraph (2) of sub-  
24          section (b)—



1           “(1) each voucher, invoice, claim form, or other  
2 individual request or demand for property, services,  
3 or money constitutes a separate claim;

4           “(2) each claim for property, services, or money  
5 is subject to this chapter regardless of whether such  
6 property, services, or money is actually delivered or  
7 paid; and

8           “(3) a claim shall be considered made, pre-  
9 sented, or submitted to the head of an agency, re-  
10 cipient, or party when such claim is actually made  
11 to an agent, fiscal intermediary, or other entity act-  
12 ing for or on behalf of such authority, recipient, or  
13 party.

14           “(d) STATEMENTS.—For purposes of paragraph (6)  
15 of subsection (b)—

16           “(1) each written representation, certification,  
17 or affirmation constitutes a separate statement; and

18           “(2) a statement shall be considered made, pre-  
19 sented, or submitted to the head of an agency when  
20 such statement is actually made to an agent, fiscal  
21 intermediary, or other entity acting for or on behalf  
22 of such authority.

23 **“§ 2752. False claims and statements; liability**

24           “(a) FALSE CLAIMS.—Any person who makes, pre-  
25 sents, or submits, or causes to be made, presented, or sub-

1 mitted, to the head of an agency a claim that the person  
2 knows or has reason to know—

3 “(1) is false, fictitious, or fraudulent;

4 “(2) includes or is supported by any written  
5 statement which asserts a material fact that is false,  
6 fictitious, or fraudulent;

7 “(3) includes or is supported by any written  
8 statement that—

9 “(A) omits a material fact;

10 “(B) is false, fictitious, or fraudulent as a  
11 result of such omission; and

12 “(C) the person making, presenting, or  
13 submitting such statement has a duty to in-  
14 clude such material fact; or

15 “(4) is for payment for the provision of prop-  
16 erty or services which the person has not provided  
17 as claimed,

18 shall, in addition to any other remedy that may be pre-  
19 scribed by law, be subject to a civil penalty of not more  
20 than \$5,000 for each such claim. Such person shall also  
21 be subject to an assessment of not more than twice the  
22 amount of such claim, or the portion of such claim which  
23 is determined by the responsible official to be in violation  
24 of the preceding sentence.

1       “(b) FALSE STATEMENTS.—Any person who makes,  
2 presents, submits, or causes to be made, presented, or sub-  
3 mitted, a written statement in conjunction with a procure-  
4 ment program or acquisition of an agency named in sec-  
5 tion 2751(a) of this title that—

6               “(1) the person knows or has reason to know—

7                       “(A) asserts a material fact that is false,  
8                       fictitious, or fraudulent; or

9                       “(B)(i) omits a material fact; and

10                      “(ii) is false, fictitious, or fraudulent as a  
11                      result of such omission;

12               “(2) in the case of a statement described in  
13 subparagraph (B) of paragraph (1), is a statement  
14 in which the person making, presenting, or submit-  
15 ting such statement has a duty to include such ma-  
16 terial fact; and

17               “(3) contains or is accompanied by an express  
18 certification or affirmation of the truthfulness and  
19 accuracy of the contents of the statement,

20 shall be subject to, in addition to any other remedy that  
21 may be prescribed by law, a civil penalty of not more than  
22 \$5,000 for each such statement.

23 **“§ 2753. Hearing and determinations**

24       “(a) TRANSMITTAL OF NOTICE TO ATTORNEY GEN-  
25 ERAL.—If a responsible official determines that there is

1 adequate evidence to believe that a person is liable under  
2 section 2752 of this title, the responsible official shall  
3 transmit to the Attorney General, or any other officer or  
4 employee of the Department of Justice designated by the  
5 Attorney General, a written notice of the intention of such  
6 official to initiate an action under this section. The notice  
7 shall include the following:

8           “(1) A statement of the reasons for initiating  
9           an action under this section.

10           “(2) A statement specifying the evidence which  
11           supports liability under section 2752 of this title.

12           “(3) A description of the claims or statements  
13           for which liability under section 2752 of this title is  
14           alleged.

15           “(4) An estimate of the penalties and assess-  
16           ments that will be demanded under section 2752 of  
17           this title.

18           “(5) A statement of any exculpatory or miti-  
19           gating circumstances which may relate to such  
20           claims or statements.

21           “(b) STATEMENT FROM ATTORNEY GENERAL.—

22           “(1) Within 90 days after receipt of a notice  
23           from a responsible official under subsection (a), the  
24           Attorney General, or any other officer or employee  
25           of the Department of Justice designated by the At-

1       torney General, shall transmit a written statement  
2       to the responsible official which specifies—

3               “(A) that the Attorney General, or any  
4               other officer or employee of the Department of  
5               Justice designated by the Attorney General, ap-  
6               proves or disapproves initiating an action under  
7               this section based on the allegations of liability  
8               stated in such notice; and

9               “(B) in any case in which the initiation of  
10              an action under this section is disapproved, the  
11              reasons for such disapproval.

12             “(2) If at any time after the initiation of an ac-  
13             tion under this section the Attorney General, or any  
14             other officer or employee of the Department of Jus-  
15             tice designated by the Attorney General, transmits  
16             to a responsible official a written determination that  
17             the continuation of any action under this section  
18             may adversely affect any pending or potential crimi-  
19             nal or civil action, such action shall be immediately  
20             stayed and may be resumed only upon written au-  
21             thorization from the Attorney General, or any other  
22             officer or employee of the Department of Justice  
23             designated by the Attorney General.

24             “(c) LIMITATION ON AMOUNT OF CLAIM THAT MAY  
25             BE PURSUED UNDER THIS SECTION.—No action shall be

1 initiated under this section, nor shall any assessment be  
2 imposed under this section, if the total amount of the  
3 claim determined by the responsible official to violate sec-  
4 tion 2752(a) of this title exceeds \$500,000. The \$500,000  
5 threshold does not include penalties or any assessment  
6 permitted under 2752(a) of this title greater than the  
7 amount of the claim determined by the responsible official  
8 to violate such section.

9       “(d) PROCEDURES FOR RESOLVING CLAIMS.—(1)  
10 Upon receiving approval under subsection (b) to initiate  
11 an action under this section, the responsible official shall  
12 mail, by registered or certified mail, or other similar com-  
13 mercial means, or shall deliver, a notice to the person al-  
14 leged to be liable under section 2752 of this title. Such  
15 notice shall specify the allegations of liability against such  
16 person, specify the total amount of penalties and assess-  
17 ments sought by the United States, advise the person of  
18 the opportunity to submit facts and arguments in opposi-  
19 tion to the allegations set forth in the notice, advise the  
20 person of the opportunity to submit offers of settlement  
21 or proposals of adjustment, and advise the person of the  
22 procedures of the agency named in section 2751(a) of this  
23 title governing the resolution of actions initiated under  
24 this section.

1       “(2) Within 30 days after receiving a notice under  
2 paragraph (1), or any additional period of time granted  
3 by the responsible official, the respondent may submit in  
4 person, in writing, or through a representative, facts and  
5 arguments in opposition to the allegations set forth in the  
6 notice, including any additional information that raises a  
7 genuine dispute of material fact.

8       “(3) If the respondent fails to respond within 30  
9 days, or any additional time granted by the responsible  
10 official, the responsible official may issue a written deci-  
11 sion disposing of the matters raised in the notice. Such  
12 decision shall be based on the record before the responsible  
13 official. If the responsible official concludes that the re-  
14 spondent is liable under section 2752 of this title, the deci-  
15 sion shall include the findings of fact and conclusions of  
16 law which the responsible official relied upon in deter-  
17 mining that the respondent is liable, and the amount of  
18 any penalty and/or assessment to be imposed on the re-  
19 spondent. Any such determination shall be based on a pre-  
20 ponderance of the evidence. The responsible official shall  
21 promptly send to the respondent a copy of the decision  
22 by registered or certified mail, or other similar commercial  
23 means, or shall hand deliver a copy of the decision.

24       “(4) If the respondent makes a timely submission,  
25 and the responsible official determines that the respondent

1 has not raised any genuine dispute of material fact, the  
2 responsible official may issue a written decision disposing  
3 of the matters raised in the notice. Such decision shall  
4 be based on the record before the responsible official. If  
5 the responsible official concludes that the respondent is  
6 liable under section 2752 of this title, the decision shall  
7 include the findings of fact and conclusions of law which  
8 the responsible official relied upon in determining that the  
9 respondent is liable, and the amount of any penalty or as-  
10 sessment to be imposed on the respondent. Any such de-  
11 termination shall be based on a preponderance of the evi-  
12 dence. The responsible official shall promptly send to the  
13 respondent a copy of the decision by registered or certified  
14 mail, or other similar commercial means, or shall hand  
15 deliver a copy of the decision.

16       “(5) If the respondent makes a timely submission,  
17 and the responsible official determines that the respondent  
18 has raised a genuine dispute of material fact, the respon-  
19 sible official shall commence a hearing to resolve the genu-  
20 inely disputed material facts by mailing by registered or  
21 certified mail, or other similar commercial means, or by  
22 hand delivery of, a notice informing the respondent of—

23               “(A) the time, place, and nature of the hearing;

24               “(B) the legal authority under which the hear-  
25       ing is to be held;



1           “(C) the material facts determined by the re-  
2           sponsible official to be genuinely in dispute that will  
3           be the subject of the hearing; and

4           “(D) a description of the procedures for the  
5           conduct of the hearing.

6           “(6) The responsible official and any person against  
7           whom liability is asserted under this chapter may agree  
8           to a compromise or settle an action at any time. Any com-  
9           promise or settlement must be in writing.

10          “(e) RESPONDENT ENTITLED TO COPY OF THE  
11          RECORD.—At any time after receiving a notice under  
12          paragraph (1) of subsection (d), the respondent shall be  
13          entitled to a copy of the entire record before the respon-  
14          sible official.

15          “(f) HEARINGS.—Any hearing commenced under this  
16          section shall be conducted by the responsible official, or  
17          a fact-finder designated by the responsible official, solely  
18          to resolve genuinely disputed material facts identified by  
19          the responsible official and set forth in the notice to the  
20          respondent.

21          “(g) PROCEDURES FOR HEARINGS.—(1) Each hear-  
22          ing shall be conducted under procedures prescribed by the  
23          head of the agency. Such procedures shall include the fol-  
24          lowing:

1           “(A) The provision of written notice of the  
2 hearing to the respondent, including written notice  
3 of—

4                   “(i) the time, place, and nature of the  
5 hearing;

6                   “(ii) the legal authority under which the  
7 hearing is to be held;

8                   “(iii) the material facts determined by the  
9 responsible official to be genuinely in dispute  
10 that will be the subject of the hearing; and

11                   “(iv) a description of the procedures for  
12 the conduct of the hearing.

13           “(B) The opportunity for the respondent to  
14 present facts and arguments through oral or docu-  
15 mentary evidence, to submit rebuttal evidence, and  
16 to conduct such cross-examination as may be re-  
17 quired to resolve any genuinely disputed material  
18 facts identified by the responsible official.

19           “(C) The opportunity for the respondent to be  
20 accompanied, represented, and advised by counsel or  
21 such other qualified representative as the Secretary  
22 may specify in such regulations.

23           “(2) For the purpose of conducting hearings under  
24 this section, the responsible official is authorized to admin-  
25 ister oaths or affirmations.

1       “(3) Hearings shall be held at the responsible offi-  
2 cial’s office, or at such other place as may be agreed upon  
3 by the respondent and the responsible official.

4       “(h) DECISION FOLLOWING HEARING.—The respon-  
5 sible official shall issue a written decision within 60 days  
6 after the conclusion of the hearing. That decision shall set  
7 forth specific findings of fact resolving the genuinely dis-  
8 puted material facts that were the subject of the hearing.  
9 The written decision shall also dispose of the matters  
10 raised in the notice required under paragraph (1) of sub-  
11 section (d). If the responsible official concludes that the  
12 respondent is liable under section 2752 of this title, the  
13 decision shall include the findings of fact and conclusions  
14 of law which the responsible official relied upon in deter-  
15 mining that the respondent is liable, and the amount of  
16 any penalty or assessment to be imposed on the respon-  
17 dent. Any decisions issued under this subparagraph shall  
18 be based on the record before the responsible official and  
19 shall be supported by a preponderance of the evidence.  
20 The responsible official shall promptly send to the re-  
21 spondent a copy of the decision by registered or certified  
22 mail, or other similar commercial means, or shall hand  
23 deliver a copy of the decision.

1 **“§ 2754. Payment; interest on late payments**

2 “(a) PAYMENT OF ASSESSMENTS AND PENALTIES.—

3 A respondent shall render payment of any assessment and  
4 penalty imposed by a responsible official, or any amount  
5 otherwise agreed to as part of a settlement or adjustment,  
6 not later than the date—

7 “(1) that is 30 days after the date of the re-  
8 ceipt by the respondent of the responsible official’s  
9 decision; or

10 “(2) as otherwise agreed to by the respondent  
11 and the responsible official.

12 “(b) INTEREST.—If there is an unpaid balance as of  
13 the date determined under paragraph (1), interest shall  
14 accrue from that date on any unpaid balance. The rate  
15 of interest charged shall be the rate in effect as of that  
16 date that is published by the Secretary of the Treasury  
17 under section 3717 of title 31.

18 “(c) TREATMENT OF RECEIPTS.—All penalties, as-  
19 sessments, or interest paid, collected, or otherwise recov-  
20 ered under this chapter shall be deposited into the Treas-  
21 ury as miscellaneous receipts as provided in section 3302  
22 of title 31.

23 **“§ 2755. Judicial review**

24 “A decision by a responsible official under section  
25 2753(d) or 2753(h) of this title shall be final. Any such

1 final decision is subject to judicial review only under chap-  
2 ter 7 of title 5.

3 **“§ 2756. Collection of civil penalties and assessments**

4       “(a) JUDICIAL ENFORCEMENT OF CIVIL PENALTIES  
5 AND ASSESSMENTS.—The Attorney General shall be re-  
6 sponsible for judicial enforcement of any civil penalty or  
7 assessment imposed under this chapter.

8       “(b) CIVIL ACTIONS FOR RECOVERY.—Any penalty  
9 or assessment imposed in a decision by a responsible offi-  
10 cial, or amounts otherwise agreed to as part of a settle-  
11 ment or adjustment, along with any accrued interest, may  
12 be recovered in a civil action brought by the Attorney Gen-  
13 eral. In any such action, no matter that was raised or that  
14 could have been raised in a proceeding under this chapter  
15 or pursuant to judicial review under section 2755 of this  
16 title may be raised as a defense, and the determination  
17 of liability and the determination of amounts of penalties  
18 and assessments shall not be subject to review.

19       “(c) JURISDICTION OF UNITED STATES DISTRICT  
20 COURTS.—The district courts of the United States shall  
21 have jurisdiction of any action commenced by the United  
22 States under subsection (b).

23       “(d) JOINING AND CONSOLIDATING ACTIONS.—Any  
24 action under subsection (b) may, without regard to venue  
25 requirements, be joined and consolidated with or asserted

1 as a counterclaim, cross-claim, or setoff by the United  
2 States in any other civil action which includes as parties  
3 the United States, and the person against whom such ac-  
4 tion may be brought.

5 “(e) JURISDICTION OF UNITED STATES COURT OF  
6 FEDERAL CLAIMS.—The United States Court of Federal  
7 Claims shall have jurisdiction of any action under sub-  
8 section (b) to recover any penalty or assessment, or  
9 amounts otherwise agreed to as part of a settlement or  
10 adjustment, along with any accrued interest, if the cause  
11 of action is asserted by the United States as a counter-  
12 claim in a matter pending in such court. The counterclaim  
13 need not relate to the subject matter of the underlying  
14 claim.

15 **“§ 2757. Right to administrative offset**

16 “The amount of any penalty or assessment that has  
17 been imposed by a responsible official, or any amount  
18 agreed upon in a settlement or compromise, along with  
19 any accrued interest, may be collected by administrative  
20 offset.

21 **“§ 2758. Limitations**

22 “(a) LIMITATION ON PERIOD FOR INITIATION OF AD-  
23 MINISTRATIVE ACTION.—An action under section 2752 of  
24 this title with respect to a claim or statement shall be com-

1 menced within six years after the date on which such claim  
2 or statement is made, presented, or submitted.

3 “(b) LIMITATION PERIOD FOR INITIATION OF CIVIL  
4 ACTION FOR RECOVERY OF ADMINISTRATIVE PENALTY  
5 OR ASSESSMENT.—A civil action to recover a penalty or  
6 assessment under section 2756 of this title shall be com-  
7 menced within three years after the date of the decision  
8 of the responsible official imposing the penalty or assess-  
9 ment.

10 **“§ 2759. Effect on other laws**

11 “(a) RELATIONSHIP TO TITLE 44 AUTHORITIES.—  
12 This chapter does not diminish the responsibility of the  
13 head of an agency to comply with the provisions of chapter  
14 35 of title 44, relating to coordination of Federal informa-  
15 tion policy.

16 “(b) RELATIONSHIP TO TITLE 31 AUTHORITIES.—  
17 The procedures set forth in this chapter apply to the agen-  
18 cies named in section 2751(a) of this title in lieu of the  
19 procedures under chapter 38 of title 31, relating to admin-  
20 istrative remedies for false claims and statements.

21 “(c) RELATIONSHIP TO OTHER AUTHORITIES.—Any  
22 action, inaction, or decision under this chapter shall be  
23 based solely upon the information before the responsible  
24 official and shall not limit or restrict any agency of the  
25 Government from instituting any other action arising out-

1 side this chapter, including suspension or debarment,  
 2 based upon the same information. Any action, inaction or  
 3 decision under this chapter shall not restrict the ability  
 4 of the Attorney General to bring judicial action, based  
 5 upon the same information as long as such action is not  
 6 otherwise prohibited by law.”.

7           (2) CLERICAL AMENDMENT.—The tables of  
 8 chapters at the beginning of subtitle A, and at the  
 9 beginning of part IV of subtitle A, of such title are  
 10 each amended by inserting after the item relating to  
 11 chapter 163 the following new item:

“164. Administrative Remedies for False Claims and Statements ..... 2751”.

12           (c) CONFORMING AMENDMENTS.—Section  
 13 3801(a)(1) of title 31, United States Code, is amended—

14           (1) by inserting “(other than the Department of  
 15 Defense)” in subparagraph (A) after “executive de-  
 16 partment”;

17           (2) by striking subparagraph (B);

18           (3) by redesignating subparagraph (C) as sub-  
 19 paragraph (B) and by inserting “(other than the  
 20 National Aeronautics and Space Administration)” in  
 21 that subparagraph after “not an executive depart-  
 22 ment”; and

23           (4) by redesignating subparagraphs (D), (E),  
 24 and (F) as subparagraphs (C), (D), and (E), respec-  
 25 tively.



1 (d) EFFECTIVE DATE.—Chapter 164 of title 10,  
2 United States Code, as added by subsection (b), and the  
3 amendments made by subsection (c), shall apply to any  
4 claim or statement made, presented, or submitted on or  
5 after the date of the enactment of this Act.

6 **SEC. 804. PERMANENT AUTHORITY FOR USE OF SIM-**  
7 **PLIFIED ACQUISITION PROCEDURES FOR**  
8 **CERTAIN COMMERCIAL ITEMS.**

9 Section 4202 of the Clinger-Cohen Act of 1996 (divi-  
10 sion D of Public Law 104–106; 10 U.S.C. 2304 note) is  
11 amended by striking subsection (e).

12 **Subtitle B—Amendments to Gen-**  
13 **eral Contract Authorities, Pro-**  
14 **cedures, and Limitations**

15 **SEC. 811. AUTHORITY FOR DEFENSE CONTRACT AUDIT**  
16 **AGENCY TO INTERVIEW CONTRACTOR EM-**  
17 **PLOYEES IN CONNECTION WITH EXAMINA-**  
18 **TION OF CONTRACTOR RECORDS.**

19 (a) AUTHORITY.—Subsection (a)(1) of section 2313  
20 of title 10, United States Code, is amended by inserting  
21 “, interview employees,” after “is authorized to inspect the  
22 plant”.

23 (b) APPLICABILITY.—The amendment made by sub-  
24 section (a) shall apply with respect to contracts entered

1 into after the effective date of a revision to the Federal  
2 Acquisition Regulation to implement the amendment.

3 **SEC. 812. EXTENSION TO UNITED STATES TRANSPOR-**  
4 **TATION COMMAND OF AUTHORITIES RELAT-**  
5 **ING TO PROHIBITION ON CONTRACTING**  
6 **WITH THE ENEMY.**

7 Section 831(i)(1) of the National Defense Authoriza-  
8 tion Act for Fiscal Year 2014 (Public Law 113–66; 127  
9 Stat. 813) is amended by inserting “United States Trans-  
10 portation Command,” after “United States Southern  
11 Command,”.

12 **SEC. 813. RECHARACTERIZATION OF CHANGES TO MAJOR**  
13 **AUTOMATED INFORMATION SYSTEM PRO-**  
14 **GRAMS.**

15 (a) ADDITION TO COVERED DETERMINATION OF A  
16 SIGNIFICANT CHANGE.—Subsection (c)(2) of section  
17 2445c of title 10, United States Code, is amended—

18 (1) by striking “or” at the end of subparagraph

19 (B);

20 (2) by striking the period at the end of sub-  
21 paragraph (C) and inserting “; or”; and

22 (3) by adding at the end the following new sub-  
23 paragraph:

24 “(D) the automated information system or  
25 information technology investment failed to

1           achieve a full deployment decision within five  
2           years after the Milestone A decision for the pro-  
3           gram or, if there was no Milestone A decision,  
4           the date when the preferred alternative is se-  
5           lected for the program (excluding any time dur-  
6           ing which program activity is delayed as a re-  
7           sult of a bid protest).”.

8           (b) **REMOVAL OF COVERED DETERMINATION OF A**  
9 **CRITICAL CHANGE.**—Subsection (d)(3) of such section is  
10 amended—

- 11           (1) by striking subparagraph (A); and  
12           (2) by redesignating subparagraphs (B), (C),  
13           and (D) as subparagraph (A), (B), and (C), respec-  
14           tively.

15 **SEC. 814. EXTENSION OF SPECIAL EMERGENCY PROCURE-**  
16 **MENT AUTHORITY.**

17           Section 1903(a) of title 41, United States Code, is  
18 amended—

- 19           (1) by striking “or” at the end of paragraph  
20           (1);  
21           (2) by striking the period at the end of para-  
22           graph (2) and inserting a semicolon; and  
23           (3) by adding at the end the following new  
24           paragraphs:

1           “(3) in support of a request from the Depart-  
2           ment of State or the United States Agency for Inter-  
3           national Development to facilitate the provision of  
4           humanitarian assistance, international disaster as-  
5           sistance, or other crisis-related assistance pursuant  
6           to the Foreign Assistance Act of 1961 (22 U.S.C.  
7           2151 et seq.); or

8           “(4) in support of an emergency or major dis-  
9           aster (as those terms are defined in section 102 of  
10          the Robert T. Stafford Disaster Relief and Emer-  
11          gency Assistance Act (42 U.S.C. 5122)).”.

12 **SEC. 815. EXTENSION OF CONTRACT AUTHORITY FOR AD-**  
13 **VANCED COMPONENT DEVELOPMENT OR**  
14 **PROTOTYPE UNITS.**

15          (a) **EXTENSION OF TERMINATION.**—Subsection  
16 (b)(4) of section 819 of the National Defense Authoriza-  
17 tion Act for Fiscal Year 2010 (Public Law 111–84; 10  
18 U.S.C. 2302 note) is amended by striking “September 30,  
19 2014” and inserting “September 30, 2019”.

20          (b) **EXTENSION OF REPORT REQUIREMENT.**—Sub-  
21 section (c) of such section is amended by striking “March  
22 30, 2013” and inserting “ March 30, 2018”.

1 **SEC. 816. EXCEPTION TO REQUIREMENT TO INCLUDE COST**  
2 **OR PRICE TO THE GOVERNMENT AS A FAC-**  
3 **TOR IN THE EVALUATION OF PROPOSALS**  
4 **FOR CERTAIN TASK OR DELIVERY ORDER**  
5 **CONTRACTS.**

6 (a) CONTRACTING UNDER TITLE 41, UNITED  
7 STATES CODE.—Section 3306(c) of title 41, United States  
8 Code, is amended—

9 (1) in paragraph (1), by inserting “except as  
10 provided in paragraph (3),” in subparagraphs (B)  
11 and (C) after the subparagraph designation; and

12 (2) by adding at the end the following new  
13 paragraphs:

14 “(3) EXCEPTIONS FOR CERTAIN INDEFINITE  
15 DELIVERY, INDEFINITE QUANTITY CONTRACTS.—If  
16 the head of an agency issues a solicitation for mul-  
17 tiple task or delivery order contracts under section  
18 4103(d) of this title for the same or similar services  
19 and intends to make a contract award to each quali-  
20 fying offeror—

21 “(A) cost or price to the Federal Govern-  
22 ment need not, at the Government’s discretion,  
23 be considered under subparagraph (B) of para-  
24 graph (1) as an evaluation factor for the con-  
25 tract award; and

1           “(B) if, pursuant to subparagraph (A),  
2 cost or price to the Federal Government is not  
3 considered as an evaluation factor for the con-  
4 tract award—

5                   “(i) the disclosure requirement of sub-  
6 paragraph (C) of paragraph (1) shall not  
7 apply; and

8                   “(ii) cost or price to the Federal Gov-  
9 ernment shall be considered in conjunction  
10 with the issuance pursuant to section  
11 4106(c) of this title of a task or delivery  
12 order under any contract resulting from  
13 the solicitation.

14           “(4) QUALIFYING OFFEROR DEFINED.—In  
15 paragraph (3), the term ‘qualifying offeror’ means  
16 an offeror that—

17                   “(A) is determined to be a responsible  
18 source;

19                   “(B) submits a proposal that conforms to  
20 the requirements of the solicitation; and

21                   “(C) the contracting officer has no reason  
22 to believe would likely offer other than fair and  
23 reasonable pricing.”.

1 (b) CONTRACTING UNDER TITLE 10, UNITED  
2 STATES CODE.—Section 2305(a)(3) of title 10, United  
3 States Code, is amended—

4 (1) in subparagraph (A), by inserting “(except  
5 as provided in subparagraph (C))” in clauses (ii)  
6 and (iii) after “shall”; and

7 (2) by adding at the end the following new sub-  
8 paragraphs:

9 “(C) If the head of an agency issues a solicitation  
10 for multiple task or delivery order contracts under section  
11 2304a(d)(1)(B) of this title for the same or similar serv-  
12 ices and intends to make a contract award to each quali-  
13 fying offeror—

14 “(i) cost or price to the Federal Government  
15 need not, at the Government’s discretion, be consid-  
16 ered under clause (ii) of subparagraph (A) as an  
17 evaluation factor for the contract award; and

18 “(ii) if, pursuant to clause (i), cost or price to  
19 the Federal Government is not considered as an  
20 evaluation factor for the contract award—

21 “(I) the disclosure requirement of  
22 clause (iii) of subparagraph (A) shall not  
23 apply; and

24 “(II) cost or price to the Federal Gov-  
25 ernment shall be considered in conjunction

1 with the issuance pursuant to section  
2 2304c(b) of this title of a task or delivery  
3 order under any contract resulting from  
4 the solicitation.

5 “(D) In subparagraph (C), the term ‘qualifying offer-  
6 or’ means an offeror that—

7 “(i) is determined to be a responsible source;

8 “(ii) submits a proposal that conforms to the  
9 requirements of the solicitation; and

10 “(iii) the contracting officer has no reason to  
11 believe would likely offer other than fair and reason-  
12 able pricing.”.

13 **SEC. 817. AUTHORITY FOR WAIVER OF COMPETITIVE**  
14 **PROTOTYPING REQUIREMENT FOR MAJOR**  
15 **DEFENSE ACQUISITION PROGRAMS IN CASE**  
16 **OF PROGRAMS WITH NO RISK REDUCTION**  
17 **PHASE ACTIVITIES.**

18 (a) **WAIVER AUTHORITY.**—Subsection (a) of section  
19 203 of the Weapon Systems Acquisition Reform Act of  
20 2009 (Public Law 111–23; 10 U.S.C. 2430 note) is  
21 amended—

22 (1) in paragraph (2)—

23 (A) by redesignating subparagraphs (A)  
24 and (B) as subparagraphs (B) and (C), respec-  
25 tively; and



1           (B) by inserting before subparagraph (B),  
2           as so redesignated, the following new subpara-  
3           graph (A):

4           “(A) on the basis that there are no risk re-  
5           duction phase activities;”; and

6           (2) in paragraph (3), by inserting “other than  
7           on the basis that there are no risk reduction phase  
8           activities,” in the matter preceding subparagraph  
9           (A) after “pursuant to paragraph (2),”.

10          (b) CONFORMING CROSS-REFERENCE AMEND-  
11          MENT.—Subsection (b)(1) of such section is amended by  
12          striking “paragraph (2)” and inserting “paragraph  
13          (2)(B)”.

14          (c) REPEAL OF OBSOLETE REFERENCES.—Sub-  
15          section (a) of such section is further amended by striking  
16          “(or Key Decision Point B approval in the case of a space  
17          program)” in paragraphs (1) and (3)(A).

18          (d) TECHNICAL AMENDMENTS.—Such subsection is  
19          further amended in the matter preceding paragraph (1)—

20                 (1) by striking “Not later than 90 days after  
21                 the date of the enactment of this Act, the” and in-  
22                 serting “The”; and

23                 (2) by striking “modify” and inserting “provide  
24                 for”.

1 **SEC. 818. EXTENSION OF AUTHORITY FOR ADDITIONAL AC-**  
2 **CESS TO CONTRACTOR AND SUBCON-**  
3 **TRACTOR RECORDS IN A CONTINGENCY OP-**  
4 **ERATION.**

5 (a) EXTENSION OF AUTHORITY TO ADDITIONAL RE-  
6 GIONAL COMBATANT COMMANDS.—Section 842 of the Na-  
7 tional Defense Authorization Act for Fiscal Year 2012  
8 (Public Law 112–81; 125 Stat. 1513; 10 U.S.C. 2313  
9 note) is amended—

10 (1) in subsection (a)(3), by striking “Com-  
11 mander of the United States Central Command”  
12 and inserting “commander of the covered combatant  
13 command concerned”; and

14 (2) in subsection (c)—

15 (A) , striking “the United States Central  
16 Command theater of operations” in paragraph  
17 (2) and inserting “the theater of operations of  
18 a covered combatant command”; and

19 (B) by adding at the end the following new  
20 paragraph:

21 “(3) The term ‘covered combatant command’  
22 means the following:

23 “(A) The United States Central Command.

24 “(B) The United States European Com-  
25 mand.

1           “(C) The United States Southern Com-  
2           mand.

3           “(D) The United States Pacific Command.

4           “(E) The United States Africa Command.

5           “(F) The United States Northern Com-  
6           mand.”.

7           (b) REDUCTION IN AMOUNT OF COVERED CON-  
8           TRACTS, AGREEMENTS, ETC.—Subsections (a)(4) and  
9           (c)(2) of such section are amended by striking “\$100,000”  
10          and inserting “\$50,000”.

11          (c) CLARIFICATION OF GEOGRAPHIC APPLICA-  
12          BILITY.—Subsection (c)(2) of such section is further  
13          amended by inserting “outside the United States (includ-  
14          ing its territories and possessions) and” after “that will  
15          be performed”.

16          (d) EXTENSION OF SUNSET DATE.—Subsection (d)  
17          of such section is amended by striking “the date that is  
18          three years after the date of the enactment of this Act”  
19          and inserting “December 31, 2018”.

20          (e) APPLICABILITY.—Subsection (a) of such section  
21          is further amended—

22                 (1) by striking “Not later than 30 days after  
23                 the date of the enactment of this Act, the” and in-  
24                 serting “The”;

1           (2) by striking “revise” and inserting “require  
2           through”;

3           (3) by striking “to require” and all that follows  
4           through “(A) the clause” and inserting “that the  
5           clause”; and

6           (4) by striking “that is awarded on” and all  
7           that follows in such subsection and inserting a pe-  
8           riod.

9           (f) CONFORMING AMENDMENT.—The heading of  
10          such section is amended to read as follows:

11          **“SEC. 842. ADDITIONAL ACCESS TO CONTRACTOR AND SUB-  
12                                  CONTRACTOR RECORDS IN A CONTINGENCY  
13                                  OPERATION.”.**

14          **SEC. 819. MODIFICATION OF LIMITATIONS ON PROCURE-  
15                                  MENT OF PHOTOVOLTAIC DEVICES BY THE  
16                                  DEPARTMENT OF DEFENSE.**

17          Subsection (b)(1) of section 846 of the Ike Skelton  
18          National Defense Authorization Act for Fiscal Year 2011  
19          (Public Law 111–383; 124 Stat. 4285; 10 U.S.C. 2534  
20          note) is amended by striking “and” at the end and insert-  
21          ing “or”.

1 **TITLE IX—DEPARTMENT OF DE-**  
2 **FENSE ORGANIZATION AND**  
3 **MANAGEMENT**

4 **SEC. 901. IMPLEMENTATION OF THE DECEMBER 2013 SEC-**  
5 **RETARY OF DEFENSE PLAN FOR REORGA-**  
6 **NIZATION OF THE OFFICE OF THE SEC-**  
7 **RETARY OF DEFENSE AND IMPLEMENTATION**  
8 **OF THE ELIMINATION OF DEPUTY UNDER**  
9 **SECRETARY OF DEFENSE POSITIONS.**

10 (a) REDESIGNATION OF ASSISTANT SECRETARY OF  
11 DEFENSE FOR OPERATIONAL ENERGY PLANS AND PRO-  
12 GRAMS TO REFLECT MERGER WITH DEPUTY UNDER  
13 SECRETARY OF DEFENSE FOR INSTALLATIONS AND ENVI-  
14 RONMENT; CLARIFICATION OF POLICY AND RESPONSIBIL-  
15 ITIES.—

16 (1) REDESIGNATION OF POSITION.—Paragraph  
17 (9) of subsection 138(b) of title 10, United States  
18 Code, is amended to read as follows:

19 “(9) One of the Assistant Secretaries is the Assistant  
20 Secretary of Defense for Installations, Energy, and Envi-  
21 ronment. The Assistant Secretary is the principal advisor  
22 to the Secretary of Defense and the Under Secretary of  
23 Defense for Acquisition, Technology, and Logistics on  
24 matters relating to installations, energy, and environ-  
25 ment.”.

1           (2) TRANSFER OF POLICY PROVISIONS.—Chap-  
2           ter 173 of such title is amended—

3                   (A) by adding at the end the following new  
4           section:

5   **“§ 2926. Operational energy activities”;**

6                   (B) by transferring paragraph (3) of sec-  
7           tion 138c(c) of such title to section 2926, as  
8           added by subparagraph (A), inserting such  
9           paragraph after the section heading, and redesi-  
10          gnated such paragraph as subsection (a);

11                  (C) in subsection (a) (as so inserted and  
12          redesignated)—

13                   (i) By inserting “ALTERNATIVE FUEL  
14           ACTIVITIES.—” before “The Assistant Sec-  
15           retary”;

16                   (ii) by redesignating subparagraphs  
17           (A) through (E) as paragraphs (1) through  
18           (5), respectively; and

19                   (iii) in paragraph (5) (as so redesi-  
20           gnated), by striking “subsection (e)(4)” and  
21           inserting “subsection (c)(4)”;

22                  (D) by transferring subsections (d), (e),  
23           and (f) of section 138c of such title to section  
24           2926, as added by subparagraph (A), inserting  
25           those subsections after subsection (a) (as trans-

1           ferred and redesignated by subparagraph (B)),  
2           and redesignating those subsections as sub-  
3           sections (b), (c), and (d), respectively;

4           (E) in subsections (a), (b), (c), and (d) of  
5           section 2926 (as transferred and redesignated  
6           by subparagraphs (B) and (D)), by inserting  
7           “of Defense for Installations, Energy, and En-  
8           vironment” after “Assistant Secretary” the first  
9           place it appears in each such subsection; and

10          (F) in subsection (b) of section 2926 (as  
11          transferred and redesignated by subparagraph  
12          (D)), by striking “provide guidance to, and con-  
13          sult with, the Secretary of Defense, the Deputy  
14          Secretary of Defense, the Secretaries of the  
15          military departments,” and inserting “make  
16          recommendations to the Secretary of Defense  
17          and Deputy Secretary of Defense and provide  
18          guidance to the Secretaries of the military de-  
19          partments”.

20          (3) REPEAL OF FORMER PROVISION.—Sections  
21          138c of such title is repealed.

22          (b) DEPUTY CHIEF MANAGEMENT OFFICER.—Sub-  
23          section (b) of section 132a of such title is amended to read  
24          as follows:

1       “(b) RESPONSIBILITIES.—Subject to the authority,  
2 direction, and control of the Secretary of Defense, the  
3 Deputy Chief Management Officer shall perform such du-  
4 ties and exercise such powers as the Secretary may pre-  
5 scribe. The Deputy Chief Management Officer shall—

6           “(1) assist the Deputy Secretary of Defense in  
7 the Deputy Secretary’s capacity as Chief Manage-  
8 ment Officer of the Department of Defense under  
9 section 132(c) of this title and perform those duties  
10 assigned by the Secretary of Defense or delegated by  
11 the Deputy Secretary pursuant to section 904(a)(2)  
12 of the National Defense Authorization Act for Fiscal  
13 Year 2008 (Public Law 110–181; 10 U.S.C. 132  
14 note);

15           “(2) assist the Deputy Secretary of Defense in  
16 the Deputy Secretary’s capacity as the Chief Oper-  
17 ating Officer of the Department of Defense under  
18 section 1123 of title 31;

19           “(3) establish policies for the strategic manage-  
20 ment and integration of the Department of Defense  
21 business operations and activities;

22           “(4) have the responsibilities specified for the  
23 Deputy Chief Management Officer for the purposes  
24 of section 2222 of this title; and



1           “(5) be the Performance Improvement Officer  
2 of the Department of Defense for the purposes of  
3 section 1124(a)(1) of title 31.”.

4           (c) CHIEF INFORMATION OFFICER OF THE DEPART-  
5 MENT OF DEFENSE.—

6           (1) STATUTORY ESTABLISHMENT OF POSI-  
7 TION.—Chapter 4 of such title is further amended  
8 by inserting after section 141 the following new sec-  
9 tion:

10 **“§ 142. Chief Information Officer**

11           “(a) There is a Chief Information Officer of the De-  
12 partment of Defense.

13           “(b)(1) The Chief Information Officer of the Depart-  
14 ment of Defense—

15           “(A) is the Chief Information Officer of the De-  
16 partment of Defense for the purposes of sections  
17 3506(a)(2) and 3544(a)(3) of title 44;

18           “(B) has the responsibilities and duties speci-  
19 fied in section 11315 of title 40; and

20           “(C) has the responsibilities specified for the  
21 Chief Information Officer in sections 2222, 2223(a),  
22 and 2224 of this title.

23           “(2) The Chief Information Officer shall perform  
24 such additional duties and exercise such powers as the  
25 Secretary of Defense may prescribe.

1       “(c) The Chief Information Officer takes precedence  
2 in the Department of Defense with the officials serving  
3 in positions specified in section 131(b)(4) of this title. The  
4 officials serving in positions specified in section 131(b)(4)  
5 and the Chief Information Officer of the Department of  
6 Defense take precedence among themselves in the order  
7 prescribed by the Secretary of Defense.”.

8               (2) PLACEMENT IN THE OFFICE OF THE SEC-  
9       RETARY OF DEFENSE.—Section 131(b) of such title  
10       is amended—

11               (A) by redesignating paragraphs (5)  
12               through (8) as paragraphs (6) through (9), re-  
13               spectively; and

14               (B) by inserting after paragraph (4) the  
15               following new paragraph (5):

16               “(5) The Chief Information Officer of the De-  
17       partment of Defense.”.

18       (d) REPEAL OF REQUIREMENT FOR DEFENSE BUSI-  
19       NESS SYSTEM MANAGEMENT COMMITTEE.—Section 186  
20       of title 10, United States Code, is repealed.

21       (e) ASSIGNMENT OF RESPONSIBILITY FOR DEFENSE  
22       BUSINESS SYSTEMS.—Section 2222 of such title is  
23       amended—

24               (1) in subsection (a)—

1 (A) by inserting “and” at the end of para-  
2 graph (1);

3 (B) by striking “; and” at the end of para-  
4 graph (2) and inserting a period; and

5 (C) by striking paragraph (3);

6 (2) in subsection (e)(1), by striking “Defense  
7 Business Systems Management Committee” and in-  
8 serting “investment review board established under  
9 subsection (g)”;

10 (3) in subsection (g)—

11 (A) in paragraph (1), by striking “, not  
12 later than March 15, 2012,”;

13 (B) in paragraph (2)(C), by striking  
14 “each” the first place it appears and inserting  
15 “the”; and

16 (C) in paragraph (2)(F), by striking “and  
17 the Defense Business Systems Management  
18 Committee, as required by section 186(c) of  
19 this title.”.

20 (f) DEADLINE FOR ESTABLISHMENT OF INVEST-  
21 MENT REVIEW BOARD AND INVESTMENT MANAGEMENT  
22 PROCESS.—The investment review board and investment  
23 management process required by section 2222(g) of title  
24 10, United States Code, as amended by subsection (e)(5),  
25 shall be established not later than March 15, 2015.

1           (g) ELIMINATION AND INTEGRATION OF SEPARATE  
2 STATUTORY SECTIONS FOR CERTAIN PRESCRIBED AS-  
3 SISTANT SECRETARY OF DEFENSE POSITIONS.—Chapter  
4 4 of title 10, United States Code, is further amended as  
5 follows:

6           (1) ASSISTANT SECRETARY OF DEFENSE FOR  
7 LOGISTICS AND MATERIEL READINESS.—Paragraph  
8 (7) of section 138(b) is amended—

9           (A) by inserting after “Readiness” in the  
10 first sentence the following: “who shall be ap-  
11 pointed from among persons with an extensive  
12 background in the sustainment of major weap-  
13 ons systems and combat support equipment”;

14           (B) by striking the second sentence;

15           (C) by transferring to the end of that  
16 paragraph (as amended by subparagraph (B))  
17 the text of subsection (b) of section 138a of  
18 such title;

19           (D) by transferring to the end of that  
20 paragraph (as amended by subparagraph (C))  
21 the text of subsection (c) of section 138a of  
22 such title; and

23           (E) by redesignating paragraphs (1)  
24 through (3) in the text transferred by subpara-

1 graph (C) of this paragraph as subparagraphs  
2 (A) through (C), respectively.

3 (2) ASSISTANT SECRETARY OF DEFENSE FOR  
4 RESEARCH AND ENGINEERING.—Paragraph (8) of  
5 such section is amended—

6 (A) by striking the second sentence and in-  
7 serting the text of subsection (a) of section  
8 138b;

9 (B) by inserting after the text added by  
10 subparagraph (A) of this paragraph the fol-  
11 lowing: “The Assistant Secretary, in consulta-  
12 tion with the Deputy Assistant Secretary of De-  
13 fense for Developmental Test and Evaluation,  
14 shall—”;

15 (C) by transferring paragraphs (1) and (2)  
16 of subsection (b) of section 138b to the end of  
17 that paragraph (as amended by subparagraphs  
18 (A) and (B)), indenting those paragraphs 2 ems  
19 from the left margin, and redesignating those  
20 paragraphs as subparagraphs (A) and (B), re-  
21 spectively;

22 (D) in subparagraph (A) (as so transferred  
23 and redesignated)—

1 (i) by striking “The Assistant Sec-  
2 retary” and all that follows through “Test  
3 and Evaluation, shall”; and

4 (ii) by striking the period at the end  
5 and inserting “; and”; and

6 (E) in subparagraph (B) (as so transferred  
7 and redesignated), by striking “The Assistant  
8 Secretary” and all that follows through “Test  
9 and Evaluation, shall”.

10 (3) ASSISTANT SECRETARY OF DEFENSE FOR  
11 NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE  
12 PROGRAMS.—Paragraph (10) of such section is  
13 amended—

14 (A) by striking the second sentence and in-  
15 serting the text of subsection (b) of section  
16 138d; and

17 (B) by inserting after the text added by  
18 subparagraph (A) of this paragraph the text of  
19 subsection (a) of such section and in that text  
20 as so inserted—

21 (i) by striking “of Defense for Nu-  
22 clear, Chemical, and Biological Defense  
23 Programs”; and

1 (ii) by redesignating paragraphs (1)  
2 through (3) as subparagraphs (A) through  
3 (C), respectively.

4 (4) REPEAL OF SEPARATE SECTIONS.—Sections  
5 138a, 138b, and 138d are repealed.

6 (h) CODIFICATION OF RESTRICTIONS ON USE OF  
7 THE DEPUTY UNDER SECRETARY OF DEFENSE TITLE.—

8 (1) CODIFICATION.—Section 137a(a) of title  
9 10, United States Code, is amended by adding at  
10 the end the following new paragraph:

11 “(3) The officials authorized under this section shall  
12 be the only Deputy Under Secretaries of Defense.”.

13 (2) CONFORMING REPEAL.—Section 906(a)(2)  
14 of the National Defense Authorization Act for Fiscal  
15 Year 2010 (Public Law 111–84; 123 Stat. 2426; 10  
16 U.S.C. 137a note) is repealed.

17 (3) CONFORMING AMENDMENT FOR THE VA-  
18 CANCY REFORM ACT OF 1998.—Section 137a(b) of  
19 title 10, United States Code, is amended by striking  
20 “is absent or disabled” and inserting “dies, resigns,  
21 or is otherwise unable to perform the functions and  
22 duties of the office”.

23 (i) CLARIFICATION OF ORDER OF PRECEDENCE FOR  
24 THE PRINCIPAL DEPUTY UNDER SECRETARIES OF DE-

1 FENSE AND THE ASSISTANT SECRETARIES OF DE-  
2 FENSE.—

3           (1) Subsection (d) of section 137a of title 10,  
4           United States Code, is amended by striking “and  
5           the Deputy Chief Management Officer of the De-  
6           partment of Defense” and inserting “the Deputy  
7           Chief Management Officer of the Department of De-  
8           fense, and the officials serving in the positions speci-  
9           fied in section 131(b)(4) of this title and the Chief  
10          Information Officer of the Department of Defense”.

11          (2) Subsection (d) of section 138 of such title  
12          is amended by inserting “and the Chief Information  
13          Officer of the Department of Defense” after “section  
14          131(b)(4) of this title”.

15          (j) CONFORMING AMENDMENT TO PRIOR REDUC-  
16          TION IN THE NUMBER OF ASSISTANT SECRETARIES OF  
17          DEFENSE.—Section 5315 of title 5, United States Code,  
18          is amended by striking “Assistant Secretaries of Defense  
19          (16)” and inserting “Assistant Secretaries of Defense  
20          (14)”.

21          (k) CLERICAL AND CONFORMING AMENDMENTS.—  
22          Title 10, United States Code, is amended as follows:

23                (1) The table of sections at the beginning of  
24                chapter 4 is amended—



1 (A) by striking the items relating to sec-  
2 tions 138a, 138b, 138c, and 138d; and

3 (B) by inserting after the item relating to  
4 section 141 the following new item:

“142. Chief Information Officer.”.

5 (2) Section 131(b)(8), as redesignated by sub-  
6 section (c)(2)(A), is amended—

7 (A) by redesignating subparagraphs (A)  
8 through (H) as subparagraphs (B) through (I),  
9 respectively; and

10 (B) by inserting before subparagraph (B),  
11 as redesignated by subparagraph (A) of this  
12 paragraph, the following new subparagraph (A):

13 “(A) The two Deputy Directors within the Of-  
14 fice of the Director of Cost Assessment and Pro-  
15 gram Evaluation under section 139a(c) of this  
16 title.”.

17 (3) Section 132(b) is amended by striking “is  
18 disabled or there is no Secretary of Defense” and in-  
19 serting “dies, resigns, or is otherwise unable to per-  
20 form the functions and duties of the office”.

21 (4) The table of sections at the beginning of  
22 chapter 7 is amended by striking the item relating  
23 to section 186.

1           (5) The table of sections at the beginning of  
2           subchapter III of chapter 173 is amended by adding  
3           at the end the following new item:

“2926. Operational energy activities.”.

4           (6) Section 2925(b) is amended by striking  
5           “Operational Energy Plans and Programs” and in-  
6           serting “Installations, Energy, and Environment”.

7           (1) REFERENCES IN OTHER LAWS, ETC.—Any ref-  
8           erence in any provision or law other than title 10, United  
9           States Code, or in any rule, regulation, or other paper of  
10          the United States, to the Assistant Secretary of Defense  
11          for Operational Energy Plans and Programs or to the  
12          Deputy Under Secretary of Defense for Installations and  
13          Environment shall be treated as referring to the Assistant  
14          Secretary of Defense for Installations, Energy, and Envi-  
15          ronment.

16   **SEC. 902. REVISION OF SECRETARY OF DEFENSE AUTHOR-**  
17                           **ITY TO ENGAGE IN COMMERCIAL ACTIVITIES**  
18                           **AS SECURITY FOR INTELLIGENCE COLLEC-**  
19                           **TION ACTIVITIES.**

20          (a) PERMANENT AUTHORITY.—Section 431(a) of  
21          title 10, United States Code, is amended by striking the  
22          last sentence.

23          (b) PERIOD FOR REQUIRED AUDITS.—Section  
24          432(b)(2) of such title is amended by striking “annually”  
25          in the first sentence and inserting “biennially”.

1 **SEC. 903. PERMANENT AUTHORITY RELATING TO JURIS-**  
2 **DICTION OVER DEPARTMENT OF DEFENSE**  
3 **FACILITIES FOR INTELLIGENCE COLLECTION**  
4 **OR SPECIAL OPERATIONS ACTIVITIES**  
5 **ABROAD.**

6 Section 926 of the National Defense Authorization  
7 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
8 1541) is amended by striking subsection (b).

9 **SEC. 904. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**  
10 **REIMBURSEMENT OF COSTS OF ACTIVITIES**  
11 **FOR NONGOVERNMENTAL PERSONNEL AT**  
12 **DEPARTMENT OF DEFENSE REGIONAL CEN-**  
13 **TERS FOR SECURITY STUDIES.**

14 Section 941(b) of the Duncan Hunter National De-  
15 fense Authorization Act for Fiscal Year 2009 (Public Law  
16 110–417; 10 U.S.C. 184 note) is amended—

17 (1) in paragraph (1), by striking “through  
18 2014” and inserting “through 2015”; and

19 (2) by striking paragraphs (2) and (3).

20 **SEC. 905. ONE-YEAR EXTENSION OF AUTHORIZATION FOR**  
21 **NON-CONVENTIONAL ASSISTED RECOVERY**  
22 **CAPABILITIES.**

23 (a) **EXTENSION.**—Subsection (h) of section 943 of  
24 the Duncan Hunter National Defense Authorization Act  
25 for Fiscal Year 2009 (Public Law 110–417; 122 Stat.  
26 4579), as most recently amended by section 1241 of the

1 National Defense Authorization Act for Fiscal Year 2014  
2 (Public Law 113–66; 127 Stat. 920), is further amended  
3 by striking “2015” and inserting “2016”.

4 (b) CROSS-REFERENCE AMENDMENT.—Subsection  
5 (f) of such section is amended by striking “413b(e)” and  
6 inserting “3093(e)”.

7 **SEC. 906. AUTHORITY FOR SECRETARY OF DEFENSE TO EN-**  
8 **GAGE IN COMMERCIAL ACTIVITIES AS SECU-**  
9 **RITY FOR MILITARY OPERATIONS ABROAD.**

10 (a) AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVI-  
11 TIES AS SECURITY FOR MILITARY OPERATIONS.—Sub-  
12 section (a) of section 431 of title 10, United States Code,  
13 is amended by inserting “and military operations” after  
14 “intelligence collection activities”.

15 (b) CONGRESSIONAL COMMITTEE REFERENCES.—

16 (1) DEFINITIONS.—Subsection (c) of such sec-  
17 tion is amended by adding at the end the following  
18 new paragraphs:

19 “(3) The term ‘congressional intelligence com-  
20 mittees’ has the meaning given that term in section  
21 3 of the National Security Act of 1947 (50 U.S.C.  
22 3003).

23 “(4) The term ‘appropriate congressional com-  
24 mittees’ means—

1           “(A) with respect to a matter that pertains  
2           to a commercial activity undertaken under this  
3           subchapter to provide security for intelligence  
4           collection activities, the congressional defense  
5           committees and the congressional intelligence  
6           committees; and

7           “(B) with respect to a matter that pertains  
8           to a commercial activity undertaken under this  
9           subchapter to provide security for military oper-  
10          ations, the Committee on Armed Services of the  
11          Senate and the Committee on Armed Services  
12          of the House of Representatives.”.

13          (2) CONFORMING AMENDMENT.—Section 437  
14          of such title is amended by striking subsection (c).

15          (c) REPORTING OF AUDITS.—The second sentence of  
16          section 432(b)(2) of such title is amended to read as fol-  
17          lows: “The results of any such audit shall be promptly re-  
18          ported to the appropriate congressional committees.”.

19          (d) AUTHORITY TO WAIVE OTHER FEDERAL LAWS  
20          WHEN NECESSARY TO MAINTAIN SECURITY.—Section  
21          433(b)(1) of such title is amended by inserting “or mili-  
22          tary operation” after “intelligence activity”.

23          (e) LIMITATIONS.—Section 435 of such title is  
24          amended—



1 **“§ 431. Authority to engage in commercial activities**  
 2 **as security for intelligence collection ac-**  
 3 **tivities and military operations”.**

4 (B) The item relating to that section in the  
 5 table of sections at the beginning of subchapter II  
 6 of chapter 21 of such title is amended to read as fol-  
 7 lows:

“431. Authority to engage in commercial activities as security for intelligence  
 collection activities and military operations.”.

8 **SEC. 907. STATUTORY STREAMLINING TO ENABLE DEFENSE**  
 9 **COMMISSARY AGENCY TO BECOME PAR-**  
 10 **TIALLY SELF-SUSTAINING.**

11 (a) **COMPETITION REQUIREMENTS FOR CON-**  
 12 **TRACTS.**—Section 2304(c)(5) of title 10, United States  
 13 Code, is amended by striking “brand-name”.

14 (b) **PURPOSE OF THE COMMISSARY SYSTEM.**—Sec-  
 15 tion 2481 of such title is amended—

16 (1) in subsection (a), by striking “, at reduced  
 17 prices,”;

18 (2) in subsection (b)—

19 (A) by inserting “each” before “intended”;

20 and

21 (B) by inserting “and provide access to  
 22 products for” after “life of”; and

23 (3) by striking subsection (d).

1 (c) CRITERIA FOR ESTABLISHMENT OR CLOSURE OF  
2 COMMISSARY STORES.—

3 (1) CRITERIA FOR ESTABLISHMENT.—Sub-  
4 section (a) of section 2482 of such title is amend-  
5 ed—

6 (A) by inserting “(1)” after “ESTABLISH-  
7 MENT.—”;

8 (B) by redesignating paragraphs (1) and  
9 (2) as subparagraphs (A) and (B), respectively;

10 (C) in subparagraph (A), as so redesign-  
11 ated, by inserting “outside the United States”  
12 after “commissary store”; and

13 (D) by adding at the end the following new  
14 paragraph:

15 “(2) The feasibility of cost recovery shall be the  
16 primary consideration whenever the Secretary of De-  
17 fense—

18 “(A) assesses the need to establish a com-  
19 missary store in the United States; and

20 “(B) selects the actual location for the  
21 store.”.

22 (2) CRITERIA FOR CLOSURE.—Paragraph (1) of  
23 subsection (c) of such section is amended by striking  
24 “Whenever assessing” and all that follows and in-  
25 serting “Whenever the Secretary of Defense is as-



1       sessing whether to close a commissary store, the fol-  
 2       lowing shall be primary considerations in such as-  
 3       sessment:

4               “(A) The extent by which the operation of the  
 5       commissary store is able to recover costs.

6               “(B) The effect of the closure on the quality of  
 7       life of members of the armed forces on active duty  
 8       and their dependents who use the store and on the  
 9       welfare and security of the military community in  
 10      which the commissary is located.”.

11      (d) FINANCING OF COMMISSARY SYSTEM OPERATING  
 12      EXPENSES AND INVENTORIES.—

13              (1) IN GENERAL.—Section 2483 of such title is  
 14      amended to read as follows:

15      **“§ 2483. Commissary stores: use of defense working**  
 16                      **capital funds to cover operating expenses**  
 17                      **and to finance resale inventories**

18              “(a) OPERATION OF AGENCY AND SYSTEM.—Except  
 19      as otherwise provided in this title, working capital funds  
 20      established under section 2208 of this title shall be used  
 21      to fund the operations and merchandise resale inventories  
 22      of the defense commissary system. Those working capital  
 23      funds shall be credited with such amounts as are appro-  
 24      priated for such purposes and with receipts described in  
 25      subsections (c) and (d).

1       “(b) OPERATING EXPENSES.—Working capital funds  
2 established under section 2208 of this title shall be used  
3 to finance operating expenses of the defense commissary  
4 system and the acquisition of merchandise resale inven-  
5 tories. Operating expenses of the defense commissary sys-  
6 tem include the following:

7           “(1) Salaries and wages of employees of the  
8 United States, host nations, and contractors sup-  
9 porting commissary store operations.

10          “(2) Utilities.

11          “(3) Communications.

12          “(4) Operating supplies and services.

13          “(5) Second destination transportation costs as  
14 authorized by section 2643 of this title.

15          “(6) Any cost associated with above-store-level  
16 management or other indirect support of a com-  
17 missary store or a central product processing facil-  
18 ity, including equipment maintenance and informa-  
19 tion technology costs.

20       “(c) FUNDING OF COMMISSARY OPERATIONS.—(1)

21 The defense commissary system shall be managed with the  
22 objectives of attaining—

23           “(A) uniform system-wide pricing; and

24           “(B) a proportional allocation of funding  
25 sources for operating expenses.

1       “(2) The Secretary of Defense shall seek to achieve  
2 the objective of attaining a proportional allocation of fund-  
3 ing sources for operating expenses for the defense com-  
4 missary system as follows:

5           “(A) The Secretary shall prepare an estimation  
6 of the portion of the total operating expenses for the  
7 defense commissary system that are allocable to op-  
8 erations overseas and at commissaries within the  
9 United States that are designated by the Secretary  
10 for appropriated fund support.

11          “(B) The portion of operating expenses esti-  
12 mated under subparagraph (A) shall be programmed  
13 to be financed through annual appropriations for de-  
14 fense working capital funds.

15          “(C) The estimation of the remaining portion of  
16 operating expenses for the defense commissary sys-  
17 tem shall be financed as described in paragraph (3)  
18 and shall be used to establish prices for commissary  
19 merchandise and services consistent with the objec-  
20 tive of attaining uniform system-wide pricing.

21       “(3) The portion of operating expenses for the de-  
22 fense commissary system that are not financed from ap-  
23 propriations for defense working capital funds shall be fi-  
24 nanced from receipts from the following (and from the ex-  
25 ercise of authority provided by section 2208 of this title):

1           “(A) The sale of products.

2           “(B) The sale of services.

3           “(C) Such other receipts generated from com-  
4           missary activities, except for surcharge collections  
5           authorized by section 2484(e) of this title, as des-  
6           ignated by the Secretary of Defense.

7           “(d) FUNDING OF MERCHANDISE RESALE INVEN-  
8           TORIES.—Prices established for resale merchandise shall  
9           include amounts sufficient to finance replenishment of in-  
10          ventories.”.

11           (2) CLERICAL AMENDMENT.—The item relating  
12          to such section in the table of sections at the begin-  
13          ning of subchapter I of chapter 147 of such title is  
14          amended to read as follows:

“2483. Commissary stores: use of defense working capital funds to cover oper-  
ating expenses and to finance resale inventories.”.

15          (e) MERCHANDISE AND PRICING.—Section 2484 of  
16          such title is amended—

17           (1) by striking subsection (f);

18           (2) by redesignating subsections (d) and (e) as  
19          subsections (e) and (f), respectively;

20           (3) by inserting after subsection (c) the fol-  
21          lowing new subsection (d):

22          “(d) FEE FOR SERVICES.—The Secretary of Defense  
23          may apply an additional user fee for services provided to  
24          commissary customers on orders of merchandise sold in

1 commissary stores by electronic or mobile commerce meth-  
2 ods commonly used in the retail supermarket sector.”;

3 (4) in subsection (c)(3)—

4 (A) in subparagraph (A), by striking “sub-  
5 sections (d) and (e)” and inserting “subsections  
6 (e) and (f)”;

7 (B) in subparagraph (B), by striking “sub-  
8 section (d)” and inserting “subsection (e)”;

9 (5) in subsection (e), as redesignated by para-  
10 graph (2), by striking “subsection (e)” and inserting  
11 “subsection (f)”;

12 (6) by amending subsection (f), as redesignated  
13 by paragraph (2), to read as follows:

14 “(f) SALES PRICE ESTABLISHMENT.—The Secretary  
15 of Defense shall establish the sales price of merchandise  
16 sold in, at, or by commissary stores in amounts sufficient  
17 to finance operating expenses as prescribed in section  
18 2483(b) of this title and the replenishment of inven-  
19 tories.”;

20 (7) in subsection (g)—

21 (A) by striking “subsections (d) and (e)”  
22 in paragraph (1) and inserting “subsections (e)  
23 and (f)”;

24 (B) by striking “subsection (d)” in para-  
25 graph (2) and inserting “subsection (e)”;

1 (8) in subsection (h)—

2 (A) by striking “subsection (d)” each place  
3 it appears and inserting “subsection (e)”; and

4 (B) by striking paragraph (5).

5 (f) OPERATION OF COMMISSARIES.—

6 (1) OPERATION BY PRIVATE PERSONS.—Sub-  
7 section (a) of section 2485 of such title is amended  
8 to read as follows:

9 “(a) OPERATION BY PRIVATE PERSONS.—

10 “(1) AUTHORITY.—When patron savings can be  
11 improved, or operating costs reduced, the Secretary  
12 of Defense may contract with private persons to op-  
13 erate selected commissary store functions.

14 “(2) LIMITATION.—The following functions  
15 may not be contracted for operation by a private  
16 person under paragraph (1):

17 “(A) Functions relating to the procure-  
18 ment of products to be sold in a commissary  
19 store, except for a full or substantially full  
20 product line acquired for resale from a whole-  
21 saler, distributor, or similar vendor.

22 “(B) Functions relating to the overall  
23 management of a commissary system or the  
24 management of a commissary store.

1           “(3) PERFORMANCE OF FUNCTIONS EXCLUDED  
2 FROM PERFORMANCE BY PRIVATE PERSONS.—Func-  
3 tions specified in paragraph (2) shall be carried out  
4 by personnel of the Department of Defense under  
5 regulations approved by the Secretary of Defense.”.

6           (2) CONTRACTS WITH OTHER AGENCIES AND  
7 INSTRUMENTALITIES.—Subsection (b) of such sec-  
8 tion is amended—

9                   (A) by striking “(1)” before “The De-  
10 fense”;

11                   (B) by inserting “goods or” after “provide  
12 or obtain”;

13                   (C) by striking “service provided by the  
14 United States Transportation Command” and  
15 inserting “good or service provided by any enti-  
16 ty of the United States in”; and

17                   (D) by striking paragraph (2).

18           (3) REPEAL OF SUPERCEDED PROVISIONS.—  
19 Such section is further amended—

20                   (A) in subsection (g), by striking para-  
21 graphs (3), (4), and (5); and

22                   (B) in subsection (h), by striking para-  
23 graph (5).

24           (4) CONFORMING CROSS-REFERENCE AMEND-  
25 MENTS.—Paragraphs (3) and (4) of subsection (e)

1 of such section are amended by striking “section  
2 2484(d)” and inserting “section 2484(e)”.

3 (g) REPEAL OF OBSOLETE AUTHORITY.—

4 (1) IN GENERAL.—Section 2685 of such title is  
5 repealed.

6 (2) CLERICAL AMENDMENT.—The table of sec-  
7 tions at the beginning of chapter 159 of such title  
8 is amended by striking the item relating to section  
9 2685.

10 (h) OVERSEAS TRANSPORTATION.—Section 2643(b)  
11 of such title is amended—

12 (1) in the first sentence, by striking “appro-  
13 priated funds” and inserting “defense working cap-  
14 ital funds”; and

15 (2) in the second sentence—

16 (A) by striking “also”; and

17 (B) by inserting “commissary and” after  
18 “transporting”.

19 (i) SUPERVISION OF COMMISSARY CONSTRUCTION  
20 PROJECTS.—Section 2851(b) of such title is amended by  
21 adding at the end the following new sentence: “However,  
22 a project for the construction of a commissary store, a  
23 commissary central product processing facility, or a shop-  
24 ping mall or similar facility for a commissary store and  
25 one or more nonappropriated fund instrumentality activi-



1 ties authorized under section 2484(h) of this title may be  
 2 accomplished under the direction and supervision of the  
 3 Director of the Defense Commissary Agency.”.

4 **TITLE X—GENERAL PROVISIONS**  
 5 **Subtitle A—Financial Matters**

6 **SEC. 1001. AUTHORITY FOR USE OF AMOUNTS RECOVERED**  
 7 **FOR DAMAGE TO GOVERNMENT PROPERTY.**

8 (a) **EXTENSION TO PERSONAL PROPERTY.**—The first  
 9 sentence of section 2782 of title 10, United States Code,  
 10 is amended by striking “real property” both places it ap-  
 11 pears and inserting “Government property”.

12 (b) **AVAILABILITY OF RECOVERED FUNDS.**—The sec-  
 13 ond sentence of such section is amended—

14 (1) by striking “In such amounts as are pro-  
 15 vided in advance in appropriation Acts, amounts”  
 16 and inserting “Amounts”;

17 (2) by inserting “merged with, and” before  
 18 “available for use”;

19 (3) by inserting “and for the same period”  
 20 after “same purposes”; and

21 (4) by inserting a comma after “circumstances  
 22 as”.

23 (c) **CLERICAL AMENDMENTS.**—

1           (1) SECTION HEADING.—The heading of such  
2 section is amended by striking “**real**” and inserting  
3 “**Government**”.

4           (2) TABLE OF SECTIONS.—The item relating to  
5 such section in the table of sections at the beginning  
6 of chapter 165 of such title is amended to read as  
7 follows:

“2782. Damage to Government property; disposition of amounts recovered.”.

8                           **Subtitle B—Counter-Drug**  
9                           **Activities**

10 **SEC. 1011. EXTENSION OF AUTHORITY TO SUPPORT UNI-**  
11 **FIED COUNTER-DRUG AND COUNTERTER-**  
12 **RORISM CAMPAIGN IN COLOMBIA AND OF**  
13 **NUMERICAL LIMITATION ON ASSIGNMENT OF**  
14 **UNITED STATES PERSONNEL IN COLOMBIA.**

15           Section 1021 of the Ronald W. Reagan National De-  
16 fense Authorization Act for Fiscal Year 2005 (Public Law  
17 108–375; 118 Stat. 2042), as most recently amended by  
18 section 1011 of the National Defense Authorization Act  
19 for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 843),  
20 is further amended—

21           (1) in subsection (a)(1), by striking “In fiscal  
22 years 2005 through 2014,” and inserting “During  
23 the period ending on December 31, 2017,”; and

1           (2) in subsection (c), by striking “in fiscal years  
2           2005 through 2014” and inserting “during the pe-  
3           riod ending on December 31, 2017,”.

## 4           **Subtitle C—Naval Vessels and** 5           **Shipyards**

6   **SEC. 1021. ELIMINATION OF REQUIREMENT THAT A QUALI-**  
7                           **FIED AVIATOR OR NAVAL FLIGHT OFFICER**  
8                           **BE IN COMMAND OF AN INACTIVATED NU-**  
9                           **CLEAR-POWERED AIRCRAFT CARRIER BE-**  
10                          **FORE DECOMMISSIONING.**

11          Section 5942(a) of title 10, United States Code, is  
12   amended—

13           (1) by inserting “(1)” after “(a)”; and

14           (2) by adding at the end the following new  
15   paragraph:

16           “(2) Paragraph (1) does not apply to command  
17   of a nuclear-powered aircraft carrier that has been  
18   inactivated for the purpose of permanent decommis-  
19   sioning and disposal.”.

20   **SEC. 1022. ENSURING OPERATIONAL READINESS OF LIT-**  
21                          **TORAL COMBAT SHIPS ON EXTENDED DE-**  
22                          **PLOYMENTS.**

23          (a) **AUTHORITY.**—Subsection (a) of section 7310 of  
24   title 10, United States Code, is amended—

1           (1) by inserting “UNDER THE JURISDICTION  
2           OF THE SECRETARY OF THE NAVY” in the sub-  
3           section heading after “VESSELS”;

4           (2) by striking “A naval vessel” and inserting  
5           “(1) Except as provided in paragraph (2), a naval  
6           vessel”; and

7           (3) by adding at the end the following new  
8           paragraph:

9           “(2)(A) Subject to subparagraph (B), in the case of  
10          a naval vessel that is classified as a Littoral Combat Ship  
11          and that is operating on deployment, corrective and pre-  
12          ventive maintenance or repair (whether intermediate or  
13          depot level) and facilities maintenance may be performed  
14          on the vessel—

15                 “(i) in a foreign shipyard;

16                 “(ii) at a facility outside of a foreign shipyard;

17          or

18                 “(iii) at any other facility convenient to the ves-

19          sel.

20                 “(B)(i) Corrective and preventive maintenance or re-  
21          pair may be performed on a vessel as described in sub-  
22          paragraph (A) only if the work is performed by United  
23          States Government personnel or United States contractor  
24          personnel.

1       “(ii) Facilities maintenance may be performed by a  
2 foreign contractor on a vessel as described in subpara-  
3 graph (A) only as approved by the Secretary of the  
4 Navy.”.

5       (b) DEFINITIONS.—Such section is further amended  
6 by adding at the end the following new subsection:

7       “(d) DEFINITIONS.—In this section:

8               “(1) The term ‘corrective and preventive main-  
9 tenance or repair’ means—

10                       “(A) maintenance or repair actions per-  
11 formed as a result of a failure in order to re-  
12 turn or restore equipment to acceptable per-  
13 formance levels; and

14                       “(B) scheduled maintenance or repair ac-  
15 tions intended to prevent or discover functional  
16 failures, including scheduled periodic mainte-  
17 nance requirements and integrated class main-  
18 tenance plan tasks that are time-directed main-  
19 tenance actions.

20               “(2) The term ‘facilities maintenance’ means—

21                       “(A) preservation or corrosion control ef-  
22 forts, encompassing surface preparation and  
23 preservation of the structural facility to mini-  
24 mize effects of corrosion; and

25                       “(B) cleaning services, encompassing—

1                   “(i) light surface cleaning of ship  
2                   structures and compartments; and

3                   “(ii) deep cleaning of bilges to remove  
4                   dirt, oily waste, and other foreign mat-  
5                   ter.”.

6           (c) CLERICAL AMENDMENTS.—

7                   (1) SECTION HEADING.—The heading of such  
8                   section is amended to read as follows:

9           **“§ 7310. Overhaul, repair, and maintenance of vessels**  
10                   **in foreign shipyards and facilities: re-**  
11                   **strictions; exceptions”.**

12                   (2) TABLE OF SECTIONS.—The table of sections  
13                   at the beginning of chapter 633 of such title is  
14                   amended by striking the item relating to section  
15                   7310 and inserting the following:

                  “7310. Overhaul, repair, and maintenance of vessels in foreign shipyards and  
                  facilities: restrictions; exceptions.”.

16   **SEC. 1023. AUTHORITY FOR LIMITED COASTWISE TRADE**  
17                   **FOR CERTAIN VESSELS PROVIDING TRANS-**  
18                   **PORTATION SERVICES UNDER A SHIP-**  
19                   **BUILDING OR SHIP REPAIR CONTRACT WITH**  
20                   **THE SECRETARY OF THE NAVY.**

21                   (a) IN GENERAL.—Chapter 645 of title 10, United  
22                   States Code, is amended by adding at the end the fol-  
23                   lowing new section:

1 **“§ 7525. Limited coastwise trade**

2 “(a) DEFINITION.—In this section, the term ‘con-  
3 tractor-owned vessel’ means a dry dock, a tugboat, or a  
4 towing vessel that—

5 “(1) was built in the United States;

6 “(2) is owned or operated by an individual or  
7 entity that—

8 “(A) is under contract with the Navy to  
9 construct, maintain, or repair a vessel of the  
10 Navy; and

11 “(B) in conjunction with such contract, is  
12 operating under a special security agreement  
13 with the Secretary of Defense;

14 “(3) is used, pursuant to such contract, to con-  
15 struct, maintain, or repair a vessel of the Navy; and

16 “(4) is manned by United States citizens.

17 “(b) IN GENERAL.—A contractor-owned vessel may,  
18 at the direction of the Secretary of the Navy, engage in  
19 coastwise trade for the exclusive purpose of performing a  
20 contract with the Navy to construct, maintain, or repair  
21 a vessel of the Navy, and any law pertaining to coastwise  
22 trade shall not apply to such vessel, the owner or operator  
23 of such vessel, or the operation of such vessel.

24 “(c) NOTICE.—The Secretary of the Navy shall pro-  
25 vide notice to the Secretary of Homeland Security if a con-

1 tractor-owned vessel is authorized, pursuant to this sec-  
2 tion, to engage in coastwise trade.

3 “(d) LIMITATION.—An authorization to engage in  
4 coastwise trade pursuant to this section shall be non-  
5 transferrable and shall expire—

6 “(1) on the date of the sale of the contractor-  
7 owned vessel;

8 “(2) on the date of the contract with the Navy  
9 to construct, maintain, or repair a vessel of the  
10 Navy expires or that the Secretary of the Navy ter-  
11 minates such contract; or

12 “(3) in the event that the Secretary of Defense  
13 terminates the special security agreement with the  
14 contractor that owns the vessel.”.

15 (b) CLERICAL AMENDMENT.—The table of sections  
16 at the beginning of such chapter is amended by adding  
17 at the end the following new item:

“7525. Limited coastwise trade.”.



1 **Subtitle D—Sexual Assault Preven-**  
2 **tion and Response Related Re-**  
3 **forms**

4 **SEC. 1031. REPEAL OF OUTDATED REQUIREMENT TO DE-**  
5 **VELOP COMPREHENSIVE MANAGEMENT**  
6 **PLAN TO ADDRESS DEFICIENCIES IN THE**  
7 **DATA CAPTURED IN THE DEFENSE INCIDENT-**  
8 **BASED REPORTING SYSTEM.**

9 Section 543(a) of the Ike Skelton National Defense  
10 Authorization Act for Fiscal Year 2011 (Public Law 111–  
11 383; 10 U.S.C. 1562 note) is amended—

12 (1) by striking paragraph (1); and

13 (2) by redesignating paragraphs (2) through  
14 (4) as paragraphs (1) through (3), respectively.

15 **SEC. 1032. REVISION TO REQUIREMENTS RELATING TO DE-**  
16 **PARTMENT OF DEFENSE POLICY ON RETEN-**  
17 **TION OF EVIDENCE IN A SEXUAL ASSAULT**  
18 **CASE TO ALLOW RETURN OF PERSONAL**  
19 **PROPERTY UPON COMPLETION OF RELATED**  
20 **PROCEEDINGS.**

21 Section 586 of the National Defense Authorization  
22 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
23 1435; 10 U.S.C. 1561 note) is amended by adding at the  
24 end the following new subsection:

1       “(f) RETURN OF PERSONAL PROPERTY UPON COM-  
2 PLETION OF RELATED PROCEEDINGS.—Notwithstanding  
3 subsection (c)(4)(A), personal property retained as evi-  
4 dence in connection with an incident of sexual assault in-  
5 volving a member of the armed forces may be returned  
6 to the rightful owner of such property after the conclusion  
7 of all legal, adverse action, and administrative proceedings  
8 related to such incident.”.

## 9                   **Subtitle E—Other Matters**

### 10 **SEC. 1041. TECHNICAL AND CLERICAL AMENDMENTS.**

11       (a) AMENDMENT TO NATIONAL DEFENSE AUTHOR-  
12 IZATION ACT FOR FISCAL YEAR 2013.—Effective as of  
13 January 2, 2013, and as if included therein as enacted,  
14 section 604(b)(1) of the National Defense Authorization  
15 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.  
16 1774) is amended by striking “the National Defense Au-  
17 thorization Act for Fiscal Year 2013” and inserting “this  
18 Act”.

19       (b) AMENDMENTS TO TITLE 10, UNITED STATES  
20 CODE, TO REFLECT ENACTMENT OF TITLE 41, UNITED  
21 STATES CODE.—Title 10, United States Code, is amended  
22 as follows:

23               (1) Section 2013(a)(1) is amended by striking  
24       “section 6101(b)–(d) of title 41” and inserting “sec-  
25       tion 6101 of title 41”.

1 (2) Section 2302 is amended—

2 (A) in paragraph (7), by striking “section  
3 4 of such Act” and inserting “such section”;  
4 and

5 (B) in paragraph (9)(A)—

6 (i) by striking “section 26 of the Of-  
7 fice of Federal Procurement Policy Act (41  
8 U.S.C. 422)” and inserting “chapter 15 of  
9 title 41”; and

10 (ii) by striking “such section” and in-  
11 sserting “such chapter”.

12 (3) Section 2306a(b)(3)(B) is amended by  
13 striking “section 4(12)(C)(i) of the Office of Federal  
14 Procurement Policy Act (41 U.S.C. 403(12)(C)(i))”  
15 and inserting “section 103(3)(A) of title 41”.

16 (4) Section 2314 is amended by striking “Sec-  
17 tions 6101(b)–(d)” and inserting “Sections 6101”.

18 (5) Section 2321(f)(2) is amended by striking  
19 “section 35(c) of the Office of Federal Procurement  
20 Policy Act (41 U.S.C. 431(c))” and inserting “sec-  
21 tion 104 of title 41”.

22 (6) Section 2359b(k)(4)(A) is amended by  
23 striking “section 4 of the Office of Federal Procure-  
24 ment Policy Act (41 U.S.C. 403)” and inserting  
25 “section 110 of title 41”.

1 (7) Section 2379 is amended—

2 (A) in subsections (a)(1)(A), (b)(2)(A),  
3 and (c)(1)(B)(i), by striking “section 4(12) of  
4 the Office of Federal Procurement Policy Act  
5 (41 U.S.C. 403(12))” and inserting “section  
6 103 of title 41”; and

7 (B) in subsections (b) and (c)(1), by strik-  
8 ing “section 35(c) of the Office of Federal Pro-  
9 curement Policy Act (41 U.S.C. 431(c))” and  
10 inserting “section 104 of title 41”.

11 (8) Section 2410m(b)(1) is amended—

12 (A) in subparagraph (A)(i), by striking  
13 “section 7 of such Act” and inserting “section  
14 7104(a) of such title”; and

15 (B) in subparagraph (B)(ii), by striking  
16 “section 7 of the Contract Disputes Act of  
17 1978” and inserting “section 7104(a) of title  
18 41”.

19 (9) Section 2533(a) is amended by striking  
20 “such Act” in the matter preceding paragraph (1)  
21 and inserting “chapter 83 of such title”.

22 (10) Section 2533b is amended—

23 (A) in subsection (h)—

24 (i) in paragraph (1), by striking “sec-  
25 tions 34 and 35 of the Office of Federal

1 Procurement Policy Act (41 U.S.C. 430  
2 and 431)” and inserting “sections 1906  
3 and 1907 of title 41”; and

4 (ii) in paragraph (2), by striking “sec-  
5 tion 35(c) of the Office of Federal Pro-  
6 curement Policy Act (41 U.S.C. 431(c))”  
7 and inserting “section 104 of title 41”;  
8 and

9 (B) in subsection (m)—

10 (i) in paragraph (2), by striking “sec-  
11 tion 4 of the Office of Federal Procure-  
12 ment Policy Act (41 U.S.C. 403)” and in-  
13 serting “section 105 of title 41”;

14 (ii) in paragraph (3), by striking “sec-  
15 tion 4 of the Office of Federal Procure-  
16 ment Policy Act (41 U.S.C. 403)” and in-  
17 serting “section 131 of title 41”; and

18 (iii) in paragraph (5), by striking  
19 “section 35(c) of the Office of Federal  
20 Procurement Policy Act (41 U.S.C.  
21 431(c))” and inserting “section 104 of title  
22 41”.

23 (11) Section 2545(1) is amended by striking  
24 “section 4(16) of the Office of Federal Procurement

1 Policy Act (41 U.S.C. 403(16))” and inserting “sec-  
2 tion 131 of title 41”.

3 (12) Section 7312(f) is amended by striking  
4 “Section 3709 of the Revised Statutes (41 U.S.C.  
5 5)” and inserting “Section 6101 of title 41”.

6 (c) AMENDMENTS TO OTHER DEFENSE-RELATED  
7 STATUTES TO REFLECT ENACTMENT OF TITLE 41,  
8 UNITED STATES CODE.—

9 (1) The Ike Skelton National Defense Author-  
10 ization Act for Fiscal Year 2011 (Public Law 111–  
11 383) is amended as follows:

12 (A) Section 846(a) (10 U.S.C. 2534 note)  
13 is amended—

14 (i) by striking “the Buy American Act  
15 (41 U.S.C. 10a et seq.)” and inserting  
16 “chapter 83 of title 41, United States  
17 Code”; and

18 (ii) by striking “that Act” and insert-  
19 ing “that chapter”.

20 (B) Section 866 (10 U.S.C. 2302 note) is  
21 amended—

22 (i) in subsection (b)(4)(A), by striking  
23 “section 26 of the Office of Federal Pro-  
24 curement Policy Act (41 U.S.C. 422)” and

1 inserting “chapter 15 of title 41, United  
2 States Code”; and

3 (ii) in subsection (e)(2)(A), by strik-  
4 ing “section 4(13) of the Office of Federal  
5 Procurement Policy Act (41 U.S.C.  
6 403(13))” and inserting “section 110 of  
7 title 41, United States Code”.

8 (C) Section 893(f)(2) (10 U.S.C. 2302  
9 note) is amended by striking “section 26 of the  
10 Office of Federal Procurement Policy Act (41  
11 U.S.C. 422)” and inserting “chapter 15 of title  
12 41, United States Code”.

13 (2) The National Defense Authorization Act for  
14 Fiscal Year 2008 (Public Law 110–181) is amended  
15 as follows:

16 (A) Section 805(c)(1) (10 U.S.C. 2330  
17 note) is amended—

18 (i) in subparagraph (A), by striking  
19 “section 4(12)(E) of the Office of Federal  
20 Procurement Policy Act (41 U.S.C.  
21 403(12)(E))” and inserting “section  
22 103(5) of title 41, United States Code”;  
23 and

24 (ii) in subparagraph (C)(i), by strik-  
25 ing “section 4(12)(F) of the Office of Fed-

1           eral Procurement Policy Act (41 U.S.C.  
2           403(12)(F))” and inserting “section  
3           103(6) of title 41, United States Code”.

4           (B) Section 821(b)(2) (10 U.S.C. 2304  
5           note) is amended by striking “section 4(12) of  
6           the Office of Federal Procurement Policy Act  
7           (41 U.S.C. 403(12))” and inserting “section  
8           103 of title 41, United States Code”.

9           (C) Section 847 (10 U.S.C. 1701 note) is  
10          amended—

11                 (i) in subsection (a)(5), by striking  
12                 “section 27(e) of the Office of Federal  
13                 Procurement Policy Act (41 U.S.C.  
14                 423(e))” and inserting “section 2105 of  
15                 title 41, United States Code”;

16                 (ii) in subsection (c)(1), by striking  
17                 “section 4(16) of the Office of Federal  
18                 Procurement Policy Act” and inserting  
19                 “section 131 of title 41, United States  
20                 Code”; and

21                 (iii) in subsection (d)(1), by striking  
22                 “section 27 of the Office of Federal Pro-  
23                 curement Policy Act (41 U.S.C. 423)” and  
24                 inserting “chapter 21 of title 41, United  
25                 States Code”.



1 (D) Section 862 (10 U.S.C. 2302 note) is  
2 amended—

3 (i) in subsection (b)(1), by striking  
4 “section 25 of the Office of Federal Pro-  
5 curement Policy Act (41 U.S.C. 421)” and  
6 inserting “section 1303 of title 41, United  
7 States Code”; and

8 (ii) in subsection (d)(1), by striking  
9 “section 6(j) of the Office of Federal Pro-  
10 curement Policy Act (41 U.S.C. 405(j))”  
11 and inserting “section 1126 of title 41,  
12 United States Code”.

13 (3) The John Warner National Defense Author-  
14 ization Act for Fiscal Year 2007 (Public Law 109–  
15 364) is amended as follows:

16 (A) Section 832(d)(3) (10 U.S.C. 2302  
17 note) is amended by striking “section 8(b) of  
18 the Service Contract Act of 1965 (41 U.S.C.  
19 357(b))” and inserting “section 6701(3) of title  
20 41, United States Code”.

21 (B) Section 852(b)(2)(A)(ii) (10 U.S.C.  
22 2324 note) is amended by striking “section  
23 4(12) of the Office of Federal Procurement Pol-  
24 icy Act (41 U.S.C. 403(12))” and inserting  
25 “section 103 of title 41, United States Code”.

1           (4) Section 8118 of the Department of Defense  
2 Appropriations Act, 2005 (Public Law 108–287; 10  
3 U.S.C. 2533a note), is amended by striking “section  
4 34 of the Office of Federal Procurement Policy Act  
5 (41 U.S.C. 430)” and inserting “section 1906 of  
6 title 41, United States Code”.

7           (5) The National Defense Authorization Act for  
8 Fiscal Year 2004 (Public Law 108–136) is amended  
9 as follows:

10           (A) Section 812(b)(2) (10 U.S.C. 2501  
11 note) is amended by striking “section  
12 6(d)(4)(A) of the Office of Federal Procure-  
13 ment Policy Act (41 U.S.C. 405(d)(4)(A))” and  
14 inserting “section 1122(a)(4)(A) of title 41,  
15 United States Code”.

16           (B) Section 1601(c) (10 U.S.C. 2358 note)  
17 is amended—

18           (i) in paragraph (1)(A), by striking  
19 “section 32A of the Office of Federal Pro-  
20 curement Policy Act, as added by section  
21 1443 of this Act” and inserting “section  
22 1903 of title 41, United States Code”; and  
23           (ii) in paragraph (2)(B), by striking  
24 “Subsections (a) and (b) of section 7 of  
25 the Anti-Kickback Act of 1986 (41 U.S.C.

1           57(a) and (b))” and inserting “Section  
2           8703(a) of title 41, United States Code”.

3           (6) Section 8025(c) of the Department of De-  
4           fense Appropriations Act, 2004 (Public Law 108-  
5           87; 10 U.S.C. 2410d note), is amended by striking  
6           “the Javits-Wagner-O’Day Act (41 U.S.C. 46-48)”  
7           and inserting “chapter 85 of title 41, United States  
8           Code”.

9           (7) Section 817(e)(1)(B) of the Bob Stump Na-  
10          tional Defense Authorization Act for Fiscal Year  
11          2003 (Public Law 107-314; 10 U.S.C. 2306a note)  
12          is amended by striking “section 26(f)(5)(B) of the  
13          Office of Federal Procurement Policy Act (41 U.S.C.  
14          422(f)(5)(B))” and inserting “section 1502(b)(3)(B)  
15          of title 41, United States Code”.

16          (8) Section 801(f)(1) of the National Defense  
17          Authorization Act for Fiscal Year 2002 (Public Law  
18          107-107; 10 U.S.C. 2330 note) is amended by strik-  
19          ing “section 16(3) of the Office of Federal Procure-  
20          ment Policy Act (41 U.S.C. 414(3))” and inserting  
21          “section 1702(c) (1) and (2) of title 41, United  
22          States Code”.

23          (9) Section 803(d) of the Strom Thurmond Na-  
24          tional Defense Authorization Act for Fiscal Year  
25          1999 (Public Law 105-261; 10 U.S.C. 2306a note)

1 is amended by striking “subsection (b)(1)(B) of sec-  
2 tion 304A of the Federal Property and Administra-  
3 tive Services Act of 1949 (41 U.S.C. 254b)” and in-  
4 serting “section 3503(a)(2) of title 41, United  
5 States Code”.

6 (10) Section 848(e)(1) of the National Defense  
7 Authorization Act for Fiscal Year 1998 (Public Law  
8 105–85; 10 U.S.C. 2304 note) is amended by strik-  
9 ing “section 32 of the Office of Federal Procure-  
10 ment Policy Act (41 U.S.C. 428)” and inserting  
11 “section 1902 of title 41, United States Code”.

12 (11) Section 722(b)(2) of the National Defense  
13 Authorization Act for Fiscal Year 1997 (Public Law  
14 104–201; 10 U.S.C. 1073 note) is amended by strik-  
15 ing “section 25(c) of the Office of Federal Procure-  
16 ment Policy Act (41 U.S.C. 421(c))” and inserting  
17 “section 1303(a) of title 41, United States Code”.

18 (12) Section 3412(k) of the National Defense  
19 Authorization Act for Fiscal Year 1996 (Public Law  
20 104–106, 10 U.S.C. 7420 note) is amended by strik-  
21 ing “section 303(c) of the Federal Property and Ad-  
22 ministrative Services Act of 1949 (41 U.S.C.  
23 253(c))” and inserting “section 3304(a) of title 41,  
24 United States Code”.

1           (13) Section 845 of the National Defense Au-  
2           thorization Act for Fiscal Year 1994 (Public Law  
3           103–160; 10 U.S.C. 2371 note) is amended—

4                   (A) in subsection (a)(2)(A), by striking  
5                   “section 16(c) of the Office of Federal Procure-  
6                   ment Policy Act (41 U.S.C. 414(c))” and in-  
7                   serting “section 1702(c) of title 41, United  
8                   States Code,”;

9                   (B) in subsection (d)(1)(B)(ii), by striking  
10                   “section 16(3) of the Office of Federal Procure-  
11                   ment Policy Act (41 U.S.C. 414(3))” and in-  
12                   serting “paragraphs (1) and (2) of section  
13                   1702(c) of title 41, United States Code”;

14                   (C) in subsection (e)(2)(A), by striking  
15                   “section 4(12) of the Office of Federal Procure-  
16                   ment Policy Act (41 U.S.C. 403(12))” and in-  
17                   serting “section 103 of title 41, United States  
18                   Code”; and

19                   (D) in subsection (h), by striking “section  
20                   27 of the Office of Federal Procurement Policy  
21                   Act (41 U.S.C. 423)” and inserting “chapter  
22                   21 of title 41, United States Code”.

23           (14) Section 326(c)(2) of the National Defense  
24           Authorization Act for Fiscal Year 1993 (Public Law  
25           102–484; 10 U.S.C. 2302 note) is amended by strik-

1 ing “section 25(c) of the Office of Federal Procure-  
2 ment Policy Act (41 U.S.C. 421(c))” and inserting  
3 “section 1303(a) of title 41, United States Code”.

4 (15) Section 806 of the National Defense Au-  
5 thorization Act for Fiscal Years 1992 and 1993  
6 (Public Law 102–190; 10 U.S.C. 2302 note) is  
7 amended—

8 (A) in subsection (b), by striking “section  
9 4(12) of the Office of Federal Procurement Pol-  
10 icy Act” and inserting “section 103 of title 41,  
11 United States Code”; and

12 (B) in subsection (c)—

13 (i) by striking “section 25(a) of the  
14 Office of Federal Procurement Policy Act”  
15 and inserting “section 1302(a) of title 41,  
16 United States Code”; and

17 (ii) by striking “section 25(c)(1) of  
18 the Office of Federal Procurement Policy  
19 Act (41 U.S.C. 421(c)(1))” and inserting  
20 “section 1303(a)(1) of such title 41”.

21 (16) Section 831 of the National Defense Au-  
22 thorization Act for Fiscal Year 1991 (Public Law  
23 101–510, 10 U.S.C. 2302 note) is amended—

1 (A) by designating the subsection after  
2 subsection (k), relating to definitions, as sub-  
3 section (l); and

4 (B) in paragraph (8) of that subsection, by  
5 striking “the first section of the Act of June  
6 25, 1938 (41 U.S.C. 46; popularly known as  
7 the ‘Wagner-O’Day Act’)” and inserting “sec-  
8 tion 8502 of title 41, United States Code”.

9 (d) AMENDMENTS TO TITLE 10, UNITED STATES  
10 CODE, TO REFLECT RECLASSIFICATION OF PROVISIONS  
11 OF LAW CODIFIED IN TITLE 50, UNITED STATES  
12 CODE.—Title 10, United States Code, is amended as fol-  
13 lows:

14 (1) Sections 113(b), 125(a), and 155(d) are  
15 amended by striking “(50 U.S.C. 401)” and insert-  
16 ing “(50 U.S.C. 3002)”.

17 (2) Sections 113(e)(2), 117(a)(1), 118(b)(1),  
18 118a(b)(1), 153(b)(1)(C)(i), 231(b)(1), and  
19 231a(c)(1) are amended by striking “(50 U.S.C.  
20 404a)” and inserting “(50 U.S.C. 3043)”.

21 (3) Sections 167(g) and 421(c) are amended by  
22 striking “(50 U.S.C. 413 et seq.)” and inserting  
23 “(50 U.S.C. 3091 et seq.)”.

1           (4) Section 201(b)(1) is amended by striking  
2           “(50 U.S.C. 403–6(b))” and inserting “(50 U.S.C.  
3           3041(b))”.

4           (5) Section 429 is amended—

5                 (A) in subsection (a), by striking “(50  
6           U.S.C. 403–1)” and inserting “(50 U.S.C.  
7           3024)”; and

8                 (B) in subsection (e), by striking “(50  
9           U.S.C. 401a(4))” and inserting “(50 U.S.C.  
10           3003(4))”.

11           (6) Section 442(d) is amended by striking “(50  
12           U.S.C. 404e(a))” and inserting “(50 U.S.C.  
13           3045(a))”.

14           (7) Section 444 is amended—

15                 (A) in subsection (b)(2), by striking “(50  
16           U.S.C. 403o)” and inserting “(50 U.S.C.  
17           3515)”; and

18                 (B) in subsection (e)(2)(B), by striking  
19           “(50 U.S.C. 403a et seq.)” and inserting “(50  
20           U.S.C. 3501 et seq.)”.

21           (8) Section 457 is amended—

22                 (A) in subsection (a), by striking “(50  
23           U.S.C. 431)” and inserting “(50 U.S.C.  
24           3141)”; and



1 (B) in subsection (c), by striking “(50  
2 U.S.C. 431(b))” and inserting “(50 U.S.C.  
3 3141(b))”.

4 (9) Section 462 is amended by striking “(50  
5 U.S.C. 402 note)” and inserting “(50 U.S.C.  
6 3614)”.

7 (10) Sections 491(c)(3), 494(d)(1), and  
8 496(a)(1) are amended by striking “(50 U.S.C.  
9 401a(4))” and inserting “(50 U.S.C. 3003(4))”.

10 (11) Section 1599a(a) is amended by striking  
11 “(50 U.S.C. 402 note)” and inserting “(50 U.S.C.  
12 3614)”.

13 (12) Section 1605(a)(2) is amended by striking  
14 “(50 U.S.C. 403r)” and inserting “(50 U.S.C.  
15 3518)”.

16 (13) Section 1623(a) is amended by striking  
17 “(50 U.S.C. 402 note)” and inserting “(50 U.S.C.  
18 3614)”.

19 (14) Section 2409(e) is amended by striking  
20 “(50 U.S.C. 401a(4))” and inserting “(50 U.S.C.  
21 3003(4))”.

22 (15) Section 2501(a)(1)(A) is amended by  
23 striking “(50 U.S.C. 404a)” and inserting “(50  
24 U.S.C. 3043)”.

1           (16) Sections 2557(c) and 2723(d)(2) are  
2           amended by striking “(50 U.S.C. 413)” and insert-  
3           ing “(50 U.S.C. 3091)”.

4           (e) AMENDMENTS TO OTHER DEFENSE-RELATED  
5 STATUTES TO REFLECT RECLASSIFICATION OF PROVI-  
6 SIONS OF LAW CODIFIED IN TITLE 50, UNITED STATES  
7 CODE.—

8           (1) The following provisions of law are amended  
9           by striking “(50 U.S.C. 401a(4))” and inserting  
10          “(50 U.S.C. 3003(4))”:

11           (A) Section 911(3) of the Ike Skelton Na-  
12          tional Defense Authorization Act for Fiscal  
13          Year 2011 (Public Law 111–383; 10 U.S.C.  
14          2271 note).

15           (B) Sections 801(b)(3) and 911(e)(2) of  
16          the National Defense Authorization Act for Fis-  
17          cal Year 2008 (Public Law 110–181; 10 U.S.C.  
18          2304 note; 2271 note).

19           (C) Section 812(e) of the National Defense  
20          Authorization Act for Fiscal Year 2004 (Public  
21          Law 108–136; 10 U.S.C. 2501 note).

22           (2) Section 901(d) of the Bob Stump National  
23          Defense Authorization Act for Fiscal Year 2003  
24          (Public Law 107–314; 10 U.S.C. 137 note) is

1 amended by striking “(50 U.S.C. 401 et seq.)” and  
2 inserting “(50 U.S.C. 3001 et seq.)”.

3 (f) OTHER CROSS-REFERENCE AMENDMENTS.—

4 (1) TITLE 10, UNITED STATES CODE.—Title 10,  
5 United States Code, is amended as follows:

6 (A) Section 2430(c)(2) is amended by  
7 striking “section 2366a(a)(4)” and inserting  
8 “section 2366a(a)(7)”.

9 (B) Section 7292(d)(2) is amended by  
10 striking “section 1024(a)” and inserting “sec-  
11 tion 1018(a)”.

12 (2) TITLE 40, UNITED STATES CODE.—Section  
13 591(b)(2)(A) of title 40, United States Code, is  
14 amended by striking “section 2394 of title 10” and  
15 inserting “section 2922a of title 10”.

16 (g) DATE OF ENACTMENT REFERENCES.—Title 10,  
17 United States Code, is amended as follows:

18 (1) Section 1218(d)(3) is amended by striking  
19 “on the date that is five years after the date of the  
20 enactment of the National Defense Authorization  
21 Act for Fiscal Year 2010” and inserting “on Octo-  
22 ber 28, 2014”.

23 (2) Section 1566a(a) is amended by striking  
24 “Not later than 180 days after the date of the en-  
25 actment of the National Defense Authorization Act

1 for Fiscal Year 2010 and under” and inserting  
2 “Under”.

3 (3) Section 2275(d) is amended—

4 (A) in paragraph (1), by striking “before  
5 the date of the enactment of the National De-  
6 fense Authorization Act for Fiscal Year 2013”  
7 and inserting “before January 2, 2013”; and

8 (B) in paragraph (2), by striking “on or  
9 after the date of the enactment of the National  
10 Defense Authorization Act for Fiscal Year  
11 2013” and inserting “on or after January 2,  
12 2013”.

13 (4) Section 2601a(e) is amended by striking  
14 “after the date of the enactment of the National De-  
15 fense Authorization Act for Fiscal Year 2012” and  
16 inserting “after December 31, 2011,”.

17 (5) Section 6328(c) is amended by striking “on  
18 or after the date of the enactment of the National  
19 Defense Authorization Act for Fiscal Year 2010”  
20 and inserting “after October 27, 2009,”.

21 (h) OTHER AMENDMENTS TO TITLE 10, UNITED  
22 STATES CODE.—Title 10, United States Code, is amended  
23 as follows:

24 (1) Section 118 is amended by striking sub-  
25 section (g).

1           (2) Section 407(a)(3)(A) is amended by striking  
2 the comma after “as applicable”.

3           (3) Section 429 is amended—

4                 (A) in subsection (a), by striking “Section”  
5 in the second sentence and inserting “section”;  
6 and

7                 (B) in subsection (c), by striking “act”  
8 and inserting “law”.

9           (4) Section 1074m(a)(2) is amended by striking  
10 “subparagraph” in the matter preceding subpara-  
11 graph (A) and inserting “subparagraphs”.

12           (5) Section 1154(a)(2)(A)(ii) is amended by  
13 striking “U.S.C.1411” and inserting “U.S.C. 1411”.

14           (6) Section 2222(g)(3) is amended by striking  
15 “(A)” after “(3)”.

16           (7) Section 2335(d) is amended—

17                 (A) by designating the last sentence of  
18 paragraph (2) as paragraph (3); and

19                 (B) in paragraph (3), as so designated—

20                         (i) by inserting before “Each of” the  
21 following paragraph heading: “OTHER  
22 TERMS.—”;

23                         (ii) by striking “the term” and insert-  
24 ing “that term”; and

1 (iii) by inserting “Election” after  
2 “Federal Campaign”.

3 (8) Section 2371 is amended by striking sub-  
4 section (h).

5 (9) Section 2601a is amended—

6 (A) in subsection (a)(1), by striking  
7 “issue” and inserting “prescribe”; and

8 (B) in subsection (d), by striking “issued”  
9 and inserting “prescribed”.

10 (10) Section 2853(c)(1)(A) is amended by strik-  
11 ing “can be still be” and inserting “can still be”.

12 (11) Section 2866(a)(4)(A) is amended by  
13 striking “repayed” and inserting “repaid”.

14 (12) Section 2884(c) is amended by striking  
15 “on evaluation” in the matter preceding paragraph  
16 (1) and inserting “an evaluation”.

17 (i) TRANSFER OF SECTION 2814 TO CHAPTER  
18 631.—

19 (1) TRANSFER AND REDESIGNATION.—Section  
20 2814 of title 10, United States Code, is transferred  
21 to chapter 631 of such title, inserted after section  
22 7205, and redesignated as section 7206.

23 (2) CONFORMING AMENDMENTS.—Such section,  
24 as so transferred and redesignated, is amended—

1 (A) in paragraphs (2) and (3)(B) of sub-  
 2 section (i), by striking “this chapter” and in-  
 3 serting “chapter 169 of this title”; and

4 (B) by striking subsection (l) and inserting  
 5 the following new subsection (l):

6 “(l) DEFINITIONS.—In this section:

7 “(1) The term ‘appropriate committees of Con-  
 8 gress’ has the meaning given such term in section  
 9 2801 of this title.

10 “(2) The term ‘property support services’  
 11 means the following:

12 “(A) Any utility service or other service  
 13 listed in section 2686(a) of this title.

14 “(B) Any other service determined by the  
 15 Secretary to be a service that supports the op-  
 16 eration and maintenance of real property, per-  
 17 sonal property, or facilities.”.

18 (3) CLERICAL AMENDMENTS.—

19 (A) The table of sections at the beginning  
 20 of chapter 169 of such title is amended by  
 21 striking the item relating to section 2814.

22 (B) The table of sections at the beginning  
 23 of chapter 631 of such title is amended by in-  
 24 serting after the item relating to section 7205  
 25 the following new item:

“7206. Special authority for development of Ford Island, Hawaii.”.

1 (j) COORDINATION WITH OTHER AMENDMENTS  
2 MADE BY THIS ACT.—For purposes of applying amend-  
3 ments made by provisions of this Act other than this sec-  
4 tion, the amendments made by subsections (b) through (h)  
5 of this section shall be treated as having been enacted im-  
6 mediately before any such amendments by other provisions  
7 of this Act.

8 **SEC. 1042. RENEWALS, EXTENSIONS, AND SUCCEEDING**  
9 **LEASES FOR FINANCIAL INSTITUTIONS OPER-**  
10 **ATING ON DEPARTMENT OF DEFENSE IN-**  
11 **STALLATIONS.**

12 Subsection (h) of section 2667 of title 10, United  
13 States Code, is amended by adding the following new  
14 paragraph:

15 “(4)(A) Paragraph (1) does not apply to a renewal,  
16 extension, or succeeding lease by the Secretary concerned  
17 with a financial institution selected in accordance with the  
18 Department of Defense Financial Management Regulation  
19 providing for the selection of financial institutions to oper-  
20 ate on military installations if each of the following ap-  
21 plies:

22 “(i) The on-base financial institution was se-  
23 lected before the date of the enactment of this para-  
24 graph or competitive procedures are used for the se-  
25 lection of any new financial institutions.



1           “(ii) A current and binding operating agree-  
2           ment is in place between the installation commander  
3           and the selected on-base financial institution.

4           “(B) The renewal, extension or succeeding lease shall  
5           terminate upon the termination of the operating agree-  
6           ment described in subparagraph (A)(ii).”.

7   **SEC. 1043. LIMITED AUTHORITY FOR UNITED STATES TO**  
8                   **SECURE COPYRIGHTS FOR CERTAIN SCHOL-**  
9                   **ARLY WORKS PREPARED BY FACULTY OF**  
10                  **CERTAIN DEPARTMENT OF DEFENSE PRO-**  
11                  **FESSIONAL SCHOOLS.**

12           (a) **AUTHORITY.**—Chapter 53 of title 10, United  
13           States Code, is amended by inserting after section 1033  
14           the following new section:

15   **“§ 1033a. Limited authority for United States to se-**  
16                   **ecure copyrights for certain scholarly**  
17                   **works of faculty of Department of De-**  
18                   **fense professional schools**

19           “(a) **AUTHORITY.**—

20           “(1) **IN GENERAL.**—Subject to regulations pre-  
21           scribed under subsection (f), the United States may,  
22           notwithstanding section 105 or 201(b) of title 17,  
23           secure copyright protection under title 17 for a  
24           qualifying work written by a faculty member of an  
25           institution of the Department of Defense specified in

1 subsection (e), but only for purposes of publication  
2 by a scholarly press or journal for which such a  
3 copyright is normally a requirement for publication  
4 or otherwise as may be prescribed under regulations  
5 under this section.

6 “(2) PRINTING.—Notwithstanding section 501  
7 of title 44, the Department of Defense need not use  
8 the services of the Government Printing Office or a  
9 field printing plant operated by the Department of  
10 Defense with respect to a work for which copyright  
11 protection exists by reason of paragraph (1).

12 “(b) QUALIFYING WORKS.—A work is a qualifying  
13 work for purposes of this section if the work—

14 “(1) is prepared as part of a person’s official  
15 duties; and

16 “(2) meets such criteria as the Secretary of De-  
17 fense may prescribe by regulation as a scholarly  
18 work for which copyright protection as provided in  
19 subsection (a) is warranted.

20 “(c) TRANSFER OF COPYRIGHT.—Upon acceptance  
21 for publication of a work for which copyright protection  
22 exists by reason of subsection (a), the United States may  
23 transfer the copyright to the owner or publisher of the  
24 medium in which the work will be published. The United  
25 States shall maintain a perpetual, royalty-free license to

1 use the scholarly work for any official purpose of the  
2 United States.

3 “(d) ROYALTIES, ETC.—No royalties or other com-  
4 pensation may be accepted by a person covered by sub-  
5 section (a) by reason of copyright protection that exists  
6 by reason of subsection (a).

7 “(e) COVERED INSTITUTIONS.—The institutions re-  
8 ferred to in subsection (a) are the following:

9 “(1) The United States Military Academy, the  
10 United States Naval Academy, and the United  
11 States Air Force Academy.

12 “(2) The National Defense University.

13 “(3) Any war college of the armed forces.

14 “(4) Any graduate-level college or university of  
15 the Department of Defense.

16 “(f) REGULATIONS.—The Secretary of Defense shall  
17 prescribe regulations for the purposes of this section. Such  
18 regulations shall include provisions specifying the types of  
19 works for which copyright protection may be secured  
20 under subsection (a) and the purposes for which the copy-  
21 right may be secured.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of such chapter is amended by inserting  
24 after the item relating to section 1033 the following new  
25 item:

“1033a. Limited authority for United States to secure copyrights for certain scholarly works of faculty of Department of Defense professional schools.”.

1 (c) EFFECTIVE DATE.—Section 1033a of title 10,  
2 United States Code, as added by subsection (a), shall  
3 apply only with respect to works that, as determined under  
4 regulations prescribed under that section, are completed  
5 after the date of the enactment of this Act.

6 **SEC. 1044. REVISION TO STATUTE OF LIMITATIONS FOR**  
7 **AVIATION INSURANCE CLAIMS.**

8 (a) IN GENERAL.—Section 44309(c) of title 49,  
9 United States Code, is amended—

10 (1) By inserting after “TIME LIMITATIONS.—”  
11 the following new sentence: “A claim under the au-  
12 thority of this chapter against the United States  
13 shall be forever barred unless it is presented in writ-  
14 ing to the Secretary of Transportation within two  
15 years after such claim accrues or unless action is  
16 begun within six months after the date of mailing,  
17 by certified or registered mail, of notice of final de-  
18 nial of the claim by the Secretary.”;

19 (2) by striking “, under section 2401 of title  
20 28,” and

21 (3) by striking “subsection (a) of”.

22 (b) EFFECTIVE DATE.—The amendments made by  
23 subsection (a) shall apply only with respect to claims aris-  
24 ing after the date of the enactment of this Act.

1 **SEC. 1045. TRANSFER OF FUNCTIONS OF THE VETERANS’**  
2 **ADVISORY BOARD ON DOSE RECONSTRUC-**  
3 **TION TO THE SECRETARIES OF VETERANS**  
4 **AFFAIRS AND DEFENSE.**

5 Section 601 of the Veterans Benefits Act of 2003  
6 (Public Law 108–183; 117 Stat. 2667; 38 U.S.C. 1154  
7 note) is amended to read as follows:

8 **“SEC. 601. RADIATION DOSE RECONSTRUCTION PROGRAM**  
9 **OF THE DEPARTMENT OF DEFENSE.**

10 “(a) **REVIEW AND OVERSIGHT.**—The Secretary of  
11 Veterans Affairs and the Secretary of Defense shall jointly  
12 take appropriate actions to ensure the on-going inde-  
13 pendent review and oversight of the Radiation Dose Re-  
14 construction Program of the Department of Defense.

15 “(b) **DUTIES.**—In carrying out subsection (a), the  
16 Secretaries shall—

17 “(1) conduct periodic, random audits of dose  
18 reconstructions under the Radiation Dose Recon-  
19 struction Program and of decisions by the Depart-  
20 ment of Veterans Affairs on claims for service con-  
21 nection of radiogenic diseases;

22 “(2) communicate to veterans information on  
23 the mission, procedures, and evidentiary require-  
24 ments of the Program; and

1           “(3) carry out such other activities with respect  
2           to the review and oversight of the Program as the  
3           Secretaries shall jointly specify.

4           “(c) RECOMMENDATIONS.—The Secretaries may  
5           make such recommendations on modifications in the mis-  
6           sion or procedures of the Program as they consider appro-  
7           priate as a result of the audits conducted under subsection  
8           (b)(1).”.

9           **SEC. 1046. AUTHORITY TO ACCEPT CERTAIN VOLUNTARY**  
10           **SERVICES.**

11           Section 1588(a) of title 10, United States Code, is  
12           amended by adding at the end the following new para-  
13           graph:

14           “(10) Voluntary legal support services provided  
15           by law students through internship and externship  
16           programs approved by the Secretary concerned.”.

17           **SEC. 1047. TRANSFER OF ADMINISTRATION OF OCEAN RE-**  
18           **SEARCH ADVISORY PANEL FROM DEPART-**  
19           **MENT OF THE NAVY TO NATIONAL OCEANIC**  
20           **AND ATMOSPHERIC ADMINISTRATION.**

21           (a) AUTHORITY FOR OCEAN RESEARCH ADVISORY  
22           PANEL.—Subsection (a) of section 7903 of title 10,  
23           United States Code, is amended—

24           (1) in the matter preceding paragraph (1)—

1 (A) by inserting “, through the Adminis-  
2 trator of the National Oceanic and Atmospheric  
3 Administration,” after “The Council”;

4 (B) by striking “Panel consisting” and in-  
5 serting “Panel. The Panel shall consist”; and

6 (C) by striking “chairman” and inserting  
7 “Administrator of the National Oceanic and At-  
8 mospheric Administration, on behalf of the  
9 Council”;

10 (2) in paragraph (1), by striking “National  
11 Academy of Science” and inserting “National Acad-  
12 emies”; and

13 (3) by striking paragraphs (2) and (3) and re-  
14 designating paragraphs (4) and (5) as paragraphs  
15 (2) and (3), respectively.

16 (b) RESPONSIBILITIES OF PANEL.—Subsection (b) of  
17 such section is amended—

18 (1) by inserting “, through the Administrator of  
19 the National Oceanic and Atmospheric Administra-  
20 tion,” after “The Council”;

21 (2) by redesignating paragraphs (3) and (4) as  
22 paragraphs (4) and (5), respectively; and

23 (3) by striking paragraph (2) and inserting the  
24 following new paragraphs (2) and (3):

1           “(2) To advise the Council on the determination  
2 of scientific priorities and needs.

3           “(3) To provide the Council strategic advice re-  
4 garding national ocean program execution and col-  
5 laboration.”.

6           (c) FUNDING TO SUPPORT ACTIVITIES OF PANEL.—  
7 Subsection (c) of such section is amended by striking  
8 “Secretary of the Navy” and inserting “Secretary of Com-  
9 merce”.

10 **SEC. 1048. REPEAL AND MODIFICATION OF REPORTING RE-**  
11 **QUIREMENTS.**

12           (a) TITLE 10, UNITED STATES CODE.—Title 10,  
13 United States Code, is amended as follows:

14           (1) Section 1073b is repealed.

15           (2) The table of sections at the beginning of  
16 chapter 55 is amended by striking the item relating  
17 to section 1073b.

18           (b) NATIONAL DEFENSE AUTHORIZATION ACTS.—

19           (1) FISCAL YEAR 2013.—Section 112 of the Na-  
20 tional Defense Authorization Act for Fiscal Year  
21 2013 (Public Law 112–239; 126 Stat. 1654) is re-  
22 pealed.

23           (2) FISCAL YEAR 2012.—Subsection (b) of sec-  
24 tion 1043 of the National Defense Authorization Act  
25 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.



1 1576), as most recently amended by section 1054 of  
2 the National Defense Authorization Act for Fiscal  
3 Year 2014 (Public Law 113–66; 127 Stat. 861), is  
4 amended to read as follows:

5 “(b) FORM OF REPORTS.—Any report under sub-  
6 section (a) may be submitted in classified form.”.

7 (3) FISCAL YEAR 2008.—Section 330(e)(1) of  
8 the National Defense Authorization Act for Fiscal  
9 Year 2008 (Public Law 110–181; 122 Stat. 68), as  
10 most recently amended by section 332 of the Na-  
11 tional Defense Authorization Act for Fiscal Year  
12 2013 (Public Law 112–239; 126 Stat. 1697), is  
13 amended by adding at the end the following new  
14 sentence: “However, a report is not required under  
15 this paragraph for any fiscal year during which the  
16 Secretary concerned did not use the authority in  
17 subsection (a).”.

18 (4) FISCAL YEAR 2004.—Subsection (d) of sec-  
19 tion 2808 of the Military Construction Authorization  
20 Act for Fiscal Year 2004 (division B of Public Law  
21 108–136; 117 Stat. 1723), as most recently amend-  
22 ed by section 2808 of the Military Construction Au-  
23 thorization Act for Fiscal Year 2014 (division B of  
24 Public Law 113–66; 127 Stat. 1012), is amended—

1 (A) in the heading, by striking “QUAR-  
2 TERLY” and inserting “ANNUAL”;

3 (B) in paragraph (1)—

4 (i) by striking “fiscal-year quarter”  
5 and inserting “fiscal year”; and

6 (ii) by striking “quarter” and insert-  
7 ing “fiscal year”; and

8 (C) in paragraph (2), by striking “all of  
9 the quarterly reports that were” and inserting  
10 “the report”.

11 (c) INCLUSION OF EXTREMITY TRAUMA AND AMPU-  
12 TATION CENTER OF EXCELLENCE ANNUAL REPORT IN  
13 THE DEPARTMENT OF VETERANS AFFAIRS AND DEPART-  
14 MENT OF DEFENSE JOINT ANNUAL REPORT ON HEALTH  
15 CARE COORDINATION AND SHARING ACTIVITIES.—

16 (1) Section 723 of the Duncan Hunter National  
17 Defense Authorization Act for Fiscal Year 2009  
18 (Public Law 110–417; 122 Stat. 4508) is amended  
19 by striking subsection (d).

20 (2) Section 8111(f) of title 38, United States  
21 Code, is amended by adding at the end the following  
22 new paragraph:

23 “(6) The two Secretaries shall include in the annual  
24 report under this subsection a report on the activities of  
25 the Center of Excellence in the Mitigation, Treatment, and

1 Rehabilitation of Traumatic Extremity Injuries and Am-  
2 putations (established pursuant to section 723 of the Dun-  
3 can Hunter National Defense Authorization Act for Fiscal  
4 Year 2009) during the one-year period ending on the date  
5 of such report. Such report shall include a description of  
6 the activities of the center and an assessment of the role  
7 of such activities in improving and enhancing the efforts  
8 of the Department of Defense and the Department of Vet-  
9 erans Affairs for the mitigation, treatment, and rehabilita-  
10 tion of traumatic extremity injuries and amputations.”.

11 **TITLE XI—CIVILIAN PERSONNEL**  
12 **MATTERS**

13 **SEC. 1101. MODIFICATIONS TO BIENNIAL STRATEGIC**  
14 **WORKFORCE PLAN RELATING TO SENIOR**  
15 **MANAGEMENT, FUNCTIONAL, AND TECH-**  
16 **NICAL WORKFORCE OF THE DEPARTMENT OF**  
17 **DEFENSE.**

18 (a) SENIOR MANAGEMENT WORKFORCE.—Sub-  
19 section (c) of section 115b of title 10, United States Code,  
20 is amended—

21 (1) by striking paragraph (1) and inserting the  
22 following:

23 “(1) Each strategic workforce plan under sub-  
24 section (a) shall—

1           “(A) specifically address the shaping and  
2           improvement of the senior management work-  
3           force of the Department of Defense; and

4           “(B) include an assessment of the senior  
5           functional and technical workforce of the De-  
6           partment of Defense within the appropriate  
7           functional community.”; and

8           (2) in paragraph (2), by striking “such senior  
9           management, functional, and technical workforce”  
10          and inserting “such senior management workforce  
11          and such senior functional and technical workforce”.

12          (b) HIGHLY QUALIFIED EXPERTS.—Such section is  
13 further amended—

14           (1) in subsection (b)(2), by striking “subsection  
15           (f)(1)” in subparagraphs (D) and (E) and inserting  
16           “subsection (h)(1) or (h)(2)”;

17           (2) by redesignating subsections (f) and (g) as  
18           subsection (g) and (h), respectively; and

19           (3) by inserting after subsection (e) the fol-  
20           lowing new subsection (f):

21           “(f) HIGHLY QUALIFIED EXPERTS.—

22           “(1) Each strategic workforce plan under sub-  
23           section (a) shall include an assessment of the work-  
24           force of the Department of Defense comprised of  
25           highly qualified experts appointed pursuant to sec-

1       tion 9903 of title 5 (in this subsection referred to as  
2       the ‘HQE workforce’).

3               “(2) For purposes of paragraph (1), each plan  
4       shall include, with respect to the HQE workforce—

5                       “(A) an assessment of the critical skills  
6                       and competencies of the existing HQE work-  
7                       force and projected trends in that workforce  
8                       based on expected losses due to retirement and  
9                       other attrition;

10                      “(B) specific strategies for attracting, com-  
11                      pensating, and motivating the HQE workforce  
12                      of the Department, including the program ob-  
13                      jectives of the Department to be achieved  
14                      through such strategies and the funding needed  
15                      to implement such strategies;

16                      “(C) any incentives necessary to attract or  
17                      retain HQE personnel;

18                      “(D) any changes that may be necessary in  
19                      resources or in the rates or methods of pay  
20                      needed to ensure the Department has full ac-  
21                      cess to appropriately qualified personnel; and

22                      “(E) any legislative changes that may be  
23                      necessary to achieve HQE workforce goals.”.

1 (c) DEFINITIONS.—Subsection (h) of such section (as  
2 redesignated by subsection (b)(2)) is amended to read as  
3 follows:

4 “(h) DEFINITIONS.—In this section:

5 “(1) The term ‘senior management workforce of  
6 the Department of Defense’ includes the following  
7 categories of Department of Defense civilian per-  
8 sonnel:

9 “(A) Appointees in the Senior Executive  
10 Service under section 3131 of title 5.

11 “(B) Persons serving in the Defense Intel-  
12 ligence Senior Executive Service under section  
13 1606 of this title.

14 “(2) The term ‘senior functional and technical  
15 workforce of the Department of Defense’ includes  
16 the following categories of Department of Defense  
17 civilian personnel:

18 “(A) Persons serving in positions described  
19 in section 5376(a) of title 5.

20 “(B) Scientists and engineers appointed  
21 pursuant to section 342(b) of the National De-  
22 fense Authorization Act for Fiscal Year 1995  
23 (Public Law 103–337; 108 Stat. 2721), as  
24 amended by section 1114 of the Floyd D.  
25 Spence National Defense Authorization Act for

1 Fiscal Year 2001 (as enacted into law by Public  
2 Law 106–398 (114 Stat. 1654A–315)).

3 “(C) Scientists and engineers appointed  
4 pursuant to section 1101 of the Strom Thur-  
5 mond National Defense Authorization Act for  
6 Fiscal Year 1999 (5 U.S.C. 3104 note).

7 “(D) Persons serving in Intelligence Senior  
8 Level positions under section 1607 of this title.

9 “(3) The term ‘acquisition workforce’ includes  
10 individuals designated under section 1721 of this  
11 title as filling acquisition positions.”.

12 (d) CONFORMING AMENDMENT.—The heading of  
13 subsection (c) of such section is amended to read as fol-  
14 lows: “SENIOR MANAGEMENT WORKFORCE; SENIOR  
15 FUNCTIONAL AND TECHNICAL WORKFORCE.—”.

16 (e) FORMATTING OF ANNUAL REPORT.—Subsections  
17 (d)(1) and (e)(1) of such section are amended by striking  
18 “include a separate chapter to”.

19 **SEC. 1102. AUTHORITY TO PROVIDE ADDITIONAL COM-**  
20 **PENSATION FOR DEFENSE CLANDESTINE**  
21 **SERVICE EMPLOYEES.**

22 Section 1603 of title 10, United States Code, is  
23 amended by adding at the end the following new sub-  
24 section:

1       “(c) **ADDITIONAL COMPENSATION FOR EMPLOYEES**  
2 **OF THE DEFENSE CLANDESTINE SERVICE.**—In addition  
3 to the authority to provide compensation under subsection  
4 (a), the Secretary of Defense may provide civilian employ-  
5 ees of the Defense Clandestine Service allowances and  
6 benefits authorized to be paid to members of the Foreign  
7 Service under chapter 9 of title I of the Foreign Service  
8 Act of 1980 (22 U.S.C. 4081 et seq.) or any other provi-  
9 sion of law, if the Secretary determines such action is nec-  
10 essary to the operational effectiveness of the Defense  
11 Clandestine Service.”.

12 **SEC. 1103. PILOT PROGRAM FOR THE TEMPORARY EX-**  
13 **CHANGE OF FINANCIAL MANAGEMENT PER-**  
14 **SONNEL.**

15       (a) **ASSIGNMENT AUTHORITY.**—The Secretary of De-  
16 fense may, with the agreement of the private sector orga-  
17 nization concerned, arrange for the temporary assignment  
18 of an employee to such private sector organization, or from  
19 such private sector organization to a Department of De-  
20 fense organization under this section. An employee shall  
21 be eligible for such an assignment only if the employee—  
22           (1) works in the field of financial management;  
23           (2) is considered by the Secretary of Defense to  
24       be an exceptional employee; and



1           (3) is compensated at not less than the GS-11  
2           level (or the equivalent).

3           (b) AGREEMENTS.—The Secretary of Defense shall  
4           provide for a written agreement among the Department  
5           of Defense, the private sector organization, and the em-  
6           ployee concerned regarding the terms and conditions of  
7           the employee’s assignment under this section. The agree-  
8           ment—

9           (1) shall require, in the case of an employee of  
10          the Department of Defense, that upon completion of  
11          the assignment, the employee will serve in the civil  
12          service for a period at least equal to three times the  
13          length of the assignment, unless the employee is  
14          sooner involuntarily separated from the service of  
15          the employee’s agency; and

16          (2) shall provide that if the employee of the De-  
17          partment of Defense or of the private sector organi-  
18          zation (as the case may be) fails to carry out the  
19          agreement, or if the employee is voluntarily sepa-  
20          rated from the service of the employee’s agency be-  
21          fore the end of the period stated in the agreement,  
22          such employee shall be liable to the United States  
23          for payment of all expenses of the assignment unless  
24          that failure or voluntary separation was for good

1 and sufficient reason, as determined by the Sec-  
2 retary of Defense.

3 An amount for which an employee is liable under para-  
4 graph (2) shall be treated as a debt due the United States.

5 The Secretary may waive, in whole or in part, collection  
6 of such a debt based on a determination that the collection  
7 would be against equity and good conscience and not in  
8 the best interests of the United States.

9 (c) TERMINATION.—An assignment under this sec-  
10 tion may, at any time and for any reason, be terminated  
11 by the Department of Defense or the private sector organi-  
12 zation concerned.

13 (d) DURATION.—An assignment under this section  
14 shall be for a period of not less than three months and  
15 not more than one year. No assignment under this section  
16 may commence after September 30, 2019.

17 (e) STATUS OF FEDERAL EMPLOYEES ASSIGNED TO  
18 PRIVATE SECTOR ORGANIZATION.—An employee of the  
19 Department of Defense who is temporarily assigned to a  
20 private sector organization under this section shall be con-  
21 sidered, during the period of assignment, to be on detail  
22 to a regular work assignment in the Department for all  
23 purposes. The written agreement established under sub-  
24 section (b) shall address the specific terms and conditions

1 related to the employee's continued status as a Federal  
2 employee.

3 (f) TERMS AND CONDITIONS FOR PRIVATE SECTOR  
4 EMPLOYEES.—An employee of a private sector organiza-  
5 tion who is assigned to a Department of Defense organiza-  
6 tion under this section—

7 (1) shall continue to receive pay and benefits  
8 from the private sector organization from which  
9 such employee is assigned;

10 (2) is deemed to be an employee of the Depart-  
11 ment of Defense for the purposes of—

12 (A) chapter 73 of title 5, United States  
13 Code;

14 (B) sections 201, 203, 205, 207, 208, 209,  
15 603, 606, 607, 643, 654, 1905, and 1913 of  
16 title 18, United States Code, and any other  
17 conflict of interest statute;

18 (C) sections 1343, 1344, and 1349(b) of  
19 title 31, United States Code;

20 (D) the Federal Tort Claims Act and any  
21 other Federal tort liability statute;

22 (E) the Ethics in Government Act of 1978;

23 (F) section 1043 of the Internal Revenue  
24 Code of 1986;

1 (G) chapter 21 of title 41, United States  
2 Code; and

3 (H) subchapter I of chapter 81 of title 5,  
4 United States Code, relating to compensation  
5 for work-related injuries; and

6 (3) may not have access, while the employee is  
7 assigned to a Department of Defense organization,  
8 to any trade secrets or to any other nonpublic infor-  
9 mation which is of commercial value to the private  
10 sector organization from which such employee is as-  
11 signed.

12 (g) PROHIBITION AGAINST CHARGING CERTAIN  
13 COSTS TO THE FEDERAL GOVERNMENT.—A private sec-  
14 tor organization may not charge the Department of De-  
15 fense or any other agency of the Federal Government, as  
16 direct or indirect costs under a Federal contract, the costs  
17 of pay or benefits paid by the organization to an employee  
18 assigned to a Department of Defense organization under  
19 this section for the period of the assignment.

20 (h) CONSIDERATION.—The Secretary of Defense  
21 shall take into consideration the question of how assign-  
22 ments might best be used to help meet the needs of the  
23 Department of Defense with respect to the training of em-  
24 ployees in financial management.

1 (i) NUMERICAL LIMITATION.—Not more than five  
2 Department of Defense employees may be assigned to pri-  
3 vate sector organizations under this section, and not more  
4 than five employees of private sector organizations may  
5 be assigned to the Department of Defense under this sec-  
6 tion, at any given time.

7 **TITLE XII—MATTERS RELATING**  
8 **TO FOREIGN NATIONS**

9 **SEC. 1201. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS**  
10 **AND SERVICES PRODUCED IN DJIBOUTI IN**  
11 **SUPPORT OF DEPARTMENT OF DEFENSE AC-**  
12 **TIVITIES IN UNITED STATES AFRICA COM-**  
13 **MAND AREA OF RESPONSIBILITY.**

14 (a) AUTHORITY.—In the case of a product or service  
15 to be acquired in support of Department of Defense activi-  
16 ties in the United States Africa Command area of respon-  
17 sibility for which the Secretary of Defense makes a deter-  
18 mination described in subsection (b), the Secretary may  
19 conduct a procurement in which—

20 (1) competition is limited to products or serv-  
21 ices that are from Djibouti; or

22 (2) a preference is provided for products or  
23 services that are from Djibouti.

1 (b) DETERMINATION.—(1) A determination described  
2 in this subsection is a determination by the Secretary of  
3 either of the following:

4 (A) That the product or service concerned is to  
5 be used only in support of activities described in  
6 subsection (a).

7 (B) That it is in the national security interest  
8 of the United States to limit competition or provide  
9 a preference as described in subsection (a) because  
10 such limitation or preference is necessary—

11 (i) to reduce—

12 (I) United States transportation costs;

13 or

14 (II) delivery times in support of activi-  
15 ties described in subsection (a); or

16 (ii) to promote regional security, stability,  
17 and economic prosperity in Africa.

18 (2) A determination under paragraph (1)(B) shall not  
19 be effective for purposes of a limitation or preference  
20 under subsection (a) unless the Secretary also determines  
21 that the limitation or preference will not adversely affect—

22 (A) United States military operations or sta-  
23 bility operations in the United States Africa Com-  
24 mand area of responsibility; or

25 (B) the United States industrial base.

1 (c) PRODUCTS AND SERVICES FROM DJIBOUTI.—For  
2 the purpose of this section:

3 (1) A product is from Djibouti if it is mined,  
4 produced, or manufactured in Djibouti.

5 (2) A service is from Djibouti if it is performed  
6 in Djibouti by citizens or residents of Djibouti.

7 **SEC. 1202. PERMANENT AND GLOBAL AUTHORITY FOR USE**  
8 **OF ACQUISITION AND CROSS-SERVICING**  
9 **AGREEMENTS TO LEND CERTAIN MILITARY**  
10 **EQUIPMENT TO CERTAIN FOREIGN FORCES**  
11 **FOR PERSONNEL PROTECTION AND SURVIV-**  
12 **ABILITY.**

13 (a) CODIFICATION OF PERMANENT AUTHORITY.—

14 (1) ENACTMENT IN TITLE 10 OF SECTION 1202  
15 ACQUISITION AND CROSS-SERVICING AGREEMENT  
16 AUTHORITY.—Chapter 138 of title 10, United States  
17 Code, is amended by inserting after section 2342 a  
18 new section 2342a consisting of—

19 (A) a heading as follows:

20 **“§ 2342a. Acquisition and cross-servicing agreements:**  
21 **authority to lend certain military equip-**  
22 **ment to certain foreign forces for per-**  
23 **sonnel protection and survivability”;**

24 and

1 (B) a text consisting of the text of sub-  
 2 sections (a) through (d) of section 1202 of the  
 3 John Warner National Defense Authorization  
 4 Act for Fiscal Year 2007 (Public Law 109–  
 5 364), as most recently amended by section  
 6 1217(b) of the National Defense Authorization  
 7 Act for Fiscal Year 2014 (Public Law 113–66;  
 8 127 Stat. 909), and revised as specified in sub-  
 9 section (b).

10 (2) CLERICAL AMENDMENT.—The table of sec-  
 11 tions at the beginning of subchapter I of such chap-  
 12 ter is amended by inserting after the item relating  
 13 to section 2342 the following new item:

“2342a. Acquisition and cross-servicing agreements: authority to lend certain  
 military equipment to certain foreign forces for personnel pro-  
 tection and survivability.”.

14 (b) REVISIONS TO CODIFIED SECTION.—The revi-  
 15 sions to the text specified in subsection (a)(1)(B) are as  
 16 follows:

17 (1) GLOBAL AUTHORITY.—In subsection  
 18 (a)(1)—

19 (A) insert “military or stability” after  
 20 “combined” the first place it appears; and

21 (B) strike “in Afghanistan”.

22 (2) CONFORMING AMENDMENTS.—In subsection  
 23 (a)(3)—



1 (A) in subparagraph (A), strike “Afghani-  
2 stan” and insert “a combined military or sta-  
3 bility operation with the United States”; and

4 (B) in subparagraph (C), strike “Afghani-  
5 stan or a” and insert “a combined military or  
6 stability operation or”.

7 (3) REPORTING EXCEPTION.—In subsection  
8 (a)(5)—

9 (A) insert “(A)” before “Equipment may  
10 not”; and

11 (B) add at the end the following:

12 “(B) EXCEPTION.—The notice required in sub-  
13 paragraph (A) shall not be required when the equip-  
14 ment to be loaned is intended to be used—

15 “(i) in a facility that is under the control  
16 of the United States; or

17 “(ii) in connection with training directed  
18 by United States personnel.”.

19 (4) WAIVER IN THE CASE OF COMBAT LOSS OF  
20 EQUIPMENT.—At the end of subsection (a), insert  
21 the following new paragraph:

22 “(6) WAIVER OF REIMBURSEMENT IN THE  
23 CASE OF COMBAT LOSS.—

24 “(A) AUTHORITY.—In the case of equip-  
25 ment provided to the military forces of another

1 nation under the authority of this section that  
2 is damaged or destroyed as a result of combat  
3 operations while held by those forces, the Sec-  
4 retary of Defense may, with respect to such  
5 equipment, waive any other applicable require-  
6 ment under this subchapter for—

7 “(i) reimbursement;

8 “(ii) replacement-in-kind; or

9 “(iii) exchange of supplies or services  
10 of an equal value.

11 “(B) LIMITATIONS.—Any waiver under  
12 this subsection may be made only on a case-by-  
13 case basis. Any waiver under this subsection  
14 may be made only if the Secretary determines  
15 that the waiver is in the national security inter-  
16 est of the United States.”.

17 (5) TECHNICAL AND CLERICAL AMEND-  
18 MENTS.—

19 (A) In subsection (a)(1), strike “under  
20 subchapter I of chapter 138 of title 10, United  
21 States Code,”.

22 (B) In subsection (d)(2)(B), strike “Com-  
23 mittee on International Relations” and insert  
24 “Committee on Foreign Affairs”.

1 (c) REPEAL.—Section 1202 of the John Warner Na-  
2 tional Defense Authorization Act for Fiscal Year 2007  
3 (Public Law 109–364), as most recently amended by sec-  
4 tion 1217(b) of the National Defense Authorization Act  
5 for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 909),  
6 is repealed.

7 (d) RETROACTIVE APPLICATION OF WAIVER AU-  
8 THORITY.—The authority in subsection (a)(6) of section  
9 2342a of title 10, United States Code, as added by this  
10 section, shall apply with respect to equipment provided be-  
11 fore the date of the enactment of this Act to a foreign  
12 nation under section 1202 of the John Warner National  
13 Defense Authorization Act for Fiscal Year 2007, as  
14 amended, in the same manner as to equipment provided  
15 under such section 2342a.

16 **SEC. 1203. REVISIONS TO GLOBAL SECURITY CONTINGENCY**  
17 **FUND AUTHORITY.**

18 (a) TYPES OF ASSISTANCE.—Subsection (c)(1) of  
19 section 1207 of the National Defense Authorization Act  
20 for Fiscal Year 2012 (Public Law 112–81; 22 U.S.C.  
21 2151 note), as amended by section 1202 of the National  
22 Defense Authorization Act for Fiscal Year 2014, is  
23 amended by striking “the provision of equipment, supplies,  
24 and training.” and inserting “the provision of the fol-  
25 lowing:

1           “(A) Equipment, including routine mainte-  
2 nance and repair of such equipment.

3           “(B) Supplies.

4           “(C) Small-scale construction not exceed-  
5 ing \$750,000.

6           “(D) Training.”.

7       (b) **TRANSFER AUTHORITY.**—Subsection (f)(1) of  
8 such section is amended by striking “for Defense-wide ac-  
9 tivities” in the first sentence.

10       (c) **TWO-YEAR EXTENSION OF AVAILABILITY OF**  
11 **FUNDS.**—Subsection (i) of such section is amended by  
12 striking “September 30, 2015” and inserting “September  
13 30, 2017”.

14       (d) **EXTENSION OF EXPIRATION DATE.**—Subsection  
15 (p) of such section is amended—

16           (1) by striking “September 30, 2015” and in-  
17 serting “September 30, 2017”; and

18           (2) by striking “funds available for fiscal years  
19 2012 through 2015” and inserting “funds available  
20 for a fiscal year beginning before that date”.

21 **SEC. 1204. INCREASE IN ANNUAL LIMITATION ON TRANS-**  
22 **FER OF EXCESS DEFENSE ARTICLES.**

23       Section 516(g)(1) of the Foreign Assistance Act of  
24 1961 (22 U.S.C. 2321j(g)(1)) is amended by striking  
25 “\$425,000,000” and inserting “\$500,000,000”.

1 **SEC. 1205. ONE-YEAR EXTENSION OF AFGHAN SPECIAL IM-**  
2 **MIGRANT VISA PROGRAM.**

3 (a) **EXTENSION.**—Section 602(b)(3)(D) of the Af-  
4 ghan Allies Protection Act of 2009 (title VI of Public Law  
5 111–8; 8 U.S.C. 1101 note) is amended—

6 (1) in the subparagraph heading, by striking  
7 “FISCAL YEAR” and inserting “FISCAL YEARS”;

8 (2) by striking “For fiscal year 2014” and in-  
9 serting “For each of fiscal years 2014 and 2015”;

10 (3) by inserting “per year” after “3,000”;

11 (4) by striking “in fiscal year 2014” and insert-  
12 ing “in fiscal years 2014 and 2015”;

13 (5) by striking “of fiscal year 2015” and insert-  
14 ing “of fiscal year 2016”; and

15 (6) by striking “September 30, 2014” and in-  
16 serting “September 30, 2015”.

17 (b) **TECHNICAL AMENDMENTS.**—

18 (1) Section 601 of such Act is amended by  
19 striking “This Act” and inserting “This title”.

20 (2) Section 602(c)(3) of such Act is amended  
21 by striking “section 4 of the Office of Federal Pro-  
22 curement Policy Act (41 U.S.C. 403)” and inserting  
23 “section 133 of title 41, United States Code”.

1 **SEC. 1206. ENHANCED AUTHORITY FOR PROVISION OF SUP-**  
2 **PORT TO FOREIGN MILITARY LIAISON OFFI-**  
3 **CERS OF FOREIGN COUNTRIES WHILE AS-**  
4 **SIGNED TO THE DEPARTMENT OF DEFENSE.**

5 (a) **ELIGIBILITY.**—Subsection (a) of section 1051a of  
6 title 10, United States Code, is amended—

7 (1) in the matter preceding paragraph (1)—

8 (A) by striking “The Secretary of De-  
9 fense” and inserting “Subject to subsection (d),  
10 the Secretary of Defense”;

11 (B) by striking “involved in a military op-  
12 eration with the United States”; and

13 (C) by striking “temporarily”;

14 (2) in paragraph (1)—

15 (A) by striking “, component command,”;  
16 and

17 (B) by striking “in connection with the  
18 planning for, or conduct of, a military oper-  
19 ation”; and

20 (3) in paragraph (2), by striking “To the head-  
21 quarters of” and all that follows and inserting “To  
22 the Joint Staff.”.

23 (b) **TRAVEL, SUBSISTENCE, AND MEDICAL CARE EX-**  
24 **PENSES.**—Subsection (b) of such section is amended—

25 (1) in paragraph (1)—

1 (A) by striking “to the headquarters of a  
2 combatant command”; and

3 (B) by inserting “or by the Chairman of  
4 the Joint Chiefs of Staff, as appropriate” be-  
5 fore the period at the end; and

6 (2) in paragraph (3), by striking “if such trav-  
7 el” and all that follows and inserting “if such travel  
8 meets each of the following conditions:

9 “(A) The travel is in support of the na-  
10 tional interests of the United States.

11 “(B) The commander of the relevant com-  
12 batant command or the Chairman of the Joint  
13 Chiefs of Staff, as applicable, directs round-trip  
14 travel from the assigned location to one or more  
15 travel locations.”.

16 (c) TERMS OF REIMBURSEMENT.—Subsection (c) of  
17 such section is amended—

18 (1) by striking “To the extent that the Sec-  
19 retary determines appropriate, the” and inserting  
20 “The”; and

21 (2) by adding at the end the following new sen-  
22 tence: “The terms of reimbursement shall be speci-  
23 fied in the appropriate international agreement used  
24 to assign the liaison officer to a combatant command  
25 or to the Joint Staff.”.

1 (d) LIMITATIONS AND OVERSIGHT.—Such section is  
2 further amended—

3 (1) by redesignating subsection (d) as sub-  
4 section (f); and

5 (2) by inserting after subsection (e) the fol-  
6 lowing new subsection (d):

7 “(d) LIMITATIONS AND OVERSIGHT.—(1) The num-  
8 ber of liaison officers supported under subsection (b)(1)  
9 may not exceed 60 at any one time, and the amount of  
10 unreimbursed support for any such liaison officer under  
11 that subsection in any fiscal year may not exceed  
12 \$200,000 (in fiscal year 2014 constant dollars).

13 “(2) The Chairman of the Joint Chiefs of Staff shall  
14 be responsible for oversight of the use of the authority  
15 under this section, including implementation of the limita-  
16 tions in paragraph (1).”.

17 (e) SECRETARY OF STATE CONCURRENCE.—Such  
18 section is further amended by inserting after subsection  
19 (d), as added by subsection (d)(2), the following new sub-  
20 section (e):

21 “(e) SECRETARY OF STATE CONCURRENCE.—The  
22 authority of the Secretary of Defense to provide adminis-  
23 trative services and support under subsection (a) for the  
24 performance of duties by a liaison officer of another nation  
25 may be exercised only with respect to a liaison officer of



1 another nation whose assignment as described in that sub-  
2 section is accepted by the Secretary of Defense with the  
3 concurrence of the Secretary of State.”.

4 (f) DEFINITION.—Subsection (f) of such section, as  
5 redesignated by subsection (d)(1), is amended by inserting  
6 “training programs conducted to familiarize, orient, or  
7 certify liaison personnel regarding unique aspects of the  
8 assignments of the liaison personnel,” after “police protec-  
9 tion,”.

10 **TITLE XIII—OTHER**  
11 **AUTHORIZATIONS**  
12 **Subtitle A—Military Programs**

13 **SEC. 1301. WORKING CAPITAL FUNDS.**

14 Funds are hereby authorized to be appropriated for  
15 fiscal year 2015 for the use of the armed forces and other  
16 activities and agencies of the Department of Defense for  
17 providing capital for Defense Working Capital Funds in  
18 the amount of \$1,234,468,000.

19 **SEC. 1302. JOINT URGENT OPERATIONAL NEEDS FUND.**

20 Funds are hereby authorized to be appropriated for  
21 fiscal year 2015 for the Joint Urgent Operational Needs  
22 Fund in the amount of \$20,000,000.

1 **SEC. 1303. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**  
2 **TION, DEFENSE.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
4 are hereby authorized to be appropriated for the Depart-  
5 ment of Defense for fiscal year 2015 for expenses, not oth-  
6 erwise provided for, for Chemical Agents and Munitions  
7 Destruction, Defense, in the amount of \$828,868,000, of  
8 which—

9 (1) \$222,728,000 is for Operation and Mainte-  
10 nance;

11 (2) \$595,913,000 is for Research, Development,  
12 Test, and Evaluation; and

13 (3) \$10,227,000 is for Procurement.

14 (b) USE.—Amounts authorized to be appropriated  
15 under subsection (a) are authorized for—

16 (1) the destruction of lethal chemical agents  
17 and munitions in accordance with section 1412 of  
18 the Department of Defense Authorization Act, 1986  
19 (50 U.S.C. 1521); and

20 (2) the destruction of chemical warfare materiel  
21 of the United States that is not covered by section  
22 1412 of such Act.

23 **SEC. 1304. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
24 **TIVITIES, DEFENSE-WIDE.**

25 Funds are hereby authorized to be appropriated for  
26 the Department of Defense for fiscal year 2015 for ex-

1 penses, not otherwise provided for, for Drug Interdiction  
2 and Counter-Drug Activities, Defense-wide, in the amount  
3 of \$820,687,000.

4 **SEC. 1305. DEFENSE INSPECTOR GENERAL.**

5 Funds are hereby authorized to be appropriated for  
6 the Department of Defense for fiscal year 2015 for ex-  
7 penses, not otherwise provided for, for the Office of the  
8 Inspector General of the Department of Defense, in the  
9 amount of \$311,830,000, of which—

10 (1) \$310,830,000 is for Operation and Mainte-  
11 nance; and

12 (2) \$1,000,000 is for Procurement.

13 **SEC. 1306. DEFENSE HEALTH PROGRAM.**

14 Funds are hereby authorized to be appropriated for  
15 the Department of Defense for fiscal year 2015 for ex-  
16 penses, not otherwise provided for, for the Defense Health  
17 Program, in the amount of \$31,994,918,000, of which—

18 (1) \$31,031,911,000 is for Operation and  
19 Maintenance;

20 (2) \$654,594,000 is for Research, Development,  
21 Test, and Evaluation; and

22 (3) \$308,413,000 is for Procurement.

1           **Subtitle B—Other Matters**

2   **SEC. 1311. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**  
3                   **DEPARTMENT OF DEFENSE-DEPARTMENT OF**  
4                   **VETERANS AFFAIRS MEDICAL FACILITY DEM-**  
5                   **ONSTRATION FUND FOR CAPTAIN JAMES A.**  
6                   **LOVELL HEALTH CARE CENTER, ILLINOIS.**

7           (a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the  
8 funds authorized to be appropriated for section 507 and  
9 available for the Defense Health Program for operation  
10 and maintenance, \$146,857,000 may be transferred by the  
11 Secretary of Defense to the Joint Department of Defense—  
12 Department of Veterans Affairs Medical Facility Dem-  
13 onstration Fund established by subsection (a)(1) of sec-  
14 tion 1704 of the National Defense Authorization Act for  
15 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).  
16 For purposes of subsection (a)(2) of such section 1704,  
17 any funds so transferred shall be treated as amounts au-  
18 thorized and appropriated specifically for the purpose of  
19 such a transfer.

20           (b) **USE OF TRANSFERRED FUNDS.**—For the pur-  
21 poses of subsection (b) of such section 1704, facility oper-  
22 ations for which funds transferred under subsection (a)  
23 may be used are operations of the Captain James A.  
24 Lovell Federal Health Care Center, consisting of the  
25 North Chicago Veterans Affairs Medical Center, the Navy

1 Ambulatory Care Center, and supporting facilities des-  
 2 ignated as a combined Federal medical facility under an  
 3 operational agreement covered by section 706 of the Dun-  
 4 can Hunter National Defense Authorization Act for Fiscal  
 5 Year 2009 (Public Law 110–417; 122 Stat. 4500).

6 **SEC. 1312. AUTHORIZATION OF APPROPRIATIONS FOR**  
 7 **ARMED FORCES RETIREMENT HOME.**

8 There is hereby authorized to be appropriated for fis-  
 9 cal year 2015 from the Armed Forces Retirement Home  
 10 Trust Fund the sum of \$63,400,000 for the operation of  
 11 the Armed Forces Retirement Home.

12 **TITLE XIV—UNIFORMED AND**  
 13 **OVERSEAS CITIZENS ABSEN-**  
 14 **TEE VOTING ACT AMEND-**  
 15 **MENTS**

16 **SEC. 1401. PRE-ELECTION REPORTING REQUIREMENTS ON**  
 17 **AVAILABILITY AND TRANSMISSION OF AB-**  
 18 **SENTEE BALLOTS.**

19 (a) IN GENERAL.—Subsection (c) of section 102 of  
 20 the Uniformed and Overseas Citizens Absentee Voting Act  
 21 (42 U.S.C. 1973ff–1) is amended—

22 (1) by designating the text of that subsection as  
 23 paragraph (3) and indenting that paragraph, as so  
 24 designated, two ems from the left margin; and

1           (2) by inserting before paragraph (3), as so  
2 designated, the following new paragraphs:

3           “(1) PRE-ELECTION REPORT ON ABSENTEE  
4 BALLOT AVAILABILITY.—Not later than 55 days be-  
5 fore any election for Federal office held in a State,  
6 such State shall submit a report to the Attorney  
7 General and the Presidential designee, and make  
8 that report publicly available that same day, certi-  
9 fying that absentee ballots are available for trans-  
10 mission to absentee voters, or that it is aware of no  
11 circumstances that will prevent absentee ballots from  
12 being available for transmission by 46 days before  
13 the election. The report shall be in a form prescribed  
14 by the Attorney General and shall require the State  
15 to certify specific information about ballot avail-  
16 ability from each unit of local government which will  
17 administer the election.

18           “(2) PRE-ELECTION REPORT ON ABSENTEE  
19 BALLOTS TRANSMITTED.—Not later than 43 days  
20 before any election for Federal office held in a State,  
21 such State shall submit a report to the Attorney  
22 General and the Presidential designee, and make  
23 that report publicly available that same day, certi-  
24 fying whether all absentee ballots validly requested  
25 by absent uniformed services voters and overseas

1 voters whose requests were received by the 46th day  
2 before the election have been transmitted to such  
3 voters by such date. The report shall be in a form  
4 prescribed by the Attorney General and shall require  
5 the State to certify specific information about ballot  
6 transmission, including the total numbers of ballot  
7 requests received and ballots transmitted, from each  
8 unit of local government which will administer the  
9 election.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) SUBSECTION HEADING.—The heading for  
12 such subsection is amended to read as follows: “RE-  
13 PORTS ON ABSENTEE BALLOTS.—”.

14 (2) PARAGRAPH HEADING.—Paragraph (3) of  
15 such subsection, as designated by subsection (a)(1),  
16 is amended by inserting “POST-ELECTION REPORT  
17 ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED  
18 AND RECEIVED.—” before “Not later than 90 days”.

19 **SEC. 1402. TRANSMISSION REQUIREMENTS; REPEAL OF**  
20 **WAIVER PROVISION.**

21 (a) IN GENERAL.—Subsection (a)(8) of section 102  
22 of the Uniformed and Overseas Citizens Absentee Voting  
23 Act (42 U.S.C. 1973ff–1) is amended by striking “voter—  
24 ” and all that follows in that subsection and inserting

1 “voter by the date and in the manner determined under  
2 subsection (g);”.

3 (b) BALLOT TRANSMISSION REQUIREMENTS AND  
4 REPEAL OF WAIVER PROVISION.—Subsection (g) of such  
5 section is amended to read as follows:

6 “(g) BALLOT TRANSMISSION REQUIREMENTS.—

7 “(1) REQUESTS RECEIVED AT LEAST 46 DAYS  
8 BEFORE AN ELECTION FOR FEDERAL OFFICE.—For  
9 purposes of subsection (a)(8), in a case in which a  
10 valid request for an absentee ballot is received at  
11 least 46 days before an election for Federal office,  
12 the following rules shall apply:

13 “(A) TIME FOR TRANSMITTAL OF ABSEN-  
14 TEE BALLOT.—The State shall transmit the ab-  
15 sentee ballot not later than 46 days before the  
16 election.

17 “(B) SPECIAL RULES IN CASE OF FAILURE  
18 TO TRANSMIT ON TIME.—

19 “(i) GENERAL RULE.—If the State  
20 fails to transmit any absentee ballot by the  
21 46th day before the election as required by  
22 subparagraph (A) and the absent uni-  
23 formed services voter or overseas voter did  
24 not request electronic ballot transmission



1           pursuant to subsection (f), the State shall  
2           transmit such ballot by express delivery.

3           “(ii) EXTENDED FAILURE.—If the  
4           State fails to transmit any absentee ballot  
5           by the 41st day before the election, in ad-  
6           dition to transmitting the ballot as pro-  
7           vided in clause (i), the State shall—

8                   “(I) in the case of absentee bal-  
9                   lots requested by absent uniformed  
10                   services voters with respect to regu-  
11                   larly scheduled general elections, no-  
12                   tify such voters of the procedures es-  
13                   tablished under section 103A for the  
14                   collection and delivery of marked ab-  
15                   sentee ballots; and

16                   “(II) in any other case, provide,  
17                   at the State’s expense, for the return  
18                   of such ballot by express delivery.

19           “(iii) ENFORCEMENT.—A State’s  
20           compliance with this subparagraph does  
21           not bar the Attorney General from seeking  
22           additional remedies necessary to effectuate  
23           the purposes of this Act.

24           “(2) REQUESTS RECEIVED AFTER 46TH DAY  
25           BEFORE AN ELECTION FOR FEDERAL OFFICE.—For

1 purposes of subsection (a)(8), in a case in which a  
 2 valid request for an absentee ballot is received less  
 3 than 46 days before an election for Federal office,  
 4 the State shall transmit the absentee ballot within  
 5 one business day of receipt of the request.”.

6 **SEC. 1403. CLARIFICATION OF STATE RESPONSIBILITY,**  
 7 **CIVIL PENALTIES, AND PRIVATE RIGHT OF**  
 8 **ACTION.**

9 (a) ENFORCEMENT.—Section 105 of the Uniformed  
 10 and Overseas Citizens Absentee Voting Act (42 U.S.C.  
 11 1973ff-4) is amended to read as follows:

12 **“SEC. 105. ENFORCEMENT.**

13 “(a) IN GENERAL.—The Attorney General may bring  
 14 a civil action in an appropriate district court for such de-  
 15 claratory or injunctive relief as may be necessary to carry  
 16 out this title. In any such action, the only necessary party  
 17 defendant is the State. It shall not be a defense to such  
 18 action that local election officials are not also named as  
 19 defendants.

20 “(b) CIVIL PENALTY.—In a civil action brought  
 21 under subsection (a), if the court finds that the State vio-  
 22 lated any provision of this title, it may, to vindicate the  
 23 public interest, assess a civil penalty against the State—

24 “(1) in an amount not exceeding \$110,000, for  
 25 a first violation; and

1           “(2) in an amount not exceeding \$220,000, for  
2           any subsequent violation.

3           “(c) ANNUAL REPORT TO CONGRESS.—Not later  
4 than December 31 of each year, the Attorney General  
5 shall submit to Congress a report on any civil action  
6 brought under subsection (a) during that year.

7           “(d) PRIVATE RIGHT OF ACTION.—A person who is  
8 aggrieved by a State’s violation of this Act may bring a  
9 civil action in an appropriate district court for such declar-  
10 atory or injunctive relief as may be necessary to carry out  
11 this Act.

12           “(e) ATTORNEY’S FEES.—In a civil action under this  
13 section, the court may allow the prevailing party (other  
14 than the United States) reasonable attorney’s fees, includ-  
15 ing litigation expenses, and costs.”.

16           (b) REPEAL OF CLARIFICATION REGARDING DELE-  
17 GATION OF STATE RESPONSIBILITY.—Section 576 of the  
18 Military and Overseas Voter Empowerment Act (42  
19 U.S.C. 1973ff–1 note) is repealed.

20 **SEC. 1404. TECHNICAL CLARIFICATIONS TO CONFORM TO**  
21 **2009 MOVE ACT AMENDMENTS RELATED TO**  
22 **THE FEDERAL WRITE-IN ABSENTEE BALLOT.**

23           (a) STATE RESPONSIBILITIES.—Section 102(a)(3) of  
24 the Uniformed and Overseas Citizens Absentee Voting Act

1 (42 U.S.C. 1973ff-1(a)(3)) is amended by striking “gen-  
2 eral”.

3 (b) WRITE-IN ABSENTEE BALLOTS.—Section 103 of  
4 such Act (42 U.S.C. 1973ff-2) is amended—

5 (1) by striking “**GENERAL**” in the title of the  
6 section; and

7 (2) by striking “general” in subsection  
8 (b)(2)(B).

9 **SEC. 1405. TREATMENT OF BALLOT REQUESTS.**

10 (a) IN GENERAL.—Section 104 of the Uniformed and  
11 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-  
12 3) is amended—

13 (1) by striking “A State may not” and insert-  
14 ing:

15 “(a) PROHIBITION OF REFUSAL OF APPLICATIONS  
16 ON GROUNDS OF EARLY SUBMISSION.—A State may  
17 not”;

18 (2) by inserting “or overseas voter” after “an  
19 absent uniformed services voter”;

20 (3) by striking “members of the” before “uni-  
21 formed services”;

22 (4) by inserting “voters or overseas voters” be-  
23 fore the period; and

24 (5) by adding at the end the following new sub-  
25 section:

1       “(b) APPLICATION TREATED AS VALID FOR SUBSE-  
2 QUENT ELECTIONS.—

3           “(1) IN GENERAL.—If a State accepts and  
4 processes a request for an absentee ballot by an ab-  
5 sent uniformed services voter or overseas voter and  
6 the voter requests that the application be considered  
7 an application for an absentee ballot for each subse-  
8 quent election for Federal office held in the State  
9 through the next regularly scheduled general election  
10 for Federal office (including any runoff elections  
11 which may occur as a result of the outcome of such  
12 general election), and any special elections for Fed-  
13 eral office held in the State through the calendar  
14 year following such general election, the State shall  
15 provide an absentee ballot to the voter for each such  
16 subsequent election.

17           “(2) EXCEPTION FOR VOTERS CHANGING REG-  
18 ISTRATION.—Paragraph (1) shall not apply with re-  
19 spect to a voter registered to vote in a State for any  
20 election held after the voter notifies the State that  
21 the voter no longer wishes to be registered to vote  
22 in the State or after the State determines that the  
23 voter has registered to vote in another State.”.

24       (b) CONFORMING AMENDMENT.—The heading of  
25 such section is amended to read as follows:

1 **“SEC. 104. TREATMENT OF BALLOT REQUESTS.”.**

2 **SEC. 1406. INCLUSION OF NORTHERN MARIANA ISLANDS IN**  
 3 **THE DEFINITION OF “STATE” FOR PURPOSES**  
 4 **OF THE UNIFORMED AND OVERSEAS CITI-**  
 5 **ZENS ABSENTEE VOTING ACT.**

6 Paragraphs (6) and (8) of section 107 of the Uni-  
 7 formed and Overseas Citizens Absentee Voting Act (42  
 8 U.S.C. 1973ff–6) are each amended by striking “and  
 9 American Samoa” and inserting “American Samoa, and  
 10 the Commonwealth of the Northern Mariana Islands”.

11 **SEC. 1407. REQUIREMENT FOR PRESIDENTIAL DESIGNEE**  
 12 **TO REVISE THE FEDERAL POST CARD APPLI-**  
 13 **CATION TO ALLOW VOTERS TO DESIGNATE**  
 14 **BALLOT REQUESTS.**

15 (a) REQUIREMENT.—The Presidential designee shall  
 16 ensure that the official post card form (prescribed under  
 17 section 101(b)(2) of the Uniformed and Overseas Citizens  
 18 Absentee Voting Act (42 U.S.C. 1973ff(b)(2))) enables a  
 19 voter using the form to—

20 (1) request an absentee ballot for each election  
 21 for Federal office held in a State through the next  
 22 regularly scheduled general election for Federal of-  
 23 fice (including any runoff elections which may occur  
 24 as a result of the outcome of such general election)  
 25 and any special elections for Federal office held in

1 the State through the calendar year following such  
 2 general election; or

3 (2) request an absentee ballot for a specific  
 4 election or elections for Federal office held in a  
 5 State during the period described in paragraph (1).

6 (b) DEFINITION.—In this section, the term “Presi-  
 7 dential designee” means the individual designated under  
 8 section 101(a) of the Uniformed and Overseas Citizens  
 9 Absentee Voting Act (42 U.S.C. 1973ff(a)).

10 **SEC. 1408. REQUIREMENT OF PLURALITY VOTE FOR VIRGIN**  
 11 **ISLANDS AND GUAM FEDERAL ELECTIONS.**

12 Section 2(a) of the Act entitled “An Act to provide  
 13 that the unincorporated territories of Guam and the Vir-  
 14 gin Islands shall each be represented in Congress by a Del-  
 15 egate to the House of Representatives” approved April 10,  
 16 1972 (48 U.S.C. 1712(a)), is amended—

17 (1) by striking “majority” in the second and  
 18 third sentences and inserting “plurality”; and

19 (2) by striking the fourth sentence.

20 **SEC. 1409. EXTENSION OF REPORTING DEADLINE FOR THE**  
 21 **ANNUAL REPORT ON THE ASSESSMENT OF**  
 22 **THE EFFECTIVENESS OF ACTIVITIES OF THE**  
 23 **FEDERAL VOTING ASSISTANCE PROGRAM.**

24 (a) ELIMINATION OF REPORTS FOR NON-ELECTION  
 25 YEARS.—Section 105A(b) of the Uniformed and Overseas

1 Citizens Absentee Voting Act (42 U.S.C. 1973ff-4a(b)) is  
2 amended—

3 (1) by striking “March 31 of each year” and in-  
4 serting “June 30 of each odd-numbered year”; and

5 (2) by striking “the following information” and  
6 inserting “the following information with respect to  
7 the Federal elections held during the preceding cal-  
8 endar year”.

9 (b) CONFORMING AMENDMENTS.—Such section is  
10 further amended—

11 (1) by striking “ANNUAL REPORT” in the sub-  
12 section heading and inserting “BIENNIAL REPORT”;  
13 and

14 (2) by striking “In the case of” in paragraph  
15 (3) and all that follows through “a description” and  
16 inserting “A description”.



1 **TITLE XV—AUTHORIZATION OF**  
 2 **ADDITIONAL APPROPRIA-**  
 3 **TIONS FOR OVERSEAS CON-**  
 4 **TINGENCY OPERATIONS**

5 [RESERVED]

6 **TITLE XVI—CONSOLIDATION**  
 7 **AND MODERNIZATION OF**  
 8 **STATUTES RELATING TO THE**  
 9 **DEPARTMENT OF DEFENSE**  
 10 **COOPERATIVE THREAT RE-**  
 11 **DUCTION PROGRAM**

12 **SEC. 1601. SHORT TITLE; TABLE OF CONTENTS.**

13 (a) **SHORT TITLE.**—This title may be cited as the  
 14 “Department of Defense Cooperative Threat Reduction  
 15 Act”.

16 (b) **TABLE OF CONTENTS.**—The table of contents for  
 17 this title is as follows:

Sec. 1601. Short title; table of contents.

Subtitle A—Program Authorities

Sec. 1611. Authority to carry out the Department of Defense Cooperative Threat Reduction Program.

Sec. 1612. Use of Department of Defense Cooperative Threat Reduction funds for certain emergent threats or opportunities.

Sec. 1613. Department of Defense Cooperative Threat Reduction Program authority for urgent threat reduction activities.

Sec. 1614. Use of funds for other purposes or for increased amounts.

Sec. 1615. Use of contributions to the Department of Defense Cooperative Threat Reduction Program.

Subtitle B—Restrictions and Limitations

Sec. 1621. Prohibition on use of funds for specified purposes.

Sec. 1622. Requirement for on-site managers.

Sec. 1623. Limitation on use of funds until certain permits obtained.

Subtitle C—Recurring Certifications and Reports

- Sec. 1631. Annual certifications on use of facilities being constructed for Department of Defense Cooperative Threat Reduction projects or activities.
- Sec. 1632. Requirement to submit summary of amounts requested by project category.
- Sec. 1633. Reports on activities and assistance under the Department of Defense Cooperative Threat Reduction Program.
- Sec. 1634. Metrics for the Department of Defense Cooperative Threat Reduction Program.

Subtitle D—Repeals and Transition Provision

- Sec. 1641. Repeals.
- Sec. 1642. Transition provision.

1     **Subtitle A—Program Authorities**

2     **SEC. 1611. AUTHORITY TO CARRY OUT THE DEPARTMENT**  
 3                     **OF DEFENSE COOPERATIVE THREAT REDUC-**  
 4                     **TION PROGRAM.**

5             (a) **AUTHORITY.**—Subject to any concurrence of the  
 6 Secretary of State or other appropriate agency head under  
 7 section 1612 or section 1613 (unless such concurrence is  
 8 otherwise exempted by section 1642), the Secretary of De-  
 9 fense may, carry out a program, referred to as the “De-  
 10 partment of Defense Cooperative Threat Reduction Pro-  
 11 gram”, with respect to foreign states to do the following:

12                     (1) Facilitate the elimination, and the safe and  
 13                     secure transportation and storage, of chemical, bio-  
 14                     logical, or other weapons, weapons components,  
 15                     weapons-related materials, and their delivery vehi-  
 16                     cles.

17                     (2) Facilitate—

1           (A) the safe and secure transportation and  
2           storage of nuclear weapons, nuclear weapons-  
3           usable or high-threat radiological materials, nu-  
4           clear weapons components, and their delivery  
5           vehicles; and

6           (B) the elimination of nuclear weapons  
7           components and nuclear weapons delivery vehi-  
8           cles.

9           (3) Prevent the proliferation of nuclear and  
10          chemical weapons, weapons components, and weap-  
11          ons-related materials, technology and expertise.

12          (4) Prevent the proliferation of biological weap-  
13          ons, weapons components, and weapons-related ma-  
14          terials, technology and expertise, which may include  
15          activities that facilitate detection and reporting of  
16          highly pathogenic diseases or other diseases that are  
17          associated with or that could be utilized as an early  
18          warning mechanism for disease outbreaks that could  
19          impact the armed forces of the United States or al-  
20          lies of the United States.

21          (5) Prevent the proliferation of weapons of  
22          mass destruction-related materials, including all ma-  
23          terials, equipment, and technology that could be  
24          used for the design, development, production, or use

1 of nuclear, chemical, and biological weapons and  
2 their means of delivery.

3 (6) Carry out military-to-military and defense  
4 contacts for advancing the mission of the Depart-  
5 ment of Defense Cooperative Threat Reduction Pro-  
6 gram, subject to subsection (e).

7 (b) SCOPE OF AUTHORITY.—The authority to carry  
8 out the Program in subsection (a) includes authority to  
9 provide equipment, goods, and services, but does not in-  
10 clude authority to provide cash directly to such project or  
11 activity.

12 (c) TYPE OF PROGRAM.—The Program carried out  
13 under subsection (a) may involve assistance in planning  
14 and in resolving technical problems associated with weap-  
15 ons destruction and proliferation. Such cooperation may  
16 also involve the funding of critical short-term require-  
17 ments related to weapons destruction.

18 (d) REIMBURSEMENT OF OTHER AGENCIES.—The  
19 Secretary of Defense may reimburse other United States  
20 Government departments and agencies under this section  
21 for costs of participation in the Program carried out under  
22 subsection (a).

23 (e) MILITARY-TO-MILITARY AND DEFENSE CON-  
24 TACTS.—The Secretary of Defense shall ensure that the

1 military-to-military and defense contacts carried out under  
2 subsection (a)(6)—

3 (1) are focused and expanded to support spe-  
4 cific relationship-building opportunities, which could  
5 lead to Department of Defense Cooperative Threat  
6 Reduction Program development in new geographic  
7 areas and achieve other Department of Defense Co-  
8 operative Threat Reduction Program benefits;

9 (2) are directly administered as part of the De-  
10 partment of Defense Cooperative Threat Reduction  
11 Program; and

12 (3) include cooperation and coordination with—  
13 (A) the unified combatant commands; and  
14 (B) the Department of State.

15 (f) PRIOR NOTICE TO CONGRESS OF OBLIGATION OF  
16 FUNDS.—

17 (1) ANNUAL REQUIREMENT.—Not less than 15  
18 days before any obligation of any funds appropriated  
19 for any fiscal year for a program specified under  
20 this section, the Secretary of Defense shall submit to  
21 the congressional defense committees a report on  
22 that proposed obligation for that program for that  
23 fiscal year.

24 (2) MATTERS TO BE SPECIFIED IN REPORTS.—  
25 Each such report shall specify—

1 (A) the activities and forms of assistance  
2 for which the Secretary of Defense plans to ob-  
3 ligate funds;

4 (B) the amount of the proposed obligation;  
5 and

6 (C) the projected involvement (if any) of  
7 any department or agency of the United States  
8 (in addition to the Department of Defense) and  
9 of the private sector of the United States in the  
10 activities and forms of assistance for which the  
11 Secretary of Defense plans to obligate such  
12 funds.

13 **SEC. 1612. USE OF DEPARTMENT OF DEFENSE COOPERA-**  
14 **TIVE THREAT REDUCTION FUNDS FOR CER-**  
15 **TAIN EMERGENT THREATS OR OPPORTUNI-**  
16 **TIES.**

17 (a) **AUTHORITY.**—For purposes of the Program spec-  
18 ified in section 1611, the Secretary of Defense may obli-  
19 gate and expend Department of Defense Cooperative  
20 Threat Reduction funds for a fiscal year, and any Depart-  
21 ment of Defense Cooperative Threat Reduction funds for  
22 a fiscal year before such fiscal year that remain available  
23 for obligation, for a proliferation threat reduction project  
24 or activity if the Secretary of Defense, with the concur-

1 rence of the Secretary of State, determines each of the  
2 following:

3 (1) That such project or activity will—

4 (A) assist the United States in the resolu-  
5 tion of a critical emerging proliferation threat;  
6 or

7 (B) permit the United States to take ad-  
8 vantage of opportunities to achieve long-stand-  
9 ing nonproliferation goals.

10 (2) That such project or activity will be com-  
11 pleted in a short period of time.

12 (3) That the Department of Defense is the enti-  
13 ty of the Federal Government that is most capable  
14 of carrying out such project or activity.

15 (b) CONGRESSIONAL NOTIFICATION.—Not later than  
16 10 days after obligating funds under the authority in sub-  
17 section (a) for a project or activity, the Secretary of De-  
18 fense shall notify the congressional defense committees  
19 and the Secretary of State shall notify the Committee on  
20 Foreign Affairs of the House of Representatives and the  
21 Committee on Foreign Relations of the Senate in writing  
22 of the determinations made under subsection (a) with re-  
23 spect to such project or activity, together with—

24 (1) a justification for such determinations; and

1           (2) a description of the scope and duration of  
2           such project or activity.

3           (c) NON-DEFENSE AGENCY PARTNER-NATION CON-  
4           TACTS.—For military-to-military and defense contacts  
5           carried out under section 1611(a)(6), as further described  
6           in section 1611(e), concurrence of the Secretary of State  
7           is required only for participation by personnel from non-  
8           defense agencies.

9           **SEC. 1613. DEPARTMENT OF DEFENSE COOPERATIVE**  
10           **THREAT REDUCTION PROGRAM AUTHORITY**  
11           **FOR URGENT THREAT REDUCTION ACTIVI-**  
12           **TIES.**

13           (a) IN GENERAL.—Subject to the requirements under  
14           subsection (b) or (c), as applicable, not more than 15 per-  
15           cent of the total amounts appropriated or otherwise made  
16           available for any fiscal year for the Department of Defense  
17           Cooperative Threat Reduction Program may be expended,  
18           notwithstanding any other law, for activities described  
19           under subsections (b)(1)(B) and (c)(1)(B).

20           (b) SECRETARY OF DEFENSE DETERMINATION AND  
21           NOTICE.—

22           (1) DETERMINATION.—Subject to paragraph  
23           (2), amounts may be expended by the Secretary of  
24           Defense as described in subsection (a) if the Sec-  
25           retary makes a written determination that—



1 (A) a threat arising from the proliferation  
2 of chemical, nuclear, or biological weapons or  
3 weapons-related materials, technologies, or ex-  
4 pertise must be addressed urgently;

5 (B) certain provisions of law would unnec-  
6 essarily impede the Secretary's ability to carry  
7 out activities of the Department of Defense Co-  
8 operative Threat Reduction Program to address  
9 that threat; and

10 (C) it is necessary to expend amounts as  
11 described in subsection (a) to carry out such ac-  
12 tivities.

13 (2) CONCURRENCE REQUIRED.—A determina-  
14 tion by the Secretary of Defense under paragraph  
15 (1) may only be made with the concurrence of the  
16 Secretary of State and the Secretary of Energy.

17 (3) NOTICE REQUIRED.—Not later than 15  
18 days after obligating or expending funds under the  
19 authority provided in subsection (a), the Secretary of  
20 Defense shall, after consultation with the Secretary  
21 of State, notify the congressional defense commit-  
22 tees, the Committee on Foreign Affairs of the House  
23 of Representatives, and the Committee on Foreign  
24 Relations of the Senate of the determination made

1 under paragraph (1). The notice shall include the  
2 following:

3 (A) The determination.

4 (B) The activities to be undertaken by the  
5 Department of Defense Cooperative Threat Re-  
6 duction Program.

7 (C) The expected timeframe for such ac-  
8 tivities.

9 (D) The expected costs of such activities.

10 (c) PRESIDENTIAL DETERMINATION AND NOTICE.—

11 (1) DETERMINATION.—Amounts may be made  
12 available if the President makes a written deter-  
13 mination that—

14 (A) a threat arising from the proliferation  
15 of chemical, nuclear, or biological weapons or  
16 weapons-related materials, technologies, or ex-  
17 pertise must be addressed urgently in an  
18 ungoverned area or an area that is not con-  
19 trolled by an effective governmental authority,  
20 as determined by the Secretary of State; and

21 (B) it is necessary to make available  
22 amounts as described in subsection (a) to carry  
23 out activities of the Department of Defense Co-  
24 operative Threat Reduction Program to address  
25 that threat.

1           (2) NOTICE REQUIRED.—Not later than 15  
2 days after obligating or expending funds under the  
3 authority provided in subsection (a), the Secretary of  
4 Defense shall, after consultation with the Secretary  
5 of State, notify the congressional defense commit-  
6 tees, the Committee on Foreign Affairs of the House  
7 of Representatives, and the Committee on Foreign  
8 Relations of the Senate of the determination made  
9 under paragraph (1). The notice shall include the  
10 following:

11                   (A) The determination.

12                   (B) The activities to be undertaken  
13 through the Department of Defense Cooperative  
14 Threat Reduction Program.

15                   (C) The expected timeframe for such ac-  
16 tivities.

17                   (D) The expected costs of such activities.

18 **SEC. 1614. USE OF FUNDS FOR OTHER PURPOSES OR FOR**

19 **INCREASED AMOUNTS.**

20           (a) NOTICE TO CONGRESS OF INTENT TO USE  
21 FUNDS FOR OTHER PURPOSES.—

22                   (1) REPORT.—For any fiscal year for which  
23 amounts are specifically authorized in an Act other  
24 than an appropriations Act for specific purposes  
25 (specified by law) within the Department of Defense

1 Cooperative Threat Reduction Program, amounts  
2 appropriated or otherwise made available for the De-  
3 partment of Defense Cooperative Threat Reduction  
4 Program for that fiscal year may be obligated or ex-  
5 pended for a Department of Defense Cooperative  
6 Threat Reduction purpose other than one of the pur-  
7 poses so specified if—

8 (A) the Secretary of Defense determines  
9 that it is necessary to do so in the national in-  
10 terest; and

11 (B) the requirements of subsection (c)  
12 have been met.

13 (2) CONSTRUCTION WITH OTHER LAWS.—Noth-  
14 ing in paragraph (1) shall be construed as author-  
15 izing the obligation or expenditure of Department of  
16 Defense Cooperative Threat Reduction Program  
17 funds for a purpose for which the obligation or ex-  
18 penditure of such funds is specifically prohibited  
19 under any provision of law.

20 (b) LIMITED AUTHORITY TO VARY INDIVIDUAL  
21 AMOUNTS PROVIDED FOR ANY FISCAL YEAR FOR SPECI-  
22 FIED PURPOSES.—For any fiscal year for which amounts  
23 are specifically authorized in an Act other than an appro-  
24 priations Act for specific purposes (specified by law) with-  
25 in the Department of Defense Cooperative Threat Reduc-

1 tion Program, the Secretary of Defense, subject to sub-  
2 section (c), may obligate funds appropriated or otherwise  
3 made available for any such purpose for that fiscal year  
4 in excess of the specific amount so authorized for that pur-  
5 pose if—

6 (1) the Secretary of Defense determines that it  
7 is necessary to do so in the national interest; and

8 (2) the requirements of subsection (c) have  
9 been met.

10 (c) NOTICE-AND-WAIT REQUIREMENTS.—The re-  
11 quirements of this subsection for purposes of subsections  
12 (a) and (b) are that—

13 (1) the Secretary submit to the congressional  
14 defense committees notification of the intent to obli-  
15 gate funds as described in subsection (a) or (b), to-  
16 gether with a complete discussion of the justification  
17 for doing so and, in the case of a report for purposes  
18 of subsection (a), a statement of the purpose for  
19 which the funds will be used and the amount of  
20 funds to be used; and

21 (2) 15 days have elapsed following the date of  
22 the notification.

1 **SEC. 1615. USE OF CONTRIBUTIONS TO THE DEPARTMENT**  
2 **OF DEFENSE COOPERATIVE THREAT REDUC-**  
3 **TION PROGRAM.**

4 (a) **AUTHORITY TO ENTER INTO AGREEMENTS.—**

5 (1) **AUTHORITY.**—Subject to paragraph (2), the  
6 Secretary of Defense may enter into one or more  
7 agreements with any person (including a foreign  
8 government, international organization, multi-  
9 national entity, or any other entity) that the Sec-  
10 retary of Defense considers appropriate under which  
11 the person contributes funds for activities conducted  
12 under the Department of Defense Cooperative  
13 Threat Reduction Program.

14 (2) **REQUIREMENT FOR SECRETARY OF STATE**  
15 **CONCURRENCE.**—The Secretary of Defense may  
16 enter into an agreement under this subsection only  
17 with the concurrence of the Secretary of State.

18 (b) **RETENTION AND USE OF AMOUNTS.**—Notwith-  
19 standing section 3302 of title 31, United States Code, and  
20 subject to subsections (c) and (d), the Secretary of De-  
21 fense may retain and obligate or expend amounts contrib-  
22 uted pursuant to subsection (a) for purposes of the De-  
23 partment of Defense Cooperative Threat Reduction Pro-  
24 gram. Amounts so contributed shall be retained in a sepa-  
25 rate fund established in the Treasury for such purposes

1 and shall be available to be obligated or expended without  
2 further appropriation.

3 (c) RETURN OF AMOUNTS NOT OBLIGATED OR EX-  
4 PENDED WITHIN THREE YEARS.—If the Secretary of De-  
5 fense does not obligate or expend an amount contributed  
6 pursuant to subsection (a) by the date that is three years  
7 after the date on which the contribution was made, the  
8 Secretary shall return the amount to the person who made  
9 the contribution.

10 (d) NOTICE TO CONGRESSIONAL DEFENSE COMMIT-  
11 TEES.—

12 (1) IN GENERAL.—Not later than 30 days after  
13 receiving an amount contributed pursuant to sub-  
14 section (a), the Secretary of Defense shall submit to  
15 the congressional defense committees a notice—

16 (A) specifying the value of the contribution  
17 and the purpose for which the contribution was  
18 made; and

19 (B) identifying the person who made the  
20 contribution.

21 (2) LIMITATION ON USE OF AMOUNTS.—The  
22 Secretary of Defense may not obligate an amount  
23 contributed pursuant to subsection (a) until the date  
24 that is 15 days after the date on which the Sec-  
25 retary submits the notice required by paragraph (1).

1 (e) ANNUAL REPORT.—Not later than the first Mon-  
2 day in February of each year, the Secretary of Defense  
3 shall submit to the congressional defense committees a re-  
4 port on amounts contributed pursuant to subsection (a)  
5 during the preceding fiscal year. Each such report shall  
6 include, for the fiscal year covered by the report, the fol-  
7 lowing:

8 (1) A statement of any amounts contributed  
9 pursuant to subsection (a), including, for each such  
10 amount, the value of the contribution and the iden-  
11 tity of the person who made the contribution.

12 (2) A statement of any amounts so contributed  
13 that were obligated or expended by the Secretary of  
14 Defense, including, for each such amount, the pur-  
15 poses for which the amount was obligated or ex-  
16 pended.

17 (3) A statement of any amounts so contributed  
18 that were retained but not obligated or expended, in-  
19 cluding, for each such amount, the purposes (if  
20 known) for which the Secretary of Defense intends  
21 to obligate or expend the amount.

22 (f) IMPLEMENTATION PLAN.—The Secretary of De-  
23 fense shall submit to the congressional defense committees  
24 an implementation plan for the authority provided under  
25 this section prior to obligating or expending any amounts



1 contributed pursuant to subsection (a). The Secretary of  
2 Defense shall submit updates to such plan as needed.

3           **Subtitle B—Restrictions and**  
4                           **Limitations**

5   **SEC. 1621. PROHIBITION ON USE OF FUNDS FOR SPECIFIED**  
6                           **PURPOSES.**

7           (a) IN GENERAL.—Funds appropriated for the De-  
8 partment of Defense Cooperative Threat Reduction Pro-  
9 gram may not be obligated or expended for any of the  
10 following purposes:

11                   (1) Conducting any peacekeeping exercise or  
12                   other peacekeeping-related activity.

13                   (2) Provision of housing.

14                   (3) Provision of assistance to promote environ-  
15                   mental restoration.

16                   (4) Provision of assistance to promote job re-  
17                   training.

18                   (5) Provision of assistance to promote defense  
19                   conversion.

20           (b) LIMITATION WITH RESPECT TO CONVENTIONAL  
21 WEAPONS.—Funds appropriated for the Department of  
22 Defense Cooperative Threat Reduction Program may not  
23 be obligated or expended for elimination of—

24                   (1) conventional weapons; or

1           (2) conventional weapons delivery vehicles, un-  
2           less such delivery vehicles could reasonably be used  
3           or adapted to be used for the delivery of chemical,  
4           nuclear, or biological weapons.

5 **SEC. 1622. REQUIREMENT FOR ON-SITE MANAGERS.**

6           (a) ON-SITE MANAGER REQUIREMENT.—Before obli-  
7           gating any Department of Defense Cooperative Threat Re-  
8           duction Program funds for a project described in sub-  
9           section (b), the Secretary of Defense shall appoint one on-  
10          site manager for that project. The manager shall be ap-  
11          pointed from among employees of the Federal Govern-  
12          ment.

13          (b) PROJECTS COVERED.—Subsection (a) applies to  
14          a project—

15                (1) to be located in a state of the former Soviet  
16          Union;

17                (2) which involves dismantlement, destruction,  
18          or storage facilities, or construction of a facility; and

19                (3) with respect to which the total contribution  
20          by the Department of Defense is expected to exceed  
21          \$50,000,000.

22          (c) DUTIES OF ON-SITE MANAGER.—The on-site  
23          manager appointed under subsection (a) shall—

24                (1) develop, in cooperation with representatives  
25          from governments of states participating in the

1 project, a list of those steps or activities critical to  
2 achieving the project's disarmament or nonprolifera-  
3 tion goals;

4 (2) establish a schedule for completing those  
5 steps or activities;

6 (3) meet with all participants to seek assur-  
7 ances that those steps or activities are being com-  
8 pleted on schedule; and

9 (4) suspend United States participation in a  
10 project when a non-United States participant fails to  
11 complete a scheduled step or activity on time, unless  
12 directed by the Secretary of Defense to resume  
13 United States participation.

14 (d) AUTHORITY TO MANAGE MORE THAN ONE  
15 PROJECT.—

16 (1) Subject to paragraph (2), an employee of  
17 the Federal Government may serve as on-site man-  
18 ager for more than one project, including projects at  
19 different locations.

20 (2) If such an employee serves as on-site man-  
21 ager for more than one project in a fiscal year, the  
22 total cost of the projects for that fiscal year may not  
23 exceed \$150,000,000.

24 (e) STEPS OR ACTIVITIES.—Steps or activities re-  
25 ferred to in subsection (c)(1) are those activities that, if

1 not completed, will prevent a project from achieving its  
2 disarmament or nonproliferation goals, including, at a  
3 minimum, the following:

4           (1) Identification and acquisition of permits (as  
5           defined in section 1623).

6           (2) Verification that the items, substances, or  
7           capabilities to be dismantled, secured, or otherwise  
8           modified are available for dismantlement, securing,  
9           or modification.

10           (3) Timely provision of financial, personnel,  
11           management, transportation, and other resources.

12           (f) NOTIFICATION TO CONGRESS.—In any case in  
13           which the Secretary of Defense directs an on-site manager  
14           to resume United States participation in a project under  
15           subsection (c)(4), the Secretary shall concurrently notify  
16           the congressional defense committees of such direction.

17 **SEC. 1623. LIMITATION ON USE OF FUNDS UNTIL CERTAIN**  
18 **PERMITS OBTAINED.**

19           (a) IN GENERAL.—The Secretary of Defense shall  
20           seek to obtain all the permits required to complete each  
21           phase of construction of a project under the Department  
22           of Defense Cooperative Threat Reduction Program in a  
23           state of the former Soviet Union before obligating signifi-  
24           cant amounts of funding for that phase of the project.

1 (b) USE OF FUNDS FOR NEW CONSTRUCTION  
2 PROJECTS.—Except as provided in subsection (c), with re-  
3 spect to a new construction project to be carried out by  
4 the Department of Defense Cooperative Threat Reduction  
5 Program, not more than 40 percent of the total costs of  
6 the project may be obligated from Department of Defense  
7 Cooperative Threat Reduction Program funds for any fis-  
8 cal year until the Secretary of Defense—

9 (1) determines the number and type of permits  
10 that may be required for the lifetime of the project  
11 in the proposed location or locations of the project;  
12 and

13 (2) obtains from the State in which the project  
14 is to be located any permits that may be required to  
15 begin construction.

16 (c) EXCEPTION TO LIMITATIONS ON USE OF  
17 FUNDS.—The limitation in subsection (b) on the obliga-  
18 tion of funds for a construction project otherwise covered  
19 by such subsection shall not apply with respect to the obli-  
20 gation of funds for a particular project if the Secretary  
21 of Defense—

22 (1) determines that it is necessary in the na-  
23 tional interest to obligate funds for such project; and

24 (2) submits to the congressional defense com-  
25 mittees a notification of the intent to obligate funds

1 for such project, together with a complete discussion  
2 of the justification for doing so.

3 (d) DEFINITIONS.—In this section, with respect to a  
4 project under the Department of Defense Cooperative  
5 Threat Reduction Program:

6 (1) NEW CONSTRUCTION PROJECT.—The term  
7 “new construction project” means a construction  
8 project for which no funds have been obligated or  
9 expended as of November 24, 2003.

10 (2) PERMIT.—The term “permit” means any  
11 local or national permit for development, general  
12 construction, environmental, land use, or other pur-  
13 poses that is required for purposes of major con-  
14 struction.

## 15 **Subtitle C—Recurring** 16 **Certifications and Reports**

17 **SEC. 1631. ANNUAL CERTIFICATIONS ON USE OF FACILI-**  
18 **TIES BEING CONSTRUCTED FOR DEPART-**  
19 **MENT OF DEFENSE COOPERATIVE THREAT**  
20 **REDUCTION PROJECTS OR ACTIVITIES.**

21 Not later than the first Monday of February each  
22 year, the Secretary of Defense shall submit to the congres-  
23 sional defense committees a certification for each facility  
24 for a Cooperative Threat Reduction project or activity for

1 which construction occurred during the preceding fiscal  
2 year on matters as follows:

3           (1) Whether or not such facility will be used for  
4 its intended purpose by the government of the state  
5 of the former Soviet Union in which the facility is  
6 constructed.

7           (2) Whether or not the government of such  
8 state remains committed to the use of such facility  
9 for its intended purpose.

10           (3) Whether those actions needed to ensure se-  
11 curity at the facility, including secure transportation  
12 of any materials, substances, or weapons to, from, or  
13 within the facility, have been taken.

14 **SEC. 1632. REQUIREMENT TO SUBMIT SUMMARY OF**  
15 **AMOUNTS REQUESTED BY PROJECT CAT-**  
16 **EGORY.**

17           (a) SUMMARY REQUIRED.—The Secretary of Defense  
18 shall submit to the congressional defense committees in  
19 the materials and manner specified in subsection (c)—

20           (1) a descriptive summary, with respect to the  
21 appropriations requested for the Department of De-  
22 fense Cooperative Threat Reduction Program for the  
23 fiscal year after the fiscal year in which the sum-  
24 mary is submitted, of the amounts requested for  
25 each project category under each Department of De-

1       fense Cooperative Threat Reduction program ele-  
2       ment; and

3               (2) a descriptive summary, with respect to ap-  
4       propriations for the Department of Defense Cooper-  
5       ative Threat Reduction Program for the fiscal year  
6       in which the list is submitted and the previous fiscal  
7       year, of the amounts obligated or expended, or  
8       planned to be obligated or expended, for each project  
9       category under each Department of Defense Cooper-  
10      ative Threat Reduction program element.

11      (b) DESCRIPTION OF PURPOSE AND INTENT.—The  
12      descriptive summary required under subsection (a) shall  
13      include a narrative description of each program and  
14      project category under each Department of Defense Coop-  
15      erative Threat Reduction program element that explains  
16      the purpose and intent of the funds requested.

17      (c) INCLUSION IN CERTAIN MATERIALS SUBMITTED  
18      TO CONGRESS.—The summary required to be submitted  
19      in a fiscal year under subsection (a) shall be set forth by  
20      project category, and by amounts specified in paragraphs  
21      (1) and (2) of that subsection in connection with such  
22      project category, in each of the following:

23               (1) The annual report on activities and assist-  
24      ance under the Department of Defense Cooperative



1 Threat Reduction Program required in such fiscal  
2 year under section 1633.

3 (2) The budget justification materials sub-  
4 mitted to Congress in support of the Department of  
5 Defense budget for the fiscal year succeeding such  
6 fiscal year (as submitted with the budget of the  
7 President under section 1105(a) of title 31, United  
8 States Code).

9 **SEC. 1633. REPORTS ON ACTIVITIES AND ASSISTANCE**  
10 **UNDER THE DEPARTMENT OF DEFENSE CO-**  
11 **OPERATIVE THREAT REDUCTION PROGRAM.**

12 (a) ANNUAL REPORT.—In any year in which the  
13 budget of the President under section 1105 of title 31,  
14 United States Code, for the fiscal year beginning in such  
15 year requests funds for the Department of Defense for as-  
16 sistance or activities under the Department of Defense Co-  
17 operative Threat Reduction Program, the Secretary of De-  
18 fense shall, after consultation with the Secretary of State,  
19 submit to the congressional defense committees, the Com-  
20 mittee on Foreign Affairs of the House of Representatives,  
21 and the Committee on Foreign Relations of the Senate  
22 a report on activities and assistance during the preceding  
23 fiscal year under the Department of Defense Cooperative  
24 Threat Reduction Program setting forth the matters in  
25 subsection (c).

1 (b) DEADLINE FOR REPORT.—The report under sub-  
2 section (a) shall be submitted not later than the first Mon-  
3 day in February of a year.

4 (c) MATTERS TO BE INCLUDED.—The report under  
5 subsection (a) in a year shall set forth the following:

6 (1) An estimate of the total amount that will be  
7 required to be expended by the United States in  
8 order to achieve the objectives of the Department of  
9 Defense Cooperative Threat Reduction Program.

10 (2) A five-year plan setting forth the amount of  
11 funds and other resources proposed to be provided  
12 by the United States for the Department of Defense  
13 Cooperative Threat Reduction Program over the  
14 term of the plan, including the purpose for which  
15 such funds and resources will be used, and to pro-  
16 vide guidance for the preparation of annual budget  
17 submissions with respect to the Department of De-  
18 fense Cooperative Threat Reduction Program.

19 (3) A description of the Department of Defense  
20 Cooperative Threat Reduction activities carried out  
21 during the fiscal year ending in the year preceding  
22 the year of the report, including—

23 (A) the amounts notified, obligated, and  
24 expended for such activities and the purposes  
25 for which such amounts were notified, obli-

1 gated, and expended for such fiscal year and  
2 cumulatively for the Department of Defense Co-  
3 operative Threat Reduction Program;

4 (B) a description of the participation, if  
5 any, of each department and agency of the  
6 United States Government in such activities;

7 (C) a description of such activities, includ-  
8 ing the forms of assistance provided;

9 (D) a description of the United States pri-  
10 vate sector participation in the portion of such  
11 activities that were supported by the obligation  
12 and expenditure of funds for the Department of  
13 Defense Cooperative Threat Reduction Pro-  
14 gram; and

15 (E) such other information as the Sec-  
16 retary of Defense considers appropriate to in-  
17 form Congress fully of the operation of Depart-  
18 ment of Defense Cooperative Threat Reduction  
19 programs and activities, including with respect  
20 to proposed demilitarization or conversion  
21 projects, information on the progress toward  
22 demilitarization of facilities and the conversion  
23 of the demilitarized facilities to civilian activi-  
24 ties.

1           (4) A description of the means (including pro-  
2           gram management, audits, examinations, and other  
3           means) used by the United States during the fiscal  
4           year ending in the year preceding the year of the re-  
5           port to ensure that assistance provided under the  
6           Department of Defense Cooperative Threat Reduc-  
7           tion Program is fully accounted for, that such assist-  
8           ance is being used for its intended purpose, and that  
9           such assistance is being used efficiently and effec-  
10          tively, including—

11                   (A) if such assistance consisted of equip-  
12                   ment, a description of the current location of  
13                   such equipment and the current condition of  
14                   such equipment;

15                   (B) if such assistance consisted of con-  
16                   tracts or other services, a description of the sta-  
17                   tus of such contracts or services and the meth-  
18                   ods used to ensure that such contracts and  
19                   services are being used for their intended pur-  
20                   pose;

21                   (C) a determination whether the assistance  
22                   described in subparagraphs (A) and (B) has  
23                   been used for its intended purpose and an as-  
24                   sessment of whether the assistance being pro-

1           vided is being used effectively and efficiently;  
2           and

3                   (D) a description of the efforts planned to  
4           be carried out during the fiscal year beginning  
5           in the year of the report to ensure that Depart-  
6           ment of Defense Cooperative Threat Reduction  
7           assistance provided during such fiscal year is  
8           fully accounted for and is used for its intended  
9           purpose.

10           (5) A description of the defense and military  
11           activities carried out under the Department of De-  
12           fense Cooperative Threat Reduction Program, in-  
13           cluding under the Defense and Military Contacts  
14           program during the fiscal year ending in the year  
15           preceding the year of the report, including—

16                   (A) the amounts obligated or expended for  
17           such activities;

18                   (B) the strategy, goals, and objectives for  
19           which such amounts were obligated and ex-  
20           pended;

21                   (C) a description of the activities carried  
22           out, including the forms of assistance provided,  
23           and the justification for each form of assistance  
24           provided;

1 (D) the success of each activity, including  
2 the goals and objectives achieved for each;

3 (E) a description of participation by pri-  
4 vate sector entities in the United States in car-  
5 rying out such activities, and the participation  
6 of any other Federal department or agency in  
7 such activities; and

8 (F) any other information that the Sec-  
9 retary considers relevant to provide a complete  
10 description of the operation and success of ac-  
11 tivities carried out under the Department of  
12 Defense Cooperative Threat Reduction Pro-  
13 gram.

14 **SEC. 1634. METRICS FOR THE DEPARTMENT OF DEFENSE**  
15 **COOPERATIVE THREAT REDUCTION PRO-**  
16 **GRAM.**

17 The Secretary of Defense shall implement metrics to  
18 measure the impact and effectiveness of activities of the  
19 Department of Defense Cooperative Threat Reduction  
20 Program to address threats arising from the proliferation  
21 of chemical, nuclear, and biological weapons and weapons-  
22 related materials, technologies, and expertise.

1 **Subtitle D—Repeals and Transition**  
2 **Provision**

3 **SEC. 1641. REPEALS.**

4 The following provisions of law are repealed:

5 (1) Sections 212, 221, 222, and 231 of the So-  
6 viet Nuclear Threat Reduction Act of 1991 (Public  
7 Law 102–228; 22 U.S.C. 2551 note).

8 (2) Sections 1412 and 1431 of the Former So-  
9 viet Union Demilitarization Act (Public Law 102–  
10 484; 22 U.S.C. 5902, 5921).

11 (3) Sections 1203, 1204, 1206, and 1208 of the  
12 Cooperative Threat Reduction Act of 1993 (title XII  
13 of the National Defense Authorization Act for Fiscal  
14 Year 1994; Public Law 103–160; 22 U.S.C. 5952,  
15 5953, 5955, 5957).

16 (4) Section 1205 of the National Defense Au-  
17 thorization Act for Fiscal Year 1996 (Public Law  
18 104–106; 22 U.S.C. 5955 note).

19 (5) Section 1501 of the National Defense Au-  
20 thorization Act for Fiscal Year 1997 (Public Law  
21 104–201; 50 U.S.C. 2362 note).

22 (6) Section 1307 of the Strom Thurmond Na-  
23 tional Defense Authorization Act for Fiscal Year  
24 1999 (Public Law 105–261; 22 U.S.C. 5952 note).

1           (7) Section 1303 of the National Defense Au-  
2           thorization Act for Fiscal Year 2000 (Public Law  
3           106–65; 22 U.S.C. 5952 note).

4           (8) Sections 1303, 1304, 1306, and 1308 of the  
5           Floyd D. Spence National Defense Authorization  
6           Act for Fiscal Year 2001 (as enacted into law by  
7           Public Law 106–398; 22 U.S.C. 5952 note, 5959).

8           (9) Section 1304 of the National Defense Au-  
9           thorization Act for Fiscal Year 2002 (Public Law  
10          107–107; 22 U.S.C. 5952 note).

11          (10) Sections 1305 and 1306 of the Bob Stump  
12          National Defense Authorization Act for Fiscal Year  
13          2003 (Public Law 107–314; 22 U.S.C. 5952 note).

14          (11) Sections 1303, 1305, 1307, and 1308 of  
15          the National Defense Authorization Act for Fiscal  
16          Year 2004 (Public Law 108–136; 22 U.S.C. 5960,  
17          5961, 5962, and 5963).

18          (12) Sections 1303, 1304, 1305, and 1306 of  
19          the National Defense Authorization Act for Fiscal  
20          Year 2010 (Public Law 111–84; 22 U.S.C. 5952,  
21          5964, 5965, and 5952 note).

22   **SEC. 1642. TRANSITION PROVISION.**

23          Any determination made before the date of the enact-  
24          ment of this Act under section 1308(a) of the National  
25          Defense Authorization Act for Fiscal Year 2004 (22



1 U.S.C. 5963(a)) shall be treated as a determination under  
 2 section 1612(a). Any determination made before the date  
 3 of the enactment of this Act under section 1305(b) of the  
 4 National Defense Authorization Act for Fiscal Year 2010  
 5 (22 U.S.C. 5965) shall be treated as a determination  
 6 under section 1613(b). The requirement for a determina-  
 7 tion under section 1612 shall not apply to a state that  
 8 was part of the former Soviet Union, but regular coordina-  
 9 tion practices shall apply.

10 **DIVISION B—MILITARY CON-**  
 11 **STRUCTION AUTHORIZA-**  
 12 **TIONS**

13 **SEC. 2001. SHORT TITLE.**

14 This division may be cited as the “Military Construc-  
 15 tion Authorization Act for Fiscal Year 2015”.

16 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**  
 17 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
 18 **LAW.**

19 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
 20 YEARS.—Except as provided in subsection (b), all author-  
 21 izations contained in titles XXI through XXVII for mili-  
 22 tary construction projects, land acquisition, family housing  
 23 projects and facilities, and contributions to the North At-  
 24 lantic Treaty Organization Security Investment Program

1 (and authorizations of appropriations therefor) shall ex-  
2 pire on the later of—

3 (1) October 1, 2017; or

4 (2) the date of the enactment of an Act author-  
5 izing funds for military construction for fiscal year  
6 2018.

7 (b) EXCEPTION.—Subsection (a) shall not apply to  
8 authorizations for military construction projects, land ac-  
9 quisition, family housing projects and facilities, and con-  
10 tributions to the North Atlantic Treaty Organization Se-  
11 curity Investment Program (and authorizations of appro-  
12 priations therefor), for which appropriated funds have  
13 been obligated before the later of—

14 (1) October 1, 2017; or

15 (2) the date of the enactment of an Act author-  
16 izing funds for fiscal year 2018 for military con-  
17 struction projects, land acquisition, family housing  
18 projects and facilities, or contributions to the North  
19 Atlantic Treaty Organization Security Investment  
20 Program.

**TITLE XXI—ARMY MILITARY  
CONSTRUCTION**

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND  
ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(1), the Secretary of the Army 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:

**Army: Inside the United States**

State	Installation	Amount
California .....	Concord .....	\$15,200,000
	Fort Irwin .....	\$45,000,000
Colorado .....	Fort Carson .....	\$89,000,000
Hawaii .....	Fort Shafter .....	\$96,000,000
Kentucky .....	Fort Campbell .....	\$23,000,000
New York .....	Fort Drum .....	\$27,000,000
Pennsylvania .....	Letterkenny Army Depot .....	\$16,000,000
South Carolina .....	Fort Jackson .....	\$52,000,000
Virginia .....	Joint Base Langley-Eustis .....	\$7,700,000.

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

Country	Installation	Amount
Cuba .....	Guantanamo Bay .....	\$23,800,000
Japan .....	Kadena AB .....	\$10,600,000.

**1 SEC. 2102. FAMILY HOUSING.**

2       Using amounts appropriated pursuant to the author-  
3 ization of appropriations in section 2103(5)(A), the Sec-  
4 retary of the Army may construct or acquire family hous-  
5 ing units (including land acquisition and supporting facili-  
6 ties) at the installations or locations, in the number of  
7 units, and in the amounts set forth in the following table:

**Army: Family Housing**

Country	Installation	Units	Amount
Illinois .....	Rock Island .....	33 .....	\$19,500,000
Korea .....	Camp Walker .....	90 .....	\$57,800,000.

**8 SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

9       Funds are hereby authorized to be appropriated for  
10 fiscal years beginning after September 30, 2014, for mili-  
11 tary construction, land acquisition, and military family  
12 housing functions of the Department of the Army in the  
13 total amount of \$969,012,000 as follows:

14           (1) For military construction projects inside the  
15 United States authorized by section 2101(a),  
16 \$370,900,000.

17           (2) For military construction projects outside  
18 the United States authorized by section 2101(b),  
19 \$34,400,000.

1           (3) For unspecified minor military construction  
2 projects authorized by section 2805 of title 10,  
3 United States Code, \$25,000,000.

4           (4) For architectural and engineering services  
5 and construction design under section 2807 of title  
6 10, United States Code, \$51,127,000.

7           (5) For military family housing functions:

8                 (A) For construction and acquisition, plan-  
9 ning and design, and improvement of military  
10 family housing and facilities, \$78,609,000.

11                (B) For support of military family housing  
12 (including the functions described in section  
13 2833 of title 10, United States Code),  
14 \$350,976,000.

15           (6) For the construction of increment 3 of the  
16 Cadet Barracks at the United States Military Acad-  
17 emy, New York, authorized by section 2101(a) of  
18 the Military Construction Authorization Act for Fis-  
19 cal Year 2013 (division B of Public Law 112-239;  
20 126 Stat. 2119), \$58,000,000.

21 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**  
22 **CERTAIN FISCAL YEAR 2004 PROJECT.**

23           In the case of the authorization contained in the table  
24 in section 2101(a) of the Military Construction Authoriza-  
25 tion Act for Fiscal Year 2004 (division B of Public Law

1 108–136; 117 Stat. 1697) for Picatinny Arsenal, New  
2 Jersey, for construction of an Explosives Research and  
3 Development Loading Facility at the installation, the Sec-  
4 retary of the Army may use available unobligated balances  
5 of amounts appropriated for military construction for the  
6 Army to complete work on the project within the scope  
7 specified for the project in the justification data provided  
8 to Congress as part of the request for authorization of  
9 the project.

10 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**  
11 **CERTAIN FISCAL YEAR 2013 PROJECTS.**

12 (a) FORT DRUM.—(1) In executing the authorization  
13 contained in the table in section 2101(a) of the Military  
14 Construction Authorization Act for Fiscal Year 2013 (di-  
15 vision B of Public Law 112–239; 126 Stat. 2119) for Fort  
16 Drum, New York, for construction of an Aircraft Mainte-  
17 nance Hangar at the installation, the Secretary of the  
18 Army may provide a capital contribution to a public or  
19 private utility company in order for the utility company  
20 to extend the utility company’s gas line to the installation  
21 boundary.

22 (2) The capital contribution under subsection (a) is  
23 not considered a change in the scope of work under section  
24 2853 of title 10, United States Code.

1 (b) FORT LEONARD WOOD.—In the case of the au-  
2 thorization contained in the table in section 2101(a) of  
3 the Military Construction Authorization Act for Fiscal  
4 Year 2013 (division B of Public Law 112–239; 126 Stat.  
5 2119) for Fort Leonard Wood, Missouri, for construction  
6 of Battalion Complex Facilities at the installation, the  
7 Secretary of the Army may construct the Battalion Head-  
8 quarters with classrooms for a unit other than a Global  
9 Defense Posture Realignment unit.

10 (c) FORT MCNAIR.—In the case of the authorization  
11 contained in the table in section 2101(a) of the Military  
12 Construction Authorization Act for Fiscal Year 2013 (di-  
13 vision B of Public Law 112–239; 126 Stat. 2119) for Fort  
14 McNair, District of Columbia, for construction of a Vehi-  
15 cle Storage Building at the installation, the Secretary of  
16 the Army may construct up to 20,227 square feet of vehi-  
17 cle storage.

18 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
19 **FISCAL YEAR 2011 PROJECT.**

20 (a) EXTENSIONS.—Notwithstanding section 2002 of  
21 the Military Construction Authorization Act for Fiscal  
22 Year 2011 (division B of Public Law 111–383; 124 Stat.  
23 4436), the authorization set forth in the table in sub-  
24 section (b), as provided in section 2101 of that Act (124  
25 Stat. 4437), shall remain in effect until October 1, 2015,

1 or the date of the enactment of an Act authorizing funds  
 2 for military construction for fiscal year 2016, whichever  
 3 is later.

4 (b) TABLE.—The table referred to in subsection (a)  
 5 as follows:

**Army: Extension of 2011 Project Authorizations**

State/Country	Installation or Location	Project	Amount
Georgia .....	Fort Benning .....	Land Acquisition .....	\$12,200,000.

6 **SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 7 **FISCAL YEAR 2012 PROJECTS.**

8 (a) EXTENSIONS.—Notwithstanding section 2002 of  
 9 the Military Construction Authorization Act for Fiscal  
 10 Year 2012 (division B of Public Law 112–81; 125 Stat.  
 11 1660), the authorizations set forth in the table in sub-  
 12 section (b), as provided in section 2101 of that Act (125  
 13 Stat. 1661), shall remain in effect until October 1, 2015,  
 14 or the date of the enactment of an Act authorizing funds  
 15 for military construction for fiscal year 2016, whichever  
 16 is later.

17 (b) TABLE.—The table referred to in subsection (a)  
 18 as follows:

**Army: Extension of 2012 Project Authorizations**

State	Installation or Location	Project	Amount
Georgia .....	Fort Benning .....	Land Acquisition .....	\$5,100,000
		Land Acquisition .....	\$25,000,000
North Carolina ....	Fort Bragg .....	Unmanned Aerial Vehicle Maintenance Hangar.	\$54,000,000
Texas .....	Fort Bliss .....	Applied Instruction Build- ing.	\$8,300,000



**Army: Extension of 2012 Project Authorizations**—Continued

State	Installation or Location	Project	Amount
Virginia .....	Fort Hood .....	Vehicle Maintenance Facility.	\$19,000,000
		Unmanned Aerial Vehicle Maintenance Hangar.	\$47,000,000
	Fort Belvoir .....	Road and Infrastructure Improvements.	\$25,000,000.

1           **TITLE XXII—NAVY MILITARY**  
2                           **CONSTRUCTION**

3   **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**  
4                           **ACQUISITION PROJECTS.**

5           (a) INSIDE THE UNITED STATES.—Using amounts  
6 appropriated pursuant to the authorization of appropria-  
7 tions in section 2204(1), the Secretary of the Navy may  
8 acquire real property and carry out military construction  
9 projects for the installations or locations inside the United  
10 States, and in the amounts, set forth in the following  
11 table:

**Navy: Inside the United States**

State	Installation	Amount
Arizona .....	Yuma .....	\$16,608,000
California .....	Bridgeport .....	\$16,180,000
	San Diego .....	\$47,110,000
District of Columbia ..	Naval Support Activity Washington .....	\$31,735,000
Florida .....	Jacksonville .....	\$30,235,000
	Mayport .....	\$20,520,000
Hawaii .....	Kaneohe Bay .....	\$53,382,000
	Pearl Harbor .....	\$9,698,000
Maryland .....	Annapolis .....	\$120,112,000
	Indian Head .....	\$15,346,000
	Patuxent River .....	\$9,860,000
Nevada .....	Fallon .....	\$31,262,000
North Carolina .....	Cherry Point Marine Corps Air Station ...	\$41,588,000
Pennsylvania .....	Philadelphia .....	\$23,985,000
South Carolina .....	Charleston .....	\$35,716,000
Virginia .....	Dahlgren .....	\$27,313,000
	Norfolk .....	\$39,274,000
	Portsmouth .....	\$9,743,000
	Quantico .....	\$12,613,000
Washington .....	Yorktown .....	\$26,988,000
	Bremerton .....	\$16,401,000

**Navy: Inside the United States**—Continued

State	Installation	Amount
	Port Angeles .....	\$20,638,000
	Whidbey Island .....	\$24,390,000.

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2204(2), the Secretary of the Navy may  
4 acquire real property and carry out military construction  
5 projects for the installation or location outside the United  
6 States, and in the amounts, set forth in the following  
7 table:

**Navy: Outside the United States**

Country	Installation	Amount
Bahrain Island .....	SW Asia .....	\$27,826,000
Djibouti .....	Camp Lemonier .....	\$9,923,000
Guam .....	Joint Region Marianas .....	\$50,651,000
Japan .....	Iwakuni .....	\$6,415,000
	Kadena AB .....	\$19,411,000
	MCAS Futenma .....	\$4,639,000
	Okinawa .....	\$35,685,000
Spain .....	Rota .....	\$20,233,000
Worldwide Unspecified	Unspecified Worldwide Locations .....	\$38,985,000.

8 **SEC. 2202. FAMILY HOUSING.**

9 Using amounts appropriated pursuant to the author-  
10 ization of appropriations in section 2204(5)(A), the Sec-  
11 retary of the Navy may carry out architectural and engi-  
12 neering services and construction design activities with re-  
13 spect to the construction or improvement of family hous-  
14 ing units in an amount not to exceed \$472,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
2 **UNITS.**

3 Subject to section 2825 of title 10, United States  
4 Code, and using amounts appropriated pursuant to the  
5 authorization of appropriations in section 2204(5)(A), the  
6 Secretary of the Navy may improve existing military fam-  
7 ily housing units in an amount not to exceed \$15,940,000.

8 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

9 Funds are hereby authorized to be appropriated for  
10 fiscal years beginning after September 30, 2014, for mili-  
11 tary construction, land acquisition, and military family  
12 housing functions of the Department of the Navy in the  
13 total amount of \$1,389,213,000, as follows:

14 (1) For military construction projects inside the  
15 United States authorized by section 2201(a),  
16 \$680,697,000.

17 (2) For military construction projects outside  
18 the United States authorized by section 2201(b),  
19 \$213,768,000.

20 (3) For unspecified minor military construction  
21 projects authorized by section 2805 of title 10,  
22 United States Code, \$7,163,000.

23 (4) For architectural and engineering services  
24 and construction design under section 2807 of title  
25 10, United States Code, \$33,366,000.

26 (5) For military family housing functions:

1 (A) For construction and acquisition, plan-  
2 ning and design, and improvement of military  
3 family housing and facilities, \$16,412,000.

4 (B) For support of military family housing  
5 (including functions described in section 2833  
6 of title 10, United States Code), \$354,029,000.

7 (6) For the construction of increment 4 of the  
8 Explosives Handling Wharf No. 2 at Kitsap, Wash-  
9 ington, authorized by section 2201(a) of the Military  
10 Construction Authorization Act for Fiscal Year 2012  
11 (division B of Public Law 112–81; 125 Stat. 1666),  
12 as amended by section 2205 of the Military Con-  
13 struction Authorization Act for Fiscal Year 2013  
14 (division B of Public Law 112–239; 126 Stat. 2124)  
15 \$83,778,000.

16 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**  
17 **CERTAIN FISCAL YEAR 2012 PROJECTS.**

18 (a) YUMA.—In the case of the authorization con-  
19 tained in the table in section 2201(a) of the Military Con-  
20 struction Authorization Act for Fiscal Year 2012 (division  
21 B of Public Law 112–81; 125 Stat. 1666), for Yuma, Ari-  
22 zona, for construction of a Double Aircraft Maintenance  
23 Hangar, the Secretary of the Navy may construct up to  
24 approximately 70,000 square feet of additional apron to  
25 be utilized as a taxi-lane using amounts appropriated for

1 this project pursuant to the authorization of appropria-  
2 tions in section 2204 of such Act (125 Stat. 1667).

3 (b) CAMP PENDLETON.—In the case of the author-  
4 ization contained in the table in section 2201(a) of the  
5 Military Construction Authorization Act for Fiscal Year  
6 2012 (division B of Public Law 112–81; 125 Stat. 1666),  
7 for Camp Pendleton, California, for construction of an In-  
8 fantry Squad Defense Range, the Secretary of the Navy  
9 may construct up to 9,000 square feet of vehicular bridge  
10 using amounts appropriated for this project pursuant to  
11 the authorization of appropriations in section 2204 of such  
12 Act (125 Stat. 1667).

13 (c) KINGS BAY.—In the case of the authorization  
14 contained in the table in section 2201(a) of the Military  
15 Construction Authorization Act for Fiscal Year 2012 (di-  
16 vision B of Public Law 112–81; 125 Stat. 1666), for  
17 Kings Bay, Georgia, for construction of a Crab Island Se-  
18 curity Enclave, the Secretary of the Navy may expand the  
19 enclave fencing system to three layers of fencing and con-  
20 struct two elevated fixed fighting positions with associated  
21 supporting facilities using amounts appropriated for this  
22 project pursuant to the authorization of appropriations in  
23 section 2204 of such Act (125 Stat. 1667).

1 **SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 2014 PROJECT.**

3 In the case of the authorization contained in the table  
4 in section 2201(a) of the Military Construction Authoriza-  
5 tion Act for Fiscal Year 2014 (division B of Public Law  
6 113–66; 127 Stat. 989), for Yorktown, Virginia, for con-  
7 struction of Small Arms Ranges, the Secretary of the  
8 Navy may construct 240 square meters of armory, 48  
9 square meters of Safety Officer/Target Storage Building,  
10 and 667 square meters of Range Operations Building  
11 using appropriations available for the project pursuant to  
12 the authorization of appropriations in section 2204 of such  
13 Act (127 Stat. 990).

14 **SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
15 **FISCAL YEAR 2011 PROJECTS.**

16 (a) EXTENSION.—Notwithstanding section 2002 of  
17 the Military Construction Authorization Act for Fiscal  
18 Year 2011 (division B of Public Law 111–383; 124 Stat.  
19 4436), the authorizations set forth in the table in sub-  
20 section (b), as provided in section 2201 of that Act (124  
21 Stat. 4441) and extended by section 2207 of the Military  
22 Construction Authorization Act for Fiscal Year 2014 (di-  
23 vision B of Public Law 113–66; 127 Stat. 991), shall re-  
24 main in effect until October 1, 2015, or the date of an  
25 Act authorizing funds for military construction for fiscal  
26 year 2016, whichever is later.

1 (b) TABLE.—The table referred to in subsection (a)  
 2 is as follows:

**Navy: Extension of 2011 Project Authorizations**

State/Country	Installation or Location	Project	Amount
Bahrain .....	Southwest Asia .....	Navy Central Command Ammunition Magazines.	\$89,280,000
Guam .....	Naval Activities, Guam ..	Defense Access Roads Improvements.	\$66,730,000.

3 **SEC. 2208. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 4 **FISCAL YEAR 2012 PROJECTS.**

5 (a) EXTENSION.—Notwithstanding section 2002 of  
 6 the Military Construction Authorization Act for Fiscal  
 7 Year 2012 (division B of Public Law 112–81; 125 Stat.  
 8 1660), the authorizations set forth in the table in sub-  
 9 section (b), as provided in section 2201 of that Act (125  
 10 Stat. 1666), shall remain in effect until October 1, 2015,  
 11 or the date of an Act authorizing funds for military con-  
 12 struction for fiscal year 2016, whichever is later.

13 (b) TABLE.—The table referred to in subsection (a)  
 14 is as follows:

**Navy: Extension of 2012 Project Authorizations**

State/Country	Installation or Location	Project	Amount
California .....	Camp Pendleton .....	North Area Waste Water Conveyance.	\$78,271,000
		Infantry Squad Defense Range.	\$29,187,000
	Twentynine Palms .....	Land Expansion ..	\$8,665,000
Florida .....	Jacksonville .....	P–8A Hangar Upgrades.	\$6,085,000
Georgia .....	Kings Bay .....	Crab Island Security Enclave.	\$52,913,000
		WRA Land/Water Interface.	\$33,150,000

**Navy: Extension of 2012 Project Authorizations**—Continued

State/Country	Installation or Location	Project	Amount
Maryland .....	Patuxent River .....	Aircraft Prototype Facility Phase 2.	\$45,844,000.

1                   **TITLE XXIII—AIR FORCE**  
2                   **MILITARY CONSTRUCTION**

3   **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**  
4                   **LAND ACQUISITION PROJECTS.**

5           (a) INSIDE THE UNITED STATES.—Using amounts  
6 appropriated pursuant to the authorization of appropria-  
7 tions in section 2304(1), the Secretary of the Air Force  
8 may acquire real property and carry out military construc-  
9 tion projects for the installations or locations inside the  
10 United States, and in the amounts, set forth in the fol-  
11 lowing table:

**Air Force: Inside the United States**

State	Installation	Amount
Alaska .....	Clear AFS .....	\$11,500,000
Arizona .....	Luke AFB .....	\$26,800,000
Kansas .....	McConnell AFB .....	\$34,400,000
Massachusetts .....	Hanscom AFB .....	\$13,500,000
Nevada .....	Nellis AFB .....	\$53,900,000
New Jersey .....	Joint Base McGuire-Dix-Lakehurst .....	\$5,900,000
Oklahoma .....	Tinker AFB .....	\$111,000,000
Texas .....	Joint Base San Antonio .....	\$5,800,000.

12           (b) OUTSIDE THE UNITED STATES.—Using amounts  
13 appropriated pursuant to the authorization of appropria-  
14 tions in section 2304(2), the Secretary of the Air Force  
15 may acquire real property and carry out military construc-  
16 tion projects for the installations or locations outside the



1 United States, and in the amounts, set forth in the fol-  
 2 lowing table:

**Air Force: Outside the United States**

Country	Installation	Amount
Guam .....	Joint Region Marianas .....	\$13,400,000
United Kingdom .....	Croughton RAF .....	\$92,223,000.

3 **SEC. 2302. AUTHORIZATION OF APPROPRIATIONS, AIR**  
 4 **FORCE.**

5 Funds are hereby authorized to be appropriated for  
 6 fiscal years beginning after September 30, 2014, for mili-  
 7 tary construction, land acquisition, and military family  
 8 housing functions of the Department of the Air Force in  
 9 the total amount of \$1,139,521,000, as follows:

10 (1) For military construction projects inside the  
 11 United States authorized by section 2301(a),  
 12 \$262,800,000.

13 (2) For military construction projects outside  
 14 the United States authorized by section 2301(b),  
 15 \$105,623,000.

16 (3) For unspecified minor military construction  
 17 projects authorized by section 2805 of title 10,  
 18 United States Code, \$22,613,000.

19 (4) For architectural and engineering services  
 20 and construction design under section 2807 of title  
 21 10, United States Code, \$10,738,000.

22 (5) For military family housing functions:

1           (A) For support of military family housing  
2           (including functions described in section 2833  
3           of title 10, United States Code), \$327,747,000.

4           (6) For the construction of increment 2 of the  
5           United States Cyber Command Joint Operations  
6           Center at Fort Meade, Maryland, authorized by sec-  
7           tion 2301(a) of the Military Construction Authoriza-  
8           tion Act for Fiscal Year 2014 (division B of Public  
9           Law 113–66; 127 Stat. 992), \$166,000,000.

10          (7) For the construction of increment 4 of the  
11          United States Strategic Command Replacement Fa-  
12          cility at Offutt Air Force Base, Nebraska, author-  
13          ized by section 2301(a) of the Military Construction  
14          Authorization Act for Fiscal Year 2012 (division B  
15          of Public Law 112–81; 125 Stat. 1670),  
16          \$180,000,000.

17          (8) For the construction of increment 2 of the  
18          Guam Strike Fuel Systems Maintenance Hangar at  
19          Joint Base Marianas, Guam, authorized by section  
20          2301(b) of the Military Construction Authorization  
21          Act for Fiscal Year 2012 (division B of Public Law  
22          112–81; 125 Stat. 1671), \$64,000,000.

1 **SEC. 2303. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 2008 PROJECT.**

3 In the case of the authorization contained in the table  
4 in section 2301(a) of the Military Construction Authoriza-  
5 tion Act for Fiscal Year 2008 (division B of Public Law  
6 110–181; 122 Stat. 515), for Shaw Air Force Base, South  
7 Carolina, for Base Infrastructure at that location, the Sec-  
8 retary of the Air Force may acquire fee or lesser real prop-  
9 erty interests in approximately 11.5 acres of land contig-  
10 uous to Shaw Air Force Base for the project using funds  
11 appropriated to the Department of the Air Force for con-  
12 struction in years prior to fiscal year 2015.

13 **SEC. 2304. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
14 **FISCAL YEAR 2011 PROJECT.**

15 (a) EXTENSION.—Notwithstanding section 2002 of  
16 the Military Construction Authorization Act for Fiscal  
17 Year 2011 (division B of Public Law 111–383; 124 Stat.  
18 4436), the authorization set forth in the table in sub-  
19 section (b), as provided in section 2301 of that Act (124  
20 Stat. 4444), shall remain in effect until October 1, 2015,  
21 or the date of the enactment of an Act authorizing funds  
22 for military construction for fiscal year 2016, whichever  
23 is later.

24 (b) TABLE.—The table referred to in subsection (a)  
25 is as follows:

**Air Force: Extension of 2011 Project Authorizations**

<b>State</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Bahrain, SW Asia.	Shaikh Isa AB .....	North Apron Expansion	\$45,000,000.

1 **SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
2 **FISCAL YEAR 2012 PROJECT.**

3 (a) EXTENSION.—Notwithstanding section 2002 of  
4 the Military Construction Authorization Act for Fiscal  
5 Year 2012 (division B of Public Law 111–383; 124 Stat.  
6 4436), the authorizations set forth in the table in sub-  
7 section (b), as provided in section 2301 of that Act (124  
8 Stat. 4444), shall remain in effect until October 1, 2015,  
9 or the date of the enactment of an Act authorizing funds  
10 for military construction for fiscal year 2016, whichever  
11 is later.

12 (b) TABLE.—The table referred to in subsection (a)  
13 is as follows:

**Air Force: Extension of 2012 Project Authorizations**

<b>State</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Alaska .....	Eielson AFB .....	Dormitory (168 RM) .....	\$45,000,000
Italy .....	Sigonella Naval Air Station.	UAS SATCOM Relay Pads and Facility.	\$15,000,000.

1 **TITLE XXIV—DEFENSE AGEN-**  
 2 **CIES MILITARY CONSTRUC-**  
 3 **TION**

4 **Subtitle A—Defense Agency**  
 5 **Authorizations**

6 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**  
 7 **TION AND LAND ACQUISITION PROJECTS.**

8 (a) INSIDE THE UNITED STATES.—Using amounts  
 9 appropriated pursuant to the authorization of appropria-  
 10 tions in section 2403(1), the Secretary of Defense may  
 11 acquire real property and carry out military construction  
 12 projects for the installations or locations inside the United  
 13 States, and in the amounts, set forth in the following  
 14 table:

**Defense Agencies: Inside the United States**

State	Installation	Amount
Arizona .....	Fort Huachuca .....	\$1,871,000
California .....	Camp Pendleton .....	\$11,841,000
	Coronado .....	\$70,340,000
	Lemoore .....	\$52,500,000
Colorado .....	Peterson AFB .....	\$15,200,000
Conus Classified .....	Classified Location .....	\$53,073,000
Georgia .....	Hunter Army Airfield .....	\$7,692,000
	Robins AFB .....	\$19,900,000
Hawaii .....	Joint Base Pearl Harbor-Hickam .....	\$52,900,000
Kentucky .....	Fort Campbell .....	\$18,000,000
Maryland .....	Fort Meade .....	\$54,207,000
	Joint Base Andrews .....	\$18,300,000
Mississippi .....	Stennis .....	\$27,547,000
Michigan .....	Selfridge ANGB .....	\$35,100,000
Nevada .....	Fallon .....	\$20,241,000
New Mexico .....	Cannon AFB .....	\$23,333,000
North Carolina .....	Camp Lejeune .....	\$52,748,000
	Fort Bragg .....	\$93,136,000
	Seymour Johnson AFB .....	\$8,500,000
South Carolina .....	Beaufort .....	\$40,600,000
South Dakota .....	Ellsworth AFB .....	\$8,000,000
Texas .....	Joint Base San Antonio .....	\$38,300,000
Virginia .....	Craney Island .....	\$36,500,000
	Def Distribution Depot Richmond .....	\$5,700,000
	Fort Belvoir .....	\$7,239,000
	Joint Base Langley-Eustis .....	\$41,200,000

**Defense Agencies: Inside the United States**—Continued

State	Installation	Amount
	Joint Expeditionary Base Little Creek-Story.	\$39,588,000
	Pentagon .....	\$15,100,000.

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2403(2), the Secretary of Defense may  
4 acquire real property and carry out military construction  
5 projects for the installations or locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Defense Agencies: Outside the United States**

Country	Installation	Amount
Australia .....	Geraldton .....	\$9,600,000
Belgium .....	Brussels .....	\$79,544,000
Cuba .....	Guantanamo Bay .....	\$76,290,000
Japan .....	Misawa AB .....	\$37,775,000
	Okinawa .....	\$170,901,000
	Sasebo .....	\$37,681,000.

8 **SEC. 2402. AUTHORIZED ENERGY CONSERVATION**  
9 **PROJECTS.**

10 Using amounts appropriated pursuant to the author-  
11 ization of appropriations in section 2403(6), the Secretary  
12 of Defense may carry out energy conservation projects  
13 under chapter 173 of title 10, United States Code, in the  
14 amount of \$150,000,000.

1 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**  
2 **FENSE AGENCIES.**

3 Funds are hereby authorized to be appropriated for  
4 fiscal years beginning after September 30, 2013, for mili-  
5 tary construction, land acquisition, and military family  
6 housing functions of the Department of Defense (other  
7 than the military departments) in the total amount of  
8 \$2,124,652,000, as follows:

9 (1) For military construction projects inside the  
10 United States authorized by section 2401(a),  
11 \$868,656,000.

12 (2) For military construction projects outside  
13 the United States authorized by section 2401(b),  
14 \$411,791,000.

15 (3) For unspecified minor military construction  
16 projects under section 2805 of title 10, United  
17 States Code, \$43,487,000.

18 (4) For contingency construction projects of the  
19 Secretary of Defense under section 2804 of title 10,  
20 United States Code, \$9,000,000.

21 (5) For architectural and engineering services  
22 and construction design under section 2807 of title  
23 10, United States Code, \$142,240,000.

24 (6) For energy conservation projects under  
25 chapter 173 of title 10, United States Code,  
26 \$150,000,000.

1 (7) For military family housing functions:

2 (A) For support of military family housing  
3 (including functions described in section 2833  
4 of title 10, United States Code), \$61,100,000.

5 (B) For credits (including amounts author-  
6 ized for and appropriated) to the Department  
7 of Defense Family Housing Improvement Fund  
8 for functions under section 2883 of title 10,  
9 United States Code, \$1,662,000.

10 (C) For credits to the Homeowners Assist-  
11 ance Fund established under section 1013 of  
12 the Demonstration Cities and Metropolitan De-  
13 velopment Act of 1966 (42 U.S.C. 3374).

14 (8) For the construction of increment 6 of the  
15 Hospital Replacement at Fort Bliss, Texas, author-  
16 ized by section 2401(a) of the Military Construction  
17 Authorization Act for Fiscal Year 2010 (division B  
18 of Public Law 111–84; 123 Stat. 2642),  
19 \$131,500,000.

20 (9) For the construction of increment 3 of the  
21 NSAW Recapitalize Building #1 at Fort Meade,  
22 Maryland, authorized by section 2401(a) of the Mili-  
23 tary Construction Authorization Act for Fiscal Year  
24 2013 (division B of Public Law 112–239; 126 Stat.  
25 2127), \$45,521,000.



1           (10) For the construction of increment 4 of the  
 2           Medical Center Replacement at Rhine Ordnance  
 3           Barracks, Germany, authorized by section 2401(b)  
 4           of the Military Construction Authorization Act for  
 5           Fiscal Year 2012 (division B of Public Law 112–81;  
 6           125 Stat. 1673), as amended by section 2404(b) of  
 7           the Military Construction Authorization Act for Fis-  
 8           cal Year 2013 (division B of Public Law 112–239;  
 9           126 Stat. 2131), \$259,695,000.

10 **SEC. 2404. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 11 **FISCAL YEAR 2011 PROJECT.**

12           (a) **EXTENSION.**—Notwithstanding section 2002 of  
 13 the Military Construction Authorization Act for Fiscal  
 14 Year 2011 (division B of Public Law 111–383; 124 Stat.  
 15 4436), the authorizations set forth in the table in sub-  
 16 section (b), as provided in section 2401 of that Act (124  
 17 Stat. 4446), shall remain in effect until October 1, 2015,  
 18 or the date of an Act authorizing funds for military con-  
 19 struction for fiscal year 2016, whichever is later.

20           (b) **TABLE.**—The table referred to in subsection (a)  
 21 is as follows:

**Defense Agencies: Extension of 2011 Project Authorizations**

<b>State/Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
District of Colum- bia.	Bolling Air Force Base.	Cooling Tower Expan- sion.	\$2,070,000
		DIAC Parking Garage	\$13,586,000
		Electrical Upgrades .....	\$1,080,000.

1 **SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 2 **FISCAL YEAR 2012 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of  
 4 the Military Construction Authorization Act for Fiscal  
 5 Year 2012 (division B of Public Law 112–81; 125 Stat.  
 6 1660), the authorization set forth in the table in sub-  
 7 section (b), as provided in section 2401 of that Act (125  
 8 Stat. 1673), shall remain in effect until October 1, 2015,  
 9 or the date of the enactment of an Act authorizing funds  
 10 for military construction for fiscal year 2016, whichever  
 11 is later.

12 (b) TABLE.—The table referred to in subsection (a)  
 13 is as follows:

**Defense Agencies: Extension of 2012 Project Authorizations**

State	Installation or Location	Project	Amount
Italy .....	USAG Vicenza .....	Vicenza High School (Replacement).	\$41,864,000
Germany .....	USAG Baumholder .....	Wetzel-Smith Elementary School (Replacement).	\$59,419,000
Japan .....	Yokota Air Base .....	Yokota High School (Replace/Renovate).	\$49,606,000.

14 **SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 15 **FISCAL YEAR 2012 PROJECTS.**

16 (a) EXTENSION.—Notwithstanding section 2002 of  
 17 the Military Construction Authorization Act for Fiscal  
 18 Year 2012 (division B of Public Law 112–81; 125 Stat.  
 19 1660), the authorizations set forth in the table in sub-  
 20 section (b), as provided in section 2401 of that Act (125

1 Stat. 1672), shall remain in effect until October 1, 2015,  
 2 or the date of the enactment of an Act authorizing funds  
 3 for military construction for fiscal year 2016, whichever  
 4 is later.

5 (b) TABLE.—The table referred to in subsection (a)  
 6 is as follows:

**Defense Agencies: Extension of 2012 Project Authorizations**

<b>State</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
California ....	Coronado .....	SOF Support Activity Operations Facility.	\$42,000,000
Virginia .....	Pentagon Reservation ....	Heliport Control Tower and Fire Station.	\$6,457,000
		Pentagon Memorial Pedestrian Plaza.	\$2,285,000.

7 **Subtitle B—Chemical**  
 8 **Demilitarization Authorizations**

9 **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-**  
 10 **ICAL DEMILITARIZATION CONSTRUCTION,**  
 11 **DEFENSE-WIDE.**

12 Funds are hereby authorized to be appropriated for  
 13 fiscal years beginning after September 30, 2014, for the  
 14 construction of phase XV of a munitions demilitarization  
 15 facility at Blue Grass Army Depot, Kentucky, authorized  
 16 by section 2401(a) of the Military Construction Authoriza-  
 17 tion Act for Fiscal Year 2000 (division B of Public Law  
 18 106–65; 113 Stat. 835), as amended by section 2405 of  
 19 the Military Construction Authorization Act for Fiscal  
 20 Year 2002 (division B of Public Law 107–107; 115 Stat.  
 21 1298), section 2405 of the Military Construction Author-

1 ization Act for Fiscal Year 2003 (division B of Public Law  
2 107–314; 116 Stat. 2698), section 2414 of the Military  
3 Construction Authorization Act for Fiscal Year 2009 (di-  
4 vision B of Public Law 110–417; 122 Stat. 4697), and  
5 section 2412 of the Military Construction Authorization  
6 Act for Fiscal Year 2011 (division B Public Law 111–  
7 383; 124 Stat. 4450), \$38,715,000.

8 **SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT**  
9 **CERTAIN FISCAL YEAR 2000 PROJECT.**

10 (a) MODIFICATION.—The table in section 2401(a) of  
11 the Military Construction Authorization Act for Fiscal  
12 Year 2000 (division B of Public Law 106–65; 113 Stat.  
13 835), as amended by section 2405 of the Military Con-  
14 struction Authorization Act for Fiscal Year 2002 (division  
15 B of Public Law 107–107; 115 Stat. 1298), section 2405  
16 of the Military Construction Authorization Act for Fiscal  
17 Year 2003 (division B of Public Law 107–314; 116 Stat.  
18 2698), section 2414 of the Military Construction Author-  
19 ization Act for Fiscal Year 2009 (division B of Public Law  
20 110–417; 122 Stat. 4697), and section 2412 of the Mili-  
21 tary Construction Authorization Act for Fiscal Year 2011  
22 (division B of Public Law 111–383; 124 Stat. 4450), is  
23 amended—

1           (1) in the item relating to Blue Grass Army  
2           Depot, Kentucky, by striking “\$746,000,000” in the  
3           amount column and inserting “\$780,000,000”; and

4           (2) by striking the amount identified as the  
5           total in the amount column and inserting  
6           “\$1,237,920,000”.

7           (b) CONFORMING AMENDMENT.—Section 2405(b)(3)  
8           of the Military Construction Authorization Act for Fiscal  
9           Year 2000 (division B of Public Law 106–65; 113 Stat.  
10          839), as amended by section 2405 of the Military Con-  
11          struction Authorization Act for Fiscal Year 2002 (division  
12          B of Public Law 107–107; 115 Stat. 1298), section 2405  
13          of the Military Construction Authorization Act for Fiscal  
14          Year 2003 (division B of Public Law 107–314; 116 Stat.  
15          2698), section 2414 of the Military Construction Author-  
16          ization Act for Fiscal Year 2009 (division B of Public Law  
17          110–417; 122 Stat. 4697), and section 2412 of the Mili-  
18          tary Construction Authorization Act for Fiscal Year 2011  
19          (division B of Public Law 111–383; 124 Stat. 4450), is  
20          further amended by striking “\$723,200,000” and insert-  
21          ing “\$757,200,000”.

1 **TITLE XXV—NORTH ATLANTIC**  
2 **TREATY ORGANIZATION SE-**  
3 **CURITY INVESTMENT PRO-**  
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
6 **ACQUISITION PROJECTS.**

7 The Secretary of Defense may make contributions for  
8 the North Atlantic Treaty Organization Security Invest-  
9 ment Program as provided in section 2806 of title 10,  
10 United States Code, in an amount not to exceed the sum  
11 of the amount authorized to be appropriated for this pur-  
12 pose in section 2502 and the amount collected from the  
13 North Atlantic Treaty Organization as a result of con-  
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 Funds are hereby authorized to be appropriated for  
17 fiscal years beginning after September 30, 2012, for con-  
18 tributions by the Secretary of Defense under section 2806  
19 of title 10, United States Code, for the share of the United  
20 States of the cost of projects for the North Atlantic Treaty  
21 Organization Security Investment Program authorized by  
22 section 2501, in the amount of \$199,700,000.

1           **TITLE XXVI—GUARD AND**  
 2           **RESERVE FORCES FACILITIES**  
 3           **Subtitle A—Project Authorizations**  
 4           **and Authorization of Appropria-**  
 5           **tions**

6   **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**  
 7                   **STRUCTION AND LAND ACQUISITION**  
 8                   **PROJECTS.**

9           Using amounts appropriated pursuant to the author-  
 10          ization of appropriations in section 2606(1), the Secretary  
 11          of the Army may acquire real property and carry out mili-  
 12          tary construction projects for the Army National Guard  
 13          locations inside the United States, and in the amounts,  
 14          set forth in the following table:

**Army National Guard: Inside the United States**

<b>State</b>	<b>Installation</b>	<b>Amount</b>
Maine .....	Augusta .....	\$32,000,000
Maryland .....	Havre de Grace .....	\$12,400,000
Montana .....	Helena .....	\$38,000,000
North Dakota .....	Valley City .....	\$10,800,000
Vermont .....	North Hyde Park .....	\$4,400,000.

15   **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**  
 16                   **AND LAND ACQUISITION PROJECTS.**

17           Using amounts appropriated pursuant to the author-  
 18          ization of appropriations in section 2606(2), the Secretary  
 19          of the Army may acquire real property and carry out mili-  
 20          tary construction projects for the Army Reserve locations

1 inside the United States, and in the amounts, set forth  
 2 in the following table:

**Army Reserve**

State	Installation	Amount
California .....	Fresno .....	\$22,000,000
Colorado .....	Fort Carson .....	\$5,000,000
New Jersey .....	Joint Base McGuire-Dix-Lakehurst .....	\$26,000,000
New York .....	Mattydale .....	\$23,000,000
Virginia .....	Fort Lee .....	\$16,000,000.

3 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**  
 4 **CORPS RESERVE CONSTRUCTION AND LAND**  
 5 **ACQUISITION PROJECTS.**

6 Using amounts appropriated pursuant to the author-  
 7 ization of appropriations in section 2606(3), the Secretary  
 8 of the Navy may acquire real property and carry out mili-  
 9 tary construction projects for the Navy Reserve and Ma-  
 10 rine Corps Reserve locations inside the United States, and  
 11 in the amounts, set forth in the following table:

**Navy Reserve and Marine Corps Reserve**

State	Installation	Amount
Pennsylvania .....	Pittsburgh .....	\$17,650,000
Washington .....	Whidbey Island .....	\$27,755,000.

12 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**  
 13 **TION AND LAND ACQUISITION PROJECTS.**

14 Using amounts appropriated pursuant to the author-  
 15 ization of appropriations in section 2606(4), the Secretary  
 16 of the Air Force may acquire real property and carry out  
 17 military construction projects for the Air National Guard



1 locations inside the United States, and in the amounts,  
 2 set forth in the following table:

**Air National Guard**

State	Installation	Amount
Connecticut .....	Bradley International Airport .....	\$16,306,000
Iowa .....	Des Moines Municipal Airport .....	\$8,993,000
Michigan .....	W.K. Kellogg Regional Airport .....	\$6,000,000
New Hampshire .....	Pease International Trade Port .....	\$41,902,000
Pennsylvania .....	Horsham Air Guard Station (Willow Grove).	\$5,662,000.

3 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

4  
 5 Using amounts appropriated pursuant to the authorization of appropriations in section 2606(5), the Secretary  
 6 of the Air Force may acquire real property and carry out  
 7 military construction projects for the Air Force Reserve  
 8 locations inside the United States, and in the amounts,  
 9 set forth in the following table:

**Air Force Reserve**

State	Installation	Amount
Georgia .....	Robins AFB .....	\$27,700,000
North Carolina .....	Seymour Johnson AFB .....	\$9,800,000
Texas .....	Fort Worth .....	\$3,700,000.

11 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.**

12  
 13 Funds are hereby authorized to be appropriated for  
 14 fiscal years beginning after September 30, 2013, for the  
 15 costs of acquisition, architectural and engineering services,  
 16 and construction of facilities for the Guard and Reserve  
 17 Forces, and for contributions therefor, under chapter  
 18 1803 of title 10, United States Code (including the cost

1 of acquisition of land for those facilities), in the following  
2 amounts:

3 (1) For the Department of the Army, for the  
4 Army National Guard of the United States,  
5 \$126,920,000.

6 (2) For the Department of the Army, for the  
7 Army Reserve, \$103,946,000.

8 (3) For the Department of the Navy, for the  
9 Navy and Marine Corps Reserve, \$51,528,000.

10 (4) For the Department of the Air Force, for  
11 the Air National Guard of the United States,  
12 \$94,663,000.

13 (5) For the Department of the Air Force, for  
14 the Air Force Reserve, \$49,492,000.

## 15 **Subtitle B—Other Matters**

### 16 **SEC. 2611. MODIFICATION AND EXTENSION OF AUTHORITY** 17 **TO CARRY OUT CERTAIN FISCAL YEAR 2012** 18 **PROJECTS.**

19 (a) KANSAS CITY.—(1) In the case of the authoriza-  
20 tion contained in the table in section 2602 of the Military  
21 Construction Authorization Act for Fiscal Year 2012 (di-  
22 vision B of Public Law 112–81; 125 Stat. 1678), for Kan-  
23 sas City, Kansas, for construction of an Army Reserve  
24 Center at that location, the Secretary of the Army may,  
25 instead of constructing a new facility in Kansas City, con-

1 struct a new facility in the vicinity of Kansas City, Kan-  
2 sas.

3 (2) Notwithstanding section 2002 of the Military  
4 Construction Authorization Act for Fiscal Year 2012 (di-  
5 vision B of Public Law 112–81; 125 Stat. 1660), the au-  
6 thorization set forth in subsection (a) shall remain in ef-  
7 fect until October 1, 2018, or the date of the enactment  
8 of an Act authorizing funds for military construction for  
9 fiscal year 2019, whichever is later.

10 (b) ATTLEBORO.—(1) In the case of the authoriza-  
11 tion contained in the table in section 2602 of the Military  
12 Construction Authorization Act for Fiscal Year 2012 (di-  
13 vision B of Public Law 112–81; 125 Stat. 1678), for At-  
14 tleboro, Massachusetts, for construction of an Army Re-  
15 serve Center at that location, the Secretary of the Army  
16 may, instead of constructing a new facility in Attleboro,  
17 construct a new facility in the vicinity of Attleboro, Massa-  
18 chusetts.

19 (2) Notwithstanding section 2002 of the Military  
20 Construction Authorization Act for Fiscal Year 2012 (di-  
21 vision B of Public Law 112–81; 125 Stat. 1660), the au-  
22 thorization set forth in subsection (a) shall remain in ef-  
23 fect until October 1, 2018, or the date of the enactment  
24 of an Act authorizing funds for military construction for  
25 fiscal year 2019, whichever is later.

1 **SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 2013 PROJECT.**

3 In the case of the authorization contained in the table  
4 in section 2601 of the Military Construction Authorization  
5 Act for Fiscal Year 2013 (division B of Public Law 112–  
6 239; 126 Stat. 2134) for Stormville, New York, for con-  
7 struction of a Combined Support Maintenance Shop Phase  
8 I, the Secretary of the Army may instead construct the  
9 facility at Camp Smith, New York and build a 53,760  
10 square foot maintenance facility in lieu of a 75,156 square  
11 foot maintenance facility.

12 **SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN**  
13 **FISCAL YEAR 2011 PROJECT.**

14 (a) EXTENSION.—Notwithstanding section 2002 of  
15 the Military Construction Authorization Act for Fiscal  
16 Year 2011 (division B of Public Law 111–383; 124 Stat.  
17 4436), the authorization set forth in the table in sub-  
18 section (b), as provided in section 2601 of that Act (124  
19 Stat. 4452), shall remain in effect until October 1, 2015,  
20 or the date of the enactment of an Act authorizing funds  
21 for military construction for fiscal year 2016, whichever  
22 is later.

23 (b) TABLE.—The table referred to in subsection (a)  
24 is as follows:

**Extension of 2011 National Guard and  
Reserve Project Authorization**

State	Installation	Project	Amount
Puerto Rico	Camp Santiago .....	Multi Purpose Machine Gun Range.	\$9,200,000.

1 **TITLE XXVII—BASE REALIGN-**  
2 **MENT AND CLOSURE ACTIVI-**  
3 **TIES**

4 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**  
5 **BASE REALIGNMENT AND CLOSURE ACTIVI-**  
6 **TIES FUNDED THROUGH DEPARTMENT OF**  
7 **DEFENSE BASE CLOSURE ACCOUNT.**

8 Funds are hereby authorized to be appropriated for  
9 fiscal years beginning after September 30, 2013, for base  
10 realignment and closure activities, including real property  
11 acquisition and military construction projects, as author-  
12 ized by the Defense Base Closure and Realignment Act  
13 of 1990 (part A of title XXIX of Public Law 101–510;  
14 10 U.S.C. 2687 note) and funded through the Department  
15 of Defense Base Closure Account 1990 established by sec-  
16 tion 2906 of such Act, in the total amount of  
17 \$270,085,000, as follows:

18 (1) For the Department of the Army,  
19 \$84,417,000.

20 (2) For the Department of the Navy,  
21 \$94,692,000.

1           (3) For the Department of the Air Force,  
2           \$90,976,000.

3 **TITLE XXVIII—MILITARY CON-**  
4 **STRUCTION GENERAL PROVI-**  
5 **SIONS**

6 **SEC. 2801. REVISIONS TO MINOR MILITARY CONSTRUCTION**  
7 **AUTHORITIES.**

8           (a) ESTABLISHMENT OF MINOR MILITARY CON-  
9 STRUCTION EXCEPTION THRESHOLD.—Subsection (a) of  
10 section 2805 of title 10, United States Code, is amended  
11 by adding at the end the following new paragraph:

12           “(3) For purposes of this section, the minor military  
13 construction exception threshold is \$4,000,000.”.

14           (b) INCREASE IN DOLLAR THRESHOLDS FOR CER-  
15 TAIN AUTHORITIES RELATING TO UNSPECIFIED MINOR  
16 MILITARY CONSTRUCTION.—

17           (1) MAXIMUM AMOUNT FOR PROJECTS TO COR-  
18 RECT DEFICIENCIES THAT ARE LIFE-, HEALTH-, OR  
19 SAFETY-THREATENING.—Subsection (a)(2) of such  
20 section is amended by striking “\$3,000,000” in the  
21 second sentence and inserting “the minor military  
22 construction exception threshold”.

23           (2) INCREASE IN MAXIMUM AMOUNT OF OPER-  
24 ATION AND MAINTENANCE FUNDS AUTHORIZED TO  
25 BE USED FOR CERTAIN PROJECTS.—Subsection (c)

1 of such section is amended by striking “\$750,000”  
2 and inserting “\$1,000,000”.

3 (c) INCREASED THRESHOLD FOR APPLICATION OF  
4 SECRETARIAL APPROVAL AND CONGRESSIONAL NOTIFI-  
5 CATION REQUIREMENTS.—Subsection (b)(1) of such sec-  
6 tion is amended by striking “\$750,000” and inserting  
7 “the amount specified in subsection (c)”.

8 **SEC. 2802. ANNUAL LOCALITY ADJUSTMENT OF DOLLAR**  
9 **THRESHOLDS APPLICABLE TO UNSPECIFIED**  
10 **MINOR MILITARY CONSTRUCTION AUTHORI-**  
11 **TIES.**

12 Section 2805 of title 10, United States Code, is  
13 amended by adding at the end the following new sub-  
14 section:

15 “(f) ADJUSTMENT OF DOLLAR LIMITATIONS FOR LO-  
16 CATION.—Each fiscal year, the Secretary concerned shall  
17 adjust the dollar limitations specified in this section appli-  
18 cable to an unspecified minor military construction project  
19 to reflect the area construction cost index for military con-  
20 struction projects published by the Department of Defense  
21 during the prior fiscal year for the location of the  
22 project.”.

1 **SEC. 2803. CHANGE IN AUTHORITIES RELATING TO SCOPE**  
2 **OF WORK VARIATIONS FOR MILITARY CON-**  
3 **STRUCTION PROJECTS.**

4 (a) LIMITED AUTHORITY FOR SCOPE OF WORK IN-  
5 CREASE.—Section 2853 of title 10, United States Code,  
6 is amended—

7 (1) in subsection (b)(2), by striking “The scope  
8 of work” and inserting “Except as provided in sub-  
9 section (d), the scope of work”;

10 (2) by redesignating subsections (d) and (e) as  
11 subsections (e) and (f), respectively; and

12 (3) by inserting after subsection (c) the fol-  
13 lowing new subsection (d):

14 “(d) The limitation in subsection (b)(2) on an in-  
15 crease in the scope of work does not apply if—

16 “(1) the increase in the scope of work is not  
17 more than 10 percent of the amount specified for  
18 that project, construction, improvement, or acquisi-  
19 tion in the justification data provided to Congress as  
20 part of the request for authorization of the project,  
21 construction, improvement, or acquisition;

22 “(2) the increase is approved by the Secretary  
23 concerned;

24 “(3) the Secretary concerned notifies the appro-  
25 priate committees of Congress in writing of the in-  
26 crease in scope and the reasons therefor; and



1           “(4) a period of 21 days has elapsed after the  
2           date on which the notification is received by the  
3           committees or, if over sooner, a period of 14 days  
4           has elapsed after the date on which a copy of the  
5           notification is provided in an electronic medium pur-  
6           suant to section 480 of this title.”.

7           (b) CROSS-REFERENCE AMENDMENTS.—

8           (1) Subsection (a) of such section is amended  
9           by striking “subsection (c) or (d)” and inserting  
10          “subsection (c), (d), or (e)”.

11          (2) Subsection (f) of such section, as redesign-  
12          ated by subsection (a)(2), is amended by striking  
13          “through (d)” and inserting “through (e)”.

14          (c) ADDITIONAL TECHNICAL AMENDMENTS.—

15          (1) CONFORMITY WITH GENERAL TITLE 10  
16          STYLE.—Subsection (a) of such section is further  
17          amended by inserting “of this title” after “section  
18          2805(a)”.

19          (2) DELETION OF SURPLUS WORD.—Subsection  
20          (c)(1)(A) of such section is amended by striking  
21          “be” after “Congress can”.

1 **SEC. 2804. MODIFICATION OF DEPARTMENT OF DEFENSE**  
2 **AUTHORITY TO ACCEPT FINANCIAL INCEN-**  
3 **TIVES, GOODS, OR SERVICES UNDER THE AU-**  
4 **THORITY OF ENERGY SAVINGS CONTRACTS**  
5 **AND ACTIVITIES.**

6 (a) **AUTHORITY TO ACCEPT FROM STATE AND**  
7 **LOCAL GOVERNMENT.**—Section 2913(c) of title 10,  
8 United States Code, is amended by inserting “or a State  
9 or local government,” after “a gas or electric utility,”.

10 (b) **RETENTION OF RECEIPTS.**—Section 2912(c) of  
11 such title is amended by striking “from gas or electric util-  
12 ities”.

13 **SEC. 2805. CLARIFICATION OF AUTHORITY TO ENTER INTO**  
14 **ENERGY SAVING PERFORMANCE CONTRACTS.**

15 (a) **DEFINITION OF “ENERGY SAVINGS”.**—Para-  
16 graph (2)(A) of section 804 of the National Energy Con-  
17 servation Policy Act (42 U.S.C. 8287c) is amended—

18 (1) by redesignating clauses (ii) and (iii) as  
19 clauses (iii) and (iv), respectively; and

20 (2) by inserting after clause (i) the following  
21 new clause (ii):

22 “(ii) with respect to operating equip-  
23 ment covered by a lease or purchase re-  
24 ferred to in clause (i)—

25 “(I) repair or modification of ex-  
26 isting buildings and infrastructure to

1 accommodate the operating equip-  
2 ment; or

3 “(II) construction of buildings,  
4 structures, and infrastructure to ac-  
5 commodate the operating equipment  
6 in order to provide necessary support  
7 to the primary function of the oper-  
8 ating equipment;”.

9 (b) OVERSIGHT.—Section 801 of such Act (42 U.S.C.  
10 8287) is amended by adding at the end the following new  
11 subsection:

12 “(d) ADDITIONAL RULES FOR DEPARTMENT OF DE-  
13 FENSE.—With respect to the Department of Defense—

14 “(1) when a decision to carry out an energy  
15 savings performance contract that includes construc-  
16 tion of a new facility with an estimated value of  
17 \$10,000,000 or more or a new facility that will cover  
18 more than 5,000 square feet of land, the project  
19 shall be subject to the same requirements and limi-  
20 tations as apply under section 2805(b)(2) of title 10,  
21 United States Code, to a project subject to that sec-  
22 tion; and

23 “(2) when a decision is made to carry out an  
24 energy savings performance contract that includes a  
25 repair project with an estimated cost of \$7,500,000

1 or more, the project shall be subject to the same re-  
2 quirements and limitations as apply under section  
3 2811 of title 10, United States Code, to a project  
4 subject to that section.”.

5 **SEC. 2806. PRODUCTION AND USE OF NATURAL GAS AT**  
6 **FORT KNOX, KENTUCKY.**

7 (a) IN GENERAL.—Chapter 449 of title 10, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing new section:

10 **“§ 4781. Natural gas: production, treatment, manage-**  
11 **ment, and use at Fort Knox, Kentucky**

12 “(a) AUTHORITY.—The Secretary of the Army may  
13 provide, by contract or otherwise, for the production,  
14 treatment, management, and use of natural gas located  
15 under Fort Knox, Kentucky, without regard to section 3  
16 of the Mineral Leasing Act for Acquired Lands (30 U.S.C.  
17 352).

18 “(b) LIMITATION ON USES.—Any natural gas pro-  
19 duced under the authority of subsection (a) may only be  
20 used to support activities and operations at Fort Knox and  
21 may not be sold for use elsewhere.

22 “(c) OWNERSHIP OF FACILITIES.—The Secretary of  
23 the Army may take ownership of any gas production and  
24 treatment equipment and facilities and associated infra-  
25 structure from a contractor in accordance with the terms

1 of a contract or other agreement entered into pursuant  
2 to subsection (a).”.

3 (b) **LIMITATION ON APPLICATION ELSEWHERE.**—  
4 Nothing in this section shall be construed as authorizing  
5 the production, treatment, management, or use of natural  
6 gas resources underlying any Department of Defense in-  
7 stallation other than Fort Knox.

8 (c) **EFFECTIVE DATE.**—The authority of the Sec-  
9 retary of the Army under section 4781 of title 10, United  
10 States Code, as added by subsection (a), is effective as  
11 of August 2, 2007.

12 (d) **CLERICAL AMENDMENT.**—The table of sections  
13 at the beginning of such chapter is amended by adding  
14 at the end the following new item:

“4781. Natural gas: production, treatment, management, and use at Fort Knox,  
Kentucky.”.

15 **SEC. 2807. DEPOSIT OF REIMBURSED FUNDS TO COVER AD-**  
16 **MINISTRATIVE EXPENSES RELATING TO CER-**  
17 **TAIN REAL PROPERTY TRANSACTIONS.**

18 (a) **AUTHORITY TO CREDIT REIMBURSED FUNDS TO**  
19 **ACCOUNTS CURRENTLY AVAILABLE.**—The first sentence  
20 of section 2695(c) of title 10, United States Code, is  
21 amended—

22 (1) by striking “shall be credited to” and in-  
23 serting “shall be credited, at the option of the Sec-  
24 retary concerned, to (1)”; and

1           (2) by inserting before the period at the end the  
2 following: “, or (2) an appropriation, fund, or ac-  
3 count currently available to the Secretary for the  
4 purposes for which the expenses were paid”.

5           (b) PROSPECTIVE APPLICABILITY.—The amend-  
6 ments made by subsection (a) shall not apply with respect  
7 to expenses incurred with appropriations provided to the  
8 Secretary of a military department before the date of the  
9 enactment of this Act.

## 10           **TITLE XXIX—DEFENSE BASE** 11           **CLOSURE AND REALIGNMENT**

### 12           **SEC. 2901. SHORT TITLE AND PURPOSE.**

13           (a) SHORT TITLE.—This title may be cited as the  
14 “Defense Base Closure and Realignment Act of 2014”.

15           (b) PURPOSE.—The purpose of this title is to provide  
16 a fair process that will result in the timely closure and  
17 realignment of military installations inside the United  
18 States.

### 19           **SEC. 2902. THE COMMISSION.**

20           (a) ESTABLISHMENT.—There is established an inde-  
21 pendent commission to be known as the “Defense Base  
22 Closure and Realignment Commission”.

23           (b) DUTIES.—The Commission shall carry out the  
24 duties specified for it in this title.

1           (c) APPOINTMENT.—(1)(A) The Commission shall be  
2 composed of nine members appointed by the President, by  
3 and with the advice and consent of the Senate.

4           (B) Subject to the certifications required under sec-  
5 tion 2903(b), the President may commence a round for  
6 the selection of military installations for closure and re-  
7 alignment under this title in 2017 by transmitting to the  
8 Senate, not later than March 1, 2017, nominations for ap-  
9 pointment to the Commission.

10          (C) If the President does not transmit to Congress  
11 the nominations for appointment to the Commission on  
12 or before the date specified, the process by which military  
13 installations may be selected for closure or realignment  
14 under this title with respect to that year shall be termi-  
15 nated.

16          (2) In selecting individuals for nominations for ap-  
17 pointments to the Commission, the President should con-  
18 sult with—

19               (A) the Speaker of the House of Representa-  
20 tives concerning the appointment of two members;

21               (B) the majority leader of the Senate con-  
22 cerning the appointment of two members;

23               (C) the minority leader of the House of Rep-  
24 resentatives concerning the appointment of one  
25 member; and

1 (D) the minority leader of the Senate con-  
2 cerning the appointment of one member.

3 (3) At the time the President nominates individuals  
4 for appointment to the Commission for each session of  
5 Congress referred to in paragraph (1)(B), the President  
6 shall designate one such individual who shall serve as  
7 Chairman of the Commission.

8 (d) TERMS.—(1) Except as provided in paragraph  
9 (2), each member of the Commission shall serve until the  
10 adjournment of Congress sine die for the session during  
11 which the member was appointed to the Commission.

12 (2) The Chairman of the Commission shall serve until  
13 the confirmation of a successor.

14 (e) MEETINGS.—(1) The Commission shall meet only  
15 during calendar year 2017.

16 (2)(A) Each meeting of the Commission, other than  
17 meetings in which classified information is to be discussed,  
18 shall be open to the public.

19 (B) All the proceedings, information, and delibera-  
20 tions of the Commission shall be open, upon request, to  
21 the following:

22 (i) The Chairman and the ranking minority  
23 party member of the Subcommittee on Readiness  
24 and Management Support of the Committee on  
25 Armed Services of the Senate, or such other mem-



1       bers of the Subcommittee designated by such Chair-  
2       man or ranking minority party member.

3           (ii) The Chairman and the ranking minority  
4       party member of the Subcommittee on Readiness of  
5       the Committee on Armed Services of the House of  
6       Representatives, or such other members of the Sub-  
7       committee designated by such Chairman or ranking  
8       minority party member.

9           (iii) The Chairmen and ranking minority party  
10      members of the subcommittees with jurisdiction for  
11      military construction of the Committees on Appro-  
12      priations of the Senate and of the House of Rep-  
13      resentatives, or such other members of the sub-  
14      committees designated by such Chairmen or ranking  
15      minority party members.

16      (f) VACANCIES.—A vacancy in the Commission shall  
17      be filled in the same manner as the original appointment,  
18      but the individual appointed to fill the vacancy shall serve  
19      only for the unexpired portion of the term for which the  
20      individual's predecessor was appointed.

21      (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each  
22      member, other than the Chairman, shall be paid at a rate  
23      equal to the daily equivalent of the minimum annual rate  
24      of basic pay payable for level IV of the Executive Schedule  
25      under section 5315 of title 5, United States Code, for each

1 day (including travel time) during which the member is  
2 engaged in the actual performance of duties vested in the  
3 Commission.

4 (B) The Chairman shall be paid for each day referred  
5 to in subparagraph (A) at a rate equal to the daily equiva-  
6 lent of the minimum annual rate of basic pay payable for  
7 level III of the Executive Schedule under section 5314,  
8 of title 5, United States Code.

9 (2) Members shall receive travel expenses, including  
10 per diem in lieu of subsistence, in accordance with sections  
11 5702 and 5703 of title 5, United States Code.

12 (h) DIRECTOR OF STAFF.—(1) The Commission  
13 shall, without regard to section 5311 of title 5, United  
14 States Code, appoint a Director who has not served on  
15 active duty in the armed forces or as a civilian employee  
16 of the Department of Defense during the one-year period  
17 preceding the date of such appointment.

18 (2) The Director shall be paid at the rate of basic  
19 pay payable for level IV of the Executive Schedule under  
20 section 5315 of title 5, United States Code.

21 (i) STAFF.—(1) Subject to paragraphs (2) and (3),  
22 the Director, with the approval of the Commission, may  
23 appoint and fix the pay of additional personnel.

24 (2) The Director may make such appointments with-  
25 out regard to the provisions of title 5, United States Code,

1 governing appointments in the competitive service, and  
2 any personnel so appointed may be paid without regard  
3 to the provisions of chapter 51 and subchapter III of chap-  
4 ter 53 of that title relating to classification and General  
5 Schedule pay rates, except that an individual so appointed  
6 may not receive pay in excess of the annual rate of basic  
7 pay payable for GS-15 of the General Schedule.

8       (3)(A) Not more than one-third of the personnel em-  
9 ployed by or detailed to the Commission may be on detail  
10 from the Department of Defense.

11       (B)(i) Not more than one-fifth of the professional an-  
12 alysts of the Commission staff may be persons detailed  
13 from the Department of Defense to the Commission.

14       (ii) No person detailed from the Department of De-  
15 fense to the Commission may be assigned as the lead pro-  
16 fessional analyst with respect to a military department or  
17 defense agency.

18       (C) A person may not be detailed from the Depart-  
19 ment of Defense to the Commission if, within 12 months  
20 before the detail is to begin, that person participated per-  
21 sonally and substantially in any matter within the Depart-  
22 ment of Defense concerning the preparation of rec-  
23 ommendations for closures or realignments of military in-  
24 stallations.

1 (D) No member of the armed forces, and no officer  
2 or employee of the Department of Defense, may—

3 (i) prepare any report concerning the effective-  
4 ness, fitness, or efficiency of the performance on the  
5 staff of the Commission of any person detailed from  
6 the Department of Defense to that staff;

7 (ii) review the preparation of such a report; or

8 (iii) approve or disapprove such a report.

9 (4) Upon request of the Director, the head of any  
10 Federal department or agency may detail any of the per-  
11 sonnel of that department or agency to the Commission  
12 to assist the Commission in carrying out its duties under  
13 this title.

14 (5) The Comptroller General of the United States  
15 shall provide assistance, including the detailing of employ-  
16 ees, to the Commission in accordance with an agreement  
17 entered into with the Commission.

18 (6) The following restrictions relating to the per-  
19 sonnel of the Commission shall apply during the period  
20 beginning January 1, 2018, and ending April 15, 2018:

21 (A) There may not be more than 15 persons on  
22 the staff at any one time.

23 (B) The staff may perform only such functions  
24 as are necessary to prepare for the transition to new

1 membership on the Commission in the following  
2 year.

3 (C) No member of the armed forces and no em-  
4 ployee of the Department of Defense may serve on  
5 the staff.

6 (j) OTHER AUTHORITY.—(1) The Commission may  
7 procure by contract, to the extent funds are available, the  
8 temporary or intermittent services of experts or consult-  
9 ants pursuant to section 3109 of title 5, United States  
10 Code.

11 (2) The Commission may lease space and acquire per-  
12 sonal property to the extent funds are available.

13 (k) FUNDING.—(1) There are authorized to be appro-  
14 priated to the Commission such funds as are necessary  
15 to carry out its duties under this title. Such funds shall  
16 remain available until expended.

17 (2) If no funds are appropriated to the Commission  
18 by the end of the second session of the 114th Congress,  
19 the Secretary of Defense may transfer to the Commission  
20 for purposes of its activities under this title in that year  
21 such funds as the Commission may require to carry out  
22 such activities. The Secretary may transfer funds under  
23 the preceding sentence from any funds available to the  
24 Secretary. Funds so transferred shall remain available to  
25 the Commission for such purposes until expended.

1 (l) TERMINATION.—The Commission shall terminate  
2 on April 15, 2018.

3 (m) PROHIBITION AGAINST RESTRICTING COMMU-  
4 NICATIONS.—Section 1034 of title 10, United States  
5 Code, shall apply with respect to communications with the  
6 Commission.

7 **SEC. 2903. PROCEDURE FOR MAKING RECOMMENDATIONS**  
8 **FOR BASE CLOSURES AND REALIGNMENTS.**

9 (a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE  
10 INVENTORY.—

11 (1) PREPARATION AND SUBMISSION.—As part  
12 of the budget justification documents submitted to  
13 Congress in support of the budget for the Depart-  
14 ment of Defense for fiscal year 2017, the Secretary  
15 shall submit to Congress the following:

16 (A) A force-structure plan for the armed  
17 forces based on an assessment by the Secretary  
18 of the probable threats to the national security  
19 during the 20-year period beginning with that  
20 fiscal year, the probable end-strength levels and  
21 major military force units (including land force  
22 divisions, carrier and other major combatant  
23 vessels, air wings, and other comparable units)  
24 needed to meet these threats, and the antici-

1 pated levels of funding that will be available for  
2 national defense purposes during such period.

3 (B) A comprehensive inventory of military  
4 installations worldwide for each military depart-  
5 ment, with specifications of the number and  
6 type of facilities in the active and reserve forces  
7 of each military department.

8 (2) RELATIONSHIP OF PLAN AND INVEN-  
9 TORY.—Using the force-structure plan and infra-  
10 structure inventory prepared under paragraph (1),  
11 the Secretary shall prepare (and include as part of  
12 the submission of such plan and inventory) the fol-  
13 lowing:

14 (A) A description of the infrastructure nec-  
15 essary to support the force structure described  
16 in the force-structure plan.

17 (B) A discussion of categories of excess in-  
18 frastructure and infrastructure capacity.

19 (C) An economic analysis of the effect of  
20 the closure or realignment of military installa-  
21 tions to reduce excess infrastructure.

22 (3) SPECIAL CONSIDERATIONS.—In determining  
23 the level of necessary versus excess infrastructure  
24 under paragraph (2), the Secretary shall consider  
25 the following:

1           (A) The anticipated continuing need for  
2           and availability of military installations outside  
3           the United States, taking into account current  
4           restrictions on the use of military installations  
5           outside the United States and the potential for  
6           future prohibitions or restrictions on the use of  
7           such military installations.

8           (B) Any efficiencies that may be gained  
9           from joint tenancy by more than one branch of  
10          the armed forces at a military installation.

11          (4) REVISION.—The Secretary may revise the  
12          force-structure plan and infrastructure inventory. If  
13          the Secretary makes such a revision, the Secretary  
14          shall submit the revised plan or inventory to Con-  
15          gress not later than March 15th of the year fol-  
16          lowing the year in which such plan was first sub-  
17          mitted. For purposes of selecting military installa-  
18          tions for closure or realignment under this title in  
19          the year in which a revision is submitted, no revision  
20          of the force-structure plan or infrastructure inven-  
21          tory is authorized after that date.

22          (b) CERTIFICATION OF NEED FOR FURTHER CLO-  
23          SURES AND REALIGNMENTS.—

24                (1) CERTIFICATION REQUIRED.—On the basis  
25                of the force-structure plan and infrastructure inven-



1 tory prepared under subsection (a) and the descrip-  
2 tions and economic analysis prepared under such  
3 subsection, the Secretary shall include as part of the  
4 submission of the plan and inventory—

5 (A) a certification regarding whether the  
6 need exists for the closure or realignment of ad-  
7 ditional military installations; and

8 (B) if such need exists, a certification that  
9 the additional round of closures and realign-  
10 ments would result in annual net savings for  
11 each of the military departments beginning not  
12 later than six years following the commence-  
13 ment of such closures and realignments.

14 (2) EFFECT OF FAILURE TO CERTIFY.—If the  
15 Secretary does not include the certifications referred  
16 to in paragraph (1), the President may not com-  
17 mence a round for the selection of military installa-  
18 tions for closure and realignment under this title in  
19 the year following submission of the force-structure  
20 plan and infrastructure inventory.

21 (c) COMPTROLLER GENERAL EVALUATION.—

22 (1) EVALUATION REQUIRED.—If the certifi-  
23 cation is provided under subsection (b), the Comp-  
24 troller General shall prepare an evaluation of the fol-  
25 lowing:

1           (A) The force-structure plan and infra-  
2           structure inventory prepared under subsection  
3           (a) and the final selection criteria specified in  
4           paragraph (d), including an evaluation of the  
5           accuracy and analytical sufficiency of such plan,  
6           inventory, and criteria.

7           (B) The need for the closure or realign-  
8           ment of additional military installations.

9           (2) SUBMISSION.—The Comptroller General  
10          shall submit the evaluation to Congress not later  
11          than 60 days after the date on which the force-  
12          structure plan and infrastructure inventory are sub-  
13          mitted to Congress.

14          (d) FINAL SELECTION CRITERIA.—

15               (1) IN GENERAL.—The final criteria to be used  
16               by the Secretary in making recommendations for the  
17               closure or realignment of military installations inside  
18               the United States under this title in 2017 shall be  
19               the military value and other criteria specified in  
20               paragraphs (2) and (3).

21               (2) MILITARY VALUE CRITERIA.—The military  
22               value criteria are as follows:

23                       (A) The current and future mission capa-  
24                       bilities and the impact on operational readiness  
25                       of the total force of the Department of Defense,

1 including the impact on joint warfighting, train-  
2 ing, and readiness.

3 (B) The availability and condition of land,  
4 facilities, and associated airspace (including  
5 training areas suitable for maneuver by ground,  
6 naval, or air forces throughout a diversity of cli-  
7 mate and terrain areas and staging areas for  
8 the use of the armed forces in homeland de-  
9 fense missions) at both existing and potential  
10 receiving locations.

11 (C) The ability to accommodate contin-  
12 gency, mobilization, surge, and future total  
13 force requirements at both existing and poten-  
14 tial receiving locations to support operations  
15 and training.

16 (D) The cost of operations and the man-  
17 power implications.

18 (3) OTHER CRITERIA.—The other criteria that  
19 the Secretary shall use in making recommendations  
20 for the closure or realignment of military installa-  
21 tions inside the United States under this title in  
22 2017 are as follows:

23 (A) The extent and timing of potential  
24 costs and savings, including the number of  
25 years, beginning with the date of completion of

1           the closure or realignment, for the savings to  
2           exceed the costs.

3           (B) The economic impact on existing com-  
4           munities in the vicinity of military installations.

5           (C) The ability of the infrastructure of  
6           both the existing and potential receiving com-  
7           munities to support forces, missions, and per-  
8           sonnel.

9           (D) The environmental impact, including  
10          the impact of costs related to potential environ-  
11          mental restoration, waste management, and en-  
12          vironmental compliance activities.

13          (e) PRIORITY GIVEN TO MILITARY VALUE.—The  
14          Secretary shall give priority consideration to the military  
15          value criteria specified in subsection (d)(2) in the making  
16          of recommendations for the closure or realignment of mili-  
17          tary installations.

18          (f) EFFECT ON DEPARTMENT AND OTHER AGENCY  
19          COSTS.—The selection criteria relating to the cost savings  
20          or return on investment from the proposed closure or re-  
21          alignment of military installations shall take into account  
22          the effect of the proposed closure or realignment on the  
23          costs of any other activity of the Department of Defense  
24          or any other Federal agency that may be required to as-

1 sume responsibility for activities at the military installa-  
2 tions.

3 (g) RELATION TO OTHER MATERIALS.—The final se-  
4 lection criteria specified in this section shall be the only  
5 criteria to be used, along with the force-structure plan and  
6 infrastructure inventory referred to in subsection (a), in  
7 making recommendations for the closure or realignment  
8 of military installations inside the United States under  
9 this title in 2017.

10 (h) DOD RECOMMENDATIONS.—(1) If the Secretary  
11 makes the certifications required under subsection (b), the  
12 Secretary shall, by no later than May 12, 2017, publish  
13 in the Federal Register and transmit to the congressional  
14 defense committees and to the Commission a list of the  
15 military installations inside the United States that the  
16 Secretary recommends for closure or realignment on the  
17 basis of the force-structure plan and infrastructure inven-  
18 tory prepared by the Secretary under subsection (a) and  
19 the final selection criteria specified in subsection (d) that  
20 are applicable to the year concerned.

21 (2) The Secretary shall include, with the list of rec-  
22 ommendations published and transmitted pursuant to  
23 paragraph (1), a summary of the selection process that  
24 resulted in the recommendation for each installation, in-  
25 cluding a justification for each recommendation. The Sec-

1   retary shall transmit the matters referred to in the pre-  
2   ceding sentence not later than 7 days after the date of  
3   the transmittal to the congressional defense committees  
4   and the Commission of the list referred to in paragraph  
5   (1).

6       (3)(A) In considering military installations for clo-  
7   sure or realignment, the Secretary shall consider all mili-  
8   tary installations inside the United States equally without  
9   regard to whether the installation has been previously con-  
10  sidered or proposed for closure or realignment by the De-  
11  partment.

12       (B) In considering military installations for closure  
13  or realignment, the Secretary may not take into account  
14  for any purpose any advance conversion planning under-  
15  taken by an affected community with respect to the antici-  
16  pated closure or realignment of an installation.

17       (C) For purposes of subparagraph (B), in the case  
18  of a community anticipating the economic effects of a clo-  
19  sure or realignment of a military installation, advance con-  
20  version planning—

21           (i) shall include community adjustment and eco-  
22   nomic diversification planning undertaken by the  
23   community before an anticipated selection of a mili-  
24   tary installation in or near the community for clo-  
25   sure or realignment; and

1           (ii) may include the development of contingency  
2           redevelopment plans, plans for economic develop-  
3           ment and diversification, and plans for the joint use  
4           (including civilian and military use, public and pri-  
5           vate use, civilian dual use, and civilian shared use)  
6           of the property or facilities of the installation after  
7           the anticipated closure or realignment.

8           (D) In making recommendations to the Commission,  
9           the Secretary shall consider any notice received from a  
10          local government in the vicinity of a military installation  
11          that the government would approve of the closure or re-  
12          alignment of the installation.

13          (E) Notwithstanding the requirement in subpara-  
14          graph (D), the Secretary shall make the recommendations  
15          referred to in that subparagraph based on the force-struc-  
16          ture plan, infrastructure inventory, and final selection cri-  
17          teria otherwise applicable to such recommendations.

18          (F) The recommendations shall include a statement  
19          of the result of the consideration of any notice described  
20          in subparagraph (D) that is received with respect to a  
21          military installation covered by such recommendations.  
22          The statement shall set forth the reasons for the result.

23          (4) In addition to making all information used by the  
24          Secretary to prepare the recommendations under this sub-  
25          section available to Congress (including any committee or

1 Member of Congress), the Secretary shall also make such  
2 information available to the Commission and the Com-  
3 troller General of the United States.

4 (5)(A) Each person referred to in subparagraph (B),  
5 when submitting information to the Secretary of Defense  
6 or the Commission concerning the closure or realignment  
7 of a military installation, shall certify that such informa-  
8 tion is accurate and complete to the best of that person's  
9 knowledge and belief.

10 (B) Subparagraph (A) applies to the following per-  
11 sons:

12 (i) The Secretaries of the military departments.

13 (ii) The heads of the Defense Agencies.

14 (iii) Each person who is in a position the duties  
15 of which include personal and substantial involve-  
16 ment in the preparation and submission of informa-  
17 tion and recommendations concerning the closure or  
18 realignment of military installations, as designated  
19 in regulations which the Secretary of Defense shall  
20 prescribe, regulations which the Secretary of each  
21 military department shall prescribe for personnel  
22 within that military department, or regulations  
23 which the head of each Defense Agency shall pre-  
24 scribe for personnel within that Defense Agency.



1           (6) Any information provided to the Commission by  
2 a person described in paragraph (5)(B) shall also be sub-  
3 mitted to the Senate and the House of Representatives  
4 to be made available to the Members of the House con-  
5 cerned in accordance with the rules of that House. The  
6 information shall be submitted to the Senate and House  
7 of Representatives within 48 hours after the submission  
8 of the information to the Commission.

9           (i) REVIEW AND RECOMMENDATIONS BY THE COM-  
10 MISSION.—(1) After receiving the recommendations from  
11 the Secretary pursuant to subsection (h) for any year, the  
12 Commission shall conduct public hearings on the rec-  
13 ommendations. All testimony before the Commission at a  
14 public hearing conducted under this paragraph shall be  
15 presented under oath.

16           (2)(A) The Commission shall, by no later than Octo-  
17 ber 1 of each year in which the Secretary transmits rec-  
18 ommendations to it pursuant to subsection (h), transmit  
19 to the President a report containing the Commission's  
20 findings and conclusions based on a review and analysis  
21 of the recommendations made by the Secretary, together  
22 with the Commission's recommendations for closures and  
23 realignments of military installations inside the United  
24 States.

1           (B) Subject to subparagraphs (C) and (E), in making  
2 its recommendations, the Commission may make changes  
3 in any of the recommendations made by the Secretary if  
4 the Commission determines that the Secretary deviated  
5 substantially from the force-structure plan and final cri-  
6 teria referred to in subsection (d)(1) in making rec-  
7 ommendations.

8           (C) In the case of a change described in subpara-  
9 graph (D) in the recommendations made by the Secretary,  
10 the Commission may make the change only if—

11           (i) the Commission—

12                   (I) makes the determination required by  
13 subparagraph (B);

14                   (II) determines that the change is con-  
15 sistent with the force-structure plan and final  
16 criteria referred to in subsection (d)(1);

17                   (III) publishes a notice of the proposed  
18 change in the Federal Register not less than 45  
19 days before transmitting its recommendations  
20 to the President pursuant to subparagraph (A);  
21 and

22                   (IV) conducts public hearings on the pro-  
23 posed change;

1           (ii) at least two members of the Commission  
2           visit the military installation before the date of the  
3           transmittal of the report; and

4           (iii) the decision of the Commission to make the  
5           change is supported by at least seven members of  
6           the Commission.

7           (D) Subparagraph (C) shall apply to a change by the  
8           Commission in the Secretary's recommendations that  
9           would—

10           (i) add a military installation to the list of mili-  
11           tary installations recommended by the Secretary for  
12           closure;

13           (ii) add a military installation to the list of mili-  
14           tary installations recommended by the Secretary for  
15           realignment; or

16           (iii) increase the extent of a realignment of a  
17           particular military installation recommended by the  
18           Secretary.

19           (E) The Commission may not consider making a  
20           change in the recommendations of the Secretary that  
21           would add a military installation to the Secretary's list of  
22           installations recommended for closure or realignment un-  
23           less, in addition to the requirements of subparagraph  
24           (C)—

1           (i) the Commission provides the Secretary with  
2           at least a 15-day period, before making the change,  
3           in which to submit an explanation of the reasons  
4           why the installation was not included on the closure  
5           or realignment list by the Secretary; and

6           (ii) the decision to add the installation for Com-  
7           mission consideration is supported by at least seven  
8           members of the Commission.

9           (F) In making recommendations under this para-  
10          graph, the Commission may not take into account for any  
11          purpose any advance conversion planning undertaken by  
12          an affected community with respect to the anticipated clo-  
13          sure or realignment of a military installation.

14          (3) The Commission shall explain and justify in its  
15          report submitted to the President pursuant to paragraph  
16          (2) any recommendation made by the Commission that is  
17          different from the recommendations made by the Sec-  
18          retary pursuant to subsection (h). The Commission shall  
19          transmit a copy of such report to the congressional defense  
20          committees on the same date on which it transmits its rec-  
21          ommendations to the President under paragraph (2).

22          (4) After October 1 of each year in which the Com-  
23          mission transmits recommendations to the President  
24          under this subsection, the Commission shall promptly pro-  
25          vide, upon request, to any Member of Congress informa-

1 tion used by the Commission in making its recommenda-  
2 tions.

3 (5) The Comptroller General of the United States  
4 shall—

5 (A) assist the Commission, to the extent re-  
6 quested, in the Commission's review and analysis of  
7 the recommendations made by the Secretary pursu-  
8 ant to subsection (h); and

9 (B) by no later than July 1 of each year in  
10 which the Secretary makes such recommendations,  
11 transmit to the Congress and to the Commission a  
12 report containing a detailed analysis of the Sec-  
13 retary's recommendations and selection process.

14 (j) REVIEW BY THE PRESIDENT.—(1) The President  
15 shall, by no later than October 15 of each year in which  
16 the Commission makes recommendations under subsection  
17 (i), transmit to the Commission and to the Congress a  
18 report containing the President's approval or disapproval  
19 of the Commission's recommendations.

20 (2) If the President approves all the recommenda-  
21 tions of the Commission, the President shall transmit a  
22 copy of such recommendations to the Congress, together  
23 with a certification of such approval.

24 (3) If the President disapproves the recommendations  
25 of the Commission, in whole or in part, the President shall

1 transmit to the Commission and the Congress the reasons  
2 for that disapproval. The Commission shall then transmit  
3 to the President, by no later than November 18 of the  
4 year concerned, a revised list of recommendations for the  
5 closure and realignment of military installations.

6 (4) If the President approves all of the revised rec-  
7 ommendations of the Commission transmitted to the  
8 President under paragraph (3), the President shall trans-  
9 mit a copy of such revised recommendations to the Con-  
10 gress, together with a certification of such approval.

11 (5) If the President does not transmit to the Con-  
12 gress an approval and certification described in paragraph  
13 (2) or (4) by December 2 of any year in which the Com-  
14 mission has transmitted recommendations to the Presi-  
15 dent under this title, the process by which military instal-  
16 lations may be selected for closure or realignment under  
17 this title with respect to that year shall be terminated.

18 **SEC. 2904. CLOSURE AND REALIGNMENT OF MILITARY IN-**  
19 **STALLATIONS.**

20 (a) IN GENERAL.—Subject to subsection (b), the Sec-  
21 retary shall—

22 (1) close all military installations recommended  
23 for closure by the Commission in each report trans-  
24 mitted to the Congress by the President pursuant to  
25 section 2903(j);

1           (2) realign all military installations rec-  
2           ommended for realignment by such Commission in  
3           each such report;

4           (3) carry out the privatization in place of a  
5           military installation recommended for closure or re-  
6           alignment by the Commission only if privatization in  
7           place is a method of closure or realignment of the  
8           military installation specified in the recommenda-  
9           tions of the Commission in such report and is deter-  
10          mined by the Commission to be the most cost-effec-  
11          tive method of implementation of the recommenda-  
12          tion;

13          (4) initiate all such closures and realignments  
14          no later than two years after the date on which the  
15          President transmits a report to the Congress pursu-  
16          ant to section 2903(j) containing the recommenda-  
17          tions for such closures or realignments; and

18          (5) complete all such closures and realignments  
19          no later than the end of the six-year period begin-  
20          ning on the date on which the President transmits  
21          the report pursuant to section 2903(j) containing  
22          the recommendations for such closures or realign-  
23          ments.

24          (b) CONGRESSIONAL DISAPPROVAL.—(1) The Sec-  
25          retary may not carry out any closure or realignment rec-

1 ommended by the Commission in a report transmitted  
2 from the President pursuant to section 2903(j) if a joint  
3 resolution is enacted, in accordance with the provisions of  
4 section 2908, disapproving such recommendations of the  
5 Commission before the earlier of—

6 (A) the end of the 45-day period beginning on  
7 the date on which the President transmits such re-  
8 port; or

9 (B) the adjournment of Congress sine die for  
10 the session during which such report is transmitted.

11 (2) For purposes of paragraph (1) of this subsection  
12 and subsections (a) and (c) of section 2908, the days on  
13 which either House of Congress is not in session because  
14 of adjournment of more than three days to a day certain  
15 shall be excluded in the computation of a period.

16 **SEC. 2905. IMPLEMENTATION.**

17 (a) IN GENERAL.—(1) In closing or realigning any  
18 military installation under this title, the Secretary may—

19 (A) take such actions as may be necessary to  
20 close or realign any military installation, including  
21 the acquisition of such land, the construction of such  
22 replacement facilities, the performance of such ac-  
23 tivities, and the conduct of such advance planning  
24 and design as may be required to transfer functions  
25 from a military installation being closed or realigned



1 to another military installation, and may use for  
2 such purpose funds in the Account or funds appro-  
3 priated to the Department of Defense for use in  
4 planning and design, minor construction, or oper-  
5 ation and maintenance;

6 (B) provide—

7 (i) economic adjustment assistance to any  
8 community located near a military installation  
9 being closed or realigned, and

10 (ii) community planning assistance to any  
11 community located near a military installation  
12 to which functions will be transferred as a re-  
13 sult of the closure or realignment of a military  
14 installation,

15 if the Secretary of Defense determines that the fi-  
16 nancial resources available to the community (by  
17 grant or otherwise) for such purposes are inad-  
18 equate, and may use for such purposes funds in the  
19 Account or funds appropriated to the Department of  
20 Defense for economic adjustment assistance or com-  
21 munity planning assistance;

22 (C) carry out activities for the purposes of envi-  
23 ronmental restoration and mitigation at any such in-  
24 stallation, and shall use for such purposes funds in  
25 the Account;

1           (D) provide outplacement assistance to civilian  
2 employees employed by the Department of Defense  
3 at military installations being closed or realigned,  
4 and may use for such purpose funds in the Account  
5 or funds appropriated to the Department of Defense  
6 for outplacement assistance to employees; and

7           (E) reimburse other Federal agencies for ac-  
8 tions performed at the request of the Secretary with  
9 respect to any such closure or realignment, and may  
10 use for such purpose funds in the Account or funds  
11 appropriated to the Department of Defense and  
12 available for such purpose.

13       (2) In carrying out any closure or realignment under  
14 this title, the Secretary shall ensure that environmental  
15 restoration of any property made excess to the needs of  
16 the Department of Defense as a result of such closure or  
17 realignment be carried out as soon as possible with funds  
18 available for such purpose.

19       (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

20       (1) The Administrator of General Services shall delegate  
21 to the Secretary of Defense, with respect to excess and  
22 surplus real property, facilities, and personal property lo-  
23 cated at a military installation closed or realigned under  
24 this title—

1 (A) the authority of the Administrator to utilize  
2 excess property under subchapter II of chapter 5 of  
3 title 40, United States Code;

4 (B) the authority of the Administrator to dis-  
5 pose of surplus property under subchapter III of  
6 chapter 5 of title 40, United States Code;

7 (C) the authority to dispose of surplus property  
8 for public airports under sections 47151 through  
9 47153 of title 49, United States Code; and

10 (D) the authority of the Administrator to deter-  
11 mine the availability of excess or surplus real prop-  
12 erty for wildlife conservation purposes in accordance  
13 with the Act of May 19, 1948 (16 U.S.C. 667b).

14 (2)(A) Subject to subparagraph (B) and paragraphs  
15 (3), (4), (5), and (6), the Secretary of Defense shall exer-  
16 cise the authority delegated to the Secretary pursuant to  
17 paragraph (1) in accordance with—

18 (i) all regulations governing the utilization of  
19 excess property and the disposal of surplus property  
20 under subtitle I of title 40, United States Code; and

21 (ii) all regulations governing the conveyance  
22 and disposal of property under section 13(g) of the  
23 Surplus Property Act of 1944 (50 U.S.C. App.  
24 1622(g)).

1 (B) The Secretary may, with the concurrence of the  
2 Administrator of General Services—

3 (i) prescribe general policies and methods for  
4 utilizing excess property and disposing of surplus  
5 property pursuant to the authority delegated under  
6 paragraph (1); and

7 (ii) issue regulations relating to such policies  
8 and methods, which shall supersede the regulations  
9 referred to in subparagraph (A) with respect to that  
10 authority.

11 (C) The Secretary of Defense may transfer real prop-  
12 erty or facilities located at a military installation to be  
13 closed or realigned under this title, with or without reim-  
14 bursement, to a military department or other entity (in-  
15 cluding a nonappropriated fund instrumentality) within  
16 the Department of Defense or the Coast Guard.

17 (D) Before any action may be taken with respect to  
18 the disposal of any surplus real property or facility located  
19 at any military installation to be closed or realigned under  
20 this title, the Secretary of Defense shall consult with the  
21 Governor of the State and the heads of the local govern-  
22 ments concerned for the purpose of considering any plan  
23 for the use of such property by the local community con-  
24 cerned.

1 (E) If a military installation to be closed, realigned,  
2 or placed in an inactive status under this title includes  
3 a road used for public access through, into, or around the  
4 installation, the Secretary of Defense shall consult with  
5 the Governor of the State and the heads of the local gov-  
6 ernments concerned or the purpose of considering the con-  
7 tinued availability of the road for public use after the in-  
8 stallation is closed, realigned, or placed in an inactive sta-  
9 tus.

10 (3)(A) Not later than 6 months after the date of ap-  
11 proval of the closure or realignment of a military installa-  
12 tion under this title, the Secretary, in consultation with  
13 the redevelopment authority with respect to the installa-  
14 tion, shall—

15 (i) inventory the personal property located at  
16 the installation; and

17 (ii) identify the items (or categories of items) of  
18 such personal property that the Secretary deter-  
19 mines to be related to real property and anticipates  
20 will support the implementation of the redevelop-  
21 ment plan with respect to the installation.

22 (B) If no redevelopment authority referred to in sub-  
23 paragraph (A) exists with respect to an installation, the  
24 Secretary shall consult with—

1 (i) the local government in whose jurisdiction  
2 the installation is wholly located; or

3 (ii) a local government agency or State govern-  
4 ment agency designated for the purpose of such con-  
5 sultation by the chief executive officer of the State  
6 in which the installation is located.

7 (C)(i) Except as provided in subparagraphs (E) and  
8 (F), the Secretary may not carry out any of the activities  
9 referred to in clause (ii) with respect to an installation  
10 referred to in that clause until the earlier of—

11 (I) one week after the date on which the rede-  
12 velopment plan for the installation is submitted to  
13 the Secretary;

14 (II) the date on which the redevelopment au-  
15 thority notifies the Secretary that it will not submit  
16 such a plan;

17 (III) twenty-four months after the date of ap-  
18 proval of the closure or realignment of the installa-  
19 tion; or

20 (IV) ninety days before the date of the closure  
21 or realignment of the installation.

22 (ii) The activities referred to in clause (i) are activi-  
23 ties relating to the closure or realignment of an installa-  
24 tion to be closed or realigned under this title as follows:

1           (I) The transfer from the installation of items  
2           of personal property at the installation identified in  
3           accordance with subparagraph (A).

4           (II) The reduction in maintenance and repair of  
5           facilities or equipment located at the installation  
6           below the minimum levels required to support the  
7           use of such facilities or equipment for nonmilitary  
8           purposes.

9           (D) Except as provided in paragraph (4), the Sec-  
10          retary may not transfer items of personal property located  
11          at an installation to be closed or realigned under this title  
12          to another installation, or dispose of such items, if such  
13          items are identified in the redevelopment plan for the in-  
14          stallation as items essential to the reuse or redevelopment  
15          of the installation. In connection with the development of  
16          the redevelopment plan for the installation, the Secretary  
17          shall consult with the entity responsible for developing the  
18          redevelopment plan to identify the items of personal prop-  
19          erty located at the installation, if any, that the entity de-  
20          sires to be retained at the installation for reuse or redevel-  
21          opment of the installation.

22          (E) This paragraph shall not apply to any personal  
23          property located at an installation to be closed or realigned  
24          under this title if the property—

1 (i) is required for the operation of a unit, func-  
2 tion, component, weapon, or weapons system at an-  
3 other installation;

4 (ii) is uniquely military in character, and is  
5 likely to have no civilian use (other than use for its  
6 material content or as a source of commonly used  
7 components);

8 (iii) is not required for the reutilization or rede-  
9 velopment of the installation (as jointly determined  
10 by the Secretary and the redevelopment authority);

11 (iv) is stored at the installation for purposes of  
12 distribution (including spare parts or stock items);

13 or

14 (v)(I) meets known requirements of an author-  
15 ized program of another Federal department or  
16 agency for which expenditures for similar property  
17 would be necessary; and

18 (II) is the subject of a written request by the  
19 head of the department or agency.

20 (F) Notwithstanding subparagraphs (C)(i) and (D),  
21 the Secretary may carry out any activity referred to in  
22 subparagraph (C)(ii) or (D) if the Secretary determines  
23 that the carrying out of such activity is in the national  
24 security interest of the United States.



1           (4)(A) The Secretary may transfer real property and  
2 personal property located at a military installation to be  
3 closed or realigned under this title to the redevelopment  
4 authority with respect to the installation for purposes of  
5 job generation on the installation.

6           (B) The transfer of property located at a military in-  
7 stallation under subparagraph (A) may be for consider-  
8 ation at or below the estimated fair market value or with-  
9 out consideration. The determination of such consider-  
10 ation may account for the economic conditions of the local  
11 affected community and the estimated costs to redevelop  
12 the property. The Secretary may accept, as consideration,  
13 a share of the revenues that the redevelopment authority  
14 receives from third-party buyers or lessees from sales and  
15 long-term leases of the conveyed property, consideration  
16 in kind (including goods and services), real property and  
17 improvements, or such other consideration as the Sec-  
18 retary considers appropriate. The transfer of property lo-  
19 cated at a military installation under subparagraph (A)  
20 may be made for consideration below the estimated fair  
21 market value or without consideration only if the redevelop-  
22 opment authority with respect to the installation—

23           (i) agrees that the proceeds from any sale or  
24 lease of the property (or any portion thereof) re-  
25 ceived by the redevelopment authority during at

1 least the first seven years after the date of the initial  
2 transfer of property under subparagraph (A) shall  
3 be used to support the economic redevelopment of,  
4 or related to, the installation; and

5 (ii) executes the agreement for transfer of the  
6 property and accepts control of the property within  
7 a reasonable time after the date of the property dis-  
8 posal record of decision or finding of no significant  
9 impact under the National Environmental Policy Act  
10 of 1969 (42 U.S.C. 4321 et seq.).

11 (C) For purposes of subparagraph (B)(i), the use of  
12 proceeds from a sale or lease described in such subpara-  
13 graph to pay for, or offset the costs of, public investment  
14 on or related to the installation for any of the following  
15 purposes shall be considered a use to support the economic  
16 redevelopment of, or related to, the installation:

17 (i) Road construction.

18 (ii) Transportation management facilities.

19 (iii) Storm and sanitary sewer construction.

20 (iv) Police and fire protection facilities and  
21 other public facilities.

22 (v) Utility construction.

23 (vi) Building rehabilitation.

24 (vii) Historic property preservation.

1           (viii) Pollution prevention equipment or facili-  
2 ties.

3           (ix) Demolition.

4           (x) Disposal of hazardous materials generated  
5 by demolition.

6           (xi) Landscaping, grading, and other site or  
7 public improvements.

8           (xii) Planning for or the marketing of the devel-  
9 opment and reuse of the installation.

10       (D) The Secretary may recoup from a redevelopment  
11 authority such portion of the proceeds from a sale or lease  
12 described in subparagraph (B) as the Secretary deter-  
13 mines appropriate if the redevelopment authority does not  
14 use the proceeds to support economic redevelopment of,  
15 or related to, the installation for the period specified in  
16 subparagraph (B).

17       (E)(i) The Secretary may transfer real property at  
18 an installation approved for closure or realignment under  
19 this title (including property at an installation approved  
20 for realignment which will be retained by the Department  
21 of Defense or another Federal agency after realignment)  
22 to the redevelopment authority for the installation if the  
23 redevelopment authority agrees to lease, directly upon  
24 transfer, one or more portions of the property transferred  
25 under this subparagraph to the Secretary or to the head

1 of another department or agency of the Federal Govern-  
2 ment. Subparagraph (B) shall apply to a transfer under  
3 this subparagraph.

4 (ii) A lease under clause (i) shall be for a term of  
5 not to exceed 50 years, but may provide for options for  
6 renewal or extension of the term by the department or  
7 agency concerned.

8 (iii) A lease under clause (i) may not require rental  
9 payments by the United States.

10 (iv) A lease under clause (i) shall include a provision  
11 specifying that if the department or agency concerned  
12 ceases requiring the use of the leased property before the  
13 expiration of the term of the lease, the remainder of the  
14 lease term may be satisfied by the same or another depart-  
15 ment or agency of the Federal Government using the prop-  
16 erty for a use similar to the use under the lease. Exercise  
17 of the authority provided by this clause shall be made in  
18 consultation with the redevelopment authority concerned.

19 (v) Notwithstanding clause (iii), if a lease under  
20 clause (i) involves a substantial portion of the installation,  
21 the department or agency concerned may obtain facility  
22 services for the leased property and common area mainte-  
23 nance from the redevelopment authority or the redevelop-  
24 ment authority's assignee as a provision of the lease. The  
25 facility services and common area maintenance shall be

1 provided at a rate no higher than the rate charged to non-  
2 Federal tenants of the transferred property. Facility serv-  
3 ices and common area maintenance covered by the lease  
4 shall not include—

5 (I) municipal services that a State or local gov-  
6 ernment is required by law to provide to all land-  
7 owners in its jurisdiction without direct charge; or

8 (II) firefighting or security-guard functions.

9 (F) The transfer of personal property under subpara-  
10 graph (A) shall not be subject to the provisions of sub-  
11 chapters II and III of chapter 5 of title 40, United States  
12 Code, if the Secretary determines that the transfer of such  
13 property is necessary for the effective implementation of  
14 a redevelopment plan with respect to the installation at  
15 which such property is located.

16 (G) The provisions of section 120(h) of the Com-  
17 prehensive Environmental Response, Compensation, and  
18 Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to  
19 any transfer of real property under this paragraph.

20 (H) The Secretary may require any additional terms  
21 and conditions in connection with a transfer under this  
22 paragraph as such Secretary considers appropriate to pro-  
23 tect the interests of the United States.

24 (5)(A) Except as provided in subparagraphs (B) and  
25 (C), the Secretary shall take such actions as the Secretary

1 determines necessary to ensure that final determinations  
2 under paragraph (1) regarding whether another depart-  
3 ment or agency of the Federal Government has identified  
4 a use for any portion of a military installation to be closed  
5 or realigned under this title, or will accept transfer of any  
6 portion of such installation, are made not later than 6  
7 months after the date of approval of closure or realign-  
8 ment of that installation.

9 (B) The Secretary may, in consultation with the rede-  
10 velopment authority with respect to an installation, post-  
11 pone making the final determinations referred to in sub-  
12 paragraph (A) with respect to the installation for such pe-  
13 riod as the Secretary determines appropriate if the Sec-  
14 retary determines that such postponement is in the best  
15 interests of the communities affected by the closure or re-  
16 alignment of the installation.

17 (C)(i) Before acquiring non-Federal real property as  
18 the location for a new or replacement Federal facility of  
19 any type, the head of the Federal agency acquiring the  
20 property shall consult with the Secretary regarding the  
21 feasibility and cost advantages of using Federal property  
22 or facilities at a military installation closed or realigned  
23 or to be closed or realigned under this title as the location  
24 for the new or replacement facility. In considering the  
25 availability and suitability of a specific military installa-

1 tion, the Secretary and the head of the Federal agency  
2 involved shall obtain the concurrence of the redevelopment  
3 authority with respect to the installation and comply with  
4 the redevelopment plan for the installation.

5 (ii) Not later than 30 days after acquiring non-Fed-  
6 eral real property as the location for a new or replacement  
7 Federal facility, the head of the Federal agency acquiring  
8 the property shall submit to Congress a report containing  
9 the results of the consultation under clause (i) and the  
10 reasons why military installations referred to in such  
11 clause that are located within the area to be served by  
12 the new or replacement Federal facility or within a 200-  
13 mile radius of the new or replacement facility, whichever  
14 area is greater, were considered to be unsuitable or un-  
15 available for the site of the new or replacement facility.

16 (6)(A) The disposal of buildings and property located  
17 at installations approved for closure or realignment under  
18 this title shall be carried out in accordance with this para-  
19 graph.

20 (B)(i) Not later than the date on which the Secretary  
21 of Defense completes the final determinations referred to  
22 in paragraph (5) relating to the use or transferability of  
23 any portion of an installation covered by this paragraph,  
24 the Secretary shall—

1           (I) identify the buildings and property at the  
2 installation for which the Department of Defense  
3 has a use, for which another department or agency  
4 of the Federal Government has identified a use, or  
5 of which another department or agency will accept  
6 a transfer;

7           (II) take such actions as are necessary to iden-  
8 tify any building or property at the installation not  
9 identified under subclause (I) that is excess property  
10 or surplus property;

11           (III) submit to the Secretary of Housing and  
12 Urban Development and to the redevelopment au-  
13 thority for the installation (or the chief executive of-  
14 ficer of the State in which the installation is located  
15 if there is no redevelopment authority for the instal-  
16 lation at the completion of the determination de-  
17 scribed in the stem of this sentence) information on  
18 any building or property that is identified under sub-  
19 clause (II); and

20           (IV) publish in the Federal Register and in a  
21 newspaper of general circulation in the communities  
22 in the vicinity of the installation information on the  
23 buildings and property identified under subclause  
24 (II).



1           (ii) Upon the recognition of a redevelopment author-  
2 ity for an installation covered by this paragraph, the Sec-  
3 retary of Defense shall publish in the Federal Register and  
4 in a newspaper of general circulation in the communities  
5 in the vicinity of the installation information on the rede-  
6 velopment authority.

7           (C)(i) State and local governments, representatives of  
8 the homeless, and other interested parties located in the  
9 communities in the vicinity of an installation covered by  
10 this paragraph shall submit to the redevelopment author-  
11 ity for the installation a notice of the interest, if any, of  
12 such governments, representatives, and parties in the  
13 buildings or property, or any portion thereof, at the instal-  
14 lation that are identified under subparagraph (B)(i)(II).  
15 A notice of interest under this clause shall describe the  
16 need of the government, representative, or party concerned  
17 for the buildings or property covered by the notice.

18           (ii) The redevelopment authority for an installation  
19 shall assist the governments, representatives, and parties  
20 referred to in clause (i) in evaluating buildings and prop-  
21 erty at the installation for purposes of this subparagraph.

22           (iii) In providing assistance under clause (ii), a rede-  
23 velopment authority shall—

1 (I) consult with representatives of the homeless  
2 in the communities in the vicinity of the installation  
3 concerned; and

4 (II) undertake outreach efforts to provide infor-  
5 mation on the buildings and property to representa-  
6 tives of the homeless, and to other persons or enti-  
7 ties interested in assisting the homeless, in such  
8 communities.

9 (iv) It is the sense of Congress that redevelopment  
10 authorities should begin to conduct outreach efforts under  
11 clause (iii)(II) with respect to an installation as soon as  
12 is practicable after the date of approval of closure or re-  
13 alignment of the installation.

14 (D)(i) State and local governments, representatives  
15 of the homeless, and other interested parties shall submit  
16 a notice of interest to a redevelopment authority under  
17 subparagraph (C) not later than the date specified for  
18 such notice by the redevelopment authority.

19 (ii) The date specified under clause (i) shall be—

20 (I) in the case of an installation for which a re-  
21 development authority has been recognized as of the  
22 date of the completion of the determinations referred  
23 to in paragraph (5), not earlier than 3 months and  
24 not later than 6 months after the date of publication  
25 of such determination in a newspaper of general cir-

1 culation in the communities in the vicinity of the in-  
2 stallation under subparagraph (B)(i)(IV); and

3 (II) in the case of an installation for which a  
4 redevelopment authority is not recognized as of such  
5 date, not earlier than 3 months and not later than  
6 6 months after the date of the recognition of a rede-  
7 velopment authority for the installation.

8 (iii) Upon specifying a date for an installation under  
9 this subparagraph, the redevelopment authority for the in-  
10 stallation shall—

11 (I) publish the date specified in a newspaper of  
12 general circulation in the communities in the vicinity  
13 of the installation concerned; and

14 (II) notify the Secretary of Defense of the date.

15 (E)(i) In submitting to a redevelopment authority  
16 under subparagraph (C) a notice of interest in the use  
17 of buildings or property at an installation to assist the  
18 homeless, a representative of the homeless shall submit the  
19 following:

20 (I) A description of the homeless assistance  
21 program that the representative proposes to carry  
22 out at the installation.

23 (II) An assessment of the need for the program.

24 (III) A description of the extent to which the  
25 program is or will be coordinated with other home-

1 less assistance programs in the communities in the  
2 vicinity of the installation.

3 (IV) A description of the buildings and property  
4 at the installation that are necessary in order to  
5 carry out the program.

6 (V) A description of the financial plan, the or-  
7 ganization, and the organizational capacity of the  
8 representative to carry out the program.

9 (VI) An assessment of the time required in  
10 order to commence carrying out the program.

11 (ii) A redevelopment authority may not release to the  
12 public any information submitted to the redevelopment au-  
13 thority under clause (i)(V) without the consent of the rep-  
14 resentative of the homeless concerned unless such release  
15 is authorized under Federal law and under the law of the  
16 State and communities in which the installation concerned  
17 is located.

18 (F)(i) The redevelopment authority for each installa-  
19 tion covered by this paragraph shall prepare a redevelop-  
20 ment plan for the installation. The redevelopment author-  
21 ity shall, in preparing the plan, consider the interests in  
22 the use to assist the homeless of the buildings and prop-  
23 erty at the installation that are expressed in the notices  
24 submitted to the redevelopment authority under subpara-  
25 graph (C).

1           (ii)(I) In connection with a redevelopment plan for  
2 an installation, a redevelopment authority and representa-  
3 tives of the homeless shall prepare legally binding agree-  
4 ments that provide for the use to assist the homeless of  
5 buildings and property, resources, and assistance on or off  
6 the installation. The implementation of such agreements  
7 shall be contingent upon the decision regarding the dis-  
8 posal of the buildings and property covered by the agree-  
9 ments by the Secretary of Defense under subparagraph  
10 (K) or (L).

11           (II) Agreements under this clause shall provide for  
12 the reversion to the redevelopment authority concerned, or  
13 to such other entity or entities as the agreements shall  
14 provide, of buildings and property that are made available  
15 under this paragraph for use to assist the homeless in the  
16 event that such buildings and property cease being used  
17 for that purpose.

18           (iii) A redevelopment authority shall provide oppor-  
19 tunity for public comment on a redevelopment plan before  
20 submission of the plan to the Secretary of Defense and  
21 the Secretary of Housing and Urban Development under  
22 subparagraph (G).

23           (iv) A redevelopment authority shall complete prepa-  
24 ration of a redevelopment plan for an installation and sub-  
25 mit the plan under subparagraph (G) not later than 9

1 months after the date specified by the redevelopment au-  
2 thority for the installation under subparagraph (D).

3 (G)(i) Upon completion of a redevelopment plan  
4 under subparagraph (F), a redevelopment authority shall  
5 submit an application containing the plan to the Secretary  
6 of Defense and to the Secretary of Housing and Urban  
7 Development.

8 (ii) A redevelopment authority shall include in an ap-  
9 plication under clause (i) the following:

10 (I) A copy of the redevelopment plan, including  
11 a summary of any public comments on the plan re-  
12 ceived by the redevelopment authority under sub-  
13 paragraph (F)(iii).

14 (II) A copy of each notice of interest of use of  
15 buildings and property to assist the homeless that  
16 was submitted to the redevelopment authority under  
17 subparagraph (C), together with a description of the  
18 manner, if any, in which the plan addresses the in-  
19 terest expressed in each such notice and, if the plan  
20 does not address such an interest, an explanation  
21 why the plan does not address the interest.

22 (III) A summary of the outreach undertaken by  
23 the redevelopment authority under subparagraph  
24 (C)(iii)(II) in preparing the plan.

1           (IV) A statement identifying the representatives  
2 of the homeless and the homeless assistance plan-  
3 ning boards, if any, with which the redevelopment  
4 authority consulted in preparing the plan, and the  
5 results of such consultations.

6           (V) An assessment of the manner in which the  
7 redevelopment plan balances the expressed needs of  
8 the homeless and the need of the communities in the  
9 vicinity of the installation for economic redevelop-  
10 ment and other development.

11           (VI) Copies of the agreements that the redevelop-  
12 ment authority proposes to enter into under sub-  
13 paragraph (F)(ii).

14           (H)(i) Not later than 60 days after receiving a rede-  
15 velopment plan under subparagraph (G), the Secretary of  
16 Housing and Urban Development shall complete a review  
17 of the plan. The purpose of the review is to determine  
18 whether the plan, with respect to the expressed interest  
19 and requests of representatives of the homeless—

20           (I) takes into consideration the size and nature  
21 of the homeless population in the communities in the  
22 vicinity of the installation, the availability of existing  
23 services in such communities to meet the needs of  
24 the homeless in such communities, and the suit-  
25 ability of the buildings and property covered by the

1 plan for the use and needs of the homeless in such  
2 communities;

3 (II) takes into consideration any economic im-  
4 pact of the homeless assistance under the plan on  
5 the communities in the vicinity of the installation;

6 (III) balances in an appropriate manner the  
7 needs of the communities in the vicinity of the in-  
8 stallation for economic redevelopment and other de-  
9 velopment with the needs of the homeless in such  
10 communities;

11 (IV) was developed in consultation with rep-  
12 resentatives of the homeless and the homeless assist-  
13 ance planning boards, if any, in the communities in  
14 the vicinity of the installation; and

15 (V) specifies the manner in which buildings and  
16 property, resources, and assistance on or off the in-  
17 stallation will be made available for homeless assist-  
18 ance purposes.

19 (ii) It is the sense of Congress that the Secretary of  
20 Housing and Urban Development shall, in completing the  
21 review of a plan under this subparagraph, take into con-  
22 sideration and be receptive to the predominant views on  
23 the plan of the communities in the vicinity of the installa-  
24 tion covered by the plan.



1           (iii) The Secretary of Housing and Urban Develop-  
2 ment may engage in negotiations and consultations with  
3 a redevelopment authority before or during the course of  
4 a review under clause (i) with a view toward resolving any  
5 preliminary determination of the Secretary that a redevel-  
6 opment plan does not meet a requirement set forth in that  
7 clause. The redevelopment authority may modify the rede-  
8 velopment plan as a result of such negotiations and con-  
9 sultations.

10           (iv) Upon completion of a review of a redevelopment  
11 plan under clause (i), the Secretary of Housing and Urban  
12 Development shall notify the Secretary of Defense and the  
13 redevelopment authority concerned of the determination of  
14 the Secretary of Housing and Urban Development under  
15 that clause.

16           (v) If the Secretary of Housing and Urban Develop-  
17 ment determines as a result of such a review that a rede-  
18 velopment plan does not meet the requirements set forth  
19 in clause (i), a notice under clause (iv) shall include—

20                   (I) an explanation of that determination; and

21                   (II) a statement of the actions that the redevel-  
22 opment authority must undertake in order to ad-  
23 dress that determination.

24           (I)(i) Upon receipt of a notice under subparagraph  
25 (H)(iv) of a determination that a redevelopment plan does

1 not meet a requirement set forth in subparagraph (H)(i),  
2 a redevelopment authority shall have the opportunity to—

3 (I) revise the plan in order to address the deter-  
4 mination; and

5 (II) submit the revised plan to the Secretary of  
6 Defense and the Secretary of Housing and Urban  
7 Development.

8 (ii) A redevelopment authority shall submit a revised  
9 plan under this subparagraph to such Secretaries, if at  
10 all, not later than 90 days after the date on which the  
11 redevelopment authority receives the notice referred to in  
12 clause (i).

13 (J)(i) Not later than 30 days after receiving a revised  
14 redevelopment plan under subparagraph (I), the Secretary  
15 of Housing and Urban Development shall review the re-  
16 vised plan and determine if the plan meets the require-  
17 ments set forth in subparagraph (H)(i).

18 (ii) The Secretary of Housing and Urban Develop-  
19 ment shall notify the Secretary of Defense and the redevel-  
20 opment authority concerned of the determination of the  
21 Secretary of Housing and Urban Development under this  
22 subparagraph.

23 (K)(i) Upon receipt of a notice under subparagraph  
24 (H)(iv) or (J)(ii) of the determination of the Secretary of  
25 Housing and Urban Development that a redevelopment

1 plan for an installation meets the requirements set forth  
2 in subparagraph (H)(i), the Secretary of Defense shall dis-  
3 pose of the buildings and property at the installation.

4 (ii) For purposes of carrying out an environmental  
5 assessment of the closure or realignment of an installa-  
6 tion, the Secretary of Defense shall treat the redevelop-  
7 ment plan for the installation (including the aspects of the  
8 plan providing for disposal to State or local governments,  
9 representatives of the homeless, and other interested par-  
10 ties) as part of the proposed Federal action for the instal-  
11 lation.

12 (iii) The Secretary of Defense shall dispose of build-  
13 ings and property under clause (i) in accordance with the  
14 record of decision or other decision document prepared by  
15 the Secretary in accordance with the National Environ-  
16 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In  
17 preparing the record of decision or other decision docu-  
18 ment, the Secretary shall give substantial deference to the  
19 redevelopment plan concerned.

20 (iv) The disposal under clause (i) of buildings and  
21 property to assist the homeless shall be without consider-  
22 ation.

23 (v) In the case of a request for a conveyance under  
24 clause (i) of buildings and property for public benefit  
25 under section 550 of title 40, United States Code, or sec-

1 tions 47151 through 47153 of title 49, United States  
2 Code, the sponsoring Federal agency shall use the eligi-  
3 bility criteria set forth in such section or subchapter II  
4 of chapter 471 of title 49, United States Code (as the case  
5 may be) to determine the eligibility of the applicant and  
6 use proposed in the request for the public benefit convey-  
7 ance. The determination of such eligibility should be made  
8 before submission of the redevelopment plan concerned  
9 under subparagraph (G).

10 (L)(i) If the Secretary of Housing and Urban Devel-  
11 opment determines under subparagraph (J) that a revised  
12 redevelopment plan for an installation does not meet the  
13 requirements set forth in subparagraph (H)(i), or if no  
14 revised plan is so submitted, that Secretary shall—

15 (I) review the original redevelopment plan sub-  
16 mitted to that Secretary under subparagraph (G),  
17 including the notice or notices of representatives of  
18 the homeless referred to in clause (ii)(II) of that  
19 subparagraph;

20 (II) consult with the representatives referred to  
21 in subclause (I), if any, for purposes of evaluating  
22 the continuing interest of such representatives in the  
23 use of buildings or property at the installation to as-  
24 sist the homeless;

1           (III) request that each such representative sub-  
2           mit to that Secretary the items described in clause  
3           (ii); and

4           (IV) based on the actions of that Secretary  
5           under subclauses (I) and (II), and on any informa-  
6           tion obtained by that Secretary as a result of such  
7           actions, indicate to the Secretary of Defense the  
8           buildings and property at the installation that meet  
9           the requirements set forth in subparagraph (H)(i).

10          (ii) The Secretary of Housing and Urban Develop-  
11          ment may request under clause (i)(III) that a representa-  
12          tive of the homeless submit to that Secretary the following:

13               (I) A description of the program of such rep-  
14               resentative to assist the homeless.

15               (II) A description of the manner in which the  
16               buildings and property that the representative pro-  
17               poses to use for such purpose will assist the home-  
18               less.

19               (III) Such information as that Secretary re-  
20               quires in order to determine the financial capacity of  
21               the representative to carry out the program and to  
22               ensure that the program will be carried out in com-  
23               pliance with Federal environmental law and Federal  
24               law against discrimination.

1           (IV) A certification that police services, fire  
2 protection services, and water and sewer services  
3 available in the communities in the vicinity of the in-  
4 stallation concerned are adequate for the program.

5           (iii) Not later than 90 days after the date of the re-  
6 ceipt of a revised plan for an installation under subpara-  
7 graph (J), the Secretary of Housing and Urban Develop-  
8 ment shall—

9           (I) notify the Secretary of Defense and the re-  
10 development authority concerned of the buildings  
11 and property at an installation under clause (i)(IV)  
12 that the Secretary of Housing and Urban Develop-  
13 ment determines are suitable for use to assist the  
14 homeless; and

15           (II) notify the Secretary of Defense of the ex-  
16 tent to which the revised plan meets the criteria set  
17 forth in subparagraph (H)(i).

18           (iv)(I) Upon notice from the Secretary of Housing  
19 and Urban Development with respect to an installation  
20 under clause (iii), the Secretary of Defense shall dispose  
21 of buildings and property at the installation in consulta-  
22 tion with the Secretary of Housing and Urban Develop-  
23 ment and the redevelopment authority concerned.

24           (II) For purposes of carrying out an environmental  
25 assessment of the closure or realignment of an installa-

1 tion, the Secretary of Defense shall treat the redevelop-  
2 ment plan submitted by the redevelopment authority for  
3 the installation (including the aspects of the plan pro-  
4 viding for disposal to State or local governments, rep-  
5 resentatives of the homeless, and other interested parties)  
6 as part of the proposed Federal action for the installation.  
7 The Secretary of Defense shall incorporate the notification  
8 of the Secretary of Housing and Urban Development  
9 under clause (iii)(I) as part of the proposed Federal action  
10 for the installation only to the extent, if any, that the Sec-  
11 retary of Defense considers such incorporation to be ap-  
12 propriate and consistent with the best and highest use of  
13 the installation as a whole, taking into consideration the  
14 redevelopment plan submitted by the redevelopment au-  
15 thority.

16 (III) The Secretary of Defense shall dispose of build-  
17 ings and property under subclause (I) in accordance with  
18 the record of decision or other decision document prepared  
19 by the Secretary in accordance with the National Environ-  
20 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In  
21 preparing the record of decision or other decision docu-  
22 ment, the Secretary shall give deference to the redevelop-  
23 ment plan submitted by the redevelopment authority for  
24 the installation.

1 (IV) The disposal under subclause (I) of buildings  
2 and property to assist the homeless shall be without con-  
3 sideration.

4 (V) In the case of a request for a conveyance under  
5 subclause (I) of buildings and property for public benefit  
6 under section 550 of title 40, United States Code, or sec-  
7 tions 47151 through 47153 of title 49, United States  
8 Code, the sponsoring Federal agency shall use the eligi-  
9 bility criteria set forth in such section or subchapter II  
10 of chapter 471 of title 49, United States Code (as the case  
11 may be) to determine the eligibility of the applicant and  
12 use proposed in the request for the public benefit convey-  
13 ance. The determination of such eligibility should be made  
14 before submission of the redevelopment plan concerned  
15 under subparagraph (G).

16 (M)(i) In the event of the disposal of buildings and  
17 property of an installation pursuant to subparagraph (K)  
18 or (L), the redevelopment authority for the installation  
19 shall be responsible for the implementation of and compli-  
20 ance with agreements under the redevelopment plan de-  
21 scribed in that subparagraph for the installation.

22 (ii) If a building or property reverts to a redevelop-  
23 ment authority under such an agreement, the redevelop-  
24 ment authority shall take appropriate actions to secure,  
25 to the maximum extent practicable, the utilization of the



1 building or property by other homeless representatives to  
2 assist the homeless. A redevelopment authority may not  
3 be required to utilize the building or property to assist  
4 the homeless.

5 (N) The Secretary of Defense may postpone or ex-  
6 tend any deadline provided for under this paragraph in  
7 the case of an installation covered by this paragraph for  
8 such period as the Secretary considers appropriate if the  
9 Secretary determines that such postponement is in the in-  
10 terests of the communities affected by the closure or re-  
11 alignment of the installation. The Secretary shall make  
12 such determinations in consultation with the redevelop-  
13 ment authority concerned and, in the case of deadlines  
14 provided for under this paragraph with respect to the Sec-  
15 retary of Housing and Urban Development, in consulta-  
16 tion with the Secretary of Housing and Urban Develop-  
17 ment.

18 (O) For purposes of this paragraph, the term “com-  
19 munities in the vicinity of the installation”, in the case  
20 of an installation, means the communities that constitute  
21 the political jurisdictions (other than the State in which  
22 the installation is located) that comprise the redevelop-  
23 ment authority for the installation.

24 (P) For purposes of this paragraph, the term “other  
25 interested parties”, in the case of an installation, includes

1 any parties eligible for the conveyance of property of the  
2 installation under section 550 of title 40, United States  
3 Code, or sections 47151 through 47153 of title 49, United  
4 States Code, whether or not the parties assist the home-  
5 less.

6 (7)(A) Subject to subparagraph (C), the Secretary  
7 may enter into agreements (including contracts, coopera-  
8 tive agreements, or other arrangements for reimburse-  
9 ment) with local governments for the provision of police  
10 or security services, fire protection services, airfield oper-  
11 ation services, or other community services by such gov-  
12 ernments at military installations to be closed under this  
13 title, or at facilities not yet transferred or otherwise dis-  
14 posed of in the case of installations closed under this title,  
15 if the Secretary determines that the provision of such serv-  
16 ices under such agreements is in the best interests of the  
17 Department of Defense.

18 (B) The Secretary may exercise the authority pro-  
19 vided under this paragraph without regard to the provi-  
20 sions of chapter 146 of title 10, United States Code.

21 (C) The Secretary may not exercise the authority  
22 under subparagraph (A) with respect to an installation  
23 earlier than 180 days before the date on which the instal-  
24 lation is to be closed.

1           (D) The Secretary shall include in a contract for serv-  
2 ices entered into with a local government under this para-  
3 graph a clause that requires the use of professionals to  
4 furnish the services to the extent that professionals are  
5 available in the area under the jurisdiction of such govern-  
6 ment.

7           (c) APPLICABILITY OF NATIONAL ENVIRONMENTAL  
8 POLICY ACT OF 1969.—(1) The provisions of the National  
9 Environmental Policy Act of 1969 (42 U.S.C. 4321 et  
10 seq.) shall not apply to the actions of the President, the  
11 Commission, and, except as provided in paragraph (2), the  
12 Department of Defense in carrying out this title.

13           (2)(A) The provisions of the National Environmental  
14 Policy Act of 1969 shall apply to actions of the Depart-  
15 ment of Defense under this title (i) during the process of  
16 property disposal, and (ii) during the process of relocating  
17 functions from a military installation being closed or re-  
18 aligned to another military installation after the receiving  
19 installation has been selected but before the functions are  
20 relocated.

21           (B) In applying the provisions of the National Envi-  
22 ronmental Policy Act of 1969 to the processes referred  
23 to in subparagraph (A), the Secretary of Defense and the  
24 Secretary of the military departments concerned shall not  
25 have to consider—

1           (i) the need for closing or realigning the mili-  
2           tary installation which has been recommended for  
3           closure or realignment by the Commission;

4           (ii) the need for transferring functions to any  
5           military installation which has been selected as the  
6           receiving installation; or

7           (iii) military installations alternative to those  
8           recommended or selected.

9           (3) A civil action for judicial review, with respect to  
10          any requirement of the National Environmental Policy Act  
11          of 1969 to the extent such Act is applicable under para-  
12          graph (2), of any act or failure to act by the Department  
13          of Defense during the closing, realigning, or relocating of  
14          functions referred to in clauses (i) and (ii) of paragraph  
15          (2)(A), may not be brought more than 60 days after the  
16          date of such act or failure to act.

17          (d) WAIVER.—The Secretary of Defense may close or  
18          realign military installations under this title without re-  
19          gard to—

20               (1) any provision of law restricting the use of  
21               funds for closing or realigning military installations  
22               included in any appropriations or authorization Act;  
23               and

24               (2) sections 2662 and 2687 of title 10, United  
25               States Code.

1 (e) TRANSFER AUTHORITY IN CONNECTION WITH  
2 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

3 (1)(A) Subject to paragraph (2) of this subsection and sec-  
4 tion 120(h) of the Comprehensive Environmental Re-  
5 sponse, Compensation, and Liability Act of 1980 (42  
6 U.S.C. 9620(h)), the Secretary may enter into an agree-  
7 ment to transfer by deed real property or facilities referred  
8 to in subparagraph (B) with any person who agrees to  
9 perform all environmental restoration, waste management,  
10 and environmental compliance activities that are required  
11 for the property or facilities under Federal and State laws,  
12 administrative decisions, agreements (including schedules  
13 and milestones), and concurrences.

14 (B) The real property and facilities referred to in  
15 subparagraph (A) are the real property and facilities lo-  
16 cated at an installation closed or to be closed, or realigned  
17 or to be realigned, under this title that are available exclu-  
18 sively for the use, or expression of an interest in a use,  
19 of a redevelopment authority under subsection (b)(6)(F)  
20 during the period provided for that use, or expression of  
21 interest in use, under that subsection. The real property  
22 and facilities referred to in subparagraph (A) are also the  
23 real property and facilities located at an installation ap-  
24 proved for closure or realignment under this title after

1 2001 that are available for purposes other than to assist  
2 the homeless.

3 (C) The Secretary may require any additional terms  
4 and conditions in connection with an agreement author-  
5 ized by subparagraph (A) as the Secretary considers ap-  
6 propriate to protect the interests of the United States.

7 (2) A transfer of real property or facilities may be  
8 made under paragraph (1) only if the Secretary certifies  
9 to Congress that—

10 (A) the costs of all environmental restoration,  
11 waste management, and environmental compliance  
12 activities otherwise to be paid by the Secretary with  
13 respect to the property or facilities are equal to or  
14 greater than the fair market value of the property  
15 or facilities to be transferred, as determined by the  
16 Secretary; or

17 (B) if such costs are lower than the fair market  
18 value of the property or facilities, the recipient of  
19 the property or facilities agrees to pay the difference  
20 between the fair market value and such costs.

21 (3) In the case of property or facilities covered by  
22 a certification under paragraph (2)(A), the Secretary may  
23 pay the recipient of such property or facilities an amount  
24 equal to the lesser of—

1           (A) the amount by which the costs incurred by  
2           the recipient of such property or facilities for all en-  
3           vironmental restoration, waste, management, and  
4           environmental compliance activities with respect to  
5           such property or facilities exceed the fair market  
6           value of such property or facilities as specified in  
7           such certification; or

8           (B) the amount by which the costs (as deter-  
9           mined by the Secretary) that would otherwise have  
10          been incurred by the Secretary for such restoration,  
11          management, and activities with respect to such  
12          property or facilities exceed the fair market value of  
13          such property or facilities as so specified.

14          (4) As part of an agreement under paragraph (1),  
15          the Secretary shall disclose to the person to whom the  
16          property or facilities will be transferred any information  
17          of the Secretary regarding the environmental restoration,  
18          waste management, and environmental compliance activi-  
19          ties described in paragraph (1) that relate to the property  
20          or facilities. The Secretary shall provide such information  
21          before entering into the agreement.

22          (5) Nothing in this subsection shall be construed to  
23          modify, alter, or amend the Comprehensive Environmental  
24          Response, Compensation, and Liability Act of 1980 (42

1 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42  
2 U.S.C. 6901 et seq.).

3 (6) Section 330 of the National Defense Authoriza-  
4 tion Act for Fiscal Year 1993 (Public Law 102–484; 10  
5 U.S.C. 2687 note) shall not apply to any transfer under  
6 this subsection to persons or entities described in sub-  
7 section (a)(2) of such section 330, except in the case of  
8 releases or threatened releases not disclosed pursuant to  
9 paragraph (4).

10 **SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE AC-**  
11 **COUNT 2014.**

12 (a) IN GENERAL.—(1) If the Secretary makes the  
13 certifications required under section 2903(b), there shall  
14 be established on the books of the Treasury an account  
15 to be known as the “Department of Defense Base Closure  
16 Account 2014” (in this section referred to as the “Ac-  
17 count”). The Account shall be administered by the Sec-  
18 retary as a single account.

19 (2) There shall be deposited into the Account—

20 (A) funds authorized for and appropriated  
21 to the Account;

22 (B) any funds that the Secretary may,  
23 subject to approval in an appropriation Act,  
24 transfer to the Account from funds appro-  
25 priated to the Department of Defense for any



1           purpose, except that such funds may be trans-  
2           ferred only after the date on which the Sec-  
3           retary transmits written notice of, and justifica-  
4           tion for, such transfer to the congressional de-  
5           fense committees; and

6                   (C) except as provided in subsection (d),  
7           proceeds received from the lease, transfer, or  
8           disposal of any property at a military installa-  
9           tion that is closed or realigned under this title.

10           (3) The Account shall be closed at the time and  
11           in the manner provided for appropriation accounts  
12           under section 1555 of title 31, United States Code.  
13           Unobligated funds which remain in the Account  
14           upon closure shall be held by the Secretary of the  
15           Treasury until transferred by law after the congress-  
16           sional defense committees receive the final report  
17           transmitted under subsection (e)(2).

18           (b) USE OF FUNDS.—(1) The Secretary may use the  
19           funds in the Account only for the purposes described in  
20           section 2905 with respect to military installations ap-  
21           proved for closure or realignment under this title.

22           (2) When a decision is made to use funds in the Ac-  
23           count to carry out a construction project under section  
24           2905(a) and the cost of the project will exceed the max-  
25           imum amount authorized by law for a minor military con-

1 construction project, the Secretary shall notify in writing the  
2 congressional defense committees of the nature of, and  
3 justification for, the project and the amount of expendi-  
4 tures for such project. Any such construction project may  
5 be carried out without regard to section 2802(a) of title  
6 10, United States Code.

7 (c) REPORTS.—(1)(A) No later than 60 days after  
8 the end of each fiscal year in which the Secretary carries  
9 out activities under this title using amounts in the Ac-  
10 count, the Secretary shall transmit a report to the con-  
11 gressional defense committees of—

12 (i) the amount and nature of the deposits into,  
13 and the expenditures from, the Account during such  
14 fiscal year;

15 (ii) the amount and nature of other expendi-  
16 tures made pursuant to section 2905(a) during such  
17 fiscal year;

18 (iii) the amount and nature of anticipated de-  
19 posits to be made into, and the anticipated expendi-  
20 tures to be made from, the Account during the first  
21 fiscal year commencing after the submission of the  
22 report; and

23 (iv) the amount and nature of anticipated ex-  
24 penditures to be made pursuant to section 2905(a)

1 during the first fiscal year commencing after the  
2 submission of the report.

3 (B) The report for a fiscal year shall include the fol-  
4 lowing:

5 (i) The obligations and expenditures from the  
6 Account during the fiscal year, identified by sub-  
7 account and installation, for each military depart-  
8 ment and Defense Agency.

9 (ii) The fiscal year in which appropriations for  
10 such expenditures were made and the fiscal year in  
11 which funds were obligated for such expenditures.

12 (iii) Each military construction project for  
13 which such obligations and expenditures were made,  
14 identified by installation and project title.

15 (iv) A description and explanation of the extent,  
16 if any, to which expenditures for military construc-  
17 tion projects for the fiscal year differed from pro-  
18 posals for projects and funding levels that were in-  
19 cluded in the justification transmitted to Congress  
20 under section 2907(1), or otherwise, for the funding  
21 proposals for the Account for such fiscal year, in-  
22 cluding an explanation of—

23 (I) any failure to carry out military con-  
24 struction projects that were so proposed; and

1 (II) any expenditures for military construc-  
2 tion projects that were not so proposed.

3 (v) An estimate of the net revenues to be re-  
4 ceived from property disposals to be completed dur-  
5 ing the first fiscal year commencing after the sub-  
6 mission of the report at military installations ap-  
7 proved for closure or realignment under this title.

8 (2) No later than 60 days after the closure of the  
9 Account under subsection (a)(3), the Secretary shall  
10 transmit to the congressional defense committees a report  
11 containing an accounting of—

12 (A) all the funds deposited into and expended  
13 from the Account or otherwise expended under this  
14 title with respect to such installations; and

15 (B) any amount remaining in the Account.

16 (d) DISPOSAL OR TRANSFER OF COMMISSARY  
17 STORES AND PROPERTY PURCHASED WITH NON-  
18 APPROPRIATED FUNDS.—(1) If any real property or facil-  
19 ity acquired, constructed, or improved (in whole or in part)  
20 with commissary store funds or nonappropriated funds is  
21 transferred or disposed of in connection with the closure  
22 or realignment of a military installation under this title,  
23 a portion of the proceeds of the transfer or other disposal  
24 of property on that installation shall be deposited in the  
25 reserve account established under section 204(b)(7)(C) of

1 the Defense Authorization Amendments and Base Closure  
2 and Realignment Act (10 U.S.C. 2687 note).

3 (2) The amount so deposited shall be equal to the  
4 depreciated value of the investment made with such funds  
5 in the acquisition, construction, or improvement of that  
6 particular real property or facility. The depreciated value  
7 of the investment shall be computed in accordance with  
8 regulations prescribed by the Secretary.

9 (3) The Secretary may use amounts in the reserve  
10 account, without further appropriation, for the purpose of  
11 acquiring, constructing, and improving—

12 (A) commissary stores; and

13 (B) real property and facilities for non-  
14 appropriated fund instrumentalities.

15 (4) As used in this subsection:

16 (A) The term “commissary store funds” means  
17 funds received from the adjustment of, or surcharge  
18 on, selling prices at commissary stores fixed under  
19 section 2685 of title 10, United States Code.

20 (B) The term “nonappropriated funds” means  
21 funds received from a nonappropriated fund instru-  
22 mentality.

23 (C) The term “nonappropriated fund instru-  
24 mentality” means an instrumentality of the United  
25 States under the jurisdiction of the armed forces (in-

1 including the Army and Air Force Exchange Service,  
2 the Navy Resale and Services Support Office, and  
3 the Marine Corps exchanges) which is conducted for  
4 the comfort, pleasure, contentment, or physical or  
5 mental improvement of members of the armed  
6 forces.

7 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR  
8 ENVIRONMENTAL RESTORATION PROJECTS.—Except for  
9 funds deposited into the Account under subsection (a),  
10 funds appropriated to the Department of Defense may not  
11 be used for purposes described in section 2905(a)(1)(C).  
12 The prohibition in this subsection shall expire upon the  
13 closure of the Account under subsection (a)(3).

14 (f) AUTHORIZED COST AND SCOPE OF WORK VARI-  
15 ATIONS.—(1) Subject to paragraphs (2) and (3), the cost  
16 authorized for a military construction project or military  
17 family housing project to be carried out using funds in  
18 the Account may not be increased or reduced by more than  
19 20 percent or \$2,000,000, whichever is less, of the amount  
20 specified for the project in the conference report to accom-  
21 pany the Military Construction Authorization Act author-  
22 izing the project. The scope of work for such a project  
23 may not be reduced by more than 25 percent from the  
24 scope specified in the most recent budget documents for  
25 the projects listed in such conference report.

1           (2) Paragraph (1) shall not apply to a military con-  
2 struction project or military family housing project to be  
3 carried out using funds in the Account with an estimated  
4 cost of less than \$5,000,000, unless the project has not  
5 been previously identified in any budget submission for the  
6 Account and exceeds the applicable minor construction  
7 threshold under section 2805 of title 10, United States  
8 Code.

9           (3) The limitation on cost or scope variation in para-  
10 graph (1) shall not apply if the Secretary of Defense  
11 makes a determination that an increase or reduction in  
12 cost or a reduction in the scope of work for a military  
13 construction project or military family housing project to  
14 be carried out using funds in the Account needs to be  
15 made for the sole purpose of meeting unusual variations  
16 in cost or scope. If the Secretary makes such a determina-  
17 tion, the Secretary shall notify the congressional defense  
18 committees of the variation in cost or scope not later than  
19 21 days before the date on which the variation is made  
20 in connection with the project or, if the notification is pro-  
21 vided in an electronic medium pursuant to section 480 of  
22 title 10, United States Code, not later than 14 days before  
23 the date on which the variation is made. The Secretary  
24 shall include the reasons for the variation in the notifica-  
25 tion.

1 **SEC. 2907. REPORTS.**

2 (a) **REPORTING REQUIREMENT.**—As part of the  
3 budget request for fiscal year 2019 and for each fiscal  
4 year thereafter through fiscal year 2030 for the Depart-  
5 ment of Defense, the Secretary shall transmit to the con-  
6 gressional defense committees—

7 (1) a schedule of the closure actions to be car-  
8 ried out under this title in the fiscal year for which  
9 the request is made and an estimate of the total ex-  
10 penditures required and cost savings to be achieved  
11 by each such closure and of the time period in which  
12 these savings are to be achieved in each case, to-  
13 gether with the Secretary's assessment of the envi-  
14 ronmental effects of such actions;

15 (2) a description of the military installations,  
16 including those under construction and those  
17 planned for construction, to which functions are to  
18 be transferred as a result of such closures, together  
19 with the Secretary's assessment of the environmental  
20 effects of such transfers;

21 (3) a description of the closure actions already  
22 carried out at each military installation since the  
23 date of the installation's approval for closure under  
24 this title and the current status of the closure of the  
25 installation, including whether—



1 (A) a redevelopment authority has been  
2 recognized by the Secretary for the installation;

3 (B) the screening of property at the instal-  
4 lation for other Federal use has been com-  
5 pleted; and

6 (C) a redevelopment plan has been agreed  
7 to by the redevelopment authority for the in-  
8 stallation;

9 (4) a description of redevelopment plans for  
10 military installations approved for closure under this  
11 title, the quantity of property remaining to be dis-  
12 posed of at each installation as part of its closure,  
13 and the quantity of property already disposed of at  
14 each installation;

15 (5) a list of the Federal agencies that have re-  
16 quested property during the screening process for  
17 each military installation approved for closure under  
18 this title, including the date of transfer or antici-  
19 pated transfer of the property to such agencies, the  
20 acreage involved in such transfers, and an expla-  
21 nation for any delays in such transfers;

22 (6) a list of known environmental remediation  
23 issues at each military installation approved for clo-  
24 sure under this title, including the acreage affected  
25 by these issues, an estimate of the cost to complete

1 such environmental remediation, and the plans (and  
2 timelines) to address such environmental remedi-  
3 ation; and

4 (7) an estimate of the date for the completion  
5 of all closure actions at each military installation ap-  
6 proved for closure or realignment under this title.

7 **SEC. 2908. CONGRESSIONAL CONSIDERATION OF COMMIS-**  
8 **SION REPORT.**

9 (a) **TERMS OF THE RESOLUTION.**—For purposes of  
10 section 2904(b), the term “joint resolution” means only  
11 a joint resolution which is introduced within the 10-day  
12 period beginning on the date on which the President trans-  
13 mits the report to the Congress under section 2903(j),  
14 and—

15 (1) which does not have a preamble;

16 (2) the matter after the resolving clause of  
17 which is as follows: “That Congress disapproves the  
18 recommendations of the Defense Base Closure and  
19 Realignment Commission as submitted by the Presi-  
20 dent on \_\_\_\_\_”, the blank space being  
21 filled in with the appropriate date; and

22 (3) the title of which is as follows: “Joint reso-  
23 lution disapproving the recommendations of the De-  
24 fense Base Closure and Realignment Commission.”.

1           (b) REFERRAL.—A resolution described in subsection  
2 (a) that is introduced in the House of Representatives  
3 shall be referred to the Committee on Armed Services of  
4 the House of Representatives. A resolution described in  
5 subsection (a) introduced in the Senate shall be referred  
6 to the Committee on Armed Services of the Senate.

7           (c) DISCHARGE.—If the committee to which a resolu-  
8 tion described in subsection (a) is referred has not re-  
9 ported such a resolution (or an identical resolution) by the  
10 end of the 20-day period beginning on the date on which  
11 the President transmits the report to the Congress under  
12 section 2903(j), such committee shall be, at the end of  
13 such period, discharged from further consideration of such  
14 resolution, and such resolution shall be placed on the ap-  
15 propriate calendar of the House involved.

16           (d) CONSIDERATION.—(1) On or after the third day  
17 after the date on which the committee to which such a  
18 resolution is referred has reported, or has been discharged  
19 (under subsection (c)) from further consideration of, such  
20 a resolution, it is in order (even though a previous motion  
21 to the same effect has been disagreed to) for any Member  
22 of the respective House to move to proceed to the consider-  
23 ation of the resolution. A member may make the motion  
24 only on the day after the calendar day on which the Mem-  
25 ber announces to the House concerned the Member's in-

1   tention to make the motion, except that, in the case of  
2   the House of Representatives, the motion may be made  
3   without such prior announcement if the motion is made  
4   by direction of the committee to which the resolution was  
5   referred. All points of order against the resolution (and  
6   against consideration of the resolution) are waived. The  
7   motion is highly privileged in the House of Representatives  
8   and is privileged in the Senate and is not debatable. The  
9   motion is not subject to amendment, or to a motion to  
10  postpone, or to a motion to proceed to the consideration  
11  of other business. A motion to reconsider the vote by  
12  which the motion is agreed to or disagreed to shall not  
13  be in order. If a motion to proceed to the consideration  
14  of the resolution is agreed to, the respective House shall  
15  immediately proceed to consideration of the joint resolu-  
16  tion without intervening motion, order, or other business,  
17  and the resolution shall remain the unfinished business of  
18  the respective House until disposed of.

19       (2) Debate on the resolution, and on all debatable  
20  motions and appeals in connection therewith, shall be lim-  
21  ited to not more than 2 hours, which shall be divided  
22  equally between those favoring and those opposing the res-  
23  olution. An amendment to the resolution is not in order.  
24  A motion further to limit debate is in order and not debat-  
25  able. A motion to postpone, or a motion to proceed to the

1 consideration of other business, or a motion to recommit  
2 the resolution is not in order. A motion to reconsider the  
3 vote by which the resolution is agreed to or disagreed to  
4 is not in order.

5 (3) Immediately following the conclusion of the de-  
6 bate on a resolution described in subsection (a) and a sin-  
7 gle quorum call at the conclusion of the debate if re-  
8 quested in accordance with the rules of the appropriate  
9 House, the vote on final passage of the resolution shall  
10 occur.

11 (4) Appeals from the decisions of the Chair relating  
12 to the application of the rules of the Senate or the House  
13 of Representatives, as the case may be, to the procedure  
14 relating to a resolution described in subsection (a) shall  
15 be decided without debate.

16 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, be-  
17 fore the passage by one House of a resolution of that  
18 House described in subsection (a), that House receives  
19 from the other House a resolution described in subsection  
20 (a), then the following procedures shall apply:

21 (A) The resolution of the other House shall not  
22 be referred to a committee and may not be consid-  
23 ered in the House receiving it except in the case of  
24 final passage as provided in subparagraph (B)(ii).

1           (B) With respect to a resolution described in  
2           subsection (a) of the House receiving the resolu-  
3           tion—

4                   (i) the procedure in that House shall be  
5                   the same as if no resolution had been received  
6                   from the other House; but

7                   (ii) the vote on final passage shall be on  
8                   the resolution of the other House.

9           (2) Upon disposition of the resolution received from  
10          the other House, it shall no longer be in order to consider  
11          the resolution that originated in the receiving House.

12          (f) RULES OF THE SENATE AND HOUSE.—This sec-  
13          tion is enacted by Congress—

14                   (1) as an exercise of the rulemaking power of  
15                   the Senate and House of Representatives, respec-  
16                   tively, and as such it is deemed a part of the rules  
17                   of each House, respectively, but applicable only with  
18                   respect to the procedure to be followed in that  
19                   House in the case of a resolution described in sub-  
20                   section (a), and it supersedes other rules only to the  
21                   extent that it is inconsistent with such rules; and

22                   (2) with full recognition of the constitutional  
23                   right of either House to change the rules (so far as  
24                   relating to the procedure of that House) at any time,

1 in the same manner, and to the same extent as in  
2 the case of any other rule of that House.

3 **SEC. 2909. RESTRICTION ON OTHER BASE CLOSURE AU-**  
4 **THORITY.**

5 (a) IN GENERAL.—Except as provided in subsection  
6 (c), during the period beginning on the date of the enact-  
7 ment of this Act, and ending on April 15, 2018, this title  
8 shall be the exclusive authority for selecting for closure  
9 or realignment, or for carrying out any closure or realign-  
10 ment of, a military installation inside the United States.

11 (b) RESTRICTION.—Except as provided in subsection  
12 (c), none of the funds available to the Department of De-  
13 fense may be used, other than under this title, during the  
14 period specified in subsection (a)—

15 (1) to identify, through any transmittal to the  
16 Congress or through any other public announcement  
17 or notification, any military installation inside the  
18 United States as an installation to be closed or re-  
19 aligned or as an installation under consideration for  
20 closure or realignment; or

21 (2) to carry out any closure or realignment of  
22 a military installation inside the United States.

23 (c) EXCEPTION.—Nothing in this title affects the au-  
24 thority of the Secretary to carry out closures and realign-  
25 ments to which section 2687 of title 10, United States

1 Code, is not applicable, including closures and realign-  
2 ments carried out for reasons of national security or a  
3 military emergency referred to in subsection (c) of such  
4 section.

5 **SEC. 2910. DEFINITIONS.**

6 As used in this title:

7 (1) The term “Account” means the Department  
8 of Defense Base Closure Account established by sec-  
9 tion 2906(a)(1).

10 (2) The term “congressional defense commit-  
11 tees” means the Committee on Armed Services and  
12 the Committee on Appropriations of the Senate and  
13 the Committee on Armed Services and the Com-  
14 mittee on Appropriations of the House of Represent-  
15 atives.

16 (3) The term “Commission” means the Com-  
17 mission established by section 2902.

18 (4) The term “military installation” means a  
19 base, camp, post, station, yard, center, homeport fa-  
20 cility for any ship, or other activity under the juris-  
21 diction of the Department of Defense, including any  
22 leased facility. Such term does not include any facil-  
23 ity used primarily for civil works, rivers and harbors  
24 projects, flood control, or other projects not under



1 the primary jurisdiction or control of the Depart-  
2 ment of Defense.

3 (5) The term “realignment” includes any action  
4 which both reduces and relocates functions and civil-  
5 ian personnel positions but does not include a reduc-  
6 tion in force resulting from workload adjustments,  
7 reduced personnel or funding levels, or skill imbal-  
8 ances.

9 (6) The term “Secretary” means the Secretary  
10 of Defense.

11 (7) The term “United States” means the 50  
12 States, the District of Columbia, the Commonwealth  
13 of Puerto Rico, Guam, the Virgin Islands, American  
14 Samoa, and any other commonwealth, territory, or  
15 possession of the United States.

16 (8) The term “date of approval”, with respect  
17 to a closure or realignment of an installation, means  
18 the date on which the authority of Congress to dis-  
19 approve a recommendation of closure or realign-  
20 ment, as the case may be, of such installation under  
21 this title expires.

22 (9) The term “redevelopment authority”, in the  
23 case of an installation to be closed or realigned  
24 under this title, means any entity (including an enti-  
25 ty established by a State or local government) recog-

1 nized by the Secretary of Defense as the entity re-  
2 sponsible for developing the redevelopment plan with  
3 respect to the installation or for directing the imple-  
4 mentation of such plan.

5 (10) The term “redevelopment plan” in the  
6 case of an installation to be closed or realigned  
7 under this title, means a plan that—

8 (A) is agreed to by the local redevelopment  
9 authority with respect to the installation; and

10 (B) provides for the reuse or redevelop-  
11 ment of the real property and personal property  
12 of the installation that is available for such  
13 reuse and redevelopment as a result of the clo-  
14 sure or realignment of the installation.

15 (11) The term “representative of the homeless”  
16 has the meaning given such term in section  
17 501(i)(4) of the Stewart B. McKinney Homeless As-  
18 sistance Act (42 U.S.C. 11411(i)(4)).

19 **SEC. 2911. TREATMENT AS A BASE CLOSURE LAW FOR PUR-**  
20 **POSES OF OTHER PROVISIONS OF LAW.**

21 (a) DEFINITION OF “BASE CLOSURE LAW” IN TITLE  
22 10.—Section 101(a)(17) of title 10, United States Code,  
23 is amended by adding at the end the following new sub-  
24 paragraph:

1           “(D) The Defense Base Closure and Realign-  
2           ment Act of 2014.”.

3           (b) DEFINITION OF “BASE CLOSURE LAW” IN  
4 OTHER LAWS.—

5           (1) Section 131(b) of Public Law 107–249 (10  
6           U.S.C. 221 note) is amended by striking “means”  
7           and all that follows and inserting “has the meaning  
8           given the term ‘base closure law’ in section  
9           101(a)(17) of title 10, United States Code.”.

10           (2) Section 1334(k)(1) of the National Defense  
11           Authorization Act for Fiscal Year 1994 (Public Law  
12           103–160; 10 U.S.C. 2701 note) is amended by add-  
13           ing at the end the following new subparagraph:

14                   “(C) The Defense Base Closure and Re-  
15                   alignment Act of 2014.”.

16           (3) Section 2918(a)(1) of the National Defense  
17           Authorization Act for Fiscal Year 1994 (Public Law  
18           103–160; 10 U.S.C. 2687 note) is amended by add-  
19           ing at the end the following new subparagraph:

20                   “(C) The Defense Base Closure and Re-  
21                   alignment Act of 2014.”.

22 **SEC. 2912. CONFORMING AMENDMENTS.**

23           (a) DEPOSIT AND USE OF LEASE PROCEEDS.—Sec-  
24           tion 2667(e) of title 10, United States Code, is amended—

1           (1) in paragraph (5), by striking “on or after  
2           January 1, 2005,” and inserting “from January 1,  
3           2005 through December 31, 2005,”; and

4           (2) by adding at the end the following new  
5           paragraph:

6           “(6) Money rentals received by the United States  
7           from a lease under subsection (g) at a military installation  
8           approved for closure or realignment under a base closure  
9           law on or after January 1, 2006, shall be deposited into  
10          the account established under section 2906 of the Defense  
11          Base Closure and Realignment Act of 2014.”.

12          (b) REQUESTS BY PUBLIC AGENCIES FOR PROPERTY  
13          FOR PUBLIC AIRPORTS.—Section 47151(g) of title 49,  
14          United States Code, is amended by striking “section 2687  
15          of title 10, section 201 of the Defense Authorization  
16          Amendments and Base Closure and Realignment Act (10  
17          U.S.C. 2687 note), or section 2905 of the Defense Base  
18          Closure and Realignment Act of 1990 (10 U.S.C. 2687  
19          note)” and inserting “a base closure law, as that term is  
20          defined in section 101(a)(17) of title 10,”.

21          (c) RESTORED LEAVE.—Section 6304(d)(3)(A) of  
22          title 5, United States Code, is amended by striking “the  
23          Defense Base Closure and Realignment Act of 1990 (part  
24          A of title XXIX of Public Law 101–510; 10 U.S.C. 2687

1 note)” and inserting “a base closure law, as that term is  
2 defined in section 101(a)(17) of title 10,”.

○