Calendar No. 88

114TH CONGRESS 1ST SESSION

S. 1376

[Report No. 114–49]

To authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19, 2015

Mr. McCain, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, 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 2016”.


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

(a) DIVISIONS.—This Act is organized into four divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations.

(4) Division D—Funding tables.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
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Sec. 114. Modification of CVN–78 class aircraft carrier program.
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Sec. 133. Limitation on availability of funds for F–35A aircraft procurement.
Sec. 134. Prohibition on retirement of A–10 aircraft.
Sec. 135. Prohibition on availability of funds for retirement of EC–130H Compass Call aircraft.
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Sec. 137. Limitation on use of funds for T–1A Jayhawk aircraft.
Sec. 138. Restriction on retirement of the Joint Surveillance Target Attack Radar System (JSTARS), EC-130H Compass Call, and Airborne Early Warning and Control (AWACS) Aircraft.
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Sec. 217. Streamlining the Joint Federated Assurance Center.
Sec. 218. Limitation on availability of funds for development of the Shallow Water Combat Submersible.
Sec. 219. Limitation on availability of funds for distributed common ground system of the Army.
Sec. 220. Limitation on availability of funds for distributed common ground system of the United States Special Operations Command.

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Sec. 232. Study of field failures involving counterfeit electronic parts.
Sec. 233. Demonstration of Persistent Close Air Support capabilities.
Sec. 234. Airborne data link plan.
Sec. 235. Report on Technology Readiness Levels of the technologies and capabilities critical to the Long Range Strike Bomber aircraft.

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TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

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1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

2 In this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

5 SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

6 The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House
DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT
Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS. Funds are hereby authorized to be appropriated for fiscal year 2016 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Navy Programs

SEC. 111. AMENDMENT TO COST LIMITATION BASELINE FOR CVN-78 CLASS AIRCRAFT CARRIER PROGRAM.

Section 122(a)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2104), as amended by section 121(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 691), is further amended by striking "$11,498,000,000" and inserting "$11,398,000,000".
SEC. 112. LIMITATION ON AVAILABILITY OF FUNDS FOR USS JOHN F. KENNEDY (CVN–79).

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for procurement for the USS JOHN F. KENNEDY (CVN–79), $100,000,000 may not be obligated or expended until the date on which the Secretary of the Navy submits to the Committees on Armed Services of the Senate and of the House of Representatives the certification required under subsection (b) and the reports required under subsection (c) and (d).

(b) CERTIFICATION REGARDING FULL SHIP SHOCK TRIALS.—The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a certification that the Navy will conduct by not later than September 30, 2017, full ship shock trials on the USS GERALD R. FORD (CVN–78).

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a report that evaluates cost issues related to the USS JOHN F. KENNEDY (CVN–79) and the USS ENTERPRISE (CVN–80).
(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) Options to achieve ship end cost of no more than $10,000,000,000.

(B) Options to freeze the design of CVN–79 for CVN–80, with exceptions only for changes due to full ship shock trials or other significant test and evaluation results.

(C) Options to reduce the plans cost for CVN–80 to less than 50 percent of the CVN–79 plans cost.

(D) Options to transition all non-nuclear government furnished equipment, including launch and arresting equipment, to contractor furnished equipment.

(E) Options to build the ships at the most economic pace, such as four years between ships.

(F) A business case analysis for the Enterprise Air Search Radar modification to CVN–79 and CVN–80.

(G) A business case analysis for the two-phase CVN–79 delivery proposal and impact on fleet deployments.

(d) REPORT.—
(1) **IN GENERAL.**—Not later than April 1, 2016, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a report on potential requirements, capabilities, and alternatives for future development of aircraft carriers that would replace or supplement the CVN–78 class aircraft carrier.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following elements:

(A) A description of fleet, sea-based tactical aviation capability requirements for a range of operational scenarios beginning in the 2025 timeframe.

(B) A description of alternative aircraft carrier designs that meet the requirements described under subparagraph (A).

(C) A description of nuclear and non-nuclear propulsion options.

(D) A description of tonnage options ranging from less than 20,000 tons to greater than 100,000 tons.

(E) Requirements for unmanned systems integration from inception.
(F) Developmental, procurement, and lifecycle cost assessment of alternatives.

(G) A notional acquisition strategy for development and construction of alternatives.

(H) A description of shipbuilding industrial base considerations and a plan to ensure opportunity for competition among alternatives.

(I) A description of funding and timing considerations related to developing the Annual Long-Range Plan for Construction of Naval Vessels required under section 231 of title 10, United States Code.

SEC. 113. LIMITATION ON AVAILABILITY OF FUNDS FOR USS ENTERPRISE (CVN–80).

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for advance procurement for the USS ENTERPRISE (CVN–80), $191,400,000 may not be obligated or expended until the Secretary of the Navy submits to the Committees on Armed Services of the Senate and the House of Representatives the certification required under subsection (b) and the report required under subsection (c).

(b) CERTIFICATION REGARDING CVN–80 DESIGN.—The Secretary of the Navy shall submit to the Committees
on Armed Services of the Senate and the House of Representatives a certification that the design of CVN–80 will repeat that of CVN–79, with modifications only for significant test and evaluation results or significant cost reduction initiatives that still meet threshold requirements.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that details the plans costs related to the USS ENTERPRISE (CVN–80).

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements, reported by total cost and cost by fiscal year, with a detailed description and a justification for why each cost is recurring and attributable to CVN–80:

(A) Overall plans.

(B) Propulsion plant detail design.

(C) Platform detail design.

(D) Lead yard services and hull planning yard.

(E) Platform detail design (Steam and Electric Plant Planning Yard).

(F) Other.
SEC. 114. MODIFICATION OF CVN–78 CLASS AIRCRAFT CARRIER PROGRAM.

Subsection (f) of section 122 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2104), as added by section 121(c) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 692), is amended by adding at the end the following new paragraph:

“(3)(A) As part of the report required under paragraph (1), the Secretary of the Navy shall include a description of new design and engineering changes to CVN–78 class aircraft carriers if applicable.

“(B) The additional reporting requirement in subparagraph (A) shall include, with respect to CVN–78 class aircraft carriers in each reporting period—

“(i) any design or engineering change with an associated cost greater than $5,000,000;

“(ii) program or ship cost increases for each design or engineering change identified in subparagraph (A); and

“(iii) cost reduction achieved.

“(C) The Secretary of the Navy and Chief of Naval Operations shall each personally sign (not
autopen) the additional reporting requirement in
subparagraph (A). This certification may not be del-
egated. The certification shall include a determina-
tion that each change—

“(i) serves the national security interests
of the United States;

“(ii) cannot be deferred to a future ship
due to operational necessity, safety, or substan-
tial cost reduction that still meets threshold re-
quirements; and

“(iii) was personally reviewed and endorsed
by the Secretary of the Navy and Chief of
Naval Operations.”.

SEC. 115. LIMITATION ON AVAILABILITY OF FUNDS FOR
LITTORAL COMBAT SHIP.

Of the funds authorized to be appropriated by this
Act or otherwise made available for fiscal year 2016 for
research and development, design, construction, procure-
ment or advanced procurement of materials for the Lit-
toral Combat Ships designated as LCS 33 or subsequent,
not more than 25 percent may be obligated or expended
until the Secretary of the Navy submits to the Committees
on Armed Services of the Senate and the House of Rep-
resentatives each of the following:
1. A Capabilities Based Assessment to assess capability gaps and associated capability requirements and risks for the upgraded Littoral Combat Ship, which is proposed to commence with LCS 33. This assessment shall conform with the Joint Capabilities Integration and Development System, including Chairman of the Joint Chiefs of Staff Instruction 3170.01H.

2. A certification that the Joint Requirements Oversight Council has validated an updated Capabilities Development Document for the upgraded Littoral Combat Ship.

3. A report describing the upgraded Littoral Combat Ship modernization, which shall, at a minimum, include the following elements:

   (A) A description of capabilities that the LCS program delivers, and a description of how these relate to the characteristics of the future joint force identified in the Capstone Concept for Joint Operations, concept of operations, and integrated architecture documents.

   (B) A summary of analyses and studies conducted on LCS modernization.

   (C) A concept of operations for LCS modernization ships at the operational level and tae-
tical level describing how they integrate and synchronize with joint and combined forces to achieve the Joint Force Commander’s intent.

(D) A description of threat systems of potential adversaries that are projected or assessed to reach initial operational capability within 15 years against which the lethality and survivability of the LCS should be determined.

(E) A plan and timeline for LCS modernization program execution.

(F) A description of system capabilities required for LCS modernization, including key performance parameters and key system attributes.

(G) A plan for family of systems or systems of systems synchronization.

(H) A plan for information technology and national security systems supportability.

(I) A plan for intelligence supportability.

(J) A plan for electromagnetic environmental effects (E3) and spectrum supportability.

(K) A description of assets required to achieve initial operational capability (IOC) of an LCS modernization increment.
(L) A schedule and initial operational capability and full operational capability definitions.

(M) A description of doctrine, organization, training, materiel, leadership, education, personnel, facilities, and policy considerations.

(N) A description of other system attributes.

(4) A plan for future periodic combat systems upgrades, which are necessary to ensure relevant capability throughout the Littoral Combat Ship or Frigate class service lives, using the process described in paragraph (3).

SEC. 116. EXTENSION AND MODIFICATION OF LIMITATION ON AVAILABILITY OF FUNDS FOR LITTORAL COMBAT SHIP.


(1) by striking “this Act, the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015, or otherwise
made available for fiscal years 2014 or 2015” and inserting “this Act, the National Defense Authorization Act for Fiscal Year 2016, or otherwise made available for fiscal years 2014, 2015, or 2016”; and 

(2) by adding at the end the following new paragraphs:

“(6) A Littoral Combat Ship seaframe acquisition strategy for the Littoral Combat Ships designated as LCS 25 through LCS 32, including upgrades to be installed on these ships that were identified for the upgraded Littoral Combat Ship, which is proposed to commence with LCS 33.

“(7) A Littoral Combat Ship mission module acquisition strategy to reach the total acquisition quantity of each mission module.

“(8) A cost and schedule plan to outfit Flight 0 and Flight 0+ Littoral Combat Ships with capabilities identified for the upgraded Littoral Combat Ship.

“(9) A current Test and Evaluation Master Plan for the Littoral Combat Ship Mission Modules, approved by the Director of Operational Test and Evaluation, which includes the performance levels expected to be demonstrated during developmental testing for each component and mission module.
prior to commencing the associated operational test phase.”.

SEC. 117. CONSTRUCTION OF ADDITIONAL ARLEIGH BURKE DESTROYER.

(a) In General.—The Secretary of the Navy may enter into a contract beginning with the fiscal year 2016 program year for the procurement of one Arleigh Burke class destroyer in addition to the ten DDG–51s in the fiscal year 2013 through 2017 multiyear procurement contract or for one DDG–51 in fiscal year 2018. The Secretary may employ incremental funding for such procurement.

(b) Condition on Out-Year Contract Payments.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2016 is subject to the availability of appropriations for that purpose for such fiscal year.

SEC. 118. FLEET REPLENISHMENT OILER PROGRAM.

(a) Contract Authority.—The Secretary of the Navy may enter into one or more contracts to procure up to six Fleet Replenishment Oilers. Such procurements may also include advance procurement for Economic Order Quantity (EOQ) and long lead time materials, beginning
with the lead ship, commencing not earlier than fiscal year 2016.

(b) LIABILITY.—Any contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that total liability to the government for termination of any contract entered into shall be limited to the total amount of funding obligated at the time of termination.

SEC. 119. REPORTING REQUIREMENT FOR OHIO-CLASS REPLACEMENT SUBMARINE PROGRAM.

The Secretary of Defense shall include in the budget justification materials for the Ohio-class replacement submarine program submitted to Congress in support of the Department of Defense budget for that fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report including the following elements, described in terms of both fiscal 2010 and current fiscal year dollars:

(1) Lead ship end cost (with plans).

(2) Lead ship end cost (less plans).

(3) Lead ship non-recurring engineering cost.

(4) Average follow-on ship cost.
(5) Average operations and sustainment cost per hull per year.

(6) Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics average follow-on ship affordability target.

(7) Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics operations and sustainment cost per hull per year affordability target.

Subtitle C—Air Force Programs

SEC. 131. LIMITATIONS ON RETIREMENT OF B–1, B–2, AND B–52 BOMBER AIRCRAFT.

(a) In General.—Except as provided in subsection (b), no B–1, B–2, or B–52 bomber aircraft may be retired during a fiscal year prior to initial operational capability (IOC) of the LRS–B unless the Secretary of Defense certifies, in the materials submitted in support of the budget of the President for that fiscal year (as submitted to Congress under section 1105(a) of title 31, United States Code), that—

(1) the retirement of the aircraft is required to reallocate funding and manpower resources to enable LRS–B to reach IOC and full operational capability (FOC); and
(2) the Secretary has concluded that retire-
ments of B–1, B–2, and B–52 bomber aircraft in
the near-term will not detrimentally affect oper-
ational capability.
(b) EXCEPTION.—A certification described in sub-
section (a) is not required with respect to the retirement
of B–1 bomber aircraft carried out in accordance with sec-
tion 132(c)(2) of the National Defense Authorization Act
for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
1320).

SEC. 132. LIMITATION ON RETIREMENT OF AIR FORCE
FIGHTER AIRCRAFT.
(a) INVENTORY REQUIREMENT.—Section 8062 of
title 10, United States Code, is amended by adding at the
end the following new subsection:
““(i) INVENTORY REQUIREMENT.—(1) Effective Octo-
ber 1, 2015, the Secretary of the Air Force shall maintain
a total aircraft inventory of fighter aircraft of not less
than 1,950 aircraft, and a total primary mission aircraft
inventory (combat-coded) of not less than 1,116 fighter
aircraft.
“(2) In this subsection:
“(A) The term ‘fighter aircraft’ means an air-
craft that—
“(i) is designated by a mission design series prefix of F– or A–;
“(ii) is manned by one or two crew-members; and
“(iii) executes single-role or multi-role missions, including air-to-air combat, air-to-ground attack, air interdiction, suppression or destruction of enemy air defenses, close air support, strike control and reconnaissance, combat search and rescue support, or airborne forward air control.
“(B) The term ‘primary mission aircraft inventory’ means aircraft assigned to meet the primary aircraft authorization to a unit for the performance of its wartime mission.”.

(b) LIMITATION ON RETIREMENT OF AIR FORCE FIGHTER AIRCRAFT.—

(1) LIMITATION.—The Secretary of the Air Force may not proceed with a decision to retire fighter aircraft in any number that would reduce the total number of such aircraft in the Air Force total active inventory (TAI) below 1,950, and shall maintain a minimum of 1,116 fighter aircraft designated as primary mission aircraft inventory (PMAI).
(2) ADDITIONAL LIMITATIONS ON RETIREMENT OF FIGHTER AIRCRAFT.—The Secretary of the Air Force may not retire fighter aircraft from the total active inventory as of the date of the enactment of this Act until the later of the following:

(A) The date that is 30 days after the date on which the Secretary submits the report required under paragraph (3).

(B) The date that is 30 days after the date on which the Secretary certifies to the congressional defense committees that—

(i) the retirement of such fighter aircraft will not increase the operational risk of meeting the National Defense Strategy; and

(ii) the retirement of such aircraft will not reduce the total fighter force structure below 1,950 fighter aircraft or the primary mission aircraft inventory below 1,116.

(3) REPORT ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force shall submit to the congressional defense committees a report setting forth the following:

(A) The rationale for the retirement of existing fighter aircraft and an operational anal-
ysis of replacement fighter aircraft that demonstrates performance of the designated mission at an equal or greater level of effectiveness as the retiring aircraft.

(B) An assessment of the implications for the Air Force, the Air National Guard, and the Air Force Reserve of the force mix ratio of fighter aircraft.

(C) Such other matters relating to the retirement of fighter aircraft as the Secretary considers appropriate.

(c) REPORTS ON FIGHTER AIRCRAFT.—

(1) IN GENERAL.—At least 90 days before the date on which a fighter aircraft is retired, the Secretary of the Air Force, in consultation with (where applicable) the Director of the Air National Guard or Chief of the Air Force Reserve, shall submit to the congressional defense committees a report on the proposed force structure and basing of fighter aircraft.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following elements:

(A) A list of each aircraft in the inventory of fighter aircraft, including for each such aircraft—
(i) the mission design series type;

(ii) the variant; and

(iii) the assigned unit and military installation where such aircraft is based.

(B) A list of each fighter aircraft proposed for retirement, including for each such aircraft—

(i) the mission design series type;

(ii) the variant; and

(iii) the assigned unit and military installation where such aircraft is based.

(C) A list of each unit affected by a proposed retirement listed under subparagraph (B) and a description of how such unit is affected.

(D) For each military installation and unit listed under subparagraph (B)(iii), a description of changes, if any, to the designed operational capability (DOC) statement of the unit as a result of a proposed retirement.

(E) A description of any anticipated changes in manpower authorizations as a result of a proposed retirement listed under subparagraph (B).

(d) FIGHTER AIRCRAFT DEFINED.—In this section, the term “fighter aircraft” has the meaning given the
term in subsection (i)(2)(A) of section 8062 of title 10, United States Code, as added by subsection (a) of this section.

SEC. 133. LIMITATION ON AVAILABILITY OF FUNDS FOR F–35A AIRCRAFT PROCUREMENT.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for aircraft procurement, Air Force, not more than $4,285,000,000 may be made available for the procurement of F–35A aircraft until the Secretary of Defense certifies to the congressional defense committees that F–35A aircraft delivered in fiscal year 2018 will have full combat capability as currently planned with Block 3F hardware, software, and weapons carriage.

SEC. 134. PROHIBITION ON RETIREMENT OF A–10 AIRCRAFT.

(a) Prohibition on Availability of Funds for Retirement.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Air Force may be obligated or expended to retire, prepare to retire, or place in storage or on backup aircraft inventory status any A–10 aircraft.

(b) Additional Limitations on Retirement.—

(1) In general.—In addition to the limitation in subsection (a), during the period before December
31, 2016, the Secretary of the Air Force may not retire, prepare to retire, or place in storage or on backup flying status any A–10 aircraft.

(2) MINIMUM INVENTORY REQUIREMENT.—The Secretary of the Air Force shall ensure the Air Force maintains a minimum of 171 A–10 aircraft designated as primary mission aircraft inventory (PMAI).

(e) PROHIBITION ON AVAILABILITY OF FUNDS FOR SIGNIFICANT REDUCTIONS IN MANNING LEVELS.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Air Force may be obligated or expended to make significant reductions to manning levels with respect to any A–10 aircraft squadrons or divisions.

(d) ADDITIONAL LIMITATION ON SIGNIFICANT REDUCTIONS IN MANNING LEVELS.—In addition to the limitation in subsection (e), during the period before December 31, 2016, the Secretary of the Air Force may not make significant reductions to manning levels with respect to any A–10 aircraft squadrons or divisions.

(e) STUDY ON REPLACEMENT CAPABILITY REQUIREMENTS OR MISSION PLATFORM FOR THE A–10 AIRCRAFT.—

(1) INDEPENDENT ASSESSMENT REQUIRED.—
(A) IN GENERAL.—The Secretary of the Air Force shall commission an appropriate entity outside the Department of Defense to conduct an assessment of the required capabilities or mission platform to replace the A–10 aircraft. This assessment would represent preparatory work to inform an analysis of alternatives.

(B) ELEMENTS.—The assessment required under subparagraph (A) shall include each of the following:

   (i) Future needs analysis for the current A–10 aircraft mission set to include troops-in-contact/close air support, air interdiction, strike control and reconnaissance, and combat search and rescue support in both contested and uncontested battle environments. At a minimum, the needs analysis should specifically address the following areas:

      (I) The ability to safely and effectively conduct troops-in-contact/
danger close missions or missions in close proximity to civilians in the
presence of the air defenses found with enemy ground maneuver units.

(II) The ability to effectively target and destroy moving, camouflaged, or dug-in troops, artillery, armor, and armored personnel carriers.

(III) The ability to remain within visual range of friendly forces and targets to facilitate responsiveness to ground forces and minimize re-attack times.

(IV) The ability to safely conduct close air support beneath low cloud ceilings and in reduced visibilities at low airspeeds in the presence of the air defenses found with enemy ground maneuver units.

(V) The capability to enable the pilot and aircraft to survive attacks stemming from small arms, machine guns, MANPADs, and lower caliber anti-aircraft artillery organic or attached to enemy ground forces and maneuver units.
(VI) The ability to communicate effectively with ground forces and downed pilots, including in communications jamming or satellite-denied environments.

(VII) The ability to execute the missions described in subclauses (I), (II), (III), and (IV) in a GPS- or satellite-denied environment with or without sensors.

(VIII) The ability to deliver multiple lethal firing passes and sustain long loiter endurance to support friendly forces throughout extended ground engagements.

(IX) The ability to operate from unprepared dirt, grass, and narrow road runways and to generate high sortie rates under these austere conditions.

(ii) Identification and assessment of gaps in the ability of existing and programmed mission platforms in providing required capabilities to conduct missions
specified in clause (i) in both contested and uncontested battle environments.

(iii) Assessment of operational effectiveness of existing and programmed mission platforms to conduct missions specified in clause (i) in both contested and uncontested battle environments.

(iv) Assessment of probability of likelihood of conducting missions requiring troops-in-contact/close air support operations specified in clause (i) in contested environments as compared to uncontested environments.

(v) Any other matters the independent entity or the Secretary of the Air Force determines to be appropriate.

(2) REPORT.—

(A) In General.—Not later than September 30, 2016, the Secretary of the Air Force shall submit to the congressional defense committees a report that includes the assessment required under paragraph (1).

(B) Form.—The report required under subparagraph (A) may be submitted in classified form, but shall also contain an unclassified
executive summary and may contain an unclassified annex.

(3) NONDUPICATION OF EFFORT.—If any information required under paragraph (1) has been included in another report or notification previously submitted to Congress by law, the Secretary of the Air Force may provide a list of such reports and notifications at the time of submitting the report required under paragraph (2) in lieu of including such information in the report required under paragraph (2).

SEC. 135. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF EC–130H COMPASS CALL AIRCRAFT.

(a) Prohibition on Retirement.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Air Force may be obligated or expended to retire, prepare to retire, or place in storage or backup aircraft inventory status any EC–130H Compass Call aircraft.

(b) ADDITIONAL LIMITATIONS ON RETIREMENT OF EC–130H COMPASS CALL AIRCRAFT.—In addition to the limitation in subsection (a), during the period preceding December 31, 2016, the Secretary of the Air Force may
not retire, prepare to retire, or place in storage or on backup flying status any EC-130H Compass Call aircraft.

(c) Report on Retirement of EC–130H Compass Call Aircraft.—Not later than September 30, 2016, the Secretary of the Air Force shall submit to the congressional defense committees a report setting forth the following:

(1) The rationale for the retirement of existing EC–130H Compass Call aircraft, including an operational analysis of the impact of such retirements on combatant commander warfighting requirements.

(2) A plan for how the Air Force will fulfill the capability requirement of the EC–130H mission, transition the mission capabilities of the EC–130H into a replacement platform, or integrate the required capabilities into other mission platforms.

(3) Such other matters relating to the required mission capabilities and transition of the EC–130H Compass Call fleet as the Secretary considers appropriate.

SEC. 136. LIMITATION ON TRANSFER OF C–130 AIRCRAFT.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Air Force may be obligated or expended to transfer from one facility of the Department of Defense to another
any C–130H aircraft, initiate any C–130 manpower au-
thorization adjustments, retire or prepare to retire any C–
130H aircraft, or close any C–130H unit until 90 days
after the date on which the Secretary of the Air Force,
in consultation with the Secretary of the Army, and after
certification by the commanders of the XVIII Airborne
Corps, 82nd Airborne Division and United States Army
Special Operations Command, certifies to the Committees
on Armed Services of the Senate and of the House of Rep-
resentatives that—

(1) the United States Air Force will maintain
dedicated C–130 wings to support the daily training
and contingency requirements of the XVIII Airborne
Corps, 82nd Airborne Division, and United States
Army Special Operations Command at manning lev-
els required to support and operate the number of
aircraft that existed as part of regular and reserve
Air Force operations in support of such units as of
September 30, 2014; and

(2) failure to maintain such Air Force oper-
ations will not adversely impact the daily training
requirement of those airborne and special operations
units.
SEC. 137. LIMITATION ON USE OF FUNDS FOR T–1A JAYHAWK AIRCRAFT.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for avionics modification to the T–1A Jayhawk aircraft may be obligated or expended until 30 days after the Secretary of the Air Force submits to the congressional defense committees the report required under section 142 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3320).

SEC. 138. RESTRICTION ON RETIREMENT OF THE JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM (JSTARS), EC-130H COMPASS CALL, AND AIRBORNE EARLY WARNING AND CONTROL (AWACS) AIRCRAFT.

The Secretary of the Air Force may not retire any operational Joint Surveillance Target Attack Radar System (JSTARS), EC-130H Compass Call, or Airborne Early Warning and Control (AWACS) aircraft until the follow-on replacement aircraft program enters Low-Rate Initial Production.

SEC. 139. SENSE OF CONGRESS REGARDING THE OCONUS BASING OF THE F–35A AIRCRAFT.

(a) FINDING.—Congress finds that the Department of Defense is continuing its process of permanently sta-
tioning the F–35 aircraft at installations in the Conti-
nental United States (in this section referred to as
“CONUS”) and forward-basing Outside the Continental
United States (in this section referred to as “OCONUS”).

(b) SENSE OF CONGRESS.—It is the sense of Con-
gress that the Secretary of the Air Force, in the strategic
basing process for the F–35A aircraft, should continue to
consider the benefits derived from sites that—

(1) are capable of hosting fighter-based bilat-
eral and multilateral training opportunities with
international partners;

(2) have sufficient airspace and range capabili-
ties and capacity to meet the training requirements;

(3) have existing facilities to support personnel,
operations, and logistics associated with the flying
mission;

(4) have limited encroachment that would ad-
versely impact training or operations; and

(5) minimize the overall construction and oper-
ational costs.

SEC. 140. SENSE OF CONGRESS ON F–16 ACTIVE ELEC-
TRONICALLY SCANNED ARRAY (AESA) RADAR
UPGRADE.

(a) FINDINGS.—Congress makes the following find-
ings:
(1) National Guard F–16 aircraft are protecting the United States from terrorist air attack from inside or outside the contiguous United States 24 hours a day, 365 days a year.

(2) These aircraft, stationed throughout the United States, are tasked with the zero-fail mission of guarding and securing United States airspace.

(3) The United States is facing an increased threat from both state and non-state actors.

(4) The National Guard F–16 aircraft performing the Aerospace Control Alert (ACA) mission are operating legacy radar systems.

(5) Air Force Chief of Staff General Mark Welsh testified to Congress in March 2015, stating, “We need to develop an AESA radar plan for our F–16s who are conducting the homeland defense mission in particular.”

(6) First Air Force, United States Northern Command, issued a Joint Urgent Operational Need (JUON) request in March 2015 for radar upgrades to its F–16 fleet.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is essential to our Nation’s defense that Air Force aircraft modification funding is made
available to purchase these Active Electronically
Scanned Array (AESA) radars as the United States
Air Force bridges the gap between 4th and 5th gen-
eration fighters;

(2) the United States Government must invest
in radar upgrades which ensure that 4th generation
aircraft succeed at this zero-fail mission; and

(3) the First Air Force JUON request should
be met as soon as possible.

Subtitle D—Defense-wide, Joint,
and Multiservice Matters

SEC. 151. REPORT ON ARMY AND MARINE CORPS MOD-
ERNIZATION PLAN FOR SMALL ARMS.

(a) REPORT REQUIRED.—Not later than one year
after the date of the enactment of this Act, the Secretary
of the Army and the Secretary of the Navy shall jointly
submit to the Committees on Armed Services of the Sen-
ate and the House of Representatives a report on the plan
of the Army and the Marine Corps to modernize small
arms for the Army and the Marine Corps during the 15-
year period beginning on the date of such plan, including
the mechanisms to be used to promote competition among
suppliers of small arms and small arms parts in achieving
the plan.
(b) SMALL ARMS.—The small arms covered by the
plan under subsection (a) shall include the following:

(1) Pistols.

(2) Carbines.

(3) Rifles and automatic rifles.

(4) Light machine guns.

(5) Such other small arms as the Secretaries
consider appropriate for purposes of the report re-
quired by subsection (a).

(c) NON-STANDARD SMALL ARMS.—In addition to
the arms specified in subsection (b), the plan under sub-
section (a) shall also address non-standard small arms not
currently in the small arms inventory of the Army or the
Marine Corps.

TITLE II—RESEARCH, DEVELOP-
MENT, TEST, AND EVALUA-
TION

Subtitle A—Authorization of
Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for
fiscal year 2016 for the use of the Department of Defense
for research, development, test, and evaluation as specified
in the funding table in section 4201.
Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. CENTERS FOR SCIENCE, TECHNOLOGY, AND ENGINEERING PARTNERSHIP.

(a) In general.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2367 the following new section:

“§ 2368. Centers for Science, Technology, and Engineering Partnership

“(a) Designation.—(1) The Secretary of Defense, in coordination with the Secretaries of the military departments, shall designate each science and technology reinvention laboratory as a Center for Science, Technology, and Engineering Partnership in the recognized core competencies of the designee.

“(2) The Secretary of Defense shall establish a policy to encourage the Secretary of each military department to reengineer management and business processes and adopt best-business and personnel practices at their Centers for Science, Technology, and Engineering Partnership in connection with their core competency requirements, so as to serve as recognized leaders in their core competencies throughout the Department of Defense and in the national
technology and industrial base (as defined in section 2500 of this title).

“(3) The Secretary of Defense, acting through the directors of the Centers for Science, Technology, and Engineering Partnership, may conduct one or more pilot programs, consistent with applicable requirements of law, to test any practices referred to in paragraph (2) that the Directors determine could—

“(A) improve the efficiency and effectiveness of operations at Centers for Science, Technology, and Engineering Partnership;

“(B) improve the support provided by the Centers for the Department of Defense users of the services of the Centers; and

“(C) enhance capabilities by reducing the cost and improving the performance and efficiency of executing laboratory missions.

“(4) In this subsection, the term ‘science and technology reinvention laboratory’ means a science and technology reinvention laboratory designated under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note).

“(b) PUBLIC-PRIVATE PARTNERSHIPS.—(1) To achieve one or more objectives set forth in paragraph (2), the Secretary may authorize and establish incentives for
the Director of a Center for Science, Technology, and Engineering Partnership to enter into public-private cooperative arrangements (in this section referred to as a ‘public-private partnership’) to provide for any of the following:

“(A) For employees of the Center, private industry, or other entities outside the Department of Defense to perform (under contract, subcontract, or otherwise) work related to the core competencies of the Center, including any work that involves one or more core competencies of the Center.

“(B) For private industry or other entities outside the Department of Defense to use, for any period of time determined to be consistent with the needs of the Department of Defense, any facilities or equipment of the Center that are not fully used for Department of Defense activities.

“(2) The objectives for exercising the authority provided in paragraph (1) are as follows:

“(A) To maximize the use of the capacity of a Center for Science, Technology, and Engineering Partnership.

“(B) To reduce or eliminate the cost of ownership and maintenance of a Center by the Department of Defense.
“(C) To reduce the cost of research and testing activities of the Department of Defense.

“(D) To leverage private sector investment in—

“(i) such efforts as research and equipment recapitalization for a Center; and

“(ii) the promotion of the undertaking of commercial business ventures based on the core competencies of a Center, as determined by the director of the Center.

“(E) To foster cooperation between the armed forces, academia, and private industry.

“(F) To increase access by a Center to a skilled technical workforce that can contribute to the effective and efficient execution of Department of Defense missions.

“(e) PRIVATE SECTOR USE OF EXCESS CAPACITY.—Any facilities or equipment of a Center for Science, Technology, and Engineering Partnership made available to private industry may be used to perform research and testing activities in order to make more efficient and economical use of Government-owned facilities and encourage the creation and preservation of jobs to ensure the availability of a workforce with the necessary research and technical skills to meet the needs of the armed forces.
“(d) CREDITING OF AMOUNTS FOR PERFORMANCE.—Amounts received by a Center for Science, Technology, and Engineering Partnership for work performed under a public-private partnership may—

“(1) be credited to the appropriation or fund, including a working-capital fund, that incurs the cost of performing the work; or

“(2) be used by the Director of the Center as the Director considers appropriate and consistent with section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note).

“(e) AVAILABILITY OF EXCESS EQUIPMENT TO PRIVATE-SECTOR PARTNERS.—Equipment or facilities of a Center for Science, Technology, and Engineering Partnership may be made available for use by a private-sector entity under this section only if—

“(1) the use of the equipment or facilities will not have a significant adverse effect on the performance of the Center or the ability of the Center to achieve its mission, as determined by the Director of the Center; and

“(2) the private-sector entity agrees—

“(A) to reimburse the Department of Defense for the direct and indirect costs (including
any rental costs) that are attributable to the
entity’s use of the equipment or facilities, as de-
termined by that Secretary; and

“(B) to hold harmless and indemnify the
United States from—

“(i) any claim for damages or injury
to any person or property arising out of
the use of the equipment or facilities, ex-
cept under the circumstances described in
section 2563(c)(3) of title 10, United
States Code; and

“(ii) any liability or claim for damages
or injury to any person or property arising
out of a decision by the Secretary to sus-
pend or terminate that use of equipment or
facilities during a war or national emer-
gency.

“(f) CONSTRUCTION OF PROVISION.—Nothing in this
section may be construed to authorize a change, otherwise
prohibited by law, from the performance of work at a Cen-
ter for Science, Technology, and Engineering Partnership
by Department of Defense personnel to performance by
a contractor.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of chapter 139 of such title is amended
by inserting after the item relating to section 2367 the following new item:

“2368. Centers for Science, Technology, and Engineering Partnership.”.

SEC. 212. DEPARTMENT OF DEFENSE TECHNOLOGY OFFSET PROGRAM TO BUILD AND MAINTAIN THE MILITARY TECHNOLOGICAL SUPERIORITY OF THE UNITED STATES.

(a) Program Established.—

(1) In general.—The Secretary of Defense shall establish a technology offset program to build and maintain the military technological superiority of the United States by—

(A) accelerating the fielding of offset technologies that would help counter technological advantages of potential adversaries of the United States, including directed energy, low-cost, high-speed munitions, autonomous systems, undersea warfare, cyber technology, and intelligence data analytics, developed using Department of Defense research funding and accelerating the commercialization of such technologies; and

(B) developing and implementing new policies and acquisition and business practices.

(2) Guidelines.—Not later than one year after the date of the enactment of this Act, the Sec-
retary shall issue guidelines for the operation of the
program, including—

(A) criteria for an application for funding
by a military department, defense agency, or a
combatant command;

(B) the purposes for which such a depart-
ment, agency, or command may apply for funds
and appropriate requirements for technology de-
development or commercialization to be supported
using program funds;

(C) the priorities, if any, to be provided to
field or commercialize offset technologies devel-
oped by certain types of Department research
funding; and

(D) criteria for evaluation of an applica-
tion for funding or changes to policies or acqui-
sition and business practices by a department,
agency, or command for purposes of the pro-
gram.

(b) DEVELOPMENT OF DIRECTED ENERGY STRAT-
EGY.—

(1) IN GENERAL.—Not later than one year
after the date of the enactment of this Act, the Sec-
retary, in consultation with such officials and third-
party experts as the Secretary considers appropriate,
shall develop a directed energy strategy to ensure that the United States directed energy technologies are being developed and deployed at an accelerated pace.

(2) COMPONENTS OF STRATEGY.—The strategy required by paragraph (1) shall include the following:

(A) A technology roadmap for directed energy that can be used to manage and assess investments and policies of the Department in this high priority technology area.

(B) Proposals for legislative and administrative action to improve the ability of the Department to develop and deploy technologies and capabilities consistent with the directed energy strategy.

(C) An approach to program management that is designed to accelerate operational prototyping of directed energy technologies and develop cost-effective, real-world military applications for such technologies.

(3) BIENNIAL REVISIONS.—Not less frequently than once every 2 years, the Secretary shall revise the strategy required by paragraph (1).
(4) Submittal to Congress.—(A) Not later than 90 days after the date on which the Secretary completes the development of the strategy required by paragraph (1) and not later than 90 days after the date on which the Secretary completes a revision to such strategy under paragraph (3), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a copy of such strategy.

(B) The strategy submitted under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(c) Applications for Funding.—

(1) In General.—Under the program, the Secretary shall, not less frequently than annually, solicit from the heads of the military departments, the defense agencies, and the combatant commands applications for funding to be used to enter into contracts, cooperative agreements, or other transaction agreements entered into pursuant to section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) with appropriate entities for the fielding or commercialization of technologies.
(2) TREATMENT PURSUANT TO CERTAIN CONGRESSIONAL RULES.—Nothing in this section shall be interpreted to require any official of the Department of Defense to provide funding under this section to any earmark as defined pursuant to House Rule XXI, clause 9, or any congressionally directed spending item as defined pursuant to Senate Rule XLIV, paragraph 5.

(d) FUNDING.—

(1) IN GENERAL.—Subject to the availability of appropriations for such purpose, of the amounts authorized to be appropriated for research, development, test, and evaluation, Defense-wide for fiscal year 2016, not more than $400,000,000 may be used for any such fiscal year for the program established under subsection (a).

(2) AMOUNT FOR DIRECTED ENERGY.—Of this amount, not more than $200,000,000 may be used for activities in the field of directed energy.

(e) TRANSFER AUTHORITY.—

(1) IN GENERAL.—The Secretary may transfer funds available for the program to the research, development, test, and evaluation accounts of a military department, defense agency, or a combatant command pursuant to an application, or any part of
an application, that the Secretary determines would support the purposes of the program.

(2) SUPPLEMENT NOT SUPPLANT.—The transfer authority provided in this subsection is in addition to any other transfer authority available to the Department of Defense.

(f) TERMINATION.—

(1) IN GENERAL.—The authority to carry out a program under this section shall terminate on September 30, 2020.

(2) TRANSFER AFTER TERMINATION.—Any amounts made available for the program that remain available for obligation on the date the program terminates may be transferred under subsection (e) during the 180-day period beginning on the date of the termination of the program.

SEC. 213. REAUTHORIZATION OF DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRAM.


(1) in subsection (d), by striking “2015” and inserting “2020”; and
(2) in subsection (g), by striking “September 30, 2015” and inserting “September 30, 2020”.

(b) MODIFICATION OF GUIDELINES FOR OPERATION OF PROGRAM.—Subsection (b) of such section is amended—

(1) by amending paragraph (1) to read as follows:

“(1) The issuance of an annual broad agency announcement or the use of any other competitive or merit-based processes by the Department of Defense for candidate proposals in support of defense acquisition programs as described in subsection (a).”;

(2) in paragraph (3), by striking the second sentence;

(3) in paragraph (4)—

(A) in the first sentence, by striking “be funded under the program for more than two years” and inserting “receive more than a total of two years of funding under the program”;

and

(B) by striking the second sentence; and

(4) by adding at the end, the following new paragraphs:

“(5) Mechanisms to facilitate transition of follow-on or current projects carried out under the pro-
gram into defense acquisition programs, through the
use of the authorities of section 819 of the National
Defense Authorization Act for Fiscal year 2010
(Public Law 111–84; 10 U.S.C. 2302 note) or such
other authorities as may be appropriate to conduct
further testing, low rate production, or full rate pro-
duction of technologies developed under the pro-
gram.

“(6) Projects are selected using merit based se-
lection procedures and the selection of projects is not
subject to undue influence by Congress or other
Federal agencies.”.

(c) REPEAL OF REPORT REQUIREMENT.—Such sec-
tion is further amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as sub-
section (f).

SEC. 214. REAUTHORIZATION OF GLOBAL RESEARCH
WATCH PROGRAM.

Section 2365 of title 10, United States Code, is
amended—

(1) in paragraphs (1) and (2) of subsection (b),
by inserting “and private sector persons” after “for-
eign nations” both places it appears; and
(2) in subsection (f), by striking “September 30, 2015” and inserting “September 30, 2025”.

SEC. 215. SCIENCE AND TECHNOLOGY ACTIVITIES TO SUPPORT BUSINESS SYSTEMS INFORMATION TECHNOLOGY ACQUISITION PROGRAMS.

(a) IN GENERAL.—The Secretary of Defense, acting through the Undersecretary of Acquisition, Technology, and Logistics, the Deputy Chief Management Officer, and the Chief Information Officer shall establish a set of science, technology, and innovation activities to improve the acquisition outcomes of major automated information systems through improved performance and reduced developmental and life cycle costs.

(b) EXECUTION OF ACTIVITIES.—The activities established under subsection (a) shall be carried out by such military departments and defense agencies as the Under Secretary and the Deputy Chief Management Officer consider appropriate.

(c) ACTIVITIES.—The set of activities established under subsection (a) may include the following:

(1) Development of capabilities in Department of Defense laboratories, test centers, and Federally-funded research and development centers to provide technical support for acquisition program management and business process re-engineering activities.
(2) Funding of intramural and extramural research and development activities as described in subsection (d).

(d) **FUNDING OF INTRAMURAL AND EXTRAMURAL RESEARCH AND DEVELOPMENT.**—

(1) **IN GENERAL.**—In carrying out the set of activities required by subsection (a), the Secretary may award grants or contracts to eligible entities to carry out intramural or extramural research and development in areas of interest described in paragraph (3).

(2) **ELIGIBLE ENTITIES.**—For purposes of this subsection, an eligible entity includes the following:

(A) Entities in the defense industry.

(B) Institutions of higher education.

(C) Small businesses.

(D) Nontraditional defense contractors (as defined in section 2302 of title 10, United States Code).

(E) Federally-funded research and development centers, primarily for the purpose of improving technical expertise to support acquisition efforts.

(F) Nonprofit research institutions.
(G) Government laboratories and test centers, primarily for the purpose of improving technical expertise to support acquisition efforts.

(3) AREAS OF INTEREST.—The areas of interest described in this paragraph are the following:

(A) Management innovation, including personnel and financial management policy innovation.

(B) Business process re-engineering.

(C) Systems engineering of information technology business systems.

(D) Cloud computing to support business systems and business processes.

(E) Software development, including systems and techniques to limit unique interfaces and simplify processes to customize commercial software to meet the needs of the Department of Defense.

(F) Hardware development, including systems and techniques to limit unique interfaces and simplify processes to customize commercial hardware to meet the needs of the Department of Defense.
(G) Development of methodologies and tools to support development and operational test of large and complex business systems.

(H) Analysis tools to allow decision makers to balance between requirements, costs, technical risks, and schedule in major automated information system acquisition programs.

(I) Information security in major automated information system systems.

(J) Innovative acquisition policies and practices to streamline acquisition of information technology systems.

(K) Such other areas as the Secretary considers appropriate.

(e) PRIORITIES.—

(1) In General.—In carrying out the set of activities required by subsection (a), the Secretary shall give priority to—

(A) projects that—

(i) address the innovation and technology needs of the Department of Defense; and

(ii) support activities of initiatives, programs and offices identified by the
Under Secretary and Deputy Chief Management Officer; and

(B) the projects and programs identified in paragraph (2).

(2) PROJECTS AND PROGRAMS IDENTIFIED.—

The projects and programs identified in this paragraph are the following:

(A) Major automated information system programs.

(B) Projects and programs under the oversight of the Deputy Chief Management Officer.

(C) Projects and programs relating to defense procurement acquisition policy.


(E) Military and civilian personnel policy development for information technology workforce.
SEC. 216. EXPANSION OF ELIGIBILITY FOR FINANCIAL ASSISTANCE UNDER DEPARTMENT OF DEFENSE SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION PROGRAM TO INCLUDE CITIZENS OF COUNTRIES PARTICIPATING IN THE TECHNICAL COOPERATION PROGRAM.

Section 2192a(b)(1)(A) of title 10, United States Code, is amended by inserting “or a country the government of which is a party to The Technical Cooperation Program (TTCP) memorandum of understanding of October 24, 1995” after “United States”.

SEC. 217. STREAMLINING THE JOINT FEDERATED ASSURANCE CENTER.

Section 937(c)(2) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2224 note) is amended—

(1) in subparagraph (C), by striking “, in coordination with the Center for Assured Software of the National Security Agency,”; and

(2) in subparagraph (E), by striking “, in coordination with the Defense Microelectronics Activity,”.
SEC. 218. LIMITATION ON AVAILABILITY OF FUNDS FOR DEVELOPMENT OF THE SHALLOW WATER COMBAT SUBMERSIBLE.

(a) LIMITATION.—Of the amounts authorized to be appropriated in this Act or otherwise made available for fiscal year 2016 for Special Operations Command for development of the Shallow Water Combat Submersible, not more than 25 percent may be obligated or expended until the date that is 15 days after the later of the date on which—

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics designates a civilian official responsible for oversight and assistance to Special Operations Command for all undersea mobility programs; and

(2) the Under Secretary, in coordination with the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, submits to the congressional defense committees the report described in subsection (b).

(b) REPORT DESCRIBED.—The report described in this subsection is a report on the Shallow Water Combat Submersible that includes the following:

(1) An analysis of the reasons for cost and schedule overruns associated with the Shallow Water Combat Submersible program.
(2) A revised timeline for initial and full operational capability of the Shallow Water Combat Submersible.

(3) The projected cost to meet the total unit acquisition objective.

(4) A plan to prevent, identify, and mitigate any additional cost and schedule overruns.

(5) A description of such opportunities as may be to recover cost or schedule.

(6) A description of such lessons as the Under Secretary may have learned from the Shallow Water Combat Submersible program that could be applied to future undersea mobility acquisition programs.

(7) Such other matters as the Under Secretary considers appropriate.

SEC. 219. LIMITATION ON AVAILABILITY OF FUNDS FOR DISTRIBUTED COMMON GROUND SYSTEM OF THE ARMY.

(a) LIMITATION.—Of the amounts authorized to be appropriated for fiscal year 2016 for the Department of Defense by section 201 and available for research, development, test, and evaluation, Army, for the distributed common ground system of the Army as specified in the funding tables in title XLII, not more than 75 percent may
be obligated or expended until the Secretary of the Army—

(1) conducts a review of the program planning for the distributed common ground system of the Army; and

(2) submits to the appropriate congressional committees the report required by subsection (b)(1).

(b) Report.—

(1) In general.—The Secretary shall submit to the appropriate congressional committees a report on the review of the distributed common ground system of the Army conducted under subsection (a)(1).

(2) Matters included.—The report under paragraph (1) shall include the following:

(A) A review of the segmentation of Increment 2 of the distributed common ground system program of the Army into discrete software components with the associated requirements of each component.

(B) Identification of each component of Increment 2 of the distributed common ground system of the Army for which commercial software exists that is capable of fulfilling most or all of the system requirements for each such component.
(C) A cost analysis of each such commercial software that compares performance with projected cost.

(D) Determination of the degree to which commercial software solutions are compliant with the standards required by the framework and guidance for the Intelligence Community Information Technology Enterprise, the Defense Intelligence Information Enterprise, and the Joint Information Environment.

(E) Identification of each component of Increment 2 of the distributed common ground system of the Army that the Secretary determines may be acquired through competitive means.

(F) An acquisition plan for Increment 2 of the distributed common ground system of the Army that prioritizes the acquisition of commercial software components, including a data integration layer, in time to meet the projected deployment schedule for Increment 2.

(G) A review of the timetable for the distributed common ground system program of the Army in order to determine whether there is a practical, executable acquisition strategy, in-
cluding the use of operational capability demonstra-

otions, that could lead to an initial operating capability of Increment 2 of the distributed common ground system of the Army prior to fiscal year 2017.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 220. LIMITATION ON AVAILABILITY OF FUNDS FOR DISTRIBUTED COMMON GROUND SYSTEM OF THE UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) LIMITATION.—Of the amounts authorized to be appropriated for fiscal year 2016 for the Department of Defense by section 201 and available for research, development, test, and evaluation, Defense-wide, for the United States Special Operations Command for the distributed common ground system, not more than 75 percent may be obligated or expended until the Commander of the United States Special Operations Command submits to
the congressional defense committees the report required by subsection (b).

(b) REPORT REQUIRED.—The Commander shall submit to the congressional defense committees a report on the distributed common ground system. Such report shall include the following:

(1) A review of the segmentation of the distributed common ground system special operations forces program into discrete software components with the associated requirements of each component.

(2) Identification of each component of the distributed common ground system special operations forces program for which commercial software exists that is capable of fulfilling most or all of the system requirements for each such component.

(3) A cost analysis of each such commercial software that compares performance with projected cost.

(4) A determination of the degree to which commercial software solutions are compliant with the standards required by the framework and guidance for the Intelligence Community Information Technology Enterprise, the Defense Intelligence Information Enterprise, and the Joint Information Environment.
(5) Identification of each component of the distributed common ground system special operations forces program that the Commander determines may be acquired through competitive means.

(6) An assessment of the extent to which elements of the distributed common ground system special operations forces program could be modified to increase commercial acquisition opportunities.

(7) An acquisition plan that leads to full operational capability prior to fiscal year 2019.

Subtitle C—Other Matters

SEC. 231. ASSESSMENT OF AIR-LAND MOBILE TACTICAL COMMUNICATIONS AND DATA NETWORK REQUIREMENTS AND CAPABILITIES.

(a) Assessment Required.—The Director of Cost Assessment and Program Evaluation, in consultation with the Director of Operational Test and Evaluation, shall contract with an independent entity to conduct a comprehensive assessment of current and future requirements and capabilities of the Department of Defense with respect to an air-land ad hoc, mobile tactical communications, and data network, including the technological feasibility, suitability, and survivability of such a network.

(b) Elements.—The assessment required under subsection (a) shall include the following elements:
(1) Concepts, capabilities, and capacities of current or future communications and data network systems to meet the requirements of current or future tactical operations effectively, efficiently, and affordably.

(2) Software requirements and capabilities, particularly with respect to communications and data network waveforms.

(3) Hardware requirements and capabilities, particularly with respect to receiver/transmission technology, tactical communications, and data radios at all levels and on all platforms, all associated technologies, and their integration, compatibility, and interoperability.

(4) Any other matters that in the judgment of the independent entity are relevant or necessary to a comprehensive assessment of tactical networks or networking.

c) INDEPENDENT ENTITY.—The Director of Cost Assessment and Program Evaluation shall select an independent entity with direct, long-standing, and demonstrated experience and expertise in program test and evaluation of concepts, requirements, and technologies for joint tactical communications and data networking to perform the assessment under subsection (a).
(d) Report Required.—Not later than April 30, 2016, the Secretary of Defense shall submit to the congressional defense commitments a report including the findings and recommendations of the assessment conducted under subsection (a), together with the Secretary’s comments.

(e) Availability of Funds.—The Secretary of Defense shall use funds authorized by this Act or otherwise made available for fiscal year 2016 for Operation and Maintenance, Defense-wide to carry out activities under this section.

(f) Limitation on Obligation of Funds.—The Secretary of the Army may not obligate or expend more than 50 percent of the funds authorized by this Act or otherwise made available for fiscal year 2016 for Other Procurement, Army and available for the Warfighter Information Network—Tactical (Increment 2) until the Secretary of Defense submits the report required under subsection (d).

SEC. 232. STUDY OF FIELD FAILURES INVOLVING COUNTERFEIT ELECTRONIC PARTS.

(a) In General.—The Secretary of Defense shall conduct a hardware assurance study to assess the presence, scope, and effect on Department of Defense operations of counterfeit electronic parts that have passed
through the Department supply chain and into field systems.

(b) **Execution and Technical Analysis.**—

(1) **In General.**—The Secretary shall direct the federation established under section 937(a)(1) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2224 note) to coordinate execution of the study required by subsection (a) using capabilities of the Department in effect on the day before the date of the enactment of this Act to conduct technical analysis on a sample of failed electronic parts in field systems.

(2) **Elements.**—The technical analysis required by paragraph (1) shall include the following:

(A) Selection of a representative sample of electronic component types, including digital, mixed-signal, and analog integrated circuits.

(B) An assessment of the presence of counterfeit parts, including causes and attributes of failures of any identified counterfeit part.

(C) For components found to have counterfeit parts present, an assessment of the impact of the counterfeit part in the failure mechanism.
(D) For cases with counterfeit parts contributing to the failure, a determination of the failure attributes, factors, and effects on subsystem and system level reliability, readiness, and performance.

(c) RECOMMENDATIONS.—As part of the study required by subsection (a), the Secretary shall develop recommendations for such legislative and administrative action, including budget requirements, as the Secretary considers necessary to conduct sampling and technical hardware analysis of counterfeit parts in identified areas of high concern.

(d) REPORT.—

(1) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study carried out under subsection (a).

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) The findings of the Secretary with respect to the study conducted under subsection (a).

(B) The recommendations developed under subsection (c).
SEC. 233. DEMONSTRATION OF PERSISTENT CLOSE AIR SUPPORT CAPABILITIES.

(a) Joint Demonstration Required.—The Secretary of the Air Force, the Secretary of the Army, and the Director of the Defense Advanced Research Projects Agency shall jointly conduct a demonstration of the Persistent Close Air Support (PCAS) capability in fiscal year 2016.

(b) Parameters of Demonstration.—

(1) Selection and Equipment of Aircraft.—As part of the demonstration required by subsection (a), the Secretary of the Air Force shall select and equip at least two aircraft for use in the demonstration that the Secretary otherwise intends to use for close air support, as identified by the United States Air Force Close Air Support Forum.

(2) Close Air Support Operations.—The demonstration required by subsection (a) shall include close air support operations that involve the following:

(A) Multiple tactical radio networks representing diverse ground force user communities.

(B) Two-way digital exchanges of situational awareness data, video, and calls for fire between aircraft and ground users without
modification to aircraft operational flight profiles.

(C) Real-time sharing of blue force, aircraft, and target location data to reduce risks of fratricide.

(D) Lightweight digital tools based on commercial-off-the-shelf technology for pilots and joint tactical air controllers.

(E) Operations in simple and complex operating environments.

(c) Assessment.—The Secretary of the Air Force, the Secretary of the Army, and the Director of the Defense Advanced Research Projects Agency shall jointly—

(1) assess the effect of the capabilities demonstrated as part of the demonstration required by subsection (a) on—

(A) the time required to conduct close air support operations;

(B) the effectiveness of blue force in achieving tactical objectives; and

(C) the risk of fratricide and collateral damage; and

(2) estimate the costs that would be incurred in transitioning the technology used in the Persistent
Close Air Support capability to the Army and the Air Force.

SEC. 234. AIRBORNE DATA LINK PLAN.

(a) PLAN REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Vice Chairman of the Joint Chiefs of Staff shall jointly, in consultation with the Secretary of the Air Force and the Secretary of the Navy, develop a plan—

(1) to provide objective survivable communications gateways to enable—

(A) the secure dissemination of national and tactical intelligence information to fourth-generation fighter aircraft and supporting airborne platforms and to low-observable penetrating platforms such as the F–22 and F–35; and

(B) the secure reception and dissemination of sensor data from low-observable penetrating aircraft, such as the F–22 and F–35;

(2) to provide secure data sharing between the fifth-generation fighter aircraft of the Air Force, Navy, and Marine Corps, with minimal changes to the outer surfaces of the aircraft and to aircraft operational flight programs; and
(3) to enable secure data sharing between fifth-generation and fourth-generation aircraft in jamming environments.

(b) ADDITIONAL PLAN REQUIREMENTS.—The plan required by subsection (a) shall include non-proprietary and open systems approaches that are compatible with the Rapid Capabilities Office Open Mission Systems initiative of the Air Force and the Future Airborne Capability Environment initiative of the Navy.

(c) PROHIBITION.—No funds may be obligated or expended by the Department of Defense on the interim communications initiatives identified as Talon Hate and Multi-Domain Adaptable Processing System until the congressional defense committees are briefed by the Under Secretary or the Vice Chairman about the plan required by subsection (a).

SEC. 235. REPORT ON TECHNOLOGY READINESS LEVELS OF THE TECHNOLOGIES AND CAPABILITIES CRITICAL TO THE LONG RANGE STRIKE BOMBER AIRCRAFT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the Technology Readiness Levels (TRLs) of the technologies and
capabilities critical to the Long Range Strike Bomber aircraft.

(b) **Review by Comptroller General of the United States.**—Not later than 60 days after the report of the Secretary is submitted under subsection (a), the Comptroller General of the United States shall review the report and submit to the congressional defense committees an assessment of the matters contained in the report.

**TITLE III—OPERATION AND MAINTENANCE**

**Subtitle A—Authorization of Appropriations**

**SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2016 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

**Subtitle B—Energy and Environment**

**SEC. 311. MODIFICATION OF ENERGY MANAGEMENT REPORTING REQUIREMENTS.**

Section 2925(a) of title 10, United States Code, is amended—
(1) by striking paragraphs (4) and (7);

(2) by redesignating paragraphs (5), (6), (8), (9), (10), (11), and (12) as paragraphs (4), (5), (6), (7), (8), (9), and (10), respectively;

(3) by amending paragraph (7), as redesignated by paragraph (2) of this section, to read as follows:

“(7) A description and estimate of the progress made by the military departments in meeting current high performance and sustainable building standards under the Unified Facilities Criteria.”;

(4) by amending paragraph (9), as redesignated by such paragraph (2), to read as follows:

“(9) Details of all commercial utility outages caused by threats and those caused by hazards at military installations that last eight hours or longer, whether or not the outage was mitigated by backup power, including non-commercial utility outages and Department of Defense-owned infrastructure, including the total number and location of outages, the financial impact of the outages, and measure taken to mitigate outages in the future at the affected locations and across the Department of Defense.”; and

(5) by adding at the end the following new paragraph:
“(11) At the discretion of the Secretary of Defense, a classified annex, as appropriate.”.

SEC. 312. REPORT ON EFFORTS TO REDUCE HIGH ENERGY COSTS AT MILITARY INSTALLATIONS.

(a) Report.—

(1) Report required.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in conjunction with the assistant secretaries responsible for installations and environment for the military services and the Defense Logistics Agency, shall submit to the congressional defense committees a report detailing the efforts to achieve cost savings at military installations with high energy costs.

(2) Elements.—The report required under paragraph (1) shall include the following elements:

(A) A comprehensive, installation-specific assessment of feasible and mission-appropriate energy initiatives supporting energy production and consumption at military installations with high energy costs.

(B) An assessment of current sources of energy in areas with high energy costs and potential future sources that are technologically
feasible, cost-effective, and mission-appropriate for military installations.

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined to be the most beneficial and cost-effective, where appropriate, and consistent with Department of Defense priorities.

(D) An explanation on how military services are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of extent of which activities administered under the Federal Energy Management Program could be used to assist with the implementation strategy.

(F) An assessment of State and local partnership opportunities that could achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.

(3) COORDINATION WITH STATE AND LOCAL AND OTHER ENTITIES.—In preparing the report required under paragraph (1), the Under Secretary may work in conjunction and coordinate with the
States containing areas of high energy costs, local communities, and other Federal departments and agencies.

(b) Definitions.—In this section, the term “high energy costs” means costs for the provision of energy by kilowatt of electricity or British Thermal Unit of heat or steam for a military installation in the United States that is in the highest 20 percent of all military installations for a military department.

SEC. 313. SOUTHERN SEA OTTER MILITARY READINESS AREAS.

(a) Establishment of the Southern Sea Otter Military Readiness Areas.—Chapter 631 of title 10, United States Code, is amended by adding at the end the following new section:

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

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

“(1) The area that includes Naval Base Ventura County, San Nicolas Island, and Begg Rock and the adjacent and surrounding waters within the following coordinates:
N. Latitude/W. Longitude

33°27.8’/119°34.3’
33°20.5’/119°15.5’
33°13.5’/119°11.8’
33°06.5’/119°15.3’
33°02.8’/119°26.8’
33°08.8’/119°46.3’
33°17.2’/119°56.9’
33°30.9’/119°54.2’.

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

“(b) Activities Within the Southern Sea Otter Military Readiness Areas.—


respect to the incidental taking of any southern sea
otter in the Southern Sea Otter Military Readiness
Areas in the course of conducting a military readi-
ness activity.

“(3) TREATMENT AS SPECIES PROPOSED TO BE
LISTED.—For purposes of conducting a military
readiness activity, any southern sea otter while with-
in the Southern Sea Otter Military Readiness Areas
shall be treated for the purposes of section 7 of the
as a member of a species that is proposed to be list-
ed as an endangered species or a threatened species
under section 4 of the Endangered Species Act of

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

“(d) REVISION OR TERMINATION OF EXCEPTIONS.—
The Secretary of the Interior may revise or terminate the
application of subsection (b) if the Secretary of the Inte-
rior, in consultation with the Secretary of the Navy and
the Marine Mammal Commission, determines that military
activities occurring in the Southern Sea Otter Military
Readiness Areas are impeding the southern sea otter con-
reservation or the return of southern sea otters to optimum sustainable population levels.

“(e) MONITORING.—

“(1) IN GENERAL.—The Secretary of the Navy shall conduct monitoring and research within the Southern Sea Otter Military Readiness Areas to determine the effects of military readiness activities on the growth or decline of the southern sea otter population and on the near-shore ecosystem. Monitoring and research parameters and methods shall be determined in consultation with the Service and the Marine Mammal Commission.

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

“(f) DEFINITIONS.—In this section:

“(1) SOUTHERN SEA OTTER.—The term ‘southern sea otter’ means any member of the subspecies Enhydra lutris nereis.

“(2) TAKE.—The term ‘take’—

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

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

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

“(4) MILITARY READINESS ACTIVITY.—The term ‘military readiness activity’ has the meaning given that term in section 315(f) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (16 U.S.C. 703 note) and includes all training and operations of the armed forces that relate to combat and the adequate and realistic testing of military equipment, vehicles, weapons, and sensors for proper operation and suitability for combat use.

“(5) OPTIMUM SUSTAINABLE POPULATION.—The term ‘optimum sustainable population’ means, with respect to any population stock, the number of animals that will result in the maximum productivity of the population or the species, keeping in mind the
carrying capacity of the habitat and the health of
the ecosystem of which they form a constituent ele-
ment.”.

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

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

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

Subtitle C—Logistics and
Sustainment

SEC. 321. REPEAL OF LIMITATION ON AUTHORITY TO
ENTER INTO A CONTRACT FOR THE
SUSTAINMENT, MAINTENANCE, REPAIR, OR
OVERHAUL OF THE F117 ENGINE.

Section 341 of the Carl Levin and Howard P.
Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3345)
is repealed.

Subtitle D—Reports

SEC. 331. MODIFICATION OF ANNUAL REPORT ON
PREPOSITIONED MATERIEL AND EQUIP-
MENT.

Section 2229a(a)(8) of title 10, United States Code,
is amended to read as follows:
“(8) A list of any equipment used in support of contingency operations slated for retrograde and subsequent inclusion in the prepositioned stocks.”.

Subtitle E—Limitations and Extensions of Authority

SEC. 341. MODIFICATION OF REQUIREMENTS FOR TRANSFERRING AIRCRAFT WITHIN THE AIR FORCE INVENTORY.

(a) Modification of Requirements.—Section 345 of the National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 8062 note) is amended—

(1) in subsection (a)—

(A) by striking the first sentence and inserting the following: “Before making an aircraft transfer described in subsection (c), the Secretary of the Air Force shall ensure that a written agreement regarding such transfer has been entered into between the Chief of Staff of the Air Force and the Director of the Air National Guard or the Chief of Air Force Reserve.”; and

(B) in paragraph (3), by striking “depot”;

(2) by amending subsection (b) to read as follows:
(b) Submittal of Agreements to the Department of Defense and Congress.—The Secretary of the Air Force may not take any action to transfer an aircraft until the Secretary ensures that the Air Force has complied with applicable Department of Defense regulations and, for a transfer described in subsection (c)(1), until the Secretary submits to the congressional defense committees an agreement entered into pursuant to subsection (a) regarding the transfer of the aircraft.”; and

(3) by adding at the end the following new subsections:

“(c) Covered Aircraft Transfers.—(1) An aircraft transfer described in this subsection is the transfer (other than as specified in paragraph (2)) from a reserve component of the Air Force to the regular component of the Air Force of—

“(A) the permanent assignment of an aircraft that terminates a reserve component’s equitable interest in the aircraft; or

“(B) possession of an aircraft for a period in excess of 90 days.

“(2) Paragraph (1) does not apply to the following:

“(A) A routine temporary transfer of possession of an aircraft from a reserve component that is made solely for the benefit of the reserve component
1 for the purpose of maintenance, upgrade, conversion,
2 modification, or testing and evaluation.
3 “(B) A routine permanent transfer of assign-
4 ment of an aircraft that terminates a reserve compo-
5 nent’s equitable interest in the aircraft if notice of
6 the transfer has previously been provided to the con-
7 gressional defense committees and the transfer has
8 been approved by the Secretary of Defense pursuant
9 to Department of Defense regulations.
10 “(C) A transfer described in paragraph (1)(A)
11 when there is a reciprocal permanent assignment of
12 an aircraft from the regular component of the Air
13 Force to the reserve component that does not de-
14 grade the capability of, or reduce the total number
15 of, aircraft assigned to the reserve component.
16 “(d) RETURN OF AIRCRAFT AFTER ROUTINE TEM-
17 PORARY TRANSFER.—In the case of an aircraft trans-
18 ferred from a reserve component of the Air Force to the
19 regular component of the Air Force for which an agree-
20 ment under subsection (a) is not required by reason of
21 subparagraph (A) of subsection (c)(2), possession of the
22 aircraft shall be transferred back to the reserve component
23 upon completion of the work described in such subpara-
24 graph.”.
(b) Conforming Amendment.—Subsection (a)(7) of such section is amended by striking “Commander of the Air Force Reserve Command” and inserting “Chief of Air Force Reserve”.

(c) Technical Amendments to Delete References to Aircraft Ownership.—Subsection (a) of such section is further amended by striking “the ownership of” each place it appears.

SEC. 342. LIMITATION ON USE OF FUNDS FOR DEPARTMENT OF DEFENSE SPONSORSHIPS, ADVERTISING, OR MARKETING ASSOCIATED WITH SPORTS-RELATED ORGANIZATIONS OR SPORTING EVENTS.

No amounts authorized to be appropriated for the Department of Defense by this Act or otherwise made available to the Department may be used for any sponsorship, advertising, or marketing associated with a sports-related organization or sporting event until the Under Secretary of Defense for Personnel and Readiness, in consultation with the Director of Accessions Policy—

(1) conducts a review of current contracts and task orders for such sponsorships, advertising, and marketing (as awarded by the regular and reserve components of the Armed Forces) in order to assess—
(A) whether such sponsorships, advertising, and marketing are effective in meeting the recruiting objectives of the Department;

(B) whether consistent metrics are used to evaluate the effectiveness of each such activity in generating leads and recruit accessions; and

(C) whether the return on investment for such activities is sufficient to warrant continuing use of Department funds for such activities; and

(2) submits to the Committees on Armed Services of the Senate and the House of Representatives a report that includes—

(A) a description of the actions being taken to coordinate efforts of the Department relating to such sponsorships, advertising, and marketing, and to minimize duplicative contracts for such sponsorships, advertising, and marketing, as applicable; and

(B) the results of the review required by paragraph (1), including an assessment of the extent to which continuing use of Department funds for such sponsorships, advertising, and marketing is warranted in light of the review
and the actions described pursuant to subpara-
graph (A).

SEC. 343. TEMPORARY AUTHORITY TO EXTEND CONTRACTS
AND LEASES UNDER ARMS INITIATIVE.
Contracts or subcontracts entered into pursuant to
section 4554(a)(3)(A) of title 10, United States Code, on
or before the date that is five years after the date of the
enactment of this Act may include an option to extend
the term of the contract or subcontract for an additional
25 years.

Subtitle F—Other Matters
SEC. 351. STREAMLINING OF DEPARTMENT OF DEFENSE
MANAGEMENT AND OPERATIONAL HEAD-
QUARTERS.
(a) COMPREHENSIVE REVIEW OF HEADQUARTERS.—
(1) IN GENERAL.—The Secretary of Defense
shall conduct a comprehensive review of the manage-
ment and operational headquarters of the Depart-
ment of Defense for purposes of consolidating and
streamlining headquarters functions.
(2) ELEMENTS.—The review required by para-
graph (1) shall address the following:
(A) The extent, if any, to which the staff
of the Secretaries of the military departments
and the Chiefs of Staff of the Armed Forces
have duplicative staff functions and services and could be consolidated into a single service staff.

(B) The extent, if any, to which the staff of the Office of the Secretary of Defense, the military departments, the Defense Agencies, and temporary organizations have duplicative staff functions and services and could be streamlined with respect to—

(i) performing oversight and making policy;

(ii) performing staff functions and services specific to the military department concerned;

(iii) performing multi-department staff functions and services; and

(iv) performing functions and services across the Department of Defense with respect to intelligence collection and analysis.

(C) The extent, if any, to which the Joint Staff, the combatant commands, and their subordinate service component commands have duplicative staff functions and services that could be shared, consolidated, eliminated, or otherwise streamlined with—
(i) the Joint Staff performing oversight and execution;

(ii) the staff of the combatant commands performing only staff functions and services specific to the combatant command concerned; and

(iii) the staff of the service component commands of the combatant commands performing only staff functions and services specific to the service component command concerned.

(D) The extent, if any, to which reductions in military and civilian end-strength in management or operational headquarters could be used to create, build, or fill shortages in force structure for operational units.

(E) The extent, if any, to which revisions are required to the Defense Officers Personnel Management Act, including requirements for officers to serve in joint billets, the number of qualifying billets, the rank structure in the joint billets, and the joint qualification requirement for officers to be promoted while serving for extensive periods in critical positions such as program managers of major defense acquisition

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programs, and officers in units of component forces supporting joint commands, in order to achieve efficiencies, provide promotion fairness and equity, and obtain effective governance in the management of the Department of Defense.

(F) The structure and staffing of the Joint Staff, and the number, structure, and staffing of the combatant commands and their subordinate service component commands, including, in particular—

(i) whether or not the staff organization of each such entity has documented and periodically validated requirements for such entity;

(ii) whether or not there are an appropriate number of combatant commands relative to the requirements of the National Security Strategy, the Quadrennial Defense Review, and the National Military Strategy; and

(iii) whether or not opportunities exist to consolidate staff functions and services common to the Joint Staff and the service component commands into a single staff organization that provides the required
functions, services, capabilities, and capacities to the Chairman of the Joint Chiefs of Staff and supported combatant commanders, and if so—

(I) where in the organizational structure such staff functions, services, capabilities, and capacities would be established; and

(II) whether or not the military departments could execute such staff functions, services, capabilities, and capacities while executing their requirements to organize, train, and equip the Armed Forces.

(G) The statutory and regulatory authority of the combatant commands to establish subordinate joint commands or headquarters, including joint task forces, led by a general or flag officer, and the extent, if any, to which the combatant commands have used such authority—

(i) to establish temporary or permanent subordinate joint commands or headquarters, including joint task forces, led by general or flag officers;
(ii) to disestablish temporary or permanent subordinate joint commands or headquarters, including joint task forces, led by general or flag officers;

(iii) to increase requirements for general and flag officers in the joint pool which are exempt from the end strength limitations otherwise applicable to general and flag officers in the Armed Forces;

(iv) to participate in the management of joint officer qualification in order to ensure the efficient and effective quality and quantity of officers needed to staff headquarters functions and services and return to the services officers with required professional experience and skills necessary to remain competitive for increased responsibility and authority through subsequent assignment or promotion, including by identifying—

(I) circumstances, if any, in which officers spend a disproportionate amount of time in their careers to attain joint officer qualifications with corresponding loss of op-
opportunities to develop in the service-
specific assignments needed to gain
the increased proficiency and experi-
ence to qualify for service and com-
mand assignments; and

(II) circumstances, if any, in
which the military departments detail
officers to joint headquarters staffs in
order to maximize the number of offi-
cers receiving joint duty credit with a
focus on the quantity, instead of the
quality, of officers achieving joint duty
credit;

(v) to establish commanders’ strategic
planning groups, advisory groups, or simi-
lar parallel personal staff entities that
could risk isolating function and staff proc-
esses, including an assessment of the jus-
tification used to establish such personal
staff organizations and their impact on the
effectiveness and efficiency of organiza-
tional staff functions, services, capabilities,
and capacities; and

(vi) to ensure the identification and
management of officers serving or having
served in units in subordinate service component or joint commands during combat operations and did not receive joint credit for such service.

(3) Consultation.—The Secretary shall, to the extent practicable and as the Secretary considers appropriate, conduct the review required by paragraph (1) in consultation with such experts on matters covered by the review who are independent of the Department of Defense.

(4) Report.—Not later than March 1, 2016, the Secretary shall submit to the congressional defense committees a report setting forth the results of the review required by paragraph (1).

(b) Plan on Reduction in Amounts Used for Administration in Fiscal Years 2016 Through 2019.—

(1) In general.—Not later than January 31, 2016, the Secretary of Defense shall submit to the congressional defense committees, and implement, a plan designed to ensure that the amount used by the Department of Defense for administration from amounts authorized to be appropriated for a fiscal year for operation and maintenance shall be as follows:
(A) In fiscal year 2016, an amount that is 7.5 percent less than the amount authorized to be appropriated for fiscal year 2015 for operation and maintenance, Defense-wide, and available for administration (in this paragraph referred to as the “fiscal year 2015 administration amount”).

(B) In fiscal year 2017, an amount that is 15 percent less than the fiscal year 2015 administration amount.

(C) In fiscal year 2018, an amount that is 22.5 percent less than the fiscal year 2015 administration amount.

(D) In fiscal year 2019, an amount that is 30 percent less than the fiscal year 2015 administration amount.

(2) ACHIEVEMENT OF REDUCTIONS.—As part of meeting the requirements in paragraph (1), the plan shall provide for reductions in personnel (including military and civilian personnel of the Department of Defense and contract personnel in support of the Department) in the Office of the Secretary of Defense, the secretariats and military staffs of the military departments, the staffs of the Defense Agencies, the staffs of the Joint Staff, the
staffs of the combatant commands, and the staffs of
their subordinate service component commands.

(3) EXCLUSION.—The plan may not meet the
requirements in paragraph (1) through reductions in
funding for administration for the following:

(A) The United States Special Operations
Command.

(B) The Department of Defense Education
Activity.

(C) Any classified program.

(D) Any program relating to sexual assault
prevention and response.

(e) COMPTROLLER GENERAL OF THE UNITED
STATES REPORTS.—Not later than 90 days after the end
of each of fiscal years 2016, 2017, 2018, and 2019, the
Comptroller General of the United States shall submit to
the congressional defense committees a report setting
forth the assessment of the Comptroller General of the
extent to which the Department of Defense met the appli-
cable requirement in subsection (b)(1) during such fiscal
year.

(d) LIMITATION ON AVAILABILITY OF FUNDS FOR
CONTRACT PERSONNEL SUPPORT FOR OSD.—In each of
fiscal years 2017, 2018, 2019, and 2020, amounts author-
ized to be appropriated for the Department of Defense and
available for the Office of the Secretary of Defense may
not be obligated or expended for contract personnel in sup-
port of the Office of the Secretary of Defense until the
Secretary of Defense certifies to the congressional defense
committees that the applicable requirement in subsection
(b)(1) was met during the preceding fiscal year.

SEC. 352. ADOPTION OF RETIRED MILITARY WORKING
DOGS.

(a) Transfer for Adoption.—Subsection (f) of
section 2583 of title 10, United States Code, is amended
in the matter preceding paragraph (1) by striking “may
transfer” and inserting “shall transfer”.

(b) Preference in Adoption for Former Han-
dlers.—Such section is further amended—

(1) by redesignating subsection (g) as sub-
section (h); and

(2) by inserting after subsection (f) the fol-
lowing new subsection (g):

“(g) Preference in Adoption of Retired Mili-
tary Working Dogs for Former Handlers.—(1) In

providing for the adoption under this section of a retired
military working dog described in paragraph (1) or (3)
of subsection (a), the Secretary of the military department
concerned shall accord a preference to the former handler
of the dog unless the Secretary determines that adoption
of the dog by the former handler would not be in the best interests of the dog.

“(2) In the case of a dog covered by paragraph (1) with more than one former handler seeking adoption of the dog at the time of adoption, the Secretary shall provide for the adoption of the dog by such former handler whose adoption of the dog will best serve the interests of the dog and such former handlers. The Secretary shall make any determination required by this paragraph with respect to a dog following consultation with the kennel master of the unit at which the dog was last located before adoption under this section.

“(3) Nothing in this subsection shall be construed as altering, revising, or overriding any policy of a military department for the adoption of military working dogs by law enforcement agencies before the end of the dogs’ useful lives.”.

SEC. 353. MODIFICATION OF REQUIRED REVIEW OF PROJECTS RELATING TO POTENTIAL OBSTRUCTIONS TO AVIATION.


(1) in subsection (c)—
(A) in paragraph (3), by striking “from State and local officials or the developer of a renewable energy development or other energy project” and inserting “from a State government, an Indian tribal government, a local government, a landowner, or the developer of an energy project”; and

(B) in paragraph (4), by striking “readiness, and” and all that follows through the period at the end and inserting “readiness and to clearly communicate actions being taken by the Department of Defense to the party requesting an early project review under this section.”;

(2) in subsection (d)(2)(B), by striking “as high, medium, or low”; and

(3) in subsection (j), by adding at the end the following new paragraph:

“(4) The term ‘landowner’ means a person or other legal entity that owns a fee interest in real property on which a proposed energy project is planned to be located.”.

SEC. 354. PILOT PROGRAM ON INTENSIVE INSTRUCTION IN CERTAIN ASIAN LANGUAGES.

(a) Pilot Program Authorized.—The Secretary of Defense may, in consultation with the National Security
Education Board, carry out a pilot program to assess the feasibility and advisability of providing scholarships in accordance with the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) to individuals otherwise eligible for scholarships under that Act for intensive language instruction in a covered Asian language.

(b) COVERED ASIAN LANGUAGE.—For purposes of this section, a covered Asian language is any of the five Asian languages that would be treated as a language in which deficiencies exist for purposes of section 802(a)(1)(A) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(a)(2)(A)) if the National Security Education Board could treat an additional five Asian languages as a language in which such deficiencies exist.

(c) USE OF SCHOLARSHIPS.—Notwithstanding any provision of the David L. Boren National Security Education Act of 1991, a scholarship awarded pursuant to the pilot program may be used for intensive language instruction in—

(1) the United States; or
(2) a country in which the covered Asian language concerned is spoken by a significant portion of the population (as determined by the Secretary for purposes of the pilot program).
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1 (d) National Security Education Board Defined.—In this section, the term “National Security Edu-
2 cation Board” means the National Security Education
3 Board established pursuant to section 803 of the David
4 L. Boren National Security Education Act of 1991 (50
6
7 (e) Termination.—No scholarship may be awarded
8 under the pilot program after the date that is five years
9 after the date on which the pilot program is established.

TITLE IV—MILITARY
PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces

SEC. 401. End Strengths for Active Forces.
The Armed Forces are authorized strengths for active
duty personnel as of September 30, 2016, as follows:

(1) The Army, 475,000.
(3) The Marine Corps, 184,000.

SEC. 402. Enhancement of Authority for Manage-
ment of End Strengths for Military
Personnel.
(a) Repeal of Specification of Permanent End
Strengths to Support Two Major Regional Con-
tingencies.—
(1) **REPEAL.**—Section 691 of title 10, United States Code, is repealed.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 39 of such title is amended by striking the item relating to section 691.

(b) **ENHANCED AUTHORITY FOR END STRENGTH MANAGEMENT.**—

(1) **SECRETARY OF DEFENSE AUTHORITY.**—Subsection (f) of section 115 of title 10, United States Code, is amended by striking “increase” each place it appears and inserting “vary”.

(2) **SERVICE SECRETARY AUTHORITY.**—Subsection (g) of such section is amended—

(A) in paragraph (1), by striking “increase” each place it appears and inserting “vary”; and

(B) in paragraph (2), by striking “increase” each place it appears and inserting “variance”.

**Subtitle B—Reserve Forces**

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

(a) **IN GENERAL.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2016, as follows:
(1) The Army National Guard of the United States, 342,000.
(2) The Army Reserve, 198,000.
(3) The Navy Reserve, 57,400.
(4) The Marine Corps Reserve, 38,900.
(7) The Coast Guard Reserve, 7,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

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

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

(a) FINDINGS.—The Senate makes the following findings:

(1) Several States routinely recruit and retain members of the Army National Guard of the United States in excess of State authorizations to offset States that do not recruit to State authorizations.

(2) The States that routinely recruit and retain members of the Army National Guard of the United States in excess of authorizations do not receive any extra full-time operational support duty personnel to support excess members.

(b) SENSE OF SENATE.—It is the sense of the Senate that the National Guard Bureau should account for States that routinely recruit and retain members in excess of State authorizations when allocating full-time operational support duty personnel.
(c) **End Strengths.**—Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2016, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

1. The Army National Guard of the United States, 30,770.
2. The Army Reserve, 16,261.
3. The Navy Reserve, 9,934.
5. The Air National Guard of the United States, 14,748.

(d) **Allocation Among States.**—In allocating Reserves on full-time duty in the Army National Guard of the United States authorized by subsection (c)(1) among the States, the Chief of the National Guard Bureau shall take into account the actual number of members of the Army National Guard of the United States serving in each State as of September 30 each year.
SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS

(DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2016 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 26,099.

(2) For the Army Reserve, 7,395.

(3) For the Air National Guard of the United States, 22,104.

(4) For the Air Force Reserve, 9,814.

SEC. 414. FISCAL YEAR 2016 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2016, may not exceed the following:

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

(B) For the Air National Guard of the United States, 350.
(2) Army Reserve.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2016, may not exceed 595.

(3) Air Force Reserve.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2016, may not exceed 90.

(b) Non-dual Status Technicians Defined.—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2016, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

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

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.
(5) The Air National Guard of the United States, 16,000.

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

SEC. 416. CHIEF OF THE NATIONAL GUARD BUREAU AUTHORITY TO INCREASE CERTAIN END STRENGTHS APPLICABLE TO THE ARMY NATIONAL GUARD.

(a) Authority.—Subject to subsection (b), the Chief of the National Guard Bureau may increase each of the end strengths for fiscal year 2016 applicable to the Army National Guard as follows:

(1) The end strength for Selected Reserve personnel of the Army National Guard of the United States in section 411(a)(1) by up to 3,000 members in addition to the number specified in section 411(a)(1).

(2) The end strength for Reserves serving on full-time duty for the purpose of organizing, administering, recruiting, instructing, or training for the Army National Guard of the United States specified in section 412(1) by up to 615 Reserves in addition to the number specified in section 412(1).

(3) The end strength for military technicians (dual status) for the Army National Guard of the United States specified in section 413(1) by up to
1,111 technicians in addition to the number specified in section 413(1).

(b) LIMITATION.—The Chief of the National Guard Bureau may increase an end strength using the authority in subsection (a) only if such increase is paid for out of funds appropriated for fiscal year 2016 for Operation and Maintenance, Army National Guard.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2016 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2016.
TITLE V—MILITARY PERSONNEL

POLICY

Subtitle A—Officer Personnel

Policy

SEC. 501. AUTHORITY OF PROMOTION BOARDS TO RECOMMEND OFFICERS OF PARTICULAR MERIT BE PLACED AT THE TOP OF THE PROMOTION LIST.

(a) AUTHORITY OF PROMOTION BOARDS TO RECOMMEND OFFICERS OF PARTICULAR MERIT BE PLACED AT TOP OF PROMOTION LIST.—Section 616 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g)(1) In selecting the officers to be recommended for promotion, a selection board may, when authorized by the Secretary of the military department concerned, recommend officers of particular merit, from among those officers selected for promotion, to be placed at the top of the promotion list promulgated by the Secretary under section 624(a)(1) of this title.

“(2) The determination whether an officer is an officer of particular merit for purposes of this subsection shall be made in accordance with criteria prescribed by the Secretary of the military department concerned for such purposes.
“(3) The number of such officers placed at the top of the promotion list may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion in such competitive category. If the number determined under this subsection is less than one, the board may recommend one such officer.

“(4) No officer may be recommended to be placed at the top of the promotion list unless the officer receives the recommendation of at least three-quarters of the members of a board for such placement.

“(5) For the officers recommended to be placed at the top of the promotion list, the board shall recommend the order in which these officers should be promoted.”.

(b) OFFICERS OF PARTICULAR MERIT APPEARING AT TOP OF PROMOTION LIST.—Section 624(a)(1) of such title is amended by inserting “, except such officers of particular merit who were approved by the President and recommended by the board to be placed at the top of the promotion list under section 616(g) of this title as these officers shall be placed at the top of the promotion list in the order recommended by the board” after “officers on the active-duty list”.

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SEC. 502. MINIMUM GRADES FOR CERTAIN CORPS AND RELATED POSITIONS IN THE ARMY, NAVY, AND AIR FORCE.

(a) Army.—

(1) Chief of Legislative Liaison.—Section 3023(a) of title 10, United States Code, is amended in the second sentence by striking “the grade of major general” and inserting “a grade above the grade of colonel”.

(2) Assistant Surgeon General.—Section 3039(b) of such title is amended by striking the last sentence and inserting the following new sentence: “An officer appointed to that position shall be an officer in a grade above the grade of colonel.”.

(3) Chief of the Nurse Corps.—Section 3069(b) of such title is amended by striking “whose regular grade” and all that follows through “major general.” and inserting “. An officer appointed to that position shall be an officer in a grade above the grade of colonel.”.

(4) Chief of the Veterinary Corps.—Section 3084 of such title is amended by striking the last sentence and inserting the following new sentence: “An officer appointed to that position shall be an officer in a grade above the grade of lieutenant colonel.”.
(b) NAVY.—

(1) CHIEF OF LEGISLATIVE AFFAIRS.—Section 5027(a) of title 10, United States Code, is amended by striking “the grade of rear admiral” and inserting “a grade above the grade of captain”.

(2) CHIEF OF THE DENTAL CORPS.—Section 5138 of such title is amended—

(A) by striking subsections (a) and (b) and inserting the following new subsection (a):

“(a) There is a Chief of the Dental Corps in the Department of the Navy. An officer assigned to that position shall be an officer in a grade above the grade of captain.”;

and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(3) DIRECTORS OF MEDICAL CORPS.—Section 5150(c) of such title is amended—

(A) in the first sentence, by striking “for promotion” and all that follows through the end of the sentence and inserting a period; and

(B) by inserting after the first sentence the following new sentence: “An officer so selected shall be an officer in a grade above the grade of captain.”.

(c) AIR FORCE.—
(1) Chief of Legislative Liaison.—Section 8023(a) of title 10, United States Code, is amended in the second sentence by striking “the grade of major general” and inserting “a grade above the grade of colonel”.

(2) Chief of the Nurse Corps.—Section 8069(b) of such title is amended by striking “whose regular grade” and all that follows through “major general.” and inserting “. An officer appointed to that position shall be an officer in a grade above the grade of colonel.”.

(3) Assistant Surgeon General for Dental Services.—Section 8081 of such title is amended by striking the second sentence and inserting the following new sentence: “An officer appointed to that position shall be an officer in a grade above the grade of colonel.”.

(d) Transition.—In the case of an officer who on the date of the enactment of this Act is serving in a position that is covered by an amendment made by this section, the continued service of that officer in such position after the date of the enactment of this Act shall not be affected by that amendment.
SEC. 503. ENHANCEMENT OF MILITARY PERSONNEL AUTHORITIES IN CONNECTION WITH THE DEFENSE ACQUISITION WORKFORCE.

(a) Inclusion of Acquisition Matters Within Joint Matters for Officer Management.—

(1) Joint Matters.—Subsection (a)(1) of section 688 of title 10, United States Code, is amended—

(A) in subparagraph (D), by striking “or” at the end;

(B) in subparagraph (E), by striking the period at the end and inserting “; or”; and

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

“(E) acquisition addressed by military personnel acting under chapter 87 of this title.”.

(2) Joint Duty Assignment.—Subsection (b)(1)(A) of such section is amended by striking “limited to assignments in which” and all that follows and inserting “limited to—

“(i) assignments in which the officer gains significant experience in joint matters; and

“(ii) assignments pursuant to chapter 87 of this title; and”.

(b) Requirements for Military Personnel in The Acquisition Field.—
(1) Consultation of Service Chiefs in Policies and Guidance.—Subsection (a) of section 1722a of title 10, United States Code, is amended by inserting after “such military department)” the following: “, in consultation with the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps (with respect to the armed force under the jurisdiction of each),”.

(2) Enhanced Career Paths for Personnel.—Subsection (b) of such section is amended—

(A) in paragraph (1), by inserting “single-tracked” before “career path”;

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following new paragraph (2):

“(2) A dual-tracked career path that attracts the highest quality officers and enlisted personnel and allows them to gain experience in, and receive credit for, a primary career in combat arms and a functional secondary career in the acquisition field in order to more closely align the military operational
requirements and acquisition workforces of each armed force.”.

(c) **Joint Professional Military Education.—**

(1) **Inclusion of Business and Commercial Training in Joint Professional Military Education.**—Subsection (a) of section 2151 of title 10, United States Code, is amended—

(A) by inserting “(1)” before “Joint professional military education”; and

(B) by striking the second sentence and inserting the following new paragraphs:

“(2) The subject matter to be covered by joint professional military education shall include at least the following:

“(A) National Military Strategy.

“(B) Joint planning at all levels of war.

“(C) Joint doctrine.

“(D) Joint command and control.

“(E) Joint force and joint requirements development.

“(F) Operational contract support.

“(3) In lieu of the subject matters covered by paragraph (2), or in supplement to one or more of such matters, the subject matter to be covered by joint professional military education may include subjects addressed in
training programs under section 2013(a) of this title by, in, or through organizations described in paragraph (2)(D) of that section.”.

(2) Senior Level Service Schools.—Subsection (b)(1) of such section is amended by adding at the end the following new subparagraph:

“(E) A training program under section 2013(a) of this title by, in, or through an organization described in paragraph (2)(D) of that section.”.

(3) Three-Phase Approach.—Section 2154(a)(2) of such title is amended—

(A) in the matter preceding subparagraph (A), by striking “in residence at”;

(B) by striking subparagraph (A) and inserting the following new subparagraph (A):

“(A) in residence at theJoint Forces Staff College;”;

and

(C) in subparagraph (B), by striking “a senior level service school” and inserting “in residence at a senior level service school, or by, in, or through a senior level service school described in section 2151(b)(1)(E) of this title.”.

(4) Joint Professional Military Education Phase II.—Section 2155 of such title is amended—

(A) in subsection (b)—
(i) in the subsection caption, by inserting “FOR JOINT MILITARY SUBJECTS” after “PHASE II REQUIREMENTS”; and

(ii) by inserting “described in section 2151(a)(2) of this title” after “joint professional military education”;

(B) in subsection (c)—

(i) in the subsection caption, by inserting “FOR JOINT MILITARY SUBJECTS” after “CURRICULUM CONTENT”;

(ii) by striking “section 2151(a)” and inserting “section 2151(a)(2)”;

(iii) by inserting “described in such section” after “joint professional military education”;

(C) by redesignating subsection (d) as subsection (e);

(D) by inserting after subsection (e) the following new subsection (d):

“(d) CURRICULUM CONTENT FOR BUSINESS AND COMMERCIAL TRAINING.—The curriculum for Phase II joint professional military education described in section 2151(a)(3) of this title shall include such matters as the Secretary shall specify in connection with training programs described in that section in order to satisfy require-
ments for successful performance in the acquisition or ac-
quision-related field.”; and

(E) in subsection (e), as redesignated by
subsection (C), by inserting “(other than a
service school described in section
2151(b)(1)(E) of this title)” after “senior level
service school”.

(d) Acquisition-related Functions of Service
Chiefs.—Section 2547 of title 10, United States Code,
is amended—

(1) in subsection (b), by striking “this sub-
section” the first place it appears and inserting
“subsection (a)”;

(2) by redesignating subsection (c) as sub-
section (d); and

(3) by inserting after subsection (b) the fol-
lowing new subsection (c):

“(c) Annual Report on Promotion Rates for
Officers in Acquisition Positions.—(1) Not later
than January 1 each year, the Chief of Staff of the Army,
the Chief of Naval Operations, the Chief of Staff of the
Air Force, and the Commandant of the Marine Corps shall
each submit to Congress a report on the promotion rates
during the preceding fiscal year of officers who are serving
in, or have served in, positions covered by chapter 87 of
this title, and officers who have been certified under that chapter, in the grades specified in paragraph (2). If promotion rates for any such grade of officers failed to meet objectives for the fiscal year concerned for promotion rates for such grade, the chief of the armed force concerned shall include in the report for such fiscal year information on such failure and on the actions taken or to be taken by such chief to prevent further such failures.

“(2) The grades specified in this paragraph are as follows:

“(A) The grade of colonel (or captain, in the case of the Navy).

“(B) The grade of lieutenant colonel (or commander, in the case of the Navy).

“(C) The grade of major (or lieutenant commander, in the case of the Navy).”.

SEC. 504. ENHANCED FLEXIBILITY FOR DETERMINATION OF OFFICERS TO CONTINUE ON ACTIVE DUTY AND FOR SELECTIVE EARLY RETIREMENT AND EARLY DISCHARGE.

Section 638a(d)(2) of title 10, United States Code, is amended by striking “officers considered—” and all that follows and inserting “officers considered.”.
SEC. 505. AUTHORITY TO DEFER UNTIL AGE 68 MANDATORY RETIREMENT FOR AGE OF A GENERAL OR FLAG OFFICER SERVING AS CHIEF OR DEPUTY CHIEF OF CHAPLAINS OF THE ARMY, NAVY, OR AIR FORCE.

(a) AUTHORITY.—Section 1253 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) EXCEPTION FOR CHIEFS OF CHAPLAINS AND DEPUTY CHIEFS OF CHAPLAINS.—The Secretary of the military department concerned may defer the retirement under subsection (a) of an officer serving in a general or flag officer grade who is the Chief of Chaplains or Deputy Chief of Chaplains of that officer’s armed force. Such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.”.

(b) CONFORMING AMENDMENTS.—

(1) HEADING.—The heading of such section is amended by striking “exception” and inserting “exceptions”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 63 of such title is amended in the item relating to section 1253 by striking “exception” and inserting “exceptions”.

S 1376 PCS
SEC. 506. REINSTATEMENT OF ENHANCED AUTHORITY FOR
SELECTIVE EARLY DISCHARGE OF WARRANT
OFFICERS.
Section 580a of title 10, United States Code, is
amended—
(1) in subsection (a), by striking “November
30, 1993, and ending on October 1, 1999” and in-
serting “October 1, 2015, and ending on October 1,
2019”; and
(2) in subsection (e)—
(A) by striking paragraph (3); and
(B) by redesignating paragraphs (4) and
(5) as paragraphs (3) and (4), respectively.
SEC. 507. AUTHORITY TO CONDUCT WARRANT OFFICER RETIRED GRADE DETERMINATIONS.
Section 1371 of title 10, United States Code, is
amended—
(1) by inserting “highest” after “in the”; and
(2) by striking “that he held on the day before
the date of his retirement, or in any higher warrant
officer grade”.

S 1376 PCS
Subtitle B—Reserve Component
Management

SEC. 511. AUTHORITY TO DESIGNATE CERTAIN RESERVE OFFICERS AS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.

Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j) CERTAIN OFFICERS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.—The Secretary of the military department concerned may provide that an officer who is in an active status, but is in a duty status in which the only points the officer accrues under section 12732(a)(2) of this title are pursuant to subparagraph (C)(i) of that section (relating to membership in a reserve component), shall not be considered for selection for promotion at any time the officer otherwise would be so considered. Any such officer may remain on the reserve active-status list.”.

SEC. 512. CLARIFICATION OF PURPOSE OF RESERVE COMPONENT SPECIAL SELECTION BOARDS AS LIMITED TO CORRECTION OF ERROR AT A MANDATORY PROMOTION BOARD.

Section 14502(b) of title 10, United States Code, is amended—
(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “a selection board” and inserting “a mandatory promotion board convened under section 14101(a) of this title”; and

(B) in subparagraphs (A) and (B), by striking “selection board” and inserting “mandatory promotion board”; and

(2) in the first sentence of paragraph (3), by striking “selection board” and inserting “mandatory promotion board”.

SEC. 513. RECONCILIATION OF CONTRADICTORY PROVISIONS RELATING TO CITIZENSHIP QUALIFICATIONS FOR ENLISTMENT IN THE RESERVE COMPONENTS OF THE ARMED FORCES.

Section 12102(b) of title 10, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) that person has met the citizenship or residency requirements established in section 504(b)(1) of this title; or

“(2) that person is authorized to enlist by the Secretary concerned under section 504(b)(2) of this title.”.
SEC. 514. AUTHORITY FOR CERTAIN AIR FORCE RESERVE COMPONENT PERSONNEL TO PROVIDE TRAINING AND INSTRUCTION REGARDING PILOT INSTRUCTOR TRAINING.

(a) Authority.—

(1) In general.—During fiscal year 2016, the Secretary of the Air Force may authorize personnel described in paragraph (2) to provide training and instruction regarding pilot instructor training to the following:

(A) Members of the Armed Forces on active duty.

(B) Members of foreign military forces who are in the United States.

(2) Personnel.—The personnel described in this paragraph are the following:

(A) Members of the reserve components of the Air Force on active Guard and Reserve duty (as that term is defined in section 101(d) of title 10, United States Code) who are not otherwise authorized to conduct the training described in paragraph (1) due to the limitations in section 10216 of title 10, United States Code.

(B) Members of the Air Force who are military technicians (dual status) who are not
otherwise authorized to conduct the training de-
scribed in paragraph (1) due to the limitations
in section 328(b) of title 32, United States
Code

(3) LIMITATION.—The total number of per-
sonnel described in paragraph (2) who may provide
training and instruction under the authority in para-
graph (1) at any one time may not exceed 50.

(4) FEDERAL TORT CLAIMS ACT.—Members of
the uniformed services described in paragraph (2)
who provide training and instruction pursuant to the
authority in paragraph (1) shall be covered by the
Federal Tort Claims Act for purposes of any claim
arising from the employment of such individuals
under that authority.

(b) REPORT.—Not later than 180 days after the date
of the enactment of this Act, the Secretary of the Air
Force shall submit to the Committees on Armed Services
of the Senate and the House of Representatives a report
setting forth a plan to eliminate pilot instructor shortages
within the Air Force using authorities available to the Sec-
retary under current law.
Subtitle C—General Service Authorities

SEC. 521. DUTY REQUIRED FOR ELIGIBILITY FOR PRESEPARATION COUNSELING FOR MEMBERS BEING DISCHARGED OR RELEASED FROM ACTIVE DUTY.

(a) Requirement for 180 Continuous Days of Active Duty Service for Eligibility.—Subparagraph (A) of section 1142(a)(4) of title 10, United States Code, is amended by inserting “continuous” after “first 180”.

(b) Exclusion of Training From Periods of Active Duty.—Such section is further amended by adding at the end the following new subparagraph:

“(C) For purposes of subparagraph (A), the term ‘active duty’ does not include full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned.”.
SEC. 522. EXPANSION OF PILOT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

Section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. prec. 701 note) is amended by striking subsections (b) and (c).

SEC. 523. SENSE OF SENATE ON DEVELOPMENT OF GENDER-NEUTRAL OCCUPATIONAL STANDARDS FOR OCCUPATIONAL ASSIGNMENTS IN THE ARMED FORCES.

(a) FINDING.—The Senate remains interested in the integration of women into the combat arms of the Armed Forces and the development of gender-neutral occupational standards for occupational assignments in the Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the development of gender-neutral occupational standards is vital in determining the occupational assignments of all members of the Armed Forces;

(2) studies being conducted by the Armed Forces are important to the development of these standards and should incorporate the best scientific practices available; and
(3) the Armed Forces should consider such studies on these standards carefully in order to ensure that—

(A) such studies do not result in unnecessary barriers to service in the Armed Forces; and

(B) all decisions on occupational assignments in the Armed Forces—

(i) are based on an objective analysis of the tasks required to perform the occupational assignment concerned; and

(ii) do not negatively impact the required combat capabilities of the Armed Forces, including units whose primary mission is to engage in direct combat at the tactical level.

Subtitle D—Member Education and Training

PART I—EDUCATIONAL ASSISTANCE REFORM

SEC. 531. LIMITATION ON TUITION ASSISTANCE FOR OFF-DUTY TRAINING OR EDUCATION.

Section 2007(a) of title 10, United States Code, is amended by inserting “, but only if the Secretary determines that such education or training is likely to con-
tribute to the member’s professional development” after “during the member’s off-duty periods”.

SEC. 532. TERMINATION OF PROGRAM OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) In General.—Chapter 1607 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 16167. Sunset

“(a) Sunset.—The authority to provide educational assistance under this chapter shall terminate on the date that is four years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016.

“(b) Limitation on Provision of Assistance Pending Sunset.—Notwithstanding any other provision of this chapter, during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016 and ending on the date that is four years after the date of the enactment of that Act, educational assistance may be provided under this chapter only to a member otherwise eligible for educational assistance under this chapter who received educational assistance under this chapter for a course of study at an educational institution for the enrollment period at the edu-
cational institution that immediately preceded the date of
the enactment of that Act.’’.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of chapter 1607 of such title is amended
by adding at the end the following new item:

‘‘16167. Sunset.’’.

SEC. 533. REPORTS ON EDUCATIONAL LEVELS ATTAINED
BY CERTAIN MEMBERS OF THE ARMED
FORCES AT TIME OF SEPARATION FROM THE
ARMED FORCES.

(a) ANNUAL REPORTS REQUIRED.—Each Secretary
concerned shall submit to Congress each year a report on
the educational levels attained by members of the Armed
Forces described in subsection (b) under the jurisdiction
of such Secretary who separated from the Armed Forces
during the preceding year.

(b) COVERED MEMBERS.—The members of the
Armed Forces described in this subsection are members
of the Armed Forces who transferred unused education
benefits to family members pursuant to section 3319 of
title 38, United States Code, while serving as members
of the Armed Forces.

(c) SECRETARY CONCERNED DEFINED.—In this sec-
tion, the term ‘‘Secretary concerned’’ has the meaning
given that term in section 101 of title 38, United States
Code.
SEC. 534. SENSE OF CONGRESS ON TRANSFERABILITY OF
UNUSED EDUCATION BENEFITS TO FAMILY
MEMBERS.

(a) IN GENERAL.—It is the sense of Congress that each Secretary concerned should—

(1) exercise the authority in section 3319(a) of title 38, United States Code, relating to the transferability of unused education benefits to family members, in a manner that encourages the retention of individuals in the Armed Forces; and

(2) be more selective in permitting such transferability.

(b) DEFINITIONS.—In this section, the terms “Armed Forces” and “Secretary concerned” have the meaning given such terms in section 101 of title 38, United States Code.

SEC. 535. NO ENTITLEMENT TO UNEMPLOYMENT INSURANCE WHILE RECEIVING POST-9/11 EDUCATION ASSISTANCE.

Section 8525(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “or” after the semicolon;

(2) in paragraph (2), by striking the period and inserting “; or”; and
(3) by adding at the end the following new paragraph:

“(3) an educational assistance allowance under chapter 33 of title 38.”.

PART II—OTHER MATTERS

SEC. 536. REPEAL OF STATUTORY SPECIFICATION OF MINIMUM DURATION OF IN-RESIDENT INSTRUCTION FOR COURSES OF INSTRUCTION OFFERED AS PART OF PHASE II JOINT PROFESSIONAL MILITARY EDUCATION.

(a) Repeal of Statutory Requirement for In-Resident Instruction.—Section 2154(a)(2)(A) of title 10, United States Code, is amended by striking “taught in residence at” and inserting “offered through”.

(b) Repeal of Statutory Durational Minimum.—

(1) Repeal.—Section 2156 of such title is repealed.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 107 of such title amended by striking the item relating to section 2156.
SEC. 537. QUALITY ASSURANCE OF CERTIFICATION PROGRAMS AND STANDARDS FOR PROFESSIONAL CREDENTIALS OBTAINED BY MEMBERS OF THE ARMED FORCES.


(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) QUALITY ASSURANCE OF CERTIFICATION PROGRAMS AND STANDARDS.—(1) Commencing not later than three years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, each Secretary concerned shall ensure that any credentialing program used in connection with the program under subsection (a) is accredited by an accreditation body that meets the requirements specified in paragraph (2).

“(2) The requirements for accreditation bodies specified in this paragraph are requirements that an accreditation body—
“(A) be an independent body that has in place mechanisms to ensure objectivity and impartiality in its accreditation activities;

“(B) meet a recognized national or international standard that directs its policy and procedures regarding accreditation;

“(C) apply a recognized national or international certification standard in making its accreditation decisions regarding certification bodies and programs;

“(D) conduct on-site visits, as applicable, to verify the documents and records submitted by credentialing bodies for accreditation;

“(E) have in place policies and procedures to ensure due process when addressing complaints and appeals regarding its accreditation activities;

“(F) conduct regular training to ensure consistent and reliable decisions among reviewers conducting accreditations; and

“(G) meet such other criteria as the Secretary concerned considers appropriate in order to ensure quality in its accreditation activities.”.
SEC. 538. SUPPORT FOR ATHLETIC PROGRAMS OF THE
UNITED STATES MILITARY ACADEMY.

(a) In general.—Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 4362. Support of athletic and physical fitness programs

“(a) Authority.—

“(1) Contracts and cooperative agreements.—The Secretary of the Army may enter into contracts and cooperative agreements with the Army West Point Athletic Association for the purpose of supporting the athletic and physical fitness programs of the Academy. Notwithstanding section 2304(k) of this title, the Secretary may enter such contracts or cooperative agreements on a sole source basis pursuant to section 2304(c)(5) of this title. Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the Academy.

“(2) Financial controls.—(A) Before entering into a contract or cooperative agreement under paragraph (1), the Secretary shall ensure that such contract or agreement includes appropriate financial controls to account for Academy and Association re-
sources in accordance with accepted accounting principles.

“(B) Any such contract or cooperative agreement shall contain a provision that allows the Secretary, at the Secretary’s discretion, to review the financial accounts of the Association to determine whether the operations of the Association—

“(i) are consistent with the terms of the contract or cooperative agreement; and

“(ii) will not compromise the integrity or appearance of integrity of any program of the Department of the Army.

“(3) Leases.—Section 2667(h) of this title shall not apply to any leases the Secretary may enter into with the Association for the purpose of supporting the athletic and physical fitness programs of the Academy.

“(b) Support Services.—

“(1) Authority.—To the extent required by a contract or cooperative agreement under subsection (a), the Secretary may provide support services to the Association while the Association conducts its support activities at the Academy. The Secretary may provide support services described in paragraph (2) only if the Secretary determines that the provi-
sion of such services is essential for the support of the athletic and physical fitness programs of the Academy.

“(2) SUPPORT SERVICES DEFINED.—(A) In this subsection, the term ‘support services’ includes utilities, office furnishings and equipment, communications services, records staging and archiving, audio and video support, and security systems in conjunction with the leasing or licensing of property.

“(B) Such term includes—

“(i) housing for Association personnel on United States Army Garrison, West Point, New York; and

“(ii) enrollment of dependents of Association personnel in elementary and secondary schools under the same criteria applied to dependents of Federal employees under section 2164(a) of this title, except that educational services provided pursuant to this clause shall be provided on a reimbursable basis.

“(3) NO LIABILITY OF THE UNITED STATES.—Any such support services may only be provided without any liability of the United States to the Association.

“(c) ACCEPTANCE OF SUPPORT.—
“(1) Support received from the Association.—Notwithstanding section 1342 of title 31, the Secretary may accept from the Association funds, supplies, and services for the support of the athletic and physical fitness programs of the Academy. For the purposes of this section, employees or personnel of the Association may not be considered to be employees of the United States.

“(2) Funds received from NCAA.—The Secretary may accept funds from the National Collegiate Athletic Association to support the athletic and physical fitness programs of the Academy.

“(3) Limitation.—The Secretary shall ensure that contributions under this subsection and expenditure of funds pursuant to subsection (e) do not reflect unfavorably on the ability of the Department of the Army, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or compromise the integrity or appearance of integrity of any program of the Department of the Army, or any individual involved in such a program.

“(d) Trademarks and Service Marks.—

“(1) Licensing, marketing, and sponsorship agreements.—An agreement under sub-
section (a) may, consistent with section 2260 of this title (other than subsection (d) of such section), authorize the Association to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Academy, subject to the approval of the Secretary of the Army.

“(2) LIMITATIONS.—No licensing, marketing, or sponsorship agreement may be entered into under paragraph (1) if—

“(A) such agreement would reflect unfavorably on the ability of the Department of the Army, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

“(B) the Secretary determines that the use of the trademark or service mark would compromise the integrity or appearance of integrity of any program of the Department of the Army, or any individual involved in such a program.

“(e) RETENTION AND USE OF FUNDS.—

“(1) IN GENERAL.—Any funds received by the Secretary under this section other than money rentals received for property leased pursuant to section
2667 of this title shall be used by the Academy for
one or more of the following purposes:

“(A) To benefit participating cadets.

“(B) To enhance the ability of the Acad-
emy to compete against other colleges and uni-
versities.

“(2) Availability of Funds.—Funds de-
scribed in paragraph (1) shall remain available until
expended.

“(f) Service on Association Board of Direc-
tors.—The Association is a designated entity for which
authorization under sections 1033(a) and 1589(a) of this
title may be provided.

“(g) Conditions.—The authority provided in this
section with respect to the Association is available only
so long as the Association continues—

“(1) to qualify as a nonprofit organization
under section 501(c)(3) of the Internal Revenue
Code of 1986 and operates in accordance with this
section, the law of the State of New York, and the
constitution and bylaws of the Association; and

“(2) to operate exclusively to support the ath-
etic and physical fitness programs of the Academy.
“(h) ASSOCIATION DEFINED.—In this section, the term ‘Association’ means the Army West Point Athletic Association.’’.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 403 of such title is amended by adding at the end the following new item:

‘‘4362. Support of athletic and physical fitness programs.’’.

SEC. 539. ONLINE ACCESS TO THE HIGHER EDUCATION COMPONENT OF THE TRANSITION ASSISTANCE PROGRAM.

(a) NOTICE TO PROGRAM PARTICIPANTS OF AVAILABILITY OF COMPONENT ONLINE THROUGH THE DEPARTMENT OF DEFENSE.—If a member of the Armed Forces, veteran, or dependent requests a certificate of eligibility from the Secretary of Veterans Affairs to prove the eligibility of the member, veteran, or dependent, as the case may be, for educational assistance under chapter 33 of title 38, United States Code, the Secretary shall notify the member, veteran, or dependent of the availability of the higher education component of the Transition Assistance Program (TAP) on the Transition GPS Stand-alone Training Internet website of the Department of Defense.

(b) AVAILABILITY OF COMPONENT ONLINE THROUGH THE DEPARTMENT OF VETERANS AFFAIRS.—
(1) IN GENERAL.—The Secretary of Defense shall, in collaboration with the Secretary of Veterans Affairs, assess the feasibility of—

(A) providing access for veterans and dependents to the higher education component of the Transition Assistance Program on the eBenefits Internet website of the Department of Veterans Affairs; and

(B) tracking the completion of that component through that Internet website.

(2) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report setting forth a description of the cost and length of time required to provide access and begin tracking completion of the higher education component of the Transition Assistance Program as described in paragraph (1).

Subtitle E—Military Justice

SEC. 546. MODIFICATION OF RULE 304 OF THE MILITARY RULES OF EVIDENCE RELATING TO THE CORROBORATION OF A CONFESSION OR ADMISSION.

Not later than 180 days after the date of the enactment of this Act, Rule 304(c) of the Military Rules of Evidence shall be modified as follows:
(1) To provide that an admission or a confession of the accused may be considered as evidence against the accused on the question of guilt or innocence only if independent evidence, either direct or circumstantial, has been admitted into evidence which would tend to establish the trustworthiness of the admission or confession.

(2) To provide that not every element or fact contained in the admission or confession must be independently proven for the admission or confession to be admitted into evidence in its entirety.

(3) To strike the rule that if independent evidence raises an inference of the truth of some but not all of the essential facts admitted, the confession or admission may be considered as evidence against the accused only with respect to those essential facts stated in the confession or admission that are corroborated by the independent evidence.

(4) With respect to the quantum of evidence needed to establish corroboration, to provide that the independent evidence need raise only an inference of the truth of the admission or confession.
SEC. 547. MODIFICATION OF RULE 104 OF THE RULES FOR COURTS-MARTIAL TO ESTABLISH CERTAIN PROHIBITIONS CONCERNING EVALUATIONS OF SPECIAL VICTIMS' COUNSEL.

Not later than 180 days after the date of the enactment of this Act, Rule 104(b) of the Rules for Courts-Martial shall be modified to provide that the prohibitions concerning evaluations established by that Rule shall apply to the giving of a less favorable rating or evaluation to any member of the Armed Forces serving as a Special Victims' Counsel because of the zeal with which such counsel represented a victim.

SEC. 548. RIGHT OF VICTIMS OF OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE TO TIMELY DISCLOSURE OF CERTAIN MATERIALS AND INFORMATION IN CONNECTION WITH PROSECUTION OF OFFENSES.

Section 806b(a) of title 10, United States Code (article 6b(a) of the Uniform Code of Military Justice), is amended—

(1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) The right to the timely disclosure by trial counsel to the victim (or the Special Victims’ Coun-
sel of the victim if the victim is so represented) of
the following:

“(A) Any charges and specifications re-
lated to the offense.

“(B) Any motions filed by trial counsel or
defense counsel in connection with the court-
martial of the offense, unless otherwise pro-
tected from disclosure.

“(C) All statements by the accused related
to the offense.

“(D) Any statement by the victim in con-
nection with the offense that is in the posses-
sion of the government.

“(E) Any portions relating to the victim in
any report of an investigation of the offense
that is in the possession of the government.

“(F) In the event the staff judge advocate
advises pursuant to section 834 of this title (ar-
ticle 34) that any charge or specification in con-
nection with the offense not be referred for
trial, the advice making such recommendation,
with such advice to be so provided before the
convening authority acts on the advice.”.
SEC. 549. ENFORCEMENT OF CERTAIN CRIME VICTIMS’ RIGHTS BY THE COURT OF CRIMINAL APPEALS.

Section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (e) the following new subsection (d):

“(d) ENFORCEMENT OF CERTAIN RIGHTS BY COURT OF CRIMINAL APPEALS.—(1)(A) If the victim of an offense under this chapter believes that a preliminary hearing ruling under section 832 of this title (article 32), or a court-martial ruling, violates the victim’s rights afforded by a section (article) or rule specified in paragraph (2), the victim may file an interlocutory appeal of such ruling by petitioning the Court of Criminal Appeals for an order to require the judge advocate conducting such preliminary hearing, or the court-martial, as the case may be, to comply with the section (article) or rule, as applicable.

“(B) A victim of an offense under this chapter who is subject to an order to submit to a deposition notwithstanding the fact that the victim shall be available to testify at the court-martial of the offense may file an interlocutory appeal of such order by petitioning the Court of Criminal Appeals for an order to quash such order.
“(C) The Court of Criminal Appeals shall provide a de novo review of the question or questions raised by a petition filed under this paragraph. A single judge or panel of judges shall take up and decide the petition within 72 hours after the petition is filed.

“(2) Paragraph (1)(A) applies with respect to the protections afforded by the following:

“(A) This section (article).

“(B) Military Rule of Evidence 412, relating to the admission of evidence regarding a victim’s sexual background.

“(C) Military Rule of Evidence 513, relating to the psychotherapist-patient privilege.

“(D) Military Rule of Evidence 514, relating to the victim advocate-victim privilege.

“(E) Military Rule of Evidence 615, relating to the exclusion of witnesses.

“(3) The proceedings of a preliminary hearing under section 832 of this title (article 32), or a court-martial, may not be stayed or subject to a continuance of more than five days for purposes of enforcing this subsection. If the Court of Criminal Appeals denies the relief sought, the reasons for the denial shall be clearly stated on the record in a written opinion.”.
SEC. 550. RELEASE TO VICTIMS UPON REQUEST OF COMPLETE RECORD OF PROCEEDINGS AND TESTIMONY OF COURTS-MARTIAL IN CASES IN WHICH SENTENCES ADJUDGED COULD INCLUDE PUNITIVE DISCHARGE.

(a) In General.—Section 854(e) of title 10, United States Code (article 54(e) of the Uniform Code of Military Justice), is amended—

(1) by inserting “(1)” after “(e)”;

(2) in paragraph (1), as so designated, by inserting “or the victim requests such records” before the period at the end of the first sentence; and

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

“(2) In the case of a general or special court-martial involving an offense (other than an offense covered by paragraph (1)) for which the sentence as adjudged could include punitive discharge from the armed forces, a copy of all prepared records of the proceedings of the court-martial shall be given to the victim of the offense if the victim requests such records.

“(3) Records given to a victim under this subsection at the request of the victim in a case where the court-martial concerned resulted in the acquittal of the accused may include restrictions on release or use of such records.
or information in such records in order to protect the privacy or other interests of the accused.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to courts-martial first convened on or after that date.

SEC. 551. REPRESENTATION AND ASSISTANCE OF VICTIMS BY SPECIAL VICTIMS’ COUNSEL IN QUESTIONING BY MILITARY CRIMINAL INVESTIGATORS.

Section 1044e(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) In carrying out paragraph (1), a military criminal investigator seeking to question an individual eligible for the assistance of a Special Victims’ Counsel under this section shall inform the individual of the individual’s right to be represented by a Special Victims’ Counsel in connection with such questioning.

“(B) If an individual described in subparagraph (A) requests representation by a Special Victims’ Counsel in connection with questioning described in that subpara-
“(i) a Special Victims’ Counsel shall represent and assist the individual during and in connection with such questioning;

“(ii) the military criminal investigator shall contact and question the individual only through the Special Victims’ Counsel representing the individual; and

“(iii) the military criminal investigation may not contact or question the individual without the consent of such Special Victims’ Counsel.

“(C) Nothing in this paragraph confers any right on an accused under investigation.

“(D) A violation of this paragraph shall not be a basis for the suppression of any statement of an individual described in subparagraph (A), or derivative evidence of such a statement, in a proceeding against a person accused with committing an offense against such individual.”.

SEC. 552. AUTHORITY OF SPECIAL VICTIMS’ COUNSEL TO PROVIDE LEGAL CONSULTATION AND ASSISTANCE IN CONNECTION WITH VARIOUS GOVERNMENT PROCEEDINGS.

Section 1044e(b) of title 10, United States Code, is amended—
(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

“(9) Legal consultation and assistance in connection with—

“(A) any complaint against the Government, including an allegation under review by an inspector general and a complaint regarding equal employment opportunities;

“(B) any request to the Government for information, including a request under section 552a of title 5 (commonly referred to as a 'Freedom of Information Act request'); and

“(C) any correspondence or other communications with Congress.”.

SEC. 553. ENHANCEMENT OF CONFIDENTIALITY OF RESTRICTED REPORTING OF SEXUAL ASSAULT IN THE MILITARY.

(a) Preemption of State Law to Ensure Confidentiality of Reporting.—Subsection (b) of section 1565b of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) In the case of information disclosed pursuant to paragraph (1), any State law or regulation that would re-
quire an individual specified in paragraph (2) to disclose
the personally identifiable information of the adult victim
or alleged perpetrator of the sexual assault to a State or
local law enforcement agency shall not apply, except when
reporting is necessary to prevent or mitigate a serious and
imminent threat to the health or safety of an individual.”.

(b) **Clarification of Scope.**—Paragraph (1) of
such subsection is amended by striking “a dependent” and
inserting “an adult dependent”.

(c) **Definitions.**—Such section is further amended
by adding at the end the following new subsection:

“(c) **Definitions.**—In this section:

“(1) **Sexual Assault.**—The term ‘sexual ass-
ault’ includes the offenses of rape, sexual assault,
forcible sodomy, aggravated sexual contact, abusive
sexual contact, and attempts to commit such of-
fenses, as punishable under applicable Federal or
State law.

“(2) **State.**—The term ‘State’ includes the
District of Columbia, the Commonwealth of Puerto
Rico, the Commonwealth of the Northern Mariana
Islands, and any territory or possession of the
United States.”.
SEC. 554. ESTABLISHMENT OF OFFICE OF COMPLEX INVESTIGATIONS WITHIN THE NATIONAL GUARD BUREAU.

(a) IN GENERAL.—Chapter 1101 of title 10, United States Code, is amended by adding at the end the following new section:

§ 10509. Office of Complex Investigations

(a) IN GENERAL.—There is in the National Guard Bureau an Office of Complex Investigations (in this section referred to as the ‘Office’) under the authority, direction, and control of the Chief of the National Guard Bureau.

(b) DISPOSITION AND FUNCTIONS.—The Office shall be organized, trained, equipped, and managed to conduct administrative investigations in order to assist the States in the organization, maintenance, and operation of the National Guard as follows:

(1) In investigations of allegations of sexual assault involving members of the National Guard.

(2) In investigations in circumstances involving members of the National Guard in which other law enforcement agencies within the Department of Defense do not have, or have limited, jurisdiction or authority to investigate.

(3) In investigations in such other circumstances involving members of the National
Guard as the Chief of the National Guard Bureau may direct.

“(c) Scope of Investigative Authority.—Individuals performing investigations described in subsection (b)(1) are authorized—

“(1) to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the applicable establishment which relate to programs and operations with respect to the National Guard; and

“(2) to request such information or assistance as may be necessary for carrying out those duties from any Federal, State, or local governmental agency or unit thereof.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 1101 of such title is amended by adding at the end the following new item:

“10509. Office of Complex Investigations.”.

SEC. 555. MODIFICATION OF DEADLINE FOR ESTABLISHMENT OF DEFENSE ADVISORY COMMITTEE ON INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT IN THE ARMED FORCES.

1 10 U.S.C. 1561 note) is amended by striking “not later
2 than” and all that follows and inserting “not later than
3 90 days after the date of the enactment of the National
4 Defense Authorization Act for Fiscal Year 2016.”.

5 SEC. 556. COMPTROLLER GENERAL OF THE UNITED
6 STATES REPORTS ON PREVENTION AND RE-
7 SPONSE TO SEXUAL ASSAULT BY THE ARMY
8 NATIONAL GUARD AND THE ARMY RESERVE.

9 (a) INITIAL REPORT.—Not later than April 1, 2016,
10 the Comptroller General of the United States shall submit
11 to Congress a report on the preliminary assessment of the
12 Comptroller General (made pursuant to a review con-
13 ducted by the Comptroller General for purposes of this
14 section) of the extent to which the Army National Guard
15 and the Army Reserve—

16 (1) have in place policies and programs to pre-
17 vent and respond to incidents of sexual assault in-
18 volving members of the Army National Guard or the
19 Army Reserve, as applicable;

20 (2) provide medical and mental health care
21 services to members of the Army National Guard or
22 the Army Reserve, as applicable, following a sexual
23 assault; and

24 (3) have identified whether the nature of service
25 in the Army National Guard or the Army Reserve,
as the case may be, poses challenges to the prevention of or response to sexual assault.

(b) ADDITIONAL REPORTS.—If after submitting the report required by subsection (a) the Comptroller General makes additional assessments as a result of the review described in that subsection, the Comptroller General shall submit to Congress such reports on such additional assessments as the Comptroller General considers appropriate.

SEC. 557. SENSE OF CONGRESS ON THE SERVICE OF MILITARY FAMILIES AND ON SENTENCING RETIREMENT-ELIGIBLE MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) Military families serve alongside their member of the Armed Forces, enduring hardships, lending support, and contributing to the member’s career. These family members endure frequent moves, long periods of separation, and other unique hardships associated with military life.

(2) Innocent family members are sometimes inadvertently punished when the member they depend on forfeits retirement benefit eligibility due to a court-martial sentence.
(3) When a retirement-eligible member forfeits retirement eligibility, that member’s innocent family members lose the security of benefits they had planned for and helped earn.

(4) Military juries may choose to impose unjustly light sentences on convicted members out of concern for the innocent family members when a just sentence would require stripping the member of retirement eligibility.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that military juries should not face the difficult choice between imposing a fair sentence or protecting the benefits of a member of the Armed Forces for the sake of innocent family members;

(2) that innocent military family members of retirement-eligible members should not be made to forgo benefits they have sacrificed for and helped to earn; and

(3) to welcome the opportunity to work with the Department of Defense to develop the necessary laws and regulations to improve the military justice system and to protect the benefits that military families have helped earn.
Subtitle F—Defense Dependents
   Education and Military Family Readiness

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL
   EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED
   FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
   amount authorized to be appropriated for fiscal year 2016 by section 301 and available for operation and mainte-
   nance for Defense-wide activities as specified in the funding table in section 4301, $25,000,000 shall be available
   only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of

(b) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term “local educational agency” has the
   meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C.
   7713(9)).
SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2016 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 563. AUTHORITY TO USE APPROPRIATED FUNDS TO SUPPORT DEPARTMENT OF DEFENSE STUDENT MEAL PROGRAMS IN DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS LOCATED OUTSIDE THE UNITED STATES.

(a) AUTHORITY.—Section 2243 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “the defense dependents’ education system” and inserting “overseas defense dependents’ schools”; and

(B) by striking “students enrolled in that system” and inserting “students enrolled in such a school”;
(2) in subsection (d), by striking “Department of Defense dependents’ schools which are located outside the United States” and inserting “overseas defense dependents’ schools”; and

(3) by adding at the end the following new subsection:

“(e) Overseas Defense Dependents’ School Defined.—In this section, the term ‘overseas defense dependents’ school’ means the following:

“(1) A school established as part of the defense dependents’ education system provided for under the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921 et seq.).

“(2) An elementary or secondary school established pursuant to section 2164 of this title that is located in a territory, commonwealth, or possession of the United States.”.

(b) Conforming Amendments.—

(1) Heading Amendment.—The heading of such section is amended by inserting “defense” after “overseas”.

(2) Table of Sections.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended in the item relating to section 2243 by inserting “defense” after “overseas”.
SEC. 564. BIENNIAL SURVEYS OF MILITARY DEPENDENTS ON MILITARY FAMILY READINESS MATTERS.

(a) Biennial Surveys Required.—The Director of the Office of Family Policy of the Department of Defense shall undertake every other year a survey of adult dependents of members of the Armed Forces on the matters specified in subsection (b). Participation by dependents in the survey shall be voluntary.

(b) Matters.—The matters specified in this subsection are the following:

(1) Mental health of dependents of members of the Armed Forces.

(2) Incidence of suicide and suicidal ideation among dependents of members of the Armed Forces.

(3) Incidence of divorce among dependents of members of the Armed Forces.

(4) Incidence of spousal abuse, child abuse, sexual assault, and harassment among dependents of members of the Armed Forces.

(5) Financial health and financial literacy of military families.

(6) Employment and education of dependents of members of the Armed Forces.

(7) Adequacy and availability of child care for dependents of members of the Armed Forces.

(8) Quality of programs for military families.
(9) Such other matters relating to military family readiness as the Director considers appropriate.

Subtitle G—Miscellaneous Reporting Requirements

SEC. 571. EXTENSION OF SEMIANNUAL REPORTS ON THE INVOLUNTARY SEPARATION OF MEMBERS OF THE ARMED FORCES.

Section 525(a) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1724) is amended by striking “calendar years 2013 and 2014” and “each of calendar years 2013 through 2017”.

SEC. 572. REMOTELY PILOTED AIRCRAFT CAREER FIELD MANNING SHORTFALLS.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for operation and maintenance for the Office of the Secretary of the Air Force, not more than 85 percent may be obligated or expended until a period of 15 days has elapsed following the date on which the Secretary of the Air Force submits to the congressional defense committees the report described in subsection (b).

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Air Force shall submit to the congressional de-
fense committees a report on remotely piloted aircraft career field manning levels and actions the Air Force will take to rectify personnel shortfalls.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A description of current and projected manning requirements and inventory levels for remotely piloted aircraft systems.

(B) A description of rated and non-rated officer and enlisted manning policies for authorization and inventory levels in effect for remotely piloted aircraft systems and units, to include whether remotely piloted aircraft duty is considered as a permanent Air Force Specialty Code or treated as an ancillary single assignment duty, and if both are used, the division of authorizations between permanently assigned personnel and those who will return to a different primary career field.

(C) Comparisons to other Air Force manned combat aircraft systems and units with respect to personnel policies, manpower authorization levels, and projected personnel inventory.
(D) Identification and assessment of mitigation actions to increase unit manning levels, including recruitment and retention bonuses, incentive pay, use of enlisted personnel, and increased weighting to remotely piloted aircraft personnel on promotion boards, and to ensure the school house for remotely piloted aircraft personnel is sufficient to meet increased manning demands.

(E) Analysis demonstrating the requirements determination for how remotely piloted aircraft pilot and sensor operators are selected, including whether individuals are prior rated or non-rated qualified, what prerequisite training or experience is necessary, and required and types of basic and advanced qualification training for each mission design series of remotely piloted aircraft in the Air Force inventory.

(F) Recommendations for changes to existing legislation required to implement mitigation actions.

(G) An assessment of the authorization levels of government civilian and contractor support required for sufficiency of remotely piloted aircraft career field manning.
(H) A description and associated timeline of actions the Air Force will take to increase remotely piloted aircraft career field manpower authorizations and manning levels to at least the equal of the normative levels of manning and readiness of all other combat aircraft career fields.

(I) A description of any other matters concerning remotely piloted aircraft career field manning levels the Secretary of the Air Force determines to be appropriate.

(3) FORM.—The report required under paragraph (1) may be submitted in classified form, but shall also contain an unclassified executive summary and may contain an unclassified annex.

(4) NONDUPLICATION OF EFFORT.—If any information required under paragraph (1) has been included in another report or notification previously submitted to Congress by law, the Secretary of the Air Force may provide a list of such reports and notifications at the time of submitting the report required under this subsection in lieu of including such information in the report.
Subtitle H—Other Matters

PART I—FINANCIAL LITERACY AND PREPAREDNESS OF MEMBERS OF THE ARMED FORCES

SEC. 581. IMPROVEMENT OF FINANCIAL LITERACY AND PREPAREDNESS OF MEMBERS OF THE ARMED FORCES.

(a) In General.—Section 992 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking “CONSUMER EDUCATION” and inserting “FINANCIAL LITERACY TRAINING”;

(B) in paragraph (1), by striking “education” in the matter preceding subparagraph (A) and inserting “financial literacy training”;

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “as”;

(ii) in subparagraph (A)—

(I) by inserting “as” before “a component”;

(II) by striking “orientation”; and

(III) by striking “and” after the semicolon;
(iii) by redesignating subparagraph (B) as subparagraph (J); and

(iv) by inserting after subparagraph (A) the following new subparagraphs:

“(B) upon arrival at the first duty station;

“(C) upon arrival at each duty station following the first duty station in the case of each member in pay grade E–4 or below or in pay grade O–3 or below;

“(D) on the date of promotion, in the case of each member in pay grade E–5 or below or in pay grade O–4 or below;

“(E) when the member vests in the Thrift Savings Plan (TSP);

“(F) at each major life event during the member’s service, such as—

“(i) marriage;

“(ii) divorce;

“(iii) birth of first child; or

“(iv) disabling sickness or condition;

“(G) during leadership training;

“(H) during pre-deployment training and during post-deployment training;

“(I) at transition points in military service, such as—
“(i) transition from a regular component to a reserve component;
“(ii) separation from service; or
“(iii) retirement; and”; and
(v) in subparagraph (J), as redesignated by clause (iii), by inserting “as” before “a component”;
(D) in paragraph (3), by striking “(2)(B)” and inserting “(2)(J)”;
and
(E) by adding at the end the following new paragraph:
“(4) The Secretary concerned shall prescribe regulations setting forth any additional events and circumstances (other than those described in paragraph (2)) for which the Secretary determines that training under this subsection shall be required.”.
(b) Financial Literacy and Preparedness Survey.—Such section is further amended—
(1) by redesignating subsection (d) as subsection (e); and
(2) by inserting after subsection (e) the following new subsection (d):
“(d) Financial Literacy and Preparedness Survey.—(1) The Director of the Defense Manpower Data Center shall annually include in the status of forces
survey a survey of the status of the financial literacy and preparedness of members of the armed forces.

“(2) The results of the annual financial literacy and preparedness survey—

“(A) shall be used by each of the Secretaries concerned as a benchmark to evaluate and update training provided under this section; and

“(B) shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives.”.

(c) ADDITIONAL FINANCIAL SERVICES COVERED BY LITERACY TRAINING.—Subsection (e) of such section, as redesignated by subsection (b)(1) of this section, is amended by adding at the end the following new paragraph:

“(4) Health insurance, budget management, Thrift Savings Plan (TSP), retirement lump sum payments (including rollover options and tax consequences), and Survivor Benefit Plan (SBP).”.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

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

“§ 992. Financial literacy training: financial services”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 50 of such title is
amended by striking the item related to section 992 and inserting the following new item:

“992. Financial literacy training: financial services.”.

SEC. 582. FINANCIAL LITERACY TRAINING WITH RESPECT TO CERTAIN FINANCIAL SERVICES FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) In general.—The Secretary concerned shall provide the financial literacy training under section 992 of title 10, United States Code, for the financial services described in paragraph (4) of section 992(e) of such title (as amended and added by section 581 of this Act) to members of the uniformed services under the jurisdiction of such Secretary commencing not later than six months after the date of the enactment of this Act.

(b) Definitions.—In this section, the terms “uniformed services” and “Secretary concerned” have the meaning given such terms in section 101(a) of title 10, United States Code.

SEC. 583. SENSE OF CONGRESS ON FINANCIAL LITERACY AND PREPAREDNESS OF MEMBERS OF THE ARMED FORCES.

It is the sense of Congress that—

(1) the Secretary of Defense should strengthen arrangements with other departments and agencies of the Federal Government, as well as with nonprofit organizations, in order to improve the financial lit-
eracy and preparedness of members of the Armed Forces; and

(2) the Chairman of the Joint Chiefs of Staff and the Chiefs of Staff of the Armed Forces should provide support for the financial literacy and preparedness training carried out under section 992 of title 10, United States Code (as amended by section 581 of this Act).

PART II—OTHER MATTERS

SEC. 586. AUTHORITY FOR APPLICATIONS FOR CORRECTION OF MILITARY RECORDS TO BE INITIATED BY THE SECRETARY CONCERNED.

Section 1552(b) of title 10, United States Code, is amended—

(1) by striking “or his heir or legal representative” and inserting “(or the claimant’s heir or legal representative) or the Secretary concerned”; and

(2) by striking “he discovers” and inserting “discovering”.

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SEC. 587. RECORDATION OF OBLIGATIONS FOR INSTALLMENT PAYMENTS OF INCENTIVE PAYS, ALLOWANCES, AND SIMILAR BENEFITS WHEN PAYMENT IS DUE.

(a) In General.—Chapter 19 of title 37, United States Code, is amended by adding at the end the following new section:

§ 1015. Recordation of installment payment obligations for incentive pays and similar benefits

“(a) In General.—In the case of any pay, allowance, bonus, or other benefit described in subsection (b) that is paid to a member of the uniformed services on an installment basis, each installment payment shall be charged to appropriations that are available for obligation at the time such payment is payable.

“(b) COVERED PAY AND BENEFITS.—Subsection (a) applies to any incentive pay, special pay, or bonus, or similar periodic payment of pay or allowances, or of educational benefits or stipends, that is paid to a member of the uniformed services under this title or title 10.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 19 of such title is amended by adding at the end the following new item:

“1015. Recordation of installment payment obligations for incentive pays and similar benefits.”.
SEC. 588. ENHANCEMENTS TO YELLOW RIBBON RE-INTEGRATION PROGRAM.

(a) SCOPE AND PURPOSE.—Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note) is amended—

(1) in subsection (a), by striking “combat veteran”; and

(2) in subsection (b), by striking “informational events and activities” and inserting “information, events, and activities”.

(b) ELIGIBILITY.—Such section is further amended—

(1) in subsection (a), by striking “National Guard and Reserve members and their families” and inserting “eligible individuals”; and

(2) in subsection (b), by striking “members of the reserve components of the Armed Forces, their families,” and inserting “eligible individuals”; and

(3) in subsection (d)(2)(C), by striking “members of the Armed Forces and their families” and inserting “eligible individuals”; and

(4) in subsection (h), in the matter preceding paragraph (1)—

(A) by striking “members of the Armed Forces and their family members” and inserting “eligible individuals”; and
(B) by striking “such members and their family members” and inserting “such eligible individuals”; (5) in subsection (j), by striking “members of the Armed Forces and their families” and inserting “eligible individuals”; (6) in subsection (k), by striking “individual members of the Armed Forces and their families” and inserting “eligible individuals”; and (7) by adding at the end the following new subsection:

“(l) ELIGIBLE INDIVIDUALS.—For the purposes of this section, the term ‘eligible individual’ means a member of a reserve component, a member of their family, or a designated representative who the Secretary of Defense determines to be eligible for the Yellow Ribbon Reintegration Program.”.

(c) OFFICE FOR REINTEGRATION PROGRAMS.—

(1) OVERSIGHT OF YELLOW RIBBON RE-INTEGRATION PROGRAM.—Paragraph (1)(A) of subsection (d) of such section is amended by striking the second and third sentence and inserting “The office shall exercise oversight over the Yellow Ribbon Reintegration Program, and shall be responsible for coordination with State National Guard and Reserve
organizations, including existing family and support
programs.”.

(2) PARTNERSHIPS TO PROVIDE QUALITY OF
LIFE SERVICES.—Paragraph (1)(B) of such sub-
section is amended by striking “substance abuse and
mental health treatment services” and inserting
“substance abuse, mental health treatment, and
other quality of life services”.

(3) GRANT AUTHORITY.—Such subsection is
further amended by adding at the end the following
new paragraph:

“(3) GRANTS.—The Office for Reintegration
Programs may make grants to conduct data collec-
tion, trend analysis, and curriculum development,
and to prepare reports, in support of activities under
this section.”.

(d) COORDINATION WITH COAST GUARD Re-
SERVE.—Such section is further amended—

(1) in subsection (d)(1)(A), by striking “and
Air Force Reserve” and inserting “Air Force Re-
serve, and Coast Guard Reserve”; and

(2) in subsection (e)(1), by striking “and Air
Force Reserve” and inserting “Air Force Reserve,
and Coast Guard Reserve”.

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(e) Due Date of Advisory Board Annual Report.—Subsection (e)(4) of such section is amended by striking “March” and inserting “April”.

(f) Support Teams.—Subsection (f) of such section is amended—

(1) in the matter preceding paragraph (1), by striking “administer the Yellow Ribbon Reintegration Program at the State level” and inserting “support and assist State National Guard and Reserve organization reintegration efforts”; and

(2) by amending paragraph (1) to read as follows:

“(1) to provide reintegration curriculum and information;”.

(g) Operation of Program.—

(1) Enhanced Flexibility.—Subsection (g) of such section is amended to read as follows:

“(g) Operation of Program.—

“(1) In General.—The Office for Reintegration Programs shall assist State National Guard and Reserve organizations with the development and provision of information, events, and activities to support the health and well-being of eligible individuals before, during, and after periods of activation, mobilization, or deployment.
“(2) Focus of information, events, and activities.—

“(A) Before activation, mobilization, or deployment.—Before such a period, the information, events, and activities described in paragraph (1) should focus on preparing eligible individuals and affected communities for the rigors of activation, mobilization, and deployment.

“(B) During activation, mobilization, or deployment.—During such a period, the information, events, and activities described in paragraph (1) should focus on—

“(i) helping eligible individuals cope with the challenges and stress associated with such period;

“(ii) decreasing the isolation of eligible individuals during such period; and

“(iii) preparing eligible individuals for the challenges associated with reintegration.

“(C) After activation, mobilization, or deployment.—After such a period, the information, events, and activities described in paragraph (1) should focus on—
“(i) reconnecting the member with
their families, friends, and communities;
“(ii) providing information on employ-
ment opportunities;
“(iii) helping eligible individuals deal
with the challenges of reintegration;
“(iv) ensuring that eligible individuals
understand what benefits they are entitled
to and what resources are available to help
them overcome the challenges of reintegration; and
“(v) providing a forum for addressing
negative behaviors related to operational
stress and reintegration.
“(3) Member Pay.—Members shall receive ap-
propriate pay for days spent attending such events
and activities.
“(4) Minimum Number of Events and Ac-
tivities.—State National Guard and Reserve orga-
nizations shall provide to eligible individuals—
“(A) one event or activity before a period
of activation, mobilization, or deployment;
“(B) one event or activity during a period
of activation, mobilization, or deployment; and
“(C) two events or activities after a period of activation, mobilization, or deployment.”.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by striking “throughout the entire deployment cycle”;

(B) in subsection (b)—

(i) in the subsection heading, by striking “; DEPLOYMENT CYCLE”; and

(ii) by striking “well-being through the 4 phases” through the end of the subsection and inserting “well-being.”;

(C) in subsection (d)(2)(C), by striking “throughout the deployment cycle described in subsection (g)”;

(D) in subsection (f), by striking “STATE DEPLOYMENT CYCLE” in the subsection heading.

(h) ADDITIONAL PERMITTED OUTREACH SERVICE.—Subsection (h) of such section is amended by adding at the end the following new paragraph:

“(16) Stress management and positive coping skills.”.
(i) SUPPORT OF DEPARTMENT-WIDE SUICIDE PREVENTION EFFORTS.—Such section is further amended by inserting after subsection (h) the following new subsection:

“(i) SUPPORT OF SUICIDE PREVENTION EFFORTS.—The Office for Reintegration Programs shall assist the Defense Suicide Prevention Office and the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury to collect and analyze information, suggestions, and best practices from State National Guard and Reserve organizations with respect to suicide prevention and community response programs.”.

(j) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (d)(1)(B), by striking “Substance Abuse and the Mental Health Services Administration” and inserting “Substance Abuse and Mental Health Services Administration”; and

(2) in subsection (e)(3)(C), by striking “Office of Reintegration Programs” and inserting “Office for Reintegration Programs”.

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SEC. 589. PRIORITY PROCESSING OF APPLICATIONS FOR
TRANSPORTATION WORKER IDENTIFICATION
CREDENTIALS FOR MEMBERS UNDERGOING
DISCHARGE OR RELEASE FROM THE ARMED
FORCES.

(a) PRIORITY PROCESSING.—The Secretary of De-
fense shall consult with the Secretary of Homeland Secu-
rity to afford a priority in the processing of applications
for a Transportation Worker Identification Credential
(TWIC) to applications submitted by members of the
Armed Forces who are undergoing separation, discharge,
or release from the Armed Forces under honorable condi-
tions, with such priority to provide for the review and ad-
judication of such an application by not later than 14 days
after submittal, unless an appeal or waiver applies or fur-
ther application documentation is necessary. The priority
shall be so afforded commencing not later than 180 days
after the date of the enactment of this Act to members
who undergo separation, discharge, or release from the
Armed Forces after the date on which the priority so com-
mences being afforded.

(b) MEMORANDUM OF UNDERSTANDING.—The Sec-
retary of Defense and the Secretary of Homeland Security
shall enter into a memorandum of understanding in con-
nection with achieving the requirement in subsection (a).
(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall jointly submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of this section. The report shall set forth the following:

(1) The memorandum of understanding required pursuant to subsection (b).

(2) A description of the number of individuals who applied for, and the number of individuals who have been issued, a Transportation Worker Identification Credential pursuant to the memorandum of understanding as of the date of the report.

(3) If any applications for a Transportation Worker Identification Credential covered by paragraph (2) were not reviewed and adjudicated within the deadline specified in subsection (a), a description of the reasons for the failure and of the actions being taken to assure that future applications for a Credential are reviewed and adjudicated within the deadline.
SEC. 590. ISSUANCE OF RECOGNITION OF SERVICE ID CARDS TO CERTAIN MEMBERS SEPARATING FROM THE ARMED FORCES.

(a) Issuance Required.—

(1) In General.—The Secretary of Defense shall issue to each covered individual a card that identifies such individual as a veteran and includes a photo of the individual and the name of the individual.

(2) Designation.—A card issued under paragraph (1) may be known as a “Recognition of Service ID Card”.

(b) Covered Individuals.—For purposes of this section, a “covered individual” is an individual who is undergoing discharge or release from the Armed Forces (other than as the result of a punitive discharge adjudicated as part of a sentence at a court-martial after the effective date of this section) on or after the effective date provided for in subsection (e).

(c) Collection of Amounts.—

(1) In General.—The Secretary may collect from civilian employees of the Department of Defense and contractor personnel of the Department who are issued a replacement card for a lost or stolen Department of Defense identification card such amount as the Secretary considers appropriate to
defray the cost of the issuance of cards under subsection (a), and to implement the issuance of cards without the assignment of additional personnel for that purpose.

(2) TREATMENT OF AMOUNTS.—The Secretary shall deposit amounts collected under this subsection to the account or accounts providing funds for the issuance of cards under subsection (a).

(d) RECOGNITION OF SERVICE ID CARDS FOR REDUCED PRICES OF SERVICES, CONSUMER PRODUCTS, AND PHARMACEUTICALS.—The Secretary of Defense may work with national retail chains that offer reduced prices on services, consumer products, and pharmaceuticals to veterans to ensure that such retail chains recognize cards issued under subsection (a) for purposes of offering reduced prices on services, consumer products, and pharmaceuticals.

(e) EFFECTIVE DATE.—This section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 591. REVISED POLICY ON NETWORK SERVICES FOR MILITARY SERVICES.

(a) ESTABLISHMENT OF POLICY.—It is the policy of the United States that the Secretary of Defense shall minimize and reduce, to the maximum extent practicable, the
number of uniformed military personnel providing network
services to military installations within the United States.

(b) **PROHIBITION.**—Except as provided in subsection
c, each military service shall be prohibited from using
uniform military personnel to provide network services to
military installations within the United States 2 years
after the date of the enactment of this Act.

c) **EXCEPTION.**—Nothing in subsection (b) shall be
construed as prohibiting the use of military personnel pro-
viding network services in support of combatant com-
mands, special operations, the intelligence community, or
the United States Cyber Command, including training for
these organizations.

d) **WAIVER.**—The Secretary of Defense or the Chief
Information Officer may waive the prohibition in sub-
section (b) if necessary for the safety of human life, pro-
tection of property, or providing network services in sup-
port of a combat operation.

e) **REPORT.**—

(1) **IN GENERAL.**—Not later than March 30,
2016, the Chief Information Officer shall submit to
the congressional defense committees a plan for the
transition of the current performance of network
services from military personnel to other means.
(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the costs of using military personnel versus other means to provide network services for the military services.

(B) An estimate of the savings of transitioning the current performance of network services from military personnel to other means.

(C) An estimate of the number of military personnel that could be reallocated for military-unique missions.

(f) VALIDATION OF COST AND SAVINGS ESTIMATES.—The report required under subsection (e) shall be validated by the Director of Cost Assessment and Program Evaluation.

SEC. 592. INCREASE IN NUMBER OF DAYS OF ACTIVE DUTY REQUIRED TO BE PERFORMED BY RESERVE COMPONENT MEMBERS FOR DUTY TO BE CONSIDERED FEDERAL SERVICE FOR PURPOSES OF UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS.

(a) INCREASE OF NUMBER OF DAYS.—Section 8521(a)(1) of title 5, United States Code, is amended by
striking “90 days” in the matter preceding subparagraph (A) and inserting “180 days”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to periods of Federal service commencing on or after that date.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2016 INCREASE IN MILITARY BASIC PAY.

(a) Waiver of Section 1009 Adjustment.—The adjustment to become effective during fiscal year 2016 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) Increase in Basic Pay.—Effective on January 1, 2016, the rates of monthly basic pay for members of the uniformed services are increased by 1.3 percent for enlisted member pay grades, warrant officer pay grades, and commissioned officer pay grades below pay grade O-7.

(e) Application of Executive Schedule Level II Ceiling on Payable Rates for General and Flag Officers.—Section 203(a)(2) of title 37, United States
Code, shall be applied for rates of basic pay payable for commissioned officers in pay grades O–7 through O–10 during calendar year 2016 by using the rate of pay for level II of the Executive Schedule in effect during 2014.

SEC. 602. MODIFICATION OF PERCENTAGE OF NATIONAL AVERAGE MONTHLY COST OF HOUSING USA- BLE IN COMPUTATION OF BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.

(a) Modification of Percentage Usable.—Section 403(b)(3)(B) of title 37, United States Code, is amended by striking “one percent” and inserting “five percent”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 2016, and shall apply with respect to computations of monthly amounts of basic allowance for housing inside the United States that occur for years beginning on or after that date.

SEC. 603. EXTENSION OF AUTHORITY TO PROVIDE TEM- PORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2015” and inserting “December 31, 2016”.

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SEC. 604. BASIC ALLOWANCE FOR HOUSING FOR MARRIED MEMBERS OF THE UNIFORMED SERVICES ASSIGNED FOR DUTY WITHIN NORMAL COMMUTING DISTANCE AND FOR OTHER MEMBERS LIVING TOGETHER.

(a) BAH FOR MARRIED MEMBERS ASSIGNED FOR DUTY WITHIN NORMAL COMMUTING DISTANCE.—Section 403 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(p) SINGLE ALLOWANCE FOR MARRIED MEMBERS ASSIGNED FOR DUTY WITHIN NORMAL COMMUTING DISTANCE.—In the event two members of the uniformed services entitled to receive a basic allowance for housing under this section are married to one another and are each assigned for duty within normal commuting distance, basic allowance for housing under this section shall be paid only to the member having the higher pay grade, or to the member having rank in grade if both members have the same pay grade, and at the rate payable for a member of such pay grade with dependents (regardless of whether or not such members have dependents).”.

(b) BAH FOR OTHER MEMBERS LIVING TOGETHER.—Such section is further amended by adding at the end the following new subsection:

“(q) REDUCED ALLOWANCE FOR MEMBERS LIVING TOGETHER.—(1) In the event two or more members of
the uniformed services who are entitled to receive a basic
allowance for housing under this section live together,
basic allowance for housing under this section shall be
paid to each such member at the rate as follows:

“(A) In the case of such a member in a pay
grade below pay grade E–4, the rate otherwise pay-
able to such member under this section.

“(B) In the case of such a member in a pay
grade above pay grade E–3, the rate equal to the
greater of—

“(i) 75 percent of the rate otherwise pay-
able to such member under this section; or

“(ii) the rate payable for a member in pay
grade E–4 without dependents.

“(2) This subsection does not apply to members cov-
ered by subsection (p).”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by
this section shall take effect on October 1, 2015,
and shall, except as provided in paragraph (2), apply
with respect to allowances for basic housing payable
for months beginning on or after that date.

(2) PRESERVATION OF CURRENT BAH FOR
MEMBERS WITH UNINTERRUPTED ELIGIBILITY FOR
BAH.—Notwithstanding any amendment made by
this section, the monthly amount of basic allowance for housing payable to a member of the uniformed services under section 403 of title 37, United States Code, as of September 30, 2015, shall not be reduced by reason of such amendment so long as the member retains uninterrupted eligibility for such basic allowance for housing within an area of the United States or within an overseas location (as applicable).

SEC. 605. REPEAL OF INAPPLICABILITY OF MODIFICATION OF BASIC ALLOWANCE FOR HOUSING TO BENEFITS UNDER THE LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) REPEAL.—Subsection (b) of section 604 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is repealed.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2016.

SEC. 606. LIMITATION ON ELIGIBILITY FOR SUPPLEMENTAL SUBSISTENCE ALLOWANCES TO MEMBERS SERVING OUTSIDE THE UNITED STATES AND ASSOCIATED TERRITORY.

Section 402a(b) of title 37, United States Code, is amended—
(1) in paragraph (1), by inserting “and paragraph (4)” after “subsection (d)”
and
(2) by adding at the end the following new paragraph:

“(4) After September 30, 2016, a member is eligible for a supplemental subsistence
allowance under this section only if the member is serving outside the United
States, the Commonwealth of Puerto Rico, the United States Virgin Islands, or Guam.”.

SEC. 607. AVAILABILITY OF INFORMATION.

In administering the supplemental nutrition assistance program established
under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the Secretary of Agri-
culture shall ensure that any safeguards that prevent the use or disclosure of
information obtained from applicant households shall not prevent the use of
that information by, or the disclosure of that information to, the Secretary
of Defense for purposes of determining the number of applicant
households that contain one or more members of a regular component or reserve component of the Armed
Forces.
Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2015” and inserting “December 31, 2016”:

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

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

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

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

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

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.
(7) Section 478a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking “December 31, 2015” and inserting “December 31, 2016”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

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

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2015” and inserting “December 31, 2016”:

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.
(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

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

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

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

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

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2015” and inserting “December 31, 2016”:
(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

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

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

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2015” and inserting “December 31, 2016”:

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

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

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

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

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.
(6) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers’ Training Corps.

(7) Section 351(h), relating to hazardous duty pay.

(8) Section 352(g), relating to assignment pay or special duty pay.

(9) Section 353(i), relating to skill incentive pay or proficiency bonus.

(10) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2015” and inserting “December 31, 2016”:

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

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.
(4) Section 309(e), relating to enlistment bonus.

(5) Section 316a(g), relating to incentive pay for members of precommissioning programs pursuing foreign language proficiency.

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

(7) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(8) Section 327(h), relating to incentive bonus for transfer between Armed Forces.

(9) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. INCREASE IN MAXIMUM ANNUAL AMOUNT OF NUCLEAR OFFICER BONUS PAY.

(a) Increase.—Section 333(d)(1)(A) of title 37, United States Code, is amended by striking “$35,000” and inserting “$50,000”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 2016, and shall apply with respect to agreements entered into under section 333 of title 37, United States Code, on or after that date.
SEC. 617. REPEAL OF OBSOLETE AUTHORITY TO PAY

BONUS TO ENCOURAGE ARMY PERSONNEL

TO REFER PERSONS FOR ENLISTMENT IN

THE ARMY.

(a) REPEAL.—Section 3252 of title 10, United States

Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections

at the beginning of chapter 333 of such title is amended

by striking the item relating to section 3252.

Subtitle C—Travel and

Transportation Allowances

SEC. 621. REPEAL OF OBSOLETE SPECIAL TRAVEL AND

TRANSPORTATION ALLOWANCE FOR SUR-

VIVORS OF DECEASED MEMBERS FROM THE

VIETNAM CONFLICT.

Section 481f of title 37, United States Code, is

amended by striking subsection (d).

Subtitle D—Disability Pay, Retired

Pay, and Survivor Benefits

PART I—RETIRED PAY REFORM

SEC. 631. THRIFT SAVINGS PLAN PARTICIPATION FOR

MEMBERS OF THE UNIFORMED SERVICES.

(a) MODERNIZED RETIREMENT SYSTEM.—Section

8440e of title 5, United States Code, is amended by strik-
ing subsection (e) and inserting the following:

“(e) MODERNIZED RETIREMENT SYSTEM.—
“(1) TSP CONTRIBUTIONS.—The Secretary concerned shall make contributions to the Thrift Savings Fund, in accordance with section 8432, except to the extent the requirements under such section are modified by this subsection, for the benefit of a member who—

“(A) first enters a uniformed service on or after January 1, 2018; or

“(B) makes an election described in section 1409(b)(4)(B) or 12739(f) of title 10.

“(2) MAXIMUM AMOUNT.—The amount contributed under this subsection by the Secretary concerned for the benefit of a member described in paragraph (1) for any pay period shall be not more than 5 percent of such member’s basic pay for such pay period.

“(3) TIMING AND DURATION OF CONTRIBUTIONS.—

“(A) AUTOMATIC CONTRIBUTIONS.—The Secretary concerned shall make a contribution described in section 8432(c)(1) under this subsection for the benefit of a member described in paragraph (1) for any pay period during the period that—
“(i) begins on or after the day that is 60 days after the date the member first enters a uniformed service; and

“(ii) ends on the day such member completes 20 years of service as a member of the uniformed services.

“(B) Matching Contributions.—The Secretary concerned shall make a contribution described in section 8432(c)(2) under this subsection for the benefit of a member described in paragraph (1) for any pay period during the period that—

“(i) begins on or after the day that is 2 years and 1 day after the date the member first enters a uniformed service; and

“(ii) ends on the day such member completes 20 years of service as a member of the uniformed services.

“(4) Protections for Spouses and Former Spouses.—Section 8435 shall apply to a member described in paragraph (1) in the same manner as such section is applied to an employee or Member under such section.

“(5) Definition of Secretary Concerned.—In this subsection the term ‘Secretary
concerned’ has the meaning given the term in section 101 of title 37.”.

(b) AUTOMATIC ENROLLMENT IN TSP.—Section 8432(b)(2) of title 5, United States Code, is amended—

1 (1) in subparagraph (D)(ii)—

(A) by striking “(ii) Members” and inserting “(ii)(I) Except as provided in subclause (II), members”; and

(B) by adding at the end the following:

“(II) A member described in section 8440e(e)(1) shall be an eligible individual for purposes of this paragraph.”; and

(2) by adding at the end the following:

“(F) Notwithstanding any other provision of this paragraph, a member described in section 8440e(e)(1) who has declined automatic enrollment into the Thrift Savings Plan shall be automatically reenrolled, on January 1 of the year succeeding the year for which the determination is made, to make contributions under subsection (a) at the default percentage of basic pay.

“(G) In this paragraph the term ‘member’ has the meaning given the term in section 211 of title 37.”.

(e) VESTING.—Section 8432(g) of title 5, United States Code, is amended—

1 (1) in paragraph (2)—
(A) in subparagraph (A)(iii), by striking “or” after the semicolon;

(B) in subparagraph (B), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(C) 2 years of service in the case of a member of the uniformed services.”; and

(2) by adding at the end the following:

“(6) For purposes of this subsection, a member of the uniformed services shall be considered to have separated from Government employment if the member is discharged or released from service in the uniformed services.”.

(d) Thrift Savings Plan Default Investment Fund.—Section 8438(c)(2) of title 5, United States Code, as amended by section 2(a) of the Smarter Savings Act (Public Law 113–255), is amended—

(1) in subparagraph (A), by striking “(A) Consistent with the requirements of subparagraph (B), if an” and inserting “If an”; and

(2) by striking subparagraph (B).

(e) Conforming Amendments.—

(1) Section 211 of title 37, United States Code, is amended—

(A) by striking subsection (d); and
(B) by redesignating subsection (e) as subsection (d).

(2) Section 8432b(c)(2)(B) of title 5, United States Code, is amended by striking "(including pursuant to an agreement under section 211(d) of title 37)".

(f) ACTIONS TO ASSURE IMPLEMENTATION BY EFFECTIVE DATE.—

(1) IN GENERAL.—The Secretaries concerned, the Director of the Office of Personnel Management, and the Federal Retirement Thrift Investment Board shall each and jointly take appropriate actions to ensure the full and effective commencement of the implementation of the amendments made by this section as of January 1, 2018.

(2) SECRETARY CONCERNED DEFINED.—In this subsection, the term "Secretary concerned" has the meaning given that term in section 101 of title 37, United States Code.

(g) EFFECTIVE DATES.—

(1) MODERNIZED RETIREMENT SYSTEM.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.
(2) OTHER AMENDMENTS.—The amendments made by subsections (b) through (e) shall take effect on January 1, 2018.

SEC. 632. MODERNIZED RETIREMENT SYSTEM FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) Modernized Retirement System.—

(1) In general.—Section 1409(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) Modernized retirement system.—

“(A) Reduced multipliers for members receiving TSP matching contributions.—Notwithstanding paragraphs (1), (2), and (3), in the case of a member who first becomes a member of the uniformed services after January 1, 2018, or a member who makes the election described in subparagraph (B)—

“(i) subparagraph (A) of paragraph (1) shall be applied by substituting ‘2’ for ‘2½’;

“(ii) clause (i) of paragraph (3)(B) shall be applied by substituting ‘60 percent’ for ‘75 percent’; and
“(iii) subclause (I) of paragraph (3)(B)(ii) shall be applied by substituting ‘2’ for ‘2 1⁄2’.

“(B) Election to participate in modernized retirement system.—

“(i) Election.—A member of a uniformed service serving on January 1, 2018, may elect to accept the reduced multipliers described in subparagraph (A) for purposes of calculating the retired pay of the member.

“(ii) Effect of election.—A member making the election described in clause (i) shall—

“(I) have the retired pay of the member calculated using the reduced multipliers described in subparagraph (A);

“(II) receive Thrift Savings Plan (TSP) matching contributions pursuant to section 8440e(e) of title 5 for periods of service between the completion of 2 years of service and the completion of 20 years of service in ac-
cordance with paragraph (3)(B) of such section; and

“(III) be eligible for lump sum payments under section 1415 of this title.

“(iii) ELECTION PERIOD.—

“(I) IN GENERAL.—Except as provided in subclauses (II) and (III), a member of a uniformed service may make the election described in clause (i) during the period that begins on July 1, 2018, and ends on December 31, 2018.

“(II) HARDSHIP EXTENSION.—The Secretary concerned may extend the election period described in subclause (I) for a member who experiences a hardship as determined by the Secretary concerned.

“(III) MEMBERS EXPERIENCING BREAK IN SERVICE.—A member of a uniformed service returning to service after a break in service in which falls the election period specified in subclause (I) shall make the election de-
scribed in clause (i) on the date of the
reentry into service of the member.

“(iv) **NO RETROACTIVE MATCHING**
CONTRIBUTIONS PURSUANT TO ELEC-
TION.—Thrift Savings Plan matching con-
tributions may not be made for a member
under this subparagraph for any pay pe-
riod beginning before the date of the mem-
ber’s election under clause (i).

“(C) **REGULATIONS.**—Each Secretary con-
cerned shall prescribe regulations to implement
this paragraph.”.

(2) **NON-REGULAR SERVICE.**—Section 12739 of
such title is amended by adding at the end the fol-
lowing new subsection:

“(f) **MODERNIZED RETIREMENT SYSTEM.**—

“(1) **REDUCED MULTIPLIERS FOR PERSONS RE-
ceiving TSP MATCHING CONTRIBUTIONS.**—In the
case of a person who first performs reserve compo-

ten service after January 1, 2018, after not having
performed regular or reserve component service on
or before that date, or a person who makes the elec-
tion described in paragraph (2)—
“(A) paragraph (2) of subsection (a) shall be applied by substituting ‘2 percent’ for ‘2 1⁄2 percent’;

“(B) subparagraph (A) of subsection (c)(2) shall be applied by substituting ‘60 percent’ for ‘75 percent’; and

“(C) clause (ii) of subsection (c)(2)(B) shall be applied by substituting ‘2 percent’ for ‘2 1⁄2 percent’.

“(2) Election to Participate in Modernized Retirement System.—

“(A) Election.—A person performing reserve component service on January 1, 2018, may elect to accept the reduced multipliers described in paragraph (1) for purposes of calculating the retired pay of the person.

“(B) Effect of Election.—A person making the election described in subparagraph (A) shall—

“(i) have the retired pay of the person calculated using the reduced multipliers described in paragraph (1):

“(ii) receive Thrift Savings Plan (TSP) matching contributions pursuant to section 8440e(e) of title 5 for periods of
service between the completion of 2 years
of service and the completion of 20 years
of service in accordance with paragraph
(3)(B) of such section; and

“(iii) be eligible for lump sum pay-
ments under section 1415 of this title.

“(C) ELECTION PERIOD.—

“(i) IN GENERAL.—Except as pro-
vided in clauses (ii) and (iii), a person per-
forming reserve component service may
make the election described in subpara-
graph (A) during the period that begins on
July 1, 2018, and ends on December 31,
2018.

“(ii) HARDSHIP EXTENSION.—The
Secretary concerned may extend the elec-
tion period described in clause (i) for a
person who experiences a hardship as de-
determined by the Secretary concerned.

“(iii) PERSONS EXPERIENCING BREAK
in service.—A person returning to re-
serve component service after a break in
reserve component service in which falls
the election period specified in clause (i)
shall make the election described in sub-
paragraph (A) on the date of the reentry into service of the person.

“(iv) No retroactive matching contributions pursuant to election.—Thrift Savings Plan matching contributions may not be made for a person under this paragraph for any pay period beginning before the date of the person’s election under subparagraph (A).

“(3) Regulations.—Each Secretary concerned shall prescribe regulations to implement this subsection.”.

(b) Coordinating Amendments to Other Retirement Authorities.—

(1) Disability, warrant officers, and DOPMA retired pay.—

(A) Computation of retired pay.—The table in section 1401(a) of title 10, United States Code, is amended—

(i) in paragraph (1) in column 2 of formula number 1, by striking “2½% of years of service credited to him under section 1208” and inserting “the retired pay multiplier determined for the member under section 1409 of this title”;
(ii) in paragraph (1) in column 2 of formula number 2, by striking “2½% of years of service credited to him under section 1208” and inserting “the retired pay multiplier determined for the member under section 1409 of this title”; and

(iii) in column 2 of each of formula number 4 and formula number 5, by striking “section 1409(a)” and inserting “section 1409”.

(B) Clarification regarding modernized retirement system.—Section 1401a(b) of such title is amended—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4) the following new paragraph (5):

“(5) Adjustments for participants in modernized retirement system.—Notwithstanding paragraph (3), if a member makes the election described in section 1409(b)(4) of this title, the Secretary shall increase the retired pay of such member in accordance with paragraph (2).”.

(2) National oceanic and atmospheric administration commissioned officer corps act
of 2002.—Paragraph (2) of section 245(a) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3045(a)) is amended to read as follows:

“(2) the retired pay multiplier determined under section 1409 of such title for the number of years of service that may be credited to the officer under section 1405 of such title as if the officer’s service were service as a member of the Armed Forces.”.

(3) Title 37, United States Code.—

(A) 15-Year Career Status Bonus Repayment.—Subsection (f) of section 354 of title 37, United States Code, is amended—

(i) by striking “If a” and inserting “(1) If a”; and

(ii) by adding at the end the following new paragraph:

“(2) If a person who is paid a bonus under this section subsequently makes an election described in section 1409(b)(4) or 12739(f) of title 10, the person shall repay any bonus payments received under this section in the same manner as repayments are made under section 373 of this title.”.
(B) Sunset and continuation of payments.—Such section 354 is further amended by adding at the end the following new subsection:

“(g) Sunset and continuation of payments.—

(1) A Secretary concerned may not pay a new bonus under this section after December 31, 2017.

“(2) Subject to subsection (f)(2), the Secretary concerned may continue to make payments after December 31, 2017, for bonuses that were awarded under this section on or before that date.”.

(4) Public Health Service Act.—Paragraph (4) of section 211(a) of the Public Health Service Act (42 U.S.C. 212) is amended—

(A) in the matter preceding subparagraph (A), by striking “at the rate of 2 1⁄2 per centum of the basic pay of the highest grade held by him as such officer” and inserting “calculated by multiplying the retired pay base determined under section 1406 of title 10, United States Code, by the retired pay multiplier determined under section 1409 of such title for the numbers of years of service credited to the officer under this paragraph”; and
(B) in the matter following subparagraph

(B)(iii)—

(i) in subparagraph (C), by striking “such pay, and” and inserting “such pay,”; and

(ii) in subparagraph (D), by striking “such basic pay.” and inserting “such basic pay, and (E) in the case of any officer who makes the election described in section 1409(b)(4) of title 10, United States Code, subparagraph (C) shall be applied by substituting ‘40 per centum’ for ‘50 per centum’ each place the term appears and subparagraph (D) shall be applied by substituting ‘60 per centum’ for ‘75 per centum’.”.

(c) Effective Dates.—

(1) Modernized retirement systems.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) Coordinating amendments.—

(A) In general.—Except as provided in subparagraph (B), the amendments made by subsection (b) shall take effect on January 1, 2018.
(B) TITLE 37 AMENDMENTS.—The amend-
ments made by paragraph (3) of subsection (b)
shall take effect on the date of the enactment
of this Act.

SEC. 633. LUMP SUM PAYMENTS OF CERTAIN RETIRED PAY.

(a) LUMP SUM PAYMENTS OF CERTAIN RETIRED
PAY.—

(1) IN GENERAL.—Chapter 71 of title 10,
United States Code, is amended by adding at the
end the following new section:

“§ 1415. Lump sum payment of certain retired pay

“(a) DEFINITIONS.—In this section:

“(1) COVERED RETIRED PAY.—The term ‘cov-
ered retired pay’ means retired pay under—

“(A) this title;

“(B) title 14;

“(C) the National Oceanic and Atmos-
pheric Administration Commissioned Officer
Corps Act of 2002 (33 U.S.C. 3001 et seq.); or

“(D) the Public Health Service Act (42
U.S.C. 201 et seq.).

“(2) ELIGIBLE PERSON.—The term ‘eligible
person’ means a person who—

“(A)(i) first becomes a member of a uni-
formed service on or after January 1, 2018; or
“(ii) makes the election described in section 1409(b)(4) or 12739(f) of this title; and

“(B) does not retire or separate under chapter 61 of this title.

“(3) RETIREMENT AGE.—The term ‘retirement age’ has the meaning given the term in section 216(l) of the Social Security Act (42 U.S.C. 416(l)).

“(b) ELECTION OF LUMP SUM PAYMENT OF CERTAIN RETIRED PAY.—

“(1) IN GENERAL.—An eligible person entitled to covered retired pay (including an eligible person who is entitled to such pay by reason of an election described in subsection (a)(2)(A)(ii)) may elect—

“(A) to receive a lump sum payment of the discounted present value at the time of the election of the amount of the covered retired pay that the eligible person is otherwise entitled to receive for the period beginning on the date of retirement and ending on the date the eligible person attains the eligible person’s retirement age; or

“(B) to receive—

“(i) a lump sum payment of an amount equal to 50 percent of the amount
otherwise receivable by the eligible person pursuant to subparagraph (A); and

“(ii) a monthly amount during the period described in subparagraph (A) equal to 50 percent of the amount of monthly covered retired pay the eligible person is otherwise entitled to receive during such period.

“(2) Discounted present value.—The Secretary of Defense shall compute the discounted present value of amounts of covered retired pay that an eligible person is otherwise entitled to receive for a period for purposes of paragraph (1)(A) by—

“(A) estimating the aggregate amount of retired pay the person would receive for the period, taking into account cost-of-living adjustments under section 1401a of this title projected by the Secretary at the time the person separates from service and would otherwise begin receiving covered retired pay; and

“(B) reducing the aggregate amount estimated pursuant to subparagraph (A) by an appropriate percentage determined by the Secretary—
“(i) using average personal discount rates (as defined and calculated by the Secretary taking into consideration applicable and reputable studies of personal discount rates for military personnel and past actuarial experience in the calculation of personal discount rates under this paragraph); and

“(ii) in accordance with generally accepted actuarial principles and practices.

“(3) TIMING OF ELECTION.—An eligible person shall make the election under this subsection not later than 90 days before the date of the retirement of the eligible person from the uniformed services.

“(4) SINGLE PAYMENT OR COMBINATION OF PAYMENTS.—An eligible person may elect to receive a lump sum payment under this subsection in a single payment or in a combination of payments.

“(5) COMMENCEMENT OF PAYMENT.—An eligible person who makes an election under this subsection shall receive the lump sum payment, or the first installment of a combination of payments of the lump sum payment if elected under paragraph (4), as follows:
“(A) Not later than 60 days after the date of the retirement of the eligible person from the uniformed services.

“(B) In the case of an eligible person who is a member of a reserve component, not later than 60 days after the later of—

“(i) the date on which the eligible person attains 60 years of age; or

“(ii) the date on which the eligible person first becomes entitled to covered retired pay.

“(6) NO SUBSEQUENT ADJUSTMENT.—An eligible person who accepts payment of a lump sum under this subsection may not seek the review of or otherwise challenge the amount of the lump sum in light of any variation in cost-of-living adjustments under section 1401a of this title, actuarial assumptions, or other factors used by the Secretary in calculating the amount of the lump sum that occur after the Secretary pays the lump sum.

“(c) RESUMPTION OF MONTHLY ANNUITY.—

“(1) GENERAL RULE.—Subject to paragraph (2), an eligible person who makes an election described in subsection (b) shall be entitled to receive the eligible person’s monthly covered retired pay cal-
culated in accordance with paragraph (2) after the eligible person attains the eligible person’s retirement age.

“(2) Restoration of full retirement amount at retirement age.—The retired pay of an eligible person who makes an election described in subsection (a) shall be recomputed, effective on the first day of the first month beginning after the person attains the eligible person’s retirement age, so as to be an amount equal to the amount of covered retired pay to which the eligible person would otherwise be entitled on that date if the annual increases, in the retired pay of the eligible person made to reflect changes in the Consumer Price Index, had been made in accordance with section 1401a of this title.

“(d) Payment of retired pay to persons not making election.—An eligible person who does not make the election described in subsection (b) shall be paid the retired pay to which the eligible person is otherwise entitled under the applicable provisions of law referred to in subsection (a)(1).

“(e) Regulations.—The Secretary of Defense concerned shall prescribe regulations to carry out the provisions of this section.”
(2) Clerical Amendment.—The table of sections at the beginning of chapter 71 of such title is amended by adding at the end the following new item:

“1415. Lump sum payment of certain retired pay.”.

(3) Payments from Department of Defense Military Retirement Fund.—Section 1463(a)(1) of title 10, United States Code, is amended by striking “or 1414” and inserting “, 1414, or 1415”.

(b) Offset of Veterans Pension and Compensation by Amount of Lump Sum Payments.—Section 5304 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) Other than amounts payable under section 1413a or 1414 of title 10, the amount of pension and compensation benefits payable to a person under this title shall be reduced by the amount of any lump sum payment made to such person under section 1415 of title 10.

“(2) The Secretary shall collect any reduction under paragraph (1) from amounts otherwise payable to the person under this title, including pension and compensation payable under this title, before any pension and compensation payments under this title may be paid to the person.”.
SEC. 634. CONTINUATION PAY AFTER 12 YEARS OF SERVICE
FOR MEMBERS OF THE UNIFORMED SERVICES PARTICIPATING IN THE MODERNIZED RETIREMENT SYSTEMS.

(a) Continuation Pay.—

(1) In general.—Subchapter II of chapter 5 of title 37, United States Code, is amended by adding at the end the following new sections:

“§356. Continuation pay after 12 years of service: members participating in modernized retirement systems

“(a) Continuation Pay.—

“(1) In general.—The Secretary concerned shall make a payment of continuation pay to each member of the uniformed services under the jurisdiction of the Secretary who—

“(A)(i) first becomes a member of a uniformed service after January 1, 2018; or

“(ii) subject to paragraph (2), makes the election described in section 1409(b)(4) or 12739(f) of title 10; and

“(B) after the date on which the member satisfies the applicable requirement in subparagraph (A)—

“(i) completes 12 years of service; and
“(ii) enters into an agreement with
the Secretary to serve for an additional 4
years of obligated service.

“(2) Eligibility dependent on election
before completion of 12 years of service.—A
member who makes an election described in para-
graph (1)(A)(ii) after the member completes 12
years of service is not eligible for continuation pay
under this section.

“(b) Amount.—The amount of continuation pay
payable to a member under this section shall be the
amount that is equal to—

“(1) in the case of a member of a regular com-
ponent—

“(A) the monthly basic pay of the member
at 12 years of service multiplied by 2.5; plus

“(B) at the discretion of the Secretary con-
cerned, the monthly basic pay of the member at
12 years of service multiplied by such number
of months (not to exceed 13 months) as the
Secretary concerned shall specify in the agree-
ment of the member under subsection (a); and

“(2) in the case of a member of a reserve com-
ponent—
“(A) the amount of monthly basic pay to which the member would be entitled at 12 years of service if the member were a member of a regular component multiplied by 0.5; plus

“(B) at the discretion of the Secretary concerned, the amount of monthly basic pay described in subparagraph (A) multiplied by such number of months (not to exceed 6 months) as the Secretary concerned shall specify in the agreement of the member under subsection (a).

“(c) TIMING OF PAYMENT.—The Secretary concerned shall pay continuation pay under this section to a member when the member completes 12 years of service.

“(d) LUMP SUM OR INSTALLMENTS.—A member may elect to receive continuation pay under this section in a lump sum or in a series of not more than 4 payments.

“(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Continuation pay under this section is in addition to any other pay or allowance to which the member is entitled.

“(f) REPAYMENT.—A member who receives continuation pay under this section and fails to complete the obligated service required under subsection (a)(2)(B)(ii) shall be subject to the repayment provisions of section 373 of this title.
“(g) REGULATIONS.—Each Secretary concerned shall prescribe regulations to carry out this section.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

“356. Continuation pay after 12 years of service: members participating in modernized retirement systems.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2018, and shall apply with respect to agreements entered into under section 356 of title 37, United States Code, after that date.

SEC. 635. AUTHORITY FOR RETIREMENT FLEXIBILITY FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) AUTHORITY FOR RETIREMENT FLEXIBILITY.—Chapter 63 of title 10, United States Code, is amended by adding at the end the following new item:

“§ 1276. Retirement flexibility: authority to modify years of service required for retirement for particular occupational specialities or other groupings

“(a) AUTHORITY.—Notwithstanding any other provision of law, the Secretary concerned may modify the years of service required for an eligible member to retire, to greater than or fewer than 20 years of service, in order
to facilitate management actions that shape the personnel
profile or correct manpower shortages within an occupa-
tional specialty or other grouping of members of the uni-
formed services.

“(b) ELIGIBLE MEMBER DEFINED.—In this section,
the term ‘eligible member’ means a member of the uni-
formed services working in an occupational specialty or
other grouping designated by the Secretary concerned as
in need of a management action described in subsection
(a).

“(c) NOTICE-AND-WAIT.—

“(1) NOTICE REQUIRED.—The Secretary con-
cerned shall submit to Congress notice of any pro-
posed modification under subsection (a).

“(2) LIMITATION.—The Secretary concerned
may not implement a proposed modification under
subsection (a) until one year after the day on which
the notice of the modification is submitted to Con-
gress under paragraph (1).

“(d) APPLICABILITY.—The Secretary concerned may
only modify the required years of service under subsection
(a) for an eligible member who first becomes a member
of a uniformed service on or after the date of the expira-
tion of the one year period described in subsection (c)(2)
that is applicable to the occupational specialty or other
grouping in which the eligible member works.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of chapter 63 of such title is amended
by adding at the end the following new item:

“1276. Retirement flexibility: authority to modify years of service required for
retirement for particular occupational specialities or other
groupings.”.

SEC. 636. TREATMENT OF DEPARTMENT OF DEFENSE MILI-
TARY RETIREMENT FUND AS A QUALIFIED
TRUST.

(a) IN GENERAL.—Chapter 74 of title 10, United
States Code, is amended by adding at the end the fol-
lowing new section:

“§ 1468. Treatment as a qualified trust

“For purposes of the Internal Revenue Code of 1986
(26 U.S.C. 1 et seq.)—

“(1) the Fund shall be treated as a trust de-
dcribed in section 401(a) of such Code (26 U.S.C.
401(a)) which is exempt from taxation under section
501(a) of such Code (26 U.S.C. 501(a)); and

“(2) any contribution to, or distribution from,
the Fund shall be treated in the same manner as
contributions to or distributions from such a trust.”.
(b) Clerical Amendment.—The table of sections at the beginning of chapter 74 of such title is amended by adding at the end the following new item:

“1468. Treatment as a qualified trust.”

PART II—OTHER MATTERS

SEC. 641. DEATH OF FORMER SPOUSE BENEFICIARIES AND SUBSEQUENT REMARRIAGES UNDER SURVIVOR BENEFIT PLAN.

(a) In General.—Section 1448(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) Effect of death of former spouse beneficiary.—

“(A) Termination of participation in plan.—A person who elects to provide an annuity to a former spouse under paragraph (2) or (3) and whose former spouse subsequently dies is no longer a participant in the Plan, effective on the date of death of the former spouse.

“(B) Authority for election of new spouse beneficiary.—If a person’s participation in the Plan is discontinued by reason of the death of a former spouse beneficiary, the person may elect to resume participation in the
Plan and to elect a new spouse beneficiary as follows:

“(i) **MARRIED ON THE DATE OF DEATH OF FORMER SPOUSE.**—A person who is married at the time of the death of the former spouse beneficiary may elect to provide coverage to that person’s spouse. Such an election must be received by the Secretary concerned within one year after the date of death of the former spouse beneficiary.

“(ii) **MARRIAGE AFTER DEATH OF FORMER SPOUSE BENEFICIARY.**—A person who is not married at the time of the death of the former spouse beneficiary and who later marries may elect to provide spouse coverage. Such an election must be received by the Secretary concerned within one year after the date on which that person marries.

“(C) **EFFECTIVE DATE OF ELECTION.**—The effective date of election under this paragraph shall be as follows:

“(i) An election under subparagraph (B)(i) is effective as of the first day of the
first calendar month following the death of
the former spouse beneficiary.

“(ii) An election under subparagraph
(B)(ii) is effective as of the first day of the
first calendar month following the month
in which the election is received by the
Secretary concerned.

“(D) Level of coverage.—A person
making an election under subparagraph (B)
may not reduce the base amount previously
elected.

“(E) Procedures.—An election under
this paragraph shall be in writing, signed by the
participant, and made in such form and manner
as the Secretary concerned may prescribe.

“(F) Irrevocability.—An election under
this paragraph is irrevocable.”.

(b) Effective Date.—Paragraph (7) of section
1448(b) of title 10, United States Code, as added by sub-
section (a), shall apply with respect to any person whose
former spouse beneficiary dies on or after the date of the
enactment of this Act.

(e) Applicability to Former Spouse Deaths
Before Enactment.—

(1) In general.—A person—
(A) who before the date of the enactment of this Act had a former spouse beneficiary under the Survivor Benefit Plan who died before that date; and

(B) who on the date of the enactment of this Act is married,

may elect to provide spouse coverage for such spouse under the Plan, regardless of whether the person married such spouse before or after the death of the former spouse beneficiary. Any such election may only be made during the one-year period beginning on the date of the enactment of this Act.

(2) Effective date of election if married at least a year at death former spouse.—If the person providing the annuity was married to the spouse beneficiary for at least one year at the time of the death of the former spouse beneficiary, the effective date of such election shall be the first day of the first month after the death of the former spouse beneficiary.

(3) Other effective date.—If the person providing the annuity married the spouse beneficiary after (or during the one-year period preceding) the death of the former spouse beneficiary, the effective date of the election shall be the first day of the first
month following the first anniversary of the person’s marriage to the spouse beneficiary.

(4) Responsibility for premiums.—A person electing to participate in the Plan under this subsection shall be responsible for payment of all premiums due from the effective date of the election.

SEC. 642. TRANSITIONAL COMPENSATION AND OTHER BENEFITS FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES INELIGIBLE TO RECEIVE RETIRED PAY AS A RESULT OF COURT-MARTIAL SENTENCE.

(a) In general.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1059 the following new section:

“§ 1059a. Dependents of members of the armed forces ineligible to receive retired pay as a result of court-martial sentence: transitional compensation and other benefits; commissary and exchange benefits

“(a) Authority to pay compensation.—The Secretary of Defense, with respect to the armed forces (other than the Coast Guard when it is not operating as a service in the Navy), and the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy, may each carry out a program
under which the Secretary may pay monthly transitional compensation in accordance with this section to dependents or former dependents of a member of the armed forces described in subsection (b) who is under the jurisdiction of the Secretary.

“(b) MEMBERS COVERED.—This section applies in the case of a member of the armed forces eligible for retired or retainer pay under this title for years of service who—

“(1) is separated from the armed forces pursuant to the sentence of a court-martial as a result of misconduct while a member; and

“(2) has eligibility to receive retired pay terminated pursuant to such sentence.

“(c) RECIPIENT OF PAYMENTS.—(1) In the case of a member of the armed forces described in subsection (b), the Secretary may pay compensation under this section to dependents or former dependents of the member as follows:

“(A) If the member was married at the time of the commission of the offense resulting in separation from the armed forces, such compensation may be paid to the spouse or former spouse to whom the member was married at that time, including an amount for each, if any, dependent child of the
member who resides in the same household as that spouse or former spouse.

“(B) If there is a spouse or former spouse who is or, but for subsection (d)(2), would be eligible for compensation under this section and if there is a dependent child of the member who does not reside in the same household as that spouse or former spouse, compensation under this section may be paid to each such dependent child of the member who does not reside in that household.

“(C) If there is no spouse or former spouse who is or, but for subsection (d)(2), would be eligible under this section, compensation under this section may be paid to the dependent children of the member.

“(2) A dependent or former dependent of a member described in subsection (b) is not eligible for transitional compensation under this section if the Secretary concerned determines (under regulations prescribed under subsection (g)) that the dependent or former dependent either—

“(A) was an active participant in the conduct constituting the offense under chapter 47 of this title (the Uniform Code of Military Justice) for
which the member was convicted and separated from
the armed forces; or

“(B) did not cooperate with the investigation of
such conduct.

“(d) COMMENCEMENT AND DURATION OF PAY-
MENT.—(1) Payment of transitional compensation under
this section shall commence—

“(A) as of the date the court-martial sentence
is adjudged if the sentence, as adjudged, includes—

“(i) a dismissal, dishonorable discharge, or
bad conduct discharge; and

“(ii) forfeiture of all pay and allowances;
or

“(B) if there is a pretrial agreement that pro-
vides for disapproval or suspension of the dismissal,
dishonorable discharge, bad conduct discharge, or
forfeiture of all pay and allowances, as of the date
of the approval of the court-martial sentence by the
person acting under section 860(c) of this title (arti-
cle 60(c) of the Uniform Code of Military Justice)
if the sentence, as approved, includes—

“(i) an unsuspended dismissal, dishonor-
able discharge, or bad conduct discharge; and

“(ii) forfeiture of all pay and allowances.
“(2) Paragraphs (2) and (3) of subsection (e), paragraphs (1) and (2) of subsection (g), and subsections (f) and (h) of section 1059 of this title shall apply in determining—

“(A) the amount of transitional compensation to be paid under this section;

“(B) the period for which such compensation may be paid; and

“(C) the circumstances under which the payment of such compensation may or will cease.

“(e) Commissary and Exchange Benefits.—A dependent or former dependent who receives transitional compensation under this section shall, while receiving such payments, be entitled to use commissary and exchange stores in the same manner as provided in subsection (j) of section 1059 of this title.

“(f) Coordination of Benefits.—(1) The Secretary concerned may not make payments to a spouse or former spouse under both this section, on the one hand, and section 1059, 1408(h), or 1408(i) of this title, on the other hand. In the case of a spouse or former spouse for whom a court order provides for payments pursuant to section 1408(h) or 1408(i) of this title and to whom the Secretary offers payments under this section or section
1059 of this title, the spouse or former spouse shall elect which payments to receive.

“(2) Upon the cessation of payments of transitional compensation to a spouse or former spouse under this section pursuant to subsection (d)(2), a spouse or former spouse who elected payments of transitional compensation under this section and either remains or becomes eligible for payments under section 1408(h) or 1408(i) of this title, as applicable, may commence receipt of payments under such section 1408(h) or 1408(i) in accordance with such section.

“(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section with respect to the armed forces (other than the Coast Guard when it is not operating as a service in the Navy). The Secretary of Homeland Security shall prescribe regulations to carry out this section with respect to the Coast Guard when it is not operating as a service in the Navy.

“(h) DEPENDENT CHILD DEFINED.—In this section, the term ‘dependent child’, with respect to a member or former member of the armed forces referred to in subsection (b), has the meaning given such term in subsection (l) of section 1059 of this title, except that status as a ‘dependent child’ shall be determined as of the date on
which the member described in subsection (b) is convicted of the offense concerned.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 1059 the following new item:

“1059a. Dependents of members of the armed forces ineligible to receive retired pay as a result of court-martial sentence: transitional compensation and other benefits; commissary and exchange benefits.”.

(c) CONFORMING AMENDMENT.—Subsection (i) of section 1059 of title 10, United States Code, is amended to read as follows:

“(i) COORDINATION OF BENEFITS.—The Secretary concerned may not make payments to a spouse or former spouse under both this section, on the one hand, and section 1059a, 1408(h), or 1408(i) of this title, on the other hand. In the case of a spouse or former spouse for whom a court order provides for payments pursuant to section 1408(h) or 1408(i) of this title and to whom the Secretary offers payments under this section or section 1059a of this title, the spouse or former spouse shall elect which payments to receive.”.
Subtitle E—Commissary and Non-
Appropriated Fund Instrumentality Benefits and Operations

SEC. 651. COMMISSARY SYSTEM MATTERS.

(a) OPERATING EXPENSES.—Section 2483 of title
10, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “supplies
and’’;

(B) by striking (5); and

(C) by redesignating paragraph (6) as
paragraph (5); and

(2) by adding at the end the following new sub-
sections:

“(d) TRANSPORTATION COSTS FOR CERTAIN GOODS
AND SUPPLIES.—Appropriated funds may be used to pay
any costs associated with the transportation of com-
missary goods and supplies to overseas areas, but only to
the extent that the working capital fund for commissary
operations is reimbursed for the payment of such costs.
The sales prices in commissary stores worldwide shall be
adjusted in an equal percentage to the extent necessary
to provide sufficient gross revenues from such sales to
make such reimbursements.
“(e) **UNIFORM SYSTEM-WIDE PRICING.**—The defense commissary system shall be managed with the objective of attaining uniform system-wide pricing.”.

(b) **PRICING AND SURCHARGES.**—Section 2484 of such title is amended—

(1) by striking subsection (e) and inserting the following new subsection (e):

“(e) **SALES PRICE ESTABLISHMENT.**—The Secretary of Defense shall establish the sales price of merchandise sold in, at, or by commissary stores in amounts sufficient to finance operating expenses as prescribed in section 2483(b) of this title and the replenishment of inventories.”; and

(2) in subsection (h)—

(A) in the subsection caption, by striking “AND MAINTENANCE” and inserting “MAINTENANCE, AND PURCHASE OF OPERATING SUPPLIES”; and

(B) in paragraph (1)(A)—

(i) in clause (i), by striking “and” at the end;

(ii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following new clause:
“(iii) to purchase operating supplies for commissary stores.”.

(c) OVERSEAS TRANSPORTATION.—Section 2643(b) of such title is amended by striking the first sentence and inserting the following new sentence: “Defense working capital funds may be used to cover the transportation costs of commissary goods and supplies as provided in section 2483(d) of this title.”.

SEC. 652. PLAN ON PRIVATIZATION OF THE DEFENSE COMMISSARY SYSTEM.

(a) Plan Required.—

(1) In general.—Not later than March 1, 2016, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan for the privatization, in whole or in part, of the defense commissary system of the Department of Defense.

(2) Consultation.—The Secretary shall consult with major grocery retailers in the continental United States in developing the plan.

(b) Elements.—

(1) Plan Elements.—The plan required by subsection (a) shall ensure the provision of high quality grocery goods and products, discount savings
to patrons, and high levels of customer satisfaction while achieving savings for the Department of Defense.

(2) REPORT ELEMENTS.—The report required by subsection (a) should include—

(A) an evaluation of the current rates of basic pay and basic allowance for subsistence payable to members of the Armed Forces, and an assessment whether such pay and allowance should be adjusted to ensure that members maintain purchasing power for grocery goods and products under the plan; and

(B) an estimate of any initial and long-term costs or savings to the Department as a result of the implementation of the plan.

(3) RECOMMENDATIONS FOR LEGISLATIVE ACTION.—The plan shall include recommendations for such legislative action as the Secretary considers appropriate to implement the plan.

(c) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF PLAN.—Not later than 120 days after the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to the committees of Congress referred to in that subsection a report setting forth an assessment by the
Comptroller General of the plan set forth in the report required by that subsection.

(d) **PILOT PROGRAM ON PRIVATIZATION.**—

(1) **PILOT PROGRAM REQUIRED.**—Commencing as soon as practicable after the submittal to Congress of the report required by subsection (c), the Secretary shall carry out a pilot program to assess the feasibility and advisability of the plan set forth in the report required by subsection (a).

(2) **NUMBER AND LOCATION OF COMMISSARIES.**—The pilot program shall involve not fewer than five commissaries selected by the Secretary for purposes of the pilot program from among commissaries in the largest markets of the defense commissary system in the United States.

(3) **SCOPE OF PILOT PROGRAM.**—The Secretary shall carry out the pilot program in accordance with the plan described in paragraph (1) as modified by the Secretary in light of the assessment of the plan by the Comptroller General pursuant to subsection (c). The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notice on any modifications made to the plan for purposes of the pilot program in light of the assessment.
(4) ADDITIONAL ELEMENT ON ONLINE PURCHASES.—In an addition to any requirements under paragraph (3), the Secretary may include in the pilot program a component designed to permit eligible beneficiaries of the defense commissary system in the catchment areas of the commissaries selected for participation in the pilot program to order and purchase grocery goods and products otherwise available through the defense commissary system through the Internet and to receive items so ordered through home delivery.

(5) DURATION.—The duration of the pilot program shall be two years.

(6) REPORT.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program, including—

(A) an assessment of the feasibility and advisability of carrying out the plan described in paragraph (1), as modified, if at all, as described in paragraph (3); and

(B) a description of any modifications to the plan the Secretary considers appropriate in light of the pilot program.
SEC. 653. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE COMMISSARY SURCHARGE, NON-APPROPRIATED FUND, AND PRIVATELY-FINANCED MAJOR CONSTRUCTION PROGRAM.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the Commissary Surcharge, Non-appropriated Fund and Privately-Financed Major Construction Program of the Department of Defense.

(b) Elements.—The report under subsection (a) shall include the following:

(1) An assessment whether the Secretary of Defense has established policies and procedures to ensure the timely submittal to the committees of Congress referred to in subsection (a) of notice on construction projects proposed to be funded through the program referred to in that subsection.

(2) An assessment whether the Secretaries of the military departments have developed and implemented policies and procedures to comply with the policies and directives of the Department of Defense for the submittal to such committees of Congress of notice on such construction projects.
(3) An assessment whether the Secretary of Defense has established policies and procedures to notify such committees of Congress when such construction projects have been commenced without notice to Congress.

(4) An assessment whether construction projects described in paragraph (3) have been completed before submittal of notice to Congress as described in that paragraph and, if so, a list of such projects.

**TITLE VII—HEALTH CARE PROVISIONS**

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

**SEC. 701. URGENT CARE AUTHORIZATION UNDER THE TRICARE PROGRAM.**

(a) URGENT CARE.—

(1) IN GENERAL.—In accordance with the regulations prescribed under this section, a covered beneficiary under the TRICARE program shall have access to up to four urgent care visits per year under that program without the need for preauthorization for such visits.

(2) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Sec-
Secretary shall prescribe regulations to carry out paragraph (1).

(b) Publication.—The Secretary shall—

(1) publish information on any modifications made pursuant to subsection (a) to the authorization requirements for the receipt of urgent care under the TRICARE program—

(A) on the primary Internet website that is available to the public of the Department; and

(B) on the primary Internet website that is available to the public of each military medical treatment facility; and

(2) ensure that such information is made available on the primary Internet website that is available to the public of each current managed care contractor that has established a health care provider network under the TRICARE program.

c) Definitions.—In this section, the terms “covered beneficiary” and “TRICARE program” have the meaning given such terms in section 1072 of title 10, United States Code.
SEC. 702. MODIFICATIONS OF COST-SHARING REQUIREMENTS FOR THE TRICARE PHARMACY BENEFITS PROGRAM.

Paragraph (6) of section 1074g(a) of title 10, United States Code, is amended to read as follows:

“(6)(A) In the case of any of the years 2016 through 2025, the cost-sharing amounts under this subsection shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>The cost-sharing amount for 30-day supply of a retail generic is:</th>
<th>The cost-sharing amount for 30-day supply of a retail formulary is:</th>
<th>The cost-sharing amount for a 90-day supply of a mail order generic is:</th>
<th>The cost-sharing amount for a 90-day supply of a mail order formulary is:</th>
<th>The cost-sharing amount for a 90-day supply of a mail order non-formulary is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>$8</td>
<td>$28</td>
<td>$0</td>
<td>$28</td>
<td>$54</td>
</tr>
<tr>
<td>2017</td>
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<tr>
<td>2018</td>
<td>$8</td>
<td>$32</td>
<td>$0</td>
<td>$32</td>
<td>$62</td>
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<tr>
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</tr>
<tr>
<td>2020</td>
<td>$10</td>
<td>$36</td>
<td>$10</td>
<td>$36</td>
<td>$70</td>
</tr>
<tr>
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<td>$11</td>
<td>$38</td>
<td>$75</td>
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<tr>
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<td>$80</td>
</tr>
<tr>
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<td>$43</td>
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<td>$43</td>
<td>$85</td>
</tr>
<tr>
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<td>$14</td>
<td>$45</td>
<td>$14</td>
<td>$45</td>
<td>$90</td>
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<td>$14</td>
<td>$46</td>
<td>$14</td>
<td>$46</td>
<td>$92</td>
</tr>
</tbody>
</table>

“(B) For any year after 2025, the cost-sharing amounts under this subsection shall be equal to the cost-sharing amounts for the previous year adjusted by an amount, if any, determined by the Secretary to reflect changes in the costs of pharmaceutical agents and prescription dispensing, rounded to the nearest dollar.
“(C) Notwithstanding subparagraphs (A) and (B), the cost-sharing amounts under this subsection for any year for a dependent of a member of the uniformed services who dies while on active duty, a member retired under chapter 61 of this title, or a dependent of such a member shall be equal to the cost-sharing amounts, if any, for 2015.”.

SEC. 703. EXPANSION OF CONTINUED HEALTH BENEFITS COVERAGE TO INCLUDE DISCHARGED AND RELEASED MEMBERS OF THE SELECTED RESERVE.

(a) In General.—Subsection (b) of section 1078a of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) A member of the Selected Reserve of the Ready Reserve of a reserve component of the armed forces who—

“(A) is discharged or released from service in the Selected Reserve, whether voluntarily or involuntarily, under other than adverse conditions, as characterized by the Secretary concerned;
“(B) immediately preceding that discharge or release, is eligible to enroll in TRICARE Standard coverage under section 1076d of this title; and

“(C) after that discharge or release, would not otherwise be eligible for any benefits under this chapter.”.

(b) Notification of Eligibility.—Subsection (c)(2) of such section is amended by inserting “or subsection (b)(2)” after “subsection (b)(1)”.

(e) Election of Coverage.—Subsection (d) of such section is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) In the case of a member described in subsection (b)(2), the written election shall be submitted to the Secretary concerned before the end of the 60-day period beginning on the later of—

“(A) the date of the discharge or release of the member from service in the Selected Reserve; and

“(B) the date the member receives the notification required pursuant to subsection (c).”.
(d) COVERAGE OF DEPENDENTS.—Subsection (e) of such section is amended by inserting “or subsection (b)(2)” after “subsection (b)(1)”.

(e) PERIOD OF CONTINUED COVERAGE.—Subsection (g)(1) of such section is amended—

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) in the case of a member described in subsection (b)(2), the date which is 18 months after the date the member ceases to be eligible to enroll in TRICARE Standard coverage under section 1076d of this title;”.

(f) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (e)—

(A) in paragraph (3), by striking “subsection (b)(2)” and inserting “subsection (b)(3)”;

(B) in paragraph (4), by striking “subsection (b)(3)” and inserting “subsection (b)(4)”;

(2) in subsection (d)—
(A) in paragraph (3), as redesignated by subsection (e)(1), by striking “subsection (b)(2)” and inserting “subsection (b)(3)”; 

(B) in paragraph (4), as so redesignated, by striking “subsection (b)(3)” and inserting “subsection (b)(4)”; and 

(C) in paragraph (5), as so redesignated, by striking “subsection (b)(4)” and inserting “subsection (b)(5)”; 

(3) in subsection (e), by striking “subsection (b)(2) or subsection (b)(3)” and inserting “subsection (b)(3) or subsection (b)(4)”; and 

(4) in subsection (g)— 

(A) in paragraph (1)—

(i) in subparagraph (C), as redesignated by subsection (e)(1), by striking “subsection (b)(2)” and inserting “subsection (b)(3)”;

(ii) in subparagraph (D), as so redesignated, by striking “subsection (b)(3)” and inserting “subsection (b)(4)”; and

(iii) in subparagraph (E), as so redesignated, by striking “subsection (b)(4)” and inserting “subsection (b)(5)”;

(B) in paragraph (2)—
(i) by striking “paragraph (1)(B)” and inserting “paragraph (1)(C)”; and

(ii) by striking “subsection (b)(2)” and inserting “subsection (b)(3)”; and

(C) in paragraph (3)—

(i) by striking “paragraph (1)(C)” and inserting “paragraph (1)(D)”; and

(ii) by striking “subsection (b)(3)” and inserting “subsection (b)(4)”.

SEC. 704. EXPANSION OF REIMBURSEMENT FOR SMOKING CESSATION SERVICES FOR CERTAIN TRICARE BENEFICIARIES.

Section 713(f) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4503) is amended—

(1) in paragraph (1)(A), by striking “during fiscal year 2009”;

(2) in paragraph (1)(B), by striking “during such period”; and

(3) in paragraph (2), by striking “during fiscal year 2009” and inserting “after September 30, 2008”.

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SEC. 705. PILOT PROGRAM ON TREATMENT OF MEMBERS OF THE ARMED FORCES FOR POST-TRAUMATIC STRESS DISORDER RELATED TO MILITARY SEXUAL TRAUMA.

(a) In General.—The Secretary of Defense may conduct a pilot program to provide intensive outpatient programs to treat members of the Armed Forces suffering from post-traumatic stress disorder resulting from military sexual trauma, including treatment for substance abuse, depression, and other issues related to such conditions.

(b) Grants to Community Partners.—

(1) In General.—The Secretary of Defense may carry out the pilot program through the award of grants to community partners described in paragraph (2).

(2) Community Partners.—A community partner described in this paragraph is a private health care organization or institution that—

(A) provides health care to members of the Armed Forces;

(B) provides evidence-based treatment for psychological and neurological conditions that are common among members of the Armed Forces, including post-traumatic stress dis-
order, traumatic brain injury, substance abuse, and depression;

(C) provides health care, support, and other benefits to family members of members of the Armed Forces; and

(D) provides health care under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code).

(e) REQUIREMENTS OF GRANT RECIPIENTS.—Each community partner awarded a grant under subsection (b) shall—

(1) carry out intensive outpatient programs of short duration to treat members of the Armed Forces suffering from post-traumatic stress disorder resulting from military sexual trauma, including treatment for substance abuse, depression, and other issues related to such conditions;

(2) use evidence-based and evidence-informed treatment strategies in carrying out such programs;

(3) share clinical and outreach best practices with other community partners participating in the pilot program; and

(4) annually assess outcomes for members of the Armed Forces individually and throughout the
community partner with respect to the treatment of
conditions described in paragraph (1).

(d) Federal Share.—The Federal share of the
costs of a program carried out by a community partner
using a grant under this section may not exceed 50 per-
cent.

(e) Termination.—The Secretary of Defense may
not carry out the conduct of the pilot program after the
date that is three years after the date of the enactment
of this Act.

Subtitle B—Health Care
Administration

SEC. 711. ACCESS TO HEALTH CARE UNDER THE TRICARE
PROGRAM.

(a) Access to Health Care.—

(1) In General.—The Secretary of Defense
shall ensure that covered beneficiaries under the
TRICARE program seeking an appointment for
health care under such program at a military med-
ical treatment facility obtain such an appointment at
such facility within the wait-time goals specified for
the receipt of such health care pursuant to the
health care access standards established under sub-
section (b).
(2) USE OF CONTRACT AUTHORITY.—If a covered beneficiary is unable to obtain an appointment within the wait-time goals described in paragraph (1), such covered beneficiary shall be offered an appointment within such wait-time goals with a health care provider with which a contract has been entered into under the TRICARE program.

(b) STANDARDS FOR ACCESS TO CARE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish health care access standards, including wait-time goals for appointments, for the receipt of health care under the TRICARE program, whether received at military medical treatment facilities or from health care providers with which a contract has been entered into under such program.

(2) CATEGORIES OF CARE.—The health care access standards established under paragraph (1) shall include standards with respect to the following categories of health care:

(A) Primary care, including pediatric care, maternity care, gynecological care, and other subcategories of primary care.
(B) Specialty care, including behavioral health care and other subcategories of specialty care.

(3) MODIFICATIONS.—The Secretary may modify the health care access standards established under paragraph (1) whenever the Secretary considers the modification of such standards appropriate.

(4) PUBLICATION.—The Secretary shall publish the health care access standards established under paragraph (1), and any modifications to such standards, in the Federal Register and on a publicly accessible Internet website of the Department of Defense.

(c) PUBLICATION OF APPOINTMENT WAIT TIMES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish on a publicly accessible Internet website of each military medical treatment facility that offers a category or subcategory of health care covered by the standards under subsection (b)(2) the average wait-time for a covered beneficiary for an appointment at such facility for the receipt of each such category and subcategory of health care.
(2) MODIFICATIONS.—Whenever there is a modification of a wait-time for a category or subcategory of health care published under this subsection, the Secretary shall publish on a publicly accessible Internet website of each military medical treatment facility that provides such category or subcategory of health care the modified wait-time for such category or subcategory of health care.

(d) DEFINITIONS.—In this section, the terms “covered beneficiary” and “TRICARE program” have the meaning given such terms in section 1072 of title 10, United States Code.

SEC. 712. PORTABILITY OF HEALTH PLANS UNDER THE TRICARE PROGRAM.

(a) HEALTH PLAN PORTABILITY.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that covered beneficiaries under the TRICARE program who are covered under a health plan under such program are able to seamlessly access health care under such health plan in each TRICARE program region.

(2) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out paragraph (1).
(b) **MECHANISMS TO ENSURE PORTABILITY.**—In carrying out subsection (a), the Secretary shall do the following:

1. Provide for the automatic electronic transfer of demographic, enrollment, and claims information between the contractors responsible for administering the TRICARE program in each TRICARE region when covered beneficiaries under the TRICARE program relocate between such regions.

2. Ensure such covered beneficiaries are able to obtain a new primary health care provider within ten days of undergoing such relocation.

3. Develop a process for such covered beneficiaries to receive urgent care without preauthorization while undergoing such relocation.

(c) **PUBLICATION.**—The Secretary shall—

1. publish information on any modifications made pursuant to subsection (a) with respect to the ability of covered beneficiaries under the TRICARE program who are covered under a health plan under such program to access health care in each TRICARE region on the primary Internet website of the Department that is available to the public; and

2. ensure that such information is made available on the primary Internet website that is avail-
able to the public of each current contractor responsible for administering the TRICARE program.

(d) Definitions.—In this section, the terms “covered beneficiary” and “TRICARE program” have the meaning given such terms in section 1072 of title 10, United States Code.

SEC. 713. IMPROVEMENT OF MENTAL HEALTH CARE PROVIDED BY HEALTH CARE PROVIDERS OF THE DEPARTMENT OF DEFENSE.

(a) Training on Recognition and Management of Risk of Suicide.—

(1) Initial Training.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall ensure that all primary care and mental health care providers of the Department of Defense receive, or have already received, evidence-based training on the recognition and assessment of individuals at risk for suicide and the management of such risk.

(2) Additional Training.—The Secretary shall ensure that providers who receive, or have already received, training described in paragraph (1) receive such additional training thereafter as may be required based on evidence-based changes in health care practices.
(b) ASSSESSMENT OF MENTAL HEALTH WORKFORCE.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report assessing the mental health workforce of the Department of Defense and the long-term mental health care needs of members of the Armed Forces and their dependents for purposes of determining the long-term requirements of the Department for mental health care providers.

(2) ELEMENTS.—The report submitted under paragraph (1) shall include an assessment of the following:

(A) The number of mental health care providers of the Department of Defense as of the date of the submittal of the report, disaggregated by specialty, including psychiatrists, psychologists, social workers, mental health counselors, and marriage and family therapists.

(B) The number of mental health care providers that are anticipated to be needed by the Department.
(C) The types of mental health care providers that are anticipated to be needed by the Department.

(D) Locations in which mental health care providers are anticipated to be needed by the Department.

(e) PLAN FOR DEVELOPMENT OF PROCEDURES TO MEASURE MENTAL HEALTH DATA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for the Department of Defense to develop procedures to compile and assess data relating to the following:

(1) Outcomes for mental health care provided by the Department.

(2) Variations in such outcomes among different medical facilities of the Department.

(3) Barriers, if any, to the implementation by mental health care providers of the Department of the clinical practice guidelines and other evidence-based treatments and approaches recommended for such providers by the Secretary.
SEC. 714. COMPREHENSIVE STANDARDS AND ACCESS TO CONTRACEPTION COUNSELING FOR MEMBERS OF THE ARMED FORCES.

(a) PURPOSE.—The purpose of this section is to ensure that all health care providers employed by the Department of Defense who provide care for members of the Armed Forces, including general practitioners, are provided, through clinical practice guidelines, the most current evidence-based and evidence-informed standards of care with respect to methods of contraception and counseling on methods of contraception.

(b) CLINICAL PRACTICE GUIDELINES.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall compile clinical practice guidelines for health care providers described in subsection (a) on standards of care with respect to methods of contraception and counseling on methods of contraception for members of the Armed Forces.

(2) SOURCES.—The Secretary shall compile clinical practice guidelines under this subsection from among clinical practice guidelines established by appropriate health agencies and professional organizations, including the following:

(A) The United States Preventive Services Task Force.
(B) The Centers for Disease Control and Prevention.

(C) The Office of Population Affairs of the Department of Health and Human Services.

(D) The American College of Obstetricians and Gynecologists.

(E) The Association of Reproductive Health Professionals.

(F) The American Academy of Family Physicians.

(G) The Agency for Healthcare Research and Quality.

(3) Updates.—The Secretary shall from time to time update the list of clinical practice guidelines compiled under this subsection to incorporate into such guidelines new or updated standards of care with respect to methods of contraception and counseling on methods of contraception.

(4) Dissemination.—

(A) Initial dissemination.—As soon as practicable after the compilation of clinical practice guidelines pursuant to paragraph (1), but commencing not later than one year after the date of the enactment of this Act, the Secretary shall provide for rapid dissemination of
the clinical practice guidelines to health care providers described in subsection (a).

(B) Updates.—As soon as practicable after the adoption under paragraph (3) of any update to the clinical practice guidelines compiled pursuant to this subsection, the Secretary shall provide for the rapid dissemination of such clinical practice guidelines, as so updated, to health care providers described in subsection (a).

(C) Protocols.—Clinical practice guidelines, and any updates to such guidelines, shall be disseminated under this paragraph in accordance with administrative protocols developed by the Secretary for that purpose.

(e) Clinical Decision Support Tools.—

(1) In general.—Not later than one year after the date of the enactment of this Act, the Secretary shall, in order to assist health care providers described in subsection (a), develop and implement clinical decision support tools that reflect, through the clinical practice guidelines compiled pursuant to subsection (b), the most current evidence-based and evidence-informed standards of care with respect to
methods of contraception and counseling on methods of contraception.

(2) UPDATES.—The Secretary shall from time to time update the clinical decision support tools developed under this subsection to incorporate into such tools new or updated guidelines on methods of contraception and counseling on methods of contraception.

(3) DISSEMINATION.—Clinical decision support tools, and any updates to such tools, shall be disseminated under this subsection in accordance with administrative protocols developed by the Secretary for that purpose. Such protocols shall be similar to the administrative protocols developed under subsection (b)(4)(C).

(d) ACCESS TO CONTRACEPTION COUNSELING.—As soon as practicable after the date of the enactment of this Act, the Secretary shall ensure that women members of the Armed Forces have access to comprehensive counseling on the full range of methods of contraception provided by health care providers described in subsection (a) during health care visits, including visits as follows:

(1) During predeployment health care visits, including counseling that provides specific information women need regarding the interaction between an-
ticipated deployment conditions and various methods of contraception.

(2) During health care visits during deployment.

(3) During annual physical examinations.

(c) Incorporation Into Surveys of Questions on Servicewomen Experiences With Family Planning Services and Counseling.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall integrate into the surveys by the Department of Defense specified in paragraph (2) questions designed to obtain information on the experiences of women members of the Armed Forces—

(A) in accessing family planning services and counseling;

(B) in using family planning methods, including information on which method was preferred and whether deployment conditions affected the decision on which family planning method or methods to be used; and

(C) with respect to women members of the Armed Forces who are pregnant, whether the pregnancy was intended.
(2) Covered Surveys.—The surveys into which questions shall be integrated as described in paragraph (1) are the following:

(A) The Health Related Behavior Survey of Active Duty Military Personnel.

(B) The Health Care Survey of Department of Defense Beneficiaries.

(f) Education on Family Planning for Members of the Armed Forces.—

(1) Education Programs.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish a uniform standard curriculum to be used in education programs on family planning for all members of the Armed Forces, including both men and women members.

(2) Sense of Congress.—It is the sense of Congress that the education programs described in paragraph (1) should use the latest technology available to efficiently and effectively deliver information to members of the Armed Forces.

(3) Elements.—The uniform standard curriculum under paragraph (1) shall include the following:
(A) Information for members of the Armed Forces on active duty to make informed decisions regarding family planning.

(B) Information about the prevention of unintended pregnancy and sexually transmitted infections, including human immunodeficiency virus (HIV).

(C) Information on the importance of providing comprehensive family planning for members of the Armed Forces, and their commanding officers, and on the positive impact family planning can have on the health and readiness of the Armed Forces.

(D) Current, medically accurate information.

(E) Clear, user-friendly information on the full range of methods of contraception and where members of the Armed Forces can access their chosen method of contraception.

(F) Information on all applicable laws and policies so that members are informed of their rights and obligations.

(G) Information on patients’ rights to confidentiality.
Information on the unique circumstances encountered by members of the Armed Forces, and the effects of such circumstances on the use of contraception.

SEC. 715. WAIVER OF RECOUPMENT OF ERRONEOUS PAYMENTS DUE TO ADMINISTRATIVE ERROR UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1095f the following new section:

“§1095g. TRICARE program: waiver of recoupment of erroneous payments due to administrative error

“(a) WAIVER OF RECOUPMENT.—The Secretary of Defense may waive recoupment from a covered beneficiary who has benefitted from an erroneous TRICARE payment in a case in which each of the following applies:

“(1) The payment was made due to an administrative error by an employee of the Department of Defense or a contractor under the TRICARE program.

“(2) The covered beneficiary (or in the case of a minor, the parent or guardian of the covered beneficiary) had a good faith, reasonable belief that the
covered beneficiary was entitled to the benefit of such payment under this chapter.

“(3) The covered beneficiary relied on the expectation of such entitlement.

“(4) The Secretary determines that a waiver of recoupment of such payment is necessary to prevent an injustice.

“(b) RESPONSIBILITY OF CONTRACTOR.—In any case in which the Secretary waives recoupment under subsection (a) and the administrative error was on the part of a contractor under the TRICARE program, the Secretary shall, consistent with the requirements and procedures of the applicable contract, impose financial responsibility on the contractor for the erroneous payment.

“(c) FINALITY OF DETERMINATIONS.—Any determination by the Secretary under this section to waive or decline to waive recoupment under subsection (a) is a final determination and shall not be subject to appeal or judicial review.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1095f the following new item:

“1095g. TRICARE program: waiver of recoupment of erroneous payments due to administrative error.”.
SEC. 716. DESIGNATION OF CERTAIN NON-DEPARTMENT MENTAL HEALTH CARE PROVIDERS WITH KNOWLEDGE RELATING TO TREATMENT OF MEMBERS OF THE ARMED FORCES.

(a) Mental Health Provider Readiness Designation.—

(1) In general.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a system by which any non-Department mental health care provider that meets eligibility criteria established by the Secretary relating to the knowledge described in paragraph (2) receives a mental health provider readiness designation from the Department of Defense.

(2) Knowledge described.—The knowledge described in this paragraph is the following:

(A) Knowledge and understanding with respect to the culture of members of the Armed Forces and family members and caregivers of members of the Armed Forces.

(B) Knowledge with respect to evidence-based treatments that have been approved by the Department for the treatment of mental health issues among members of the Armed Forces.
(b) Availability of Information on Designation.—

(1) Registry.—The Secretary of Defense shall establish and update as necessary a registry that is available to the public of all non-Department mental health care providers that are currently designated under subsection (a)(1).

(2) Provider List.—The Secretary shall update all lists maintained by the Secretary of non-Department mental health care providers that provide mental health care under the laws administered by the Secretary by indicating the providers that are currently designated under subsection (a)(1).

(c) Non-Department Mental Health Care Provider Defined.—In this section, the term “non-Department mental health care provider”—

(1) means a health care provider that—

(A) specializes in mental health;

(B) is not a health care provider of the Department of Defense; and

(C) provides health care to members of the Armed Forces; and

(2) includes psychiatrists, psychologists, psychiatric nurses, social workers, mental health counselors, marriage and family therapists, and other...
mental health care providers designated by the Secretary of Defense.

SEC. 717. LIMITATION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) LIMITED AUTHORITY FOR CONVERSION.—Chapter 49 of title 10, United States Code, is amended by inserting after section 976 the following new section:

“§ 977. Conversion of military medical and dental positions to civilian medical and dental positions: limitation

“(a) REQUIREMENTS RELATING TO CONVERSION.—A military medical or dental position within the Department of Defense may not be converted to a civilian medical or dental position unless the Secretary of Defense determines that—

“(1) the position is not a military essential position;

“(2) conversion of the position would not result in the degradation of medical or dental care or the medical or dental readiness of the armed forces; and

“(3) conversion of the position to a civilian medical or dental position is more cost effective than retaining the position as a military medical or dental
position, consistent with Department of Defense Instruction 7041.04.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘military medical or dental position’ means a position for the performance of health care functions within the armed forces held by a member of the armed forces.

“(2) The term ‘civilian medical or dental position’ means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

“(3) The term ‘military essential’, with respect to a position, means that the position must be held by a member of the armed forces, as determined in accordance with regulations prescribed by the Secretary.

“(4) The term ‘conversion’, with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position
in the document, or through any other means indicating the change in the document or otherwise).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by inserting after the item relating to section 976 the following new item:

“977. Conversion of military medical and dental positions to civilian medical and dental positions: limitation.”.

(c) REPEAL OF RELATED PROHIBITION.—Section 721 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 129c note) is repealed.

SEC. 718. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.


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SEC. 719. EXTENSION OF AUTHORITY FOR DOD-VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) of title 38, United States Code, is amended by striking “September 30, 2015” and inserting “September 30, 2020”.

SEC. 720. PILOT PROGRAM ON INCENTIVE PROGRAMS TO IMPROVE HEALTH CARE PROVIDED UNDER THE TRICARE PROGRAM.

(a) Pilot Program.—The Secretary of Defense shall carry out a pilot program to assess whether a reduction in the rate of increase in health care spending by the Department of Defense and an enhancement of the operation of the military health system may be achieved by developing and implementing value-based incentive programs to encourage health care providers under the TRICARE program (including physicians, hospitals, and others involved in providing health care to patients) to improve the following:

(1) The quality of health care provided to covered beneficiaries under the TRICARE program.

(2) The experience of covered beneficiaries in receiving health care under the TRICARE program.

(3) The health of covered beneficiaries.

(b) Incentive Programs.—

(1) Development.—In developing an incentive program under this section, the Secretary shall—
(A) consider the characteristics of the population of covered beneficiaries affected by the incentive program;

(B) consider how the incentive program would impact the receipt of health care under the TRICARE program by such covered beneficiaries;

(C) establish or maintain a reasonable assurance that such covered beneficiaries will have timely access to health care during operation of the incentive program;

(D) ensure that there are no additional financial costs to such covered beneficiaries of implementing the incentive program; and

(E) consider such other factors as the Secretary considers appropriate.

(2) ELEMENTS.—With respect to an incentive program developed and implemented under this section, the Secretary shall ensure that—

(A) the size, scope, and duration of the incentive program is reasonable in relation to the purpose of the incentive program; and

(B) appropriate criteria and data collection are used to ensure adequate evaluation of the feasibility and advisability of implementing the
incentive program throughout the TRICARE program.

(3) Use of Existing Models.—In developing an incentive program under this section, the Secretary may adapt a value-based incentive program conducted by the Centers for Medicare & Medicaid Services or any other governmental or commercial health care program.

(e) Termination.—The authority of the Secretary to carry out the pilot program under this section shall terminate on December 31, 2019.

(d) Report.—Not later than March 15, 2019, the Secretary shall submit to the congressional defense committees a report on the pilot program that includes the following:

(1) An assessment of each incentive program developed and implemented under this section, including whether such incentive program—

(A) improves the quality of health care provided to covered beneficiaries, the experience of covered beneficiaries in receiving health care under the TRICARE program, or the health of covered beneficiaries;

(B) reduces the rate of increase in health care spending by the Department of Defense; or
(C) enhances the operation of the military health system.

(2) Such recommendations for administrative or legislative action as the Secretary considers appropriate in light of the pilot program, including to implement any such incentive program or programs throughout the TRICARE program.

(e) Definitions.—In this section, the terms “covered beneficiary” and “TRICARE program” have the meanings given those terms in section 1072 of title 10, United States Code.

Subtitle C—Reports and Other Matters

SEC. 731. PUBLICATION OF CERTAIN INFORMATION ON HEALTH CARE PROVIDED BY THE DEPARTMENT OF DEFENSE THROUGH THE HOSPITAL COMPARE WEBSITE OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) Memorandum of Understanding Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a memorandum of understanding with the Secretary of Health and Human Services for the provision by the Secretary of Defense of such information as the Secretary of Health and Human Services may require to report and
make publicly available information on quality of care and health outcomes regarding patients at military medical treatment facilities through the Hospital Compare Internet website of the Department of Health and Human Services, or any successor Internet website.

(b) INFORMATION PROVIDED.—The information provided by the Secretary of Defense to the Secretary of Health and Human Services under subsection (a) shall include the following:

(1) Measures of the timeliness and effectiveness of the health care provided by the Department of Defense.

(2) Measures of the prevalence of—

(A) readmissions, including the 30-day readmission rate;

(B) complications resulting in death, including the 30-day mortality rate;

(C) surgical complications; and

(D) health care related infections.

(3) Survey data of patient experiences, including the Hospital Consumer Assessment of Healthcare Providers and Systems or any similar survey developed by the Department of Defense.

(4) Any other measures or data required of or reported with respect to hospitals participating in
the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

SEC. 732. PUBLICATION OF DATA ON PATIENT SAFETY, QUALITY OF CARE, SATISFACTION, AND HEALTH OUTCOME MEASURES UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish on an Internet website of the Department of Defense that is available to the public data on all measures used by the Department to assess patient safety, quality of care, patient satisfaction, and health outcomes for health care provided under the TRICARE program at each military medical treatment facility.

(b) UPDATES.—The Secretary shall publish an update to the data published under subsection (a) not less frequently than once each quarter during each fiscal year.

(c) ACCESSIBILITY.—The Secretary shall ensure that the data published under subsection (a) and updated under subsection (b) is accessible to the public through the primary Internet website of the Department and the primary Internet website of the military medical treatment facility with respect to which such data applies.
(d) TRICARE Program Defined.—In this section, the term “TRICARE program” has the meaning given such terms in section 1072 of title 10, United States Code.

SEC. 733. ANNUAL REPORT ON PATIENT SAFETY, QUALITY OF CARE, AND ACCESS TO CARE AT MILITARY MEDICAL TREATMENT FACILITIES.

(a) In General.—Not later than March 1 each year beginning in 2016, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a comprehensive report on patient safety, quality of care, and access to care at military medical treatment facilities.

(b) Elements.—Each report required by subsection (a) shall include the following:

(1) The number of sentinel events, as defined by the Joint Commission, that occurred at military medical treatment facilities during the year preceding the submittal of the report, disaggregated by—

(A) military medical treatment facility; and

(B) military department with jurisdiction over such facilities.

(2) With respect to each sentinel event described in paragraph (1)—

(A) a synopsis of such event; and
(B) a description of any actions taken by
the Secretary of the military department con-
cerned in response to such event, including any
actions taken to hold individuals accountable.

(3) The number of practitioners providing
health care in military medical treatment facilities
that were reported to the National Practitioner Data
Bank during the year preceding the submittal of the
report.

(4) The results of any internal analyses con-
ducted by the Patient Safety Center of the Depart-
ment of Defense during such year on matters relat-
ing to patient safety at military medical treatment
facilities.

(5) With respect to each military medical treat-
ment facility—

(A) the current accreditation status of
such facility, including any recommendations
for corrective action made by the relevant ac-
crediting body;

(B) any policies or procedures implemented
during such year by the Secretary of the mili-
tary department concerned that were designed
to improve patient safety, quality of care, and
access to care at such facility;
(C) data on surgical and maternity care outcomes during such year;

(D) data on appointment wait times during such year; and

(E) data on patient safety, quality of care, and access to care as compared to standards established by the Department with respect to patient safety, quality of care, and access to care.

SEC. 734. REPORT ON PLANS TO IMPROVE EXPERIENCE WITH AND ELIMINATE PERFORMANCE VARIABILITY OF HEALTH CARE PROVIDED BY THE DEPARTMENT OF DEFENSE.

(a) Comprehensive Report.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a comprehensive report setting forth the current and future plans of the Secretary, with estimated dates of completion, to carry out the following:

(A) To improve the experience of beneficiaries with health care provided in military medical treatment facilities and through purchased care.
(B) To eliminate performance variability with respect to the provision of such health care.

(2) ELEMENTS.—The comprehensive report required by paragraph (1) shall include the plans of the Secretary of Defense, in consultation with the Secretaries of the military departments, as follows:

(A) To align performance measures for health care provided in military medical treatment facilities with performance measures for health care provided through purchased care.

(B) To improve underperformance in the provision of health care by the Department of Defense by eliminating performance variability with respect to the provision of health care in military medical treatment facilities and through purchased care.

(C) To use innovative, high-technology services to improve access to care, coordination of care, and the experience of care in military medical treatment facilities and through purchased care.

(D) To collect and analyze data throughout the Department with respect to health care provided in military medical treatment facilities
and through purchased care to improve the
quality of such care, patient safety, and patient
satisfaction.

(E) To develop a performance management
system, including by adoption of common meas-
ures for access to care, quality of care, safety,
and patient satisfaction, that holds medical
leadership throughout the Department person-
ally accountable for sustained improvement of
performance.

(F) To use such other methods as the Sec-
retary considers appropriate to improve the ex-
perience of beneficiaries with and eliminate per-
formance variability with respect to health care
received from the Department.

(b) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than 180 days
after the submittal of the comprehensive report re-
quired by subsection (a), the Comptroller General of
the United States shall submit to the Committees on
Armed Services of the Senate and the House of Rep-
resentatives a report on the plans of the Secretary
of Defense set forth in the comprehensive report
submitted under such subsection.
(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment whether the plans included in the comprehensive report submitted under subsection (a) will, with respect to members of the Armed Forces and covered beneficiaries under the TRICARE program—

(i) improve health outcomes;

(ii) create lasting health value; and

(iii) ensure that such individuals are able to equitably obtain quality health care in all military medical treatment facilities and through purchased care.

(B) An assessment whether such plans can be reasonably achieved within the estimated dates of completion set forth by the Department under such subsection.

(C) An assessment whether any such plan would require legislative action for the implementation of such plan.

(D) An assessment whether the Department of Defense has adequately budgeted amounts to fund the carrying out of such plans.

(c) DEFINITIONS.—In this section:
(1) The term “purchased care” means health care provided pursuant to a contract entered into under the TRICARE program.

(2) The terms “covered beneficiary” and “TRICARE program” have the meaning given such terms in section 1072 of title 10, United States Code.

SEC. 735. REPORT ON PLAN TO IMPROVE PEDIATRIC CARE AND RELATED SERVICES FOR CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan of the Department of Defense to improve pediatric care and related services for children of members of the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) In order to ensure that children receive developmentally-appropriate and age-appropriate health care services from the Department, a plan to align preventive pediatric care under the TRICARE program with—
(A) standards for such care as required by the Patient Protection and Affordable Care Act (Public Law 111–148);

(B) guidelines established for such care by the Early and Periodic Screening, Diagnosis, and Treatment program under the Medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(C) recommendations by organizations that specialize in pediatrics.

(2) A plan to develop a uniform definition of “pediatric medical necessity” for the Department that aligns with recommendations of organizations that specialize in pediatrics in order to ensure that a consistent definition of such term is used in providing health care in military medical treatment facilities and by health care providers under the TRICARE program.

(3) A plan to revise certification requirements for residential treatment centers of the Department to expand the access of children of members of the Armed Forces to services at such centers.

(4) A plan to develop measures to evaluate and improve access to pediatric care, coordination of pediatric care, and health outcomes for such children.
(5) A plan to include an assessment of access to pediatric specialty care in the annual report to Congress on the effectiveness of the TRICARE program.

(6) A plan to improve the quality of and access to behavioral health care under the TRICARE program for such children, including intensive outpatient and partial hospitalization services.

(7) A plan to mitigate the impact of permanent changes of station and other service-related relocations of members of the Armed Forces on the continuity of health care services received by such children who have special medical or behavioral health needs.

(8) A plan to mitigate deficiencies in data collection, data utilization, and data analysis to improve pediatric care and related services for children of members of the Armed Forces.

(c) TRICARE PROGRAM DEFINED.—In this section, the term “TRICARE program” has the meaning given such term in section 1072 of title 10, United States Code.
SEC. 736. REPORT ON PRELIMINARY MENTAL HEALTH SCREENINGS FOR INDIVIDUALS BECOMING MEMBERS OF THE ARMED FORCES.

(a) Report on Recommendations in Connection with Screenings.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on mental health screenings of individuals enlisting or accessioning into the Armed Forces before enlistment or accession.

(b) Elements.—The report under subsection (a) shall include the following:

(1) Recommendations with respect to establishing a secure, electronically-based preliminary mental health screening of members of the Armed Forces to bring mental health screenings to parity with physical screenings of members.

(2) Recommendations with respect to the composition of the mental health screening, evidenced-based best practices, and how to track changes in mental health screenings relating to traumatic brain injuries, post-traumatic stress disorder, and other conditions.

(c) Coordination and Consultation.—The Secretary shall prepare the report under subsection (a)—
(1) in coordination with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the surgeons general of the military departments; and

(2) in consultation with experts in the field, including the National Institute of Mental Health of the National Institutes of Health.

SEC. 737. COMPTROLLER GENERAL REPORT ON USE OF QUALITY OF CARE METRICS AT MILITARY TREATMENT FACILITIES.

(a) In General.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use by the Department of Defense of metrics with respect to the quality of care provided at military treatment facilities.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) The extent to which the Department of Defense and each military department use metrics to monitor and assess the quality of care provided at military treatment facilities.
(2) How, if at all, the use of such metrics varies among the Department of Defense and each military department.

(3) The extent to which the Department of Defense and each military department use the information from such metrics to identify and address issues such as the performance of individual health care providers and areas in need of improvement system-wide.

(4) The extent to which the Department of Defense and each military department oversee the process of using metrics to monitor and assess the quality of care provided at military treatment facilities.

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

Subtitle A—Acquisition Policy and Management

SEC. 801. ROLE OF SERVICE CHIEFS IN THE ACQUISITION PROCESS.

(a) Service Chiefs as Customer of Acquisition Process.—
(1) IN GENERAL.—Chapter 149 of title 10, United States Code, is amended by inserting after section 2546 the following new section:

“§ 2546a. Customer-oriented acquisition system

“(a) OBJECTIVE.—It shall be the objective of the defense acquisition system to meet the needs of its customers in the most cost-effective manner practicable. The acquisition policies, directives, and regulations of the Department of Defense shall be modified as necessary to ensure the development and implementation of a customer-oriented acquisition system.

“(b) CUSTOMER.—The customer of the defense acquisition system is the military service that will have primary responsibility for fielding the system or systems acquired. The customer is represented with regard to a major defense acquisition program by the Secretary of the relevant military department and the Chief of the relevant military service.

“(c) ROLE OF CUSTOMER.—The customer of a major defense acquisition program shall be responsible for balancing resources against priorities on the acquisition program and ensuring that appropriate trade-offs are made among cost, schedule, technical feasibility, and performance on a continuing basis throughout the life of the acquisition program.”.
(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 149 of such title is amended by inserting after the item relating to section 2546 the following new item:

"2546a. Customer-oriented acquisition system."

(b) RESPONSIBILITIES OF CHIEFS.—Section 2547(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

“(2) Decisions regarding the balancing of resources and priorities, and associated trade-offs among cost, schedule, technical feasibility, and performance on major defense acquisition programs.”;

and

(3) in paragraph (6), as redesignated by paragraph (1) of this subsection, by striking “The development” and inserting “The development and management”.

(c) RESPONSIBILITIES OF MILITARY DEPUTIES.—Section 908(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 278; 10 U.S.C. 2430 note) is amended to read as follows:
“(d) DUTIES OF PRINCIPAL MILITARY DEPUTIES.—

Each Principal Military Deputy to a service acquisition executive shall be responsible for—

“(1) keeping the Chief of Staff of the Armed Force concerned informed of the progress of major defense acquisition programs;

“(2) informing the Chief of Staff on a continuing basis of any developments on major defense programs, which may require new or revisited trade-offs among cost, schedule, technical feasibility, and performance, including—

“(A) significant cost growth or schedule slippage; and

“(B) requirements creep (as defined in section 2547(c)(1) of title 10, United States Code); and

“(3) ensuring that the views of the Chief of Staff on cost, schedule, technical feasibility, and performance trade-offs are strongly considered by program managers and program executive officers in all phases of the acquisition process.”.

(d) CONFORMING AMENDMENTS.—

(1) JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(d) of title 10, United States
Code, is amended by adding at the end the following new paragraph:

“(3) The Council shall seek, and strongly consider, the views of the Chiefs of Staff of the Armed Forces, in their roles as customers of the acquisition system, on matters pertaining to trade-offs among cost, schedule, technical feasibility, and performance under subsection (b)(1)(C) and the balancing of resources with priorities pursuant to subsection (b)(3).”.

(2) MILESTONE A DECISIONS.—The chief of the relevant military service shall advise the milestone decision authority for a major defense acquisition program of the chief’s views on cost, schedule, technical feasibility, and performance trade-offs that have been made with regard to the program, as provided in section 2366a(a)(2) of title 10, United States Code, as amended by section 844 of this Act, prior to a Milestone A decision on the program.

(3) MILESTONE B DECISIONS.—The chief of the relevant military service shall advise the milestone decision authority for a major defense acquisition program of the chief’s views on cost, schedule, technical feasibility, and performance trade-offs that have been made with regard to the program, as provided in section 2366b(b)(3) of title 10, United
States Code, as amended by section 845 of this Act, prior to a Milestone B decision on the program.

(4) DUTIES OF CHIEFS.—

(A) Section 3033(d)(5) of title 10, United States Code, is amended by striking “section 171” and inserting “sections 171 and 2547”.

(B) Section 5033(d)(5) of title 10, United States Code, is amended by striking “section 171” and inserting “sections 171 and 2547”.

(C) Section 5043(e)(5) of title 10, United States Code, is amended by striking “section 171” and inserting “sections 171 and 2547”.

(D) Section 8033(d)(5) of title 10, United States Code, is amended by striking “section 171” and inserting “sections 171 and 2547”.

SEC. 802. EXPANSION OF RAPID ACQUISITION AUTHORITY.

Section 806(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note) is amended to read as follows:

“(c) RESPONSE TO COMBAT EMERGENCIES AND CERTAIN URGENT OPERATIONAL NEEDS.—

“(1) DETERMINATION OF NEED FOR RAPID ACQUISITION AND DEPLOYMENT.—(A) In the case of any supplies and associated support services that, as determined in writing by the Secretary of Defense,
are urgently needed to eliminate a documented deficiency that has resulted in combat casualties, or is likely to result in combat casualties, the Secretary may use the procedures developed under this section in order to accomplish the rapid acquisition and deployment of the needed supplies and associated support services.

“(B) In the case of any supplies and associated support services that, as determined in writing by the Secretary of Defense, are urgently needed to eliminate a documented deficiency that impacts an ongoing or anticipated contingency operation and that, if left unfulfilled, could potentially result in loss of life or critical mission failure, the Secretary may use the procedures developed under this section in order to accomplish the rapid acquisition and deployment of the needed supplies and associated support services.

“(C)(i) In the case of any supplies and associated support services that, as determined in writing by the Secretary of Defense without delegation, are urgently needed to eliminate a deficiency that as the result of a cyber attack has resulted in critical mission failure, the loss of life, property destruction, or economic effects, or if left unfilled is likely to result
in critical mission failure, the loss of life, property
destruction, or economic effects, the Secretary may
use the procedures developed under this section in
order to accomplish the rapid acquisition and deploy-
ment of the needed offensive or defensive cyber ca-
pabilities, supplies, and associated support services.

“(ii) In this subparagraph, the term ‘cyber at-
tack’ means a deliberate action to alter, disrupt, de-
ceive, degrade, or destroy computer systems or net-
works or the information or programs resident in or
transiting these systems or networks.

“(2) Designation of Senior Official Re-
 sponsible.—(A) Whenever the Secretary makes a
determination under subparagraph (A), (B), or (C)
of paragraph (1) that certain supplies and associ-
ated support services are urgently needed to elimi-
nate a deficiency described in that subparagraph,
the Secretary shall designate a senior official of the
Department of Defense to ensure that the needed
supplies and associated support services are acquired
and deployed as quickly as possible, with a goal of
awarding a contract for the acquisition of the sup-
plies and associated support services within 15 days.

“(B) Upon designation of a senior official under
subparagraph (A), the Secretary shall authorize that
official to waive any provision of law, policy, directive, or regulation described in subsection (d) that such official determines in writing would unnecessarily impede the rapid acquisition and deployment of the needed supplies and associated support services. In a case in which the needed supplies and associated support services cannot be acquired without an extensive delay, the senior official shall require that an interim solution be implemented and deployed using the procedures developed under this section to minimize adverse consequences resulting from the urgent need.

“(3) USE OF FUNDS.—(A) In any fiscal year in which the Secretary makes a determination described in subparagraph (A), (B), or (C) of paragraph (1), the Secretary may use any funds available to the Department of Defense for acquisitions of supplies and associated support services if the determination includes a written finding that the use of such funds is necessary to address the deficiency in a timely manner.

“(B) The authority of this section may only be used to acquire supplies and associated support services—
“(i) in the case of determinations by the Secretary under paragraph (1)(A), in an amount aggregating not more than $200,000,000 during any fiscal year;

“(ii) in the case of determinations by the Secretary under paragraph (1)(B), in an amount aggregating not more than $200,000,000 during any fiscal year; and

“(iii) in the case of determinations by the Secretary under paragraph (1)(C), in an amount aggregating not more than $200,000,000 during any fiscal year.

“(4) Notification to congressional defense committees.—(A) In the case of a determination by the Secretary under paragraph (1)(A), the Secretary shall notify the congressional defense committees of the determination within 15 days after the date of the determination.

“(B) In the case of a determination by the Secretary under paragraph (1)(B) the Secretary shall notify the congressional defense committees of the determination at least 10 days before the date on which the determination is effective.

“(C) A notice under this paragraph shall include the following:
“(i) The supplies and associated support services to be acquired.

“(ii) The amount anticipated to be expended for the acquisition.

“(iii) The source of funds for the acquisition.

“(D) A notice under this paragraph shall be sufficient to fulfill any requirement to provide notification to Congress for a new start program.

“(E) A notice under this paragraph shall be provided in consultation with the Director of the Office of Management and Budget.

“(5) TIME FOR TRANSITIONING TO NORMAL ACQUISITION SYSTEM.—Any acquisition initiated under this subsection shall transition to the normal acquisition system not later than two years after the date on which the Secretary makes the determination described in paragraph (1) with respect to the supplies and associated support services concerned.

“(6) LIMITATION ON OFFICERS WITH AUTHORITY TO MAKE A DETERMINATION.—The authority to make a determination under subparagraph (A), (B), or (C) of paragraph (1) may be exercised only by the Secretary or Deputy Secretary of Defense.”.
SEC. 803. MIDDLE TIER OF ACQUISITION FOR RAPID PROTOTYPING AND RAPID FIELDING.

(a) Guidance Required.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Comptroller of the Department of Defense and the Vice Chairman of the Joint Chiefs of Staff, shall establish guidance for a “middle tier” of acquisition programs that are intended to be completed in a period of two to five years.

(b) Acquisition Pathways.—The guidance required by subsection (a) shall cover the following two acquisition pathways:

(1) Rapid Prototyping.—The rapid prototyping pathway shall provide for the use of innovative technologies to rapidly develop fieldable prototypes to demonstrate new capabilities and meet emerging military needs. The objective of an acquisition program under this pathway shall be to field a prototype that can be demonstrated in an operational environment and provide for a residual operational capability within five years of the development of an approved requirement.

(2) Rapid Fielding.—The rapid fielding pathway shall provide for the use of proven technologies to field production quantities of new or upgraded
systems with minimal development required. The obj-
jective of an acquisition program under this pathway
shall be to begin production within six months and
complete fielding within five years of the develop-
ment of an approved requirement.
(c) EXPEDITED PROCESS.—
(1) IN GENERAL.—The guidance required by
subsection (a) shall provide for a streamlined and
coordinated requirements, budget, and acquisition
process that results in the development of an ap-
proved requirement for each program in a period of
not more than six months from the time that the
process is initiated. Programs that are subject to the
guidance shall not be subject to the Joint Capabili-
ties Integration and Development System Manual
and Department of Defense Directive 5000.01, ex-
cept to the extent specifically provided in the guid-
ance.
(2) RAPID PROTOTYPING.—With respect to the
rapid prototyping pathway, the guidance shall in-
clude—
(A) a merit-based process for the consider-
ation of innovative technologies and new capa-
bilities to meet needs communicated by the
Joint Chiefs of Staff and the combatant commanders;

(B) a process for developing and implementing acquisition and funding strategies for the program;

(C) a process for cost-sharing with the military departments on rapid prototype projects, to ensure an appropriate commitment to the success of such projects;

(D) a process for demonstrating and evaluating the performance of fieldable prototypes developed pursuant to the program in an operational environment; and

(E) a process for transitioning successful prototypes to new or existing acquisition programs for production and fielding under the rapid fielding pathway or the traditional acquisition system.

(3) RAPID FIELDING.—With respect to the rapid fielding pathway, the guidance shall include—

(A) a merit-based process for the consideration of existing products and proven technologies to meet needs communicated by the Joint Chiefs of Staff and the combatant commanders;
(B) a process for demonstrating performance and evaluating for current operational purposes the proposed products and technologies;

(C) a process for developing and implementing acquisition and funding strategies for the program; and

(D) a process for considering lifecycle costs and addressing issues of logistics support and system interoperability.

(4) STREAMLINED PROCEDURES.—The guidance for the programs may provide for any of the following streamlined procedures:

(A) The service acquisition executive of the military department concerned shall appoint a program manager for such program from among candidates from among civilian employees or members of the armed forces who have significant and relevant experience managing large and complex programs.

(B) The program manager for each program shall report with respect to such program directly, without intervening review or approval, to the service acquisition executive of the military department concerned.
(C) The service acquisition executive of the military department concerned shall evaluate the job performance of such manager on an annual basis. In conducting an evaluation under this paragraph, a service acquisition executive shall consider the extent to which the manager has achieved the objectives of the program for which the manager is responsible, including quality, timeliness, and cost objectives.

(D) The program manager of a defense streamlined program shall be authorized staff positions for a technical staff, including experts in business management, contracting, auditing, engineering, testing, and logistics, to enable the manager to manage the program without the technical assistance of another organizational unit of an agency to the maximum extent practicable.

(E) The program manager of a defense streamlined program shall be authorized, in coordination with the users of the equipment and capability to be acquired and the test community, to make trade-offs among life-cycle costs, requirements, and schedules to meet the goals of the program.
(F) The service acquisition executive, acting in coordination with the defense acquisition executive, shall serve as the milestone decision authority for the program.

(G) The program manager of a defense streamlined program shall be provided a process to expeditiously seek a waiver from Congress from any statutory or regulatory requirement that the program manager determines adds little or no value to the management of the program.

(d) RAPID PROTOTYPING FUND.—

(1) IN GENERAL.—The Secretary of Defense shall establish a fund to be known as the “Department of Defense Rapid Prototyping Fund” to provide funds, in addition to other funds that may be available for acquisition programs under the rapid prototyping pathway established pursuant to this section. The Fund shall be managed by a senior official of the Department of Defense designated by the Under Secretary of Defense for Acquisition, Technology, and Logistics. The Fund shall consist of amounts appropriated to the Fund and amounts credited to the Fund pursuant to section 849 of this Act.
(2) Transfer authority.—Amounts available in the Fund may be transferred to a military department for the purpose of carrying out an acquisition program under the rapid prototyping pathway established pursuant to this section. Any amount so transferred shall be credited to the account to which it is transferred. The transfer authority provided in this subsection is in addition to any other transfer authority available to the Department of Defense.

(3) Congressional notice.—The senior official designated to manage the Fund shall notify the congressional defense committees of all transfers under paragraph (2). Each notification shall specify the amount transferred, the purpose of the transfer, and the total projected cost and estimated cost to complete the acquisition program to which the funds were transferred.

SEC. 804. AMENDMENTS TO OTHER TRANSACTION AUTHORITY.

(a) Authority of the Defense Advanced Research Projects Agency to carry out certain prototype projects.—

(1) In general.—Chapter 193 of title 10, United States Code, is amended by inserting after section 2371a the following new section:
“§ 2371b. Authority of the Defense Advanced Research Projects Agency to carry out certain prototype projects

“(a) AUTHORITY.—(1) Subject to paragraph (2), the Director of the Defense Advanced Research Projects Agency, the Secretary of a military department, or any other official designated by the Secretary of Defense may, under the authority of section 2371 of this title, carry out prototype projects that are directly relevant to enhancing the mission effectiveness of military personnel and the supporting platforms, systems, components, or materials proposed to be acquired or developed by the Department of Defense, or to improvement of platforms, systems, components, or materials in use by the armed forces.

“(2) The authority of this section—

“(A) may be exercised for a prototype project that is expected to cost the Department of Defense in excess of $50,000,000 but not in excess of $250,000,000 (including all options) only upon a written determination by the senior procurement executive for the agency as designated for the purpose of section 1702(c) of title 41, or, for the Defense Advanced Research Projects Agency or the Missile Defense Agency, the director of the agency that—

“(i) the requirements of subsection (d) will be met; and
“(ii) the use of the authority of this section is essential to promoting the success of the prototype project; and

“(B) may be exercised for a prototype project that is expected to cost the Department of Defense in excess of $250,000,000 (including all options) only if—

“(i) the Under Secretary of Defense for Acquisition, Technology, and Logistics determines in writing that—

“(I) the requirements of subsection (d) will be met; and

“(II) the use of the authority of this section is essential to meet critical national security objectives; and

“(ii) the congressional defense committees are notified in writing at least 30 days before such authority is exercised.

“(3) The authority of a senior procurement executive or director of the Defense Advanced Research Projects Agency or Missile Defense Agency under paragraph (2)(A), and the authority of the Under Secretary of Defense for Acquisition, Technology, and Logistics under paragraph (2)(B), may not be delegated.

“(b) EXERCISE OF AUTHORITY.—
“(1) Subsections (e)(1)(B) and (e)(2) of such section 2371 shall not apply to projects carried out under subsection (a).

“(2) To the maximum extent practicable, competitive procedures shall be used when entering into agreements to carry out projects under subsection (a).

“(c) COMPTROLLER GENERAL ACCESS TO INFORMATION.—(1) Each agreement entered into by an official referred to in subsection (a) to carry out a project under that subsection that provides for payments in a total amount in excess of $5,000,000 shall include a clause that provides for the Comptroller General, in the discretion of the Comptroller General, to examine the records of any party to the agreement or any entity that participates in the performance of the agreement.

“(2) The requirement in paragraph (1) shall not apply with respect to a party or entity, or a subordinate element of a party or entity, that has not entered into any other agreement that provides for audit access by a Government entity in the year prior to the date of the agreement.

“(3)(A) The right provided to the Comptroller General in a clause of an agreement under paragraph (1) is limited as provided in subparagraph (B) in the case of
a party to the agreement, an entity that participates in
the performance of the agreement, or a subordinate ele-
ment of that party or entity if the only agreements or
other transactions that the party, entity, or subordinate
element entered into with Government entities in the year
prior to the date of that agreement are cooperative agree-
ments or transactions that were entered into under this
section or section 2371 of this title.

“(B) The only records of a party, other entity, or sub-
ordinate element referred to in subparagraph (A) that the
Comptroller General may examine in the exercise of the
right referred to in that subparagraph are records of the
same type as the records that the Government has had
the right to examine under the audit access clauses of the
previous agreements or transactions referred to in such
subparagraph that were entered into by that particular
party, entity, or subordinate element.

“(4) The head of the contracting activity that is car-
rying out the agreement may waive the applicability of the
requirement in paragraph (1) to the agreement if the head
of the contracting activity determines that it would not
be in the public interest to apply the requirement to the
agreement. The waiver shall be effective with respect to
the agreement only if the head of the contracting activity
transmits a notification of the waiver to Congress and the
Comptroller General before entering into the agreement. The notification shall include the rationale for the determination.

“(5) The Comptroller General may not examine records pursuant to a clause included in an agreement under paragraph (1) more than three years after the final payment is made by the United States under the agreement.

“(d) Appropriate Use of Authority.—(1) The Secretary of Defense shall ensure that no official of an agency enters into a transaction (other than a contract, grant, or cooperative agreement) for a prototype project under the authority of this section unless one of following conditions is met:

“(A) There is at least one nontraditional defense contractor participating to a significant extent in the prototype project.

“(B) All parties to the transaction other than the Federal Government are innovative small businesses and non-traditional contractors with unique capabilities relevant to the prototype project.

“(C) At least one third of the total cost of the prototype project is to be paid out of funds provided by parties to the transaction other than the Federal Government.
“(D) The senior procurement executive for the agency determines in writing that exceptional circumstances justify the use of a transaction that provides for innovative business arrangements or structures that would not be feasible or appropriate under a contract.

“(2)(A) Except as provided in subparagraph (B), the amounts counted for the purposes of this subsection as being provided, or to be provided, by a party to a transaction with respect to a prototype project that is entered into under this section other than the Federal Government do not include costs that were incurred before the date on which the transaction becomes effective.

“(B) Costs that were incurred for a prototype project by a party after the beginning of negotiations resulting in a transaction (other than a contract, grant, or cooperative agreement) with respect to the project before the date on which the transaction becomes effective may be counted for purposes of this subsection as being provided, or to be provided, by the party to the transaction if and to the extent that the official responsible for entering into the transaction determines in writing that—

“(i) the party incurred the costs in anticipation of entering into the transaction; and
“(ii) it was appropriate for the party to incur
the costs before the transaction became effective in
order to ensure the successful implementation of the
transaction.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘nontraditional defense con-
tractor’ has the meaning given the term under sec-
tion 2302(9) of this title.

“(2) The term ‘small business’ means a small
business concern as defined under section 3 of the

“(f) FOLLOW-ON PRODUCTION CONTRACTS OR
TRANSACTIONS.—(1) A transaction entered into under
this section for a prototype project may provide for the
award of a follow-on production contract or transactions
to the participants in the transaction.

“(2) A follow-on production contract or transaction
provided for in a transaction under paragraph (1) may
be awarded to the participants in the transaction without
the use of competitive procedures, notwithstanding the re-
requirements of section 2304 of this title, if—

“(A) competitive procedures were used for the
selection of parties for participation in the trans-
action; and
“(B) the participants in the transaction successfully completed the prototype project provided for in the transaction.

“(3) Contracts and transactions entered into pursuant to this subsection may be awarded using the authority in subsection (a), under the authority of chapter 137 of this title, or under such procedures, terms, and conditions as the Secretary of Defense may establish by regulation.

“(g) Authority to provide prototypes and follow-on production items as government furnished equipment.—An agreement entered pursuant to the authority of subsection (a) or a follow-on contract entered pursuant to the authority of subsection (f) may provide for prototypes or follow-on production items to be provided to another contractor as government-furnished equipment.

“(h) Applicability of procurement ethics requirements.—An agreement entered into under the authority of this section shall be treated as a Federal agency procurement for the purposes of chapter 21 of title 41.”.

(2) Clerical amendment.—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2371a the following new item:

“2371b. Authority of the Defense Advanced Research Projects Agency to carry out certain prototype projects.”.
(b) Modification to Definition of Non-traditional Contractor.—Section 2302(9) of such title is amended to read as follows:

“(9) The term ‘nontraditional defense contractor’, with respect to a procurement or with respect to a transaction authorized under section 2371(a) of this title, means an entity that—

“(A) is not currently performing and has not performed, for at least the one-year period preceding the solicitation of sources by the Department of Defense for the procurement or transaction, any contract or subcontract that is subject to full coverage under the cost accounting standards prescribed pursuant to 1502 of title 41 and the regulations implementing such section; and

“(B) has not been awarded, for at least the one-year period preceding the solicitation of sources by the Department of Defense for the procurement or transaction, any other contract under which the contractor was required to submit certified cost or pricing data under section 2306a of this title.”.

(c) Repeal of Obsolete Authority.—Section 845 of the National Defense Authorization Act for Fiscal
Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) is hereby repealed.

(d) **Technical and Conforming Amendment.**—

Section 1601(e)(1) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 2370a note) is amended by restating subparagraph (B) to read as follows:

“(B) sections 2371 and 2371b of title 10, United States Code.”.

**SEC. 805. USE OF ALTERNATIVE ACQUISITION PATHS TO ACQUIRE CRITICAL NATIONAL SECURITY CAPABILITIES.**

(a) **Guidelines.**—The Secretary of Defense shall establish procedures and guidelines for alternative acquisition pathways to acquire capital assets and services that meet critical national security needs. The guidelines shall—

(1) be separate from existing acquisition procedures and guidelines;

(2) be supported by streamlined contracting, budgeting, and requirements processes;

(3) establish alternative acquisition paths based on the capabilities being bought and the time needed to deploy these capabilities; and
(4) maximize the use of flexible authorities in existing law and regulation.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes a summary of the guidelines established under subsection (a) and recommendations for any legislation necessary to meet the objectives set forth in subsection (a) and to implement the guidelines established under such subsection.

SEC. 806. SECRETARY OF DEFENSE WAIVER OF ACQUISITION LAWS TO ACQUIRE VITAL NATIONAL SECURITY CAPABILITIES.

(a) WAIVER AUTHORITY.—The Secretary of Defense is authorized to waive any provision of acquisition law or regulation described in subsection (c) for the purpose of acquiring a capability that would not otherwise be available to the Armed Forces of the United States, upon a determination that—

(1) the acquisition of the capability is in the vital national security interest of the United States;

(2) the application of the law or regulation to be waived would impede the acquisition of the capability in a manner that would undermine the national security of the United States; and
(3) the underlying purpose of the law or regulation to be waived can be addressed in a different manner or at a different time.

(b) Designation of Responsible Official.—Whenever the Secretary of Defense makes a determination under subsection (a)(1) that the acquisition of a capability is in the vital national security interest of the United States, the Secretary shall designate a senior official of the Department of Defense who shall be personally responsible and accountable for the rapid and effective acquisition and deployment of the needed capability. The Secretary shall provide the designated official such authority as the Secretary determines necessary to achieve this objective, and may use the waiver authority in subsection (a) for this purpose.

(e) Acquisition Laws and Regulations.—

(1) In general.—Upon a determination described in subsection (a), the Secretary of Defense is authorized to waive any provision of law or regulation addressing—

(A) the establishment of a requirement or specification for the capability to be acquired;

(B) research, development, test, and evaluation of the capability to be acquired;
(C) production, fielding, and sustainment
of the capability to be acquired; or

(D) solicitation, selection of sources, and
award of contracts for the capability to be ac-
quired.

(2) LIMITATIONS.—Nothing in this subsection
authorizes the waiver of—

(A) the requirements of this section;

(B) any provision of law imposing civil or
criminal penalties; or

(C) any provision of law governing the
proper expenditure of appropriated funds.

(d) REPORT TO CONGRESS.—The Secretary of De-
fense shall notify the congressional defense committees at
least 30 days before exercising the waiver authority under
subsection (a). Each such notice shall include—

(1) an explanation of the basis for determining
that the acquisition of the capability is in the vital
national security interest of the United States;

(2) an identification of each provision of law or
regulation to be waived; and

(3) for each provision identified pursuant to
paragraph (2)—

(A) an explanation of why the application
of the provision would impede the acquisition in
a manner that would undermine the national
security of the United States; and

    (B) a description of the time or manner in
which the underlying purpose of the law or reg-
ulation to be waived will be addressed.

(e) **Non-Delegation.**—The authority of the Sec-
retary to waive provisions of laws and regulations under
subsection (a) is non-delegable.

**SEC. 807. ACQUISITION AUTHORITY OF THE COMMANDER
OF UNITED STATES CYBER COMMAND.**

(a) Authority.—

    (1) **In general.**—The Commander of the
United States Cyber Command shall be responsible
for, and shall have the authority to conduct, the fol-
lowing acquisition activities:

        (A) Development and acquisition of cyber
operations-peculiar equipment and capabilities.

        (B) Acquisition of cyber capability-peculiar
equipment, capabilities, and services.

    (2) **Acquisition functions.**—Subject to the
authority, direction, and control of the Secretary of
Defense, the Commander shall have authority to ex-
ercise the functions of the head of an agency under
chapter 137 of title 10, United States Code.

(b) **Command Acquisition Executive.**—
(1) IN GENERAL.—The staff of the Commander shall include a command acquisition executive, who shall be responsible for the overall supervision of acquisition matters for the United States Cyber Command. The command acquisition executive shall have the authority—

(A) to negotiate memoranda of agreement with the military departments to carry out the acquisition of equipment, capabilities, and services described in subsection (a)(1) on behalf of the Command;

(B) to supervise the acquisition of equipment, capabilities, and services described in subsection (a)(1);

(C) to represent the Command in discussions with the military departments regarding acquisition programs for which the Command is a customer; and

(D) to work with the military departments to ensure that the Command is appropriately represented in any joint working group or integrated product team regarding acquisition programs for which the Command is a customer.
(2) DELIVERY OF ACQUISITION SOLUTIONS.—

The command acquisition executive of the United States Cyber Command shall be—

(A) responsible to the Commander for rapidly delivering acquisition solutions to meet validated cyber operations-peculiar requirements;

(B) subordinate to the defense acquisition executive in matters of acquisition;

(C) subject to the same oversight as the service acquisition executives; and

(D) included on the distribution list for acquisition directives and instructions of the Department of Defense.

(c) ACQUISITION PERSONNEL.—

(1) IN GENERAL.—The Secretary of Defense shall provide the United States Cyber Command with the personnel or funding equivalent to ten full-time equivalent personnel to support the Commander in fulfilling the acquisition responsibilities provided for under this section with experience in—

(A) program acquisition;

(B) the Joint Capabilities Integration and Development System Process;

(C) program management;

(D) system engineering; and
(E) costing.

(2) EXISTING PERSONNEL.—The personnel provided under this subsection shall be provided from among the existing personnel of the Department of Defense.

(d) INSPECTOR GENERAL ACTIVITIES.—The staff of the Commander of the United States Cyber Command shall on a periodic basis include a representative from the Department of Defense Office of Inspector General who shall conduct internal audits and inspections of purchasing and contracting actions through the United States Cyber Command and such other Inspector General functions as may be assigned.

(e) BUDGET.—In addition to the activities of a combatant command for which funding may be requested under section 166(b) of title 10, United States Code, the budget proposal of the United States Cyber Command shall include requests for funding for—

(1) development and acquisition of cyber operations-peculiar equipment; and

(2) acquisition of other capabilities or services that are peculiar to offensive cyber operations activities.

(f) CYBER OPERATIONS PROCUREMENT FUND.—There is authorized to be appropriated for each of fiscal
years 2016 through 2021, out of funds made available for
procurement, Defense-wide, $75,000,000 for a Cyber Op-
erations Procurement Fund to support acquisition activi-
ties provided for under this section.

(g) RULE OF CONSTRUCTION REGARDING INTEL-
LIGENCE AND SPECIAL ACTIVITIES.—Nothing in this sec-
tion shall be construed to constitute authority to conduct
any activity which, if carried out as an intelligence activity
by the Department of Defense, would require a notice to
the Select Committee on Intelligence of the Senate and
the Permanent Select Committee on Intelligence of the
House of Representatives under title V of the National
Security Act of 1947 (50 U.S.C. 3091 et seq.).

(h) SUNSET.—

(1) IN GENERAL.—The authority under this
section shall terminate on September 30, 2021.

(2) LIMITATION ON DURATION OF ACQUISI-
tions.—The authority under this section does not
include major defense acquisitions or acquisitions of
foundational infrastructure or software architectures
the duration of which is expected to last more than
five years.
SEC. 808. ADVISORY PANEL ON STREAMLINING AND CODIFYING ACQUISITION REGULATIONS.

(a) Establishment.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish under the sponsorship of the Defense Acquisition University and the National Defense University an advisory panel on streamlining acquisition regulations.

(b) Membership.—The panel shall be composed of at least nine individuals who are recognized experts in acquisition and procurement policy. In making appointments to the advisory panel, the Under Secretary shall ensure that the members of the panel reflect diverse experiences in the public and private sectors.

(c) Duties.—The panel shall—

(1) review the acquisition regulations applicable to the Department of Defense with a view toward streamlining and improving the efficiency and effectiveness of the defense acquisition process and maintaining defense technology advantage; and

(2) make any recommendations for the amendment or repeal of such regulations that the panel considers necessary, as a result of such review, to—

(A) establish and administer appropriate buyer and seller relationships in the procurement system;
(B) improve the functioning of the acquisition system;

(C) ensure the continuing financial and ethical integrity of defense procurement programs;

(D) protect the best interests of the Department of Defense; and

(E) eliminate any regulations that are unnecessary for the purposes described in subparagraphs (A) through (D).

(d) Administrative Matters.—

(1) In General.—The Secretary of Defense shall provide the advisory panel established pursuant to subsection (a) with timely access to appropriate information, data, resources, and analysis so that the advisory panel may conduct a thorough and independent assessment as required under such subsection.

(2) Inapplicability of FACA.—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory panel established pursuant to subsection (a).

(e) Report.—

(1) Panel Report.—Not later than two years after the date on which the Secretary of Defense es-
establishes the advisory panel, the panel shall transmit a final report to the Secretary.

(2) ELEMENTS.—The final report shall contain a detailed statement of the findings and conclusions of the panel, including—

(A) a history of each current acquisition regulation and a recommendation as to whether the regulation and related law (if applicable) should be retained, modified, or repealed; and

(B) such additional recommendations for legislation as the panel considers appropriate.

(3) INTERIM REPORTS.—(A) Not later than 6 months and 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit a report to or brief the congressional defense committees on the interim findings of the panel with respect to the elements set forth in paragraph (2).

(B) The panel shall provide regular updates to the Secretary of Defense for purposes of providing the interim reports required under this paragraph.

(4) FINAL REPORT.—Not later than 30 days after receiving the final report of the advisory panel, the Secretary of Defense shall transmit the final report, together with such comments as the Secretary
determines appropriate, to the congressional defense committees.

(f) **DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND SUPPORT.**—The Secretary of Defense may use amounts available in the Department of Defense Acquisition Workforce Development Fund established under section 1705 of title 10, United States Code, to support activities of the advisory panel under this section.

**SEC. 809. REVIEW OF TIME-BASED REQUIREMENTS PROCESS AND BUDGETING AND ACQUISITION SYSTEMS.**

(a) **TIME-BASED REQUIREMENTS PROCESS.**—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall review the requirements process with the goal of establishing an agile and streamlined system that develops requirements that provide stability and foundational direction for acquisition programs. The requirements system should be informed by technological market research and provide a time-based or phased distinction between capabilities needed to be deployed urgently, within 2 years, within 5 years, and longer than 5 years.

(b) **BUDGETING AND ACQUISITION SYSTEMS.**—The Secretary of Defense shall review and ensure that the acquisition and budgeting systems are structured to meet
time-based or phased requirements in a manner that is predictable, cost effective, and efficient and takes advantage of emerging technological developments. The Secretary shall make all necessary changes in regulation and policy to achieve a time-based requirements, budgeting, and acquisition system and shall identify and report to Congress within 180 days after the date of the enactment of this Act on any statutory impediments to achieving such a system.

SEC. 810. IMPROVEMENT OF PROGRAM AND PROJECT MANAGEMENT BY THE DEPARTMENT OF DEFENSE.

(a) Department-wide Responsibilities of Secretary of Defense.—In fulfilling the responsibilities under chapter 87 of title 10, United States Code, the Secretary of Defense shall—

(1) develop Department-wide standards, policies, and guidelines for program and project management for the Department of Defense based on appropriate and applicable nationally accredited standards for program and project management;

(2) develop polices to monitor compliance with the standards, policies, and guidelines developed under paragraph (1); and
(3) engage with the private sector on matters relating to program and project management for the Department.

(b) RESPONSIBILITIES OF USD (ATL).—In fulfilling the responsibilities under chapter 87 of title 10, United States Code, for the military departments and the Defense Agencies, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(1) advise and assist Secretary of Defense with respect Department of Defense practices related to program and project management;

(2) review programs identified as high-risk in program and project management by the Government Accountability Office, and make recommendations for actions to be taken by the Secretary to mitigate such risks;

(3) assess matters of importance to the workforce in program and project management, including—

(A) career development and workforce development;

(B) policies to support continuous improvement in program and project management; and

(C) major challenges of the Department in managing programs and projects; and
(4) advise on the development and applicability of standards Department-wide for program and project management transparency.

(c) Responsibilities of Acquisition Executives.—In fulfilling the responsibilities under chapter 87 of title 10, United States Code, for the military departments, the service acquisition executives (in consultation with the Chiefs of the Armed Forces with respect to military program managers), and the component acquisition executives for the Defense Agencies, shall—

(1) ensure the compliance of the department or Agency concerned with standards, policies, and guidelines for program and project management for the Department of Defense developed by the Secretary of Defense under subsection (a)(1); and

(2) ensure the effective career development of program managers through—

(A) training and educational opportunities for program managers, including exchange programs with the private sector;

(B) mentoring of current and future program managers by experienced public and private sector senior executives and program managers;
(C) continued refinement of career paths and career opportunities for program managers;

(D) incentives for the recruitment of highly qualified individuals to serve as program managers;

(E) improved means of collecting and disseminating best practices and lessons learned to enhance program management; and

(F) improved methods to support improved data gathering and analysis for program management and oversight purposes.

(d) **Deadline for Standards, Policies, and Guidelines.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall issue the standards, policies, and guidelines required by subsection (a)(1). The Secretary shall provide Congress an interim update on the progress made in implementing this section not later than six months after the date of the enactment of this Act.
Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 821. PREFERENCE FOR FIXED-PRICE CONTRACTS IN DETERMINING CONTRACT TYPE FOR DEVELOPMENT PROGRAMS.

(a) Establishment of Preference.—Not later than 180 days after the date of the enactment of this Act, the Defense Federal Acquisition Regulation Supplement shall be revised to establish a preference for fixed-price contracts, including fixed-price incentive fee contracts, in the determination of contract type for development programs.

(b) Technical and Conforming Changes.—Section 818(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2329) is amended—

(1) in the first sentence, by inserting “or major automated information system” after “major defense acquisition program”; and

(2) by striking the second sentence.

SEC. 822. APPLICABILITY OF COST AND PRICING DATA AND CERTIFICATION REQUIREMENTS.

Section 2306a(b)(1) of title 10, United States Code, is amended—
(1) in subparagraph (B), by striking “; or” and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting “; or” ; and

(3) by adding at the end the following new sub-
paragraph:

“(D) to the extent such data relates to an offset agreement in connection with a contract for the sale of a weapon system or defense-re-
lated item to a foreign country or foreign firm.”.

SEC. 823. RISK-BASED CONTRACTING FOR SMALLER CON-
TRACT ACTIONS UNDER THE TRUTH IN NE-
GOTIATIONS ACT.

(a) INCREASE IN THRESHOLDS.—Subsection (a) of section 2306a of title 10, United States Code, is amend-
ed—

(1) in paragraph (1)—

(A) by striking “December 5, 1990” each place it appears and inserting “January 15, 2016”;

(B) by striking “$500,000” each place it appears and inserting “$5,000,000”; and

(C) by striking “$100,000” each place it appears and inserting “$750,000”; and
(2) in paragraph (7), by striking “fiscal year 1994 constant dollar value” and inserting “fiscal year 2016 constant dollar value”.

(b) Risk-Based Contracting.—Subsection (c) of such section is amended to read as follows:

“(c) Cost or Pricing Data on Below-threshold Contracts.—

“(1) Authority to Require Submission.—Subject to paragraph (4), when certified cost or pricing data are not required to be submitted by subsection (a) for a contract, subcontract, or modification of a contract or subcontract, such data may nevertheless be required to be submitted by the head of the procuring activity, if the head of the procuring activity—

“(A) determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract; or

“(B) requires the submission of such data in accordance with a risk-based contracting approach established pursuant to paragraph (3).

“(2) Written Determination Required.—In any case in which the head of the procuring activi-
ity requires certified cost or pricing data to be sub-
mitted under paragraph (1)(A), the head of the pro-
curing activity shall justify in writing the reason for
such requirement.

“(3) RISK-BASED CONTRACTING.—The head of
an agency shall establish a risk-based sampling ap-
proach under which the submission of certified cost
or pricing data may be required for a risk-based
sample of contracts, the price of which is expected
to exceed the dollar amount in subsection
(a)(1)(A)(ii), but not the amount in subsection
(a)(1)(A)(i). The authority to require certified cost
or pricing data under this paragraph shall not apply
to any contract of an offeror that has not been
awarded, for at least the one-year period preceding
the issuance of a solicitation for the contract, any
other contract in excess of the amount in subsection
(a)(1)(A)(i) under which the offeror was required to
submit certified cost or pricing data under this sec-
section.

“(4) EXCEPTION.—The head of the procuring
activity may not require certified cost or pricing
data to be submitted under this subsection for any
contract or subcontract, or modification of a con-
tract or subcontract, covered by the exceptions in subparagraph (A) or (B) of subsection (b)(1).

“(5) DELEGATION OF AUTHORITY PROHIBITED.—The head of a procuring activity may not delegate functions under this subsection.”.

SEC. 824. LIMITATION ON USE OF REVERSE AUCTION AND LOWEST PRICE TECHNICALLY ACCEPTABLE CONTRACTING METHODS.

Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation and the Defense Supplement to the Federal Acquisition Regulation shall be amended—

(1) to prohibit the use by the Department of Defense of reverse auction or lowest price technically acceptable contracting methods for the procurement of personal protective equipment where the level of quality or failure of the item could result in combat casualties; and

(2) to establish a preference for the use of best value contracting methods for the procurement of such equipment.

SEC. 825. RIGHTS IN TECHNICAL DATA.

(a) RIGHTS IN TECHNICAL DATA RELATING TO MAJOR WEAPON SYSTEMS.—Paragraph (2) of section
2321(f) of title 10, United States Code, is amended to read as follows:

“(2) In the case of a challenge to a use or release restriction that is asserted with respect to technical data of a contractor or subcontractor for a major system or a subsystem or component thereof on the basis that the major weapon system, subsystem, or component was developed exclusively at private expense—

“(A) the presumption in paragraph (1) shall apply—

“(i) with regard to a commercial sub-system or component of a major system, if the major system was acquired as a commercial item in accordance with section 2379(a) of this title;

“(ii) with regard to a component of a sub-system, if the subsystem was acquired as a commercial item in accordance with section 2379(b) of this title; and

“(iii) with regard to any other component, if the component is a commercially available off-the-shelf item or a commercially available off-the-shelf item with modifications of a type customarily available in the commercial market-
place or minor modifications made to meet Federal Government requirements; and

“(B) in all other cases, the challenge to the use or release restriction shall be sustained unless information provided by the contractor or subcontractor demonstrates that the item was developed exclusively at private expense.”.

(b) GOVERNMENT-INDUSTRY ADVISORY PANEL.—

(1) Establishment.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish a government-industry advisory panel for the purpose of reviewing sections 2320 and 2321 of title 10, United States Code, regarding rights in technical data and the validation of proprietary data restrictions and the regulations implementing such sections, for the purpose of ensuring that such statutory and regulatory requirements are best structured to serve the interests of the taxpayers and the national defense.

(2) Membership.—The panel shall be chaired by an individual selected by the Under Secretary, and the Under Secretary shall ensure that—
(A) the government members of the advisory panel are knowledgeable about technical data issues and appropriately represent the three military departments, as well as the legal, acquisition, logistics, and research and development communities in the Department of Defense; and

(B) the private sector members of the advisory panel include independent experts and individuals appropriately representative of the diversity of interested parties, including large and small businesses, traditional and non-traditional government contractors, prime contractors and subcontractors, suppliers of hardware and software, and institutions of higher education.

(3) SCOPE OF REVIEW.—In conducting the review required by paragraph (1), the advisory panel shall give appropriate consideration to the following factors:

(A) Ensuring that the Department of Defense does not pay more than once for the same work.

(B) Ensuring that Department of Defense contractors are appropriately rewarded for their innovation and invention.
(C) Providing for cost-effective reprocurement, sustainment, modification, and upgrades to Department of Defense systems.

(D) Encouraging the private sector to invest in new products, technologies, and processes relevant to the missions of the Department of Defense.

(E) Ensuring that the Department of Defense has appropriate access to innovative products, technologies, and processes developed by the private sector for commercial use.

(4) Final Report.—Not later than September 30, 2016, the advisory panel shall submit its final report and recommendations to the Secretary of Defense. Not later than 60 days after receiving the report, the Secretary shall submit a copy of the report, together with any comments or recommendations, to the congressional defense committees.

SEC. 826. PROCUREMENT OF SUPPLIES FOR EXPERIMENTAL PURPOSES.

(a) Additional Procurement Authority.—Subsection (a) of section 2373 of title 10, United States Code, is amended by inserting “transportation, energy, medical, space-flight,” before “and aeronautical supplies”.
(b) Applicability of Chapter 137 of Title 10, United States Code.—Subsection (b) of such section is amended by striking “only when such purchases are made in quantity” and inserting “only when such purchases are made in quantities greater than necessary for experimentation, technical evaluation, assessment of operational utility, or safety or to provide a residual operational capability”.

SEC. 827. EXTENSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.


SEC. 828. REPORTING RELATED TO FAILURE OF CONTRACTORS TO MEET GOALS UNDER NEGOTIATED COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

Paragraph (2) of section 834(d) of the National Defense Authorization Act for Fiscal Years 1990 and 1991
(15 U.S.C. 637 note), as added by section 821(d)(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3434) is amended by striking “may not negotiate” and all that follows through the period at the end and inserting “shall report to Congress on any negotiated comprehensive subcontracting plan that the Secretary determines did not meet the subcontracting goals negotiated in the plan for the prior fiscal year.”.

SEC. 829. COMPETITION FOR RELIGIOUS SERVICES CONTRACTS.

The Department of Defense may not preclude a nonprofit organization from competing for a contract for religious related services on a United States military installation.

SEC. 830. TREATMENT OF INTERAGENCY AND STATE AND LOCAL PURCHASES WHEN THE DEPARTMENT OF DEFENSE ACTS AS CONTRACT INTERMEDIARY FOR THE GENERAL SERVICES ADMINISTRATION.

Contracts executed by the Department of Defense as a result of the transfer of contracts from the General Services Administration or for which the Department serves as an item manager for products on behalf of the General Services Administration shall not be subject to require-
ments under chapter 148 of title 10, United States Code, to the extent such contracts are for purchases of products by other Federal agencies or State or local governments.

SEC. 831. PILOT PROGRAM FOR STREAMLINING AWARDS FOR INNOVATIVE TECHNOLOGY PROJECTS.

(a) Exception From Certified Cost and Pricing Date Requirements.—The requirements under section 2306a(a) of title 10, United States Code, shall not apply to a contract, subcontract, or modification of a contract or subcontract valued at less than $7,500,000 awarded to a small business or non-traditional defense contractor pursuant to—

(1) a technical merit based selection procedure, such as a broad agency announcement; or

(2) the Small Business Innovation Research Program,

unless the head of the agency determines that submission of cost and pricing data should be required based on past performance of the specific small business or non-traditional defense contractor, or based on analysis of other information specific to the award.

(b) Exception From Records Examination Requirement.—The requirements under section 2313 of title 10, United States Code, shall not apply to a contract
valued at less than $7,500,000 awarded to a small busi-
ness or non-traditional defense contractor pursuant to—
(1) a technical merit based selection procedure,
such as a broad agency announcement; or
(2) the Small Business Innovation Research
Program,
unless the head of the agency determines that auditing
of records should be required based on past performance
of the specific small business or non-traditional defense
contractor, or based on analysis of other information spe-
cific to the award.
(c) SUNSET.—The exceptions under subsections (a)
and (b) shall terminate on October 1, 2020.

Subtitle C—Provisions Relating to
Major Defense Acquisition Pro-
grams
SEC. 841. ACQUISITION STRATEGY REQUIRED FOR EACH
MAJOR DEFENSE ACQUISITION PROGRAM.
(a) CONSOLIDATION OF REQUIREMENTS RELATING
to ACQUISITION STRATEGY.—
(1) IN GENERAL.—Chapter 144 of title 10,
United States Code, is amended by inserting after
section 2431 the following new section:
§ 2431a. Acquisition strategy

(a) REQUIREMENT.—(1) There shall be an acquisition strategy for each major defense acquisition program. The acquisition strategy for a major defense acquisition program shall be reviewed by the milestone decision authority for the program at each time specified in paragraph (2). The milestone decision authority may approve, disapprove, or revise the acquisition strategy at any such time.

(2) The times at which the acquisition strategy for a major defense acquisition program shall be reviewed by the milestone decision authority for the program under paragraph (1) are the following:

(A) Program initiation.

(B) Each subsequent milestone.

(C) Full-Rate Production Decision Review.

(D) Any other time considered relevant by the milestone decision authority.

(b) GUIDANCE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall issue policies and procedures governing the contents of, and the review and approval process for, the acquisition strategy for a major defense acquisition program.

(c) CONTENTS.—The acquisition strategy for a major defense acquisition program shall present a top-level description of the business and technical management ap-
proach designed to achieve the objectives of the program within the resource constraints imposed. The strategy shall be tailored to address program requirements and constraints, and shall express the program manager’s approach to the program in sufficient detail to allow the milestone decision authority to assess the viability of approach, method of implementation of laws and policies, and program objectives. Subject to guidance issued pursuant to subsection (b), each acquisition strategy shall address the following:

“(1) An acquisition approach, including industrial base considerations in accordance with section 2440 of this title, and consideration of alternative acquisition approaches.

“(2) A risk management strategy, addressing cost, schedule, and technical risk.

“(3) An approach to ensuring the maturity of technologies and avoiding unnecessary or excessive concurrency.

“(4) A strategy for dividing the acquisition into increments or spirals, and continuously adopting commercial and defense technologies, where appropriate.
'(5) A business strategy, including measures to ensure continuing competition in through the life of the acquisition program.

'(6) A contracting strategy addressing the selection of sources, contract types, and small business participation.

'(7) An intellectual property strategy, in accordance with section 2320 of this title.

'(8) An approach to international involvement, including foreign military sales and cooperative opportunities, in accordance with section 2350a of this title.

'(d) In this section, the term 'milestone decision authority', with respect to a major defense acquisition program, means the official within the Department of Defense designated with the overall responsibility and authority for acquisition decisions for the program, including authority to approve entry of the program into the next phase of the acquisition process.'

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2431 the following new item:

"2431a. Acquisition strategy."

(b) CONFORMING AMENDMENTS.—

(1) Section 2350a(e) of such title is amended—
(A) in the subsection heading, by striking “DOCUMENT”;

(B) in paragraph (1), by striking “the Under Secretary of Defense for” and all that follows through “of the Board” and inserting “opportunities for such cooperative research and development shall be addressed in the acquisition strategy for the project”; and

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “document” and inserting “discussion”; and

(II) by striking “include” and inserting “consider”;

(ii) in subparagraph (A), by striking “A statement indicating whether” and inserting “Whether”;

(iii) in subparagraph (B)—

(I) by striking “by the Under Secretary of Defense for Acquisition, Technology, and Logisties”; and

(II) by striking “of the United States under consideration by the Department of Defense”; and
(iv) in subparagraph (D)—

(I) by striking “The” and inserting “A”; and

(II) by striking “of the Under Secretary” and inserting “to the milestone decision authority”.


SEC. 842. RISK REDUCTION IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) Guidance on Risk Reduction in Major Defense Acquisition Programs.—The Secretary of Defense shall ensure that the acquisition strategy developed pursuant to section 2431a of title 10, United States Code, as added by section 841, for each major defense acquisition program for which development activities are required includes the following elements:

(1) A comprehensive approach to continuously identifying and addressing risk (including technical, cost, and schedule risk) beginning at program initiation and continuing until the start of full rate production as a means to improve programmatic decision making and appropriately minimize and manage program concurrency.
(2) Documentation of the major sources of risk identified and the approach to retiring that risk.

(b) Elements of Comprehensive Approach to Risk Reduction.—The comprehensive approach to identifying and addressing risk for purposes of subsection (a)(1) shall include some combination of the following elements as appropriate for the item or system being acquired:

(1) Development planning.

(2) Systems engineering.

(3) Integrated developmental and operational testing.

(4) Preliminary and critical design reviews and technical reviews.

(5) Prototyping (including prototyping at the system or subsystem level and competitive prototyping, where appropriate).

(6) Modeling and simulation.

(7) Technology demonstrations and technology off ramps.

(8) Manufacturability and industrial base availability.

(9) Multiple design approaches.

(10) Alternative, lower risk reduced performance designs.
(11) Schedule and funding margins for or specific risks.

(12) Independent risk element assessments by outside subject matter experts.

(13) Program phasing to address high risk areas as early as possible.

(e) Preference for Prototyping.—To the maximum extent practicable and consistent with the economical use of available financial resources, the milestone decision authority for each major defense acquisition program shall ensure that the acquisition strategy for the program provides for—

(1) the production of competitive prototypes at the system or subsystem level before Milestone B approval; or

(2) if the production of competitive prototypes is not practicable, the production of single prototypes at the system or subsystem level.

(d) Repeal of Mandatory Prototyping Provision.—Section 203 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 10 U.S.C. 2430 note) is repealed.
SEC. 843. DESIGNATION OF MILESTONE DECISION AUTHORITY.

(a) In general.—Section 2430 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The milestone decision authority for major defense acquisition programs shall be the service acquisition executive of the military service that is managing the program, unless the Secretary of Defense designates another official to serve as the milestone decision authority.

“(2) The Secretary of Defense may designate an alternate milestone decision authority in programs where—

“(A) the Secretary determines that the program is addressing a joint requirement;

“(B) the Secretary determines that the program is best managed by a defense agency;

“(C) the program has incurred a unit cost increase greater than the significant cost threshold or critical cost threshold under section 2433 of this title;

“(D) the program has failed to develop an acquisition program baseline within 2 years of program initiation;

“(E) the program is critical to a major interagency requirement or technology development ef-
fort, or has significant international partner involve-
ment; or

“(F) the Secretary certifies that an alternate
official serving as the milestone decision authority
will best position the program to achieve desired
cost, schedule, and performance outcomes.

“(3)(A) The Secretary of Defense may redelegate the
position of milestone decision authority for a program des-
ignated above upon request of the Secretary of the mili-
tary department concerned. A decision on redelegation
must be made within 180 days of the request of the Sec-
retary of the military department concerned.

“(B) If the Secretary of Defense denies the request
for redelegation, the Secretary shall certify to the congres-
sional defense committees that an alternate official serving
as milestone decision authority will best position the pro-
gram to achieve desired cost, schedule, and performance
outcomes. No such redelegation is authorized after a pro-
gram has incurred a unit cost increase greater than the
significant cost threshold or critical cost threshold under
section 2433 of this title, except for exceptional cir-
cumstances.

“(4) For major defense acquisition programs where
the service acquisition executive of the military service
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that is managing the program is the milestone decision authority—

“(A) the Secretary of Defense shall ensure that no documentation is required outside of the military service organization, without a determination by the Deputy Chief Management Officer that the documentation supports a specific statutory requirement and is implemented in a manner that will not result in program delays or increased costs, and no acquisition programmatic approvals shall be required outside of the military service organization, with the exception of approval of the Director of Operational Test and Evaluation of the Test and Evaluation Master Plan; and

“(B) the Secretary of the military department concerned and the chief of the Armed Force concerned shall, in each Selected Acquisition Report required under section 2432 of this title, certify that program requirements are stable and funding is adequate to meet cost, schedule, and performance objectives for the program and identify and report to the congressional defense committees on any increased risk to the program since the last report.”.

(b) CONFORMING AMENDMENT.—Section 133(b)(5) of such title is amended by inserting before the period at
the end the following: “, except that the Under Secretary shall exercise only advisory authority over service acquisition programs for which the service acquisition executive is the milestone decision authority”.

(c) IMPLEMENTATION.—

(1) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for implementing subsection (d) of section 2430 of title 10, United States Code, as added by subsection (a) of this section.

(2) GUIDANCE.—The Deputy Chief Management Officer of the Department of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology and Logistics and the service acquisition executives, shall issue guidance to ensure that by not later than October 1, 2016, the acquisition policy, guidance, and practices of the Department of Defense conform to the requirements of subsection (d) of section 2430 of title 10, United States Code, as added by subsection (a) of this section. The guidance shall be designed to ensure a streamlined decision-making and approval process and to minimize any information requests, consistent
with the requirement of paragraph (4)(A) of such subsection (d).

(3) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2016.

SEC. 844. REVISION OF MILESTONE A DECISION AUTHORITY RESPONSIBILITIES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REVISION TO MILESTONE A REQUIREMENTS.—

(1) IN GENERAL.—Section 2366a of title 10, United States Code, is amended to read as follows:

“§ 2366a. Major defense acquisition programs: responsibilities at Milestone A approval

“(a) RESPONSIBILITIES.—Before granting Milestone A approval for a major defense acquisition program or a major subprogram, the milestone decision authority for the program or subprogram shall ensure that—

“(1) information about the program or subprogram is sufficient to warrant entry of the program or subprogram into the risk reduction phase;

“(2) the Secretary of the relevant military department and the chief of the relevant military service concur in cost, schedule, technical feasibility, and performance trade-offs that have been made with regard to the program; and
“(3) there are sound plans for progression of
the program or subprogram to the development
phase.
“(b) CONSIDERATIONS.—In carrying out subsection
(a), the milestone decision authority shall take appropriate
action to ensure that—
“(1) the program or subprogram—
“(A) meets a joint military requirement
and responds to an anticipated or likely threat;
“(B) has been developed in light of appro-
priate market research and a review of alter-
native approaches and does not unnecessarily
duplicate a capability already provided by an
existing system; and
“(C) is affordable in light of cost estimates
developed pursuant to the guidance of the Di-
rector of Cost Assessment and Program Eval-
uation; and
“(2) the acquisition strategy for the program or
subprogram—
“(A) identifies areas of risk and, for each
such identified area of risk, includes a plan to
reduce the risk;
“(B) addresses planning for sustainment;
“(C) complies with the requirements of section 2431a of this title and the policies and procedures implementing such section; and

“(3) the program or subprogram meets any other considerations the milestone decision authority considers relevant.

“(c) NOTIFICATION.—Not later than 30 days after granting Milestone A approval for a major defense acquisition program or major subprogram, the milestone decision authority for that program or subprogram shall submit to the congressional defense committees notice of the approval in writing. The milestone decision authority’s decision memorandum with respect to such approval shall be available to the congressional defense committees upon request, consistent with any relevant classification requirements.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘major defense acquisition program’ means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of this title.

“(2) The term ‘major subprogram’ means a major subprogram of a major defense acquisition program designated under section 2430a(a)(1) of this title.
“(3) The term ‘milestone decision authority’, with respect to a major defense acquisition program or a major subprogram, means the official within the Department of Defense designated with the overall responsibility and authority for acquisitions decisions for the program or subprogram, including authority to approve entry of the program or subprogram into the next phase of the acquisition process.

“(4) The term ‘Milestone A approval’ means a decision to enter into a risk reduction phase pursuant to guidance prescribed by the Secretary of Defense for the management of Department of Defense acquisition programs.

“(5) The term ‘joint military requirement’ has the meaning given that term in section 181(g)(1) of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking the item relating to section 2366a and inserting the following:

“2366a. Major defense acquisition programs: responsibilities at Milestone A approval.”.

(b) CONSIDERATIONS IN MAKING MILESTONE A DETERMINATIONS.—In making a Milestone A determination pursuant to section 2366a of title 10, United States Code,
the milestone decision authority shall include consideration of the following:

(1) With respect to joint military requirements, the factors outlined under section 181(b) of title 10, United States Code.

(2) With respect to alternative approaches, the factors outlined under section 201(a) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 10 U.S.C. 2302 note).

(3) With respect to affordability and cost estimates and analyses, the factors outlined under section 2334(a) of title 10, United States Code.

(4) With respect to risk, the factors outlined under—

(A) section 138b(b) of title 10, United States Code; and

(B) section 842.

(5) With respect to sustainment, the factors outlined under section 2337 and section 2464 of this title 10, United States Code.
SEC. 845. REVISION OF MILESTONE B DECISION AUTHORITY RESPONSIBILITIES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) Revision to Milestone B Requirements.—Section 2366b of title 10, United Stated Code, is amended to read as follows:

“§ 2366b. Major defense acquisition programs: certification required before Milestone B approval

“(a) Certification.—A major defense acquisition program may not receive Milestone B approval until the milestone decision authority certifies that the technology in the program has been demonstrated in a relevant environment, as determined by the Milestone Decision Authority on the basis of an independent review and assessment by the Assistant Secretary of Defense for Research and Engineering, in consultation with the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation.

“(b) Determination.—A major defense acquisition program may not receive Milestone B approval until the milestone decision authority determines that appropriate steps have been taken to ensure that—

“(1) the program is affordable when considering the ability of the Department of Defense to ac-
complish the program’s mission using alternative systems;

“(2) trade-offs among cost, schedule, technical feasibility, and performance objectives have been made to ensure that the program is affordable when considering the per unit cost and the total acquisition cost in the context of the total resources available during the period covered by the future-years defense program submitted during the fiscal year in which the certification is made;

“(3) the Secretary of the relevant military department and the chief of the relevant military service concur in the trade-offs made in accordance with paragraph (2);

“(4) reasonable cost and schedule estimates have been developed to execute, with the concurrence of the Director of Cost Assessment and Program Evaluation, the product development and production plan under the program;

“(5) funding is available to execute the product development and production plan under the program, through the period covered by the future-years defense program submitted during the fiscal year in which the certification is made, consistent
with the estimates described in paragraph (4) for the program; “(6) market research has been conducted prior to technology development to reduce duplication of existing technology and products; “(7) the Department of Defense has completed an analysis of alternatives and a business case analysis with respect to the program; “(8) the Joint Requirements Oversight Council has accomplished its duties with respect to the program pursuant to section 181(b) of this title, including an analysis of the operational requirements for the program; “(9) life-cycle sustainment planning, including corrosion prevention and mitigation planning, has identified and evaluated relevant sustainment costs throughout development, production, operation, sustainment, and disposal of the program, and any alternatives, and that such costs are reasonable and have been accurately estimated; “(10) an estimate has been made of the requirements for core logistics capabilities and the associated sustaining workloads required to support such requirements;
“(11) there is a plan to mitigate and account for any costs in connection with any anticipated de-certification of cryptographic systems and components during the production and procurement of the major defense acquisition program to be acquired;

“(12) a preliminary design review or assessment of engineering design knowledge of the system has been satisfactorily completed; and

“(13) the program complies with all relevant policies, regulations, and directives of the Department of Defense.

“(c) CHANGES TO CERTIFICATION.—(1) The program manager for a major defense acquisition program that has received milestone B approval under this section shall immediately notify the milestone decision authority of any changes to the program or a designated major sub-program of such program that—

“(A) alter the substantive basis for the certification of the milestone decision authority under subsection (a) or any element of the determination of the milestone decision authority under subsection (b); or

“(B) otherwise cause the program or subprogram to deviate significantly from the material pro-
vided to the milestone decision authority in support of such certification or determination.

“(2) Upon receipt of information under paragraph (1), the milestone decision authority may withdraw the certification or determination concerned or rescind Milestone B approval if the milestone decision authority determines that such certification, determination, or approval is no longer valid.

“(d) SUBMISSION TO CONGRESS.—(1) The certification required under subsection (a) and the determination under subsection (b) with respect to a major defense acquisition program shall be submitted to the congressional defense committees with the first Selected Acquisition Report submitted under section 2432 of this title after completion of the certification.

“(2) A summary of any information provided to the milestone decision authority pursuant to subsection (c) and a description of the actions taken as a result of such information shall be submitted with the first Selected Acquisition Report submitted under section 2432 of this title after receipt of such information by the milestone decision authority.

“(e) WAIVER FOR NATIONAL SECURITY.—(1) The milestone decision authority may waive the applicability to a major defense acquisition program of the certification
requirement in subsection (a) or one or more components of the determination requirement in subsection (b) if the milestone decision authority determines that, but for such a waiver, the Department would be unable to meet critical national security objectives.

“(2) Whenever the milestone decision authority makes such a determination and authorizes such a waiver the waiver, the determination, and the reasons for the determination shall be submitted in writing to the congressional defense committees within 30 days after the waiver is authorized.

“(f) NONDELEGATION.—The milestone decision authority may not delegate the certification requirement under subsection (a), the determination requirement under subsection (b), or the authority to waive any component of such requirement under subsection (e).

“(g) DEFINITIONS.—In this section:

“(1) The term ‘major defense acquisition program’ means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of this title.

“(2) The term ‘designated major subprogram’ means a major subprogram of a major defense acquisition program designated under section 2430a(a)(1) of this title.
“(3) The term ‘milestone decision authority’, with respect to a major defense acquisition program, means the individual within the Department of Defense designated with overall responsibility for the program.

“(4) The term ‘Milestone B approval’ has the meaning provided that term in section 2366(e)(7) of this title.

“(5) The term ‘core logistics capabilities’ means the core logistics capabilities identified under section 2464(a) of this title.”.

(b) CONSIDERATIONS IN MAKING MILESTONE B DETERMINATIONS.—In making a Milestone B determination pursuant to section 2366b of title 10, United States Code, the milestone decision authority shall review the acquisition strategy required by section 2431a of title 10, as added by section 841 of this Act and include consideration of the following:

(1) With respect to affordability, the factors outlined under section 2334 of title 10, United States Code.

(2) With respect to risk, the factors outlined under—

(A) section 842; and
(B) section 138b(b) of title 10, United States Code.

(3) With respect to fulfilling a joint military requirement, the factors outlined under section 181 of title 10, United States Code.

(4) With respect to competition—

(A) the factors outlined under section 202 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 10 U.S.C. 2430 note); and

(B) the requirements of section 2304 of title 10, United States Code.

(5) With respect to sustainment, the factors outlined under section 2337 and section 2464 of title 10, United States Code.

(e) CONFORMING CHANGE.—Section 2334(a) of title 10, United States Code, is amended in paragraph (6)(A)(i) by striking “any certification under” and inserting in lieu thereof “any decision to grant milestone approval pursuant to”.

SEC. 846. TENURE AND ACCOUNTABILITY OF PROGRAM MANAGERS FOR PROGRAM DEVELOPMENT PERIODS.

(a) REVISED GUIDANCE REQUIRED.—Not later than 180 days after date of the enactment of this Act, the Sec-
Secretary of Defense shall revise Department of Defense
guidance for defense acquisition programs to address the
tenure and accountability of program managers for the
program development period of defense acquisition pro-
grams.

(b) PROGRAM DEVELOPMENT PERIOD.—For the pur-
pose of this section, the term “program development pe-
riod” refers to the period before a decision on Milestone
B approval (or Key Decision Point B approval in the case
of a space program).

(c) RESPONSIBILITIES.—The revised guidance re-
quired by subsection (a) shall provide that the program
manager for the program development period of a defense
acquisition program is responsible for—

(1) bringing to maturity the technologies and
manufacturing processes that will be needed to carry
out the program;

(2) ensuring continuing focus during program
development on meeting stated mission requirements
and other requirements of the Department of De-
fense;

(3) making trade-offs between program cost,
schedule, and performance for the life-cycle of the
program;
(4) developing a business case for the program;
and
(5) ensuring that appropriate information is available to the milestone decision authority to make a decision on Milestone B approval (or Key Decision Point B approval in the case of a space program), including information necessary to make the certification required by section 2366a of title 10, United States Code.

(d) Qualifications, Resources, and Tenure.—

The Secretary of Defense shall ensure that each program manager for the program development period of a defense acquisition program—

(1) has the appropriate management, engineering, technical, and financial expertise needed to meet the responsibilities assigned pursuant to subsection (c);

(2) is provided the resources and support (including systems engineering expertise, cost estimating expertise, and software development expertise) needed to meet such responsibilities; and

(3) is assigned to the program manager position for such program until such time as such program is ready for a decision on Milestone B approval (or Key Decision Point B approval in the case of a
space program), unless removed for cause or due to
exceptional circumstances.

SEC. 847. TENURE AND ACCOUNTABILITY OF PROGRAM
MANAGERS FOR PROGRAM EXECUTION PERI-
ODS.

(a) REVISED GUIDANCE REQUIRED.—Not later than
180 days after the date of the enactment of this Act, the
Secretary of Defense shall revise Department of Defense
guidance for defense acquisition programs to address the
tenure and accountability of program managers for the
program execution period of defense acquisition programs.

(b) PROGRAM EXECUTION PERIOD.—For purposes of
this section, the term “program execution period” refers
to the period after Milestone B approval (or Key Decision
Point B approval in the case of a space program).

(c) RESPONSIBILITIES.—The revised guidance re-
quired by subsection (a) shall—

(1) require the program manager for the pro-
gram execution period of a defense acquisition pro-
gram to enter into a performance agreement with
the milestone decision authority for such program
within six months of assignment, that—

(A) establishes expected parameters for the
cost, schedule, and performance of the program
consistent with the business case for the program;

(B) provides the commitment of the milestone decision authority to provide the level of funding and resources required to meet such parameters; and

(C) provides the assurance of the program manager that such parameters are achievable and that the program manager will be accountable for meeting such parameters; and

(2) provide the program manager with the authority to—

(A) veto the addition of new program requirements that would be inconsistent with the parameters established in the performance agreement entered into pursuant to paragraph (1), subject to the authority of the Under Secretary of Defense for Acquisition, Technology, and Logistics to override the veto based on critical national security reasons;

(B) make trade-offs between cost, schedule, and performance, provided that such trade-offs are consistent with the parameters established in the performance agreement entered into pursuant to paragraph (1);
(C) redirect funding within such program, to the extent necessary to achieve the parameters established in the performance agreement entered into pursuant to paragraph (1);

(D) develop such interim goals and milestones as may be required to achieve the parameters established in the performance agreement entered into pursuant to paragraph (1); and

(E) use program funds to recruit and hire such technical experts as may be required to carry out the program, if necessary expertise is not otherwise provided by the Department of Defense.

(d) QUALIFICATIONS, RESOURCES, AND TENURE.—
The Secretary shall ensure that each program manager for the program execution period of a defense acquisition program—

(1) has the appropriate management, engineering, technical, and financial expertise needed to meet the responsibilities assigned pursuant to subsection (c);

(2) is provided the resources and support (including systems engineering expertise, cost esti-
mating expertise, and software development expertise) needed to meet such responsibilities; and

(3) is assigned to the program manager position for such program at the time of Milestone B approval (or Key Decision Point B approval in the case of a space program) and continues in such position until the delivery of the first production units of the program, unless removed for cause or due to exceptional circumstances.

(e) LIMITED WAIVER AUTHORITY.—The Secretary may waive the requirement in paragraph (3) of subsection (d) that a program manager for the program execution period of a defense acquisition program serve in that position until the delivery of the first production units of such program upon submitting to the congressional defense committees a written determination that—

(1) the program is so complex, and the delivery of the first production units will take so long, that it would not be feasible for a single individual to serve as program manager for the entire period covered by such paragraph; and

(2) the complexity of the program, and length of time that will be required to deliver the first production units, are not the result of a failure to meet
the certification requirements under section 2366a
of title 10, United States Code.

SEC. 848. REPEAL OF REQUIREMENT FOR STAND-ALONE
MANPOWER ESTIMATES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPEAL OF REQUIREMENT.—Subsection (a)(1)
of section 2434 of title 10, United States Code, is amend-
ed by striking “and a manpower estimate for the program
have” and inserting “has”.

(b) CONFORMING AMENDMENTS RELATING TO REG-
ULATIONS.—Subsection (b) of such section is amended—
(1) by striking paragraph (2);
(2) by striking “shall require—” and all that
follows through “that the independent” and insert-
ing “shall require that the independent”;
(3) by redesignating subparagraphs (A) and
(B) as paragraphs (1) and (2), respectively, and
moving those paragraphs, as so redesignated, two
ems to the left; and
(4) in paragraph (2), as so redesignated—
(A) by striking “and operations and sup-
port,” and inserting “operations and support,
and manpower to operate, maintain, and sup-
port the program upon full operational deploy-
ment,”; and
(B) by striking “; and” and inserting a period.

(c) Clerical Amendments.—

(1) Section heading.—The heading of such section is amended to read as follows:

“§2434. Independent cost estimates”.

(2) Table of sections.—The table of sections at the beginning of chapter 144 of such title is amended by striking the item relating to section 2434 and inserting the following:

“2434. Independent cost estimates.”.

SEC. 849. PENALTY FOR COST OVERRUNS.

(a) In general.—For each fiscal year beginning with fiscal year 2015, the Secretary of each military department shall pay a penalty for cost overruns on the covered major defense acquisition programs of the military department.

(b) Calculation of penalty.—For the purposes of this section:

(1) The amount of the cost overrun or underrun on any major defense acquisition program or subprogram in a fiscal year is the difference between the current program acquisition unit cost for the program or subprogram and the program acquisition unit cost for the program as shown in the original Baseline Estimate for the program or sub-
program, multiplied by the quantity of items to be purchased under the program or subprogram, as reported in the final Selected Acquisition Report for the fiscal year in accordance with section 2432 of title 10, United States Code.

(2) Cost overruns or underruns for covered major defense acquisition programs that are joint programs of more than one military department shall be allocated among the military departments in percentages determined by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(3) The cumulative amount of cost overruns for a military department in a fiscal year is the sum of the cost overruns and cost underruns for all covered major defense acquisition programs of the department in the fiscal year (including cost overruns or underruns allocated to the military department in accordance with paragraph (2)).

(4) The cost overrun penalty for a military department in a fiscal year is three percent of the cumulative amount of cost overruns of the military department in the fiscal year, as determined pursuant to paragraph (3), except that the cost overrun penalty may not be a negative amount.

(c) TRANSFER OF FUNDS.—
(1) Reduction of research, development, test, and evaluation accounts.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2015, the Secretary of each military department shall reduce each research, development, test, and evaluation account of the military department by the percentage determined under paragraph (2), and remit such amount to the Secretary of Defense.

(2) Determination of amount.—The percentage reduction to research, development, test, and evaluation accounts of a military department referred to in paragraph (1) is the percentage reduction to such accounts necessary to equal the cost overrun penalty for the fiscal year for such department determined pursuant to subsection (b)(4).

(3) Crediting of funds.—Any amount remitted under paragraph (1) shall be credited to the Rapid Prototyping Fund established pursuant to section 803 of this Act.

(d) Covered programs.—A major defense acquisition program is covered under this section if the original Baseline Estimate was established for such program under section 2435(d) (1) or (2) on or after the date of the en-

SEC. 850. STREAMLINING OF REPORTING REQUIREMENTS APPLICABLE TO ASSISTANT SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING REGARDING MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) Reporting to Under Secretary of Defense for Acquisition, Technology, and Logistics Before Milestone B Approval.—Subparagraph (A) of paragraph (8) of section 138(b) of title 10, United States Code, as amended by section 901(h)(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3466), is further amended—

(1) by striking “periodically’’;

(2) by striking “the major defense acquisition programs” and inserting “each major defense acquisition program”;

(3) by inserting “before the Milestone B approval for that program” after “Department of Defense”; and

(4) by striking “such reviews and assessments” and inserting “such review and assessment”.

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(b) Annual Report to Secretary of Defense and Congressional Defense Committees.—Subparagraph (B) of such paragraph is amended by inserting “for which a Milestone B approval occurred during the preceding fiscal year” after “Department of Defense”.

SEC. 851. CONFIGURATION STEERING BOARDS FOR COST CONTROL UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.


(1) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively; and

(2) by inserting after “for the following:” the following new subparagraph:

“(A) Monitoring changes in program requirements and ensuring all such changes receive the approval of the Chief of the relevant military service, in consultation with the Secretary of the relevant military department.”.
Subtitle D—Provisions Relating to Commercial Items

SEC. 861. INAPPLICABILITY OF CERTAIN LAWS AND REGULATIONS TO THE ACQUISITION OF COMMERCIAL ITEMS AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.

(a) Amendment to Title 10, United States Code.—Section 2375 of title 10, United States Code, is amended to read as follows:

“§ 2375. Relationship of commercial item provisions to other provisions of law

“(a) Applicability of Government-wide Statutes.—(1) No contract for the procurement of a commercial item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1906(b) of title 41.

“(2) No subcontract under a contract for the procurement of a commercial item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1906(c) of title 41.

“(3) No contract for the procurement of a commercially available off-the-shelf item entered into by the head of an agency shall be subject to any law properly listed
in the Federal Acquisition Regulation pursuant to section 1907 of title 41.

“(b) Applicability of Defense-unique Statutes to Contracts for Commercial Items.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of defense-unique provisions of law that are inapplicable to contracts for the procurement of commercial items. A provision of law properly included on the list pursuant to paragraph (2) does not apply to purchases of commercial items by the Department of Defense. This section does not render a provision of law not included on the list inapplicable to contracts for the procurement of commercial items.

“(2) A provision of law described in subsection (e) that is enacted after January 1, 2015, shall be included on the list of inapplicable provisions of law required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to exempt contracts for the procurement of commercial items from the applicability of the provision.

“(c) Applicability of Defense-unique Statutes to Subcontracts for Commercial Items.—(1) The Defense Federal Acquisition Regulation Supplement
shall include a list of provisions of law that are inappli-
cable to subcontracts under a Department of Defense con-
tract or subcontract for the procurement of commercial
items. A provision of law properly included on the list pur-
suant to paragraph (2) does not apply to those sub-
contracts. This section does not render a provision of law
not included on the list inapplicable to subcontracts under
a contract for the procurement of commercial items.

“(2) A provision of law described in subsection (e)
shall be included on the list of inapplicable provisions of
law required by paragraph (1) unless the Under Secretary
of Defense for Acquisition, Technology, and Logistics
makes a written determination that it would not be in the
best interest of the Department of Defense to exempt sub-
contracts under a contract for the procurement of com-
mercial items from the applicability of the provision.

“(3) In this subsection, the term ‘subcontract’ in-
cludes a transfer of commercial items between divisions,
subsidiaries, or affiliates of a contractor or subcontractor.
The term does not include agreements entered into by a
contractor for the supply of commodities that are intended
for use in the performance of multiple contracts with the
Department of Defense and other parties and are not
identifiable to any particular contract.
“(4) This subsection does not authorize the waiver of the applicability of any provision of law with respect to any first-tier subcontract under a contract with a prime contractor reselling or distributing commercial items of another contractor without adding value.

“(d) Applicability of Defense-unique Statutes to Contracts for Commercially Available, Off-the-shelf Items.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of provisions of law that are inapplicable to contracts for the procurement of commercially available off-the-shelf items. A provision of law properly included on the list pursuant to paragraph (2) does not apply to Department of Defense contracts for the procurement of commercially available off-the-shelf items. This section does not render a provision of law not included on the list inapplicable to contracts for the procurement of commercially available off-the-shelf items.

“(2) A provision of law described in subsection (e) shall be included on the list of inapplicable provisions of law required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to exempt con-
tracts for the procurement of commercially available off-the-shelf items from the applicability of the provision.

“(e) COVERED PROVISION OF LAW.—A provision of law referred to in subsections (b)(2), (c)(2), and (d)(2) is a provision of law that the Under Secretary of Defense for Acquisition, Technology, and Logistics determines sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government, except for a provision of law that—

“(1) provides for criminal or civil penalties; or

“(2) specifically refers to this section and provides that, notwithstanding this section, it shall be applicable to contracts for the procurement of commercial items.”.

(b) CHANGES TO DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT.—

(1) IN GENERAL.—To the maximum extent practicable, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that—

(A) the Defense Federal Acquisition Regulation Supplement does not require the inclusion of contract clauses in contracts for the procurement of commercial items or contracts for
the procurement of commercially available off-
the-shelf items, unless such clauses are—

(i) required to implement provisions of
law or executive orders applicable to such
contracts; or

(ii) determined to be consistent with
standard commercial practice; and

(B) the flow-down of contract clauses to
subcontracts under contracts for the procure-
ment of commercial items or commercially
available off-the-shelf items is prohibited unless
such flow-down is required to implement provi-
sions of law or executive orders applicable to
such subcontracts.

(2) SUBCONTRACTS.—In this subsection, the
term “subcontract” includes a transfer of commer-
cial items between divisions, subsidiaries, or affili-
ates of a contractor or subcontractor. The term does
not include agreements entered into by a contractor
for the supply of commodities that are intended for
use in the performance of multiple contracts with
the Department of Defense and other parties and
are not identifiable to any particular contract.

(c) REPORT ON INCLUSION OF CONTRACT
CLauses.—Not later than 180 days after the date of the
enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report listing all standard contract clauses included in contracts awarded using commercial acquisition procedures under part 12 of the Federal Acquisition Regulation, including a justification for the inclusion of each such clause.

SEC. 862. MARKET RESEARCH AND PREFERENCE FOR COMMERCIAL ITEMS.

(a) GUIDANCE REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall issue guidance to ensure that acquisition officials of the Department of Defense fully comply with the requirements of section 2377 of title 10, United States Code, regarding market research and commercial items. The guidance issued pursuant to this subsection shall, at a minimum—

(1) provide that the head of an agency may not enter into a contract in excess of the simplified acquisition threshold for information technology products or services that are not commercial items unless the head of the agency determines in writing that no commercial items are suitable to meet the agency’s needs as provided in subsection (c)(2) of such section; and
(2) ensure that market research conducted in accordance with subsection (e) of such section is used, where appropriate, to inform price reasonableness determinations.

(b) Review Required.—Not later than 180 days after the date of the enactment of this Act, the Chairman and the Vice Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall review Chairman of the Joint Chiefs of Staff Instruction 3170.01, the Manual for the Operation of the Joint Capabilities Integration and Development System, and other documents governing the requirements development process and revise these documents as necessary to ensure that the Department of Defense fully complies with the requirement in section 2377(e) of title 10, United States Code, and section 10.001 of the Federal Acquisition Regulation for Federal agencies to conduct appropriate market research before developing new requirements.

(e) Market Research Defined.—For the purposes of this section, the term “market research” means a review of existing systems, subsystems, capabilities, and technologies that are available or could be made available to meet the needs of the Department of Defense in whole or in part. The review may include any of the techniques
for conducting market research provided in section 10.002(b)(2) of the Federal Acquisition Regulation and shall include, at a minimum, contacting knowledgeable individuals in Government and industry regarding existing market capabilities.

SEC. 863. CONTINUING VALIDITY OF COMMERCIAL ITEM DETERMINATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Defense Federal Acquisition Regulation Supplement shall be modified to address the validity of commercial item determinations for multiple procurements.

(b) REQUIRED ELEMENTS.—The modification required by paragraph (1) shall, at a minimum—

(1) provide that a written determination by an authorized agency official that an item is a commercial item for the purposes of section 2306a of title 10, United States Code, shall be presumed to be valid for any subsequent procurement unless the contracting officer for such procurement determines in writing that the earlier determination was made in error or was based on inadequate information; and

(2) establish a process by which the contractor may appeal a determination by a contracting officer...
that an earlier determination was made in error or
was based on inadequate information to the head of
contracting for the agency.

(c) Rule of Construction.—Nothing in this sec-
tion shall be construed to preclude the contracting officer
for the procurement of a commercial item from requiring
the contractor to supply information that is sufficient to
determine the reasonableness of price, regardless whether
or not the contractor was required to provide such infor-
mation in connection with any earlier procurement.

SEC. 864. Treatment of commercial items purchased
as major weapon systems.

(a) Amendments to requirements related to
major weapon systems.—Section 2379 of title 10,
United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking
“section 4(12) of the Office of Federal
Procurement Policy Act (41 U.S.C.
403(12))” and inserting “section 103 of
title 41, United States Code”; and

(ii) in subparagraph (B), by striking
the semicolon at the end and inserting “;
and”;
(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(2) in subsection (b)—

(A) by striking “section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))” and inserting “section 104 of title 41, United States Code,”; and

(B) in paragraph (2)—

(i) by striking “in writing that—” and all that follows through “(A) the sub-

system” and inserting “in writing that the subsystem”;  

(ii) by striking “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and” and inserting “section 103 of title 41, United States Code.”; and

(iii) by striking subparagraph (B);

(3) in subsection (c)(1)—

(A) by striking “section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))” and inserting “section 104 of title 41, United States Code,”; and

(B) in subparagraph (B)—
(i) by striking “in writing that—” and all that follows through “(i) the component” and inserting “in writing that the component”;

(ii) by striking “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and” and inserting “section 103 of title 41, United States Code.”; and

(iii) by striking clause (ii); and

(4) by amending subsection (d) to read as follows:

“(d) INFORMATION SUBMITTED.—(1) To the extent necessary to determine the reasonableness of the price for items acquired under this section, the contracting officer shall require the offeror to submit—

“(A) prices paid for the same or similar commercial items under comparable terms and conditions by both government and commercial customers;

“(B) if the contracting officer determines that the offeror does not have access to and cannot provide sufficient information described in subparagraph (A) to determine the reasonableness of price, information on—
“(i) prices for the same or similar items sold under different terms and conditions;
“(ii) prices for similar levels of work or effort on related products or services;
“(iii) prices for alternative solutions or approaches; and
“(iv) other relevant information that can serve as the basis for a price assessment; and
“(C) if the contracting officer determines that the information submitted pursuant to subparagraphs (A) and (B) is not sufficient to determine the reasonableness of price, other relevant information regarding the basis for price or cost, including information on labor costs, material costs, and overhead rates.
“(2) An offeror may not be required to submit information described in paragraph (1)(C) with regard to a commercially available off-the-shelf item or any other item that was developed exclusively at private expense.”.

(b) CONFORMING AMENDMENT TO TRUTH IN NEGOTIATIONS ACT.—Section 2306a(d)(1) of such title is amended by adding at the end the following new sentence:
“If the contracting officer determines that the offeror does not have access to and cannot provide sufficient information on prices for the same or similar items to determine
the reasonableness of price, the contracting officer shall require the submission of information on prices for similar levels or work or effort on related products or services, prices for alternative solutions or approaches, and other information that is relevant to the determination of a fair and reasonable price.”.

SEC. 865. LIMITATION ON CONVERSION OF PROCUREMENTS FROM COMMERCIAL ACQUISITION PROCEDURES.

(a) LIMITATION.—

(1) IN GENERAL.—The Secretary of Defense may not convert the procurement of commercial items or services from commercial acquisition procedures under part 12 of the Federal Acquisition Regulation to non-commercial acquisition procedures under part 15 of the Federal Acquisition Regulation unless the Secretary, in consultation with the head of the acquisition component, certifies to the congressional defense committees that the Department of Defense will realize a significant cost savings compared to the cost of procuring a similar quantity or level of such item or service using commercial acquisition procedures.
(2) Certification Factors.—In making a certification under paragraph (1), the Secretary of Defense shall consider the following factors:

(A) The estimated cost of foregone research and development to be performed by the existing contractor to improve future products or services.

(B) The transaction costs for the Department of Defense and the contractor in assessing and responding to data requests to support a conversion to non-commercial acquisition procedures.

(C) Changes in purchase quantities.

(D) Costs associated with potential procurement delays resulting from the conversion.

(b) Reporting Requirements.—

(1) Inventory.—The Secretary of Defense shall prepare an inventory of all contracts and subcontracts converted from commercial acquisition procedures to non-commercial procedures during the previous five years.

(2) Reports.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on each conversion identified in

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the inventory prepared under paragraph (1) that identifies and compares per unit costs and prices paid for the item or service under commercial acquisition procedures with those paid under non-commercial procurement procedures.

(c) COMPTROLLER GENERAL REVIEW.—

(1) REVIEW OF REPORTS.—Not later than 180 days after the Secretary of Defense submits a report under subsection (b)(2), the Comptroller General of the United States shall submit to the congressional defense committees a review of the accuracy of the report.

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the congressional defense committees a report including any recommendations for additional costs and benefits that should be considered when the Department of Defense is planning to convert a procurement of items or services from commercial to non-commercial procurement procedures.
(B) FACTORS.—In making recommendations under subparagraph (A), the Comptroller General shall consider the following factors:

(i) Industrial base considerations.

(ii) The estimated cost of foregone research and development to be performed by existing contractors to improve future products or services.

(iii) The transaction costs for the Department of Defense and contractors in assessing and responding to data requests to support conversions to non-commercial acquisition procedures.

(iv) Costs associated with potential procurement delays resulting from conversions.

(d) SUNSET.—The requirements of this section shall terminate 5 years after the date of the enactment of this Act.

SEC. 866. TREATMENT OF GOODS AND SERVICES PROVIDED BY NONTRADITIONAL CONTRACTORS AS COMMERCIAL ITEMS.

(a) IN GENERAL.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:
§ 2380. Treatment of goods and services provided by nontraditional contractors as commercial items

“Notwithstanding section 2376(1) of this title, items and services provided by nontraditional contractors (as that term is defined in section 2302(9) of this title) may be treated by the head of an agency as commercial items for purposes of this chapter.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 140 of such title is amended by inserting after the item relating to section 2379 the following new item:

“2380. Treatment of goods and services provided by nontraditional contractors as commercial items.”.

Subtitle E—Other Matters

SEC. 871. STREAMLINING OF REQUIREMENTS RELATING TO DEFENSE BUSINESS SYSTEMS.

(a) Streamlining of Requirements.—

(1) In general.—Section 2222 of title 10, United States Code, is amended to read as follows:

“§ 2222. Defense business systems: business process reengineering; enterprise architecture; management

“(a) Defense Business Systems Generally.—

The Secretary of Defense shall ensure that each covered
defense business system developed, deployed, and operated by the Department of Defense—

“(1) is integrated into a comprehensive defense business enterprise architecture;

“(2) is managed in a manner that provides visibility into, and traceability of, expenditures for the system; and

“(3) uses an acquisition and sustainment strategy that prioritizes use of commercial software and business practices.

“(b) DEFENSE BUSINESS PROCESSES GENERALLY.—The Secretary of Defense shall ensure that defense business processes are reviewed, and as appropriate revised through business process reengineering to match best commercial practices, to the maximum extent practicable, so as to minimize customization of commercial business systems.

“(c) ISSUANCE OF GUIDANCE.—

“(1) SECRETARY OF DEFENSE GUIDANCE.— The Secretary shall issue guidance to provide for the coordination of, and decision making for, the planning, programming, and control of investments in covered defense business systems.

“(2) SUPPORTING GUIDANCE.—The Secretary shall direct the Deputy Chief Management Officer of
the Department of Defense, the Under Secretary of
Defense for Acquisition, Technology, and Logistics,
the Chief Information Officer, and the Chief Man-
agement Officer of each of the military departments
to issue and maintain supporting guidance for the
guidance of the Secretary issued under paragraph
(1), within their respective areas of responsibility, as
necessary.

“(d) GUIDANCE ELEMENTS.—The guidance issued
pursuant to subsection (c)(1) shall include the following
elements:

“(1) Policy to ensure that the business proc-
esses of the Department of Defense are continuously
evolved to—

“(A) implement the most streamlined and
efficient business process practicable; and

“(B) eliminate or reduce the need to tailor
commercial-off-the-shelf systems to meet unique
requirements or incorporate unique require-
ments or incorporate unique interfaces to the
maximum extent practicable.

“(2) A process to establish requirements for
covered defense business systems.

“(3) Policy requiring the periodic review of cov-
ered defense business systems that have been fully
deployed, by portfolio, to ensure that investments in
such portfolios are appropriate.

“(4) Policy to ensure full consideration of sus-
tainability and technological refreshment require-
ments, and the appropriate use of open architec-
tures.

“(e) DEFENSE BUSINESS COUNCIL.—The Secretary
shall establish a Defense Business Council to provide ad-
vice to the Secretary on reengineering the Department’s
business processes and developing and deploying defense
business systems. The Council shall be chaired by the
Deputy Chief Management Officer of the Department of
Defense, and shall include membership from the public
sector, defense industry, and commercial industry.

“(f) APPROVALS REQUIRED FOR DEVELOPMENT.—
(1) The Secretary shall ensure that a covered defense busi-
ness system program cannot proceed into development (or,
if no development is required, into production or fielding)
unless the appropriate approval officials (as specified in
paragraph (3)) have determined that—

“(A) a business process has been, or is being,
reengineered to be as streamlined and efficient as
practicable, and the implementation of the business
process will maximize the elimination of unique soft-
ware requirements and unique interfaces;
“(B) the system has valid, achievable requirements and a viable plan for implementing those requirements (including, as appropriate, market research, business process reengineering, and prototyping activities);

“(C) the system has an acquisition strategy designed to eliminate or reduce the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique requirements or incorporate unique interfaces to the maximum extent practicable; and

“(D) the system is in compliance with the Department’s auditability requirements.

“(2)(A) For any fiscal year in which funds are expended for development or sustainment pursuant to a covered defense business system program, the appropriate approval officials shall review the system and certify, certify with conditions, or decline to certify, as the case may be, that—

“(i) it continues to satisfy the requirements of paragraph (1);

“(ii) an acquisition program baseline has been established within two years of program initiation; and
“(iii) program requirements and have not changed in a manner that is increasing acquisition costs or schedule, without sufficient cause and only after maximum efforts to reengineer business processes prior to changing requirements.

“(B) If an approval officially determines that full certification cannot be granted, the approval official shall notify the acquisition milestone decision authority for the program and provide a recommendation for corrective action, and provide a copy of such recommendations to the congressional defense committees within 60 days.

“(3) For purposes of paragraph (1), the appropriate approval officials with respect to a covered defense business system are the following:

“(A) In the case of a priority defense business system, the Deputy Chief Management Officer of the Department of Defense.

“(B) In the case of other covered business systems, an official designated under procedures established by the Secretary of Defense.

“(g) RESPONSIBILITY OF MILESTONE DECISION AUTHORITY.—The milestone decision authority for a covered defense business system program shall be responsible for the acquisition of such system and shall ensure that acquisition process approvals are not considered for such sys-
tem until the relevant certifications and approvals have been made under this section.

“(h) DEFINITIONS.—In this section:

“(1) DEFENSE BUSINESS SYSTEM.—(A) The term ‘defense business system’ means an information system that is operated by, for, or on behalf of the Department of Defense, including any of the following:

“(i) A financial system.

“(ii) A financial data feeder system.

“(iii) A contracting system.

“(iv) A logistics system.

“(v) A planning and budgeting system.

“(vi) An installations management system.

“(vii) A human resources management system.

“(viii) A training and readiness system.

“(B) The term does not include—

“(i) a national security system; or

“(ii) an information system used exclusively by and within the defense commissary system or the exchange system or other instrumentality of the Department of Defense conducted for the morale, welfare, and recreation
of members of the armed forces using non-appropriated funds.

“(2) COVERED DEFENSE BUSINESS SYSTEM.—

The term ‘covered defense business system’ means a defense business system that is expected to have a total amount of budget authority over the period of the current future-years defense program submitted to Congress under section 221 of this title, in excess of $50,000,000.

“(3) COVERED DEFENSE BUSINESS SYSTEM PROGRAM.—The term ‘covered defense business system program’ means a defense acquisition program to develop and field a covered defense business system or an increment of a covered defense business system.

“(4) PRIORITY DEFENSE BUSINESS SYSTEM PROGRAM.—The term ‘priority defense business system’ means a defense business system that is—

“(A) expected to have a total amount of budget authority over the period of the current future-years defense program submitted to Congress under section 221 of this title in excess of $250,000,000; or

“(B) designated by the Deputy Chief Management Officer of the Department of Defense
as a priority defense business system, based on specific program analyses of factors including complexity, scope, and technical risk, and after notification to Congress of such designation.

“(5) ENTERPRISE ARCHITECTURE.—The term ‘enterprise architecture’ has the meaning given that term in section 3601(4) of title 44.

“(6) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given that term in section 11101 of title 40, United States Code.

“(7) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given that term in section 3552(b)(2) of title 44.

“(8) MILESTONE DECISION AUTHORITY.—The term ‘milestone decision authority’, with respect to a defense acquisition program, means the individual within the Department of Defense designated with the responsibility to grant milestone approvals for that program.

“(9) BUSINESS PROCESS MAPPING.—The term ‘business process mapping’ means a procedure in which the steps in a business process are clarified and documented in both written form and in a flow chart.”.
(2) Clerical Amendment.—The table of sections at the beginning of chapter 131 of such title is amended to read as follows:

“2222. Defense business systems: business process reengineering; enterprise architecture; management.”.

(b) Implementation of Previously Enacted Title Change.—Effective February 1, 2017, section 2222 of title 10, United States Code, as amended by subsection (a), is further amended by striking “the Deputy Chief Management Officer” each place that it appears and inserting “the Under Secretary of Defense for Business Management and Information”.

(c) Deadline for Guidance.—The guidance required by subsection (b)(1) of section 2222 of title 10, United States Code, as amended by subsection (a)(1), shall be issued not later than December 31, 2016.

(d) Modification of Comptroller General Assessment.—Section 332(d) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1856) is amended to read as follows:

“(d) Comptroller General Assessment.—In each odd-numbered year, the Comptroller General of the United States shall submit to the congressional defense committees an assessment of the extent to which the ac-
tions taken by the Department of Defense comply with
the requirements of such section.”.

SEC. 872. ACQUISITION WORKFORCE.

(a) MODIFICATIONS TO DEPARTMENT OF DEFENSE
ACQUISITION WORKFORCE DEVELOPMENT FUND.—Sec-
tion 1705 of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (2), by amending sub-
paragraph (C) to read as follows:

“(C) For purposes of this paragraph, the
applicable percentage for a fiscal year is the
percentage that results in the credit to the
Fund of $500,000,000 in each fiscal year.”;
and

(B) in paragraph (3), by striking “24-
month period” and inserting “36-month pe-
riod”;

(2) in subsection (f), by striking “60 days” and
inserting “120 days”; and

(3) in subsection (g)(2), by striking “September
30, 2017” and inserting “September 30, 2023”.

(b) MODIFICATIONS TO BIENNIAL STRATEGIC WORK-
FORCE PLAN.—Section 115b(d) of title 10, United States
Code, is amended—
(1) in paragraph (1), by striking “the defense acquisition workforce, including both military and civilian personnel” and inserting “the military, civilian, and contractor personnel that directly support the acquisition processes of the Department of Defense, including persons serving in acquisition-related positions designated by the Secretary of Defense under section 1721 of this title”;

(2) in paragraph (2)(D)—

(A) in clause (i), by striking “; and” and inserting a semicolon;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following new clause:

“(ii) a description of steps that will be taken to address any new or expanded critical skills and competencies the civilian employee workforce will need to address recent trends in defense acquisition, emerging best practices, changes in the government and commercial marketplace, and new requirements established in law or regulation; and”; and

(3) by adding at the end the following new paragraph:
“(3) For the purposes of paragraph (1), contractor personnel shall be treated as directly supporting the acquisition processes of the Department if, and to the extent that, such contractor personnel perform functions in support of personnel in Department of Defense positions designated by the Secretary of Defense under section 1721 of this title.”.

SEC. 873. UNIFIED INFORMATION TECHNOLOGY SERVICES.

(a) BUSINESS CASE ANALYSIS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Deputy Chief Management Officer, the Chief Information Officer of the Department of Defense, and the Under Secretary of Defense for Acquisition, Technology and Logistics shall jointly complete a business case analysis, using the resources of the Director of Cost Analysis and Program Evaluation, to determine the most effective and efficient way to procure and deploy information technology services.

(2) ELEMENTS.—The business case analysis required by paragraph (1) shall include an assessment of whether the Department of Defense should—

(A)(i) acquire a unified set of commercially provided common or enterprise information technology services, including such services as
messaging, collaboration, directory, security, and content delivery; or

(ii) allow the military departments and other components of the Department to acquire such services separately;

(B)(i) acquire such services from a single provider that bundles all of the services; or

(ii) require that each common service be independently defined and use open standards to enable continuous adoption of best commercial technology; and

(C) enable availability of multiple versions of each type of service and application to enable choice and competition while supporting interoperability where necessary.

(b) GOVERNANCE MECHANISM AND PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Deputy Chief Management Officer and the Chief Information Officer, establish a governance mechanism and process to ensure essential interoperability across Department networks through the imposition of a minimum set of standards or common solutions.
SEC. 874. CLOUD STRATEGY FOR DEPARTMENT OF DEFENSE.

(a) Cloud Strategy for Secret Internet Protocol Network.—

(1) In general.—The Chief Information Officer of the Department of Defense shall, in consultation with the Under Secretary of Defense for Intelligence, the Director of National Intelligence, the Vice Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the chief information officers of the military departments, develop a cloud strategy for the Secret Internet Protocol Network (SIPRNet) of the Department.

(2) Matters addressed.—This strategy required by paragraph (1) shall address the following:

(A) Security requirements.

(B) The compatibility of applications currently utilized within the Secret Internet Protocol Network with a cloud computing environment.

(C) How a Secret Internet Protocol Network cloud capability should be competitively acquired.

(D) How a Secret Internet Protocol Network cloud system would achieve interoper-
ability with the cloud systems of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) operating at the security level Sensitive Compartmented Information.

(b) Pricing Policy and Cost Recovery Process for Certain Cloud Services.—The Chief Information Officer of the Department of Defense shall, in coordination with the Director of National Intelligence and in consultation with the Under Secretary of Defense for Intelligence, develop a consistent pricing policy and cost recovery process for the use by Department of Defense components of the cloud services provided through the Intelligence Community Information Technology Environment.

c) Assessment of Feasibility and Advisability of Imposing Minimum Standards.—

(1) In General.—The Chief Information Officer of the Department of Defense shall assess the feasibility and advisability of imposing a minimum set of open standards for cloud infrastructure, middle-ware, metadata, and application programming interfaces to promote interoperability, information sharing, and ease of access to data, and competition across all of the cloud computing systems and serv-
ices utilized by components of the Department of Defense.

(2) COORDINATION.—The Chief Information Officer shall coordinate the assessment required by paragraph (1) with the Director of National Intelligence with respect to the cloud services offered through the Intelligence Community Information Technology Environment.

SEC. 875. DEVELOPMENT PERIOD FOR DEPARTMENT OF DEFENSE INFORMATION TECHNOLOGY SYSTEMS.

(a) FLEXIBLE LIMITATION ON DEVELOPMENT PERIOD.—Section 2445b of title 10, United States Code is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) TIME-CERTAIN DEVELOPMENT.—If the baseline documents prepared under subsection (c) for a major automated information system that is not a national security system provide for a period in excess of five years from the time of program initiation to the time of a full deployment decision, the documents submitted pursuant to subsection (a) shall include a written determination by
the senior Department of Defense official responsible for
the program justifying the need for the longer period.”.

(b) **REPEAL OF INCONSISTENT REQUIREMENTS.**—

(1) Section 2445c(e)(2) of title 10, United
States Code, is amended—

(A) in subparagraph (B), by striking the
semicolon at the end and inserting “; or”;

(B) in subparagraph (C), by striking “; or” and inserting a period; and

(C) by striking subparagraph (D), as added by section 802(a)(3) of the Carl Levin
and Howard “Buck” McKeon National Defense
Authorization Act for Fiscal Year 2015 (Public

(2) Section 811 of the John Warner National
(Public Law 109–364; 120 Stat. 2316) is repealed.

**SEC. 876. REVISIONS TO PILOT PROGRAM ON ACQUISITION**
**OF MILITARY PURPOSE NON-DEVELOPMENTAL ITEMS.**

Section 866 of the Ike Skelton National Defense Au-
thorization Act for Fiscal Year 2011 (Public Law 111–
383; 10 U.S.C. 2302 note) is amended—

(1) in subsection (a)(2), by striking “with non-
traditional defense contractors”; and
(2) in subsection (b)—

(A) in paragraph (1), by striking “awarded using competitive procedures in accordance with chapter 137 of title 10, United States Code”;

and

(B) in paragraph (2), by striking “$50,000,000” and inserting “$100,000,000”.

SEC. 877. EXTENSION OF THE DEPARTMENT OF DEFENSE MENTOR-PROTÉGÉ PILOT PROGRAM.

Section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking “September 30, 2015” and inserting “September 30, 2016”; and

(2) in paragraph (2), by striking “September 30, 2018” and inserting “September 30, 2019”.

SEC. 878. IMPROVED AUDITING OF CONTRACTS.

(a) ADDRESSING AUDIT BACKLOG.—

(1) IN GENERAL.—Beginning October 1, 2016, the Defense Contract Audit Agency may provide audit support for non-Defense Agencies once the Secretary of Defense certifies that the backlog for incurred cost audits is less than 12 months of incurred cost inventory.
(2) Adjustment in funding for reimbursements from non-defense agencies.—The amount appropriated and otherwise available to the Defense Contract Audit Agency for a fiscal year beginning after September 30, 2016, shall be reduced by an amount equivalent to any reimbursements received by the Agency from non-Defense Agencies for support provided in violation of the limitation under paragraph (1).

(b) Use of third party audits.—The Secretary of Defense shall use up to 5 percent of the auditing staff of the service audit agencies augmented by private sector auditors to help eliminate the audit backlog in incurred cost, pre-award accounting systems audits and to reduce the time to complete pre-award audits.

(c) Use of inspector general auditing staff.—The Office of the Inspector General of the Department of Defense shall make available 5 percent of its auditing staff to the Defense Contract Audit Agency to help eliminate the audit backlog in incurred cost, pre-award accounting systems audits and to reduce the time to complete pre-award audits.

(d) Defense Contract Audit Agency Annual Report.—Section 2313a(a) of title 10, United States Code, is amended—
(1) in paragraph (2), by amending subparagraph (D) to read as follows:

“(D) the total costs of sustained or recovered costs both as a total number and as a percentage of questioned costs; and”;

(2) in paragraph (3), by striking “; and” and inserting a semicolon;

(3) by redesignating paragraph (4) as paragraph (6); and

(4) by inserting after paragraph (3) the following new paragraphs:

“(4) a description of actions taken to ensure alignment of policies and practices across the Defense Contract Audit Agency regional organizations, offices, and individual auditors;

“(5) a description of outreach actions toward industry to promote more effective use of audit resources; and”.

(e) ACQUISITION OVERSIGHT AND AUDITS.—The Secretary of Defense shall review the oversight and audit structure of the Department of Defense with the goal of enhancing the productivity of oversight and program and contract auditing to avoid duplicative audits and the streamlining of oversight reviews. The Secretary shall take all necessary measures to streamline oversight reviews and
avoid duplicative audits and make recommendation for
any necessary changes in law.

(f) REPORT.—

(1) IN GENERAL.—Not later than one year
after the date of the enactment of this Act, the Sec-
etary of Defense shall submit to the congressional
defense committees a report on actions taken to
avoid duplicative audits and streamline oversight re-
views.

(2) ELEMENTS.—The report required under
paragraph (1) shall include the following elements:

(A) A description of actions taken to avoid
duplicative audits and streamline oversight re-
views based on the review conducted under sub-
section (e).

(B) A comparison of commercial industry
accounting practices, including requirements
under the Sarbanes-Oxley Act of 2002 (Public
Law 107–204), with the Cost Accounting
Standards (CAS) to determine if some portions
of CAS compliance can be met through such
practices or requirements.

(C) A description of standards of materi-
ality used by the Defense Contract Audit Agen-
(D) An estimate of average delay and range of delays in contract awards due to time necessary for the Defense Contract Audit Agency to complete pre-award audits.

(g) Incurred Cost Inventory Defined.—In this section, the term “incurred cost inventory” means the level of contractor incurred cost proposals in inventory from prior fiscal years that are currently being audited by the Defense Contract Audit Agency.

SEC. 879. SURVEY ON THE COSTS OF REGULATORY COMPLIANCE.

(a) Survey.—The Secretary of Defense shall conduct a survey of the top ten contractors with the highest level of reimbursements for cost type contracts with the Department of Defense during fiscal year 2014 to estimate industry’s cost of regulatory compliance (as a percentage of total costs) with government unique acquisition regulations and requirements in the categories of quality assurance, accounting and financial management, contracting and purchasing, program management, engineering, logistics, material management, property administration, and other unique requirements not imposed on contracts for commercial items.
(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the findings of the survey conducted under subsection (a). The data received as a result of the survey and included in the report shall be aggregated to protect against the public release of proprietary information.

SEC. 880. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON BID PROTESTS.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the prevalence and impact of bid protests on Department of Defense acquisitions over the previous 10 years, including both protests to the Government Accountability Office and protests filed in Federal court.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following elements:

(1) A description of trends in the number of bid protests filed, and the rate of such bid protests compared to the number of procurements.

(2) A description of comparative rates for bid protests filed by incumbent contractors and bid protests filed by non-incumbent contractors.
(3) An assessment of the cost and schedule impact of successful and unsuccessful bid protests filed by incumbent contractors on contracts for services with a value in excess of $100,000,000.

(4) A description of trends in the number of bid protests filed and the rate of such bid protests on contracts for the procurement of major defense acquisition programs.

(5) An assessment of the cost and schedule impact of successful and unsuccessful bid protests filed on contracts for the procurement of major defense acquisition programs.

(6) A description of any views the Comptroller General may have on the likely impact of a provision requiring a losing protester on a contract for the procurement of a major defense acquisition program to pay the legal fees of the government.

SEC. 881. STEPS TO IDENTIFY AND ADDRESS POTENTIAL UNFAIR COMPETITIVE ADVANTAGE OF TECHNICAL ADVISORS TO ACQUISITION OFFICIALS.

(a) GUIDANCE REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall issue guidance on steps that should be taken
to identify and evaluate, and to avoid, neutralize, or mitigate, any potentially unfair competitive advantage of entities providing technical advice to acquisition officials in the award of research and development work by such officials.

(b) DEFINITIONS.—For the purposes of this section—

(1) the term “potentially unfair competitive advantage” means unequal access to acquisition officials responsible for award decisions or allocation of resources or to acquisition information relevant to award decisions or allocation of resources; and

(2) the term “entity providing technical advice to acquisition officials” means a contractor, Federally-funded research and development center and other non-profit entity, or Federal laboratory that provides systems engineering and technical direction, participates in technical evaluations, helps prepare specifications or work statements, or otherwise provides technical advice to acquisition officials on the conduct of defense acquisition programs.

SEC. 882. HUBZONE QUALIFIED DISASTER AREAS.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 3(p) (15 U.S.C. 632(p))—
(A) in paragraph (1)—

(i) in subparagraph (D), by striking “or”;

(ii) in subparagraph (E), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(F) qualified disaster areas.”; and

(B) in paragraph (4), by adding at the end the following:

“(E) QUALIFIED DISASTER AREA.—

“(i) IN GENERAL.—The term ‘qualified disaster area’ means any census tract or nonmetropolitan county located in an area for which the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or located in an area in which a catastrophic incident has occurred, if—

“(I) in the case of a census tract, the census tract ceased to be a qualified census tract during the period be-
ginning 5 years before and ending 2
years after the date on which—

“(aa) the President declared
the major disaster; or

“(bb) the catastrophic inci-
dent occurred; or

“(II) in the case of a nonmetro-
politan county, the nonmetropolitan
county ceased to be a qualified non-
metropolitan county during the period
beginning 5 years before and ending 2
years after the date on which—

“(aa) the President declared
the major disaster; or

“(bb) the catastrophic inci-
dent occurred.

“(ii) TREATMENT.—A qualified dis-
aster area shall only be treated as a
HUBZone—

“(I) in the case of a major dis-
aster declared by the President, dur-
ing the 5-year period beginning on the
date on which the President declared
the major disaster for the area in
which the census tract or nonmetro-
politan county, as applicable, is located; and

“(II) in the case of a catastrophic incident, during the 10-year period beginning on the date on which the catastrophic incident occurred in the area in which the census tract or nonmetropolitan county, as applicable, is located.”; and

(2) in section 31(c)(3) (15 U.S.C. 657a(c)(3)), by inserting “the Administrator of the Federal Emergency Management Agency,” after “the Secretary of Labor,”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or a catastrophic incident that occurs on or after the date of enactment of this Act.

SEC. 883. BASE CLOSURE HUBZONES.


(1) in item (aa), by striking “or” at the end;

(2) by redesignating item (bb) as item (cc); and
(3) by inserting after item (aa) the following:

“(bb) pursuant to subparagraph (A), (B), (C), (D), or (E) of paragraph (3), that its principal office is located in a HUBZone described in paragraph (1)(E) (relating to base closure areas) (in this item referred to as the ‘base closure HUBZone’), and that not fewer than 35 percent of its employees reside in—

“(AA) a HUBZone;

“(BB) the census tract in which the base closure HUBZone is wholly contained;

“(CC) a census tract the boundaries of which intersect the boundaries of the base closure HUBZone; or

“(DD) a census tract the boundaries of which are contiguous to a census tract
described in subitem (BB) or (CC); or”.

(b) Period for Base Closure Areas.—

(1) Amendments.—

(A) In general.—Section 152(a)(2) of title I of division K of the Consolidated Appropriations Act, 2005 (15 U.S.C. 632 note) is amended by striking “5 years” and inserting “8 years”.

(B) Conforming amendment.—Section 1698(b)(2) of National Defense Authorization Act for Fiscal Year 2013 (15 U.S.C. 632 note) is amended by striking “5 years” and inserting “8 years”.

(2) Effective date; applicability.—The amendments made by paragraph (1) shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to—

(i) a base closure area (as defined in section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D))) that, on the day before the date of enactment of this Act, is treated as a HUBZone described in

(I) section 152(a)(2) of title I of division K of the Consolidated Appropriations Act, 2005 (15 U.S.C. 632 note); or

(II) section 1698(b)(2) of National Defense Authorization Act for Fiscal Year 2013 (15 U.S.C. 632 note); and

(ii) a base closure area relating to the closure of a military installation under the authority described in clauses (i) through (iv) of section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D)) that occurs on or after the date of enactment of this Act.
TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. UPDATE OF STATUTORY SPECIFICATION OF FUNCTIONS OF CHAIRMAN OF THE JOINT CHIEFS OF STAFF RELATING TO ADVICE ON REQUIREMENTS, PROGRAMS, AND BUDGET.

Section 153(a)(4) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(H) Advising the Secretary on development of joint command, control, communications, and cyber capabilities, including integration and interoperability of such capabilities, through requirements, integrated architectures, data standards, and assessments.”.

SEC. 902. REORGANIZATION AND REDESIGNATION OF OFFICE OF FAMILY POLICY AND OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) Office of Family Policy.—

(1) Redesignation as office of military family readiness policy.—Section 1781(a) of title 10, United States Code, is amended—
(A) by striking “Office of Family Policy” and inserting “Office of Military Family Readiness Policy”; and

(B) by striking “Director of Family Policy” and inserting “Director of Military Family Readiness Policy”.

(2) REQUIREMENT FOR DIRECTOR TO BE MEMBER OF SENIOR EXECUTIVE SERVICE OR GENERAL OR FLAG OFFICER.—Such section is further amended by adding at the end the following new sentence: “The Director shall be a member of the Senior Executive Service or a general officer or flag officer.”.

(3) INCLUSION OF DIRECTOR ON MILITARY FAMILY READINESS COUNCIL.—Subsection (b)(1)(E) of section 1781a of such title is amended by striking “Office of Community Support for Military Families with Special Needs” and inserting “Office of Military Family Readiness Policy”.

(4) CONFORMING AMENDMENT.—Section 131(b)(7)(F) of such title is amended by striking “Director of Family Policy” and inserting “Director of Military Family Readiness Policy”.

(5) HEADING AND CLERICAL AMENDMENTS.—
(A) **Section heading.**—The heading of section 1781 of such title is amended to read as follows:

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§ 1781. Office of Military Family Readiness Policy.
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(B) **Clerical amendment.**—The table of sections at the beginning of chapter 88 of such title is amended by striking the item relating to section 1781 and inserting the following new item:

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1781. Office of Military Family Readiness Policy.
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(b) **Office of Community Support for Military Families with Special Needs.**—

(1) **Redesignation as Office of Special Needs.**—Subsection (a) of section 1781c of title 10, United States Code, is amended by striking “Office of Community Support for Military Families with Special Needs” and inserting “Office of Special Needs”.

(2) **Reorganization under Office of Military Family Readiness Policy.**—Such subsection is further amended by striking “Office of the Under Secretary of Defense for Personnel and Readiness” and inserting “Office of Military Family Readiness Policy”.

(3) **Repeal of requirement for head of office to be member of Senior Executive
SERVICE OR GENERAL OR FLAG OFFICER.—Such section is further amended by striking subsection (c).

(4) CONFORMING AMENDMENTS.—Such section is further amended—

(A) by redesignating subsections (d) through (i) as subsections (e) through (h), respectively;

(B) by striking “subsection (e)” each place it appears and inserting “subsection (d)”;

(C) in subsection (c), as so redesignated, by striking “subsection (f)” in paragraph (2) and inserting “subsection (e)”;

(D) in subsection (g), as so redesignated, by striking “subsection (d)(4)” in paragraph (2)(B) and inserting “subsection (c)(4)”.

(5) HEADING AND CLERICAL AMENDMENTS.—

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

“§ 1781c. Office of Special Needs”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of such title is amended by striking the item relating to section 1781c and inserting the following new item:

“1781c. Office of Special Needs.”
SEC. 903. REPEAL OF REQUIREMENT FOR ANNUAL DEPART-
MENT OF DEFENSE FUNDING FOR OCEAN RE-
SEARCH ADVISORY PANEL.

Section 7903 of title 10, United States Code, is
amended by striking subsection (c).

TITLE X—GENERAL PROVISIONS
Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) Authority To Transfer Authorizations.—

(1) Authority.—Upon determination by the
Secretary of Defense that such action is necessary in
the national interest, the Secretary may transfer
amounts of authorizations made available to the De-
partment of Defense in this division for fiscal year
2016 between any such authorizations for that fiscal
year (or any subdivisions thereof). Amounts of au-
thorizations so transferred shall be merged with and
be available for the same purposes as the authoriza-
tion to which transferred.

(2) Limitation.—Except as provided in para-
graph (3), the total amount of authorizations that
the Secretary may transfer under the authority of
this section may not exceed $4,500,000,000.

(3) Exception For Transfers Between
Military Personnel Authorizations.—A trans-
fer of funds between military personnel authoriza-

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tions under title IV shall not be counted toward the
dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by sub-
section (a) to transfer authorizations—

(1) may only be used to provide authority for
items that have a higher priority than the items
from which authority is transferred; and

(2) may not be used to provide authority for an
item that has been denied authorization by Con-
gress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A
transfer made from one account to another under the au-
thority of this section shall be deemed to increase the
amount authorized for the account to which the amount
is transferred by an amount equal to the amount trans-
ferred.

(d) NOTICE TO CONGRESS.—The Secretary shall
promptly notify Congress of each transfer made under
subsection (a).

SEC. 1002. ANNUAL AUDIT OF FINANCIAL STATEMENTS OF

DEPARTMENT OF DEFENSE COMPONENTS BY

INDEPENDENT EXTERNAL AUDITORS.

(a) AUDITS REQUIRED.—For purposes of satisfying
the requirement under section 3521(e) of title 31, United
States Code, for audits of financial statements of Depart-
ment of Defense components identified by the Director of
the Office of Management and Budget under section
3515(c) of such title, the Inspector General of the Depart-
ment of Defense shall obtain each year audits of the finan-
cial statements of each such component by an independent
external auditor.

(b) Inspector General Selection and Oversight.—The Inspector General shall—

(1) select independent external auditors for pur-
poses of subsection (a) based, among other appro-
priate criteria, on their qualifications, independence,
and capacity to conduct audits described in sub-
section (a) in accordance with applicable generally
accepted government auditing standards; and

(2) shall monitor the conduct of such audits.

(c) Reports on Audits.—

(1) In General.—The Inspector General shall
require the independent external auditors conducting
audits under subsection (a) to submit a report on
their audits each year to the Secretary of Defense,
the Controller of the Office of Federal Financial
Management in the Office of Management and
Budget, and the appropriate committees of Con-
gegress.
(2) APPROPRIATE COMMITTEES OF CONGRESS

Defined.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(d) RELATIONSHIP TO EXISTING LAW.—The requirements of this section—

(1) shall be implemented in a manner that is consistent with the requirements of section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2222 note);

(2) shall not be construed to alter the requirement under section 3521(e) of title 31, United States Code, that the financial statements of the Department of Defense as a whole be audited by the Inspector General or by an independent external auditor, as determined by the Inspector General; and

(3) shall not be construed to limit or alter the authorities of the Comptroller General of the United
States under section 3521(g) of title 31, United States Code.


(a) In General.—In the event of the enactment of an Act revising in proportionally equal amounts the defense and non-defense discretionary spending limits for fiscal year 2016, the amount authorized to be appropriated by title XV that is in excess of the $50,900,000,000 that is authorized to be appropriated by that title for revised security category activities, and is also not greater than the amount of the increase in the discretionary spending limit for revised security category activities revised by that Act, shall be deemed to have been authorized to be appropriated by title III.

(b) Definitions.—In this section:

(1) The term “Act revising the defense and non-defense discretionary spending limits for fiscal year 2016” means an Act—

(A) enacted after the date of enactment of this Act; and
(B) that—

(i) increases in proportionally equal
amounts the discretionary spending limits
for fiscal year 2016 for the revised security
category and the revised nonsecurity cat-
egory; and

(ii) may include increases to the dis-
cretionary spending limits for fiscal years
2017 through 2021.

(2) The terms “discretionary spending limit”,
“revised nonsecurity category”, and “revised secu-
ritv category” have the meanings given such terms
in section 250 of the Balanced Budget and Emer-

SEC. 1004. SENSE OF SENATE ON SEQUESTRATION.

It is the sense of the Senate that—

(1) the nation’s fiscal challenges are a top pri-
ority for Congress, and sequestration—non-strategic,
across-the-board budget cuts—remains an unreason-
able and inadequate budgeting tool to address the
nation’s deficits and debt;

(2) sequestration relief must be accomplished
for fiscal years 2016 and 2017;

(3) sequestration relief should include equal de-
fense and non-defense relief; and
(4) sequestration relief should be offset through targeted changes in mandatory and discretionary categories and revenues.

Subtitle B—Counter-Drug Activities

SEC. 1011. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTERDRUG AND COUNTERTERORISM CAMPAIGN IN COLOMBIA.


(1) In subsection (a), by striking “2016” and inserting “2017”; and

(2) In subsection (c), by striking “2016” and inserting “2017”.

(b) Extension of Annual Notice to Congress on Assistance.—Section 1011(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 is amended by striking “(as amended by subsection (a)) using funds available for fiscal
year 2015” and inserting “using funds available for any
fiscal year”.

SEC. 1012. EXTENSION AND EXPANSION OF AUTHORITY TO
PROVIDE ADDITIONAL SUPPORT FOR
COUNTER-DUERG ACTIVITIES OF CERTAIN
FOREIGN GOVERNMENTS.

(a) Extension.—Subsection (a)(2) of section 1033
of the National Defense Authorization Act for Fiscal Year
1998 (Public Law 105–85; 111 Stat. 1881), as most re-
cently amended by section 1013 of the National Defense
Authorization Act for Fiscal Year 2014 (Public Law 113–
66; 127 Stat. 844), is further amended by striking “2016”
and inserting “2017”.

(b) Maximum Amount of Support.—Subsection
(e)(2) of such section 1033, as so amended, is further
amended by striking “2016” and inserting “2017”.

(c) Additional Governments Eligible To Re-
ceive Support.—Subsection (b) of such section 1033, as
so amended, is further amended by adding at the end of
the following new paragraphs:

“(41) Government of Tanzania.
“(42) Government of Somalia.”.
Subtitle C—Naval Vessels and Shipyards

SEC. 1021. STUDIES OF FLEET PLATFORM ARCHITECTURES FOR THE NAVY.

(a) Independent Studies.—

(1) In general.—The Secretary of Defense shall provide for the performance of three independent studies of alternative future fleet platform architectures for the Navy in the 2030 timeframe.

(2) Submission to Congress.—Not later than May 1, 2016, the Secretary shall forward the results of each study to the congressional defense committees.

(3) Form.—Each such study shall be submitted in unclassified form, but may contain a classified annex as necessary.

(b) Entities to Perform Studies.—The Secretary of Defense shall provide for the studies under subsection (a) to be performed as follows:

(1) One study shall be performed by the Department of the Navy and shall include participants from—

(A) the Office of Net Assessment within the Office of the Secretary of Defense; and
(B) the Naval Surface Warfare Center Dahlgren Division.

(2) The second study shall be performed by a federally funded research and development center.

(3) The final study shall be conducted by an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs.

(c) PERFORMANCE OF STUDIES.—

(1) INDEPENDENT PERFORMANCE.—The Secretary of Defense shall require the three studies under this section to be conducted independently of each other.

(2) MATTERS TO BE CONSIDERED.—In performing a study under this section, the organization performing the study, while being aware of the current and projected fleet platform architectures, shall not be limited by the current or projected fleet platform architecture and shall consider the following matters:

(B) Potential future threats to the United States and to United States naval forces in the 2030 timeframe.

(C) Traditional roles and missions of United States naval forces.

(D) Alternative roles and missions for United States naval forces.

(E) Other government and non-government analyses that would contribute to the study through variations in study assumptions or potential scenarios.

(F) The role of evolving technology on future naval forces, including unmanned systems.

(G) Opportunities for reduced personnel and sustainment costs.

(H) Current and projected capabilities of other United States military services that could affect force structure capability and capacity requirements of United States naval forces.

(d) Study Results.—The results of each study under this section shall—

(1) present the alternative fleet platform architectures considered, with assumptions and possible scenarios identified for each;
(2) provide for presentation of minority views of study participants; and

(3) for the recommended architecture, provide—

(A) the numbers, kinds, and sizes of vessels, the numbers and types of associated manned and unmanned vehicles, and the basic capabilities of each of those platforms;

(B) other information needed to understand that architecture in basic form and the supporting analysis;

(C) deviations from the current Annual Long-Range Plan for Construction of Naval Vessels required under section 231 of title 10, United States Code;

(D) options to address ship classes that begin decommissioning prior to 2035; and

(E) implications for naval aviation, including the future carrier air wing and land-based aviation platforms.

SEC. 1022. AMENDMENT TO NATIONAL SEA-BASED DETERRENCE FUND.

Section 1022(b)(1) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended by
striking “for the Navy for the Ohio Replacement Program”.

SEC. 1023. EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS AFOAT.


(b) Technical and Clarifying Amendments.—Subsection (a) of such section, as so amended, is further amended—

(1) in the matter preceding paragraph (1), by striking “not more that” and inserting “not more than”; and

(2) in paragraph (2), by striking “Naval vessels” and inserting “such vessels”.

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Subtitle D—Counterterrorism

SEC. 1031. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) Prohibition.—No amounts authorized to be appropriated by this Act or otherwise available for the Department of Defense may be used, during the period beginning on the date of the enactment of this Act and ending on the effective date specified in section 1032(f), to construct or modify any facility in the United States, its territories, or possessions to house an individual detained at Guantanamo for the purpose of detention or imprisonment in the custody or control of the United States Government unless authorized by Congress.

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

(e) Individual Detained at Guantanamo Defined.—In this section, the term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—
(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

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

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


SEC. 1032. LIMITATION ON THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) In General.—Except as provided in subsection (b), no amounts authorized to be appropriated by this Act or otherwise available for the Department of Defense may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—
(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

(b) Transfer for Detention and Trial.—The Secretary of Defense may transfer a detainee described in subsection (a) to the United States for detention pursuant to the Authorization for Use of Military Force (Public Law 107–40), trial, and incarceration if the Secretary—

(1) determines that the transfer is in the national security interest of the United States;

(2) determines that appropriate actions have been taken, or will be taken, to address any risk to public safety that could arise in connection with detention and trial in the United States; and

(3) notifies the appropriate committees of Congress not later than 30 days before the date of the proposed transfer.

(c) Notification Elements.—A notification on a transfer under subsection (b)(3) shall include the following:

(1) A statement of the basis for the determination that the transfer is in the national security interest of the United States.
(2) A description of the action the Secretary determines have been taken, or will be taken, to address any risk to the public safety that could arise in connection with the detention and trial in the United States.

(d) Status While in the United States.—A detainee who is transferred to the United States under this section—

(1) shall not be permitted to apply for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or be eligible to apply for admission into the United States;

(2) shall be considered to be paroled into the United States temporarily pursuant to section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A));

(3) shall not at any time be subject to, and may not apply for or obtain, or be deemed to enjoy, any right, privilege, status, benefit, or eligibility for any benefit under any provision of the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), or any other law or regulation; and

(4) shall not, as a result of such transfer, have a change in designation as an unprivileged enemy
belligerent eligible for detention pursuant to the Au-

thorization for Use of Military Force, as determined
in accordance with applicable law and regulations.

(e) LIMITATIONS ON JUDICIAL REVIEW.—

(1) LIMITATIONS.—Except as provided for in
paragraph (2), no court, justice, or judge shall have
jurisdiction to hear or consider any action against
the United States or its agents relating to any as-
pect of the detention, transfer, treatment, or condi-
tions of confinement of a detainee described in sub-
section (a) who is held by the Armed Forces of the
United States.

(2) EXCEPTION.—A detainee who is transferred
to the United States under this section shall not be
deprived of the right to challenge his designation as
an unprivileged enemy belligerent by filing a writ of
habeas corpus as provided by the Supreme Court in
Hamdan v. Rumsfeld (548 U.S. 557 (2006)) and
Boumediene v. Bush (553 U.S. 723 (2008)).

(3) NO CAUSE OF ACTION IN DECISION NOT TO
TRANSFER.—A decision not to transfer a detainee to
the United States under this section shall not give
rise to a judicial cause of action.

(f) EFFECTIVE DATE.—Subsections (b), (c), (d), and
(e) shall take effect on the effective date of a joint resolu-
tion approved pursuant to subsection (h) on the plan on
the disposition of detainees held at United States Naval
Station, Guantanamo Bay, Cuba, submitted pursuant to
subsection (g).

(g) PLAN FOR DISPOSITION OF DETAINEES.—

(1) REPORT ON PLAN REQUIRED.—The Sec-
retary of Defense shall submit to the appropriate
committees of Congress a report setting forth a com-
prehensive plan on the disposition of detainees held
at United States Naval Station, Guantanamo Bay,
Cuba.

(2) ELEMENTS.—The report required by para-
graph (1) shall contain the following:

(A) A case-by-case determination made for
each individual detained at Guantanamo of
whether such individual is intended to be trans-
ferred to a foreign country, transferred to the
United States for the purpose of civilian or
military trial, or transferred to the United
States or another country for continued deten-
tion under the law of armed conflict.

(B) The specific facility or facilities that
are intended to be used, or modified to be used,
to hold individuals inside the United States for
the purpose of trial, for detention in the after-
math of conviction, or for continued detention under the law of armed conflict.

(C) The estimated costs associated with the detention inside the United States of individuals detained at Guantanamo.

(D) A description of the legal implications associated with the detention inside the United States of an individual detained at Guantanamo, including but not limited to the right to challenge such detention as unlawful.

(E) A detailed description and assessment, made in consultation with the Secretary of State and the Director of National Intelligence, of the actions that would be taken prior to the transfer to a foreign country of an individual detained at Guantanamo that would substantially mitigate the risk of such individual engaging or reengaging in any terrorist or other hostile activity that threatens the United States or United States person or interests.

(F) What additional authorities, if any, may be necessary to detain an individual detained at Guantanamo inside the United States as an unprivileged enemy belligerent pursuant to the Authorization for Use of Military Force,
pending the end of hostilities or a future determination by the Secretary of Defense that such individual no longer poses a threat to the United States or United States persons or interests.

(G) A plan for the disposition of any individuals who are detained by the United States under the law of armed conflict after the date of the report, including a plan to detain and interrogate such individuals for the purposes of—

(i) protecting the security of the United States, its persons, allies, and interests; and

(ii) collecting intelligence necessary to ensure the security of the United States, its person, allies, and interests.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(h) CONSIDERATION BY CONGRESS OF SECRETARY OF DEFENSE PLAN.—

(1) TERMS OF THE RESOLUTION.—For purposes of this section the term “joint resolution” means only a joint resolution which is introduced within the 10-day period beginning on the date on
which the Secretary of Defense submits to Congress a report under subsection (g) and—

(A) which does not have a preamble;

(B) the matter after the resolving clause of which is as follows: “That Congress approves the plan of the Secretary of Defense on the disposition of detainees held at United States Naval Station, Guantanamo Bay, Cuba, under section 1032(g) of the National Defense Authorization Act for Fiscal Year 2016 as submitted by the Secretary of Defense to Congress on _____________”, the blank space being filled in with the appropriate date; and

(C) the title of which is as follows: “Joint resolution approving the plan of the Secretary of Defense on the disposition of detainees held at United States Naval Station, Guantanamo Bay, Cuba.”.

(2) REFERRAL.—A resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate.
(3) DISCHARGE.—If the committee to which a resolution described in paragraph (1) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the Secretary submits to Congress a report under subsection (g), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(4) CONSIDERATION.—(A) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under paragraph (3)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member’s intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of...
the committee to which the resolution was referred.
All points of order against the resolution (and
against consideration of the resolution) are waived.
The motion is highly privileged in the House of Rep-
resentatives and is privileged in the Senate and is
not debatable. The motion is not subject to amend-
ment, or to a motion to postpone, or to a motion to
proceed to the consideration of other business. A
motion to reconsider the vote by which the motion
is agreed to or disagreed to shall not be in order. If
a motion to proceed to the consideration of the reso-
lution is agreed to, the respective House shall imme-
diately proceed to consideration of the joint resolu-
tion without intervening motion, order, or other
business, and the resolution shall remain the unfin-
ished business of the respective House until disposed
of.

(B) Debate on the resolution, and on all debat-
able motions and appeals in connection therewith,
shall be limited to not more than 2 hours, which
shall be divided equally between those favoring and
those opposing the resolution. An amendment to the
resolution is not in order. A motion further to limit
debate is in order and not debatable. A motion to
postpone, or a motion to proceed to the consider-
ation of other business, or a motion to recommit the
resolution is not in order. A motion to reconsider the
vote by which the resolution is agreed to or dis-
agreed to is not in order.

(C) Immediately following the conclusion of the
debate on a resolution described in paragraph (1)
and a single quorum call at the conclusion of the de-
bate if requested in accordance with the rules of the
appropriate House, the vote on final passage of the
resolution shall occur.

(D) Appeals from the decisions of the Chair re-
lating to the application of the rules of the Senate
or the House of Representatives, as the case may be,
to the procedure relating to a resolution described in
paragraph (1) shall be decided without debate.

(5) CONSIDERATION BY OTHER HOUSE.—(A) If,
before the passage by one House of a resolution of
that House described in paragraph (1), that House
receives from the other House a resolution described
in paragraph (1), then the following procedures shall
apply:

(i) The resolution of the other House shall
not be referred to a committee and may not be
considered in the House receiving it except in
the case of final passage as provided in clause (ii)(II).

(ii) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(I) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(II) the vote on final passage shall be on the resolution of the other House.

(B) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(6) Rules of the Senate and the House of Representatives.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it super-
sedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(i) **Limitation on Transfer or Release of Detainees Transferred to the United States.**—

(1) **Limitation Pending Enactment of Joint Resolution Approving Plan.**—Notwithstanding any other provision of law and subject to paragraph (2), any individual detained at Guantanamo who is transferred to the United States after the date of the enactment of this Act shall not be released within the United States or its territories, and may only be transferred or released in accordance with the procedures under section 1033.

(2) **Limitation on Transfer Overseas After Enactment of Joint Resolution Approving Plan.**—Effective on the effective date specified in subsection (f)—

(A) the provisions of section 1035 of the National Defense Authorization Act for Fiscal
Year 2014 (Public Law 113–66; 127 Stat. 851; 10 U.S.C. 801 note), as previously repealed by section 1033, shall be revived;

(B) the procedures under such section 1035, as so revived, shall apply to the transfer of individuals detained at Guantanamo to foreign countries rather than the procedures under section 1033; and

(C) in the application of procedures under such section 1035 as described in subparagraph (B), any reference to an individual detained at Guantanamo shall be deemed to refer also to any such individual transferred to the United States after such effective date.


(k) Definitions.—In this section:

(1) The term “appropriate committees of Congress” means—
(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.
SEC. 1033. REENACTMENT AND MODIFICATION OF CERTAIN PRIOR REQUIREMENTS FOR CERTIFICATIONS RELATING TO TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) Certification Required Prior to Transfer.—

(1) In general.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual’s country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to the appropriate committees of Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) Exception.—Paragraph (1) shall not apply to any action taken by the Secretary to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction
(which the Secretary shall notify the appropriate committees of Congress of promptly after issuance).

(b) CERTIFICATION.—A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(D) has taken or agreed to take effective actions to ensure that the individual cannot
take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(F) has agreed to share with the United States any information that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies;

(2) the United States Government and the government of the foreign country have entered into a written memorandum of understanding (MOU) regarding the transfer of the individual and such memorandum of understanding has previously been transmitted to the appropriate committees of Congress; and

(3) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary’s certifications.
(c) **Prohibition in Cases of Prior Confirmed Recidivism.**—

(1) **Prohibition.**—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual’s country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) **Exception.**—Subject to subsection (e), paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify the appropriate committees of Congress of promptly after issuance).

(d) **National Security Waiver.**—
(1) IN GENERAL.—Subject to subsection (e), the Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1), or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by subsection (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist
activity, and the actions to be taken under sub-
paragraph (A) will substantially mitigate the
risk of recidivism with regard to the individual
to be transferred; and

(D) the transfer is in the national security
interests of the United States.

(2) REPORTS.—Whenever the Secretary makes
a determination under paragraph (1), the Secretary
shall submit to the appropriate committees of Con-
gress, not later than 30 days before the transfer of
the individual concerned, the following:

(A) A copy of the determination and the
waiver concerned.

(B) A statement of the basis for the deter-
mination, including—

(i) an explanation why the transfer is
in the national security interests of the
United States;

(ii) in the case of a waiver of para-
graph (D) or (E) of subsection (b)(1), an
explanation why it is not possible to certify
that the risks addressed in the paragraph
to be waived have been completely elimi-
nated; and

(iii) a classified summary of—
(I) the individual's record of cooperation while in the custody of or under the effective control of the Department of Defense; and

(II) the agreements and mechanisms in place to provide for continuing cooperation.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) RECORD OF COOPERATION.—

(1) IN GENERAL.—In assessing the risk that an individual detained at Guantanamo will engage in terrorist activity or other actions that could affect the security of the United States if released for the purpose of making a certification under subsection (b) or a waiver under subsection (d), the Secretary of Defense may give favorable consideration to any such individual—

(A) who has substantially cooperated with United States intelligence and law enforcement authorities, pursuant to a pre-trial agreement,
while in the custody of or under the effective control of the Department of Defense; and

(B) for whom agreements and effective mechanisms are in place, to the extent relevant and necessary, to provide for continued cooperation with United States intelligence and law enforcement authorities.

(2) REPORTS.—Each certification under subsection (b) or report under subsection (d)(2) that includes an assessment in which favorable consideration was given an individual as described in paragraph (1) shall also include the following:

(A) A description of the cooperation for which favorable consideration was so given.

(B) A description of operational outcomes, if any, affected by such cooperation.

(f) DEFINITIONS.—In this section:

(1)(A) The term “appropriate committees of Congress” means—

(i) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on Armed Services, the Committee on Appropriations, and the Perma-
ment Select Committee on Intelligence of the

House of Representatives.

(B) In connection with a certification made
under subsection (b), the term also includes the
Committee on Foreign Relations of the Senate and
the Committee on Foreign Affairs of the House of
Representatives, but only with respect to the sub-
mittal to such committees of a copy of the written
memorandum of understanding concerned described
in subsection (b)(2).

(2) The term “individual detained at Guanta-
namo” means any individual located at United
States Naval Station, Guantanamo Bay, Cuba, as of
October 1, 2009, who—

(A) is not a citizen of the United States or
a member of the Armed Forces of the United
States; and

(B) is—

(i) in the custody or under the control
of the Department of Defense; or
(ii) otherwise under detention at
United States Naval Station, Guantanamo
Bay, Cuba.

(3) The term “foreign terrorist organization”
means any organization so designated by the Sec-
(4) The term “state sponsor of terrorism” has the meaning given that term in section 301(13) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8541(13)).

(g) Repeal of Superceded Requirements and Limitations.—Section 1035 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 851; 10 U.S.C. 801 note) is repealed.

SEC. 1034. AUTHORITY TO TEMPORARILY TRANSFER INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES FOR EMERGENCY OR CRITICAL MEDICAL TREATMENT.

(a) Transfer for Emergency or Critical Medical Treatment Authorized.—Notwithstanding any other provision of this subtitle, or any other provision of law enacted after September 30, 2013, but subject to subsection (b), the Secretary of Defense may temporarily transfer any individual detained at Guantanamo to a Department of Defense medical facility in the United States for the sole purpose of providing the individual medical treatment if the Secretary determines that—
(1) the Senior Medical Officer, Joint Task Force–Guantanamo Bay, Cuba, has determined that the medical treatment is necessary to prevent death or imminent significant injury or harm to the health of the individual;

(2) based on the recommendation of the Senior Medical Officer, Joint Task Force–Guantanamo Bay, Cuba, the medical treatment is not available to be provided at United States Naval Station, Guantanamo Bay, Cuba, without incurring excessive and unreasonable costs;

(3) the Department of Defense has provided for appropriate security measures for the custody and control of the individual during any period in which the individual is temporarily in the United States under this subsection; and

(4) except in cases involving the especially immediate need for the provision of medical treatment to prevent death or imminent significant injury or harm to the health of the individual, the estimated aggregate cost of providing the individual medical treatment in a Department of Defense medical facility in the United States (including the cost of transferring and securing the individual in such facility during any period in which the individual is tempo-
rarily in the United States for treatment and the cost of treatment) would be less than the estimated cost of providing the individual such medical treatment at United States Naval Station, Guantanamo Bay.

(b) **NOTICE TO CONGRESS REQUIRED BEFORE TRANSFER.**—

(1) **IN GENERAL.** In addition to the requirements in subsection (a), an individual may not be temporarily transferred under the authority in that subsection unless the Secretary of Defense submits to the appropriate committees of Congress the notice described in paragraph (2)—

(A) not later than 30 days before the date of the proposed transfer; or

(B) if notice cannot be provided in accordance with subparagraph (A) because of an especially immediate need for the provision of medical treatment to prevent death or imminent significant injury or harm to the health of the individual, as soon as is practicable, but not later than 5 days after the date of transfer.

(2) **NOTICE ELEMENTS.**—The notice on the transfer of an individual under this subsection shall include the following:
(A) A statement of the basis for the determination that the transfer is necessary to prevent death or imminent significant injury or harm to the health of the individual.

(B) The specific Department of Defense medical facility that will provide medical treatment to the individual.

(C) A description of the actions the Secretary determines have been taken, or will be taken, to address any risk to the public safety that could arise in connection with the provision of medical treatment to the individual in the United States.

(e) LIMITATION ON EXERCISE OF AUTHORITY.—The authority of the Secretary of Defense under subsection (a) may be exercised only by the Secretary of Defense or by another official of the Department of Defense at the level of Under Secretary of Defense or higher.

(d) CONDITIONS OF TRANSFER.—An individual who is temporarily transferred under the authority in subsection (a) shall—

(1) while in the United States, remain in the custody and control of the Secretary of Defense at all times; and
(2) be returned to United States Naval Station, Guantanamo Bay, Cuba, as soon as feasible after a Department of Defense physician determines that—

(A) the individual is medically cleared to travel; and

(B) in consultation with the Commander, Joint Task Force–Guantanamo Bay, Cuba, any necessary follow-up medical care may reasonably be provided the individual at United States Naval Station, Guantanamo Bay, Cuba.

(e) Status While in United States.—An individual who is temporarily transferred under the authority in subsection (a), while in the United States—

(1) shall be deemed at all times and in all respects to be in the uninterrupted custody of the Secretary of Defense, as though the individual remained physically at United States Naval Station, Guantanamo Bay, Cuba;

(2) shall not at any time be subject to, and may not apply for or obtain, or be deemed to enjoy, any right, privilege, status, benefit, or eligibility for any benefit under any provision of the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), or any other law or regulation;
(3) shall not be permitted to avail himself of any right, privilege, or benefit of any law of the United States beyond those available to individuals detained at United States Naval Station, Guantanamo Bay, Cuba; and

(4) shall not, as a result of such transfer, have a change in any designation that may have attached to that detainee while detained at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Authorization for Use of Military Force (Public Law 107–40), as determined in accordance with applicable law and regulations.

(f) JUDICIAL REVIEW PRECLUDED.—

(1) NO CREATION OF ENFORCEABLE RIGHTS.—Nothing in this section is intended to create any enforceable right or benefit, or any claim or cause of action, by any party against the United States, or any other person or entity.

(2) LIMITATION ON JUDICIAL REVIEW.—Except as provided in paragraph (3), no court, justice, or judge shall have jurisdiction to hear or consider any claim or action against the United States or its agents relating to any aspect of the detention, transfer, treatment, or conditions of confinement of an individual transferred under this section.
(3) Habeas corpus.—

(A) Jurisdiction.—The United States District Court for the District of Columbia shall have exclusive jurisdiction to consider an application for writ of habeas corpus challenging the fact or duration of detention and seeking release from custody filed by or on behalf of an individual who is in the United States pursuant to a temporary transfer under subsection (a). Such jurisdiction shall be limited to that required by the Constitution with respect to the fact or duration of detention.

(B) Scope of authority.—A court order in a proceeding covered by paragraph (3) may not—

(i) review, halt, or stay the return of the individual who is the object of the application to United States Naval Station, Guantanamo Bay, Cuba, including pursuant to subsection (d); or

(ii) order the release of the individual within the United States.

(g) Notification.—The Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of any temporary trans-
fer of an individual under the authority in subsection (a) not later than 5 days after the transfer of the individual under that authority.

(h) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or
(ii) otherwise under detention at
United States Naval Station, Guantanamo
Bay, Cuba.

SEC. 1035. PROHIBITION ON USE OF FUNDS FOR TRANSFER
OR RELEASE TO YEMEN OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION,
GUANTANAMO BAY, CUBA.

Notwithstanding any other provision of law, no amounts authorized to be appropriated by this Act or otherwise available for the Department of Defense may be used, during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of the Republic of Yemen or any entity within Yemen.

SEC. 1036. REPORT ON CURRENT DETAINES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY,
CUBA, DETERMINED OR ASSESSED TO BE HIGH RISK OR MEDIUM RISK.

(a) Report Required.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees and members of Congress a report, in unclassified form, set-
ting forth a list of the individuals detained at Guantanamo
as of the date of the enactment of this Act who have been
determined or assessed by Joint Task Force Guantanamo,
at any time before the date of the report, to be a high-
risk or medium-risk threat to the United States, its inter-
esty, or its allies.

(b) ELEMENTS.—The report under subsection (a)
shall set forth, for each individual covered by the report,
the following:

(1) The name and country of origin.

(2) The date on which first designated or as-
sessed as a high-risk or medium-risk threat to the
United States, its interests, or its allies.

(3) Whether, as of the date of the report, cur-
rently designated or assessed as a high-risk or me-
dium-risk threat to the United States, its interests,
or its allies.

(4) If the designation or assessment changed
between the date specified pursuant to paragraph
(2) and the date of the report, the year and month
in which the designation or assessment changed and
the designation or assessment to which changed.

(5) To the extent practicable, without jeopard-
izing intelligence sources and methods—
(A) prior actions in support of terrorism, hostile actions against the United States or its allies, gross violations of human rights, and other violations of international law; and

(B) any affiliations with al Qaeda, al Qaeda affiliates, or other terrorist groups.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate committees and members of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate;

(B) the Majority Leader and the Minority Leader of the Senate;

(C) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(D) the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—
(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1037. REPORT TO CONGRESS ON MEMORANDA OF UNDERSTANDING WITH FOREIGN COUNTRIES REGARDING TRANSFER OF DETAINERS AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) Report Required.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall transmit to the appropriate committees of Congress a report setting forth the written memorandum of understanding between the United States Government and the government of the foreign country concerned regarding each individual detained at Guantanamo who was transferred to a foreign country during the 18-month period ending on the date of the enactment of this Act.
(2) Statement on Lack of MOU.—If an individual detained at Guantanamo was transferred to a foreign country during the period described in paragraph (1) and no memorandum of understanding exists between the United States Government and the government of the foreign country regarding such individual, the report under paragraph (1) shall include an unclassified statement of that fact.

(b) Definitions.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—
(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1038. SEMIANNUAL REPORTS ON USE OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, AND ANY OTHER DEPARTMENT OF DEFENSE OR BUREAU OF PRISONS PRISON OR OTHER DETENTION OR DISCIPLINARY FACILITY IN RECRUITMENT AND OTHER PROPAGANDA OF TERRORIST ORGANIZATIONS.

(a) In General.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense shall, in consultation with the Director of National Intelligence, submit to Congress a report on the use by terrorist organizations and their leaders of images and symbols relating to United States Naval Station, Guantanamo Bay, Cuba, and any other Department of Defense or Bureau of Prisons prison or other detention or disciplinary facility for
recruitment and other propaganda purposes during the six-month period ending on the date of such report. Each report shall include the following:

(1) A description and assessment of the effectiveness of the use of such images and symbols for recruitment and other propaganda purposes.

(2) A description and assessment of the efforts of the United States Government to counter the use of such images and symbols for such purposes and to disseminate accurate information about such facilities.

(b) Additional Material in First Report.—The first report under subsection (a) shall include a description of the use by terrorist organizations and their leaders of images and symbols relating to United States Naval Station, Guantanamo Bay, Cuba, and any other Department of Defense or Bureau of Prisons prison or other detention or disciplinary facility for recruitment and other propaganda purposes before the date of the enactment of this Act.

SEC. 1039. EXTENSION AND MODIFICATION OF AUTHORITY TO MAKE REWARDS FOR COMBATING TERRORISM.

(a) Extension of Authority To Make Rewards Through Government Personnel of Allied
FORCES.—Subsection (c)(3)(C) of section 127b of title 10, United States Code, is amended by striking “September 30, 2015” and inserting “December 31, 2016”.

(b) MODIFICATION OF REPORTING REQUIREMENTS.—Subsection (f)(2) of such section is amended—

(1) by striking subparagraph (D);

(2) by redesignating subparagraphs (E), (F), and (G), as subparagraphs (D), (E), and (F), respectively; and

(3) in subparagraph (D), as redesignated by paragraph (2), by inserting before the period at the end the following: “, including in which countries the program is being operated”.

(c) REPORT ON DESIGNATION OF COUNTRIES FOR WHICH REWARDS MAY BE PAID.—Such section is further amended by adding at the end the following new subsection:

“(h) REPORT ON DESIGNATION OF COUNTRIES FOR WHICH REWARDS MAY BE PAID.—Not later than 15 days after the date on which the Secretary designates a country as a country in which an operation or activity of the armed forces is occurring in connection with which rewards may be paid under this section, the Secretary shall submit to the Committees on Armed Services of the Senate and the
House of Representatives a report on the designation.

Each report shall include the following:

“(1) The country so designated.

“(2) The reason for the designation of the country.

“(3) A justification for the designation of the country for purposes of this section.”.

(d) CHANGE OF SECTION HEADING TO REFLECT NAME OF PROGRAM.—

(1) In general.—The heading of such section is amended to read as follows:

“§ 127b. Department of Defense Rewards Program”.

(2) Clerical amendment.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 127b and inserting the following new item:

“127b. Department of Defense Rewards Program.”.

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. ASSISTANCE TO SECURE THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) In general.—The Secretary of Defense shall provide assistance to United States Customs and Border Protection for purposes of increasing ongoing efforts to secure the southern land border of the United States.
(b) Concurrency in Assistance.—Assistance under subsection (a) shall be provided with the concurrence of the Secretary of Homeland Security.

(c) Types of Assistance Authorized.—The assistance provided under subsection (a) may include the following:

(1) Deployment of members and units of the regular and reserve components of the Armed Forces to the southern land border of the United States.

(2) Deployment of manned aircraft, unmanned aerial surveillance systems, and ground-based surveillance systems to support continuous surveillance of the southern land border of the United States.

(3) Intelligence analysis support.

(d) Materiel and Logistical Support.—The Secretary of Defense is authorized to deploy such materiel and equipment and logistics support as is necessary to ensure the effectiveness of assistance provided under subsection (a).

(e) Funding.—Of the amounts authorized to be appropriated for the Department of Defense by this Act, the Secretary of Defense may use up to $75,000,000 to provide assistance under this section.
(f) Reports.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on any provision of assistance under subsection (a) during the 90-day period ending on the date of such report. Each report shall include, for the period covered by such report, the following:

1. A description of the assistance provided.
2. A description of the sources and amounts of funds used to provide such assistance.
3. A description of the amounts obligated to provide such assistance.

SEC. 1042. PROTECTION OF DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) Secretary of Defense Authority.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2671 the following new section:

“§ 2672. Protection of buildings, grounds, property, and persons

“(a) In General.—The Secretary of Defense shall protect the buildings, grounds, and property that are under the jurisdiction, custody, or control of the Department of Defense and the persons on that property.

“(b) Officers and Agents.—(1)(A) The Secretary of Defense may designate military or civilian personnel of
the Department of Defense as officers and agents to perform the functions of the Secretary under subsection (a), including, with regard to civilian officers and agents, duty in areas outside the property specified in that subsection to the extent necessary to protect that property and persons on that property.

“(B) A designation under subparagraph (A) may be made by individual, by position, by installation, or by such other category of personnel as the Secretary determines appropriate.

“(C) In making a designation under subparagraph (A) with respect to any category of personnel, the Secretary shall specify each of the following:

“(i) The personnel or positions to be included in the category.

“(ii) Which authorities provided for in paragraph (2) may be exercised by personnel in that category.

“(iii) In the case of civilian personnel in that category—

“(I) which authorities provided for in paragraph (2), if any, are authorized to be exercised outside the property specified in subsection (a); and
“(II) with respect to the exercise of any such authorities outside the property specified in subsection (a), the circumstances under which coordination with law enforcement officials outside of the Department of Defense should be sought in advance.

“(D) The Secretary may make a designation under subparagraph (A) only if the Secretary determines, with respect to the category of personnel to be covered by that designation, that—

“(i) the exercise of each specific authority provided for in paragraph (2) to be delegated to that category of personnel is necessary for the performance of the duties of the personnel in that category and such duties cannot be performed as effectively without such authorities; and

“(ii) the necessary and proper training for the authorities to be exercised is available to the personnel in that category.

“(2) Subject to subsection (h) and to the extent specifically authorized by the Secretary, while engaged in the performance of official duties pursuant to this section, an officer or agent designated under this subsection may—

“(A) enforce Federal laws and regulations for the protection of persons and property;
“(B) carry firearms;
“(C) make arrests—
“(i) without a warrant for any offense against the United States committed in the presence of the officer or agent; or
“(ii) for any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;
“(D) serve warrants and subpoenas issued under the authority of the United States; and
“(E) conduct investigations, on and off the property in question, of offenses that may have been committed against property under the jurisdiction, custody, or control of the Department of Defense or persons on such property.
“(c) REGULATIONS.—(1) The Secretary of Defense may prescribe regulations, including traffic regulations, necessary for the protection and administration of property under the jurisdiction, custody, or control of the Department of Defense and persons on that property. The regulations may include reasonable penalties, within the limits prescribed in paragraph (2), for violations of the regulations. The regulations shall be posted and remain
posted in a conspicuous place on the property to which they apply.

“(2) A person violating a regulation prescribed under this subsection shall be fined under title 18, imprisoned for not more than 30 days, or both.

“(d) LIMITATION ON DELEGATION OF AUTHORITY.—The authority of the Secretary of Defense under subsections (b) and (c) may be exercised only by the Secretary or the Deputy Secretary of Defense.

“(e) DISPOSITION OF PERSONS ARRESTED.—A person who is arrested pursuant to authority exercised under subsection (b) may not be held in a military confinement facility, other than in the case of a person who is subject to chapter 47 of this title (the Uniform Code of Military Justice).

“(f) FACILITIES AND SERVICES OF OTHER AGENCIES.—In implementing this section, when the Secretary of Defense determines it to be economical and in the public interest, the Secretary may utilize the facilities and services of Federal, State, Indian tribal, and local law enforcement agencies, with the consent of those agencies, and may reimburse those agencies for the use of their facilities and services. Such services of State, Indian tribal, and local law enforcement, including application of their powers of law enforcement, may be provided notwith-
standing that the property is subject to the legislative ju-
risdiction of the United States.

“(g) Authority Outside Federal Property.—
For the protection of property under the jurisdiction, cus-
tody, or control of the Department of Defense and persons
on that property, the Secretary of Defense may enter into
agreements with Federal agencies and with State, Indian
tribal, and local governments to obtain authority for civil-
ian officers and agents designated under this section to
enforce Federal laws and State, Indian tribal, and local
laws concurrently with other Federal law enforcement offi-
cers and with State, Indian tribal, and local law enforce-
ment officers.

“(h) Attorney General Approval.—The powers
granted pursuant to subsection (b)(2) to officers and
agents designated under subsection (b)(1) shall be exer-
cised in accordance with guidelines approved by the Attor-
ney General. Such guidelines may include specification of
the geographical extent of property outside of the property
specified in subsection (a) within which those powers may
be exercised.

“(i) Limitation With Regard to Other Fed-
eral Agencies.—Nothing in this section shall be con-
strued as affecting the authority of the Secretary of
Homeland Security to provide for the protection of facili-
ties (including the buildings, grounds, and properties of the General Services Administration) that are under the jurisdiction, custody, or control, in whole or in part, of a Federal agency other than the Department of Defense and that are located off of a military installation.

“(j) Cooperation With Local Law Enforcement Agencies.—Before authorizing civilian officers and agents to perform duty in areas outside the property specified in subsection (a), the Secretary of Defense shall consult with, and is encouraged to enter into agreements with, local law enforcement agencies exercising jurisdiction over such areas for the purposes of avoiding conflicts of jurisdiction, promoting notification of planned law enforcement actions, and otherwise facilitating productive working relationships.

“(k) Limitation on Statutory Construction.—Nothing in this section shall be construed—

“(1) to preclude or limit the authority of any Federal law enforcement agency;

“(2) to restrict the authority of the Secretary of Homeland Security under the Homeland Security Act of 2002 or of the Administrator of General Services, including the authority to promulgate regulations affecting property under the custody and
control of that Secretary or the Administrator, respectively;

“(3) to expand or limit section 21 of the Internal Security Act of 1950 (50 U.S.C. 797);

“(4) to affect chapter 47 of this title;

“(5) to restrict any other authority of the Secretary of Defense or the Secretary of a military department; or

“(6) to restrict the authority of the Director of the National Security Agency under section 11 of the National Security Agency Act of 1959 (50 U.S.C. 3609).”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 159 of such title is amended by inserting after the item relating to section 2671 the following new item:

“2672. Protection of buildings, grounds, property, and persons.”.

SEC. 1043. STRATEGY TO PROTECT UNITED STATES NATIONAL SECURITY INTERESTS IN THE ARCTIC REGION.

(a) Report on Strategy Required.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth an updated military strategy for the protection of United States national security interests in the Arctic region.
(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

1. A description of United States military interests in the Arctic region.

2. A description of operational plans and associated military requirements for the protection of United States national security interests in the Arctic region, including United States citizens, territory, freedom of navigation, and economic and trade interests.

3. An identification of any operational seams and a plan to enhance unity of effort among the combatant commands with responsibility for the Arctic region.

4. A description of the security environment in the Arctic region, including the activities of foreign nations operating within the Arctic region.

5. A description of United States military capabilities required to implement the strategy required by subsection (a).

6. An identification of any capability gaps and resource gaps, including in installations, infrastructure, and personnel in the Arctic region, that would impact the implementation of the strategy required by subsection (a) or the execution of any associated
operational plan, and a mitigation plan to address such gaps.

(7) A plan to enhance military-to-military co-operation with partner nations that have mutual security interests in the Arctic region.

(c) Form.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1044. EXTENSION OF LIMITATIONS ON THE TRANSFER TO THE REGULAR ARMY OF AH-64 APACHE HELICOPTERS ASSIGNED TO THE ARMY NATIONAL GUARD.


(b) Readiness of Aircraft and Personnel.—Subsection (c) of such section is amended by striking “fiscal year 2015” and inserting “fiscal years 2015 and 2016”.
SEC. 1045. TREATMENT OF CERTAIN PREVIOUSLY TRANSFERRED ARMY NATIONAL GUARD HELICOPTERS AS COUNTING AGAINST NUMBER TRANSFERRABLE UNDER EXCEPTION TO LIMITATION ON TRANSFER OF ARMY NATIONAL GUARD HELICOPTERS.

(a) Notice to Congress.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report setting forth the number of AH–64D Apache helicopters that have been transferred from the Army National Guard to the original equipment manufacturer for the purpose of remanufacture to the AH–64E Apache helicopter variant.

(b) Treatment as Counting Against Number Transferrable.—The Secretary of the Army shall treat the number of helicopters specified in the report under subsection (a) as counting against the total number of AH–64 Apache helicopters that may be transferred from the Army National Guard to the regular Army pursuant to subsection (e) of section 1712 of the Carl Levin and Howard B. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3668).

(c) Construction With Required Certification.—Nothing in this subsection may be construed to
alter or terminate the requirement for a certification by the Secretary of Defense pursuant to subsection (f) of section 1712 of the Carl Levin and Howard B. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 as a precondition for any action under subsection (e) of such section.

SEC. 1046. MANAGEMENT OF MILITARY TECHNICIANS.

(a) Conversion of Certain Military Technician (Dual Status) Positions to Civilian Positions.—

(1) In general.—The Secretary of Defense shall convert not fewer than 20 percent of the positions described in paragraph (2) as of January 1, 2017, from military technician (dual status) positions to positions filled by individuals who are employed under section 3101 of title 5, United States Code, and are not military technicians.

(2) Covered positions.—The positions described in this paragraph are military technician (dual status) positions as follows:

(A) Military technician (dual status) positions identified as general administration, clerical, and office service occupations in the report of the Secretary of Defense under section 519 of the National Defense Authorization Act for
Fiscal Year 2011 (Public Law 112–81; 125 Stat. 1397).

(B) Such other military technician (dual status) positions as the Secretary shall specify for purposes of this subsection.

(b) Phased-in Termination of Army Reserve, Air Force Reserve, and National Guard Non-Dual Status Technicians.—

(1) In General.—Section 10217 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) Phased-in Termination of Positions.—(1) No individual may be newly hired or employed, or rehired or reemployed, as a non-dual status technician for the purposes of this section after December 31, 2016.

“(2) Commencing January 1, 2017, the maximum number of non-dual status technicians employable by the Army Reserve and by the Air Force Reserve shall be reduced from the number otherwise provided by subsection (c)(1) by one for each individual who retires, is separated from, or otherwise ceases service as a non-dual status technician of the Army Reserve or the Air Force Reserve, as the case may be, after such date until the maximum number of non-dual status technicians employable by the
Army Reserve or the Air Force Reserve, as the case may be, is zero.

“(3) Commencing January 1, 2017, the maximum number of non-dual status technicians employable by the National Guard shall be reduced from the number otherwise provided by subsection (c)(2) by one for each individual who retires, is separated from, or otherwise ceases service as a non-dual status technician of the National Guard after such date until the maximum number of non-dual status technicians employable by the National Guard is zero.

“(4) Any individual newly hired or employed, or re-hired or employed, to a position required to be filled by reason of the amendment made by paragraph (1) shall be an individual employed in such position under section 3101 of title 5, and may not be a military technician.

“(5) Nothing in this subsection shall be construed to terminate the status as a non-dual status technician under this section after December 31, 2016, of any individual who is a non-dual status technician for the purposes of this section on that date.”.

(2) REPORT ON PHASED-IN TERMINATIONS.—

Not later than February 1, 2016, the Secretary of Defense shall submit to Congress a report setting
forth a plan for implementing the amendment made by paragraph (1).

SEC. 1047. SENSE OF CONGRESS ON CONSIDERATION OF THE FULL RANGE OF DEPARTMENT OF DEFENSE MANPOWER WORLDWIDE IN DECISIONS ON THE PROPER MIX OF MILITARY, CIVILIAN, AND CONTRACTOR PERSONNEL TO ACCOMPLISH THE NATIONAL DEFENSE STRATEGY.

It is the sense of Congress that, as the Department of Defense makes decisions on military end strength requests, proper sizing of the civilian workforce, and the proper mix of these sources of manpower with contractor personnel to accomplish the National Defense Strategy, the Secretary of Defense should consider the full range of manpower available to the Secretary in all locations worldwide in order to arrive at the proper mix and size of manpower to accomplish that Strategy without arbitrarily protecting or exempting any particular group or location of manpower.

SEC. 1048. SENSE OF SENATE ON THE UNITED STATES MARINE CORPS.

(a) FINDINGS.—The Senate makes the following findings:
(1) As senior United States statesmen Dr. Henry Kissinger wrote in testimony submitted to the Committee on Armed Services of the Senate on January 29, 2015, “[t]he United States has not faced a more diverse and complex array of crises since the end of the Second World War.”.

(2) The rise of committed, non-state forces and near peer competitors has introduced destabilizing pressures around the globe.

(3) Advances in information and weapons technology have reduced the time available for the United States to prepare for a respond to crises against either known or unknown threats.

(4) The importance of the maritime domain cannot be overstated. As acknowledged in the March 2015 Navy, Marine Corps, and Coast Guard maritime strategy entitled “A Cooperative Strategy for 21st Century Seapower: Forward, Engaged, Ready”, “[o]ceans are the lifeblood of the interconnected global community. . .90 percent of trade by volume across the oceans. Approximately 70 percent of the world’s population lives within 100 miles of the coastline”.

(5) In this global security environment, it is critical that the United States possess a maritime
forces whose mission and ethos is readiness, a fight
tonight force, forward deployed, that can respond
immediately to emergent crises across the full range
of military operations around the globe either from
the sea or home station.

(6) The need for such forces was recognized by
the 82nd Congress during the Korean War, when it
mandated a core mission for the Nation’s leanest
force, the Marine Corps, to be most ready when the
nation is least ready.

(7) In recognition of this continued need and
the wisdom of the 82nd Congress, the Senate reaf-
affirms section 5063 of title 10, United States Code,
uniquely charging the United States Marine Corps
with this responsibility.

(b) SENSE OF SENATE.—It is the sense of the Senate
that—

(1) the Marine Corps, within the Department of
the Navy, should remain the Nation’s expeditionary,
crisis response force; and

(2) as provided in section 5063 of title 10,
United States Code, the Marine Corps should—

(A) be organized to include no less than
three combat divisions and three air wings, and
such other land combat, aviation, and other services as may be organic to it;

(B) be organized, trained, and equipped to provide fleet marine forces of combined arms, together with supporting air components, for service with the fleet in the seizure or defense of advanced naval bases and for the conduct of such land operations as may be essential to the prosecution of a naval campaign; and

(C) provide detachments and organizations for service on armed vessels of the Navy, provide security detachments for the protection of naval property at naval stations and bases, and perform such other duties as the President may direct;

(D) develop, in coordination with the Army and the Air Force, those phases of amphibious operations that pertain to the tactics, techniques, and equipment used by landing forces; and

(E) be responsible, in accordance with the integrated joint mobilization plans, for the expansion of peacetime components of the Marine Corps to meet the needs of war.
Subtitle F—Studies and Reports

SEC. 1061. REPEAL OF REPORTING REQUIREMENTS.

(a) Reports Under Title 10, United States Code.—

(1) Annual report on gifts made for the benefit of military musical units.—Section 974(d) of title 10, United States Code, is amended by striking paragraph (3).

(2) Biennial report on space science and technology strategy.—Section 2272(a) of title 10, United States Code, is amended by striking paragraph (5).

(3) Annual report on prizes for advanced technology achievements.—Section 2374a of title 10, United States Code, is amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e).

(b) Reports Under Public Law 113–66.—

(1) Reports on use of temporary authorities for certain positions at DOD research and engineering facilities.—Section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2358 note) is amended—

(A) by striking subsection (g); and
(B) by redesignating subsection (h) as subsection (g).

(2) Annual report on advancing small business growth.—Section 1611 of the National Defense Authorization Act for Fiscal Year 2014 (127 Stat. 946) is amended by striking subsection (d).

(c) Reports under Public Law 112–239.—


(2) Annual impact statement on number of members in integrated disability evaluation system on readiness requirements.—Section 528 of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 1725) is repealed.

(3) Sense of Congress on notice on unfunded priorities.—Section 1003 of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 1903) is repealed.
(d) **Annual Updates on Implementation Plan**

for Whole-of-Government Vision Prescribed in

the National Security Strategy.—Section 1072 of

the National Defense Authorization Act for Fiscal Year

2012 (Public Law 112–81; 125 Stat. 1592; 50 U.S.C.

3043 note) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as sub-

section (b).

(e) **Reports Under Public Law 111–383.**—

(1) Reports on Defense Research and De-

velopment Rapid Innovation Program.—Section

1073 of the Ike Skelton National Defense Author-

ization Act for Fiscal Year 2011 (Public Law 111–

383; 124 Stat. 4366; 10 U.S.C. 2359 note) is

amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as sub-

section (f).

(2) Report on Task Force for Business

and Stability Operations in Afghanistan.—

Section 1535(a) of the Ike Skelton National Defense


4426) is amended by striking paragraph (6).

(g) Reports Under Public Law 110–417.—


(2) Updates of increases in number of units of JROTC.—Section 548 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (122 Stat. 4466) is amended by striking subsection (e).

(3) Annual reports on center of excellence on traumatic extremity injuries and amputations.—Section 723 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (122 Stat. 4508) is amended by striking (d).

(4) Semi-annual report on status of Navy Next Generation Enterprise Networks Program.—Section 1034 of the Duncan Hunter Na-
tional Defense Authorization Act for Fiscal Year
2009 (122 Stat. 4593) is hereby repealed.

(h) REPORTS UNDER PUBLIC LAW 110–181.—

(1) BIENNIAL UPDATE OF STRATEGIC MANAGEMENT PLAN.—Section 904(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 275) is amended by striking paragraph (3).

(2) REPORTS ON ACCESS OF RECOVERING SERVICEMEMBERS TO ADEQUATE OUTPATIENT RESIDENTIAL FACILITIES.—Section 1662 of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 479; 10 U.S.C. 1071 note) is amended—

(A) by striking “(a) REQUIRED INSPECTIONS OF FACILITIES.—”;

(B) by striking subsection (b).

(i) REPORTS UNDER PUBLIC LAW 109–364.—


(A) in subsection (d), by striking paragraph (4); and

(B) by striking subsection (f).
(2) Updates of assistance to local educational agencies experiencing growth in enrollment due to force structure change and other circumstances.—Section 574 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b note) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) and (e) as subsections (e) and (d), respectively.

(3) Annual report on overhaul, repair, and maintenance of vessels under acquisition policy on obtaining carriage by vessel.—Section 1017 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2379) is amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e).


(1) by striking paragraph (2); and
(2) by redesignating paragraph (3) as paragraph (2).


SEC. 1062. TERMINATION OF REQUIREMENT FOR SUBMITTAL TO CONGRESS OF REPORTS REQUIRED OF THE DEPARTMENT OF DEFENSE BY STATUTE.

(a) Termination.—Effective on the date that is two years after the date of the enactment of this Act, each report described in subsection (b) that is still required to be submitted to Congress as of such effective date shall no longer be required to be submitted to Congress.

(b) Covered Reports.—A report described in this subsection is a report that is required to be submitted to Congress by the Department of Defense, or by any officer, official, component, or element of the Department, by a
provision of statute (including title 10, United States
Code, and any annual national defense authorization Act)
as of April 1, 2015.

SEC. 1063. ANNUAL SUBMITTAL TO CONGRESS OF MUNI-
TIONS ASSESSMENTS.

Not later than March 1, 2016, and each year there-
after, the Secretary of Defense shall submit to the con-
gressional defense committees each of the following:

(1) The most current Munitions Assessments, as defined by Department of Defense Instruction Number 3000.04, relating to the Department of De-
fense munitions process.

(2) The most current Sufficiency Assessments, as defined by that Department of Defense Instruc-
tion.

(3) The most current approved memorandum of the Joint Requirements Oversight Council resulting from the Munitions Requirements Process (MRP).

SEC. 1064. POTENTIAL ROLE FOR UNITED STATES GROUND
FORCES IN THE PACIFIC THEATER.

(a) GENERAL ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense
and the Chairman of the Joint Chiefs of Staff shall
jointly conduct a comprehensive operational assess-
ment of a potential future role for United States
ground forces in the island chains of the western Pacific in creating anti-access and area denial capabilities in cooperation with host nations in order to deter and defeat aggression in the western Pacific region.

(2) Capabilities to be Examined.—In conducting the assessment, the Secretary and the Chairman shall assess the feasibility and potential effectiveness of the deployment by United States ground forces, jointly with host nations, of the following:

(A) Anti-ship mines and mobile missiles as a means of neutralizing adversary naval forces, including amphibious forces, and inhibiting their movement, and protecting the shores of host nations and friendly naval forces and supply operations.

(B) Mobile air defense surveillance and missile systems to protect host-nation territory and ground, naval, and air forces, and to deny access to defended airspace by adversaries.

(C) Electronic warfare capabilities to support air and naval operations.

(D) Hardened ground-based communications capabilities for host-nation defense and
for augmentation and extension of naval, air, and satellite communications.

(E) Maneuver forces to assist in host-nation defense, deny access to adversaries, and provide security for air and naval deployments.

(b) Geopolitical Impact of Enhanced Ground Force Role.—The Secretary and the Chairman shall also jointly assess the potential geopolitical impact on the United States posture in the Pacific theater of a strategy of long-term engagement by United States ground forces with the island nations of the western Pacific to enhance United States strategic relationships with potential partners in the region.

(c) Types of Analyses To Be Conducted.—The Secretary and the Chairman shall conduct the assessment required by subsection (a) using operations research methods and war gaming, in addition to historical analysis of the use of ground forces by the United States and Japan in the Pacific theater during World War II.

(d) Resources.—In conducting the assessment required by subsection (a), the Secretary and the Chairman shall use the following, as appropriate:

(1) The United States Pacific Command.

(2) The Joint Requirements and Analysis Division and the war gaming resources of the
Warfighting Analysis Division of the Force Structure, Resources, and Assessment Directorate of the Joint Staff, augmented as necessary and appropriate from the war colleges of the military departments.

(3) The Office of Net Assessment.

(4) Appropriate Federally funded research and development centers (FFRDCs).

(e) COMPLETION DATE.—The assessments required by this section shall be completed not later than one year after the date of the enactment of this Act

(f) BRIEFING OF CONGRESS.—Upon the completion of the assessments required by this section, the Secretary and the Chairman shall provide a briefing on the assessments to—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

Subtitle G—Other Matters

SEC. 1081. TECHNICAL AND CLERICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:
(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of such subtitle, are each amended by striking the item relating to chapter 19 and inserting the following new item:

“19. Cyber Matters ............................................................................ 391”.

(2) The heading of section 130e is amended to read as follows:

“§ 130e. Treatment under Freedom of Information Act of certain critical infrastructure security information”.

(3) The heading of section 153(a)(5) is amended to read as follows: “JOINT FORCE DEVELOPMENT ACTIVITIES.—”.

(4) The table of sections at the beginning of chapter 19 is amended by striking the item relating to section 391 and inserting the following new item:

“391. Reporting on cyber incidents with respect to networks and information systems of operationally critical contractors and certain other contractors.”.

(5) The table of sections at the beginning of subchapter I of chapter 21 is amended by inserting after the item relating to section 429 the following new item:

“430. Tactical exploitation of national capabilities executive agent.”.

(6) Section 2006a is amended—
(A) in subsection (a), by striking “August, 1” and inserting “August 1”; and
(B) by striking “the such program or authorities” and inserting “the program”.

(7) Sections 2222(j)(5), 2223(c)(3), and 2315 are each amended by striking “section 3552(b)(5)” and inserting “section 3552(b)(6)”.

(8) Section 2229(d)(1) is amended by striking “certification” and inserting “a certification”.

(9) Section 2679, as transferred, redesignated, and amended by section 351 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3346), is amended in subsection (a)(1) by striking “with” before “, on a sole source”.

(10) Section 2684(d)(1) is amended by striking “section 101(a) of the National Historic Preservation Act (16 U.S.C. 470a(a))” and inserting “section 302101 of title 54”.

(11) Section 2687a(d)(2) is amended by inserting “fair market” before “value”.

(12) Section 2926, as added and amended by section 901(g) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (128 Stat. 3464), is
amended in subsections (a), (b), (c), and (d) by striking “for Installations, Energy,” each place it appears and inserting “for Energy, Installations.”

(13) Section 9314a(b) is amended by striking “only so long at” and inserting “only so long as”.

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015.—Effective as of December 19, 2014, and as if included therein as enacted, the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended as follows:

(1) Section 351(b)(1) (128 Stat. 3346) is amended by striking the period at the end of subparagraph (C) and inserting “; and”.

(2) Section 901(g)(1)(F) (128 Stat. 3465) is amended by inserting “paragraph (4) of” before “subsection (b) of section 2926”.

(3) Section 1072(a)(2) (128 Stat. 3516) is amended by inserting “in the table of sections” before “at the beginning of”.

(5) Section 1104(b)(2) (128 Stat. 3526) is amended by striking “paragraph (2)” and inserting “paragraph (1)(A)”.

(6) Section 1208 (128 Stat. 3551) is amended by striking “of Fiscal Year” each place it appears and inserting “for Fiscal Year”.

(7) Section 2803(a) (128 Stat. 3696) is amended in paragraph (2) of the subsection (f) being added by the amendment to be made by that section by inserting “section” before “1105 of title 31”.

(8) Section 2832(c)(3) (128 Stat. 3704) is amended by striking “United State Code” and inserting “United States Code”.

(9) Section 3006(i) (128 Stat. 3744) is amended—

(A) in paragraph (1), by striking “Section 8” and inserting “Section 18”; and

(B) in paragraph (2), by striking “S1/2 N1/2 SE” and inserting “S1/2 N1/2 SE1/4”.

(10) Section 3023 (128 Stat. 3762) is amended—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;
(B) in paragraph (2), as so redesignated, in the matter being added by subparagraph (C)—

(i) by inserting “has been waived,” after “expired,”; and

(ii) by striking “the permit or lease required” and inserting “the allotment management plan, permit, or lease required”;

(C) in paragraph (4), as so redesignated, in the matter being added as subsection (h)(1)—

(i) by striking “a grazing permit or lease” in the matter preceding subparagraph (A) of such subsection and inserting “an allotment management plan or grazing permit or lease”;

(ii) in subparagraph (A) of such subsection, by striking “permit or lease” and inserting “allotment management plan, permit, or lease”; and

(iii) in subparagraph (B)(i) of such subsection, by striking “lease or permit” and inserting “allotment management plan, permit, or lease”; and
(D) by inserting before paragraph (2), as so redesignated, the following new paragraph:

“(1) in subsection (a), by striking ‘by the Secretary of Agriculture, with respect to lands within National Forests in the sixteen contiguous Western States’ and inserting ‘on National Forest System land by the Secretary of Agriculture (notwithstanding, for purposes of this section, the definition in section 103(p))’;”.

(11) Section 3024 (16 U.S.C. 6214; 128 Stat. 3764) is amended—

(A) in subsection (e), by inserting before the period at the end the following: “report using National Median Price values”; and

(B) in subsection (f)(3)—

(i) in subparagraph (A), by striking “by regulation establish criteria pursuant to which the annual fee determined in accordance with this section may be suspended or reduced temporarily” and inserting “provide for suspension or reduction temporarily of the annual fee determined in accordance with this section”; and

(ii) in subparagraph (B), by striking “by regulation”.

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(c) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.—Section 1709(b) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 962; 10 U.S.C. 113 note) is amended—

(1) by striking “RETAIATION AND PERSONNEL ACTION DESCRIBED.—” and all that follows through “For purposes of the” and inserting “RETAIATION DESCRIBED.—For purposes of the”;

(2) by striking “at a minimum—” and that follows through “ostracism” and inserting “at a minimum ostracism”; and

(3) by striking paragraph (2).


Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat 2512), is further amended—

(1) by redesignating the paragraphs (1) through (8) added by section 1202(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat 2512) as subparagraphs (A) through (H), respectively; and

(2) by moving the margins of such subparagraphs, as so redesignated, two ems to the right.

(f) Coordination With Other Amendments Made by This Act.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.

SEC. 1082. AUTHORITY TO PROVIDE TRAINING AND SUPPORT TO PERSONNEL OF FOREIGN MINISTRIES OF DEFENSE.

(1) by redesignating subsections (b) through (e) as subsections (e) through (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) TRAINING OF PERSONNEL OF FOREIGN MINISTRIES WITH SECURITY MISSIONS.—

“(1) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, carry out a program to provide training and associated training support services to personnel of foreign ministries of defense (or ministries with security force oversight) or regional organizations with security missions—

“(A) for the purpose of—

“(i) enhancing civilian oversight of foreign security forces;

“(ii) establishing responsible defense governance and internal controls in order to help build effective, transparent, and accountable defense institutions;

“(iii) assessing organizational weaknesses and establishing a roadmap for addressing shortfalls; and
“(iv) enhancing ministerial, general or joint staff, or service level core management competencies; and

“(B) for such other purposes as the Secretary considers appropriate, consistent with the authority in subsection (a).

“(2) NOTICE TO CONGRESS.—Each fiscal year quarter, the Secretary of Defense shall submit to the appropriate committees of Congress a report on activities under the program under paragraph (1) during the preceding fiscal year quarter. Each report shall include, for the fiscal year quarter covered by such report, the following:

“(A) A list of activities under the program.

“(B) A list of any organization described in paragraph (1) to which the Secretary assigned employees under the program, including the number of such employees so assigned, the duration of each assignment, a brief description of each assigned employee’s activities, and a statement of the cost of each assignment.

“(C) A comprehensive justification of any activities conducted pursuant to paragraph (1)(B).”
(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “MINISTRY OF DEFENSE ADVISOR” before “AUTHORITY”;

(2) in subsections (d) and (e), as redesignated by subsection (a)(1) of this section, by striking “the Committees on Armed Services and Foreign Relations of the Senate and the Armed Services and Foreign Affairs of the House of Representatives” and inserting “the appropriate committees of Congress”;

and

(3) by adding at the end the following new subsection:

“(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committees on Armed Services and Foreign Relations of the Senate; and

“(2) the Committees on Armed Services and Foreign Affairs of the House of Representatives.”.

(c) CONFORMING AMENDMENT TO SECTION HEADING TO REFLECT NAME OF PROGRAM.—The heading of such section is amended to read as follows:
“SEC. 1081. DEFENSE INSTITUTION CAPACITY BUILDING PROGRAM.”.

SEC. 1083. EXPANSION OF OUTREACH FOR VETERANS TRANSITIONING FROM SERVING ON ACTIVE DUTY.

(a) EXPANSION OF PILOT PROGRAM.—Subsection (c)(2) of section 5 of the Clay Hunt Suicide Prevention for American Veterans Act (Public Law 114–2; 38 U.S.C. 1712A note) is amended—

(1) in subparagraph (C), by striking “; and” and inserting a semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new sub-
paragraph:

“(E) conducts outreach to individuals transitioning from serving on active duty in the Armed Forces who are participating in the Transition Assistance Program of the Department of Defense or other similar transition programs to inform such individuals of the community oriented veteran peer support network under paragraph (1) and other support programs and opportunities that are available to such individuals.”.
(b) INCLUSION OF INFORMATION IN INTERIM REPORT.—Subsection (d)(1) of such section is amended—

(1) in subparagraph (C), by striking ‘‘; and’’ and inserting a semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting ‘‘; and’’; and

(3) by adding at the end the following new subparagraph:

‘‘(E) the number of veterans who—

‘‘(i) received outreach from the Department of Veterans Affairs while serving on active duty as a member of the Armed Forces; and

‘‘(ii) participated in a peer support program under the pilot program for veterans transitioning from serving on active duty.’’.

SEC. 1084. MODIFICATION OF CERTAIN REQUIREMENTS APPLICABLE TO MAJOR MEDICAL FACILITY LEASE FOR A DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC IN TULSA, OKLAHOMA.

Section 601(b) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 128 Stat. 1793) is amended—
(1) by striking out “IN TULSA.—” and all that follows through “In carrying out” and inserting “IN TULSA.—In carrying out”;

(2) by striking paragraph (2);

(3) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively, and adjusting the indentation of the margin of such paragraphs, as so redesignated, two ems to the left;

(4) in paragraph (1), as so redesignated, by striking “140,000 gross square feet” and inserting “140,000 net usable square feet”;

(5) in paragraph (2), as so redesignated, by striking “not more than the average” and all that follows and inserting “not more than the average of equivalent medical facility leases executed by the Department of Veterans Affairs over the last five years, plus 20 percent;”; and

(6) in paragraph (5), as so redesignated, by striking “30-year life cycle” and inserting “20-year life cycle”.

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TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. REQUIRED PROBATIONARY PERIOD FOR NEW EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) REQUIRED PROBATIONARY PERIOD.—

(1) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1599e. Probationary period for employees

“(a) IN GENERAL.—Notwithstanding sections 3321 and 3393(d) of title 5, the appointment of a covered employee shall become final only after such employee has served a probationary period of two years. The Secretary of the military department concerned may extend a probationary period under this subsection at the discretion of such Secretary.

“(b) COVERED EMPLOYEE DEFINED.—In this section, the term ‘covered employee’ means any individual—

“(1) appointed to a permanent position within the competitive service at the Department of Defense; or

“(2) appointed as a career appointee (as that term is defined in section 3132(a)(4) of title 5) within the Senior Executive Service at the Department.
“(c) Employment Becomes Final.—Upon the expiration of a covered employee’s probationary period under subsection (a), the supervisor of the employee shall determine whether the appointment becomes final based on regulations prescribed for such purpose by the Secretary.”.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 81 of such title is amended by adding at the end the following new item:

“1599e. Probationary period for employees.”.

(b) Application.—The amendments made by subsection (a) shall apply to any covered employee (as that term is defined in section 1599e of title 10, United States Code, as added by such subsection) appointed after the date of the enactment of this section.

(c) Conforming Amendments.—Title 5, United States Code, is amended—

(1) in section 3321(c)—

(A) by striking “Service or” and inserting “Service,”; and

(B) by inserting at the end before the period the following: “, or any individual covered by section 1599e of title 10”; and

(2) in section 3393(d), by adding at the end the following: “The preceding sentence shall not apply to any individual covered by section 1599e of title 10.”.
SEC. 1102. DELAY OF PERIODIC STEP INCREASE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE BASED UPON UNACCEPTABLE PERFORMANCE.

(a) DELAY.—Under procedures established by the Secretary of Defense, upon a determination by the Secretary that the work of an employee is not at an acceptable level of competence, the period of time during which the work of the employee is not at an acceptable level of competence shall not count toward completion of the period of service required for purposes of subsection (a) of section 5335 of title 5, United States Code, or subsection (e)(1) or (e)(2) of section 5343 of such title.

(b) APPLICABILITY TO PERIODS OF SERVICE.—Subsection (a) shall not apply with respect to any period of service performed before the date of the enactment of this Act.

SEC. 1103. PROCEDURES FOR REDUCTION IN FORCE OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL.

Section 1597 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) REDUCTIONS BASED PRIMARILY ON PERFORMANCE.—The Secretary of Defense shall establish procedures to provide that, in implementing any reduction in
566
force for civilian positions in the Department of Defense
in the competitive service or the excepted service, the de-
termination of which employees shall be separated from
employment in the Department shall be made primarily
on the basis of performance, as determined under any ap-
plicable performance management system.”.

SEC. 1104. UNITED STATES CYBER COMMAND WORKFORCE.

(a) IN GENERAL.—Chapter 81 of title 10, United
States Code, is amended by adding at the end the fol-
lowing new section:

“§ 1599e. United States Cyber Command recruitment
and retention

“(a) GENERAL AUTHORITY.—(1) The Secretary of
Defense may—

“(A) establish, as positions in the excepted
service, such qualified positions in the Department
as the Secretary determines necessary to carry out
the responsibilities of the United States Cyber Com-
mand including—

“(i) staff of the headquarters of the United
States Cyber Command provided to the Com-
mand by the Air Force;

“(ii) elements of the United States Cyber
Command enterprise relating to cyberspace op-
erations;
“(iii) elements of the United States Cyber Command provided by the armed forces; and

“(iv) positions formerly identified as—

“(I) senior level positions designated under section 5376 of title 5; and

“(II) positions in the Senior Executive Service;

“(B) appoint an individual to a qualified position (after taking into consideration the availability of preference eligibles for appointment to the position); and

“(C) subject to the requirements of subsections (b) and (e), fix the compensation of an individual for service in a qualified position.

“(2) The authority of the Secretary under this subsection applies without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees.

“(b) BASIC PAY.—(1) In accordance with this section, the Secretary shall fix the rates of basic pay for any qualified position established under subsection (a)—

“(A) in relation to the rates of pay provided for employees in comparable positions in the Department, in which the incumbent performs, manages, or
supervises functions that execute the cyber mission
of the Department; and

“(B) subject to the same limitations on maximum rates of pay established for such employees by
test. or regulation.

“(2) The Secretary may—

“(A) consistent with section 5341 of title 5,
adopt such provisions of that title as provide for prevailing rate systems of basic pay; and

“(B) apply those provisions to qualified positions for employees in or under which the Department may employ individuals described by section 5342(a)(2)(A) of such title.

“(c) ADDITIONAL COMPENSATION, INCENTIVES, AND ALLOWANCES.—(1) The Secretary may provide employees in qualified positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5.

“(2) An employee in a qualified position whose rate of basic pay is fixed under subsection (b)(1) shall be eligible for an allowance under section 5941 of title 5 on the same basis and to the same extent as if the employee was an employee covered by such section, including eligibility
conditions, allowance rates, and all other terms and conditions in law or regulation.

“(d) PLAN FOR EXECUTION OF AUTHORITIES.—Not later than 120 days after the date of enactment of this section, the Secretary shall submit a report to the appropriate committees of Congress with a plan for the use of the authorities provided under this section.

“(e) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in subsection (a) may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an office, component, subcomponent, or equivalent of the Department that is a successor to an office, component, subcomponent, or equivalent of the Department covered by the agreement before the succession.

“(f) REQUIRED REGULATIONS.—The Secretary, in coordination with the Director of the Office of Personnel Management, shall prescribe regulations for the administration of this section.

“(g) ANNUAL REPORT.—(1) Not later than one year after the date of the enactment of this section and not less frequently than once each year thereafter until the date that is five years after the date of the enactment of this section, the Director of the Office of Personnel Management, in coordination with the Secretary, shall submit to the appropriate committees of Congress a detailed re-
port on the administration of this section during the most
recent one-year period.

“(2) Each report submitted under paragraph (1)
shall include, for the period covered by the report, the fol-
lowing:

“(A) A discussion of the process used in accept-
ing applications, assessing candidates, ensuring ad-
herence to veterans’ preference, and selecting appli-
cants for vacancies to be filled by an individual for
a qualified position.

“(B) A description of the following:

“(i) How the Secretary plans to fulfill the
critical need of the Department to recruit and
retain employees in qualified positions.

“(ii) The measures that will be used to
measure progress.

“(iii) Any actions taken during the report-
ing period to fulfill such critical need.

“(C) A discussion of how the planning and ac-
tions taken under subparagraph (B) are integrated
into the strategic workforce planning of the Depart-
ment.

“(D) The metrics on actions occurring during
the reporting period, including the following:
“(i) The number of employees in qualified positions hired, disaggregated by occupation, grade, and level or pay band.

“(ii) The placement of employees in qualified positions, disaggregated by directorate and office within the Department.

“(iii) The total number of veterans hired.

“(iv) The number of separations of employees in qualified positions, disaggregated by occupation and grade and level or pay band.

“(v) The number of retirements of employees in qualified positions, disaggregated by occupation, grade, and level or pay band.

“(vi) The number and amounts of recruitment, relocation, and retention incentives paid to employees in qualified positions, disaggregated by occupation, grade, and level or pay band.

“(E) A description of the training provided to supervisors of employees in qualified positions at the Department on the use of the new authorities.

“(h) THREE-YEAR PROBATIONARY PERIOD.—The probationary period for all employees hired under the authority established in this section shall be three years.
“(i) Incumbents of existing competitive service positions.—(1) An individual serving in a position on the date of enactment of this section that is selected to be converted to a position in the excepted service under this section shall have the right to refuse such conversion.

“(2) After the date on which an individual who refuses a conversion under paragraph (1) stops serving in the position selected to be converted, the position may be converted to a position in the excepted service.

“(j) Definitions.—In this section:

“(1) The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

“(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

“(2) The term ‘collective bargaining agreement’ has the meaning given that term in section 7103(a)(8) of title 5.

“(3) The term ‘excepted service’ has the meaning given that term in section 2103 of title 5.
“(4) The term ‘preference eligible’ has the meaning given that term in section 2108 of title 5.

“(5) The term ‘qualified position’ means a position, designated by the Secretary for the purpose of this section, in which the incumbent performs, manages, or supervises functions that execute the responsibilities of the United States Cyber Command relating to cyber operations.

“(6) The term ‘Senior Executive Service’ has the meaning given that term in section 2101a of title 5.”.

(b) CONFORMING AMENDMENT.—Section 3132(a)(2) of title 5, United States Code, is amended in the matter following subparagraph (E)—

(1) in clause (ii), by striking “or” at the end;

(2) in clause (iii), by inserting “or” after the semicolon; and

(3) by inserting after clause (iii) the following new clause:

“(iv) any position established as a qualified position in the excepted service by the Secretary of Defense under section 1599e of title 10;”.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of title 10, United States
Code, is amended by inserting after the item relating to section 1599d the following new item:

“1599e. United States Cyber Command recruitment and retention.”.

SEC. 1105. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.


SEC. 1106. FIVE-YEAR EXTENSION OF EXPEDITED HIRING AUTHORITY FOR DESIGNATED DEFENSE ACQUISITION WORKFORCE POSITIONS.

Section 1705(g)(2) of title 10, United States Code, is amended by striking “September 30, 2017” and inserting “September 30, 2022”.

•S 1376 PCS
SEC. 1107. ONE-YEAR EXTENSION OF DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.


SEC. 1108. EXTENSION OF RATE OF OVERTIME PAY FOR DEPARTMENT OF THE NAVY EMPLOYEES PERFORMING WORK ABOARD OR DOCKSIDE IN SUPPORT OF THE NUCLEAR-POWERED AIRCRAFT CARRIER FORWARD DEPLOYED IN JAPAN.

Section 5542(a)(6)(B) of title 5, United States Code, is amended by striking “September 30, 2015” and inserting “September 30, 2017”.

S 1376 PCS
SEC. 1109. EXPANSION OF TEMPORARY AUTHORITY TO MAKE DIRECT APPOINTMENTS OF CANDIDATES POSSESSING BACHELOR’S DEGREES TO SCIENTIFIC AND ENGINEERING POSITIONS AT SCIENCE AND TECHNOLOGY RE-INVENTION LABORATORIES.

(a) EXPANSION.—Section 1107(c)(1) of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2358 note) is amended by striking “3 percent” and inserting “5 percent”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2016, and shall apply with respect to appointments of candidates under section 1107(a)(1) of the National Defense Authorization Act for Fiscal Year 2014 on or after that date.

SEC. 1110. EXTENSION OF AUTHORITY FOR THE CIVILIAN ACQUISITION WORKFORCE PERSONNEL DEMONSTRATION PROJECT.

(a) EXTENSION.—Section 1762(g) of title 10, United States Code, is amended by striking “September 30, 2017” and inserting “December 31, 2020”.

(b) TECHNICAL AMENDMENT.—Such section is further amended by striking “demonstration program” and inserting “demonstration project”.

S 1376 PCS
SEC. 1111. PILOT PROGRAM ON DYNAMIC SHAPING OF THE
WORKFORCE TO IMPROVE THE TECHNICAL
SKILLS AND EXPERTISE AT CERTAIN DE-
PARTMENT OF DEFENSE LABORATORIES.

(a) PILOT PROGRAM REQUIRED.—The Secretary of
Defense shall carry out a pilot program to assess the
feasibility and advisability of the use of the authorities
specified in subsection (b) at the Department of Defense
laboratories specified in subsection (c) to permit the direc-
tors of such laboratories to dynamically shape the mix of
technical skills and expertise in the workforces of such lab-
oratories in order to achieve one or more of the following:

(1) To meet organizational and Department-
designated missions in the most cost-effective and
efficient manner.

(2) To upgrade and enhance the scientific qual-
ity of the workforces of such laboratories.

(3) To shape such workforces to better respond
to such missions.

(4) To reduce the average unit cost of such
workforces.

(b) WORKFORCE SHAPING AUTHORITIES.—The au-
thorities that may be used by the director of a Department
of Defense laboratory under the pilot program are the fol-
lowing:
(1) Flexible length and renewable term technical appointments.—

(A) In general.—Subject to the provisions of this paragraph, authority otherwise available to the director by law (and within the available budgetary resources of the laboratory) to appoint qualified scientific and technical personnel who are not currently Department of Defense civilian employees into any scientific or technical position in the laboratory for a period of more than one year but not more than six years.

(B) Benefits.—Personnel appointed under this paragraph shall be provided with benefits comparable to those provided to similar employees at the laboratory concerned, including professional development opportunities, eligibility for all laboratory awards programs, and designation as “status applicants” for the purposes of eligibility for positions in the Federal service.

(C) Extension of appointments.—The appointment of any individual under this paragraph may be extended at any time during any term of service of the individual under this
paragraph for an additional period of up to six years under such conditions as the director concerned shall establish for purposes of this paragraph.

(D) Construction with certain limitation.—For purposes of determining the workforce size of a laboratory in connection with compliance with section 955 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1896; 10 U.S.C. 129a note), any individual serving in an appointment under this paragraph shall be treated as a fractional employee of the laboratory, which fraction is—

(i) the current term of appointment of the individual under this paragraph; divided by

(ii) the average length of tenure of a career employee at the laboratory, as calculated at the end of the last fiscal year ending before the date of the most recent appointment or extension of the individual under this paragraph.

(2) Reemployment of annuitants.—Authority to reemploy annuitants in accordance with sec-
tion 9902(g) of title 5, United States Code, except that as a condition for reemployment the director may authorize the deduction from the pay of any annuitant so reemployed of an amount up to the amount of the annuity otherwise payable to such annuitant allocable to the period of actual employment of such annuitant, which amount shall be determined in a manner specified by the director for purposes of this paragraph to ensure the most cost effective execution of designated missions by the laboratory while retaining critical technical skills.

(3) **Early Retirement Incentives.**—Authority to authorize voluntary early retirement of employees in accordance with section 8336 of title 5, United States Code, without regard to section 8336(d)(2)(D) or 3522 of such title, and with employees so separated voluntarily from service under regulations prescribed by the Secretary of Defense for purposes of the pilot program.

(4) **Separation Incentive Pay.**—Authority to pay voluntary separation pay to employees in accordance with section 8414(b)(1)(B) of title 5, United States Code, without regard to clause (iv) or (v) of such section or section 3522, of such title, and with—
(A) employees so separated voluntarily from service under regulations prescribed by the Secretary of Defense for purposes of the pilot program; and

(B) payments to employees so separated authorized under section 3523 of such title without regard to—

(i) the plan otherwise required by section 3522 of such title; and

(ii) paragraph (1) or (3) of section 3523(b) of such title.

(c) LABORATORIES.—The Department of Defense laboratories specified in this subsection are the laboratories specified in section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486; 10 U.S.C. 2358 note).

(d) EXPIRATION.—

(1) IN GENERAL.—The authority in this section shall expire on December 31, 2023.

(2) CONTINUATION OF AUTHORITIES EXERCISED BEFORE TERMINATION.—The expiration in paragraph (1) shall not be construed to effect the continuation after the date specified in paragraph (1) of any term of employment or other benefit au-
SEC. 1112. PILOT PROGRAM ON TEMPORARY EXCHANGE OF
FINANCIAL MANAGEMENT AND ACQUISITION
PERSONNEL.

(a) IN GENERAL.—The Secretary of Defense shall
carry out a pilot program to assess the feasibility and ad-
visability of the temporary assignment of covered employ-
ees of the Department of Defense to nontraditional de-
defense contractors and of covered employees of such con-
tractors to the Department.

(b) COVERED EMPLOYEES; NONTRADITIONAL DE-
FENSE CONTRACTORS.—

(1) COVERED EMPLOYEES.—An employee of the
Department of Defense or a nontraditional Defense
contractor is a covered employee for purposes of this
section if the employee—

(A) works in the field of financial manage-
ment or in the acquisition field;

(B) is considered by the Secretary of De-
fense to be an exceptional employee; and

(C) is compensated at not less than the
GS–11 level (or the equivalent).

(2) NONTRADITIONAL DEFENSE CONTRACTORS.—For purposes of this section, the term “non-
traditional defense contractor” has the meaning
given that term in section 2302(9) of title 10,
United States Code.

(c) AGREEMENTS.—

(1) IN GENERAL.—The Secretary of Defense
shall provide for a written agreement among the De-
partment of Defense, the nontraditional defense con-
tractor concerned, and the employee concerned re-
garding the terms and conditions of the employee’s
assignment under this section.

(2) ELEMENTS.—An agreement under this sub-
section—

(A) shall require, in the case of an em-
ployee of the Department, that upon completion
of the assignment, the employee will serve in
the civil service for a period at least equal to
three times the length of the assignment, unless
the employee is sooner involuntarily separated
from the service of the employee’s agency; and

(B) shall provide that if the employee of
the Department or of the contractor (as the
case may be) fails to carry out the agreement,
or if the employee is voluntarily separated from
the service of the employee’s agency before the
end of the period stated in the agreement, the
employee shall be liable to the United States for payment of all expenses of the assignment unless that failure or voluntary separation was for good and sufficient reason, as determined by the Secretary.

(3) **Debt to the United States.**—An amount for which an employee is liable under paragraph (2)(B) shall be treated as a debt due the United States. The Secretary may waive, in whole or in part, collection of such a debt based on a determination that the collection would be against equity and good conscience and not in the best interests of the United States.

(d) **Termination.**—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the nontraditional defense contractor concerned.

(e) **Duration.**—An assignment under this section shall be for a period of not less than three months and not more than one year.

(f) **Status of Federal Employees Assigned to Contractors.**—An employee of the Department of Defense who is assigned to a nontraditional defense contractor under this section shall be considered, during the period of assignment, to be on detail to a regular work
assignment in the Department for all purposes. The written agreement established under subsection (e) shall address the specific terms and conditions related to the employee’s continued status as a Federal employee.

(g) TERMS AND CONDITIONS FOR PRIVATE Sector EMPLOYEES.—An employee of a nontraditional defense contractor who is assigned to a Department of Defense organization under this section—

(1) shall continue to receive pay and benefits from the contractor from which such employee is assigned;

(2) shall be deemed to be an employee of the Department of Defense for the purposes of—

(A) chapter 73 of title 5, United States Code;

(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, United States Code, and any other conflict of interest statute;

(C) sections 1343, 1344, and 1349(b) of title 31, United States Code;

(D) the Federal Tort Claims Act and any other Federal tort liability statute;

(E) the Ethics in Government Act of 1978;
(F) section 1043 of the Internal Revenue Code of 1986;

(G) chapter 21 of title 41, United States Code; and

(H) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries; and

(3) may not have access, while the employee is assigned to a Department organization, to any trade secrets or to any other nonpublic information which is of commercial value to the contractor from which such employee is assigned.

(h) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO FEDERAL GOVERNMENT.—A nontraditional defense contractor may not charge the Department of Defense or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the contractor to an employee assigned to a Department organization under this section for the period of the assignment.

(i) CONSIDERATION.—In providing for assignments of employees under this section, the Secretary of Defense shall take into consideration the question of how assignments might best be used to help meet the needs of the
Department of Defense with respect to the training of employees in financial management or in acquisition.

(j) Numerical Limitations.—

(1) Department Employees.—The number of employees of the Department of Defense who may be assigned to nontraditional defense contractors under this section at any given time may not exceed the following:

(A) Five employees in the field of financial management.

(B) Five employees in the acquisition field.

(2) Nontraditional Defense Contractor Employees.—The total number of nontraditional defense contractor employees who may be assigned to the Department under this section at any given time may not exceed 10 such employees.

(k) Termination of Authority for Assignments.—No assignment of an employee may commence under this section after September 30, 2019.

SEC. 1113. PILOT PROGRAM ON ENHANCED PAY AUTHORITY FOR CERTAIN ACQUISITION AND TECHNOLOGY POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) Pilot Program Authorized.—The Secretary of Defense may carry out a pilot program to assess the
feasibility and advisability of using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the Office of the Secretary of Defense and the military departments in attracting and retaining high quality acquisition and technology experts in positions responsible for managing and developing complex, high cost, technological acquisition efforts of the Department of Defense.

(b) APPROVAL REQUIRED.—The pilot program may be carried out only with approval as follows:

1. Approval of the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of positions in the Office of the Secretary of Defense.

2. Approval of the Service Acquisition Executive of the military department concerned, in the case of positions in a military department.

(c) POSITIONS.—The positions described in this subsection are positions that—

1. require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

2. are critical to the successful accomplishment of an important acquisition or technology development mission.
(d) **Rate of Basic Pay.**—The pay authority specified in this subsection is authority as follows:

1. Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Under Secretary of Defense for Acquisition, Technology, and Logistics or the Service Acquisition Executive concerned, as applicable.

2. Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of Defense.

(e) **Limitations.**—

1. **In General.**—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

2. **Number of Positions.**—The authority in subsection (a) may not be used with respect to more than five positions in the Office of the Secretary of Defense and more than five positions in each military department at any one time.
(3) Term of positions.—The authority in subsection (a) may be used only for positions having terms less than five years.

(f) Termination.—

(1) In general.—The authority to fix rates of basic pay for a position under this section shall terminate on October 1, 2020.

(2) Continuation of pay.—Nothing in paragraph (1) shall be construed to prohibit the payment after October 1, 2020, of basic pay at rates fixed under this section before that date for positions whose terms continue after that date.

SEC. 1114. PILOT PROGRAM ON DIRECT HIRE AUTHORITY FOR VETERAN TECHNICAL EXPERTS INTO THE DEFENSE ACQUISITION WORKFORCE.

(a) Pilot Program.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of appointing qualified veteran candidates to positions described in subsection (b) in the defense acquisition workforce of the military departments without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code. The Secretary shall carry out the pilot program in each military department through the Service Acquisition Executive of such military department.
(b) POSITIONS.—The positions described in this sub-
section are scientific, technical, engineering, and mathe-
matics positions, including technicians, within the defense
acquisition workforce.

(c) LIMITATION.—Authority under subsection (a)
may not, in any calendar year and with respect to any
military department, be exercised with respect to a num-
ber of candidates greater than the number equal to 1 per-
cent of the total number positions the acquisition work-
force of that military department that are filled as of the
close of the fiscal year last ending before the start of such
calendar year.

(d) DEFINITIONS.—In this section:

(1) The term “employee” has the meaning
given that term in section 2105 of title 5, United
States Code.

(2) The term “veteran” has the meaning given
that term in section 101 of title 38, United States
Code.

(e) TERMINATION.—

(1) IN GENERAL.—The authority to appoint
candidates to positions under the pilot program shall
expire on the date that is five years after the date
of the enactment of this Act.
(2) Effect on existing appointments.—The termination by paragraph (1) of the authority in subsection (a) shall not affect any appointment made under that authority before the termination date specified in paragraph (1) in accordance with the terms of such appointment.

SEC. 1115. DIRECT HIRE AUTHORITY FOR TECHNICAL EXPERTS INTO THE DEFENSE ACQUISITION WORKFORCE.

(a) Authority.—Each Secretary of a military department may appoint qualified candidates possessing a scientific or engineering degree to positions described in subsection (b) for that military department without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code.

(b) Applicability.—Positions described in this subsection are scientific and engineering positions within the defense acquisition workforce.

(c) Limitation.—Authority under this section may not, in any calendar year and with respect to any military department, be exercised with respect to a number of candidates greater than the number equal to 5 percent of the total number of scientific and engineering positions within the acquisition workforce of that military department that
are filled as of the close of the fiscal year last ending before the start of such calendar year.

(d) **NATURE OF APPOINTMENT.**—Any appointment under this section shall be treated as an appointment on a full-time equivalent basis, unless such appointment is made on a term or temporary basis.

(e) **EMPLOYEE DEFINED.**—In this section, the term “employee” has the meaning given that term in section 2105 of title 5, United States Code.

(f) **TERMINATION.**—The authority to make appointments under this section shall not be available after December 31, 2020.

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

**Subtitle A—Training and Assistance**

**SEC. 1201. ONE-YEAR EXTENSION OF FUNDING LIMITATIONS FOR AUTHORITY TO BUILD THE CAPACITY OF FOREIGN SECURITY FORCES.**

Section 1205(d) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended—

(1) in paragraph (1)—

(A) by striking “for fiscal year 2015” and all that follows through “section 4301” and in-
serting “for fiscal year 2015 or 2016 for the
Department of Defense for operation and main-
tenance”; and

(B) by inserting “, in such fiscal year” be-
fore the period; and

(2) in paragraph (2), by striking “for fiscal
year 2015” and inserting “for a fiscal year specified
in that paragraph”.

SEC. 1202. EXTENSION AND EXPANSION OF AUTHORITY
FOR REIMBURSEMENT TO THE GOVERNMENT
OF JORDAN FOR BORDER SECURITY OPER-
ATIONS.

(a) EXPANSION TO GOVERNMENT OF LEBANON.—
Subsection (a) of section 1207 of the National Defense
Authorization Act for Fiscal Year 2014 (Public Law 113–
66; 127 Stat. 902; 22 U.S.C. 2151 note) is amended—

(1) by inserting “and the Government of Leb-
anon” after “the Government of Jordan” each place
it appears; and

(2) by striking “armed forces of Jordan” each
place it appears and inserting “armed forces of the
country concerned”.

(b) SCOPE OF AUTHORITY.—Subsection (a) of such
section is further amended—

(1) in paragraph (1)—
(A) by striking “maintaining” and inserting “enhancing”; and

(B) by striking “increase security and sustain increased security along the border between Jordan and Syria” and inserting “sustain security along the border of Jordan with Syria and Iraq and increase or sustain security along the border of Lebanon with Syria, as applicable”; and

(2) in paragraph (3)—

(A) by striking “maintain” and inserting “enhance”; and

(B) by striking “increase security or sustain increased security along the border between Jordan and Syria” and inserting “sustain security along the border of Jordan with Syria and Iraq or increase or sustain security along the border of Lebanon with Syria, as applicable”.

(c) FUNDS.—Subsection (b) of such section is amended to read as follows:

“(b) FUNDS AVAILABLE FOR ASSISTANCE.—While the authority in this section is in effect, amounts may be used to provide assistance under the authority in subsection (a) as follows:
“(1) Amounts authorized to be appropriated for a fiscal year for the Department of Defense and available for reimbursement of certain coalition nations for support provided to United States military operations pursuant to section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–81).

“(2) Amounts authorized to be appropriated for a fiscal year for the Department of Defense for the Counterterrorism Partnerships Fund.”.

(d) LIMITATIONS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking “may not exceed $150,000,000” and inserting “in any fiscal year may not exceed $125,000,000”; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) ASSISTANCE TO GOVERNMENT OF LEBANON.—Assistance provided under the authority in subsection (a) to the Government of Lebanon may be used only for the armed forces of Lebanon, and may not be used for or to reimburse Hezbollah or any forces other than the armed forces of Lebanon.”.
(c) Expiration of Authority.—Subsection (f) of such section is amended by striking “December 31, 2015” and inserting “December 31, 2020”.

(f) Conforming Amendment.—The heading of such section is amended to read as follows:

“SEC. 1207. ASSISTANCE TO THE GOVERNMENT OF JORDAN AND THE GOVERNMENT OF LEBANON FOR BORDER SECURITY OPERATIONS.”.

SEC. 1203. EXTENSION OF AUTHORITY TO CONDUCT ACTIVITIES TO ENHANCE THE CAPABILITY OF FOREIGN COUNTRIES TO RESPOND TO INCIDENTS INVOLVING WEAPONS OF MASS DESTRUCTION.


SEC. 1204. REDESIGNATION, MODIFICATION, AND EXTENSION OF NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) Redesignation.—The heading of section 1205 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 897; 32 U.S.C. 107 note) is amended to read as follows:
SEC. 1205. DEPARTMENT OF DEFENSE STATE PARTNERSHIP PROGRAM.

(b) Scope of Authority.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking “a program of exchanges” and all that follows and inserting “a program of activities described in paragraph (2) between members of the National Guard of a State or territory and any of the following:

“(A) The military forces of a foreign country.

“(B) The security forces of a foreign country.

“(C) Governmental organizations of a foreign country whose primary functions include disaster response or emergency response.”; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) State Partnership.—Each program established under this subsection shall be known as a ‘State Partnership’.”.

(c) Limitation.—Subsection (b) of such section is amended by striking “activity under a program” and all that follows through “State or territory,” and inserting “activity with forces referred to in subsection (a)(1)(B)
or organizations described in subsection (a)(1)(C) under a program established under subsection (a)”.

(d) **STATE PARTNERSHIP PROGRAM FUND.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Policy and the Under Secretary of Defense (Comptroller) shall jointly submit to the congressional defense committees a report setting forth a joint assessment of the feasibility and advisability of establishing a central fund to manage funds for programs and activities under the Department of Defense State Partnership Program under section 1205 of the National Defense Authorization Act for Fiscal Year 2014, as amended by this section.

(e) **CONFORMING AMENDMENTS.**—Subsection (e)(2) of such section is amended—

(1) by striking “a program” and inserting “each program”; and

(2) by striking “the program” and inserting “such program”.

(f) **PERMANENT AUTHORITY.**—Such section is further amended by striking subsection (i).
SEC. 1205. AUTHORITY TO PROVIDE SUPPORT TO NATIONAL MILITARY FORCES OF ALLIED COUNTRIES FOR COUNTERTERRORISM OPERATIONS IN AFRICA.

(a) In General.—The Secretary of Defense is authorized, in coordination with the Secretary of State, to provide, on a nonreimbursable basis, logistic support, supplies, and services to the national military forces of an allied country conducting counterterrorism operations in Africa if the Secretary of Defense determines that the provision of such logistic support, supplies, and services, on a nonreimbursable basis, is—

(1) in the national security interests of the United States; and

(2) critical to the timely and effective participation of such national military forces in such operations.

(b) Notice to Congress on Support Provided.—Not later than 15 days after providing logistic support, supplies, or services under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a notice setting forth the following:

(1) The determination of the Secretary specified in subsection (a).

(2) The type of logistic support, supplies, or services provided.
(3) The national military forces supported.

(4) The purpose of the operations for which such support was provided, and the objectives of such support.

(5) The estimated cost of such support.

(6) The intended duration of such support.

(c) LIMITATIONS.—

(1) IN GENERAL.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of support that is otherwise prohibited by any other provision of law.

(2) AMOUNT.—The aggregate amount of logistic support, supplies, and services provided under subsection (a) in any fiscal year may not exceed $100,000,000.

(d) REPORTS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter through the expiration date in subsection (f) of the authority provided by this section, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description of the use of the authority provided by this section during the six-month period ending on the date of such report. Each report shall include the following:
(1) An assessment of the extent to which the support provided under this section during the period covered by such report facilitated the national military forces of allied countries so supported in conducting counterterrorism operations in Africa.

(2) A description of any efforts by countries that received such support to address, as practicable, the requirements of their forces for logistics support, supplies, or services for conducting counterterrorism operations in Africa, including under acquisition and cross-servicing agreements.

(e) Logistic Support, Supplies, and Services Defined.—In this section, the term “logistic support, supplies, and services” has the meaning given that term in section 2350(1) of title 10, United States Code.

(f) Expiration.—The authority provided by this section may not be exercised after September 30, 2018.

SEC. 1206. AUTHORITY TO BUILD THE CAPACITY OF FOREIGN MILITARY INTELLIGENCE FORCES.

(a) In General.—The Secretary of Defense, with the concurrence of the Director of National Intelligence and the Secretary of State, is authorized to conduct or support a program or programs to train the military intelligence forces of a foreign country in order for that country to—
(1) improve interoperability with United States and allied forces;

(2) enhance the capacity of such forces to receive and act upon time-sensitive intelligence;

(3) increase the capacity and capability of such forces to fuse and analyze intelligence; and

(4) ensure the ability of such forces to support the military forces of that country in conducting lawful military operations in which intelligence plays a critical role.

(b) TYPES OF SUPPORT.—

(1) AUTHORIZED ELEMENTS.—A program under subsection (a) may include the provision of training, and associated supplies and support.

(2) REQUIRED ELEMENTS.—A program under subsection (a) shall include elements that promote the following:

(A) Observance of and respect for human rights and fundamental freedoms.

(B) Respect for civilian control of the military.

(c) LIMITATIONS.—

(1) ANNUAL FUNDING LIMITATION.—Of the amount authorized to be appropriated for the Department of Defense for a fiscal year and available
for the military intelligence program (MIP), the Secretary of Defense may use up to $25,000,000 in such fiscal year to carry out programs authorized by subsection (a).

(2) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in subsection (b) that is otherwise prohibited by any provision of law.

(3) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of Defense may not use the authority in subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such assistance under any other provision of law.

(d) CONGRESSIONAL NOTIFICATION.—Not less than 15 days before initiating activities under a program under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a notice on the following:

(1) The country whose capacity to engage in activities in subsection (a) will be built under the program.

(2) The budget, implementation timeline with milestones, military department responsible for man-
agement and associated program executive office, and completion date for the program.

(3) Assurances, if any, provided with respect to an enduring arrangement between the United States and the forces provided training pursuant to subsection (a).

(4) The objectives and assessment framework to be used to develop capability and performance metrics associated with operational outcomes for the recipient forces.

(5) An assessment of the capacity of the recipient country to absorb assistance under the program.

(6) An assessment of the manner in which the program fits into the theater security cooperation strategy of the applicable geographic combatant command.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on
Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1207. PROHIBITION ON ASSISTANCE TO ENTITIES IN YEMEN CONTROLLED BY THE HOUTHI MOVEMENT.

(a) Prohibition.—No amounts authorized to be appropriated for fiscal year 2016 for the Department of Defense by this Act may be used to provide assistance to an entity in Yemen that is controlled by members of the Houthi movement.

(b) National Security Exception.—

(1) In general.—The prohibition in subsection (a) shall not apply if the Secretary of Defense, in consultation with the Director of National Intelligence, determines that the provision of assistance as described in that subsection is important to the national security interests of the United States.

(2) Notice required.—Not later than 30 days after providing assistance under this subsection, the Secretary shall submit to the congressional defense committees notice on such assistance, including the following:

(A) The assistance provided.
(B) The rationale for the provision of such assistance.

(C) The national security interests of the United States in providing such assistance.

(3) FORM.—Each notice under paragraph (2) shall be submitted in an unclassified form, but may include a classified annex.

SEC. 1208. REPORT ON POTENTIAL SUPPORT FOR THE VETTED SYRIAN OPPOSITION.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a detailed description of the military support the Secretary considers it necessary to provide to recipients of assistance under section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541) upon their return to Syria to make use of such assistance.

(b) COVERED POTENTIAL SUPPORT.—The support the Secretary may consider it necessary to provide for purposes of the report is the following:

(1) Logistical support.

(2) Defensive supportive fire.

(3) Intelligence.
(4) Medical support.

(5) Any other support the Secretary considers appropriate for purposes of the report.

(c) Elements.—The report shall include the following:

(1) For each type of support the Secretary considers it necessary to provide as described in subsection (a), a description of the actions to be taken by the Secretary to ensure that such support would not benefit any of the following:

(A) The Islamic State of Iraq and Syria (ISIS), the Al-Nusra Front, al-Qaeda, the Khorasan Group, or any other extremist Islamic organization

(B) The Syrian Arab Army or any group or organization supporting President Bashir Assad.

(2) An estimate of the cost of providing such support.

(d) Rule of Construction.—Nothing in this section shall be construed to constitute an authorization for the use of force in Syria.
Subtitle B—Matters Relating to Afghanistan, Pakistan, and Iraq

SEC. 1221. DRAWDOWN OF UNITED STATES FORCES IN AFGHANISTAN.

(a) Sense of Senate.—It is the sense of the Senate that—

(1) the drawdown of United States forces in Afghanistan should be based on security conditions in Afghanistan and United States security interests in the region; and

(2) as the Afghan National Defense Security Forces develop security capabilities and capacity, an appropriate United States and international presence should continue, upon invitation by the Government of Afghanistan, to provide adequate capability and capacity to preserve gains made to date and continue counterterrorism operations in Afghanistan against terrorist organizations that can threaten United States interests or the United States homeland.

(b) Certification on Redeployments of US Forces From Afghanistan.—

(1) In general.—Not later than 10 days after the approval by the Secretary of Defense of orders to redeploy United States forces from Afghanistan
in order to effect a reduction of the United States force presence in Afghanistan by a significant amount in accordance with plans approved by the President to drawdown United States forces in Afghanistan, the President shall certify to the congressional defense committees that the reduction of such force presence will result in an acceptable level of risk to United States national security objectives taking into consideration the security conditions on the ground.

(2) **Significant Amount.**—For the purposes of this subsection, a significant amount in the reduction of the force presence of United States forces shall be a reduction by the lesser of—

(A) 1,000 or more troops; or

(B) the number of troops equal to 20 percent of the troops in Afghanistan at the time of the reduction.

(3) **Waiver.**—The President may waive the requirement for a certification under paragraph (1) if the making of the certification would impede national security objectives of the United States. The President shall submit to the congressional defense committees a report on each such waiver, including
the national security objectives that would otherwise be impeded if not for the waiver.

SEC. 1222. EXTENSION AND MODIFICATION OF COMMANDERS’ EMERGENCY RESPONSE PROGRAM.

(a) ONE-YEAR EXTENSION.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1221 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3546), is further amended by striking “fiscal year 2015” in subsections (a), (b), and (f) and inserting “fiscal year 2016”.

(b) RESTRICTION ON AMOUNT OF PAYMENTS.—Subsection (e) of such section 1201, as so amended, is further amended by striking “$2,000,000” and inserting “$500,000”.

(c) SUBMITTAL OF REVISED GUIDANCE.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of the guidance issued by the Secretary to the Armed Forces concerning the Commanders’ Emergency Response Program in Afghanistan
as revised to take into account the amendments made by this section.

(d) Authority for Certain Payments To Redress Injury and Loss in Iraq.—

(1) In General.—During fiscal year 2016, amounts available pursuant to section 1201 of the National Defense Authorization Act for Fiscal Year 2012, as amended by this section, shall also be available for ex gratia payments for damage, personal injury, or death that is incident to combat operations of the Armed Forces in Iraq.

(2) Authorities Applicable to Payment.—Any payment made pursuant to this subsection shall be made in accordance with the authorities and limitations in section 8121 of the Department of Defense Appropriations Act, 2015 (division C of Public Law 113–235), other than subsection (h) of such section.

(3) Construction with Restriction on Amount of Payments.—For purposes of the application of subsection (e) of such section 1201, as so amended, to any payment under this subsection, such payment shall be deemed to be a project described by such subsection (e).
SEC. 1223. EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.


(b) Quarterly Reports.—Subsection (f)(1) of such section, as so amended, is further amended by striking “March 31, 2016” and inserting “March 31, 2017”.

(c) Excess Defense Articles.—Subsection (i)(2) of such section, as so amended, is further amended by striking “, 2014, and 2015” each place it appears and inserting “through 2016”.

SEC. 1224. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) Extension.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–81; 122 Stat. 393), as most re-
cently amended by section 1222 of the Carl Levin and
Howard P. “Buck” McKeon National Defense Act for Fis-
cal Year 2015 (Public Law 113–291), is further amend-
ed—

(1) by striking “fiscal year 2015” and inserting
“fiscal year 2016”; and

(2) in paragraph (1), by striking “Operation
Enduring Freedom” and inserting “Operation Free-
dom’s Sentinel”.

(b) OTHER SUPPORT.—Subsection (b) of such section
1233, as so amended, is further amended by striking “Op-
eration Enduring Freedom” and inserting “Operation
Freedom’s Sentinel”.

c) LIMITATION ON AMOUNTS AVAILABLE.—Sub-
section (d)(1) of such section 1233, as so amended, is fur-
ther amended—

(1) in the second sentence, by striking “during
fiscal year 2015 may not exceed $1,200,000,000”
and inserting “during fiscal year 2016 may not ex-
ceed $1,160,000,000”; and

(2) in the third sentence, by striking “during
fiscal year 2015 may not exceed $1,000,000,000”
and inserting “during fiscal year 2016 may not ex-
ceed $900,000,000”.

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(d) Quarterly Reports.—Subsection (f) of such section 1233, as added by section 1223(e) of the National Defense Authorization act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2520), is amended by striking “on any” and all that follows and inserting “on any reimbursements made during such quarter under the authorities as follows:

“(1) Subsection (a).
“(2) Subsection (b).
“(3) Section 1224(h) of the National Defense Authorization Act for Fiscal Year 2016.”.


(f) Extension of Limitation on Reimbursement of Pakistan Pending Certification on Pakistan.—Section 1227(d)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
as so amended, is further amended by striking “fiscal year 2015” and inserting “fiscal year 2016”.

(g) ADDITIONAL LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION ON PAKISTAN.—

Of the total amount of reimbursements and support authorized for Pakistan during fiscal year 2016 pursuant to the third sentence of section 1233(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (as amended by subsection (c)(2)), $300,000,000 shall not be eligible for the waiver under section 1227(d)(2) of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 2001) unless the Secretary of Defense certifies to the congressional defense committees that—

(1) Pakistan has undertaken military operations in North Waziristan that have contributed to significantly disrupting the safe haven and freedom of movement of the Haqqani network in Pakistan;

(2) Pakistan has taken actions that have demonstrated a commitment to ensuring that North Waziristan does not return to being a safe haven for the Haqqani network; and

(3) the Government of Pakistan has taken actions to promote stability in Afghanistan, including encouraging the participation of the Taliban in rec-
conciliation talks with the Government of Afghanistan.

(h) Availability of Certain Funds for Stability Activities in FATA.—

(1) In General.—Of the total amount of reimbursements and support authorized for Pakistan during fiscal year 2016 pursuant to the third sentence of section 1233(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (as so amended), $100,000,000 may be available for stability activities undertaken by Pakistan in the Federally Administered Tribal Areas (FATA), including the provision of funds to the Pakistan military and the Pakistan Frontier Corps Khyber Pakhtunkhwa for activities undertaken in support of the following:

(A) Building and maintaining border outposts.

(B) Strengthening cooperative efforts between the Pakistan military and the Afghan National Defense Security Forces in activities that include—

(i) bilateral meetings to enhance border security coordination;

(ii) sustaining critical infrastructure within the Federally Administered Tribal

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Areas, such as maintaining key ground
lines of communication;

(iii) increasing training for the Paki-
stan Frontier Corps Khyber Pakhtunkhwa;
and

(iv) training to improve interoper-
ability between the Pakistan military and
the Pakistan Frontier Corps Khyber
Pakhtunkhwa.

(2) REPORT.—Not later than December 31,
2017, the Secretary of Defense shall submit to the
appropriate congressional committees a report on
the expenditure of funds available under paragraph
(1), including a description of the following:

(A) The purpose for which such funds were
expended.

(B) Each organization on whose behalf
such funds were expended, including the
amount expended on such organization and the
number of members of such organization
trained with such amount.

(C) Any limitation imposed on the expendi-
ture of funds under that paragraph, including
on any recipient of funds or any use of funds
expended.
(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” has the meaning given that term in section 1233(g) of the National Defense Authorization Act for Fiscal Year 2008.

SEC. 1225. PROHIBITION ON TRANSFER TO VIOLENT EXTREMIST ORGANIZATIONS OF EQUIPMENT OR SUPPLIES PROVIDED BY THE UNITED STATES TO THE GOVERNMENT OF IRAQ.

(a) PROHIBITION.—No assistance authorized by section 1236 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) may be provided to the Government of Iraq after the date that is 30 days after the date of the enactment of this Act unless the Secretary of Defense certifies to Congress, after the date of the enactment of this Act, that appropriate steps have been taken by the Government of Iraq to safeguard against transferring or otherwise providing such assistance to violent extremist organizations.

(b) VIOLENT EXTREMIST ORGANIZATION.—For purposes of this section, an organization is a violent extremist organization if the organization—
(1) is a terrorist group or is associated with a terrorist group; or

(2) is known to be under the command and control of, or is associated with, the Government of Iran.

(c) Reports on Transfers of Equipment or Supplies to Violent Extremist Organizations.—

(1) Reports required.—Not later than 30 days after the Secretary of Defense makes any determination that equipment or supplies provided pursuant to section 1236 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 have been transferred to a violent extremist organization, the Secretary shall submit to Congress a report on the determination and the transfer.

(2) Elements.—Each report under paragraph (1) shall include, for the transfer covered by such report, the following:

(A) An assessment of the type and quantity of equipment or supplies so transferred.

(B) A description of the criteria used to determine that the organization to which transferred was a violent extremist organization.
(C) A description, if known, of how such equipment or supplies were transferred or acquired by the violent extremist organization concerned.

(D) If such equipment or supplies are determined to remain under the current control of any violent extremist organization, a description of each such organization, including its relationship, if any, with the security forces of the Government of Iraq.

(E) A description of end use monitoring or other policies and procedures in place for the equipment or supplies so transferred in order to prevent the transfer or acquisition of such equipment or supplies by violent extremist organizations.

(d) Submittal Time for Quarterly Progress Reports on Assistance to Counter ISIL.—Section 1236(d) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 is amended by striking “30 days thereafter” and inserting “90 days thereafter”.
SEC. 1226. REPORT ON LINES OF COMMUNICATION OF ISLAMIC STATE OF IRAQ AND THE LEVANT AND OTHER FOREIGN TERRORIST ORGANIZATIONS.

(a) Report Required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the following:

(1) An assessment of the lines of communication that enable the Islamic State of Iraq and the Levant (ISIL), Jabhal al-Nusra, and other foreign terrorist organizations by facilitating the delivery of foreign fighters, funding, equipment, or other assistance through countries bordering on Syria.

(2) An assessment of the impacts of the lines of communication described in paragraph (1) on the security of the United States homeland and the protection of personnel and installations of the Department of Defense and diplomatic facilities in Europe and the Middle East.

(b) Appropriate Committees of Congress Defined.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and
(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1227. MODIFICATION OF PROTECTION FOR AFGHAN ALLIES.

(a) COVERED AFGHANS.—

(1) TERM OF EMPLOYMENT.—Clause (ii) of section 602(b)(2)(A) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended by striking “year—” and inserting “year, or, if submitting a petition after September 30, 2015, for a period of not less than 2 years—”.

(2) TECHNICAL AMENDMENTS.—

(A) SUCCESSOR NAME FOR INTERNATIONAL SECURITY ASSISTANCE FORCE.—


(i) in the matter preceding item (aa), by striking “Force” and inserting “Force (or any successor name for such Force)”;

(ii) in item (aa), by striking “Force,” and inserting “Force (or any successor name for such Force),”; and
(iii) in item (bb), by striking “Force;”
and inserting “Force (or any successor
name for such Force);”.

(B) SHORT TITLE.—Section 601 of the Af-
ghan Allies Protection Act of 2009 is amended
by striking “This Act” and inserting “This
title”.

(C) EXECUTIVE AGENCY REFERENCE.—
Section 602(e)(4) of the Afghan Allies Protec-
tion Act of 2009 is amended by striking “sec-
tion 4 of the Office of Federal Procurement
Policy Act (41 U.S.C. 403)” and inserting “sec-
tion 133 of title 41, United States Code”.

(b) NUMERICAL LIMITATIONS.—Subparagraph (F)
of section 602(b)(3) of the Afghan Allies Protection Act
of 2009 (8 U.S.C. 1101 note) is amended—

(1) in the heading, by striking “2015 AND 2016”
and inserting “2015, 2016, AND 2017”;

(2) in the matter preceding clause (i)—

(A) by striking “and ending on September
30, 2016,” and inserting “until such time that
available special immigrant visas under sub-
paragraphs (D) and (E) and this subparagraph
are exhausted,” and
(B) by striking “4,000.” and inserting “7,000.”;

(3) in clause (i), by striking “September 30, 2015;” and inserting “December 31, 2016;”;

(4) in clause (ii), by striking “December 31, 2015;” and inserting “December 31, 2016;”; and

(5) in clause (iii), by striking “March 31, 2017.” and inserting “the date such visas are ex-
hausted.”.

(c) REPORTS AND SENSE OF CONGRESS.—Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended by adding at the end the following:

“(15) REPORTS INFORMING THE CONCLUSION OF THE AFGHAN SPECIAL IMMIGRANT VISA PRO-
GRAM.—Not later than June 1, 2016, and every six months thereafter, the Secretary of Defense, in con-
junction with the Secretary of State, shall submit to the Committee on Armed Services and the Com-
mittee on the Judiciary of the Senate and the Com-
mittee on Armed Services and the Committee on the
Judiciary of the House of Representatives a report
that contains—
“(A) a description of the United States force presence in Afghanistan during the previous 6 months;

“(B) a description of the projected United States force presence in Afghanistan;

“(C) the number of citizens or nationals of Afghanistan who were employed by or on behalf of the entities described in paragraph (2)(A)(ii) during the previous 6 months; and

“(D) the projected number of such citizens or nationals who will be employed by or on behalf of such entities.

“(16) SENSE OF CONGRESS.—It is the sense of Congress that the necessity of providing special immigrant status under this subsection should be assessed at regular intervals by the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, taking into account the scope of the current and planned presence of United States troops in Afghanistan, the current and prospective numbers of citizens and nationals of Afghanistan employed by or on behalf of the entities described in paragraph (2)(A)(ii), and the security climate in Afghanistan.”.
SEC. 1228. EXTENSION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) Extension of Authority.—Subsection (f)(1) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended by striking “fiscal year 2015” and inserting “fiscal year 2016”.

(b) Amount Available.—Such section is further amended—

(1) in subsection (c), by striking “fiscal year 2015” and all that follows and inserting “fiscal year 2016 may not exceed $80,000,000.”; and

(2) in subsection (d), by striking “fiscal year 2015” and inserting “fiscal year 2016”.

(c) Superseding Report Requirements.—Subsection (g) of such section is amended to read as follows:

“(g) Reports.—

“(1) In general.—Not later than September 30, 2015, and every 180 days thereafter until the authority in this section expires, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the appropriate committees of Congress a report on the activities of the Office of Security Cooperation in Iraq.
“(2) ELEMENTS.—Each report under this subsection shall include the following:

“(A) A current description of capability gaps in the security forces of Iraq, including capability gaps relating to intelligence matters, protection of Iraq airspace, and logistics and maintenance, and a current description of the extent, if any, to which the Government of Iraq has requested assistance in addressing such capability gaps.

“(B) A current description of the activities of the Office of Security Cooperation in Iraq and the extent, if any, to which the programs conducted by the Office in conjunction with other United States programs (such as the Foreign Military Financing program, the Foreign Military Sales program, and the assistance provided pursuant to section 1236 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291)) will address the capability gaps described pursuant to subparagraph (A).

“(C) A current description of how the activities of the Office of Security Cooperation in
Iraq are coordinated with, and complement and enhance, the assistance provided pursuant to section 1236 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015.

“(D) A current description of end use monitoring programs, and any other programs or procedures, used to improve accountability for equipment provided to the Government of Iraq.

“(E) A current description of the measures of effectiveness used to evaluate the activities of the Office of the Security Cooperation in Iraq, and an analysis of any determinations to expand, alter, or terminate specific activities of the Office based on such evaluations.

“(F) A current evaluation of the effectiveness of the training described in subsection (f)(2) in promoting respect for human rights, military professionalism, and respect for legitimate civilian authority in Iraq.

“(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ means—
“(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

“(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.”

SEC. 1229. SENSE OF SENATE ON SUPPORT FOR THE KURDISTAN REGIONAL GOVERNMENT.

(a) Sense of Senate.—It is the sense of the Senate that—

(1) the Islamic State of Iraq and the Levant (ISIL) poses an acute threat to the people and territorial integrity of Iraq, including the Iraqi Kurdistan Region, and the security and stability of the Middle East and the world;

(2) the United States should, in coordination with coalition partners, provide, in an expeditious and responsive manner and without undue delay, the security forces of the Kurdistan Regional Government associated with the Government of Iraq with defense articles and assistance described in subsection (b), defense services, and related training to more effectively partner with the United States and
other international coalition members to defeat the
Islamic State of Iraq and the Levant;

(3) defeating the Islamic State of Iraq and the
Levant is critical to maintaining a unified Iraq in
which all faiths, sects, and ethnicities are afforded
equal protection and full integration into the Gov-
ernment and society of Iraq;

(4) due to the threat to United States national
security and a free and inclusive Iraq brought by the
Islamic State of Iraq and the Levant, section 1236
of the Carl Levin and Howard P. “Buck” McKeon
National Defense Authorization Act for Fiscal Year
2015 (Public Law 113–291) authorizes the Sec-
retary of Defense to provide assistance, including
training, equipment, logistics support, supplies, and
services, stipends, facility and infrastructure repair
and renovation, and sustainment, to military and
other security forces of or associated with the Gov-
ernment of Iraq, including Kurdish forces;

(5) leaders of the Islamic State of Iraq and the
Levant have stated that they intend to conduct ter-
rorist attacks internationally, including against the
United States, its citizens, and its interests; and

(6) the Kurdistan Regional Government is the
democratically elected government of the Iraqi
Kurdistan Region, and Iraqi Kurds have been a reliable, stable, and capable partner of the United States, particularly in support of United States military and civilian personnel during Operation Iraqi Freedom and Operation New Dawn.

(b) DEFENSE ARTICLES AND ASSISTANCE.—The defense articles and assistance described in this subsection include anti-tank and anti-armor weapons, armored vehicles, long-range artillery, crew-served weapons and ammunition, secure command and communications equipment, body armor, helmets, logistics equipment, night optical devices, and other excess defense articles and military assistance considered appropriate by the President.

Subtitle C—Matters Relating to Iran

SEC. 1241. MODIFICATION AND EXTENSION OF ANNUAL REPORT ON THE MILITARY POWER OF IRAN.

(a) Element on Cyber Capabilities in Description of Strategy.—Paragraph (1) of subsection (b) of section 1245 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2542) is amended—

(1) in subparagraph (B), by striking “and” at the end;
(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new sub-
paragraph:

“(D) Iranian strategy regarding offensive cyber capabilities and defensive cyber capabili-
ties.”.

(b) Elements on Cyber Capabilities in Assess-
ments of Unconventional Forces.—Paragraph (3) of such subsection, as amended by section 1232(a) of the Na-
tional Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 920), is further amend-
ed—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new sub-
paragraphs:

“(F) offensive cyber capabilities and defen-
sive cyber capabilities; and

“(G) Iranian ability to manipulate the in-
formation environment both domestically and against the interests of the United States and its allies.”.
(c) Extension of Reports.—Subsection (d) of such section 1245, as amended by section 1277 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3592), is further amended by striking “December 31, 2016” and inserting “December 31, 2021”.

(d) Effective Date.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under section 1245 of the National Defense Authorization Act for Fiscal Year 2010, as so amended, after that date.

Subtitle D—Matters Relating to the Russian Federation

Sec. 1251. Ukraine Security Assistance Initiative.

(a) Authority to Provide Assistance.—Of the amounts authorized to be appropriated for fiscal year 2016 by title XV and available for overseas contingency operations as specified in the funding tables in division D, $300,000,000 may be available to the Secretary of Defense, in coordination with the Secretary of State, to provide appropriate security assistance and intelligence support, including training, equipment, and logistics support, supplies and services, to military and other security forces of the Government of Ukraine for the purposes as follows:
(1) To enhance the capabilities of the military and other security forces of the Government of Ukraine to defend against further aggression.

(2) To assist Ukraine in developing the combat capability to defend its sovereignty and territorial integrity.

(3) To support the Government of Ukraine in defending itself against actions by Russia and Russian-backed separatists that violate the ceasefire agreements of September 4, 2014, and February 11, 2015.

(b) APPROPRIATE SECURITY ASSISTANCE AND INTELLIGENCE SUPPORT.—For purposes of subsection (a), appropriate security assistance and intelligence support includes the following:

(1) Real time or near real time actionable intelligence.

(2) Lethal assistance such as anti-armor weapon systems, mortars, crew-served weapons and ammunition, grenade launchers and ammunition, and small arms and ammunition.

(3) Counter-artillery radars.

(4) Unmanned aerial tactical surveillance systems.

(5) Cyber capabilities.
(6) Counter-electronic warfare capabilities such as secure communications equipment and other electronic protection systems.

(7) Other electronic warfare capabilities.

(8) Training required to maintain and employ systems and capabilities described in paragraphs (1) through (7).

(9) Training for critical combat operations such as planning, command and control, small unit tactics, counter-artillery tactics, logistics, countering improvised explosive devices, battle-field first aid, and medical evacuation.

(c) FUNDING AVAILABILITY AND LIMITATION.—

(1) Training.—Up to 20 percent of the amount described in subsection (a) may be used to support training pursuant to section 1207 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 2151 note), relating to the Global Security Contingency Fund.

(2) Limitation.—Not more than 50 percent of the amount described in subsection (a) may be obligated or expended until an amount equal to 20 percent of such amount has been obligated or expended for appropriate security assistance described in sub-
paragraphs (2) and (3) of subsection (b) for the Government of Ukraine.

(3) ALTERNATIVE OF FUNDS.—In the event funds otherwise available pursuant to subsection (a) are not used by reason of the limitation in paragraph (2), such funds may be used at the discretion of the Secretary of Defense, with concurrence of the Secretary of State, to provide security assistance and intelligence support, including training, equipment, logistics support, supplies and services to military and other national-level security forces of Partnership for Peace nations other than Ukraine that the Secretary of Defense determines to be appropriate to assist such governments in preserving their sovereignty and territorial integrity against Russian aggression.

(d) UNITED STATES INVENTORY AND OTHER SOURCES.—

(1) IN GENERAL.—In addition to any assistance provided pursuant to subsection (a), the Secretary of Defense is authorized, with the concurrence of the Secretary of State, to make available to the Government of Ukraine weapons and other defense articles, from the United States inventory and other sources, and defense services, in such quantity as the Sec-
retary of Defense determines to be appropriate to achieve the purposes specified in subsection (a).

(2) REPLACEMENT.—Amounts for the replacement of any items provided to the Government of Ukraine pursuant to paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Defense for overseas contingency operations for weapons procurement.

(e) CONSTRUCTION OF AUTHORIZATION.—Nothing in this section shall be construed to constitute a specific statutory authorization for the introduction of United States Armed Forces into hostilities or into situations wherein hostilities are clearly indicated by the circumstances.

(f) TERMINATION OF AUTHORITY.—Assistance may not be provided under the authority in this section after December 31, 2017.

SEC. 1252. EASTERN EUROPEAN TRAINING INITIATIVE.

(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the Secretary of State, carry out a program (to be known as the “Eastern European Training Initiative”) to provide training, and pay the incremental expenses incurred by a country as the direct result of participation in such training, for the national military forces of the following:
(1) A country that is a signatory to the Partnership for Peace Framework Documents, but is not a member of the North Atlantic Treaty Organization (NATO).

(2) A country that became a member of the North Atlantic Treaty Organization after January 1, 1999.

(b) Types of Training.—The training provided to the national military forces of a country under subsection (a) shall be limited to multilateral or regional training—

(1) to maintain and increase interoperability and readiness;

(2) to increase capacity to respond to external threats;

(3) to increase capacity to respond to hybrid warfare; or

(4) to increase capacity to respond to calls for collective action within the North Atlantic Treaty Organization.

(c) Required Elements.—Training provided to the national military forces of a country under subsection (a) shall include elements that promote—

(1) observance of and respect for human rights and fundamental freedoms; and
(2) respect for legitimate civilian authority within that country.

(d) FUNDING.—

(1) ANNUAL FUNDING LIMITATION.—Of the amounts authorized to be appropriated for a fiscal year for the Department of Defense for operation and maintenance, up to $28,000,000 may be used to provide training and pay incremental expenses under subsection (a) in that fiscal year.

(2) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—Amounts available in a fiscal year to carry out the authority in subsection (a) may be used for training under that authority that begins in that fiscal year and ends in the next fiscal year.

(e) BRIEFING TO CONGRESS ON USE OF AUTHORITY.—Not later that 90 days after the end of each fiscal year in which the authority in subsection (a) is used, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the use of the authority during such fiscal year, including each country with which training under the authority was conducted and the types of training provided.

(f) CONSTRUCTION OF AUTHORITY.—The authority provided in subsection (a) is in addition to any other au-
authority provided by law authorizing the provision of training for the national military forces of a foreign country, including section 2282 of title 10, United States Code.

(g) Incremental Expenses Defined.—In this section, the term “incremental expenses” means the reasonable and proper cost of the goods and services that are consumed by a country as a direct result of that country’s participation in training under the authority of this section, including rations, fuel, training ammunition, and transportation. Such term does not include pay, allowances, and other normal costs of a country’s personnel.

(h) Termination of Authority.—The authority under this section shall terminate on September 30, 2018. Any activity under this section initiated before that date may be completed, but only using funds available for fiscal years 2016 through 2018.

SEC. 1253. INCREASED PRESENCE OF UNITED STATES GROUND FORCES IN EASTERN EUROPE TO DETER AGGRESSION ON THE BORDER OF THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the increased presence of United States and allied ground forces in Eastern Europe since April
2014 has provided a level of reassurance to North
Atlantic Treaty Organization (NATO) members in
the region and strengthened the capability of the Or-
ganization to respond to any potential Russian ag-
gression against Organization members;

(2) at the North Atlantic Treaty Organization
Wales summit in September 2014 member countries
agreed on a Readiness Action Plan which is intended
to improve the ability of the Organization to respond
quickly and effectively to security threats on the bor-
ders of the Organization, including in Eastern Eu-

c (3) the capability of the North Atlantic Treaty
Organization to respond to threats on the eastern
border of the Organization would be enhanced by a
more sustained presence on the ground of Organiza-
tion forces on the territories of Organization mem-
bors in Eastern Europe; and

(4) an increased presence of United States
ground forces in Eastern Europe should be matched
by an increased force presence of European allies.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days
after the date of the enactment of this Act, the Sec-

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Secretary of State, submit to the congressional defense committees a report setting forth an assessment of options for expanding the presence of United States ground forces of the size of a Brigade Combat Team in Eastern Europe to respond, along with European allies and partners, to the security challenges posed by Russia and increase the combat capability of forces able to respond to unconventional or hybrid warfare tactics such as those used by the Russian Federation in Crimea and Eastern Ukraine.

(2) ELEMENTS.—The report under this subsection shall include the following:

(A) An evaluation of the optimal location or locations of the enhanced ground force presence described in paragraph (1) that considers such factors as—

(i) proximity, suitability, and availability of maneuver and gunnery training areas;

(ii) transportation capabilities;

(iii) availability of facilities, including for potential equipment storage and prepositioning;

(iv) ability to conduct multinational training and exercises;
(v) a site or sites for prepositioning of equipment, a rotational presence or permanent presence of troops, or a combination of options; and
(vi) costs.

(B) A description of any initiatives by other members of the North Atlantic Treaty Organization, or other European allies and partners, for enhancing force presence on a permanent or rotational basis in Eastern Europe to match or exceed the potential increased presence of United States ground forces in the region.

SEC. 1254. SENSE OF CONGRESS ON EUROPEAN DEFENSE AND NORTH ATLANTIC TREATY ORGANIZATION SPENDING.

(a) FINDINGS.—Congress makes the following findings:

(1) North Atlantic Treaty Organization (NATO) countries, at the 2014 North Atlantic Treaty Organization Summit in Wales, pledged to “reverse the trend of declining defense budgets, to make the most effective use of our funds and to further a more balanced sharing of costs and responsibilities”.
(2) Former Secretary of Defense Chuck Hagel stated on May 2, 2014, that “[t]oday, America’s GDP is smaller than the combined GDPs of our 27 NATO allies. But America’s defense spending is three times our Allies’ combined defense spending. Over time, this lopsided burden threatens NATO’s integrity, cohesion, and capability, and ultimately both European and transatlantic security”.

(3) Former North Atlantic Treaty Organization Secretary General Anders Fogh Rasmussen stated on July 3, 2014, that “[d]uring the last five years, Russia has increased defense spending by 50 percent, while NATO allies on average have decrease their defense spending by 20 percent. That is not sustainable, we need more investment in defense and security”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national security and fiscal interests of the United States that prompt efforts should be undertaken by North Atlantic Treaty Organization allies to meet defense budget commitments made in Declaration 14 of the Wales Summit Declaration of September 2014;
(2) the United States Government should con-
tinue efforts through the Department of Defense
and other agencies to encourage North Atlantic
Treaty Organization allies towards meeting the de-
fense spending goals set out at the Wales Summit;

(3) some North Atlantic Treaty Organization
allies have already taken positive steps to reverse de-
clines in defense spending and should continue to be
supported in those efforts; and

(4) thoughtful and coordinated defense invest-
ments by European allies in military capabilities
would add deterrence value to the posture of the
North Atlantic Treaty Organization against Russian
aggression and terrorist organizations and more ap-
propriately balance the share of Atlantic defense
spending.

SEC. 1255. ADDITIONAL MATTERS IN ANNUAL REPORT ON
MILITARY AND SECURITY DEVELOPMENTS
INVOLVING THE RUSSIAN FEDERATION.

(a) ADDITIONAL MATTERS.—Subsection (b) of sec-
tion 1245 of the Carl Levin and Howard P. “Buck”
Year 2015 (Public Law 113–291) is amended—
(1) by redesignating paragraphs (4) through (15) as paragraphs (6) through (17), respectively; and

(2) by inserting after paragraph (3) the following new paragraphs (4) and (5):

“(4) An assessment of the force structure and capabilities of Russian military forces stationed in each of the Arctic, Kaliningrad, and Crimea, including a description of any changes to such force structure or capabilities during the one-year period ending on the date of such report and with a particular emphasis on the anti-access and area denial capabilities of such forces.

“(5) An assessment of Russian military strategy and objectives for the Arctic region.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to reports submitted under section 1245 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 after that date.
SEC. 1256. REPORT ON ALTERNATIVE CAPABILITIES TO

PROCURE AND SUSTAIN NONSTANDARD RO-

TARY WING AIRCRAFT HISTORICALLY PRO-

CURED THROUGH ROSOBORONEXPORT.

(a) Report on Assessment of Alternative Ca-

pabilities.—Not later than 180 days after the date of

the enactment of this Act, the Under Secretary of Defense

for Acquisition, Technology, and Logistics shall, in con-

sultation with the Chairman of the Joint Chiefs of Staff,

submit to the congressional defense committees a report

setting forth an assessment, obtained by the Under Sec-

retary for purposes of the report, of the feasibility and

advisability of using alternative industrial base capabilities

to procure and sustain, with parts and service, non-

standard rotary wing aircraft historically acquired through

Rosoboronexport, or nonstandard rotary wing aircraft that

are in whole or in part reliant upon Rosoboronexport for

continued sustainment, in order to benefit United States

national security interests.

(b) Independent Assessment.—The assessment

obtained for purposes of subsection (a) shall be conducted

by a federally funded research and development center

(FFRDC), or another appropriate independent entity with

expertise in the procurement and sustainment of complex

weapon systems, selected by the Under Secretary for pur-

poses of the assessment.
(c) ELEMENTS.—The assessment obtained for purposes of subsection (a) shall include the following:

(1) An identification and assessment of international industrial base capabilities, other than Rosoboronexport, to provide one or more of the following:

(A) Means of procuring nonstandard rotary wing aircraft historically procured through Rosoboronexport.

(B) Reliable and timely supply of required and appropriate parts, spares, and consumables of such aircraft.

(C) Certifiable maintenance of such aircraft, including major periodic overhauls, damage repair, and modifications.

(D) Access to required reference data on such aircraft, including technical manuals and service bulletins.

(E) Credible certification of airworthiness of such aircraft through physical inspection, notwithstanding any current administrative requirements to the contrary.

(2) An assessment (including an assessment of associated costs and risks) of alterations to administrative processes of the United States Government
that may be required to procure any of the capabilities specified in paragraph (1), including waivers to Department of Defense or Department of State requirements applicable to foreign military sales or alterations to procedures for approval of airworthiness certificates.

(3) An assessment of the potential economic impact to Rosoboronexport of procuring nonstandard rotary wing aircraft described in paragraph (1)(A) through entities other than Rosoboronexport.

(4) An assessment of the risks and benefits of using the entities identified pursuant to paragraph (1)(A) to procure aircraft described in that paragraph.

(5) Such other matters as the Under Secretary considers appropriate.

(d) USE OF PREVIOUS STUDIES.—The entity conducting the assessment for purposes of subsection (a) may use and incorporate information from previous studies on matters appropriate to the assessment.

(e) FORM OF REPORT.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.
Subtitle E—Matters Relating to the Asia-Pacific Region

SEC. 1261. SOUTH CHINA SEA INITIATIVE.

(a) ASSISTANCE AUTHORIZED.—

(1) In general.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized, for the purpose of increasing maritime security and maritime domain awareness of foreign countries along the South China Sea—

(A) to provide assistance to national military or other security forces of such countries that have among their functional responsibilities maritime security missions; and

(B) to provide training to ministry, agency, and headquarters level organizations for such forces.

(2) DESIGNATION OF ASSISTANCE AND TRAINING.—The provision of assistance and training under this section may be referred to as the “South China Sea Initiative”.

(b) RECIPIENT COUNTRIES.—The foreign countries that may be provided assistance and training under subsection (a) are the following:

(1) Indonesia.

(2) Malaysia,
(3) The Philippines.

(4) Thailand.

(5) Vietnam.

c) TYPES OF ASSISTANCE AND TRAINING.—

(1) AUTHORIZED ELEMENTS OF ASSISTANCE.—
Assistance provided under subsection (a)(1)(A) may include the provision of equipment, supplies, training, and small-scale military construction.

(2) REQUIRED ELEMENTS OF ASSISTANCE AND TRAINING.— Assistance and training provided under subsection (a) shall include elements that promote the following:

(A) Observance of and respect for human rights and fundamental freedoms.

(B) Respect for legitimate civilian authority within the country to which the assistance is provided.

d) PRIORITIES FOR ASSISTANCE AND TRAINING.—In developing programs for assistance or training to be provided under subsection (a), the Secretary of Defense shall accord a priority to assistance, training, or both that will enhance the maritime capabilities of the recipient foreign country, or a regional organization of which the recipient country is a member, to respond to emerging threats to maritime security.
(c) Incremental Expenses of Personnel of Certain Other Countries for Training.—

(1) Authority for Payment.—If the Secretary of Defense determines that the payment of incremental expenses in connection with training described in subsection (a)(1)(B) will facilitate the participation in such training of organization personnel of foreign countries specified in paragraph (2), the Secretary may use amounts available under subsection (f) for assistance and training under subsection (a) for the payment of such incremental expenses.

(2) Covered Countries.—The foreign countries specified in this paragraph are the following:

(A) Brunei.

(B) Singapore.

(C) Taiwan.

(f) Funding.—Funds may be used to provide assistance and training under subsection (a) as follows:

(1) In fiscal year 2016, $50,000,000 from amounts authorized to be appropriated for the Department of Defense for that fiscal year for operation and maintenance, Defense-wide.

(2) In fiscal year 2017, $75,000,000 from amounts authorized to be appropriated for the De-
(3) In each of fiscal years 2018 through 2020, $100,000,000 from amounts authorized to be appropriated for the Department of Defense for such fiscal year for operation and maintenance, Defense-wide.

(g) NOTICE TO CONGRESS ON ASSISTANCE AND TRAINING.—Not later than 15 days before exercising the authority under subsection (a) or (e) with respect to a recipient foreign country, the Secretary of Defense shall submit to the congressional defense committees a notification containing the following:

(1) The recipient foreign country.

(2) A detailed justification of the program for the provision of the assistance or training concerned, and its relationship to United States security interests.

(3) The budget for the program, including a timetable of planned expenditures of funds to implement the program, an implementation timeline for the program with milestones (including anticipated delivery schedules for any assistance under the program), the military department or component re-
sponsible for management of the program, and the
anticipated completion date for the program.

(4) A description of the arrangements, if any,
to support host nation sustainment of any capability
developed pursuant to the program, and the source
of funds to support sustainment efforts and per-
formance outcomes to be achieved under the pro-
gram beyond its completion date, if applicable.

(5) A description of the program objectives and
an assessment framework to be used to develop ca-
pability and performance metrics associated with
operational outcomes for the recipient force.

(6) Such other matters as the Secretary con-
siders appropriate.

(h) EXPIRATION.—The authority provided under this
section may not be exercised after September 30, 2020.

SEC. 1262. SENSE OF CONGRESS REAFFIRMING THE IMPOR-
TANCE OF IMPLEMENTING THE REBALANCE
to the Asia-Pacific Region.

(a) FINDINGS.—Congress makes the following find-
ings:

(1) The United States has a longstanding na-
tional interest in maintaining security in the Asia-
Pacific region.
(2) The Asia-Pacific region is home to the world’s three largest economies, four most populous countries, and five largest militaries. The Asia-Pacific’s rapid economic growth and mounting security tensions require a renewed focus from the United States on the region to maintain security, expand prosperity, and support common values.

(3) In 2011, President Barack Obama announced that the United States would rebalance to the Asia-Pacific. Since then, there have been a number of actions taken to strengthen the United States posture and relationships in the region, including the negotiation of the Enhanced Defense Cooperation Agreement with the Philippines, the distributed laydown of the United States Marines Corps in the Pacific, the rotational stationing of the Littoral Combat Ship in Singapore, and a new comprehensive partnership with Vietnam on defense and security.

(4) Leaders in regional states remain concerned about a variety of regional military challenges. These include China’s military modernization and its increasingly assertive actions in the East and South China Sea and North Korea’s continued belligerence and its pursuit of nuclear and ballistic missile tech-
ology. United States allies and partners are looking to the United States to demonstrate its willingness and ability to maintain regional peace and security by fully implementing the rebalance to the Asia-Pacific.

(5) In April 2015, the Commander of the United States Pacific Command Admiral Samuel Locklear warned, “Our relative superiority I think has declined and continues to decline. . .we rely very heavily on power projection, which means we have to be able to get the forces forward. . .”. Admiral Locklear also noted, “Any significant force structure moves out of my AOR in the middle of a rebalance would have to be understood and have to be explained because it would counterintuitive to a rebalance to move significant forces in another direction.”

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in order to maintain the credibility of the United States rebalance, it is vital that the United States continue to shift forces to the Asia-Pacific region to strengthen the ability of the United States Armed Forces to project power to shape the choices
of regional states and to deter, and if necessary de-
defend, against hostile military actions;

(2) United States allies and partners in the
Asia-Pacific region, as well as potential adversaries,
would take note of any withdrawal of forces from the
Asia-Pacific theater;

(3) any withdrawal of United States forces
from Outside the Continental United States
(“OCONUS”) Asia-Pacific region or from United
States Pacific Command would therefore seriously
undermine the rebalance; and

(4) in order to properly implement United
States rebalance policy, United States forces under
the operational control of the United States Pacific
Command should be increased consistent with com-
mitments already made by the Department of De-
fense and aligned with the requirement to maintain
a balance of military power that favors the United
States and United States allies in the Asia-Pacific
region.

SEC. 1263. SENSE OF SENATE ON TAIWAN ASYMMETRIC
MILITARY CAPABILITIES AND BILATERAL
TRAINING ACTIVITIES.
It is the sense of the Senate that—
(1) the United States, in accordance with the Taiwan Relations Act (Public Law 96–8), should continue to make available to Taiwan such defense articles and services as may be necessary to enable Taiwan to maintain a sufficient self-defense;

(2) the United States should continue to support the efforts of Taiwan to integrate innovative and asymmetric measures to balance the growing military capabilities of the People’s Republic of China, including fast-attack craft, coastal-defense cruise missiles, rapid-runway repair systems, offensive mines, and submarines optimized for defense of the Taiwan straits;

(3) the military forces of Taiwan should be permitted to participate in bilateral training activities hosted by the United States that increase credible deterrent capabilities of Taiwan, particularly those that emphasize the defense of Taiwan Island from missile attack, maritime blockade, and amphibious invasion by the People’s Republic of China;

(4) toward that goal, Taiwan should be encouraged to participate in exercises that include realistic air-to-air combat training, including the exercise conducted at Eielson Air Force Base, Alaska, and
Nellis Air Force Base, Nevada, commonly referred to as “Red Flag”; and

(5) Taiwan should also be encouraged to participate in advanced bilateral training for its ground forces, Apache attack helicopters, and P–3C surveillance aircraft in island-defense scenarios.

Subtitle F—Reports and Related Matters

SEC. 1271. ITEM IN QUARTERLY REPORTS ON ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND THE LEVANT ON FORCES INELIGIBLE TO RECEIVE ASSISTANCE DUE TO A GROSS VIOLATION OF HUMAN RIGHTS.

(a) Item in Reports.—Section 1236(d) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended by adding at the end the following new paragraph

“(11) A list of the forces or elements of forces restricted from receiving assistance under subsection (a), unless waived pursuant to subsection (j), as a result of vetting required by subsection (e) or section 2249e of title 10, United States Code, and a detailed description of the reasons for such restriction, including for each force or element—
“(A) information relating to gross violation of human rights by such force or element (including the timeframe of the alleged violation);

“(B) the source of the information described in subparagraph (A), and an assessment of the veracity of the information;

“(C) the association of such force or element with terrorist groups or groups associated with the Government of Iran; and

“(D) the amount and type of any assistance provided such force or element by the Government of Iran.”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to reports submitted pursuant to section 1236(d) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 after that date.

SEC. 1272. REPORT ON BILATERAL AGREEMENT WITH ISRAEL ON JOINT ACTIVITIES TO ESTABLISH AN ANTI-TUNNELING DEFENSE SYSTEM.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the appropriate committees of Congress
a report on the feasibility and advisability of the entry by
the United States and Israel into a bilateral agreement
through which the governments of the two countries carry
out research, development, and test activities on a joint
basis to establish an anti-tunneling defense system to de-
tect, map, and neutralize underground tunnels into and
directed at the territory of Israel.

(b) APPROPRIATE COMMITTEE OF CONGRESS DE-
FINED.—In this section, the term “appropriate commit-
tees of Congress” means—

(1) the Committee on Armed Services, the
Committee on Foreign Relations, and the Committee
on Appropriations of the Senate; and

(2) the Committee on Armed Services, the
Committee on Foreign Affairs, and the Committee
on Appropriations of the House of Representatives.

SEC. 1273. SENSE OF SENATE AND REPORT ON QATAR
FIGHTER AIRCRAFT CAPABILITY CONTRIBUTION TO REGIONAL SECURITY.

(a) SENSE OF SENATE.—It is the sense of the Senate
that—

(1) the United States should consider, in a
timely manner, opportunities to enhance the strike
capability of fighter aircraft of the Qatar air force
that would contribute to Qatar’s self-defense and
deter Iran’s regional ambitions and simultaneously
preserve the qualitative military edge of Israel; and

(2) Qatar should be afforded the opportunity
through acquisition of appropriate technologies and
exercises with the United States Armed Forces and
the armed forces of partner nations to develop im-
proved self-defense and counter force aviation capa-
bilities that advanced fighter aircraft would provide.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 31,
2016, the Secretary of Defense, shall, in consulta-
tion with the Secretary of State, submit to the con-
gressional defense committees, the Committee on
Foreign Relations of the Senate, and the Committee
on Foreign Affairs of the House of Representatives
a report on the risks and benefits under consider-
ation as they relate to capabilities described in sub-
section (a).

(2) ELEMENTS.—The report required by para-
graph (1) shall include the following elements:

(A) A description of the key assumptions
regarding the increase to Qatar air force capa-
bilities as a result of potential pending transfer
of technologies and weapons systems.
(B) A description of the key assumptions regarding items described in subparagraph (A) as they impact considerations regarding preservation of Israel's qualitative military edge.

(C) Estimated timelines for final adjudication of decisions to approve such transfers.

(3) Form.—The report required by paragraph (1) may be submitted in classified or unclassified form.

Subtitle G—Other Matters

SEC. 1281. NATO SPECIAL OPERATIONS HEADQUARTERS.


SEC. 1282. TWO-YEAR EXTENSION AND MODIFICATION OF AUTHORIZATION FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.


SEC. 1282. TWO-YEAR EXTENSION AND MODIFICATION OF AUTHORIZATION FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.


SEC. 1282. TWO-YEAR EXTENSION AND MODIFICATION OF AUTHORIZE FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.


SEC. 1282. TWO-YEAR EXTENSION AND MODIFICATION OF AUTHORIZE FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.
4579), as most recently amended by section 1261(a) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), is further amended by striking “2016” and inserting “2018”.

(b) SOURCE OF FUNDS.—Subsection (a) of such section 943, as amended by section 1205(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1623), is further amended by striking “for ‘Operation and Maintenance, Defense-wide’” and inserting “for the Department of Defense for operation and maintenance”.

(c) OVERSIGHT.—Subsection (b) of such section 943 is amended—

(1) by striking “(b) PROCEDURES.—The Secretary” and inserting the following:

“(b) PROCEDURES AND OVERSIGHT.—

“(1) PROCEDURES.—The Secretary”; and

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

“(2) PROGRAMMATIC AND POLICY OVERSIGHT.—The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict shall have primary programmatic and policy oversight of non-conventional assisted recovery activities authorized by this section.”.
TITLE XIII—COOPERATIVE
THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.

(a) Fiscal Year 2016 Cooperative Threat Reduction Funds Defined.—As used in this title, the term “fiscal year 2016 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711).

(b) Availability of Funds.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2016, 2017, and 2018.

SEC. 1302. FUNDING ALLOCATIONS.

Of the $358,496,000 authorized to be appropriated to the Department of Defense for fiscal year 2016 in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative
Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

1. For strategic offensive arms elimination, $1,289,000.
2. For chemical weapons destruction, $942,000.
3. For global nuclear security, $20,555,000.
4. For cooperative biological engagement, $264,608,000.
5. For proliferation prevention, $38,945,000.
6. For threat reduction engagement, $2,827,000.
7. For activities designated as Other Assessments/Administrative Costs, $29,320,000.

TITLE XIV—OTHER AUTHORIZATIONS
Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.
SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2016 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) Use.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2016 for expenses, not otherwise provided for, for Drug Interdiction
and Counter-Drug Activities, Defense-wide, as specified in
the funding table in section 4501.

SEC. 1405. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for
the Department of Defense for fiscal year 2016 for ex-
penses, not otherwise provided for, for the Office of the
Inspector General of the Department of Defense, as speci-
fied in the funding table in section 4501.

SEC. 1406. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for
fiscal year 2016 for the Defense Health Program, as spec-
ified in the funding table in section 4501, for use of the
Armed Forces and other activities and agencies of the De-
partment of Defense in providing for the health of eligible
beneficiaries.

Subtitle B—Other Matters

SEC. 1411. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT
DEPARTMENT OF DEFENSE-DEPARTMENT OF
VETERANS AFFAIRS MEDICAL FACILITY DEM-
ONSTRATION FUND FOR CAPTAIN JAMES A.
LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) Authority for Transfer of Funds.—Of the
funds authorized to be appropriated by section 1406 and
available for the Defense Health Program for operation
and maintenance, $120,400,000 may be transferred by the
Secretary of Defense to the Joint Department of Defense–
Department of Veterans Affairs Medical Facility Demo-
stration Fund established by subsection (a)(1) of sec-
tion 1704 of the National Defense Authorization Act for
Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).
For purposes of subsection (a)(2) of such section 1704,
any funds so transferred shall be treated as amounts au-
thorized and appropriated specifically for the purpose of
such a transfer.
(b) Use of Transferred Funds.—For the pur-
poses of subsection (b) of such section 1704, facility oper-
ations for which funds transferred under subsection (a)
may be used are operations of the Captain James A.
Lovell Federal Health Care Center, consisting of the
North Chicago Veterans Affairs Medical Center, the Navy
Ambulatory Care Center, and supporting facilities des-
ignated as a combined Federal medical facility under an
operational agreement covered by section 706 of the Dun-
can Hunter National Defense Authorization Act for Fiscal

SEC. 1412. AUTHORIZATION OF APPROPRIATIONS FOR
ARMED FORCES RETIREMENT HOME.
There is hereby authorized to be appropriated for fis-
cal year 2016 from the Armed Forces Retirement Home
Trust Fund the sum of $64,300,000 for the operation of the Armed Forces Retirement Home.

SEC. 1413. INSPECTIONS OF THE ARMED FORCES RETIREMENT HOME BY THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

(a) INSPECTIONS.—Subsection (b)(1) of section 1518 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 418) is amended by striking “a comprehensive inspection of all aspects of each facility of the Retirement Home” and all that follows and inserting “an inspection of the Retirement Home. The Inspector General shall determine the scope of each such inspection using a risk-based analysis of the operations of the Retirement Home.”

(b) REPORTS.—Subsection (c)(1) of such section is amended in the second sentence by striking “Not later than 90 days after completing the inspection of the facility, the Inspector General” and inserting “The Inspector General”.
TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2016 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. OVERSEAS CONTINGENCY OPERATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the Department of Defense for overseas contingency operations in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1503. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2016 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.
SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1505. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1506. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1507. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.
SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2016 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2016 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

SEC. 1510. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2016 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

SEC. 1511. COUNTERTERRORISM PARTNERSHIPS FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2016 for expenses, not otherwise provided for, for the Counterterrorism Partnerships Fund, as specified in the funding table in section 4502.

(b) DURATION OF AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in
subsection (a) shall remain available for obligation through September 30, 2017.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) Authority To Transfer Authorizations.—

(1) Authority.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2016 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) Limitation.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $4,000,000,000.
(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations, Reports, and Other Matters

SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF PRIOR AUTHORITIES AND NOTICE AND REPORTING REQUIREMENTS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2016 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) EXTENSION OF AUTHORITY TO ACCEPT CERTAIN EQUIPMENT.—Section 1532(b)(1) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended by striking “this Act” and inserting “Acts en-
acted before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016.”

SEC. 1532. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.


(b) EXTENSION OF INTERDICTION OF IMPROVISED EXPLOSIVE DEVICE PRECURSOR CHEMICALS AUTHORITY.—Section 1532(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2057) is amended—

(1) in paragraph (1), by inserting “and for fiscal year 2016,” after “fiscal year 2013,”; and

(2) in paragraph (4), as most recently amended by section 1533(c) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), by
striking “December 31, 2015” and inserting “December 31, 2016”.

(c) LIMITATION ON USE OF FUNDS FOR CERTAIN ASSIGNMENTS OF PERSONNEL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Joint Improvised Explosive Device Defeat Organization may be used for the purposes of the Joint Improvised Explosive Device Defeat Organization assigning personnel or contractors on a permanent or temporary basis, or as a detail, to the combatant commands or associated military components, or the combat support agencies, unless such personnel or contractors are supporting—

(1) Operation Freedom’s Sentinel or any successor operation to that operation;

(2) Operation Inherent Resolve or any successor operation to that operation; or

(3) another operation that, as determined by the Secretary of Defense, requires the direct support of the Joint Improvised Explosive Device Defeat Organization.

(d) NOTICE TO CONGRESS.—If after the date of the enactment of this Act the Secretary of Defense makes a determination described in subsection (c)(3) that an operation requires the direct support of the Joint Improvised
Explosive Device Defeat Organization, the Secretary shall submit to the congressional defense committees a notice of the determination and the reasons for the determination.

(e) LIMITATION ON IMPLEMENTATION OF JIEDDO AS COMBAT SUPPORT AGENCY.—Relating to the determination by the Deputy Secretary of Defense on March 11, 2015, to make the Joint Improvised Explosive Device Defeat Organization a combat support agency, the Secretary of Defense is prohibited from implementing such determination until 90 days after the date on which the Secretary submits to the congressional defense committees a report setting forth the following

(1) A detailed plan for the disposition of the Organization as a combat support agency, including the enduring requirements and key functions of the Organization, the chain of command for the Organization, and funding for the Organization as such an agency.

(2) A statement of potential alternative means to achieving the objective of designating the Organization as a combat support agency, including the assumption of one or more functions of the Organization by one or more other components or elements of the Department of Defense, and an assessment of
the feasibility and advisability of each such alter-
native.

SEC. 1533. AVAILABILITY OF JOINT IMPROVISED EXPLO-
SIVE DEVICE DEFEAT FUND FUNDS FOR
TRAINING OF FOREIGN SECURITY FORCES TO
DEFEAT IMPROVISED EXPLOSIVE DEVICES.

(a) AVAILABILITY OF FUNDS.—Of the amounts au-
thorized to be appropriated for fiscal year 2016 for the
Joint Improvised Explosive Device Defeat Fund, up to
$30,000,000 may be available to provide training to for-
ign security forces in defeating improvised explosive de-
vices under authority provided the Department of Defense
under any other provision of law.

(b) CONSTRUCTION OF AVAILABILITY OF FUNDS.—
The availability of funds under subsection (a) shall not
be construed as authority in and of itself for the provision
of training as described in that subsection.

(c) GEOGRAPHIC LIMITATION.—Training may be
provided using funds available under subsection (a) only—
(1) in locations in which the Department of De-
fense is conducting a named operation; or
(2) in geographic areas in which the Secretary
of Defense has determined that a foreign security
force is facing a significant threat from improvised
explosive devices.
(d) Coordination With Geographic Combatant Commands.—The Secretary shall, to the extent practicable, coordinate the provision of training using funds available under subsection (a) with requests received from the commanders of the geographic combatant commands.

(e) Expiration.—The authority to use funds described in subsection (a) in accordance with this section shall expire on December 31, 2018.

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

SEC. 1601. INTEGRATED POLICY TO DETER ADVERSARIES IN SPACE.

(a) In General.—The President shall establish an interagency process to provide for the development of a policy to deter adversaries in space—

(1) with the objectives of—

(A) reducing risks to the United States and allies of the United States in space; and

(B) protecting and preserving the rights, access, capabilities, use, and freedom of action of the United States in space and the right of the United States to respond to an attack in space and, if necessary, deny adversaries the
use of space capabilities hostile to the national
interests of the United States; and
(2) that integrates the interests and responsibil-
ities of the agencies participating in the process.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days
after the date of the enactment of this Act, the
President shall submit to the Committees on Armed
Services of the Senate and the House of Representa-
tives a report setting forth the policy developed pur-
suant to subsection (a).

(2) FUNDING RESTRICTION.—If the President
has not submitted the policy developed under sub-
section (a) and the answers to Enclosure 1, regard-
ing offensive space control policy, of the classified
annex to this Act, to the Committees on Armed
Services of the Senate and the House of Representa-
tives by the date required by paragraph (1), an
amount equal to $10,000,000 of the amount author-
ized to be appropriated or otherwise made available
to the Department of Defense for fiscal year 2016
to provide support services to the Executive Office of
the President shall be withheld from obligation or
expenditure until the policy and such answers are
submitted to such Committees.
SEC. 1602. PRINCIPAL ADVISOR ON SPACE CONTROL.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code is amended by adding at the end the following new section:

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§ 2279a. Principal Advisor on Space Control

(a) IN GENERAL.—The Secretary of Defense shall designate an individual to serve as the Principal Space Control Advisor, who shall act as the principal advisor to the Secretary on space control activities.

(b) RESPONSIBILITIES.—The Principal Space Control Advisor shall be responsible for the following:

(1) Supervision of space control activities related to the development, procurement, and employment of, and strategy relating to, space control capabilities.

(2) Oversight of policy, resources, personnel, and acquisition and technology relating to space control activities.

(c) CROSS-FUNCTIONAL TEAM.—The Principal Space Control Advisor shall integrate the space control expertise and perspectives of appropriate organizational entities of the Office of the Secretary of Defense, the Joint
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1 Staff, the military departments, the Defense Agencies, and
2 the combatant commands, by establishing and maintain-
3 ing a full-time, cross-functional team of subject-matter ex-
4 perts from those entities.”.
5
6 (b) Clerical Amendment.—The table of sections
7 at the beginning of such chapter is amended by inserting
8 after the item relating to section 2799 the following new
9 item:
10 “2279a. Principal Advisor on Space Control.”.

9 SEC. 1603. EXCEPTION TO THE PROHIBITION ON CON-
10 TRACTING WITH RUSSIAN SUPPLIERS OF
11 ROCKET ENGINES FOR THE EVOLVED EX-
12 PENDABLE LAUNCH VEHICLE PROGRAM.
13
14 Section 1608 of the Carl Levin and Howard P.
16 Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3626;
17 10 U.S.C. 2271 note) is amended—
18
19 (1) in subsection (a), by striking “subsections
20 (b) and (c)” and inserting “subsections (b), (c), and
21 (d)”;
22
23 (2) by adding at the end the following new sub-
24 section:
25 “(d) Special Rule for Phase 1A Competitive
26 Opportunities.—
“(1) IN GENERAL.—For not more than 9 competitive opportunities described in paragraph (2), the Secretary of Defense may award a contract—

“(A) requiring the use of a rocket engine designed or manufactured in the Russian Federation that is eligible for a waiver under subsection (b) or an exception under subsection (c); or

“(B) if a rocket engine described in subparagraph (A) is not available, requiring the use of a rocket engine designed or manufactured in the Russian Federation that is not eligible for such a waiver or exception.

“(2) COMPETITIVE OPPORTUNITIES DESCRIBED.—A competitive opportunity described in this paragraph is—

“(A) an opportunity to compete for a contract for the procurement of property or services for space launch activities under the evolved expendable launch vehicle program; and

“(B) one of the 9 Phase 1A competitive opportunities for fiscal years 2015 through 2017, as specified in the budget justification materials submitted to Congress in support of the budget of the President for fiscal year 2016
SEC. 1604. ELIMINATION OF LAUNCH CAPABILITIES CONTRACTS UNDER EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

(a) IN GENERAL.—Except as provided by subsections (b) and (c), on and after the date of the enactment of this Act, the Secretary of Defense may not award or renew a contract, or maintain a separate contract line item, for the procurement of property or services for space launch capabilities under the evolved expendable launch vehicle program.

(b) WAIVER.—The Secretary of Defense may waive the prohibition under subsection (a) and award or renew a contract or maintain a separate contract line item for the procurement of property or services for space launch capabilities if the Secretary of Defense determines, and reports to the congressional defense committees not later than 30 days before the waiver takes effect, that—

(1) awarding or renewing such a contract or maintaining such a contract line item is necessary for the national security interests of the United States and the contract or contract line item does not support space launch activities using rocket en-
gines designed or manufactured in the Russian Federation; and

(2) failing to award or renew such a contract or maintain such a contract line item will have significant consequences to national security and will result in the significant loss of life or property or economic harm.

(c) Exception.—

(1) In general.—The prohibition under subsection (a) shall not apply to the placement of orders or the exercise of options under the contract numbered FA8811–13–C–0003 and awarded on December 18, 2013.

(2) Termination.—The exception under paragraph (1) shall terminate on September 30, 2019.

(d) Space Launch Capabilities Defined.—In this section, the term “space launch capabilities” includes all work associated with space launch infrastructure maintenance and sustainment, program management, systems engineering, launch site operations, launch site depreciation, and maintenance commodities.

SEC. 1605. ALLOCATION OF FUNDING FOR EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

(a) In general.—The amount requested in the budget of the President submitted to Congress under sec-
tion 1105(a) of title 31, United States Code, for fiscal year
2017, 2018, or 2019 for the Air Force for the launch of
Air Force satellites under the evolved expendable launch
capability program shall bear the same ratio
to the total amount requested in that budget for that fiscal
year for the launch of national security satellites under
the evolved expendable launch vehicle launch capability
program as the amount requested in that budget for that
fiscal year for the procurement of cores for the Air Force
for the launch of Air Force satellites under the evolved
expendable launch vehicle launch services program bears
to the total amount requested in that budget for that fiscal
year for the procurement of cores for the launch of na-
tional security satellites under the evolved expendable
launch vehicle launch services program.

(b) NATIONAL SECURITY SATELLITE DEFINED.—In
this section, the term “national security satellite” is a sat-
ellite launched for national security purposes, including
such a satellite launched by the Air Force, the Navy, or
the National Reconnaissance Office, or any other element
of the Department of Defense.
SEC. 1606. INCLUSION OF PLAN FOR DEVELOPMENT AND FIELDING OF A FULL-UP ENGINE IN ROCKET PROPULSION SYSTEM DEVELOPMENT PROGRAM.


(1) in paragraph (2), by striking “; and” and inserting a semicolon;

(2) in paragraph (3), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(4) a plan for the development and fielding of a full-up engine.”.

SEC. 1607. LIMITATIONS ON AVAILABILITY OF FUNDS FOR THE DEFENSE METEOROLOGICAL SATELLITE PROGRAM.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Defense Meteorological Satellite program (PE# 0305160F and line number MS0554) or for the launch of Defense Meteorological Satellite program satellite #20 (in this section referred to as “DMSP20”), and none of the funds authorized to be appropriated or otherwise made available for fiscal year 2015...
for that program or the launch of DMSP20 that remain
available for obligation as of the date of the enactment
of this Act, may be obligated or expended until the Sec-
retary of Defense and the Chairman of the Joint Chiefs
of Staff jointly certify to the congressional defense com-
mittees that—

(1) relying on civil and international contribu-
tions to meet space-based environmental monitoring
requirements is insufficient or is a risk to national
security and launching DMSP20 will meet those re-
requirements;

(2) launching DMSP20 is the most affordable
solution to meeting requirements validated by the
Joint Requirements Oversight Council; and

(3) nonmaterial solutions within the Depart-
ment of Defense, the National Oceanic and Atmos-
pheric Administration, and the National Aeronautics
and Space Administration are incapable of meeting
the cloud characterization and theater weather re-
requirements validated by the Joint Requirements
Oversight Council.

(b) COMPARATIVE COST AND CAPABILITY ASSESS-
MENT.—If the Secretary and the Chairman determine
that a material solution is required to meet the cloud char-
acterization and theater weather requirements validated
by the Joint Requirements Oversight Council, the Sec-
retary and the Chairman shall jointly submit to the con-
gressional defense committees a cost and capability assess-
ment that compares the cost of meeting those require-
ments with DMSP20 and with an alternate material solu-
tion that includes electro-optical infrared weather imaging
or other comparable solutions.

SEC. 1608. QUARTERLY REPORTS ON GLOBAL POSITIONING

SYSTEM III SPACE SEGMENT, GLOBAL POSI-
TIONING SYSTEM OPERATIONAL CONTROL
SEGMENT, AND MILITARY GLOBAL POSI-
TIONING SYSTEM USER EQUIPMENT ACQUISI-
TION PROGRAMS.

(a) Reports Required.—Not later than 90 days
after the date of the enactment of this Act, and every 90
days thereafter, the Secretary of the Air Force shall sub-
mit to the Comptroller General of the United States a re-
port on the Global Positioning System III space segment,
the Global Positioning System operational control seg-
ment, and the Military Global Positioning System user
equipment acquisition programs.

(b) Elements.—Each report required by subsection
(a) shall include, with respect to an acquisition program
specified in that subsection, the following:
(1) A statement of the status of the program with respect to cost, schedule, and performance.

(2) A description of any changes to the requirements of the program.

(3) A description of any technical risks impacting the cost, schedule, and performance of the program.

(4) An assessment of how such risks are to be addressed and the costs associated with such risks.

(5) An assessment of the extent to which the segments of the program are synchronized.

(c) BRIEFINGS BY COMPTROLLER GENERAL.—The Comptroller General shall provide to the congressional defense committees a briefing on a report submitted under subsection (a)—

(1) in the case of the first such report, not later than 30 days after receiving that report; and

(2) as the Comptroller General considers appropriate thereafter.

(d) TERMINATION.—The requirement under subsection (a) shall terminate with respect to an acquisition program specified in that subsection on the date on which that program reaches full operational capability.
SEC. 1609. PLAN FOR CONSOLIDATION OF ACQUISITION OF COMMERCIAL SATELLITE COMMUNICATIONS SERVICES.

(a) In General.—Not later than January 31, 2016, the Department of Defense Executive Agent for Space shall submit to the congressional defense committees a plan for the consolidation, during the three-year period beginning on the date on which the plan is submitted, of the acquisition of commercial satellite communications services from across the Department of Defense into a program office in the Space and Missile Systems Center of the Air Force.

(b) Requirements.—

(1) In General.—The plan required by subsection (a) shall include—

(A) an assessment of the management and overhead costs relating to the acquisition of commercial satellite communications services across the Department of Defense; and

(B) an estimate of—

(i) the costs of implementing the consolidation of the acquisition of such services described in subsection (a); and

(ii) the projected savings of the consolidation.
(2) Validation by Director of Cost Assessment and Program Evaluation.—The assessment required by paragraph (1)(A) and the estimates required by paragraph (1)(B) shall be validated by the Director of Cost Assessment and Program Evaluation.

SEC. 1610. COUNCIL ON OVERSIGHT OF THE DEPARTMENT OF DEFENSE POSITIONING, NAVIGATION, AND TIMING ENTERPRISE.

(a) In General.—Chapter 135 of title 10, United States Code, as amended by section 1602, is further amended by adding at the end the following new section:


“(a) Establishment.—There is within the Department of Defense a council to be known as the ‘Council on Oversight of the Department of Defense Positioning, Navigation, and Timing Enterprise’ (in this section referred to as the ‘Council’).

“(b) Membership.—The members of the Council shall be as follows:

“(1) The Under Secretary of Defense for Policy.
“(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(3) The Vice Chairman of the Joint Chiefs of Staff.

“(4) The Commander of the United States Strategic Command.

“(5) The Commander of the United States Northern Command.


“(7) The Director of the National Security Agency.

“(8) The Chief Information Officer of the Department of Defense.

“(9) Such other officers of the Department of Defense as the Secretary may designate.

“(c) CO-CHAIR.—The Council shall be co-chaired by the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Vice Chairman of the Joint Chiefs of Staff.

“(d) RESPONSIBILITIES.—(1) The Council shall be responsible for oversight of the Department of Defense positioning, navigation, and timing enterprise, including positioning, navigation, and timing services provided to civil, commercial, scientific, and international users.
“(2) In carrying out the responsibility for oversight of the Department of Defense positioning, navigation, and timing enterprise as specified in paragraph (1), the Council shall be responsible for the following:

“(A) Oversight of performance assessments (including interoperability).

“(B) Vulnerability identification and mitigation.

“(C) Architecture development.

“(D) Resource prioritization.

“(E) Such other responsibilities as the Secretary of Defense shall specify for purposes of this section.

“(e) ANNUAL REPORTS.—At the same time each year that the budget of the President is submitted to Congress under section 1105(a) of title 31, the Council shall submit to the congressional defense committees a report on the activities of the Council. Each report shall include the following:

“(1) A description and assessment of the activities of the Council during the previous fiscal year.

“(2) A description of the activities proposed to be undertaken by the Council during the period covered by the current future-years defense program under section 221 of this title.
“(3) Any changes to the requirements of the Department of Defense positioning, navigation, and timing enterprise made during the previous year, along with an explanation for why the changes were made and a description of the effects of the changes to the capability of such enterprise.

“(4) A breakdown of each program element in such budget that relates to the Department of Defense positioning, navigation, and timing enterprise, including how such program element relates to the operation and sustainment, research and development, procurement, or other activity of such enterprise.

“(f) BUDGET AND FUNDING MATTERS.—(1) Not later than 30 days after the President submits to Congress the budget for a fiscal year under section 1105(a) of title 31, the Commander of the United States Strategic Command shall submit to the Chairman of the Joint Chiefs of Staff an assessment of—

“(A) whether such budget allows the Federal Government to meet the required capabilities of the Department of Defense positioning, navigation, and timing enterprise during the fiscal year covered by the budget and the four subsequent fiscal years; and
“(B) if the Commander determines that such budget does not allow the Federal Government to meet such required capabilities, a description of the steps being taken to meet such required capabilities. 

“(2) Not later than 30 days after the date on which the Chairman of the Joint Chiefs of Staff receives the assessment of the Commander of the United States Strategic Command under paragraph (1), the Chairman shall submit to the congressional defense committees—

“(A) such assessment as it was submitted to the Chairman; and

“(B) any comments of the Chairman.

“(3) If a House of Congress adopts a bill authorizing or appropriating funds for the activities of the Department of Defense positioning, navigation, and timing enterprise that, as determined by the Council, provides insufficient funds for such activities for the period covered by such bill, the Council shall notify the congressional defense committees of the determination.

“(g) NOTIFICATION OF ANOMALIES.—(1) The Secretary of Defense shall submit to the congressional defense committees written notification of an anomaly in the Department of Defense positioning, navigation, and timing enterprise that is reported to the Secretary or the Council by not later than 14 days after the date on which the Sec-
retary or the Council learns of such anomaly, as the case may be.

“(2) In this subsection, the term ‘anomaly’ means any unplanned, irregular, or abnormal event, whether unexplained or caused intentionally or unintentionally by a person or a system.

“(h) TERMINATION.—The Council shall terminate on the date that is 10 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 1602, is further amended by inserting after the item relating to section 2799a the following new item:


SEC. 1611. ANALYSIS OF ALTERNATIVES FOR WIDE-BAND COMMUNICATIONS.

(a) IN GENERAL.—The Secretary of Defense shall conduct an analysis of alternatives for a follow-on wide-band communications system to the Wideband Global SATCOM System that includes space, air, and ground layer communications capabilities of the Department of Defense.

(b) REPORT REQUIRED.—Not later than March 31, 2017, the Secretary shall submit to the congressional de-
ence committees a report on the analysis conducted under subsection (a).

SEC. 1612. EXPANSION OF GOALS FOR PILOT PROGRAM FOR ACQUISITION OF COMMERCIAL SATELLITE COMMUNICATION SERVICES.


(1) in paragraph (3), by striking ‘‘; and’’ and inserting a semicolon;

(2) in paragraph (4), by striking the period at the end and inserting ‘‘; and’’; and

(3) by adding at the end the following new paragraph:

‘‘(5) demonstrates the potential to achieve order-of-magnitude improvements in satellite communications capability.’’.

SEC. 1613. STREAMLINE COMMERCIAL SPACE LAUNCH ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that eliminating duplicative requirements and approvals for commercial launch and reentry operations will promote and encourage the development of the commercial space sector.
(b) REAFFIRMATION OF POLICY.—Congress reaffirms that the Secretary of Transportation, in overseeing and coordinating commercial launch and reentry operations, should—

(1) promote commercial space launches and reentries by the private sector;

(2) facilitate Government, State, and private sector involvement in enhancing United States launch sites and facilities;

(3) protect public health and safety, safety of property, national security interests, and foreign policy interests of the United States; and

(4) consult with the head of another executive agency, including the Secretary of Defense or the Administrator of the National Aeronautics and Space Administration, as necessary to provide consistent application of licensing requirements under chapter 509 of title 51, United States Code.

(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of Transportation under section 50918 of title 51, United States Code, and subject to section 50905(b)(2)(C) of that title, shall consult with the Secretary of Defense, the Administrator of the National Aeronautics and
Space Administration, and the heads of other executive agencies, as appropriate—

(A) to identify all requirements that are imposed to protect the public health and safety, safety of property, national security interests, and foreign policy interests of the United States relevant to any commercial launch of a launch vehicle or commercial reentry of a reentry vehicle; and

(B) to evaluate the requirements identified in subparagraph (A) and, in coordination with the licensee or transferee and the heads of the relevant executive agencies—

(i) determine whether the satisfaction of a requirement of one agency could result in the satisfaction of a requirement of another agency; and

(ii) resolve any inconsistencies and remove any outmoded or duplicative requirements or approvals of the Federal Government relevant to any commercial launch of a launch vehicle or commercial reentry of a reentry vehicle.

(2) REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually
thereafter until the Secretary of Transportation determines no outmoded or duplicative requirements or approvals of the Federal Government exist, the Secretary of Transportation, in consultation with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the commercial space sector, and the heads of other executive agencies, as appropriate, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the congressional defense committees a report that includes the following:

(A) A description of the process for the application for and approval of a permit or license under chapter 509 of title 51, United States Code, for the commercial launch of a launch vehicle or commercial reentry of a reentry vehicle, including the identification of—

(i) any unique requirements for operating on a United States Government launch site, reentry site, or launch property; and

(ii) any inconsistent, outmoded, or duplicative requirements or approvals.
(B) A description of current efforts, if any, to coordinate and work across executive agencies to define interagency processes and procedures for sharing information, avoiding duplication of effort, and resolving common agency requirements.

(C) Recommendations for legislation that may further—

(i) streamline requirements in order to improve efficiency, reduce unnecessary costs, resolve inconsistencies, remove duplication, and minimize unwarranted constraints; and

(ii) consolidate or modify requirements across affected agencies into a single application set that satisfies the requirements identified in paragraph (1)(A).

(3) DEFINITIONS.—For purposes of this subsection—

(A) any applicable definitions set forth in section 50902 of title 51, United States Code, shall apply;

(B) the terms “launch”, “reenter”, and “reentry” include landing of a launch vehicle or reentry vehicle; and
(C) the terms “United States Government launch site” and “United States Government reentry site” include any necessary facility, at that location, that is commercially operated on United States Government property.

Subtitle B—Cyber Warfare, Cyber Security, and Related Matters

SEC. 1621. AUTHORIZATION OF MILITARY CYBER OPERATIONS.

(a) In General.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 130g. Authorities concerning military cyber operations

“The Secretary of Defense shall develop, prepare, coordinate, and, when authorized by the President to do so, conduct a military cyber operation in response to malicious cyber activity carried out against the United States or a United States person by a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)).”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 3 of such title is amended by adding at the end the following new item:

“130g. Authorities concerning military cyber operations.”.
SEC. 1622. DESIGNATION OF DEPARTMENT OF DEFENSE ENTITY RESPONSIBLE FOR ACQUISITION OF CRITICAL CYBER CAPABILITIES.

(a) DESIGNATION.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, for each critical cyber capability described in paragraph (2), designate an entity of the Department of Defense to be responsible for the acquisition of the critical cyber capability.

(2) Critical cyber capabilities described.—The critical cyber capabilities described in this paragraph are all of the cyber capabilities that the Secretary considers critical to the mission of the Department of Defense, including the following:

(A) The Unified Platform.

(B) A persistent cyber training environment.

(C) A cyber situational awareness and battle management system.

(b) REPORT.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees
a report on the designations made under subsection (a).

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) Identification of each designation made under subsection (a).

(B) Estimates of the funding requirements and acquisition timelines for each critical cyber capability for which a designation was made under subsection (a).

(C) An explanation of whether critical cyber capabilities could be acquired more quickly with changes to acquisition authorities.

(D) Such recommendations as the Secretary may have for legislation or administrative action to improve the acquisition of, or acquire more quickly, the critical cyber capabilities for which designations are made under subsection (a).

SEC. 1623. INCENTIVE FOR SUBMITTAL TO CONGRESS BY PRESIDENT OF INTEGRATED POLICY TO DETER ADVERSARIES IN CYBERSPACE.

Until the President submits to the congressional defense committees the report required by section 941 of the National Defense Authorization Act for Fiscal Year 2014
(127 Stat. 837; Public Law 113–66), $10,000,000 of the unobligated balance of the amounts appropriated or otherwise made available to the Department of Defense to provide support services to the Executive Office of the President may not be obligated or expended.

SEC. 1624. AUTHORIZATION FOR PROCUREMENT OF RELOCATABLE SENSITIVE COMPARTMENTED INFORMATION FACILITY.

Of the unobligated amounts appropriated or otherwise made available in fiscal years 2014 and 2015 for procurement for the Army, $10,600,000 may be used for the procurement of a relocatable Sensitive Compartmented Information Facility for the Cyber Center of Excellence at Fort Gordon, Georgia, as described in the reprogramming action prior approval request submitted by the Under Secretary of Defense (Comptroller) to Congress on February 6, 2015.

SEC. 1625. EVALUATION OF CYBER VULNERABILITIES OF MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DEFENSE.

(a) Evaluation Required.—

(1) In general.—The Secretary of Defense shall complete an evaluation of the cyber vulnerabilities of each major weapon system of the
Department of Defense by not later than December 31, 2019.

(2) EXCEPTION.—The Secretary may waive the requirement of paragraph (1) with respect to a weapon system or complete the evaluation of a weapon system required by such paragraph after the date specified in such paragraph if the Secretary certifies to the congressional defense committees before that date that all known cyber vulnerabilities in the weapon system have minimal consequences for the capability of the weapon system to meet operational requirements or otherwise satisfy mission requirements.

(b) PLAN FOR EVALUATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the plan of the Secretary for the evaluations of major weapon systems required by subsection (a), including an identification of each of the weapon systems to be evaluated and an estimate of the funding required to conduct the evaluations.

(2) PRIORITY IN EVALUATIONS.—The plan under paragraph (1) shall accord a priority among evaluations based on the criticality of major weapon
systems, as determined by the Chairman of the 
Joint Chiefs of Staff based on an assessment of em-
ployment of forces and threats.

(3) **Integration with Other Efforts.**—The 
plan under paragraph (1) shall build upon existing 
efforts regarding the identification and mitigation of 
cyber vulnerabilities of major weapon systems, and 
shall not duplicate similar ongoing efforts such as 
“Task Force Cyber Awakening” of the Navy or 

(c) **Status on Progress.**—On a regular basis, the 
Secretary shall inform the congressional defense commit-
tees of the activities undertaken in the evaluation of major 
weapon systems under this section.

(d) **Risk Mitigation Strategies.**—As part of the 
evaluation of cyber vulnerabilities of major weapon sys-
tems of the Department under this section, the Secretary 
shall develop strategies for mitigating the risks of cyber 
vulnerabilities identified in the course of such evaluations.

(e) **Authorization of Appropriations.**—Of 
amounts appropriated or otherwise made available under 
section 201, $200,000,000 shall be available to the Sec-
retary to conduct the evaluations required by subsection 
(a)(1).
SEC. 1626. ASSESSMENT OF CAPABILITIES OF UNITED STATES CYBER COMMAND TO DEFEND THE UNITED STATES FROM CYBER ATTACKS.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Principal Cyber Advisor, with the assistance of the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall sponsor an independent panel to assess the ability of the National Mission Forces of the United States Cyber Command to reliably prevent or block large-scale attacks on the United States by foreign powers with capabilities comparable to the capabilities of China, Iran, North Korea, and Russia expected in the years 2020 and 2025.

(2) INDEPENDENT EXPERTS.—The panel sponsored under paragraph (1) shall include—

(A) independent experts in cyber warfare technology, intelligence, and operations; and

(B) independent experts in non-cyber military operations.

(b) WAR GAMES.—The Chairman of the Joint Chiefs of Staff, in consultation with the Principal Cyber Advisor, shall conduct a series of war games through the Warfighting Analysis Division of the Force Structure, Resources, and Assessment Directorate to assess the strategy, assumptions, and capabilities of the United States
Cyber Command to prevent large-scale cyber attacks by foreign powers with capabilities described in subsection (a)(1) from reaching United States targets.

(c) FINDINGS.—Not later than one year after the date of the enactment of this Act—

(1) the Principal Cyber Advisor shall convey to the congressional defense committees the findings of the Principal Cyber Advisor with respect to the assessment conducted by the panel sponsored under subsection (a)(1); and

(2) the Chairman of the Joint Chiefs of Staff shall convey to the congressional defense committees the findings of the Chairman with respect to the war games conducted under subsection (b)(1).

(d) FOREIGN POWER DEFINED.—In this section, the term “foreign power” has the meaning given the term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 1627. BIENNIAL EXERCISES ON RESPONDING TO CYBER ATTACKS AGAINST CRITICAL INFRASTRUCTURE.

(a) BIENNIAL EXERCISES REQUIRED.—Not less frequently than once every two years until the date that is six years after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Sec-
Secretary of Homeland Security, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the heads of the critical infrastructure sector-specific agencies designated under Presidential Policy Directive–21 (entitled “Critical Infrastructure Security Resilience” and dated February 12, 2013) and in consultation with governors of the States and the owners and operators of critical infrastructure, organize and execute one or more exercises based on scenarios in which—

(1) critical infrastructure of the United States is attacked through cyberspace; and

(2) the President directs the Secretary to—

(A) defend the United States; and

(B) provide support to civil authorities in responding to and recovering from cyber attacks.

(b) PURPOSES.—The purposes of the exercises required by subsection (a) are as follows:

(1) To improve cooperation and coordination between various parts of the Government and industry so that the Government and industry can more effectively and efficiently respond to cyber attacks.

(2) To exercise command and control, coordination, communications, and information sharing capa-
abilities under the stressing conditions of an ongoing cyber attack.

(3) To identify gaps and problems that require new enhanced training, capabilities, procedures, or authorities.

(4) To identify—

(A) interdependencies;

(B) strengths that should be leveraged;

and

(C) weaknesses that need to be mitigated.

(c) REQUIREMENT FOR VARIATION OF ASSUMPTIONS AND CONDITIONS.—In conducting the exercises required by subsection (a), the Secretary shall ensure that there is an appropriate degree of variation from exercise to exercise of the following:

(1) The size, scope, duration, and sophistication of the cyber attacks.

(2) The degree of warning and knowledge that is available to the Department of Defense about the attack and the means used in the attack and the degree of delegation of authority from the President to react, including with pre-planned responses.

(3) The effectiveness of the National Mission Force of the United States Cyber Command in pre-empting and defeating the attack.
(4) The effectiveness of the attacks on critical infrastructure in general and particularly in specific industry sectors.

(5) The effectiveness of resilience and recovery mechanisms.

(d) Cost Sharing Agreements.—The Secretary shall coordinate with those with whom the Secretary is required to coordinate under subsection (a) to develop equitable cost sharing agreements to defray the expenses of the exercises required by subsection (a).

Subtitle C—Nuclear Forces

SEC. 1631. DESIGNATION OF AIR FORCE OFFICIALS TO BE RESPONSIBLE FOR POLICY ON AND PROCUREMENT OF NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS SYSTEMS.

(a) Designation of Officials.—

(1) In General.—Chapter 24 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 499. Designation of Air Force officials to be responsible for policy on and procurement of nuclear command, control, and communications systems

“(a) Procurement.—The Secretary of the Air Force shall designate a senior acquisition official of the
Air Force to be responsible for ensuring the procurement and integration of the nuclear command, control, and communication systems of the Air Force.

“(b) POLICY.—The Secretary shall designate an official of the Air Force to be responsible for—

“(1) formulating an integrated policy for the nuclear command, control, and communications systems of the Air Force that includes long-term requirements to satisfy the requirements of the Department of Defense for nuclear command, control, and communications; and

“(2) ensuring that such policy is integrated across all Air Force systems using nuclear command, control, and communications systems.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 10, United States Code, is amended by inserting after the item relating to section 498 the following new item:

“499. Designation of Air Force officials to be responsible for policy on and procurement of nuclear command, control, and communications systems.”.

(b) DEADLINE.—The Secretary of the Air Force shall—

(1) designate the officials required by section 499 of title 10, United States Code, as added by
subsection (a)(1), not later than 90 days after the
date of the enactment of this Act; and

(2) promptly notify the congressional defense
committees of such designation.

SEC. 1632. COMPTROLLER GENERAL OF THE UNITED
STATES REVIEW OF RECOMMENDATIONS RELATING TO THE NUCLEAR SECURITY ENTERPRISE.

(a) IN GENERAL.—The Comptroller General of the
United States shall, in each of fiscal years 2016 through 2021, conduct a review of the process of the Department of Defense for addressing the recommendations of the Department of Defense Internal Nuclear Enterprise Review, the Independent Review of the Department of Defense Nuclear Enterprise, and the Nuclear Deterrence Enterprise Review Group, that are evaluated by the Office of Cost Assessment and Program Evaluation of the Department of Defense.

(b) BRIEFING AND REPORT.—After conducting each review under subsection (a), the Comptroller General shall—

(1) provide to the congressional defense committees an initial briefing on the review; and

(2) after providing the briefing under paragraph (1), submit to those committees a written re-
port on the review and such other topics as the com-
mittees request during the briefing.

SEC. 1633. ASSESSMENT OF GLOBAL NUCLEAR ENVIRON-
MENT.

(a) FINDINGS.—Congress makes the following find-
ings:

(1) Nuclear competition among countries has
become both different and in some ways more com-
plex than was the case during the Cold War.

(2) During the 25 years preceding the date of
the enactment of this Act, additional countries have
obtained nuclear weapons. North Korea is a nuclear-
armed country and Iran aspires to acquire a nuclear
weapons capability.

(3) A regional nuclear competition has emerged
in South Asia between India and Pakistan. Another
such competition may emerge in the Middle East be-
tween Iran and Israel, triggering a nuclear prolifera-
tion cascade across the Middle East, involving Saudi
Arabia, Turkey, and perhaps other countries as well.

(4) The proliferation of nuclear weapons to
countries the cultures of which are quite different
from that of the United States raises concerns re-
garding how leaders in those countries calculate
cost, benefit, and risk with respect to decisions regarding the use of nuclear weapons.

(b) **Assessment Required.**—The Director of Net Assessment of the Department of Defense shall, in coordination with the Commander of the United States Strategic Command, conduct an assessment of the global environment with respect to nuclear weapons and the role of United States nuclear forces, policy, and strategy in that environment.

(c) **Objectives.**—The objectives of the assessment required by subsection (b) are to inform the long-term planning of the Department of Defense and policies relating to regional nuclear crises and operations that may involve the escalation of nuclear competition among countries.

(d) **Requirements.**—

(1) **In General.**—In conducting the assessment required by subsection (b), the Director shall develop and analyze a range of contingencies and scenarios, including crises that may emerge from nuclear competition during the 10-year period beginning on the date of the enactment of this Act that involve the following:

(A) The United States and one other country that possesses a nuclear weapon.
(B) The United States and multiple such countries.

(C) Two other such countries.

(D) Three or more other such countries.

(E) Regional and cross-regional geography, including contingencies and scenarios in Europe, the Middle East, South Asia, and East Asia, and contingencies and scenarios that transcend regions.

(F) The long-term geopolitical and military-technical competition as it relates to nuclear weapons and strategic warfare.

(2) Analysis of competitive discontinuities.—In analyzing the long-term geopolitical and military-technical competition as it relates to nuclear weapons and strategic warfare under paragraph (1)(F), the Director shall identify—

(A) prospective discontinuities in that competition; and

(B) strategies and capabilities the United States could adopt to improve its competitive position following such discontinuities.

(e) Staffing.—In conducting the assessment required by subsection (b), the Director shall engage the best talent available, with particular emphasis on engaging
individuals and independent entities with demonstrated 
expertise in strategy and net assessment methodology.

(f) Report Required.—Not later than November 
15, 2016, the Director shall submit to the congressional 
defense committees a report on the assessment required 
by subsection (b).

SEC. 1634. DEADLINE FOR MILESTONE A DECISION ON 
LONG-RANGE STANDOFF WEAPON.

Not later than May 31, 2016, the Secretary of De-
defense shall make a Milestone A decision on the long-range 
standoff weapon.

SEC. 1635. AVAILABILITY OF AIR FORCE PROCUREMENT 
FUNDS FOR CERTAIN COMMERCIAL OFF-THE- 
SHELF PARTS FOR INTERCONTINENTAL BAL-
LISTIC MISSILE FUZES.

(a) Availability of Procurement Funds.—Not-
withstanding section 1502(a) of title 31, United States 
Code, of the amount authorized to be appropriated for fis-
cal year 2016 by section 101 and available for Missile Pro-
curement, Air Force, as specified in the funding table in 
section 4101, $13,700,000 shall be available for the pro-
curement of covered parts pursuant to contracts entered 
into under section 1645 of the Carl Levin and Howard 
P. “Buck” McKeon National Defense Authorization Act

(b) COVERED PARTS DEFINED.—In this section, the term “covered parts” has the meaning given that term in section 1645(c) of such Act.

SEC. 1636. SENSE OF CONGRESS ON POLICY ON THE NUCLEAR TRIAD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the triad of strategic nuclear delivery systems plays a critical role in ensuring the national security of the United States; and

(2) retaining all three legs of the nuclear triad is among the highest priorities of the Department of Defense and will best maintain strategic stability at a reasonable cost, while hedging against potential technical problems and vulnerabilities.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to operate, sustain, and modernize or replace the triad of strategic nuclear delivery systems consisting of—

(A) heavy bombers equipped with nuclear gravity bombs and air-launched nuclear cruise missiles;
(B) land-based intercontinental ballistic missiles equipped with nuclear warheads that are capable of carrying multiple independently targetable reentry vehicles; and

(C) ballistic missile submarines equipped with submarine launched ballistic missiles and multiple nuclear warheads;

(2) to operate, sustain, and modernize or replace a capability to forward-deploy nuclear weapons and dual-capable fighter-bomber aircraft;

(3) to deter potential adversaries and assure allies and partners of the United States through strong and long-term commitment to the nuclear deterrent of the United States and the personnel, systems, and infrastructure that comprise such deterrent;

(4) to ensure that the members of the Armed Forces who operate the nuclear deterrent of the United States have the training, resources, and national support required to execute the critical national security mission of the members; and

(5) to achieve a modern and responsive nuclear infrastructure to support the full spectrum of deterrence requirements.
Subtitle D—Missile Defense
Programs

SEC. 1641. PLAN FOR EXPEDITING DEPLOYMENT TIME OF CONTINENTAL UNITED STATES INTERCEPTOR SITE.

(a) In General.—Not later than 30 days after the date on which the Secretary of Defense completes preparation of an environmental impact statement pursuant to section 227(b) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239), the Secretary of Defense shall—

(1) develop a plan for expediting the deployment time for a potential future continental United States interceptor site by at least two years, in the case that the President decides to proceed with such deployment; and

(2) submit to the congressional defense committees a report on such plan.

(b) Report Elements.—The report submitted under subsection (a)(2) shall include the following:

(1) A description of the plan, including estimates of the cost of carrying out the plan and a schedule for carrying out the plan.
(2) A description of such legislative or administrative action as may be necessary to carry out the plan.

(3) An assessment of the risks associated with decreasing the deployment time, including with respect to cost and the operational effectiveness and reliability of interceptors.

(4) Identification of any deviation in the plan from robust acquisition processes, including with respect to testing prior to full operational capability designation.

(c) Assessment by Comptroller General of the United States.—

(1) In general.—Not later than 90 days after the date on which the Secretary submits a report under subsection (a)(2), the Comptroller General shall—

(A) complete a review of the report submitted under subsection (a)(2); and

(B) submit to the congressional defense committees a report on the review conducted pursuant to subparagraph (A).

(2) Report elements.—The report required by paragraph (1)(B) shall include the following:
(A) The findings of the Comptroller General with respect to the review conducted pursuant to paragraph (1)(A); and

(B) such recommendations as the Comptroller General may have for legislative or administrative action.

SEC. 1642. ADDITIONAL MISSILE DEFENSE SENSOR COVERAGE FOR THE PROTECTION OF THE UNITED STATES HOMELAND.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Director of the Missile Defense Agency, there are two fundamental means for improving homeland missile defense capability and capacity, “one, is the reliability of the interceptor, and two, is the discrimination capability of the system”.

(2) The Department of Defense will deploy a new midcourse tracking radar to provide persistent coverage and improve discrimination capabilities against threats to the United States homeland from the Pacific region.

(3) According to the Director of the Missile Defense Agency, a long-range discrimination radar will provide larger hit assessment coverage thereby ena-
bling improved warfighting capabilities to manage
ground-based interceptor (GBI) inventory and im-
prove the capacity of the ballistic missile defense
system.

(4) According to the Principal Deputy Under
Secretary of Defense for Policy, “while Iran has not
yet deployed an intercontinental ballistic missile, its
progress on space launch vehicles—along with its de-
sire to deter the United States and its allies— pro-
vides Tehran with the means and motivation to de-
velop longer-range missiles, including an ICBM. Iran
publically stated that it intends to launch a space-
launch vehicle as early as this year capable of inter-
continental ranges, if configured as such”.

(b) Sense of Congress.—It is the sense of Con-
egress that—

(1) the currently deployed ground-based mid-
course defense system protects the entire United
States homeland, including the East Coast, against
the threat of limited ballistic missile attack from
North Korea and Iran; and

(2) additional missile defense sensor discrimina-
tion capabilities are needed to enhance the protec-
tion of the United States homeland against potential
long-range ballistic missiles from Iran that, accord-
ing to the Department of Defense, could soon be ob-
tained by Iran as a result of its active space launch
program.

c) DEPLOYMENT OF ADDITIONAL COVERAGE.—The
Director of the Missile Defense Agency shall, in coopera-
tion with the relevant combatant command, deploy by not
later than December 31, 2020, a long-range discrimina-
tion radar or other appropriate tracking and discrimina-
tion sensor capabilities in a location optimized to support
the defense of the homeland of the United States from
emerging long-range ballistic missile threats from Iran.

SEC. 1643. AIR DEFENSE CAPABILITY AT NORTH ATLANTIC
TREATY ORGANIZATION MISSILE DEFENSE
SITES.

(a) SENSE OF CONGRESS.—It is the sense of Con-
gress that the Secretary of Defense, in consultation with
the relevant combatant command, should ensure that ar-
rangements are in place, including support from other
members of the North Atlantic Treaty Organization
(NATO), to provide anti-air defense capability at all mis-
sile defense sites of the North Atlantic Treaty Organiza-
tion in support of phases 2 and 3 of the European Phased
Adaptive Approach.

(b) REPORTS.—Not later than 180 days after the
date of the enactment of this Act, the Secretary shall sub-
mit to the congressional defense committees a report de-
scribing—

(1) the plan to provide anti-air defense capa-
bility as described in subsection (a); and

(2) the contributions being made by the North
Atlantic Treaty Organization and members of such
organization to support the provision of the capa-
bility described in such subsection.

SEC. 1644. AVAILABILITY OF FUNDS FOR IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.

(a) AVAILABILITY OF FUNDS.—Of the amount au-
thorized to be appropriated for fiscal year 2016 for Pro-
curement, Defense-wide, and available for the Missile De-
fense Agency, not more than $41,400,000 may be pro-
vided to the Government of Israel to procure the Iron
Dome short-range rocket defense system, including for co-
production of Iron Dome parts and components in the
United States by industry of the United States.

(b) CONDITIONS.—

(1) AGREEMENT.—Funds described in sub-
section (a) to produce the Iron Dome short-range
rocket defense program shall be available subject to
the terms and conditions in the “Agreement Be-
tween the Department of Defense of the United
States of America and the Ministry of Defense of
the State of Israel Concerning Iron Dome Defense System Procurement”, signed on March 5, 2014, including any terms and conditions applicable to coproduction of Iron Dome radar components under a negotiated amendment to that agreement.

(2) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in subsection (a), the Director of the Missile Defense Agency and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall jointly submit to the congressional defense committees—

(A) a certification that the agreement specified in paragraph (1) is being implemented as provided in such agreement; and

(B) an assessment detailing any risks relating to the implementation of such agreement.

SEC. 1645. ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CODEVELOPMENT AND POTENTIAL CO-PRODUCTION.

(a) IN GENERAL.—Except as otherwise provided in this section, of the amount authorized to be appropriated for fiscal year 2016 for Procurement, Defense-wide, and available for the Missile Defense Agency, $150,000,000 may be provided to the Government of Israel to procure the David’s Sling Weapon System and $15,000,000 for
the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and components in the United States by United States industry.

(b) CERTIFICATION.—Following successful completion of milestones and production readiness reviews in the research, development, and technology agreements for the David’s Sling Weapon System and the Arrow 3 Upper Tier Development Program, the Director of the Missile Defense Agency may disburse amounts available pursuant to subsection (a) on the basis of a one-for-one cash match with such funds provided by the Government of Israel, or in amounts that otherwise meet best efforts (as mutually agreed by the United States and Israel), on or after the date that is 90 days after the date the Director and the Under Secretary of Defense for Acquisition, Technology and Logistics jointly submit to the congressional defense committees a certification that the United States has entered into a bilateral agreement with the Government of Israel that accomplishes the following:

(1) Establishes the terms of co-production of parts and components of the respective systems—

(A) on the basis of what will minimize non-recurring engineering and facilitization expenses; and
(B) that ensures that, in the case of co-
production for the David’s Sling Weapon Sys-
tem, not less than half of such co-production is
carried out by United States persons.

(2) Establishes complete transparency on the
Israeli requirement for the number of interceptors
and batteries of the respective systems that will be
procured.

(3) Allows the Director of the Missile Defense
Agency and the Under Secretary of Defense for Ac-
quision, Technology and Logistics to establish tech-
nical milestones for co-production and procurement
of the respective systems.

(4) Establishes joint approval processes for
third party sales of such systems.

SEC. 1646. DEVELOPMENT AND DEPLOYMENT OF MUL-
TIPLY-OBJECT KILL VEHICLE FOR MISSILE
DEFENSE OF THE UNITED STATES HOME-
LAND.

(a) SENSE OF CONGRESS.—It is the sense of Con-
gress that—

(1) the defense of the United States homeland
against the threat of limited ballistic missile attack
(whether accidental, unauthorized, or deliberate) is a
national priority; and
(2) as the threat described in paragraph (1) continues to evolve, the multiple-object kill vehicle could contribute critical capabilities to the future of the ballistic missile defense of the United States homeland.

(b) MULTIPLE-OBJECT KILL VEHICLE.—

(1) DEVELOPMENT.—The Director of the Missile Defense Agency shall develop a highly reliable, cost-effective multiple-object kill vehicle for the ground-based midcourse defense system.

(2) DEPLOYMENT.—The Director shall—

(A) conduct flight testing of the multiple-object kill vehicle developed under paragraph (1) by not later than 2020; and

(B) field such vehicle as soon as technically practicable.

(c) CAPABILITIES AND CRITERIA.—The Director shall ensure that the multiple-object kill vehicle developed under subsection (b)(1) meets, at a minimum, the following capabilities and criteria:

(1) Vehicle-to-vehicle communications.

(2) Vehicle-to-ground communications.

(3) Kill assessment capability.

(4) The ability to counter advanced counter measures, decoys, and penetration aids.
(5) Produceability and manufacturability.

(6) Use of technology involving high technology readiness levels.

(7) Options to be integrated onto other missile defense interceptor vehicles other than the ground-based interceptors of the ground-based midcourse defense system.

(8) Sound acquisition processes, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Missile Defense Executive Board.

(d) PROGRAM MANAGEMENT.—The management of the multiple-object kill vehicle program under subsection (b) shall report directly to the Deputy Director of the Missile Defense Agency.

SEC. 1647. REQUIREMENT TO REPLACE CAPABILITY ENHANCEMENT I EXOATMOSPHERIC KILL VEHICLES.

(a) IN GENERAL.—Subject to subsection (b), the Director of the Missile Defense Agency shall ensure, to the maximum extent practicable, that all remaining ground-based interceptors of the ground-based midcourse defense system that are armed with the capability enhancement I exoatmospheric kill vehicle are replaced with the rede-
signed exoatmospheric kill vehicle before September 30, 2022.

(b) CONDITION.—Subsection (a) shall not apply if the Director determines that flight and intercept testing of the redesigned exoatmospheric kill vehicle is not successful.

SEC. 1648. AIRBORNE BOOST PHASE DEFENSE SYSTEM.

(a) FINDINGS.—Congress makes the following findings:

(1) To address the growing threat posed by increasingly accurate and longer-ranged ballistic and cruise missiles, the Missile Defense Agency, in collaboration with the Defense Advanced Research Projects Agency and the military services, is pursuing a suite of laser technologies that could serve as a cost-effective solution for destroying cruise missiles and ballistic missiles in the boost phase.

(2) A successful airborne boost phase defense system could transform United States missile defense capabilities against a broad range of missile threats, and place defense on the winning side of the offense-defense cost-curve.

(b) POLICY.—The Secretary of Defense shall—

(1) prioritize technology investments in the Department of Defense to support efforts by the Mis-
sile Defense Agency to develop and field an airborne 
boost phase defense system by fiscal year 2025;

(2) ensure that development and fielding of the 
airborne boost phase defense system supports mul-
tiple warfighter missile defense requirements, includ-
ing, specifically, protection of the homeland and al-
lies against cruise missiles and ballistic missiles, par-
ticularly in the boost phase;

(3) continue development and fielding of high-
energy lasers and high-power microwave systems as 
part of a layered architecture to defend ships and 
theater bases against air and cruise missile strikes;

(4) encourage collaboration amongst the mili-
tary services and the Defense Advanced Research 
Projects Agency with respect to their high energy 
laser and directed energy efforts carried out in sup-
port of the Missile Defense Agency; and

(5) ensure cooperation and coordination be-
tween the Missile Defense Agency in its plans to de-
velop an airborne laser and the Air Force in its re-
quirements for unmanned aerial vehicles.

(c) Report to Congress.—

(1) In general.—Not later than 120 days 
after the date of the enactment of this Act, the Sec-
retary of Defense shall submit to the congressional
defense committees a report on the efforts of the
Department of Defense to develop and deploy an air-
borne boost phase defense system for missile defense
by fiscal year 2025.

(2) ELEMENTS.—The report required by para-
graph (1) shall include the following:

(A) Such schedules, costs, warfighter re-
quirements, operational concept, constraints,
potential alternative boost phase approaches,
and other information regarding the efforts de-
scribed in paragraph (1) as the Secretary con-
siders appropriate.

(B) Analysis of the efforts described in
paragraph (1) with respect to the following
cases:

(i) A case in which the Department is
under no funding constraints with respect
to such efforts and progress is based on
the state of the technology.

(ii) A case in which the Department is
under funding constraints and the efforts
are carried out in accordance with a mod-
erately aggressive schedule and are subject
to moderate technical risk.
(iii) A case in which the Department is under funding constraints and the efforts are carried out in accordance with a less aggressive schedule and are subject to less technical risk.

(C) An update on related efforts of the Department to develop high energy lasers and high power microwave systems to defend ships and theater bases against air and cruise missile strikes.

(D) Such recommendations as the Secretary may have for legislative or administrative action to enable more rapid fielding of a directed-energy based missile defense system.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1649. EXTENSION OF LIMITATION ON PROVIDING CERTAIN SENSITIVE MISSILE DEFENSE INFORMATION TO THE RUSSIAN FEDERATION.

SEC. 1650. EXTENSION OF REQUIREMENT FOR COMPTROLLER GENERAL OF THE UNITED STATES REVIEW AND ASSESSMENT OF MISSILE DEFENSE ACQUISITION PROGRAMS.

Section 232 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “through 2015” and inserting “through 2020”; and

(B) in paragraph (2), in the first sentence, by striking “through 2016” and inserting “through 2021”; and

(2) in subsection (b), in the matter before paragraph (1), by striking “first three”.

Subtitle E—Other Matters

SEC. 1661. MEASURES IN RESPONSE TO VIOLATIONS OF THE INTERMEDIATE-RANGE NUCLEAR FORCES TREATY BY THE RUSSIAN FEDERATION.

(a) FINDINGS.—Congress makes the following findings:
(1) On July 31, 2014, the Department of State released its annual report entitled “Adherence to and Compliance With Arms Control, Nonproliferation, and Disarmament Agreements and Commitments”, which included the finding that “[t]he United States has determined that the Russian Federation is in violation of its obligations under the INF Treaty not to possess, produce, or flight-test a ground-launched cruise missile (GLCM) with a range capability of 500 km to 5,500 km, or to possess or produce launchers of such missiles”.

(2) The United States has undertaken diplomatic efforts to address with the Russian Federation its violations of the INF Treaty since 2013, and the Russian Federation has failed to respond to those efforts in any way.

(3) The Commander of the United States European Command, and Supreme Allied Commander of Europe, General Philip Breedlove stated that “[a] weapon capability that violates the I.N.F., that is introduced into the greater European land mass, is absolutely a tool that will have to be dealt with” and “[i]t can’t go unanswered”.

(4) The Secretary of Defense has informed Congress that the range of options in response to
the violation by the Russian Federation of the INF Treaty could include “active defenses to counter intermediate-range ground-launched cruise missiles; counterforce capabilities to prevent intermediate-range ground-launched cruise missile attacks; and countervailing strike capabilities to enhance U.S. or allied forces”.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the development and deployment of a nuclear ground-launched cruise missile by the Russian Federation in violation of the INF Treaty would pose a dangerous threat to the United States and its allies;

(2) the Russian Federation has established an increasing role for nuclear weapons in its military strategy;

(3) efforts taken by the President to compel the Russian Federation to return to compliance with the INF Treaty must be persistent and are in the best interests of the United States, but cannot be open-ended; and

(4) efforts by the United States to develop military and nonmilitary options for responding to violations of the INF Treaty could encourage the Rus-
sian Federation to return to compliance with the
INF Treaty.

(c) Notification.—Not later than 180 days after
the date of the enactment of this Act, and every 180 days
thereafter, the President shall notify the appropriate con-
gressional committees with respect to whether the Russian
Federation—

(1) has flight-tested, has deployed, or possesses
a military system that has achieved an initial oper-
ating capability that is either a ground-launched bal-
listic missile or ground-launched cruise missile with
a flight-tested range of between 500 and 5,500 kilo-
meters; or

(2) has begun taking measures to return to full
compliance with the INF Treaty, including
verification measures necessary to achieve high con-
fidence that any missile described in paragraph (1)
will be eliminated.

(d) Updates to Allies.—Not later than 180 days
after the date of the enactment of this Act, and every 180
days thereafter, the Secretary of Defense and the Chair-
man of the Joint Chiefs of Staff shall, in coordination with
the Secretary of State and the Director of National Intel-
ligence, submit to the appropriate congressional commit-
tees a report that describes—
(1) the status of updates provided to the North Atlantic Treaty Organization and other allies of the United States on the Russian Federation’s flight testing, operating capability, and deployment of ground-launched ballistic missiles or ground-launched cruise missiles with a flight-tested range of between 500 and 5,500 kilometers; and

(2) efforts to develop, with the North Atlantic Treaty Organization and such allies, collective responses, including economic and military responses, to arms control violations by the Russian Federation, including violations of the INF Treaty.

(e) PLAN ON RESPONSE OPTIONS.—

(1) MILITARY RESPONSE OPTIONS.—

(A) IN GENERAL.—If, as of the date of the enactment of this Act, the Russian Federation has not begun taking measures to return to full compliance with the INF Treaty, including by agreeing to verification measures necessary to achieve high confidence that any ground-launched ballistic missile or ground-launched cruise missile with a flight-tested range of between 500 and 5,500 kilometers will be eliminated, the Secretary of Defense shall, not later than 120 days after such date of enactment,
submit to Congress a plan with respect to developing the following military capabilities:

(i) Counterforce capabilities to prevent intermediate-range ground-launched ballistic missile and cruise missile attacks, whether or not such capabilities are in compliance with the INF Treaty and including capabilities that may be acquired from allies of the United States.

(ii) Countervailing strike capabilities to enhance the forces of the United States or allies of the United States, whether or not such capabilities are in compliance with the INF Treaty and including capabilities that may be acquired from allies of the United States.

(iii) Active defenses to defend against intermediate-range ground-launched cruise missile attacks.

(B) COST AND SCHEDULE ESTIMATES.—The Secretary shall include, in the plan required by subparagraph (A), with respect to each military capability described in clauses (i), (ii), and (iii) of that subparagraph, an estimate of cost and the approximate time for achieving
a Milestone A decision, if such a decision is re-
quired.

(C) AVAILABILITY OF FUNDS FOR RECO-
MMENDED CAPABILITIES.—The Secretary may
use funds authorized to be appropriated by this
Act or otherwise made available for fiscal year
2016 for research, development, test, and eval-
uation, Defense-wide, as specified in the fund-
ing table in section 4201, to carry out the de-
velopment of capabilities pursuant to subpara-
graph (A) that are recommended by the Chair-
man of the Joint Chiefs of Staff to meet mili-
tary requirements and current capability gaps.
In making such a recommendation, the Chair-
man shall give priority to such capabilities that
the Chairman determines could be tested and
fielded most expeditiously, with the most priority
given to capabilities that the Chairman deter-
mines could be fielded in two years.

(2) OTHER RESPONSE OPTIONS.—The Presi-
dent shall include in the plan required by paragraph
(1)(A) such other options as the President considers
useful to encourage the Russian Federation to re-
turn to full compliance with the INF Treaty or nec-
essary to respond to the failure of the Russian Fed-
eration to return to full compliance with the INF Treaty.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(C) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1662. MODIFICATION OF NOTIFICATION AND ASSESSMENT OF PROPOSAL TO MODIFY OR INTRODUCE NEW AIRCRAFT OR SENSORS FOR FLIGHT BY THE RUSSIAN FEDERATION UNDER THE OPEN SKIES TREATY.

(a) IN GENERAL.—Section 1242(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended—

(1) in paragraph (1), by striking “30 days” and inserting “90 days”; and

(2) in paragraph (2), by adding at the end the following new sentence: “The assessment shall also include an assessment of the proposal by the commander of each combatant command potentially affected by the proposal, including an assessment of the potential effects of the proposal on operations and any potential vulnerabilities raised by the proposal.”.

(b) REPORTS ON MEETINGS OF OPEN SKIES CONSULTATIVE COMMISSION.—

(1) IN GENERAL.—Not later than 30 days after the date of any meeting of the Open Skies Consultative Commission that occurs after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a
report setting forth a description of such meeting, including a description of any agreements entered into during such meeting and whether any such agreement will result in a modification to the aircraft or sensors of any State Party to the Open Skies Treaty that will be subject to the Open Skies Treaty.

(2) DEFINITIONS.—In this subsection, the term “appropriate committees of Congress” and “Open Skies Treaty” have the meaning given such terms in section 1242 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015.

SEC. 1663. MILESTONE A DECISION FOR THE CONVENTIONAL PROMPT GLOBAL STRIKE WEAPONS SYSTEM.

The Secretary of Defense shall make a Milestone A decision for the Conventional Prompt Global Strike Weapons System not later than the earlier of—

(1) September 30, 2020; or
(2) the date that is 8 months after the successful completion of Intermediate Range Flight 2 of that System.
DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2016”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Three Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2018; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019.

(b) Exception.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Se-
curity Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2018; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2019 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment 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 2104(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, 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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Greely</td>
<td>$7,800,000</td>
</tr>
<tr>
<td>California</td>
<td>Concord</td>
<td>$98,000,000</td>
</tr>
</tbody>
</table>
Army: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$5,800,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Gordon</td>
<td>$90,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td>$34,500,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$19,000,000</td>
</tr>
<tr>
<td></td>
<td>U.S. Military Academy</td>
<td>$70,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>$69,400,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Corpus Christi</td>
<td>$85,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Lee</td>
<td>$33,000,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out the military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cuba</td>
<td>Guantanamo Bay</td>
<td>$76,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Grafenwoehr</td>
<td>$51,000,000</td>
</tr>
</tbody>
</table>

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations,
in the number of units, and in the amounts set forth in the following table:

### Army: Family Housing

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida .......</td>
<td>Camp Rudder .......................</td>
<td>Family Housing</td>
<td>$8,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New Construction</td>
<td></td>
</tr>
<tr>
<td>Illinois .......</td>
<td>Rock Island ........................</td>
<td>Family Housing</td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New Construction</td>
<td></td>
</tr>
<tr>
<td>Korea ..........</td>
<td>Camp Walker ........................</td>
<td>Family Housing</td>
<td>$61,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New Construction</td>
<td></td>
</tr>
</tbody>
</table>

(b) **Planning and Design.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,195,000.

### SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may improve existing military family housing units in an amount not to exceed $3,500,000.
SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2015, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) $226,400,000 (the balance of the amount authorized under section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291) for a Command and Control Facility at Fort Shafter, Hawaii).

(3) $6,000,000 (the balance of the amount authorized under section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2119)
for cadet barracks at the United States Military Academy, New York).

(4) $78,000,000 (the balance of the amount authorized under section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2119), as amended by section 2105(d) of this Act, for a Secure Administration/Operations Facility at Fort Belvoir, Virginia).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2119) for the United States Military Academy, New York, for construction of a Cadet barracks building at the installation, the Secretary of the Army may install mechanical equipment and distribution lines sufficient to provide chilled water for air conditioning the nine existing historical Cadet barracks which are being renovated through the Cadet Barracks Upgrade Program.

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2012 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal
Year 2012 (division B of Public Law 112–81; 125 Stat. 1660), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (125 Stat. 1661), shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

**Army: Extension of 2012 Project Authorizations**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>Land Acquisition</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>Land Acquisition</td>
<td>$5,100,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Belvoir</td>
<td>Road and Infrastructure</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Belvoir</td>
<td>Improvements</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (126 Stat. 2119) shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.
(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2013 Project Authorizations

<table>
<thead>
<tr>
<th>State or Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District of Col-</td>
<td>Fort McNair ....</td>
<td>Vehicle Storage Building, Installation</td>
<td>$7,191,000</td>
</tr>
<tr>
<td>umbia.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kansas ..........</td>
<td>Fort Riley ....</td>
<td>Unmanned Aerial Vehicle Complex</td>
<td>$12,184,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg .....</td>
<td>Aerial Gunnery Range</td>
<td>$41,945,000</td>
</tr>
<tr>
<td>Texas ..........</td>
<td>Joint Base San Antonio</td>
<td>Barracks</td>
<td>$20,971,000</td>
</tr>
<tr>
<td>Virginia ......</td>
<td>Fort Belvoir ....</td>
<td>Secure Admin/Operations Facility</td>
<td>$93,876,000</td>
</tr>
<tr>
<td>Italy ..........</td>
<td>Camp Ederle ....</td>
<td>Barracks</td>
<td>$35,952,000</td>
</tr>
<tr>
<td>Japan ..........</td>
<td>Suganami ........</td>
<td>Vehicle Maintenance Shop</td>
<td>$17,976,000</td>
</tr>
</tbody>
</table>

SEC. 2108. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.

(a) PROJECT AUTHORIZATION.—The Secretary of the Army may carry out a military construction project to construct a vehicle bridge and traffic circle to facilitate traffic flow to and from the Medical Center at Rhine Ordnance Barracks, Germany, in the amount of $12,400,000.

(b) USE OF HOST-NATION PAYMENT-IN-KIND FUNDS.—The Secretary may use available host-nation payment-in-kind funding for the project described in subsection (a).

SEC. 2109. LIMITATION ON CONSTRUCTION OF NEW FACILITIES AT GUANTANAMO BAY, CUBA.

(a) LIMITATION.—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 for the Department of Defense may be used to construct new facilities at Guantanamo Bay,
Cuba, until the Secretary of Defense certifies to the con-
gressional defense committees that any new construction
of facilities at Guantanamo Bay, Cuba, has enduring mili-
tary value independent of a high value detention mission.

(b) Rule of Construction.—Nothing in sub-
section (a) shall be construed as limiting the ability of the
Department of Defense to obligate or expend available
funds to correct a deficiency that is life-threatening,
health-threatening, or safety-threatening.

**TITLE XXII—NAVY MILITARY CONSTRUCTION**

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropria-
tions in section 2204(a) and available for military con-
struction projects inside the United States as specified in
the funding table in section 4601, the Secretary of the
Navy may acquire real property and carry out military construction projects for the installations or locations in-
side the United States, and in the amounts, set forth in
the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yuma</td>
<td>$50,635,000</td>
</tr>
<tr>
<td>California</td>
<td>Coronado</td>
<td>$4,856,000</td>
</tr>
<tr>
<td></td>
<td>Lemoore</td>
<td>$71,830,000</td>
</tr>
<tr>
<td></td>
<td>Miramar</td>
<td>$11,200,000</td>
</tr>
<tr>
<td></td>
<td>Pendleton</td>
<td>$83,800,000</td>
</tr>
</tbody>
</table>
### Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Point Mugu</td>
<td>$22,427,000</td>
</tr>
<tr>
<td></td>
<td>San Diego</td>
<td>$37,366,000</td>
</tr>
<tr>
<td></td>
<td>Twenty-nine Palms</td>
<td>$9,160,000</td>
</tr>
<tr>
<td></td>
<td>Jacksonville</td>
<td>$16,751,000</td>
</tr>
<tr>
<td></td>
<td>Mayport</td>
<td>$16,159,000</td>
</tr>
<tr>
<td></td>
<td>Pensacola</td>
<td>$18,347,000</td>
</tr>
<tr>
<td></td>
<td>Whiting Field</td>
<td>$10,421,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Albany</td>
<td>$7,851,000</td>
</tr>
<tr>
<td></td>
<td>Kings Bay</td>
<td>$8,099,000</td>
</tr>
<tr>
<td></td>
<td>Townsend</td>
<td>$43,279,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Barking Sands</td>
<td>$30,623,000</td>
</tr>
<tr>
<td></td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$14,881,000</td>
</tr>
<tr>
<td></td>
<td>Kaneohe Bay</td>
<td>$106,618,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base Hawaii</td>
<td>$12,800,000</td>
</tr>
<tr>
<td></td>
<td>Parris Island</td>
<td>$27,075,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Patuxent River</td>
<td>$40,935,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune</td>
<td>$74,249,000</td>
</tr>
<tr>
<td></td>
<td>Cherry Point Marine Corps Air Station</td>
<td>$57,726,000</td>
</tr>
<tr>
<td></td>
<td>New River</td>
<td>$8,230,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Dam Neck</td>
<td>$23,066,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Norfolk</td>
<td>$126,677,000</td>
</tr>
<tr>
<td></td>
<td>Portsmouth</td>
<td>$45,513,000</td>
</tr>
<tr>
<td></td>
<td>Quantico</td>
<td>$75,399,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Bangor</td>
<td>$34,177,000</td>
</tr>
<tr>
<td></td>
<td>Brenerston</td>
<td>$22,680,000</td>
</tr>
<tr>
<td></td>
<td>Indian Island</td>
<td>$4,472,000</td>
</tr>
</tbody>
</table>

1. **(b) Outside the United States.—** Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

### Navy: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahrain Island</td>
<td>Southwest Asia</td>
<td>$89,791,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>$181,768,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Sigonella</td>
<td>$102,943,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Camp Butler</td>
<td>$11,697,000</td>
</tr>
<tr>
<td></td>
<td>Iwakuni</td>
<td>$17,923,000</td>
</tr>
<tr>
<td></td>
<td>Kadena Air Base</td>
<td>$23,310,000</td>
</tr>
<tr>
<td></td>
<td>Yokosuka</td>
<td>$13,846,000</td>
</tr>
</tbody>
</table>
SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poland</td>
<td>RedziKowo Base</td>
<td>$51,270,000</td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,588,000.
SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $11,515,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2015, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.
(2) $274,099,000 (the balance of the amount authorized under section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1666) for an explosive handling wharf at Kitsap, Washington).

(3) $68,196,000 (the balance of the amount authorized under section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2633) for ramp parking at Joint Region Marianas, Guam.

SEC. 2205. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2012 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1660), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (125 Stat. 1666) and extended by section 2208 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3678), shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.
(b) TABLE.—The table referred to in subsection (a) is as follows:

### Navy: Extension of 2012 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>Infantry Squad Defense Range</td>
<td>$29,187,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jacksonville</td>
<td>$6,085,000</td>
</tr>
<tr>
<td></td>
<td>Kings Bay</td>
<td>Crab Island Security Enclave</td>
<td>$52,913,000</td>
</tr>
</tbody>
</table>

### SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (126 Stat. 2122), shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

### Navy: Extension of 2013 Project Authorizations

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>Comm. Information Systems Ops</td>
<td>$78,897,000</td>
</tr>
<tr>
<td></td>
<td>Coronado</td>
<td>Bachelor Quarters</td>
<td>$76,063,000</td>
</tr>
<tr>
<td></td>
<td>Twentynine Palms</td>
<td>Land Expansion</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Phase 2</td>
<td>$47,270,000</td>
</tr>
<tr>
<td>Greece</td>
<td>Souda Bay</td>
<td>Intermodal Access</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Road</td>
<td>$4,630,000</td>
</tr>
</tbody>
</table>
Navy: Extension of 2013 Project Authorizations—Continued

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Carolina</td>
<td>Beaufort</td>
<td>Recycling/Hazardous Waste Facility</td>
<td>$3,743,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Quantico</td>
<td>Infrastructure—Widen Russell Road</td>
<td>$14,826,000</td>
</tr>
<tr>
<td>Worldwide Unspecified</td>
<td>Various Worldwide Locations</td>
<td>BAMS Operational Facilities</td>
<td>$34,948,000</td>
</tr>
</tbody>
</table>

TITLE XXIII—AIR FORCE

MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force 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:

Air Force: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>$71,400,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>$16,900,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>U. S. Air Force Academy</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>CONUS Classified</td>
<td>Classified Location</td>
<td>$77,130,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Cape Canaveral Air Force Station</td>
<td>$21,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$46,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>McConnell Air Force Base</td>
<td>$15,500,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Barksdale</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Whiteman Air Force Base</td>
<td>$29,500,000</td>
</tr>
</tbody>
</table>
Air Force: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montana</td>
<td>Malmstrom Air Force Base</td>
<td>$19,700,000</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Offutt Air Force Base</td>
<td>$21,000,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Nellis Air Force Base</td>
<td>$68,950,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$7,800,000</td>
</tr>
<tr>
<td></td>
<td>Holloman Air Force Base</td>
<td>$6,200,000</td>
</tr>
<tr>
<td></td>
<td>Kirtland Air Force Base</td>
<td>$12,800,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Seymour Johnson Air Force Base</td>
<td>$17,100,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$28,400,000</td>
</tr>
<tr>
<td></td>
<td>Tinker Air Force Base</td>
<td>$49,900,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Ellsworth Air Force Base</td>
<td>$23,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>$106,000,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$38,400,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>F. E. Warren Air Force Base</td>
<td>$95,000,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amount, set forth in the following table:

Air Force: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenland</td>
<td>Thule Air Base</td>
<td>$41,965,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>$50,800,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Niger</td>
<td>Agadez</td>
<td>$50,000,000</td>
</tr>
<tr>
<td>Oman</td>
<td>Al Musannah Air Base</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Croughton</td>
<td>$130,615,000</td>
</tr>
</tbody>
</table>

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the...
funding table in section 4601, the Secretary of the Air
Force may carry out architectural and engineering serv-
ices and construction design activities with respect to the
construction or improvement of family housing units in an
amount not to exceed $9,849,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING
UNITS.

Subject to section 2825 of title 10, United States
Code, and using amounts appropriated pursuant to the
authorization of appropriations in section 2304(a) and
available for military family housing functions as specified
in the funding table in section 4601, the Secretary of the
Air Force may improve existing military family housing
units in an amount not to exceed $150,649,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR
FORCE.

(a) Authorization of Appropriations.—Funds
are hereby authorized to be appropriated for fiscal years
beginning after September 30, 2015, for military con-
struction, land acquisition, and military family housing
functions of the Department of the Air Force, as specified
in the funding table in section 4601.

(b) Limitation on Total Cost of Construction
Projects.—Notwithstanding the cost variations author-
ized by section 2853 of title 10, United States Code, and
any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) $21,000,000 (the balance of the amount authorized under section 2301(a) of the Military Construction Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 992) for the CYBERCOM Joint Operations Center at Fort Meade, Maryland).

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2636), for Hickam Air Force Base, Hawaii, for construction of a ground control tower at the installation, the Secretary of the Air Force may install communications cabling.

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2301(b) of the Military Construction Authoriza-
tion Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 993) for RAF Lakenheath, United Kingdom, for construction of a Guardian Angel Operations Facility at the installation, the Secretary of the Air Force may construct the facility at an unspecified worldwide location.

**SEC. 2307. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.**

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3679) for McConnell Air Force Base, Kansas, for construction of a KC-46A Alter Composite Maintenance Shop at the installation, the Secretary of the Air Force may construct a 696 square meter (7,500 square foot) facility consistent with Air Force guidelines for composite maintenance shops.

**SEC. 2308. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2012 PROJECT.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1660), the authorization set forth in the table in subsection (b), as provided in section 2301 of that Act (125 Stat. 1670), shall remain in effect until October 1, 2016,
or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

**Air Force: Extension of 2012 Project Authorization**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>Sigonella Naval Air Station</td>
<td>UAS SATCOM Relay Pads and Facility</td>
<td>$15,000,000</td>
</tr>
</tbody>
</table>

**SEC. 2309. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2013 PROJECT.**

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorization set forth in the table in subsection (b), as provided in section 2301 of that Act (126 Stat. 2126), shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

**Air Force: Extension of 2013 Project Authorization**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portugal</td>
<td>Lajes Field</td>
<td>Sanitary Sewer Lift/Pump Station</td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>
TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense 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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Fort Rucker</td>
<td>$46,787,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Fort Huachuca</td>
<td>$3,884,000</td>
</tr>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$20,552,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$8,243,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>$21,600,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Hurlburt Field</td>
<td>$17,989,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Moody Air Force Base</td>
<td>$10,900,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Kaneohe Bay</td>
<td>$122,071,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>$12,553,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Knox</td>
<td>$23,279,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td>$816,077,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Nellis Air Force Base</td>
<td>$39,900,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$45,111,000</td>
</tr>
<tr>
<td>New York</td>
<td>West Point</td>
<td>$55,778,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune</td>
<td>$69,006,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$86,623,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>Klamath Falls IAP</td>
<td>$82,500,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Fort Jackson</td>
<td>$26,157,000</td>
</tr>
</tbody>
</table>
### Defense Agencies: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>$61,776,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Belvoir</td>
<td>$9,500,000</td>
</tr>
<tr>
<td></td>
<td>Joint Base Langley-Eustis</td>
<td>$28,000,000</td>
</tr>
<tr>
<td></td>
<td>Joint Expeditionary Base</td>
<td>$23,916,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense 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:

### Defense Agencies: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Djibouti</td>
<td>Camp Lemonier</td>
<td>$43,700,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Garmisch</td>
<td>$14,676,000</td>
</tr>
<tr>
<td></td>
<td>Grafenwoehr</td>
<td>$38,138,000</td>
</tr>
<tr>
<td></td>
<td>Spangdahlem Air Base</td>
<td>$39,571,000</td>
</tr>
<tr>
<td></td>
<td>Stuttgart-Patch Barracks</td>
<td>$49,413,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$37,485,000</td>
</tr>
<tr>
<td>Poland</td>
<td>Redzikiwo Base</td>
<td>$169,153,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Rota</td>
<td>$13,737,000</td>
</tr>
</tbody>
</table>

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense...
may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Samoa ......</td>
<td>Wake Island .................................. $5,331,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Edwards Air Force Base ..................... $4,550,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fort Hunter Liggett ......................... $22,000,000</td>
<td></td>
</tr>
<tr>
<td>Colorado .............</td>
<td>Schriever Air Force Base .................. $4,400,000</td>
<td></td>
</tr>
<tr>
<td>District of Columbia</td>
<td>NSA Washington/NRL ........................ $10,990,000</td>
<td></td>
</tr>
<tr>
<td>Guam ..................</td>
<td>Naval Base Guam ................................ $5,330,000</td>
<td></td>
</tr>
<tr>
<td>Hawaii ...............</td>
<td>Joint Base Pearl Harbor-Hickam ........... $13,780,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Marine Corps Recruiting Command Kaneohe Bay. $5,740,000</td>
<td></td>
</tr>
<tr>
<td>Idaho ................</td>
<td>Mountain Home Air Force Base ............. $6,471,000</td>
<td></td>
</tr>
<tr>
<td>Montana ..............</td>
<td>Malmstrom Air Force Base .................. $4,200,000</td>
<td></td>
</tr>
<tr>
<td>Virginia .............</td>
<td>Pentagon ...................................... $4,528,000</td>
<td></td>
</tr>
<tr>
<td>Washington ..........</td>
<td>Joint Base Lewis-McChord ................... $14,770,000</td>
<td></td>
</tr>
<tr>
<td>Various locations .....</td>
<td>Various locations .......................... $25,809,000</td>
<td></td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahamas</td>
<td>Ascension Aux Airfield St. Helena ........ $5,500,000</td>
<td></td>
</tr>
<tr>
<td>Japan</td>
<td>Yokoska ..................................... $12,940,000</td>
<td></td>
</tr>
<tr>
<td>Various locations</td>
<td>Various locations .......................... $3,600,000</td>
<td></td>
</tr>
</tbody>
</table>
SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2015, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) $747,435,000 (the balance of the amount authorized under section 2401(a) of this Act for an operations facility at Fort Meade, Maryland).

(3) $20,800,000 (the balance of the amount authorized under section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2129)
for the Aegis Ashore Missile Defense System Complex at Deveselu, Romania).

(4) $141,039,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), as amended by section 2404(a) of the Military Construction Authorization Act for Fiscal Year 2013 (division B Public Law 112–239; 126 Stat. 2131), for a data center at Fort Meade, Maryland).

(5) $50,500,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672) for an Ambulatory Care Center at Joint Base Andrews, Maryland).

(6) $54,300,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672) for an Ambulatory Care Center at Joint Base San Antonio, Texas).

(7) $441,134,000 (the balance of the amount authorized under section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2012
for a hospital at the Rhine Ordnance Barracks, Germany).

(8) $41,441,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2640) for a hospital at Fort Bliss, Texas).

(9) $123,827,000 (the balance of the amount authorized as a Military Construction, Defense-Wide project by title X of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1888) for a data center at Camp Williams, Utah).

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.

In the case of the authorization in the table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), as amended by section 2404(a) of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2131), for Fort Meade, Maryland, for construction of the High Performance Computing Center at the installation, the Secretary of Defense may construct a generator plant ca-
pable of producing up to 60 megawatts of back-up electrical power in support of the 60 megawatt technical load.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2012 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1660), the authorization set forth in the table in subsection (b), as provided in section 2401 of that Act (125 Stat. 1672) and as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3685), shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2012 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Naval Base Coronado</td>
<td>SOF Support Activity Operations Facility</td>
<td>$38,800,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Pentagon Reservation</td>
<td>Heliport Control Tower and Fire Station</td>
<td>$6,457,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pedestrian Plaza</td>
<td>$2,285,000</td>
</tr>
</tbody>
</table>
SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (126 Stat. 2127), shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Naval Base Coronado</td>
<td>SOF Mobile Communications Detachment Support Facility</td>
<td>$9,327,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Pikes Peak</td>
<td>High Altitude Medical Research Center</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Ramstein AB</td>
<td>Replace Vogelweh Elementary School</td>
<td>$61,415,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>SOF SDVT–1 Waterfront Operations Facility</td>
<td>$22,384,000</td>
</tr>
<tr>
<td>Japan</td>
<td>CFAS Sasebo</td>
<td>Replace Sasebo Elementary School</td>
<td>$35,733,000</td>
</tr>
<tr>
<td></td>
<td>Camp Zama</td>
<td>Renovate Zama High School</td>
<td>$13,273,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>DEF Distribution Depot New Cumberland</td>
<td>Replace reservoir</td>
<td>$4,300,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>RAF Feltwell</td>
<td>Feltwell Elementary School Addition</td>
<td>$30,811,000</td>
</tr>
</tbody>
</table>
SEC. 2407. MODIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 995) for Fort Knox, Kentucky, for construction of an Ambulatory Care Center at that location, subsequently cancelled by the Department of Defense, substitute authorization is provided for a 102,000-square foot Medical Clinic Replacement at that location in the amount of $80,000,000, using appropriations available for the original project pursuant to the authorization of appropriations in section 2403 of such Act (127 Stat. 997). This substitute authorization shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Invest-
ment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2015, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

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.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for
the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

### Army National Guard

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Camp Foley</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Camp Hartell</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Palm Coast</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Stewart</td>
<td>$8,800,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Sparta</td>
<td>$1,900,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Salina</td>
<td>$6,700,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Easton</td>
<td>$13,800,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Gulfport</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Reno</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Camp Ravenna</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>Salem</td>
<td>$16,500,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Fort Indiantown Gap</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>Vermont</td>
<td>North Hyde Park</td>
<td>$7,900,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Richmond</td>
<td>$29,000,000</td>
</tr>
</tbody>
</table>

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

### Army Reserve: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Miramar</td>
<td>$24,000,000</td>
</tr>
</tbody>
</table>
(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out a military construction project for the Army Reserve location outside the United States, and in the amount, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>MacDill Air Force Base</td>
<td>$55,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Orangeburg</td>
<td>$4,200,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Conneaut Lake</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>A.P. Hill</td>
<td>$24,000,000</td>
</tr>
</tbody>
</table>

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Puerto Rico</td>
<td>Fort Buchanan</td>
<td>$10,200,000</td>
</tr>
</tbody>
</table>
SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Dannelly Field</td>
<td>$7,600,000</td>
</tr>
<tr>
<td>California</td>
<td>Moffett Field</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>$5,100,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Bradley</td>
<td>$6,300,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Cape Canaveral</td>
<td>$6,100,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Savannah/Hilton Head IAP</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$9,700,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>Des Moines Map</td>
<td>$6,700,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Smoky Hill ANG Range</td>
<td>$2,900,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>New Orleans</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Bangor IAP</td>
<td>$7,200,000</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Pease International Tradeport</td>
<td>$4,300,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Atlantic City IAP</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>New York</td>
<td>Niagara Falls IAP</td>
<td>$7,700,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Charlotte/Douglas IAP</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Hector IAP</td>
<td>$7,300,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Will Rogers World Airport</td>
<td>$7,600,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>Klamath Falls IAP</td>
<td>$7,200,000</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Yeager Airport</td>
<td>$3,900,000</td>
</tr>
</tbody>
</table>
SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>March Air Force Base</td>
<td>$4,600,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Patrick Air Force Base</td>
<td>$3,400,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Dobbins Air Reserve Base</td>
<td>$10,400,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Youngstown</td>
<td>$9,400,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>$9,900,000</td>
</tr>
</tbody>
</table>

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2015, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.
Subtitle B—Others Matters

SEC. 2611. MODIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECT.

(a) MODIFICATION.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2135) for Aberdeen Proving Ground, Maryland, for construction of an Army Reserve Center at that location, the Secretary of the Army may construct a new facility in the vicinity of Aberdeen Proving Ground, Maryland.

(b) DURATION OF AUTHORITY.—Notwithstanding section 2002 of the Military Construction Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorization set forth in subsection (a) shall remain in effect until October 1, 2016, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2017, whichever is later.

SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) DAVIS-MONTHAN AFB.—In the case of the authorization contained in the table in section 2605 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3689)
for Davis-Monthan Air Force Base, Arizona, for construction of a Guardian Angel Operations facility at that location, the Secretary of the Air Force may construct a new 5,913 square meter (63,647 square foot) facility in the amount of $18,200,000.

(b) FORT SMITH.—In the case of the authorization contained in the table in section 2604 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3689) for Fort Smith Municipal Airport, Arkansas, for construction of a consolidated Secure Compartmented Information Facility at that location, the Secretary of the Air Force may construct a new facility in the amount of $15,200,000.

SEC. 2613. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2012 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1660), the authorizations set forth in the table in subsection (b), as provided in section 2602 of that Act (125 Stat. 1678), and extended by section 2611 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3690, 3691), shall remain in effect until October 1, 2016, or the date
of the enactment of an Act authorizing funds for military
construction for fiscal year 2017, whichever is later.
(b) TABLE.—The table referred to in subsection (a)
is as follows:

Extension of 2012 National Guard and Reserve Project
Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kansas</td>
<td>Kansas City</td>
<td>Army Reserve Center</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Attleboro</td>
<td>Army Reserve Center</td>
<td>$22,000,000</td>
</tr>
</tbody>
</table>

SEC. 2614. EXTENSION OF AUTHORIZATIONS OF CERTAIN
FISCAL YEAR 2013 PROJECTS.
(a) EXTENSION.—Notwithstanding section 2002 of
the Military Construction Authorization Act for Fiscal
Year 2013 (division B of Public Law 112–239; 126 Stat.
2118), the authorizations set forth in the table in sub-
section (b), as provided in sections 2601, 2602, and 2603
of that Act (126 Stat. 2134, 2135) shall remain in effect
until October 1, 2016, or the date of the enactment of
an Act authorizing funds for military construction for fis-
cal year 2017, whichever is later.
(b) TABLE.—The table referred to in subsection (a)
is as follows:

Extension of 2013 National Guard and Reserve Project
Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yuma</td>
<td>Reserve Training Facility—Yuma</td>
<td>$5,379,000</td>
</tr>
<tr>
<td>California</td>
<td>Tustin</td>
<td>Army Reserve Center</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>Fort Des Moines</td>
<td>Joint Reserve Center—Des Moines</td>
<td>$19,162,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>New Orleans</td>
<td>Transient Quarters</td>
<td>$7,187,000</td>
</tr>
</tbody>
</table>
### Extension of 2013 National Guard and Reserve Project Authorization—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York</td>
<td>Camp Smith (Stormville)</td>
<td>Combined Support Maintenance Shop Phase 1</td>
<td>$24,000,000</td>
</tr>
</tbody>
</table>

## 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.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2015, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.
SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL
BASE REALIGNMENT AND CLOSURE (BRAC)
ROUND.

Nothing in the Act shall be construed to authorize
an additional round of defense base closure and realign-
ment.

TITLE XXVIII—MILITARY CON-
STRUCTION GENERAL PROVI-
SIONS

Subtitle A—Military Construction
Program and Military Family
Housing Changes

SEC. 2801. AUTHORITY FOR ACCEPTANCE AND USE OF CON-
TRIBUTIONS FOR CERTAIN MUTUALLY BENEF-
FICIAL PROJECTS.

(a) AUTHORITY.—Subchapter II of chapter 138 of
title 10, United States Code, is amended by adding at the
end the following new section:

“§ 2350n. Construction, maintenance, and repair
projects mutually beneficial to the De-
partment of Defense and armed forces of
a partner nation

“(a) Authority to Accept Contributions.—The
Secretary of Defense, after consultation with the Secretary
of State, may accept cash contributions from any partner
nation for the purposes specified in subsection (c).
“(b) Accounting.—Contributions accepted under subsection (a) shall be placed in an account established by the Secretary of Defense and shall remain available until expended for the purposes specified in subsection (c).

“(c) Availability of Contributions.—Contributions accepted under subsection (a) shall be available only for payment of costs in connection with mutually beneficial construction (including military construction not otherwise authorized by law), maintenance, and repair projects.

“(d) Prohibition on Use of Contributions to Offset Burden Sharing Contributions Required of Partner Nations.—Contributions accepted under subsection (a) may not be used to offset burden sharing contributions that are otherwise required to be provided by partner nations.

“(e) Mutually Beneficial Defined.—A project shall be considered to be ‘mutually beneficial’ for purposes of this section if—

“(1) the project is in support of a bilateral defense cooperation agreement between the United States and a partner nation; or

“(2) the Secretary of Defense determines that the United States may derive a benefit from the project, including—
“(A) access to and use of facilities of the armed forces of a partner nation;

“(B) ability or capacity for future force posture; and

“(C) increased interoperability between the Department of Defense and the armed forces of a partner nation.”.

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

“2350n. Construction, maintenance, and repair projects mutually beneficial to the Department of Defense and armed forces of a partner nation.”.

SEC. 2802. CHANGE IN AUTHORITIES RELATING TO SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION PROJECTS.

(a) LIMITED AUTHORITY FOR SCOPE OF WORK INCREASE.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)(2), by striking “The scope of work” and inserting “Except as provided in subsection (d), the scope of work”;

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (e) the following new subsection:
“(d) The limitation in subsection (b)(2) on an increase in the scope of work does not apply if—

“(1) the increase in the scope of work is not more than 10 percent of the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition;

“(2) the increase is approved by the Secretary concerned;

“(3) the Secretary concerned notifies the congressional defense committees in writing of the increase in scope and the reasons therefor; and

“(4) a period of 21 days has elapsed after the date on which the notification is received by the committees or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.”.

(b) CROSS-REFERENCE AMENDMENTS.—

(1) Subsection (a) of such section is amended by striking “subsection (c) or (d)” and inserting “subsection (c), (d), or (e)”.

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(2) Subsection (f) of such section, as redesignated by subsection (a)(2), is amended by striking “through (d)” and inserting “through (e)”.

(e) ADDITIONAL TECHNICAL AMENDMENT.—Subsection (a) of such section is further amended by inserting “of this title” after “section 2805(a)”.

SEC. 2803. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.


(1) in paragraph (1), by striking “December 31, 2015” and inserting “December 31, 2016”; and

(2) in paragraph (2), by striking “fiscal year 2016” and inserting “fiscal year 2017”.

(b) LIMITATION ON USE OF AUTHORITY.—Subsection (c)(1) of such section is amended—

(1) by striking “October 1, 2014” and inserting “October 1, 2015”;
(2) by striking “December 31, 2015” and inserting “December 31, 2016”; and

(3) by striking “fiscal year 2016” and inserting “fiscal year 2017”.

(c) Elimination of Reporting Requirement.—Such section is further amended by striking subsection (d).

SEC. 2804. MODIFICATION OF REPORTING REQUIREMENT ON IN-KIND CONSTRUCTION AND RENOVATION PAYMENTS.

(a) Report Required.—

(1) In General.—Not later than December 31, 2016, and annually thereafter, the Secretary of Defense shall provide the congressional defense committees a report on in-kind construction and renovation payments received during the preceding fiscal year.

(2) Elements.—Each report required under paragraph (1) shall include the following elements:

(A) A listing of each facility constructed or renovated for the Department of Defense as payment in-kind.

(B) An estimate of the value in United States dollars of that construction or renovation.
(C) A description of the source of the in-kind payment.

(D) A description of the agreement pursuant to which the in-kind payment was made.

(E) A description of the purpose and need for the construction or renovation.

(b) **Repeal of existing reporting requirement.**—Section 2805 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2149) is repealed.

**SEC. 2805. LAB MODERNIZATION PILOT PROGRAM.**

(a) **Authority to use research, development, test, and evaluation funds.**—The Secretary of Defense may fund military construction projects at the Department of Defense science and technology reinvention laboratories (as designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note)), using amounts appropriated or otherwise made available to the Department of Defense for research, development, test, and evaluation.

(b) **Conditions.**—Amounts made available pursuant to subsection (a) may be used for the purpose of funding major military construction projects that meet the following conditions:
(1) Projects are subject to the requirements of section 2802 of title 10, United States Code.

(2) Projects are included in the budget submitted to Congress pursuant to section 1105 of title 31, United States Code.

(3) Funds are specifically appropriated for the projects.

(c) CERTIFICATION.—The Secretary shall certify, as part of the budget submitted to Congress pursuant to section 1105 of title 31, United States Code, that military construction projects proposed pursuant to subsection (a)—

(1) will support the research and development activities at Department of Defense science and technology reinvention laboratories (as designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note)) of more than one military department or Defense Agency or a technology development program that is consistent with the fielding of offset technologies as described in section 212.

(2) have been endorsed for funding by more than one military department or Defense Agency;

(3) will establish facilities that will have significant potential for use by entities outside the Depart-
ment of Defense, including universities, industrial
partners, and other Federal agencies; and

(4) cannot be fully funded under the thresholds
specified by section 2805 of title 10, United States
Code.

(d) FUNDS.—Amounts used for the pilot program es-
tablished under this section may not exceed $100,000,000
for any fiscal year.

(e) TERMINATION OF AUTHORITY.—The authority
provided under this section terminates on October 1,
2020.

SEC. 2806. CONVEYANCE TO INDIAN TRIBES OF CERTAIN
HOUSING UNITS.

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE DIRECTOR.—The term “Executive
Director” means the Executive Director of
Walking Shield, Inc.

(2) INDIAN TRIBE.—The term “Indian tribe”
means any Indian tribe included on the list pub-
lished by the Secretary of the Interior under section
104 of the Federally Recognized Indian Tribe List

(b) REQUESTS FOR CONVEYANCE.—

(1) IN GENERAL.—The Executive Director may
submit to the Secretary of the military department
concerned, on behalf of any Indian tribe, a request for conveyance of any relocatable military housing unit located at a military installation in the United States.

(2) CONFLICTS.—The Executive Director shall resolve any conflict among requests of Indian tribes for housing units described in paragraph (1) before submitting a request to the Secretary of the military department concerned under this subsection.

(c) CONVEYANCE BY A SECRETARY.—Notwithstanding any other provision of law, on receipt of a request under subsection (b)(1), the Secretary of the military department concerned may convey to the Indian tribe that is the subject of the request, at no cost to such military department and without consideration, any relocatable military housing unit described in subsection (b)(1) that, as determined by such Secretary, is in excess of the needs of the military.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. UTILITY SYSTEM CONVEYANCE AUTHORITY.

Section 2688(j) of title 10, United States Code, is amended—
(1) in the subsection heading, by striking “CONSTRUCTION OF” and inserting “CONVEYANCE OF ADDITIONAL”; and

(2) in paragraph (1)—

(A) by striking subparagraphs (A) and (C);

(B) by redesignating subparagraphs (B) and (D) as subparagraphs (A) and (B), respectively;

(C) in subparagraph (A), as redesignated by subparagraph (B) of this paragraph, by striking “utility system;” and inserting “, or operating the additional utility infrastructure would be in the best interest of the government using a business case analysis similar to the analysis required under subsection (d)(2); and”;

and

(D) in subparagraph (B), as so redesignated, by striking “amount equal to the fair market value of” and inserting “amount for”.
SEC. 2812. LEASING OF NON-EXCESS PROPERTY OF MILITARY DEPARTMENTS AND DEFENSE AGENCIES; TREATMENT OF VALUE PROVIDED BY LOCAL EDUCATION AGENCIES AND ELEMENTARY AND SECONDARY SCHOOLS.

Section 2667 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) Leases for Education.—Notwithstanding subsection (b)(4), the Secretary concerned may accept consideration in an amount that is less than the fair market value of the lease, if the lease is to a local education agency or an elementary or secondary school (as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).”.

SEC. 2813. MODIFICATION OF FACILITY REPAIR NOTIFICATION REQUIREMENT.

Section 2811 of title 10, United States Code, is amended—

(1) in subsection (d), by inserting “or 75 percent of the estimated cost of a military construction project to replace the facility, or the facility is located at an overseas location that has not been designated a main operating base or forward operating site” after “in excess of $7,500,000”;
(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

“(e) NOTIFICATION THRESHOLD.—The congressional notification requirement under subsection (d) does not apply to a repair project costing less than $1,000,000.”.

SEC. 2814. INCREASE OF THRESHOLD OF NOTICE AND WAIT REQUIREMENT FOR CERTAIN FACILITIES FOR RESERVE COMPONENTS AND PARITY WITH AUTHORITY FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION AND REPAIR PROJECTS.

(a) NOTICE AND WAIT REQUIREMENT.—Subsection (a) of section 18233a of title 10, United States Code, is amended by striking “$750,000” and inserting “the amount specified in section 2805(b)(1) of this title”.

(b) REPAIR PROJECTS.—Subsection (b)(3) of such section is amended by striking “$7,500,000” and inserting “the amount specified in section 2811(b) of this title”.
Subtitle C—Land Conveyances

SEC. 2821. RELEASE OF REVERSIONARY INTEREST RETAINED AS PART OF CONVEYANCE TO THE ECONOMIC DEVELOPMENT ALLIANCE OF JEFFERSON COUNTY, ARKANSAS.

(a) Release of Conditions and Retained Interests.—With respect to a parcel of real property in Jefferson County, Arkansas, consisting of approximately 1,447 acres and conveyed by deed to the Economic Development Alliance of Jefferson County, Arkansas (in this section referred to as the “Economic Development Alliance”) by the United States for use as the facility known as the “Bioplex” and related activities pursuant to section 2827 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201), the Secretary of the Army may release subject to the conditions of subsections (b) and (d) below, the conditions of conveyance of subsection (c) of such section 2827 and the reversionary interest retained by the United States under subsection (e) of such section.

(b) Consideration.—

(1) Effect of Reconveyance.—Notwithstanding subsection (d) of such section 2827, the release authorized by subsection (a) of this section shall be subject to the condition that, if the Eco-
nomic Development Alliance reconveys all or any part of the conveyed property during the 25-year period referred to in subsection (c)(2) of such section, the Economic Development Alliance shall pay to the United States, upon reconveyance, an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the Economic Development Alliance.

(2) Determination of Fair Market Value.—The Secretary of the Army shall determine fair market value in accordance with Federal appraisal standards and procedures.

(3) Treatment of Leases.—The Secretary of the Army may treat a lease of the property within such 25-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (1).

(4) Deposit of Proceeds.—The Secretary of the Army shall deposit any proceeds received under this subsection in the special account established pursuant to section 572(b) of title 40, United States Code.

(c) Instrument of Release.—The Secretary of the Army may execute and file in the appropriate office
(d) Payment of Administrative Costs.—

(1) Payment Required.—The Secretary of the Army shall require the Economic Development Alliance to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the release of conditions and retained interests under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the release. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the release, the Secretary shall refund the excess amount to the Economic Development Alliance.

(2) Treatment of Amounts Received.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the release under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the release. Amounts so credited shall be merged with amounts in such fund or account and shall be
available for the same purposes, and subject to the
same conditions and limitations, as amounts in such
fund or account.

(e) ADDITIONAL TERMS AND CONDITIONS.—The
Secretary of the Army may require such additional terms
and conditions in connection with the release of conditions
and retained interests under subsection (a) as the Sec-
retary considers appropriate to protect the interests of the
United States, including provisions that the Secretary de-
determines are necessary to preclude any use of the property
that would interfere with activities at Pine Bluff Arsenal.

DIVISION C—DEPARTMENT OF
ENERGY NATIONAL SECURITY
AUTHORIZATIONS AND
OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF
ENERGY NATIONAL SECURITY
PROGRAMS

Subtitle A—National Security
Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-
TION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds
are hereby authorized to be appropriated to the Depart-
ment of Energy for fiscal year 2016 for the activities of
the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out the following new plant project for the National Nuclear Security Administration:

Project 16–D–621, Substation Replacement at Technical Area 3, Los Alamos National Laboratory, Los Alamos, New Mexico, $25,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2016 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2016 for other defense activities in carrying out programs as specified in the funding table in section 4701.
Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. RESPONSIVE CAPABILITIES PROGRAM.

(a) In general.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by adding at the end the following new section:

“SEC. 4220. RESPONSIVE CAPABILITIES PROGRAM.

“(a) In general.—The Administrator shall establish and carry out a program to exercise the technical capabilities of the Administration with respect to design and production of nuclear weapons to ensure that the Administration is ready to respond to future uncertainties not addressed by existing life extension programs.

“(b) Program elements.—The Administrator shall ensure that the program required by subsection (a)—

“(1) is integrated across the science, engineering, design, and manufacturing cycle of the Administration;

“(2) results in—

“(A) physics models of components and systems the understanding of which will ensure existing models and experimental capabilities are robust, capable of being certified as safe
and reliable in the absence of testing, and con-
tribute to the predictive design framework;

“(B) shortened engineering design cycles
that minimize the amount of time leading to an
ingineering prototype; and

“(C) rapid manufacturing capabilities to
reduce the time and cost of production; and

“(3) integrates physics, engineering, and pro-
duction capabilities into joint test assemblies and de-
signs.”.

(b) CLERICAL AMENDMENT.—The table of contents
for the Atomic Energy Defense Act is amended by insert-
ing after the item relating to section 4219 the following
new item:

“Sec. 4220. Responsive capabilities program.”.

SEC. 3112. LONG-TERM PLAN FOR MEETING NATIONAL SE-
CURITY REQUIREMENTS FOR
UNENCUMBERED URANIUM.

(a) IN GENERAL.—Subtitle A of title XLII of the
Atomic Energy Defense Act (50 U.S.C. 2521 et seq.), as
amended by section 3111, is further amended by adding
at the end the following new section:
SEC. 4221. LONG-TERM PLAN FOR MEETING NATIONAL SECURITY REQUIREMENTS FOR UNENCUMBERED URANIUM.

(a) In General.—Concurrent with the submission to Congress of the budget of the President under section 1105(a) of title 31, United States Code, in each even-numbered year beginning in 2016, the Secretary of Energy shall submit to the congressional defense committees a plan for meeting national security requirements for unencumbered uranium through 2065.

(b) Plan Requirements.—The plan required by subsection (a) shall include the following:

(1) An inventory of unencumbered uranium (other than depleted uranium), by program source and enrichment level, that, as of the date of the plan, is allocated to national security requirements.

(2) An inventory of unencumbered uranium (other than depleted uranium), by program source and enrichment level, that, as of the date of the plan, is not allocated to national security requirements but could be allocated to such requirements.

(3) An identification of national security requirements for unencumbered uranium, by program source and enrichment level.

(4) A description of any shortfall in obtaining unencumbered uranium to meet national security re-
quirements and an assessment of whether that shortfall could be mitigated through the blending down of uranium that is of a higher enrichment level.

“(5) An inventory of unencumbered depleted uranium, an assessment of the portion of that uranium that could be allocated to national security requirements through re-enrichment, and an estimate of the costs of re-enriching that uranium.

“(6) A description of the swap and barter agreements involving unencumbered uranium needed to meet national security requirements that are in effect on the date of the plan.

“(7) An assessment of whether additional enrichment of uranium will be required to meet national security requirements and an estimate of the time for production operations and the cost for each type of enrichment being considered.

“(8) A description of changes in policy that would mitigate any shortfall in obtaining unencumbered uranium to meet national security requirements and the implications of those changes.

“(e) FORM OF PLAN.—The plan required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.
“(d) DEFINITIONS.—In this section:

“(1) The term ‘depleted’, with respect to uranium, means that the uranium is depleted in uranium-235 compared with natural uranium.

“(2) The term ‘unencumbered’, with respect to uranium, means that the United States has no obligation to foreign governments to use the uranium for only peaceful purposes.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act, as amended by section 3111, is further amended by inserting after the item relating to section 4220 the following new item:

“Sec. 4221. Long-term plan for meeting national security requirements for unencumbered uranium.”.

SEC. 3113. DEFENSE NUCLEAR NONPROLIFERATION MANAGEMENT PLAN.

(a) IN GENERAL.—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2563 et seq.) is amended by adding at the end the following new section:

“SEC. 4309. DEFENSE NUCLEAR NONPROLIFERATION MANAGEMENT PLAN.

“(a) IN GENERAL.—Concurrent with the submission to Congress of the budget of the President under section 1105(a) of title 31, United States Code, in each odd-numbered year beginning in 2017, the Administrator shall submit to the congressional defense committees a five-year
management plan for activities associated with the defense nuclear nonproliferation programs of the Administration.

“(b) ELEMENTS.—The plan required by subsection (a) shall include, with respect to each defense nuclear nonproliferation program of the Administration, the following:

“(1) A description of the following:

“(A) The policy context in which the program operates, including—

“(i) a list of relevant laws, policy directives issued by the President, and international agreements; and

“(ii) nuclear nonproliferation activities carried out by other Federal agencies.

“(B) The objectives and priorities of the program during the year preceding the submission of the plan required by subsection (a).

“(C) The activities carried out under the program during that year.

“(D) The accomplishments and challenges of the program during that year.

“(2) Plans for activities of the program during the five-year period beginning on the date on which the plan required by subsection (a) is submitted, including activities with respect to the following:
“(A) Preventing nuclear and radiological proliferation and terrorism, including through—

“(i) material management and minimization;

“(ii) global nuclear material security;

“(iii) nonproliferation and arms control;

“(iv) defense nuclear research and development; and

“(v) nonproliferation construction programs, including activities associated Department of Energy Order 413.1 (relating to program management controls).

“(B) Countering nuclear and radiological proliferation and terrorism.

“(C) Responding to nuclear and radiological proliferation and terrorism, including through—

“(i) crisis operations;

“(ii) consequences management; and

“(iii) emergency management, including international capacity building.

“(3) A threat analysis in support of the plans described in paragraph (2).
“(4) A plan for funding the program during the
five-year period beginning on the date on which the
plan required by subsection (a) is submitted.

“(5) A description of funds for the program re-
ceived through contributions from or cost-sharing
agreements with foreign governments consistent sec-
tion 3132(f) of the Ronald W. Reagan National De-
fense Authorization Act for Fiscal Year 2005 (50
U.S.C. 2569(f)).

“(6) Such other matters as the Administrator
considers appropriate.

“(c) FORM OF REPORT.—The plan required by sub-
section (a) may be submitted to the congressional defense
committees in classified form if necessary.”.

(b) CLERICAL AMENDMENT.—The table of contents
for the Atomic Energy Defense Act is amended by insert-
ing after the item relating to section 4308 the following
new item:

“Sec. 4309. Defense nuclear nonproliferation management plan.”.

(c) CONFORMING REPEALS.—

(1) Section 3122 of the National Defense Au-
thorization Act for Fiscal Year 2012 (Public Law
112–81; 125 Stat. 1710) is amended—

(A) by striking subsections (a) and (b);
(B) by redesignating subsections (c), (d), and (e) as subsections (a), (b), and (e), respectively; and

(C) in paragraph (2) of subsection (b), as redesignated by subparagraph (B), by striking “subsection (c)(2)” and inserting “subsection (a)(2)”.

(2) Section 3145 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2197) is repealed.

SEC. 3114. PLAN FOR DEACTIVATION AND DECOMMISSIONING OF NONOPERATIONAL DEFENSE NUCLEAR FACILITIES.

(a) In General.—Subtitle B of title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2602 et seq.) is amended by adding at the end the following new section:

“SEC. 4423. PLAN FOR DEACTIVATION AND DECOMMISSIONING OF NONOPERATIONAL DEFENSE NUCLEAR FACILITIES.

“(a) In General.—During each even-numbered year beginning in 2016, the Secretary of Energy shall develop a plan to provide guidance for the activities of the Department of Energy relating to the deactivation and decommissioning of nonoperational defense nuclear facilities.
“(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

“(1) A list of nonoperational defense nuclear facilities, prioritized for deactivation and decommissioning based on the potential to reduce risks to human health, property, or the environment and to maximize cost savings.

“(2) An assessment of the life cycle costs of each nonoperational defense nuclear facility during the period beginning on the date on which the plan is submitted under subsection (c) and ending on the earlier of—

“(A) the date that is 25 years after the date on which the plan is submitted; or

“(B) the estimated date for deactivation and decommissioning of the facility.

“(3) An estimate of the cost and time needed to deactivate and decommission each nonoperational defense nuclear facility, if available.

“(4) An estimate of the time at which the Office of Environmental Management anticipates accepting nonoperational defense nuclear facilities for deactivation and decommissioning.

“(5) An estimate of costs that could be avoided by—
“(A) accelerating the cleanup of non-operational defense nuclear facilities; or

“(B) other means, such as reusing such facilities for another purpose.

“(c) SUBMISSION TO CONGRESS.—Not later than March 31 of each even-numbered year beginning in 2016, the Secretary shall submit to the congressional defense committees a report that includes—

“(1) the plan required by subsection (a);

“(2) a description of the deactivation and decommissioning actions expected to be taken during the following fiscal year pursuant to the plan; and

“(3) in the case of a report submitted during 2018 or any year thereafter, a description of the deactivation and decommissioning actions taken at each nonoperational defense nuclear facility during the preceding fiscal year.

“(d) TERMINATION.—The requirements of this section shall terminate after the submission to the congressional defense committees of the report required by subsection (c) to be submitted not later than March 31, 2026.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘life cycle costs’, with respect to a facility, means—
“(A) the present and future costs of all resources and associated cost elements required to develop, produce, deploy, or sustain the facility; and

“(B) the present and future costs to deactivate, decommission, and deconstruct the facility.

“(2) The term ‘nonoperational defense nuclear facility’ means a production facility or utilization facility (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) under the control or jurisdiction of the Secretary of Energy and operated for national security purposes that is no longer needed for the mission of the Department of Energy, including the National Nuclear Security Administration.”.

(b) Clerical Amendment.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4422 the following new item:

“Sec. 4423. Plan for deactivation and decommissioning of nonoperational defense nuclear facilities.”.
SEC. 3115. HANFORD WASTE TREATMENT AND IMMOBILIZATION PLANT CONTRACT OVERSIGHT.

(a) IN GENERAL.—Subtitle C of title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2621 et seq.) is amended by adding at the end the following new section:

“SEC. 4446. HANFORD WASTE TREATMENT AND IMMobilization Plant Contract Oversight.

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, the Secretary of Energy shall arrange to have an owner’s agent assist the Secretary in carrying out the oversight responsibilities of the Secretary with respect to the contract described in subsection (b).

“(b) CONTRACT DESCRIBED.—The contract described in this subsection is the contract between the Office of River Protection of the Department of Energy and Bechtel National, Inc. or its successor relating to the Hanford Waste Treatment and Immobilization Plant (contract number DE–AC27–01RV14136).

“(c) DUTIES.—The duties of the owner’s agent under subsection (a) shall include the following:

“(1) Performing design, construction, nuclear safety, and operability oversight of each facility covered by the contract described in subsection (b).

“(3) Assisting the Secretary in ensuring that, until the Secretary approves the documented safety analysis for each facility covered by the contract, the contractor ensures that each preliminary documented safety analysis is current.

“(4) Ensuring that the contractor acts to promptly resolve any unreviewed safety questions.

“(d) REPORT REQUIRED.—

“(1) IN GENERAL.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, and every 180 days thereafter, the owner’s agent specified in subsection (a) shall submit to the Secretary and the congressional defense committees a report
on the assistance provided by the owner’s agent to
the Secretary under that subsection with respect to
oversight of the contract described in subsection (b).

“(2) ELEMENTS.—The report required by para-
graph (1) shall include the following:

“(A) Information on the status of, and the
plan for resolving, each unreviewed safety ques-
tion at each facility covered by the contract de-
scribed in subsection (b).

“(B) An identification of each instance of
disagreement between the owner’s agent and
the contractor with respect to whether an
unreviewed safety question exists and the plan
for resolution of the disagreement.

“(C) An identification of each aspect of
each preliminary documented safety analysis
that is not current, the plan for making that
aspect current, and the status of the corrective
efforts.

“(D) Information on the status of, and the
plan for resolving, each unresolved technical
issue at each facility covered by the contract,
and the status of corrective efforts.

“(e) DEFINITIONS.—In this section:
“(1) The term ‘contractor’ means Bechtel National, Inc.

“(2) The term ‘current’, with respect to a documented safety analysis, means that the documented safety analysis includes any design changes approved by the contractor and any safety evaluation reports issued by the Secretary with respect to the facility covered by the analysis before the date that is 60 days before the date of the analysis.

“(3) The terms ‘documented safety analysis’, ‘safety evaluation report’, and ‘unreviewed safety question’ have the meanings given those terms in section 830.3 of title 10, Code of Federal Regulations (or any corresponding similar ruling or regulation).

“(4) The term ‘owner’s agent’ means a private third-party entity with nuclear safety management expertise and without any contractual relationship with the contractor or conflict of interest.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4445 the following new item:

“Sec. 4446. Hanford Waste Treatment and Immobilization Plant contract oversight.”.
SEC. 3116. ASSESSMENT OF EMERGENCY PREPAREDNESS
OF DEFENSE NUCLEAR FACILITIES.

(a) IN GENERAL.—Subtitle A of title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is amended by inserting after section 4802 the following new section:

"SEC. 4802A. ASSESSMENTS OF EMERGENCY PREPAREDNESS OF DEFENSE NUCLEAR FACILITIES.

"(a) IN GENERAL.—The Secretary of Energy shall include, in each award-fee evaluation conducted under section 16.401 of title 48, Code of Federal Regulations, of a management and operating contract for a Department of Energy defense nuclear facility in 2016 or any even-numbered year thereafter, an assessment of the adequacy of the emergency preparedness of that facility, including an assessment of the seniority level of employees and contractors of the Department of Energy that participate in emergency preparedness exercises at that facility.

“(b) REPORT REQUIRED.—Not later than 60 days after conducting an assessment under subsection (a), the Secretary shall submit to the congressional defense committees a report on the assessment.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4802 the following new item:
SEC. 4811A. FACILITY-DIRECTED RESEARCH AND DEVELOPMENT.

(a) AUTHORITY.—A covered facility that is funded out of funds available to the Department of Energy for national security programs may carry out facility-directed research and development.

(b) REGULATIONS.—The Secretary of Energy shall prescribe regulations for the conduct of facility-directed research and development under subsection (a).

(c) FUNDING.—Of the funds provided by the Department of Energy to covered facilities, the Secretary

“Sec. 4802A. Assessments of emergency preparedness of defense nuclear facilities.”
shall provide a specific amount, not to exceed 4 percent of such funds, to be used by such facilities for facility-directed research and development.

“(d) DEFINITIONS.—In this section:

“(1) COVERED FACILITY.—The term ‘covered facility’ means a nuclear weapons production facility or the Nevada Site Office of the Department of Energy.

“(2) FACILITY-DIRECTED RESEARCH AND DEVELOPMENT.—The term ‘facility-directed research and development’ means research and development work of a creative and innovative nature that, under the regulations prescribed pursuant to subsection (b), is selected by the director or manager of a covered facility for the purpose of maintaining the vitality of the facility in defense-related scientific disciplines.”.

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4811 the following new item:

“Sec. 4811A. Facility-directed research and development.”.
SEC. 3118. LIMITATION ON BONUSES FOR EMPLOYEES OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION WHO ENGAGE IN IMPROPER PROGRAM MANAGEMENT.

(a) In General.—Subtitle C of the National Nuclear Security Administration Act (50 U.S.C. 2441 et seq.) is amended by adding at the end the following new section:

“SEC. 3245. LIMITATION ON BONUSES FOR EMPLOYEES WHO ENGAGE IN IMPROPER PROGRAM MANAGEMENT.

“(a) Limitation.—If the Secretary of Energy or the Administrator determines that a senior employee of the Administration committed improper program management, the Secretary and the Administrator may not pay a bonus to that employee during the one-year period beginning on the date of the determination.

“(b) Waiver.—The Secretary or the Administrator may waive the limitation on the payment of bonuses under subsection (a) on a case-by-case basis if—

“(1) the Secretary or the Administrator, as the case may be, notifies the congressional defense committees of the waiver; and

“(2) a period of 60 days elapses following the notification before the bonus is paid.

“(c) Definitions.—In this section:
“(1) The term ‘bonus’ means any bonus or cash award, including—

“(A) an award under chapter 45 of title 5, United States Code;

“(B) an additional step-increase under section 5336 of title 5, United States Code;

“(C) an award under section 5384 of title 5, United States Code;

“(D) a recruitment or relocation bonus under section 5753 of title 5, United States Code; and

“(E) a retention bonus under section 5754 of title 5, United States Code.

“(2) The term ‘covered project’ means—

“(A) a construction project of the Administration that is not a minor construction project (as defined in section 4703(d) of the Atomic Energy Defense Act (50 U.S.C. 2743(d))); or

“(B) a life extension program.

“(3) The term ‘improper program management’ means actions relating to the management of a covered project that significantly—

“(A) delay the project;

“(B) reduce the scope of the project; or

“(C) increase the cost of the project.”.
(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 3244 the following new item:

“Sec. 3245. Limitation on bonuses for employees who engage in improper program management.”.

SEC. 3119. MODIFICATION OF AUTHORIZED PERSONNEL LEVELS OF THE OFFICE OF THE ADMINISTRATOR FOR NUCLEAR SECURITY.

Section 3241A(b)(3) of the National Nuclear Security Administration Act (50 U.S.C. 2441a(b)(3)) is amended by adding at the end the following new subgraph:

“(E) 100 employees in positions established under section 3241.”.

SEC. 3120. MODIFICATION OF SUBMISSION OF ASSESSMENTS OF CERTAIN BUDGET REQUESTS RELATING TO THE NUCLEAR WEAPONS STOCKPILE.

Section 3255(a)(2) of the National Nuclear Security Administration Act (50 U.S.C. 2455(a)(2)) is amended by inserting “in each even-numbered year and 150 days in each odd-numbered year” after “90 days”.

S 1376 PCS
SEC. 3121. REPEAL OF PHASE THREE REVIEW OF CERTAIN
DEFENSE ENVIRONMENTAL CLEANUP PROJECTS.

Section 3134 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2713), as amended by section 3134(a) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2193), is further amended—

(1) in subsection (a), by striking “a series of three reviews, as described in subsections (b), (c), and (d)” and inserting “two reviews, as described in subsections (b) and (c)”;

(2) by striking subsection (d).

SEC. 3122. MODIFICATIONS TO COST-BENEFIT ANALYSES FOR COMPETITION OF MANAGEMENT AND OPERATING CONTRACTS.


(1) in subsection (b)—

(A) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively; and

(B) by striking paragraphs (1) through (3) and inserting the following new paragraphs:
“(1) a clear and complete description of the cost savings the Administrator expects to result from the competition for the contract over the life of the contract, including associated analyses, assumptions, and information sources used to determine such cost savings;

“(2) a description of any key limitations or uncertainties that could affect such cost savings, including costs savings that are anticipated but not fully known;

“(3) the costs of the competition for the contract, including the immediate costs of conducting the competition;

“(4) a description of any expected disruptions or delays in mission activities or deliverables resulting from the competition for the contract;

“(5) a clear and complete description of the benefits expected by the Administrator with respect to mission performance or operations resulting from the competition;”;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following new subsection (c):
“(c) INFORMATION QUALITY.—A report required by subsection (a) shall be prepared in accordance with—

“(1) the information quality guidelines of the Department of Energy that are relevant to the clear and complete presentation of information on each matter required to be included in the report under subsection (b); and

“(2) best practices of the Government Accountability Office and relevant industries for cost estimating, if appropriate.”;

(4) in subsection (d), as redesignated by paragraph (2), by striking paragraph (1) and inserting the following new paragraph (1):

“(1) IN GENERAL.—Except as provided in paragraph (2), the Comptroller General of the United States shall submit to the congressional defense committees a review of each report required by subsection (a) with respect to a contract not later than 3 years after the report is submitted to such committees that includes an assessment, based on the most current information available, of the following:

“(A) The actual cost savings achieved compared to cost savings estimated under subsection (b)(1), and any increased costs incurred
under the contract that were unexpected or un-
certain at the time the contract was awarded.

“(B) Any disruptions or delays in mission
activities or deliverables resulting from the com-
petition for the contract compared to the dis-
ruptions and delayed estimated under sub-
section (b)(4).

“(C) Whether expected benefits of the
competition with respect to mission perform-
ance or operations have been achieved.”; and

(5) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking “2013
through 2017” and inserting “2015 through
2020”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as
paragraph (2); and

(D) in paragraph (2), as redesignated by
subparagraph (C), by striking “subsections (a)
and (d)(2)” and inserting “subsection (a)”.
SEC. 3123. REVIEW OF IMPLEMENTATION OF RECOMMENDATIONS OF THE CONGRESSIONAL ADVISORY PANEL ON THE GOVERNANCE OF THE NUCLEAR SECURITY ENTERPRISE.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall enter into an agreement with the National Academy of Sciences and the National Academy of Public Administration (in this section referred to as the “joint panel”) to review the implementation of the recommendations specified in subsection (b) of the Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise established by section 3166 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2208).

(b) Recommendations Specified.—The recommendations specified in this subsection are recommendations 4 through 10, 12, 13, and 15 through 19 in the table of recommendations in the report of the Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise entitled “A New Foundation for the Nuclear Security Enterprise” and submitted to Congress pursuant to section 3166 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2208), as amended by section 3142 of the
(Public Law 113–66; 127 Stat. 1069).

(c) REPORT REQUIRED.—Not later than March 31, 2016, and annually thereafter through 2020, the joint panel shall submit to the congressional defense committees a report on the review required by subsection (a) that includes an assessment of—

(1) the status of the implementation of the recommendations specified in subsection (b); and

(2) the extent to which the implementation of the recommendations is resulting in the desired effect as envisioned by the Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2016, $29,150,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).
DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law.

The transfer or reprogramming of an amount specified in
such funding tables shall not count against a ceiling on
such transfers or reprogrammings under section 1001 or
section 1522 of this Act or any other provision of law,
unless such transfer or reprogramming would move funds
between appropriation accounts.

(d) **Applicability to Classified Annex.**—This
section applies to any classified annex that accompanies
this Act.

(e) **Oral and Written Communications.**—No
oral or written communication concerning any amount
specified in the funding tables in this division shall super-
sede the requirements of this section.

**SEC. 4002. Clarification of Applicability of Undis-
tributed Reductions of Certain Operation
and Maintenance Funding Among
All Operation and Maintenance Fund-
ing.**

Any undistributed reduction in funding available for
fiscal year 2016 for the Department of Defense for oper-
ation and maintenance, as specified in the funding table
in section 4301, that is attributable to savings in connec-
tion with foreign currency fluctuations or bulk fuel pur-
chases, may be applied against any funds available for
that fiscal year for the Department for operation and
maintenance, regardless of whether available as specified
in the funding table in section 4301 or available as specified in the funding table in section 4302.

1

### TITLE XLI—PROCUREMENT

4

SEC. 4101. PROCUREMENT.

#### SEC. 4101. PROCUREMENT

**(In Thousands of Dollars)**

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<td>ITEMS LESS THAN $5.0M (MISCELLANEOUS)</td>
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PROCUREMENT OF W&TVC, ARMY TRACKED COMBAT VEHICLES

1 Stryker Vehicle
2 Modification of Tracked Combat Vehicles
3 Stryker (Mod)
4 Stryker Upgrade
5 Bradley Program (Mod)
6 Howitzer, Mid-Sp Ft 155MM M109A6 (Mod)
7 Paladin Integrated Management (PIM)
8 Deployed Recovery Vehicle (M88A2 Hercules)
9 Assault Bridge (Mod)
10 Assault Breacher Vehicle
11 M88 FOV Mods
12 Joint Assault Bridge
13 M1 Abrams Tank (Mod)

SUPPORT EQUIPMENT & FACILITIES

14 Production Base Support (TVC-WTVC)
15 Weapons & Other Combat Vehicles
16 Mortar Systems
17 XM20 Grenade Launcher Module (6LM)
18 Precision Sniper Rifle
19 Compact Semi-Automatic Sniper System
20 Carbine
21 Common Remotely Operated Weapons Station
22 Handgun

MOD OF WEAPONS AND OTHER Combat Vehicles

23 5.56MM Ammunition
24 7.62MM Ammunition
25 30MM Ammunition
26 .50 Caliber Ammunition
27 .50 Cal Machine Gun Mods
28 .44 Magnum Machine Gun Mods
29 20MM Medium Machine Gun Mods
30 Sniper Rifles Modifications
31 Transfer funds

TOTAL PROCUREMENT OF W&TVC, ARMY

1,887,073

PROCUREMENT OF AMMUNITION, ARMY SMALL/MEDIUM CAL AMMUNITION

1 5.56MM, ALL TYPES
2 7.62MM, ALL TYPES
3 30MM, ALL TYPES

MORTAR AMMUNITION

8 81MM Mortar, All Types
9 120MM Mortar, All Types

TANK AMMUNITION

11 Cartridge, Tank, 105MM and 120MM, All Types

ARTILLERY AMMUNITION

12 Artillery Cartridges, 75MM & 105MM, All Types

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**TOTAL PROCUREMENT OF AMMUNITION, ARMY**

**OTHER PROCUREMENT, ARMY**

**TACTICAL VEHICLES**

1. TACTICAL TRAILERS/DOCK SETS
   2. SEMITRAILERS, FLATBED
   4. JOINT LIGHT TACTICAL VEHICLE
   5. FAMILY OF MEDIUM TACTICAL VEH (FMTV)
   6. FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP
   7. FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)
   8. HLS ISP
   9. TACTICAL WHEELED VEHICLE PROTECTION KITS
   10. MODIFICATION OF IN SVC EQUIP
   11. NON-LETHAL AMMUNITION, ALL TYPES
   12. MINI-RESISTANT AMMUNITION (MRAP) MODS

**NON-TACTICAL VEHICLES**

14. PASSENGER CARRYING VEHICLES
15. NON-TACTICAL VEHICLES, OTHER
16. COMM—JOINT COMMUNICATIONS
17. WIN-T—GROUND FORCES TACTICAL NETWORK
18. JOINT INCIDENT SITE COMMUNICATIONS CAPABILITY
19. JUSE EQUIPMENT

**COMM—SATELLITE COMMUNICATIONS**

20. DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS
21. TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS
22. SHIP TRUNK
23. NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)
24. SMART-T (SPACE)
25. GLOBAL BRIDGE SVC—GCS
26. MOD OF IN SVC EQUIP (TAC KIT)
27. ENDURANCE MISSION COMMAND (EMC)

**COMM—C3 SYSTEM**

28. ARMY GLOBAL CMD & CONTROL S (AGCS)

**COMM—COMBAT COMMUNICATIONS**

29. JOINT TACTICAL RADIO SYSTEM
30. MID-TIER NETWORKING VEHICULAR RADIO (MINVR)
31. RADIO TERMINAL SET, MILDS LV(2)
32. ARM CRITICAL ITEMS—O&PR
33. TRACKER 500
34. SPIDER APLA REMOTE CONTROL UNIT
35. SPIDER FAMILY OF NETWORKED MUNITIONS I&RC
36. SOLDIER ENHANCEMENT PROGRAM COM/ELECTRONICS
37. TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM
38. UNIFIED COMMAND SUITE
39. FAMILY OF MRED COMM FOR COMBAT CASUALTY CARE
40. COMM—INTELLIGENCE COMM

**INFORMATION SECURITY**

41. INFORMATION SYSTEM SECURITY PROGRAM (ISSP)
42. COMMUNICATIONS SECURITY (COMSEC)

**COMM—LONG HAUL COMMUNICATIONS**

43. BASE SUPPORT COMMUNICATIONS

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<td>(In Thousands of Dollars)</td>
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### AIRCRAFT PROCUREMENT, NAVY

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<td>TOTAL AIRCRAFT PROCUREMENT, NAVY</td>
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**SEC. 4101. PROCUREMENT**  
(Thousands of Dollars)

**WEAPONS PROCUREMENT, NAVY**

**MODIFICATION OF MISSILES**

1 TRIDENT II M08S  
2 SUPPORT EQUIPMENT & FACILITIES

**STRATEGIC MISSILES**

3 Tomahawk  
   Combined with 47 FY15 OCO missiles, returns production to MSR  
   [30,000]

**TACTICAL MISSILES**
## SEC. 4101. PROCUREMENT

### (In Thousands of Dollars)

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### PROCUREMENT OF AMMO, NAVY & MC

#### NAVY AMMUNITION

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### TOTAL PROCUREMENT OF AMMO, NAVY & MC

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**Shipbuilding and Conversion, Navy**

1376 PCS
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### SEC. 4101. PROCUREMENT

#### (In Thousands of Dollars)

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<td>49 POWER EQUIPMENT ASSORTED</td>
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#### AIRCRAFT PROCUREMENT, AIR FORCE

#### TACTICAL FORCES

1 F–35 | 5,260,212 | 5,161,112 |

#### AIRCRAFT AILIFT

2 F–35 (AP) | 460,260 | 460,260 |

#### TACTICAL AILIFT

3 KC–46A TANKER | 2,350,601 | 2,326,601 |

FY15 excess to need by $24 million due to program delays | [–24,000] |
<table>
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<th>Line</th>
<th>Item</th>
<th>FY 2016 Request</th>
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<td>C-130J</td>
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<td>C-130J (AP)</td>
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**MISSION SUPPORT AIRCRAFT**

11 CIVIL AIR PATROL AC

**OTHER AIRCRAFT**

12 TARGEN BTRXES

14 RQ-4

15 MQ-9

- Accelerating procurement schedule to meet CCDR demand

**STRATEGIC AIRCRAFT**

17 B-2A

18 B-1B

19 B-52

20 LAVIS AIRCRAFT INFRARED COUNTERMEASURES

**TACTICAL AIRCRAFT**

22 F-15

- EMWSS upgrade
- F-15E AARS/A radars
- F-15C AARS/A radars
- AIM-9M Upgrade
- F-15C MIDAS/ITRS transfer to EID
c
- F-15E MIDAS/ITRS transfer to EID
c

23 F-16

24 F-22A

25 F-35 MODIFICATIONS

26 INCREMENT 3.2B

**AIRCRAFT**

28 C-5

30 C-17A

31 C-21

32 C-92A

33 C-37A

**TRAINER AIRCRAFT**

34 GLIDER MODS

35 T-6

36 T-1

37 T-38

**OTHER AIRCRAFT**

38 C-2 MODS

39 RC-135A (ATCA)

40 C-12

41 VC-25A MOD

43 C-40

44 C-130H

- C-130H Electronic Props Control System - UPL
- C-130H In-flight Props Balancing System - UPL
- C-130H T-3/5 Engine Mods

- Funds added to comply with Sec 114, FY15 NDAA

45 C-130J MODS

46 C-135

47 COMPASS CALL MODS

48 RC-135

- Modification for restored RC-135H

49 E-3

50 E-4

51 E-8

52 AEROSPACE WAR & CONTROL SYSTEM

53 FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS

54 H-3

55 UH-1N REPLACEMENT

56 H-60

57 RQ-4 MODS

58 H3/KC-130 MODIFICATIONS

59 OTHER AIRCRAFT

- C2ISR TDL transfer to CONSEC equipment

60 RQ-3 MODS

61 MQ-9 BR MODS

62 CV-22 MODS

**AIRCRAFT SPARES AND REPAIR PARTS**

64 INITIAL SPARE/REPAIR PARTS

65 COMMON SUPPORT EQUIPMENT

65 AIRCRAFT REPLACEMENT SUPPORT EQUIPMENT

67 B-2A

**POST PRODUCTION SUPPORT**

- Senate

846
### SEC. 4101. PROCUREMENT

#### (In Thousands of Dollars)

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**TOTAL AIRCRAFT PROCUREMENT, AIR FORCE**

16,857,709 16,472,713

**MISSILE PROCUREMENT, AIR FORCE**

**MISSILE REPLACEMENT EQUIPMENT—BALLISTIC**

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**INDUSTRIAL FACILITIES**

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**MISSILE SPARES AND REPAIR PARTS**

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**SPECIAL PROGRAMS**

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**TOTAL MISSILE PROCUREMENT, AIR FORCE**

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**SPACE PROCUREMENT, AIR FORCE**

**SPACE PROGRAMS**

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**TOTAL SPACE PROCUREMENT, AIR FORCE**

2,584,061 2,295,492

**PROCUREMENT OF AMMUNITION, AIR FORCE**

**ROCKETS**

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**OTHER ITEMS**

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11 ITEMS LESS THAN $5 MILLION

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S 1376 PCS
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**PROCUREMENT, DEFENSE-WIDE MAJOR EQUIPMENT, DCAA**

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3. **MAJOR EQUIPMENT, DOD**: 9,141
4. **MAJOR EQUIPMENT, DISA**: 8,080
5. **TELEPORT PROGRAM**: 62,789
6. **ITEMS LESS THAN $5 MILLION**: 9,399
7. **NET CENTERS/ENTERPRISE SERVICES (NCE)**: 1,819
8. **DEFENSE INFORMATION SYSTEM NETWORK**: 141,298
9. **OTHER SECURITY INITIATIVE**: 12,732
10. **WHITE HOUSE COMMUNICATION AGENCY**: 64,098
11. **SENIOR LEADERSHIP ENTERPRISE**: 617,910
12. **MAJOR EQUIPMENT, DLA**: 64,800
13. **MAJOR EQUIPMENT, DLA**: 5,644
14. **MAJOR EQUIPMENT, DOD**: 11,208
15. **MAJOR EQUIPMENT, DOD**: 1,288
16. **MAJOR EQUIPMENT, DSS**: 1,048
17. **MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY**: 100
18. **VEHICLES**: 5,474
19. **MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY**: 464,067
20. **MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY**: 558,916
21. **THAAD**: 706,681
22. **ARMD MD**: 117,880
23. **ARMD MD**: 2,565
24. **ARMD MD**: 27,320
25. **ARMD MD**: 147,765
26. **ARMD MD**: -147,765
27. **ARMD MD**: 1,150,000
28. **ARMD MD**: 150,000
29. **ARMD MD**: 150,000
30. **ARMD MD**: 15,000
31. **ARMD MD**: 15,000
32. **ARMD MD**: 15,000
### SEC. 4101. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

#### (In Thousands of Dollars)

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#### TOTAL PROCUREMENT, DEFENSE-WIDE

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#### JOINT URGENT OPERATIONAL NEEDS FUND

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#### TOTAL JOINT URGENT OPERATIONAL NEEDS FUND

99,701 99,701

#### TOTAL PROCUREMENT

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### SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

#### (In Thousands of Dollars)

#### 1 OPERATIONS.

#### SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

#### (In Thousands of Dollars)

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#### TOTAL AIRCRAFT PROCUREMENT, ARMY

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#### MISSILE PROCUREMENT, ARMY

#### AIR-TO-SURFACE MISSILE SYSTEM

**S 1376 PCS**
## SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

### (In Thousands of Dollars)

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Maintain prior year funding level

Maintain prior year funding level

**S 1376 PCS**

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Adjustment due to low execution in prior years: [–4,464]
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## SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

### TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

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RDT&E MANAGEMENT SUPPORT

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OPERATIONAL SYSTEMS DEVELOPMENT

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**SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT** | 1,129,297 | 1,169,297 |

**TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY** | 6,924,959 | 7,016,627 |

### RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY BASIC RESEARCH

1. **UNIVERSITY RESEARCH INITIATIVES** | 116,196 | 116,196 |
2. **IN-HOUSE LABORATORY INDEPENDENT RESEARCH** | 19,126 | 19,126 |
3. **DEFENSE RESEARCH SCHEMES** | 451,606 | 506,606 |

**Basic research program increase** | [55,088] | [55,088] |

**SUBTOTAL, BASIC RESEARCH** | 586,928 | 641,928 |

### APPLIED RESEARCH

4. **POWER PROJECTION APPLIED RESEARCH** | 68,723 | 68,723 |
5. **FORCE PROTECTION APPLIED RESEARCH** | 154,961 | 154,961 |
6. **MARINE CORPS LANDING FORCE TECHNOLOGY** | 49,001 | 49,001 |
7. **COMMON PICTURE APPLIED RESEARCH** | 42,553 | 42,553 |
8. **WARFIGHTER SUSTAINMENT APPLIED RESEARCH** | 45,056 | 45,056 |
9. **ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH** | 115,051 | 115,051 |
10. **OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH** | 42,232 | 42,232 |
11. **JOINT NON-LETHAL WEAPONS APPLIED RESEARCH** | 6,119 | 6,119 |
12. **UNDERSEA WARFARE APPLIED RESEARCH** | 123,750 | 142,350 |

**Accelerate undersea warfare research** | [18,600] | [18,600] |

13. **FUTURE NAVAL CAPABILITIES APPLIED RESEARCH** | 179,686 | 179,686 |
14. **MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH** | 37,418 | 37,418 |

**SUBTOTAL, APPLIED RESEARCH** | 864,570 | 883,170 |

### ADVANCED TECHNOLOGY DEVELOPMENT

15. **POWER PROJECTION ADVANCED TECHNOLOGY** | 37,093 | 37,093 |
16. **FORCE PROTECTION ADVANCED TECHNOLOGY** | 38,044 | 38,044 |
17. **ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY** | 34,899 | 34,899 |
18. **USN ADVANCED TECHNOLOGY DEVELOPMENT (ATD)** | 137,362 | 137,362 |
19. **JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT** | 12,745 | 12,745 |
20. **FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT** | 258,860 | 258,860 |

**Capable maneuver, enablers, and sea basing** | [30,000] | [30,000] |

21. **MANUFACTURING TECHNOLOGY PROGRAM** | 57,074 | 57,074 |
22. **WARFIGHTER PROTECTION ADVANCED TECHNOLOGY** | 4,807 | 4,807 |
23. **UNDERSEA WARFARE ADVANCED TECHNOLOGY** | 15,748 | 15,748 |
24. **NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS** | 68,041 | 68,041 |
25. **MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY** | 1,991 | 1,991 |

**SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT** | 682,864 | 652,864 |

### ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES

26. **AIR/SEA TACTICAL APPLICATIONS** | 41,830 | 41,830 |
27. **AVIATION SURVIVABILITY** | 5,404 | 5,404 |
28. **DEPLOYABLE JOINT COMMAND AND CONTROL** | 3,096 | 3,096 |
29. **AIRCRAFT SYSTEMS** | 11,643 | 11,643 |
30. **A/SW SYSTEMS DEVELOPMENT** | 5,555 | 5,555 |
31. **TACTICAL AIRBORNE RECONNAISSANCE** | 3,087 | 3,087 |
32. **ADVANCED COUNTERFIRING SYSTEMS TECHNOLOGY** | 1,525 | 1,525 |
33. **SURFACE AND SHALLOW WATER MINE COUNTERTACTICS** | 118,588 | 118,588 |
34. **SURFACE SHIP THREAT DEFENSE** | 77,385 | 77,385 |
35. **CARRIER SYSTEMS DEVELOPMENT** | 8,348 | 8,348 |
36. **PILOT FISH** | 123,246 | 123,246 |
37. **RETREAT LARK** | 28,819 | 28,819 |
38. **RETREAT JUNIPER** | 112,678 | 112,678 |
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**SYSTEM DEVELOPMENT & DEMONSTRATION**

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**SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT**

3,482,173 3,488,473

**TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY**

17,885,916 17,927,208

**RESEARCH, DEVELOPMENT, TEST & EVAL, AF**

**BASIC RESEARCH**

1 0601102F  DEFENSE RESEARCH SCIENCES  374,721  374,721

2 0601103F  DEFENSE RESEARCH SCIENCES  141,754  141,754

3 0601104F  DEFENSE RESEARCH SCIENCES  12,778  12,778

**SUBTOTAL, BASIC RESEARCH**

455,253 530,253

**APPLIED RESEARCH**
### Research, Development, Test, and Evaluation (in Thousands of Dollars)

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### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### (In Thousands of Dollars)

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### OPERATIONAL SYSTEMS DEVELOPMENT

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### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

(In Thousands of Dollars)

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### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### (In Thousands of Dollars)

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**S 1376 PCS**
## TITLE XLIII—OPERATION AND MAINTENANCE

### SEC. 4301. OPERATION AND MAINTENANCE.

#### SEC. 4301. OPERATION AND MAINTENANCE

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**S 1376 PCS**
SEC. 4301. OPERATION AND MAINTENANCE

(In Thousands of Dollars)

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### SEC. 4301. OPERATION AND MAINTENANCE

#### (In Thousands of Dollars)

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#### ADMIN & SRVWIDE ACTIVITIES

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#### ADMIN & SRVWIDE ACTIVITIES

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**S 1376 PCS**
## SEC. 4301. OPERATION AND MAINTENANCE

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### MOBILIZATION

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**S 1376 PCS**
### SEC. 4301. OPERATION AND MAINTENANCE

#### (In Thousands of Dollars)

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**TOTAL OPERATION & MAINTENANCE, MARINE CORPS** 6,228,782 4,297,758

**OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES**

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**ADMIN & SRVWIDE ACTIVITIES**

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**TOTAL ADMIN & SRVWIDE ACTIVITIES** 20,534 19,102

**TOTAL OPERATION & MAINTENANCE, NAVY RES** 1,001,758 960,672

**OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES**

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**ADMIN & SRVWIDE ACTIVITIES**

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**TOTAL ADMIN & SRVWIDE ACTIVITIES** 20,575 19,102

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**OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES**

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### SEC. 4301. OPERATION AND MAINTENANCE

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### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

#### (In Thousands of Dollars)

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&S 1376 PCS
## SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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### MOBILIZATION

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### ADMIN & SRVWIDE ACTIVITIES

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### TOTAL OPERATION & MAINTENANCE, ARMY

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### ADMIN & SRVWIDE ACTIVITIES

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**OPERATION & MAINTENANCE, NAVY OPERATING FORCES**

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**TRAINING AND RECRUITING**

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**ADMIN & SRVWIDE ACTIVITIES**

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<td>SUBTOTAL, ADMIN &amp; SRVWIDE ACTIVITIES</td>
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**TOTAL OPERATION & MAINTENANCE, NAVY**

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<tr>
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<td>TOTAL OPERATION &amp; MAINTENANCE, NAVY</td>
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**OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES**

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**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**

(In Thousands of Dollars)
### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

#### (In Thousands of Dollars)

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## SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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<th>Line</th>
<th>Item</th>
<th>FY 2016 Request</th>
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### ADMINISTRATION AND SERVICEWIDE ACTIVITIES

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### OPERATION & MAINTENANCE, ANG OPERATING FORCES

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### OPERATION AND MAINTENANCE AND SERVICEWIDE ACTIVITIES

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### ADMINISTRATION AND SERVICEWIDE ACTIVITIES

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<td>DEFENSE MEDIA ACTIVITY</td>
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### TOTAL OPERATION AND MAINTENANCE

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## TITLE XLIV—MILITARY PERSONNEL

### SEC. 4401. MILITARY PERSONNEL

### SEC. 4401. MILITARY PERSONNEL

(In Thousands of Dollars)

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SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

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<td>Additional support for the National Guard’s Operation Phalanx</td>
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<td>Reduction for anticipated cost of TRICARE consolidation</td>
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<td>TRICARE program improvement initiatives</td>
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<td>Financial literacy improvement</td>
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<td>Reduction from Foreign Currency Gains, Army</td>
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SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<table>
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TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

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## SEC. 4501. OTHER AUTHORIZATIONS

### (In Thousands of Dollars)

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### DEFENSE HEALTH PROGRAM

#### OPERATION & MAINTENANCE

- 010 IN-HOUSE CARE ........................................... 9,082,298 9,082,298
- 020 PRIVATE SECTOR CARE .................................... 14,892,683 14,892,683
- 030 CONSOLIDATED HEALTH SUPPORT ........................ 2,415,658 2,405,368
  Reduction of funds related to Combating Antibiotic Resistant Bacteria (CARB) project ................................ [–10,290]
- 040 INFORMATION MANAGEMENT .................................. 1,677,827 1,677,827
- 050 MANAGEMENT ACTIVITIES .................................... 327,967 327,967
- 060 EDUCATION AND TRAINING .................................. 750,614 750,614
- 070 BASE OPERATIONS/COMMUNICATIONS .................... 1,742,893 1,742,893
- xx UNDISTRIBUTED FOREIGN CURRENCY ADJUSTMENT .......... 0 [–36,400]
  Foreign currency adjustment .................................... [–36,400]

#### SUBTOTAL, OPERATION & MAINTENANCE ................. 30,889,940 30,843,250

### RDT&E

- 090 R&D RESEARCH ...................................................... 10,996 10,996
- 100 R&D EXPLORATORY DEVELOPMENT ........................... 59,473 56,323
  Reduction of funds related to Combating Antibiotic Resistant Bacteria (CARB) project ................................ [–3,150]
- 110 R&D ADVANCED DEVELOPMENT ................................... 231,356 228,256
  Reduction of funds related to Combating Antibiotic Resistant Bacteria (CARB) project ................................ [–3,100]
- 120 R&D DEMONSTRATION/VALIDATION ............................ 101,443 101,443
- 130 R&D ENGINEERING DEVELOPMENT ........................... 515,910 515,910
- 140 R&D MANAGEMENT AND SUPPORT ............................ 41,567 41,567
- 150 R&D CAPABILITIES ENHANCEMENT ............................ 17,356 17,356

#### SUBTOTAL, RDT&E .............................................. 980,101 973,851

### PROCUREMENT

- 160 PROC INITIAL OUTFITTING ....................................... 33,392 33,392
- 170 PROC REPLACEMENT & MODERNIZATION ...................... 330,504 330,504
- 180 PROC THEATER MEDICAL INFORMATION PROGRAM .......... 1,494 1,494
- 190 PROC IEHR .......................................................... 7,897 7,897

#### SUBTOTAL, PROCUREMENT ..................................... 373,287 373,287

### TOTAL DEFENSE HEALTH PROGRAM ........................... 32,243,328 32,190,388

### TOTAL OTHER AUTHORIZATIONS ................................. 35,917,538 35,890,998

## SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

### (In Thousands of Dollars)

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### DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF

### DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES

*S 1376 PCS*
## SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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## TITLE XLVI—MILITARY CONSTRUCTION

### SEC. 4601. MILITARY CONSTRUCTION.

(In Thousands of Dollars)

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<td>Rotary Wing Training Facility</td>
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S 1376 PCS
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SUBTOTAL, MILCON, ARMY: 743,245

MIL CON, NAVY

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**SUBTOTAL, MIL CON, NAVY** | | | **1,605,929** | **1,665,289** |

**SEC. 4601. MILITARY CONSTRUCTION**

**(In Thousands of Dollars)**

**MILCON, AIR FORCE**

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#### SEC. 4601. MILITARY CONSTRUCTION

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**SUBTOTAL, MIL CON, DEF-WIDE** | 2,300,767 | 2,131,067 |

**MILCON, ARNG**

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**SUBTOTAL, MILAON, ARNG** | 197,237 | 248,537 |

**MILCON, ANG**

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(!Thousands of Dollars)

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**SUBTOTAL, MILCON, ANG** ........................................... 123,538 147,138

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### SEC. 4601. MILITARY CONSTRUCTION

#### (In Thousands of Dollars)

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### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

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- Plutonium sustainment ...................................................... 174,698 174,698
- Tritium sustainment ........................................................... 107,345 107,345
- Domestic uranium enrichment .............................................. 100,000 100,000

Total, Nuclear material commodities ........................................... 414,959 414,959

**Total, Directed stockpile work** ............................................... 3,187,259 3,187,259

**Research, development, test and evaluation (RDT&E)**

**Science**
- Advanced certification ..................................................... 50,714 50,714
- Primary assessment technologies ........................................... 98,500 98,500
- Dynamic materials properties ............................................. 109,000 109,000
- Advanced radiography ...................................................... 47,000 47,000
- Secondary assessment technologies ..................................... 84,400 84,400

Total, Science ................................................................. 389,614 389,614

**Engineering**
- Enhanced surety .............................................................. 50,821 50,821
- Weapon systems engineering assessment technology ............ 17,371 17,371
- Nuclear survivability ......................................................... 24,461 24,461
- Enhanced surveillance ....................................................... 38,724 48,724

Program increase ................................................................ (10,000)

Total, Engineering ............................................................ 131,377 141,877

**Inertial confinement fusion ignition and high yield**
- Ignition ............................................................................. 73,334 73,334
- Support of other stockpile programs .................................... 22,843 22,843
- Diagnostics, cryogenics and experimental support .................. 58,587 58,587
- Pulsed power inertial confinement fusion .............................. 4,963 4,963
- Joint program in high energy density laboratory plasmas ......... 8,900 8,900
- Facility operations and target production ............................ 333,823 333,823

Total, Inertial confinement fusion and high yield ......................... 502,450 502,450

**Advanced manufacturing**
- Component manufacturing development ................................ 112,256 112,256
- Processing technology development .................................... 17,371 17,371

Total, Advanced manufacturing .............................................. 130,056 130,056

Total, RDT&E ...................................................................... 1,776,503 1,806,503

**Readiness in technical base and facilities (RTBF)**

**Operating**
- Program readiness .......................................................... 75,185 75,185
- Material recycle and recovery ............................................ 174,859 174,859
- Storage ............................................................................. 40,920 40,920
- Recapitalization ............................................................... 104,327 104,327

Total, Operating .................................................................. 394,291 394,291

**Construction:**
- 11-D–801 TA–55 Reinvestment project, Phase 2, LANL ....... 3,903 3,903
- 07-D–220 Radioactive liquid waste treatment facility upgrade project, LANL ................................................... 11,533 11,533
- 07-D–220-04 Transuranic liquid waste facility, LANL .......... 40,949 40,949
- 06-D–141 PEB/Construction, Uranium Capabilities Replacement Project Y–12 ................................................. 430,000 430,000
- 04-D–125 Chemistry and metallurgy replacement project, LANL ............................................................... 155,610 155,610

Total, Construction ............................................................ 660,190 660,190

Total, Readiness in technical base and facilities ......................... 1,054,481 1,054,481

**Secure transportation asset**
- Operations and equipment ............................................... 146,272 146,272
- Program direction ........................................................... 105,338 105,338

Total, Secure transportation asset ............................................. 251,610 251,610
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### Federal Salaries And Expenses

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<td><strong>Total, Office Of The Administrator</strong></td>
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### Defense Environmental Cleanup

**Closure sites:**
- Closure sites administration: 4,889

**Hanford site:**
- River corridor and other cleanup operations: 196,957

**Central plateau remediation:**
- Central plateau remediation: 555,163
- Richland community and regulatory support: 14,701

**Construction:**
- 13–D–401 Containerized sludge removal annex, RI: 77,016

**Total, Hanford site:** 843,837

**Idaho National Laboratory:**
- Idaho cleanup and waste disposition: 357,783
- Idaho community and regulatory support: 3,000

**Total, Idaho National Laboratory:** 360,783

**NNSA sites**
- Lawrence Livermore National Laboratory: 1,366
- Nevada: 62,385
- Sandia National Laboratories: 2,500
- Los Alamos National Laboratory: 188,625

**Total, NNSA sites and Nevada off-sites:** 254,876

**Oak Ridge Reservation:**
- OR Nuclear facility D & D
  - OR Nuclear facility D & D: 75,958
  - Construction: 14–D–403 Outfall 200 Mercury Treatment Facility: 6,800

**Total, OR Nuclear facility D & D:** 82,758

**U233 Disposition Program:** 26,895

**OR cleanup and disposition:**
- OR cleanup and disposition: 60,500

**Total, OR cleanup and disposition:** 60,500

**OR reservation community and regulatory support:** 4,400

**Solid waste stabilization and disposition**
- Oak Ridge technology development: 2,800

**Total, Oak Ridge Reservation:** 177,353

**Office of River Protection:**
- Waste treatment and immobilization plant
  - 01–D–416 A-D/ORP-0060 / Major construction: 585,000
  - 01–D–16E Pretreatment facility: 95,000

**Total, Waste treatment and immobilization plant:** 690,000

**Tank farm activities**
- Rad liquid tank waste stabilization and disposition: 649,000

**Construction:**
- 15–D–409 Low Activity Waste Pretreatment System, Hanford: 75,000

**Total, Tank farm activities:** 724,000

**Total, Office of River protection:** 1,414,000

### Savannah River sites:
### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

#### (In Thousands of Dollars)

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<td>Radiative liquid tank waste stabilization and disposition</td>
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A BILL

[Report No. 114-49]

S. 1376

114TH CONGRESS

To authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

MAY 19, 2015

Read twice and placed on the calendar